

Kendal Town Council

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



24 May 2024

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 3 June 2024**, 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 3 to 9)

To receive the minutes of the meeting held on 20 May 2024 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. Kendal Town Council Flood Relief Scheme Working Group

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

8. Planning Applications (page 13)

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, 20 May 2024, at 6.30 p.m., in the Council Chamber at the Town Hall, Highgate, Kendal.

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

In Attendance: Chris Bagshaw (Town Clerk).

P1/2024 Apologies

Resolved: To receive and accept apologies for absence from Cllrs R Edwards, A Finch, D Miles and G Supka.

P2/2024 Declarations of Interest

No declarations of interest were raised under this item.

P3/2024 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

There were no excluded items on the agenda.

P4/2024 Minutes of the Previous Meeting

Resolved: To receive and accept the minutes of the previous meeting of the Planning Committee held on 7 May 2024 and to authorise the Chair to sign them as a true record.

P5/2024 Minute Action Sheet

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

On the issue of unlawful development of a shop front in the Conservation Area, the Clerk reported that nothing further had been heard from the Planning Authority.

On the issue of the New Road bore hole data from the Environment Agency, no further information had been received.

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

Resolved: To follow up the issue of unlawful shop front developments with the Planning Authority.

Resolved: To follow up queries with EA and include the chair of W&FC Locality Board in any correspondence.

P6/2024 Planning Process and Issues

The Clerk reported that he had held a meeting with Dan Hudson, Interim Senior Manager in Planning Policy at Westmorland & Furness Council. He had outlined the current position of the Local Plan, which will now have to integrate all three former districts in W&F. He is expecting the first round of consultation to commence this coming summer, and would be very grateful for the Town Council's input. The Chair reminded the Committee of the Town Council's current position on the development of a Neighbourhood Plan (NP) in Kendal, to better express the Council's aims and the community's wishes, however a pragmatic approach was still appropriate, as the NP process was both time consuming and potentially inadequate, given that it must be in accordance with the Local Plan. It was the general consensus amongst those who had been through the process that influencing the Local Plan from the outset was likely to bear more lasting and less time-consuming results. However he reiterated that the Town Council should keep the matter on the table, to act as a fallback position.

The Clerk reported that the Planning Authority had confirmed that presently they had no plans to alter the boundary of the Conservation Area, but if a case was developed to do this, they would review it.

Dan Hudson had made a query about the relationship with Kendal Futures, which the Town Clerk had explained as being one of a partnership in an ideas forum. The Town Council's role was statutory and distinct.

Resolved: To note the verbal update.

P7/2024 Kendal Town Council Flood Relief Scheme Working Group

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, reported that the group had not met since the last meeting, but there had been considerable activity around the application for an amendment to the plans for New Road, which had recently come before the Planning Authority. Cllr Ladhams reported that she had been present at a meeting with Richard Knight from the EA and a number of others at which a range of options were looked at for New Road. The Planning Committee at W&FC had deferred the EA's application to seek further information from the EA on the extent of their liaison with KTC over the different options. The EA were reported to be quoting an additional two years on the timetable and an additional £8-9 million to develop a riverside wall. There was also some discussion concerning scheduling a roadside wall/glass wall with current Local Cycling and Walking Infrastructure Plan (LCWIP) related development of the river corridor cycling route, and suggestions that gate opening times might be available for long periods over the summer months.

Cllr Cornthwaite concluded that he would like to convene a meeting of the Working Group's non-EA members to establish a consensus position on how best to proceed, and would seek dates for this in the coming weeks.

Resolved: To note the verbal update.

P8/2024 Planning Application Consultation 2024/0587/LBC Mint House Shap Road Kendal LA9 6NY

Resolved: To note that this application was considered under delegated powers to the Clerk, in consultation with the Chair and Vice-Chair of the Planning Committee, the response having been that the Council had no material objections, in line with the Conservation Officer's considered response.

P9/2024 Planning Applications

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

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

The meeting closed at 7.30 p.m.

Kendal Town Council
 Responses from Planning Committee: 20 May 2024
Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
1	2024/0661/PAC OU	36 Finkle Street Kendal LA9 4AB Application to determine if prior approval is required under Schedule 2, Part 3, Class MA for a proposed change of use of upper floors to 2 dwellinghouses (Use Class C3)	Fell	28 May	No material objections , though the Committee did suggest that the development may benefit from local occupancy clauses, and would need to comply with design minima for living space.
2	2024/0679/FPA	Friends Meeting House Stramongate Kendal LA9 4BH Installation of Air-Source Heat Pump unit to exterior of Curtilage Building in the grounds of the Grade II* Listed Friend Meeting House	Fell	29 May	No material objections subject to the Conservation Officer being content that the development does not compromise the visual amenity of the Conservation Area.
3	2024/0680/LBC	Friends Meeting House Stramongate Kendal LA9 4BH Installation of Air-Source Heat Pump unit to exterior of Curtilage Building in the grounds of the Grade II* Listed Friend Meeting House.	Fell	29 May	No material objections subject to the Conservation Officer being content that the development does not compromise the visual amenity of the Conservation Area.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
4	2024/0700/FPA	<p>65 Paddock Drive Kendal LA9 5FJ</p> <p>To reduce the cill of the window to the rear of the property to create an accessible door into the garden with a metal portable ramped access to the garden</p>	Stonecross	29 May	<p>No material objections, providing the neighbours do not feel there are material concerns.</p>

