

Kendal Town Council

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



26 February 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, 4 March 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 19 February 2024 and to authorise the Chair to sign them as a true record (see attached).

5. Minute Action Sheet (pages 10 to 11)

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 (pages 12 to 15)

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, 19 February 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	Present
Cllr L Edwards	Present	Cllr D Rathbone (Chair)	Present
Cllr R Edwards	Apologies	Cllr G Supka	Present
Cllr A Finch	Present		

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

P145/2023 Apologies

Resolved: To receive and accept an apology for absence from Cllr R Edwards.

P146/2023 Declarations of Interest

Cllr G Supka declared an interest in relation to Agenda Item No.8, Planning Applications Nos.6 (2024/0137/LBC) and 7 (2024/0138/FPA), as stated within Appendix 1 to these minutes

P147/2023 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

There were no excluded items on the agenda.

P148/2023 Minutes of the Previous Meeting

Resolved: To receive and accept the minutes of the previous meeting of the Planning Committee held on 5 February 2024 and to authorise the Chair to sign them as a true record.

P149/2023 Minute Action Sheet

The agenda included a report on actions taken by officers on resolutions or recommendations made at previous meetings. Attention was drawn to Item Ref. No.20 and to the fact that the officer from Westmorland and Furness Council would be attending the meeting scheduled to be held on 18 March and not 19 March as stated.

The Town Clerk referred to Item Ref. No.8 and the enquiries made to Westmorland and Furness Council with regard to consideration by the Town Council of significant planning applications for large developments to which a response had not yet been received. He suggested that this item should be removed from the Minute Action Sheet and undertook to elaborate under the next item (Minute No.P150 below refers).

Resolved: To remove Item Ref. No.8 from the Minute Action Sheet.

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

P150/2023 Planning Process and Issues

The Town Clerk, referring to Minute No.P149 above, highlighted the fact that there had been an improvement in dialogue with planning officers at Westmorland and Furness Council and pointed out that an officer would be attending the meeting of the Planning Committee scheduled to be held on 18 March, when Members of the Committee would have an opportunity to raise questions as appropriate. The need was raised for a review of ongoing dialogue between the Planning Committee and Westmorland and Furness Council planning officers moving forward, with a view to maximising the impact of the Town Council's comments on planning applications.

Attention was further drawn to the McDonalds' recent pre-application presentation and to how the Committee might deal with any other forthcoming applications for fast food outlets outside of the town centre. The need for a statement to be produced in relation to these types of applications was stressed and the Town Clerk and the Chair undertook to draft the document and to circulate this to all Members of the Planning Committee, also encouraging Members to submit comments for inclusion should they so wish.

The Chair, as a Member of the Westmorland and Furness South Lakeland Area Planning Committee, drew attention to the success of comments raised by the Town Council and parishes in relation to planning applications, which were now being taken on board and creating a positive dialogue.

The Chair further drew attention to the new Local Plan which was currently under development and to applications being made for land allocation sites under the current Plan. He drew attention to the risk of developers seeking to push through applications for development under the current Plan and for the need for Members and residents to be aware and to make comments as necessary, both within a foreshortened timescale compared with what people had been used to in the past consultations.

Resolved: 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.

Resolved: 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.

Resolved: To make Members and residents aware of the need to be aware and to make comments in relation to applications for land allocation sites under the current Local Plan.

Resolved: To note the verbal update.

P151/2023 Kendal Town Council Flood Relief Scheme Working Group

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, presented the notes of the meeting of the Group which had been held on 23 January 2024.

Resolved: To receive the notes of the meeting of the Kendal Town Council Flood Relief Scheme Working Group held on 23 January 2024.

