

Kendal Town Council

Town Hall, Highgate, Kendal LA9 4ED
www.kendaltowncouncil.gov.uk



25 September 2023

To Members of the Planning Committee

Cllr A Campbell	Cllr A Finch
Cllr J Cornthwaite	Cllr H Ladhams (Vice-Chair)
Cllr L Edwards	Cllr R Edwards
Cllr D Miles	Cllr D Rathbone (Chair)
Cllr G Supka	

You are summoned to a meeting of Kendal Town Council Planning Committee on **Monday, 2 October 2023, at 6.30 p.m.** in the Council Chamber at the Town Hall, Highgate, Kendal.

(Distributed to other Members of the Council for information only.)

Yours faithfully

Chris Bagshaw
Town Clerk

AGENDA

Public Participation

Any member of the public who wishes to ask a question, make representations or present a deputation or petition at this meeting should apply to do so before the commencement of the meeting. Information on how to make the application is available on the Council's Website - <http://www.kendaltowncouncil.gov.uk/kendal-town-council/statutory-information/guidance-on-public-participation-at-kendal-town-council-meetings/> or by contacting the Town Clerk on 01539 793490.

1. Apologies

To receive and accept any apologies. If accepted, apologies will be considered to be for reasons approved by the council under the terms of the Local Government Act 1972, s85.

2. Declarations of Interest

To receive declarations by members and/or co-optees of interests in respect of items on this agenda.

3. Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

To consider whether there are any agenda items during consideration of which the press and public should be excluded.

4. Minutes from the Last Meeting (Pages 4 to 9)

To receive the minutes of the meeting held on 18 September 2023, and to authorise the Chair to sign them as a true record (see attached).

5. Minute Action Sheet (Pages 10 to 12)

To consider a report on actions taken by officers on resolutions or recommendations made at previous meetings (see attached).

6. Planning Process and Issues

To consider any planning process or related issues arising from the Council's interaction with the Planning Authorities. These may include items for reference, training, or guidance following feedback from previous applications.

7. Department for Levelling Up, Housing and Communities (DLUHC) consultation on local plans – National Association of Local Councils (NALC) Policy Consultation Briefing (Pages 13 to 17)

To consider NALC policy consultation briefing to all member councils to help them to secure views to inform the NALC response (see attached).

8. Kendal Town Council Flood Relief Scheme Working Group

To receive a verbal update on the activities of the Working Group.

9. Westmorland and Furness Council Planning Application for Comment - SL/2023/0586 - Non Material Amendment Application

To consider an application received by Westmorland and Furness Council for a non-material amendment following approval of reserved matters [SL/2016/0398](#) (Erection of 69 dwellings (Phase 2)).

It is an application by the developer of Strawberry Fields (Oakmere Homes) for a non-material amendment to an area of the site previously indicated to be a drainage basin. The lead local flood authority has confirmed that this area is no longer needed to deal with surface water drainage and so Oakmere Homes is now proposing that it should be landscaped. Details of the landscaping proposals are included within the application.

This is not a planning application; it is an application by the developer seeking confirmation that the changes are “non-material”, meaning that further planning permission would not be required. There is no statutory obligation on local planning authorities to consult on applications of this sort, but Westmorland and Furness Council are doing so in this case given the expectations raised by the original permission.

10. Planning Applications (Page 18)

To consider planning applications received from Westmorland and Furness Council (see attached).

The Committee will consider planning applications received and published by the Local Planning Authority up to the date of the meeting. Where the publication of the application is after the initial publication of the agenda, items will be added up to the day of the meeting where necessary to meet planning consultation timeframes. A full list of applications likely to be considered can be obtained by checking the local planning authority website:

<https://www.southlakeland.gov.uk/planning-and-building/planning/planning-applications/search-for-a-planning-application/>

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Minutes of a meeting of the Planning Committee held on Monday, 18 September 2023, at 6.30 p.m., in the Council Chamber at the Town Hall, Highgate, Kendal.

Cllr A Campbell	Present	Cllr A Finch	Present
Cllr J Cornthwaite	Present	Cllr H Ladhams (Vice-Chair)	Present
Cllr L Edwards	Present	Cllr D Miles	Present
Cllr R Edwards	Present	Cllr D Rathbone (Chair)	Present
Cllr G Supka	Present		

In Attendance: Chris Bagshaw (Town Clerk) and Inge Booth (Democratic Services Assistant).