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
5	2024/0681/RMA	<p>1.1 acre plot Moraine Business Park Land North of Meadowbank Business Park Kendal LA9 6NY</p> <p>Application for Approval of Reserved Matters for a vehicle workshop with MOT bay and associated works following Outline Approval SL/2019/0743 (Hybrid application: 1. Full Application for motor dealership (sui generis) including workshops, access roundabout, spine road and internal compartmentation area access junctions. 2. Outline Planning Application all matters reserved, apart from access, for employment business park (indicatively B1/B2 6400m2 & B8 2500m2) MAJOR)</p>	Mintsfeet	30 May	<p>Recommend refusal.</p> <p>The Committee were disappointed to note that no mention had been made of a sequential test for the development. The boundary treatments were unimaginative at best, and could be served by thorn hedges in many areas. No provision appeared to be made for electric vehicles. The Council has already expressed its dissatisfaction with the layout of the estate making no reference to the entrance to the town. Any lighting should be dark skies, insect and biodiversity friendly in the colour, intensity and frequency. Lighting up times should be restricted (30 mins either side of opening hours) as well as appropriate dimming of the LEDs for such a sensitive edge of town location. Inadequate provision is made for biodiversity net gain, and no mention is made of the necessary relocation of community assets, including those installed by Kendal Town Council at the entrance to the new estate.</p> <p>Cllr Rathbone took no part in this item.</p>

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
6	2024/0410/ADV	113 Stricklandgate Kendal LA9 4RF Advertisement consent for the installation of 4 illuminated fascias	Fell	30 May	No material objections , subject to the Conservation Officer being satisfied that it does not compromise the visual amenity of the Conservation area. Lighting should be restricted to 30 mins either side of opening hours, comply with dark skies policy and be insect and biodiversity friendly in the intensity, colour and frequency.
7	2024/0741/FPA	41 Captain French Lane Kendal LA9 4HP Replacement of 2 doors and 6 windows with brown (rosewood) UPVC	Highgate	30 May	No material objections , subject to the Conservation Officer being satisfied that it does not compromise the visual amenity of the Conservation area.
8	2024/0743/FPA	43 Captain French Lane Kendal LA9 4HP Replacement of 1 door and 8 windows with brown (rosewood) UPVC	Highgate	30 May	No material objections , subject to the Conservation Officer being satisfied that it does not compromise the visual amenity of the Conservation area.
9	2024/0629/FPA	3 Fir Tree Rise Kendal LA9 5FA Creation of level parking area for wheelchair access	Strickland	3 June	No material objections but the development should be subject to a basic level of net biodiversity gain.

Item No.5

Planning Committee - Minute Action Sheet - as at 24-05-24

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
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	Now in budget for 2024
21	19/02/2024	P150/2023	Planning Process and Issues	To review ongoing dialogue between the Planning Committee and Westmorland and Furness Council planning officers with a view to maximising the impact of the Town Council's comments on planning applications.		Oct-24		Ongoing.
22	19/02/2024	P150/2023	Planning Process and Issues	To produce a draft statement in relation to out of town food outlets, and to circulate to all Members of the Planning Committee, with Members to submit comments for inclusions should they so wish.				To be drafted

Ref. No.	Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
24	08/04/2024	P174/2023	Planning Process and Issues	To invite officers from Westmorland and Furness Council's Planning Policy to attend a future meeting of the Planning Committee to talk about the Neighbourhood Plan and the Local Plan			15-Apr-24	
25	08/04/2024	P174/2023	Planning Process and Issues	To contact Westmorland and Furness Council with regard to the need for enforcement action to be pursued in relation to the Chip Shop on Finkle Street and the Newsagent's on Kirkland			10-Apr-24	
26	08/04/2024	P175/2023	Kendal Town Council Flood Relief Scheme Working Group	To authorise the Town Clerk to write to the Environment Agency seeking information from when they carried out boring tests in the New Road area			10-Apr-24	
27	08/04/2024	P175/2023	Kendal Town Council Flood Relief Scheme Working Group	To authorise the Town Clerk to write to the Environment Agency seeking clarification on the matter of moving the fountain on Aynam Road and re-siting, as previously agreed.			15-Apr	
28	22/04/2024	P181/2023	MAS	To diarise a review of the Aynam Road Fountain case in June		17-Jun-24		
30	07/05/2024	P190/2023	Minute Action Sheet	To raise again the issue of the two shopfronts at Finkle Street and Kirkland with the Planning Authority.			23-May-24	

Ref. No.	Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
31	20/05/2024	P5/2024	Minute Action Sheet	To follow up the issue of unlawful shop front developments with the Planning Authority.			As above	
32	20/05/2024	P5/2024	Minute Action Sheet	On the issue of New Road, to follow up queries with EA and include the chair of W&FC Locality Board in any correspondence.			23-May-24	

Kendal Town Council
 Applications for Planning Committee: 3 June 2024
Appendix 1

Item No.8

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
1	2024/0807/FPA	2 Lower Castle Park KENDAL LA9 7BW Replacement of rear glazed extension.	Mintsfeet	6 June	
2	2024/0820/FPA	42 Hayclose Crescent KENDAL LA9 7NT Detached fitness studio for a personal training business.	Heron Hill	11 June	