

Kendal Town Council

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



29 August 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, 4 September 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

A handwritten signature in black ink, appearing to read 'CB' followed by a flourish.

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 11)**
To receive the minutes of the meeting held on 14 August 2023, and to authorise the Chair to sign them as a true record (see attached).
- 5. Minute Action Sheet (Page 12 to 14)**
To consider a report on actions taken by officers on resolutions or recommendations made at previous meetings (see attached).
- 6. Protocol for Site Visits (Pages 15 to 16)**
To consider a draft Protocol for Site Visits (see attached).
- 7. 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.
- 8. Kendal Town Council Flood Relief Scheme Working Group**
To receive a verbal update on the activities of the Working Group.
- 9. Planning Applications (Pages 17 to 19)**
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, 14 August 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	Apologies		

In Attendance: Inge Booth (Democratic Services Assistant).

P47/2023 Apologies

An apology for absence was received and accepted from Cllr G Supka.

P48/2023 Declarations of Interest

No declarations of interest were raised under this item.

P49/2023 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

There were no excluded items on the agenda.

P50/2023 Minutes of the Previous Meeting

Resolved: To receive and accept the minutes of the previous meeting of the Planning Committee held on 31 July 2023 and to authorise the Chair to sign them as a true record.

P51/2023 Minute Action Sheet

The Committee considered a report on actions taken by officers on resolutions or recommendations made at previous meetings. Reference was made to P95/2022 (Planning Process and Issues) and P164/2022 (Minute Action Sheet), Members raising the need now to seek action on arrangements for Planning Training for Members, the new Council year having commenced in May.

Resolved: 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.

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

P52/2023 Planning Process and Issues

The Chair referred to a suggestion which had been made with regard to the potential for Westmorland and Furness Council's Development Management Team to provide an indication of pertinent points for consideration when discussing individual significant planning

applications for large developments.

Resolved: 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.

Furthermore, the Chair suggested that the Westmorland and Furness Council's Development Management Team be asked, when seeking comments on material amendments in relation to large developments which had already been granted approval, whether it would be possible to provide a clear description of the amendment.

Resolved: 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.

Also raised during the meeting was the potential for Kendal Town Council Planning Committee Members to carry out site visits in relation to large developments, at the same time observing protocol as regards pre-determination.

Resolved: To ask the Town Clerk to look into the potential for site visits by Kendal Town Council Planning Committee Members to large developments.

Furthermore, Members were keen to know how much of the Land Allocation Plan's five year deliverables needed to be within the Kendal area rather than, for example, Ulverston.

Resolved: 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.

Resolved: To note the verbal update.

P53/2023 Kendal Town Council Flood Relief Scheme Working Group

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, reported that there had been no further meetings of the Group since the last meeting of the Planning Committee. Work continued in the Gooseholme area and exploratory work was being carried out in relation to the fountain on Aynam Road and the proposed relocation to Abbot Hall. Cllr Cornthwaite referred to the work being carried out by Town Councillors, members of the Flood Relief Scheme Working Group and local volunteers on the footpath from Romney Road to Scroggs Lane. In response to a query, he explained that this work bore no relation to the Flood Relief Scheme but that the work was in relation to connectivity right along the river corridor. The Chair drew attention to the fact that it was appropriate to carry out this work at the same time as the Flood Relief Scheme, with funding being available from United Utilities. In response to a further query, Cllr Cornthwaite explained that options with regard to parking in the Castle Street and Castle Crescent area had been explored, however, that no alternative options had come to light. No arrangements had as yet been made for a further meeting of the Group.

Resolved: To note the verbal update.

P46/2023 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 7.16 p.m.