P64/2023 Apologies

There were no apologies for absence.

P65/2023 Declarations of Interest

Cllr D Rathbone declared a non-pecuniary interest in Agenda Item No.8, Planning Application Ref. No.9 (SL/2023/0653), Minute No.P71/2023 below and detailed within Appendix 1 to the minutes, by virtue of the fact that he had been in communication with the applicant during the last couple of years in his role as Mayor.

Cllr J Cornthwaite sought advice with regard to a potential interest in Agenda Item No.8, Planning Application Ref. No.10 (SL/2023/0656), Minute No.P71/2023 below, however, was advised by the Town Clerk that no declaration was necessary.

P66/2023 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

There were no excluded items on the agenda.

P67/2023 Minutes of the Previous Meeting

Attention was drawn to the fact that, although the correct version, the minutes of the meeting of the Committee held on 4 September 2023 referred to 14 August in error. This error had been corrected within the document due to be signed by the Chair and published on the Council's Website.

Resolved: To receive and accept the minutes of the previous meeting of the Planning Committee held on 4 September 2023 and to authorise the Chair to sign them as a true record.

P68/2023 Minute Action Sheet

The Committee considered a report on actions taken by officers on resolutions or recommendations made at previous meetings.

Ref. No.5 – The Town Clerk reported that he had still received no response from Westmorland and Furness Council with regard to the proposed relocation of the fountain on Aynam Road to Abbot Hall. He assured the Committee, however, that this was being followed up by Graham Harrison as a co-opted Member of the Kendal Town Council Flood Relief Scheme Working Group.

Ref No.16 – The Town Clerk reported that he was due, the following day, to address the Westmorland and Furness Council's Strategic Planning Committee in relation to Phase 3 of the Brigsteer Rise development to emphasise the points which had been raised by Kendal Town Council's Planning Committee.

Ref No.18 – Cllr J Cornthwaite would provide an update on discussions with the Environment Agency on the matter of recent refusal to accept a planning application as a minor material amendment in relation to the flood relief scheme at New Road under Agenda Item No.7, Minute No.P70/2023 below.

Resolved: To note the actions taken by officers on resolutions or recommendations made at previous meetings.

P69/2023 Planning Process and Issues

There was nothing to report under this item.

P70/2023 Kendal Town Council Flood Relief Scheme Working Group

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, referred to Agenda Item No.5, Minute No.P68/2023 above, and explained that he had not, as yet, managed to discuss with the Environment Agency the matter of recent refusal to accept a planning application as a minor material amendment in relation to the flood relief scheme at New Road. In addition, Cllr Cornthwaite reported that no further meetings had been held to date but that it was hoped that a meeting would be arranged for October. In the meantime, work on the scheme at Gooseholme continued apace. He also reported that the Local Member of Parliament had met with residents with regard to the parking issue at Castle Street, however, that no alternative options had yet been resolved.

Resolved: To note the verbal update.

P71/2023 Planning Applications

The Committee considered the Planning Applications as detailed in Appendix 1 to these minutes.

During consideration of Planning Application Ref. No.7 (SL/2023/0577) (Ye Olde Fleece Inn, 14 Highgate, Kendal), reference was made to the railings which had been removed from in front of the building some years ago, but which had not been replaced as required. The Town Clerk was asked to write to the proprietor to seek to have the rails reinstated.

Resolved: The Town Clerk to write to the proprietor of Ye Olde Fleece Inn to seek to have the rails from in front of the building reinstated.

Resolved: To submit the recommendations in Appendix 1 to these minutes to the Planning Authority.

The meeting closed at 7.23 p.m.