P152/2023 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: 19 February 2024
Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	2024/0119/FPA	48 Greenside KENDAL LA9 5DT Replacement garage	Fell	20 February	No Material Objections subject to the comments contained within the Conservation Officer's report.
2	2024/0112/FPA	40 Burneside Road KENDAL LA9 4RL Single storey rear extension & replacement sash windows	Strickland	20 February	No Material Objections subject to the to the specific query raised within the Conservation Officer's report.
3	2024/0105/FPA	26 Empsom Road KENDAL LA9 5PS Proposed front vestibule alterations	Strickland	20 February	No Material Objections
4	2024/0107/FPA	178 Burneside Road KENDAL LA9 6EB Single storey side extension and rear balcony	Strickland	20 February	No Material Objections

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
5	2024/0116/FPA	<p>158 Windermere Road KENDAL LA9 5EZ</p> <p>Proposed dropped kerb and off-street parking area</p>	Fell	26 February	<p>Recommend Refusal on the basis of over development of the property, the detrimental impact on the visual amenity in a sensitive part of the town, potential significant problems in relation to water run off, and over development of the area as a whole.</p> <p>The Committee acknowledges the potential precedent which has been set in the area and wishes to raise with Westmorland and Furness Council the question of the cumulative impact of such applications on the character of the area and when or whether a line should be drawn under this.</p> <p><i>Note – Cllr D Rathbone, Chair, abstained from voting on this application.</i></p>
6	2024/0137/LBC	<p>Flat 4 150 Highgate KENDAL LA9 5AH</p> <p>Replacement of single glazed front facing windows with double glazed hardwood sash windows</p>	Highgate	27 February	<p>No Material Objections subject to the outcome of the Conservation Officer’s report.</p> <p><i>Note – Cllr G Supka declared a personal interest in this application and left the Council Chamber during the discussion and voting thereon.</i></p>

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
7	2024/0138/FPA	Flat 4 150 Highgate KENDAL LA9 5AH Replacement of single glazed front facing windows with double glazed hardwood sash windows	Highgate	27 February	No Material Objections subject to the outcome of the Conservation Officer's report. Note – Cllr G Supka declared a personal interest in this application and left the Council Chamber during the discussion and voting thereon.
8	2024/0051/FPA	1 Queens Place KENDAL LA9 4PJ Internal alterations, addition of new openings and replacement of windows, landscaping works	Fell	29 February	No Material Objections subject to the comments raised within the Arboriculturist's Report and within the Conservation Officer's report, and in particular with regard to the work required in relation to Point 3 of that particular report.
9	2024/0151/FPA	86 Vicarage Drive KENDAL LA9 5BA Alterations and extensions to existing dwelling house and drive.	Kirkland	29 February	No Material Objections

Request to Reconsider Response

The following item had been considered at the meeting on 8 January 2024. The Planning Officer had sought clarification from the Committee on the issue of scale and dominance, as he observed there were similar extensions at the surrounding properties: 2, 5, 7, 19 and 21 and he did not consider the application to be greatly different from them. It was assumed the reference to a development brief was an error, as it related to the application which had followed this item on 8 January.

3	2023/1044/FPA	<p>15 Underley Avenue Kendal LA9 5EU</p> <p>Two storey side extension, single storey rear extension, front porch & proposed vehicular access (parking area) to front garden.</p>	Strickland	9 January	<p>8th January Response</p> <p><i>Recommend Refusal primarily on the grounds of scale and dominance and the proposal is out of keeping with the size of the plot. No opposition is to the principle of building on this site and the Committee's comments are made in line with the land allocation and original development brief. Notwithstanding this comment, the Committee backs the request for swift bricks in responses.</i></p>
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19 February 2024 Response

The Town Council's Planning Committee has re-considered the application, as requested, and wishes to confirm its original decision to **Recommend Refusal** on the basis of scale and dominance in relation to the location. Furthermore, it is felt that continued development will result in the loss of visual amenity. loss of green footings and of net biodiversity. The Committee also questions the appropriateness of the outcome of previous, potentially retrospective, applications in this area.

Note – Cllr D Rathbone, Chair, abstained from voting on this application.