Kendal Town Council
 Responses from Planning Committee: 14 August 2023
Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	<u>SL/2023/0561</u>	25 Dunmail Drive, Kendal Extending the existing front dormer to the width of the house	Heron Hill	15 August	No Material Objections provided that the materials used are in keeping with the character and appearance of those used in other properties in the neighbouring area.
2	<u>SL/2023/0560</u>	Unit 2 Gibsons Of Kendal, Mintsfeet Road South, Kendal Construction of industrial building containing 4 self contained letting units (Use Class B2 & B8)	Mintsfeet	15 August	No Material Objections subject to United Utilities' drainage condition (11/8/23) for sustainable development and management of flood risk; officers being satisfied with contaminants reporting and suitable arrangements for public rights of way; and provision for net biodiversity gain of at least 10%.
3	<u>SL/2023/0562</u>	Flat 1, 64 Stramongate, Kendal Subdivision of single flat into two flats	Fell	17 August	No Material Objections <i>Note – Cllr A Finch declared an interest in this application by virtue of the fact that he was acquainted with the applicant and took no part in the discussion or voting on the item.</i>

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
4	<u>SL/2023/0564</u>	<p>Land north of Laurel Gardens, Kendal</p> <p>Variation of condition 2 (Approved plans) attached to planning permission SL/2019/0602 (Residential development with associated landscaping and infrastructure) (MAJOR APPLICATION)</p>	Strickland	17 August	<p>Recommend Refusal due to seeming over-development of the site and neighbour concerns. There is insufficient provision for net biodiversity gain and the developer should look to include planting and green barriers.</p> <p>A suitable substantive response should be made to neighbour comments regarding increased risk of flooding regarding SUDs and that the lack of privacy is dramatically increased since the original application owing to an increased number of dwellings.</p> <p>On-street parking as shown will cause access issues for emergency and service vehicles.</p> <p>The Committee suggests, therefore, that the application reverts to the previous proposals which were granted for the site.</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
5	<u>SL/2023/0174</u>	<p>Land Adjacent to 17 Gillinggate, Kendal</p> <p>Detached dwelling</p>	Highgate	16 August	<p>Recommend Refusal in line with the comments raised by the Civic Society and Conservation Officer. This Committee agrees with the specifics in these two submissions and underlines that this it does not '(make) a positive contribution to local character and distinctiveness'. This development is unsympathetic to its immediate surroundings and is not in keeping with the character and appearance of the immediate vicinity. It does not preserve or enhance the character, distinctiveness or appearance of the area (NPPF 190 and 197 [above]). The Committee objects to the scale, block appearance and use of materials (zinc and brushed uPVC) as proposed.</p>
6	<u>SL/2023/0576</u>	<p>Town and Village Green Area, Kendal Fell, Kendal</p> <p>Variation of conditions 4 (siting of the sign 4) & 5 (fence) attached to planning permission SL/2021/1147 (Signs & viewing platforms)</p>	Fell	25 August	<p>No Material Objections</p>