Kendal Town Council
 Responses from Planning Committee: 18 September 2023
Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	SL/2023/0612	1 Stramongate, Kendal Change of use of first and second floors from Subway seating area and storage (Use Class E) to one 2 bedroom flat and two bedroom flats (Use Class C3)	Fell	20 September	No Material Objections subject to Environmental Health's stipulations being addressed. The Committee, however, notes and emphasises neighbour comments in relation access for bins – storage is also not to be condoned on the street.
2	SL/2023/0616	1 Stramongate, Kendal Installation of new shop fronts	Fell	20 September	The Committee would welcome the signage being brought into line with the aspirations of the 2004 Shopfront Guidance within the Development Document (DM20 5.1) and awaits an improved drawing and description of the signage proposed.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
3	SL/2023/0632	<p>Land Adjacent 39 C Helme Drive, Kendal</p> <p>Application for approval of reserved matters (access, appearance, landscaping, layout & scale) following outline approval SL/2021/0499 (Outline Planning Permission (all matters reserved) for the erection of a bungalow)</p>	Heron Hill	22 September	<p>No Material Objections provided that the advice from Natural England is adhered to, that the requirements from Highways regarding EVAs and turning circles are written into the plans and subject to provision for net biodiversity gain of at least 10%.</p>
4	SL/2023/0634	<p>51 Broad Ing Crescent, Kendal</p> <p>Two storey extension to replace existing single storey extension</p>	Nether	22 September	<p>Recommend Refusal with regard to the roof and window as currently shown. The Committee feels that a flat roof is not appropriate on this site, that it is not in keeping with the character and appearance of the area and that approval of such a roof could set a precedent. The Committee agrees with the neighbour response with regard to loss of privacy and would require a frosted glass window, as suggested. However, the Committee has no objections with regard to the rest of the design or size of the application. Without prejudice, this development would require provision for net biodiversity gain of at least 10%.</p> <p>Note – Cllr D Rathbone, Chair, abstained from voting on this application.</p>

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
6	SL/2023/0643 & SL/2023/0644	The Miles Thompson, Allhallows Lane, Kendal Installation of 2 new external condensers	Highgate	22 September	No Material Objections provided that Environmental Health accept the noise of the condensers and that there is no objection from the Conservation Officer with the property being situated within a Conservation Area.
7	SL/2023/0577	Ye Olde Fleece Inn, 14 Highgate, Kendal Remove, damaged wood floor from front of bar to replace with traditional stone tiles	Fell	29 September	No Material Objections
8	SL/2023/0402	11 Gawith Place, Kendal Replacement of wooden black single glazed sash windows with black UPVC double glazed wood effect mock sash windows	Highgate	25 September	Recommend Refusal with regard to the materials and design of the windows. The applicant states that this is “like for like” replacement, which this Committee wholeheartedly disagrees with. It is felt that this would have a detrimental effect on the vernacular style of the property and, therefore, on the surrounding area. Note – Cllr D Rathbone, Chair, abstained from voting on this application.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
9	SL/2023/0653	185 Highgate, Kendal Change of use of shop with offices above (Use Class E) to Muslim Community Centre (Use Class F1)	Highgate	27 September	Note – Cllr D Rathbone declared an interest in this application by virtue of the fact that he had been in communication with the applicant during the last couple of years in his role as Mayor. No Material Objections , however, the issues of noise prevention at any unsocial hours and local parking need to be addressed.
10	SL/2023/0656	33 Shap Road, Kendal Replacement garage/outbuilding	Mintsfeet	27 September	No Material Objections subject to the provisions, subject to the appropriate Flood Risk Assessment and subject to provision for net biodiversity gain of at least 10%.

Item No.5

Planning Committee - Minute Action Sheet - as at 25-09-23

Ref. No.	Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
1	05/12/2022	P95/2022	Planning Process and Issues	Arrange Planning training for Members.	CB	01/04/2023	08/02/2023	Ongoing. Appropriate Training partner being sought
2	03/04/2023	P164/2022	Minute Action Sheet	Arrangements be made for Planning training for Members to be held after May.	CB			Arrangements being explored with RTPi
3	03/04/2023	P165/2022	Planning Process and Issues	To make informal enquiries of the Planning Authority on how to initiate proceedings with regard to a review of the Kendal Town Council Conservation Area.	CB	17-Apr	informal approach made. Awaiting response	
4	02/05/2023	P185/2022	Responding to Planning Applications – Draft Notes for Guidance April 2023	To accept the draft set of notes for guidance in considering planning applications and to include the information raised during discussion and outlined above.	CB			In progress
5	17/07/2023	P38/2023	Kendal Town Council Flood Relief Scheme Working Group	To approach officers at Westmorland and Furness Council to inform them of the Committee's support for the proposal for relocation of the fountain to Abbot Hall and to discuss the way forward.	CB		Actioned post FRSWG meeting. Awaiting response	
7	14/08/2023	P51/2023	Minute Action Sheet	The Town Clerk to be asked to progress action in relation to P95/2022 (Planning Process and Issues) and P164/2022 (Minute Action Sheet) and arrangements for Planning Training for Members.	CB		Follow up made to RTPi	