Item No.5

Planning Committee - Minute Action Sheet - as at 26-02-24

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
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	17/10/2023 01/03/2024	15-Jan-24	To be discussed 18 March
5 and 12	17/07/2023 and 04/09/2023	P38/2023 and P59/2023	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	Now in budget for 2024

Ref. No.	Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
20	02/10/2023	P76/2023	Minute Action Sheet	To consider the impact of the new Act (Levelling Up and Regeneration) alongside the challenges of Neighbourhood Planning in future meetings, including briefing sessions outwith the scheduled programme of Committee meetings	CB	01/03/2024	ongoing	W&FC officer to attend 19 March meeting
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.				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
23	19/02/2024	P150/2023	Planning Process and Issues	To make Members and residents aware of the need to be aware and to make comments in relation to applications for land allocation sites under the current Local Plan.			23-Feb	Completed

Kendal Town Council
 Applications for Planning Committee: 4 March 2024
Appendix 1

Item No.8

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	2024/0216/FPA	Land adjacent to River Kent at New Road Common (Reach F3) KENDAL Full Application for design changes to approved Phase 1 Kendal Linear Defences Scheme Ref: SL/2018/0925 comprising amendments to the approved linear defences, flood gates, surface water drainage, reprofiling and reinstating the slipway to the River Kent and landscaping at Reach F3/New Road Common.	Mintsfeet	6 March	
2	2024/0008/ADV	Nationwide Building Society 29-33 Finkle Street KENDAL LA9 4AB Advertisement consent for the replacement of illuminated and non-illuminate signs	Fell	6 March	
3	2024/0095/FPA	Unit 1A Kendal Motor Village Queen Katherines Avenue KENDAL LA9 6DU Change of Use of car showroom (Use class sui-generis) to restaurant (Greggs Bakery) with indoor & outdoor seating (Use Class E(b))	Mintsfeet	6 March	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
4	2024/0223/FPA	35a Horncop Lane KENDAL LA9 4SR Proposed side extensions	Strickland	7 March	
5	2024/0235/FPA	21 Wordsworth Drive KENDAL LA9 7JW Single storey side extension	Heron Hil	7 March	
6	2024/0135/LBC	11 Church Walk KENDAL LA9 5AG Reinstate window opening and insertion of sash window on east elevation	Highgate	11 March	
7	2024/0191/DISC	The Ice Cream Parlour Natland Mill Beck Lane KENDAL LA9 7LH Discharge of condition 3 (Surface water drainage) attached to planning permission SL/2023/0053 (Erection of new ice cream parlour annex)	Natland	6 March	
8	2024/0244/DISC	Moraine Business Park Land North of Meadowbank Business Park Shap Road KENDAL LA9 6NY Discharge of conditions 7 (Soft Landscaping), 8 (Ecological Strategy), 9 (Tree Protection) & 39 (CEMP) attached to planning permission SL/2019/0743	Mintsfeet	6 March	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
9	2024/0268/FPA	<p>55 Shap Road KENDAL LA9 6DL</p> <p>Change of use of a dwelling house (Use Class C3) as a home for up to 2 young people (no older than 18 years of age). They will have care provided 24 hours a day by up to 2 care staff and a manager during the day with 2 staff overnight (Use Class C2 - Residential institution)</p>	Mintsfeet	12 March	
10	2024/0277/FPA	<p>Curlew Cottage 5 High Tenterfell KENDAL LA9 4PG</p> <p>Replacement single storey rear extension, installation of a double height bay window to the front facade and a cantilevered bay window to rear bedroom, replacement doors and windows and erection of a detached studio-workshop at rear of property</p>	Fell	18 March	
11	2024/0289/FPA	<p>8 Serpentine Road KENDAL LA9 4PE</p> <p>Replacement of 6 single glazed wooden sash windows with uPVC sash windows</p>	Fell	18 March	
12	2024/0311/FPA	<p>3 Undercliff Road KENDAL LA9 4PS</p> <p>Internal & external alterations including replacement porch & covered raised glazed terrace to back garden</p>	Fell	18 March	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
13	2023/1044/FPA	<p>15 Underley Avenue KENDAL LA9 5EU</p> <p>Two storey side extension, single storey rear extension, front porch & proposed vehicular access (parking area) to front garden</p>	Strickland	11 March	
14	SL/2023/0163	<p>Kendal Nutricare Ltd Farley Health Products Ltd Lake District Business Park Mint Bridge Road KENDAL LA9 6NL</p> <p>New building on existing car park to house a spray dryer, existing covered walkway to be enclosed to create new access corridor, car park spaces to be reconfigured to suit building position (MAJOR APPLICATION)</p> <p><i>(Further information)</i></p>	Mintsfeet	11 March	