Ref. No.	Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
8	14/08/2023	P52/2023	Planning Process and Issues	To ask Westmorland and Furness Council's Development Management Team whether it would be possible to provide an indication of pertinent points for consideration when Kendal Town Council's Planning Committee discusses individual significant planning applications for large developments	CB		Inquiry made	
9	14/08/2023	P52/2023	Planning Process and Issues	To ask Westmorland and Furness Council's Development Management Team, when seeking comments on material amendments in relation to large developments which have already been granted approval, whether it would be possible to provide a clear description of the amendment	CB		inquiry made	
11	14/08/2023	P52/2023	Planning Process and Issues	To ask the Town Clerk to seek to discuss with officers at Westmorland and Furness Council the question of the Land Allocations Plan's five year deliverables.	CB		Response received	
12	04/09/2023	P59/2023	Minute Action Sheet	The Town Clerk to follow up with Westmorland and Furness Council the matter regarding the proposed relocation of the fountain on Aynam Road to Abbot Hall.	CB		Inquiry made	

Ref. No.	Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
16	04/09/2023	P61/2023	Planning Process and Issues	The Town Clerk to address the Westmorland and Furness Council Strategic Planning Committee in relation to Phase 3 of the Brigsteer Rise development at the meeting on 19 September 2023, forcefully emphasising the points raised by Kendal Town Council's Planning Committee	CB		in progress	
18	04/09/2023	P62/2023	Kendal Town Council Flood Relief Scheme Working Group	Cllr Cornthwaite to discuss the matter of recent refusal to accept a planning application as a minor material amendment in relation to the flood relief scheme at New Road with the Environment Agency and also to discuss public presentation of events with them	JC		Ongoing	
19	18/09/2023	P71/2023	Planning Applications	The Town Clerk to write to the proprietor of Ye Olde Fleece Inn to seek to have the rails from in front of the building reinstated.	CB		inquiry made	

25 AUGUST 2023

PC2-23 | LOCAL PLANS

Summary

Local plans are generally produced by local planning authorities (LPAs) but local (parish and town) councils have a huge interest in them and such plans are directly linked to neighbourhood plans which many local councils produce. The Department for Levelling Up, Housing and Communities (DLUHC) have issued a consultation seeking views on proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making, to make plans simpler, faster to prepare and more accessible.

The main consultation document can be downloaded [here](#). The consultation closes at DLUHC on 18 October, 2023.

Context

The consultation seeks insight on:

- how local plans (and minerals and waste plans) can be made simpler to understand and use.
- how local plans (and minerals and waste plans) can be positively shaped by the views of communities about how their area should evolve.

NALC will be responding to this consultation as many local councils will have an interest in feeding in their own views on how the local plan making process can be reasonably made more efficient without the government seeking to implement wildly unrealistic timeframes, also ensuring that the golden thread between timescales required to update and make local plans and those required to make and update neighbourhood plans, is retained undamaged.

NALC's current policy positions

- The government has said it wants to see local planning authorities reviewing their local plans every five years. NALC will be arguing very strongly that this is an impractical requirement that places impossible pressures on LPAs and on neighbourhood planning groups whose plans are aligned to the local plans. A review every 10 years would be demanding enough. The emphasis should be on the quality and the soundness of the

plans and not on the speed with which it might be possible to produce them.

- NALC will support a planning system which incorporates a significant role for local councils. It will not support any diminution of local councils' statutory right to comment on planning issues at all stages of their evolution, whether they be development planning matters or spatial planning policies.
- NALC will support a soundly based planning system which represents the most reliable tool for the sustainable allocation of land, and which represents the three pillars of sustainability equally, i.e., social, economic, and environmental factors.
- NALC is arguing for the complete removal of the whole concept of National Development Management Policies (NDMPs) which will have the effect of unjustly trumping any local or neighbourhood plan.

Consultation Questions

The main consultation questions NALC will be responding to in this consultation are as below and NALC seeks the views of county associations and member councils in response to these questions to help inform its own submission to DLUHC:

Chapter 1: Plan content

Question 1: Do you agree with the core principles for plan content? Do you think there are other principles that could be included?

Question 2: Do you agree that plans should contain a vision, and with our proposed principles preparing the vision? Do you think there are other principles that could be included?

Question 3: Do you agree with the proposed framework for local development management policies?

Question 4: Would templates make it easier for local planning authorities to prepare local plans? Which parts of the local plan would benefit from consistency?

Question 5: Do you think templates for new style minerals and waste plans would need to differ from local plans? If so, how?

Chapter 2: The new 30-month plan timeframe

Question 6: Do you agree with the proposal to set out in policy that planning authorities should adopt their plan, at the latest, 30 months after the plan preparation process begins?

Question 7: Do you agree that a Project Initiation Document will help define the scope of the plan and be a useful tool throughout the plan making process?

Chapter 3: Digital plans

Question 8: What information produced during plan-making do you think would most benefit from data standardisation, and/or being openly published?

Question 9: Do you recognise and agree that these are some of the challenges faced as part of plan preparation which could benefit from digitalisation? Are there any others you would like to add and tell us about?

Question 10: Do you agree with the opportunities identified? Can you tell us about other examples of digital innovation or best practice that should also be considered?

Question 11: What innovations or changes would you like to see prioritised to deliver efficiencies in how plans are prepared and used, both now and in the future?

Chapter 5: Evidence and the tests of soundness

Question 14: Do you think this direction of travel for national policy and guidance set out in this chapter would provide more clarity on what evidence is expected? Are there other changes you would like to see?

Question 15: Do you support the standardisation of evidence requirements for certain topics? What evidence topics do you think would be particularly important or beneficial to standardise and/or have more readily available baseline data?

Question 16: Do you support the freezing of data or evidence at certain points of the process? If so which approach(es) do you favour?

Chapter 7: Plan examination

Question 22: Do you agree with our proposals to speed up plan examinations? Are there additional changes that we should be considering to enable faster examinations?

Question 23: Do you agree that six months is an adequate time for the pause period, and with the government's expectations around how this would operate?

Chapter 8: Community engagement and consultation

Question 24: Do you agree with our proposal that planning authorities should set out their overall approach to engagement as part of their Project Initiation Document? What should this contain?

Question 25: Do you support our proposal to require planning authorities to notify relevant persons and/or bodies and invite participation, prior to commencement of the 30-month process?

Question 26: Should early participation inform the Project Initiation Document? What sorts of approaches might help to facilitate positive early participation in plan-preparation?

Question 27: Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be?

Question 28: Do you agree with our proposal to use templates to guide the form in which representations are submitted?

Chapter 9: Requirement to assist with certain plan-making

Question 29: Do you have any comments on the proposed list of prescribed public bodies?

Question 30: Do you agree with the proposed approach? If not, please comment on whether the alternative approach or another approach is preferable and why.

Chapter 13: Community Land Auctions

Question 39: Do you have any views on how we envisage the Community Land Auctions process would operate?

Question 40: To what extent should financial considerations be taken into account by local planning authorities in Community Land Auction pilots, when deciding to allocate sites in the local plan, and how should this be balanced against other factors?



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Chapter 14: Approach to roll out and transition

Question 41: Which of these options should be implemented, and why? Are there any alternative options that we should be considering?

Chapter 15: Saving existing plans and planning documents

Question 42: Do you agree with our proposals for saving existing plans and planning documents? If not, why?

Your evidence

Please email your responses to this consultation to chris.borg@nalc.gov.uk by 17.00 on 22 September 2023. County associations are asked to forward this briefing onto all member councils in their area.

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Kendal Town Council
Applications for Planning Committee: 2 October 2023
Appendix 1

Item No.10

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	SL/2023/0668	20 Drovers Drive, Kendal Single storey rear extension	Nether	3 October	
2	SL/2023/0675 & SL/2023/0676	43 - 45 Branthwaite Brow, Kendal Installation of Solar Panels to the rear elevation with battery backup	Fell	4 October	
3	SL/2023/0683	5 Highgate, Kendal Replacement shopfront	Fell	16 October	
4	SL/2023/0684	5 Highgate, Kendal Installation of 1 illuminated fascia sign	Fell	16 October	