7	<u>SL/2022/0921</u>	<p>Land at Brigsteer Road (Phase 3), Kendal</p> <p>Erection of 24 dwellings with associated vehicular access, roads and footways, hard and soft landscaping, drainage and other associated works MAJOR</p>	Highgate	18 August	<p>Recommend Refusal.</p> <p>SHENA looks to two and three bedroom dwellings being provided and this application is in contravention of that outline and of local need. There are not enough of these on the site.</p> <p>There is no play area to the south of the development.</p> <p>There is a lack of provision for net biodiversity gain.</p> <p>On street parking as shown will cause access issues for emergency and service vehicles.</p> <p>The plans show use of block paving as opposed to tarmac, which is harder to maintain and which should be justified given the original consent.</p> <p>The travel plan is inadequate because it needs to take into account the new development on Underbarrow Road which will use the same roads and thus increase total road traffic.</p> <p>A decision must also take into account the 'most used' route for south-west / south with less number of junctions is Underwood – Stainbank Road – Vicarage Drive (or Westwood Ave to Vicarage Drive) This route is already a rat-run south. The development's traffic will have an impact on the already excess speed along Stainbank Road, which necessitates braking sharply to turn left onto Vicarage.</p>
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				<p>This has already been a cause of concern for residents for years without the proposed increase in traffic volume. The traffic backs up on Vicarage Road and is also impacted by the double parking of Kendal College users. The nursery, primary schools (x2) are accessed from higher on Vicarage Road and children's safety must take highest priority.</p> <p>The Committee is very much in support of the Development Brief's adopted position that Cedar Grove will be closed to traffic from the Allocated Site and provide EVA and Active Travel route only ie pedestrians and cyclists. This will prevent Cedar Grove becoming the rat-run for all traffic that is heading to Romney junction and enable children a safer passage to school. Having sole access from Brigsteer Road will encourage a percentage of vehicles to use other routes, from therefore spreading the load.</p> <p>In addition, the majority of the traffic from Brigsteer which is headed for Beast Banks uses East View instead of Greenside / Bankside to avoid the busy crossroads junction. In this case, if additional traffic movements caused queuing to Greenside then that queue would also block the 'crossroad' junction of Brigsteer Road to East View.</p> <p>Any alterations should be made in accordance with the Development Brief, especially with regard to entrance and exit</p>
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No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
					<p>routes for traffic. Anything that differs from the Development Brief must be referred back to the Local Plan itself. In addition, any alterations to one phase of the development must be seen in relation to all four phases of the Development, particularly with regard to the road entrance and exit from the development, and in line with the Development Brief.</p> <p>The Committee suggests, therefore, that the application reverts to the previous proposals which were granted for the site.</p> <p>Note – Cllr D Rathbone, Chair, abstained from voting on this application.</p>

Item No.5

Planning Committee - Minute Action Sheet - as at 29-08-23

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 reponse	
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	
6	31/07/2023	P46/2023	Planning Applications (SL/2022/0921)	The Committee seeks an extension to the consultation period. If, however, this is not possible, then the Committee delegates authority to the Town Clerk, in consultation with the Chair and Vice-Chair, to comment on the application.	CB		Extension sought	

Ref. No.	Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
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	
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	
10	14/08/2023	P52/2023	Planning Process and Issues	To ask the Town Clerk to look into the potential for site visits by Kendal Town Council Planning Committee Members to large developments.	CB		Draft protocol attached	

Ref. No.	Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
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		Inquiry made	

Kendal Town Council

DRAFT Protocol For Planning Site Visits

For adoption 4 September 2023

Is a site visit necessary?

Not every planning issue will require a site visit, however sometimes it is necessary for members to gain further information before submitting a formal response to the local planning authority. Also, in some instances Councillors may be asked by the applicant to give an opinion on a proposed development prior to submission of a planning application.

Councillors and the Clerk need to exercise care when meeting any third parties. For this purpose, third parties include members of the public, councillors and officials of other authorities, developers and contractors.

Councillors will meet and communicate with residents and perhaps official bodies in their role as an individual councillor on many occasions. Input from the public is important to ensure that councillors understand public views when taking decisions. Nothing in these guidelines should be seen to restrict the openness of councillors to public input. Town Councillors can also perform a valuable role passing on residents' concerns to Westmorland & Furness Council and other statutory authorities, but any such communication should make it clear that the councillor is speaking as an individual and not on behalf of the Town Council.

Speaking on Behalf of, or Representing the Council

Whenever possible at least two councillors, or a councillor and the clerk, should be present at any council related meeting. This reduces the risk of accusations of improper conduct and reduces personal risk.

Site Visits

During site visits any contact with applicants or members of the public should be treated with caution so as to avoid lobbying (or the perception of lobbying). It is appropriate that questions of a factual nature can be asked of applicants or neighbours, but councillors should not put forward arguments for or against the proposals. Site visits should be advised in writing to the clerk and subsequently recorded in the minutes when the planning application is being discussed.

Practical Arrangements

Where possible the clerk should obtain permission from the site owner for the council to visit the site.

Procedure

- a. The Planning Committee, or the Clerk, in conjunction with the Chair, will have determined the need for a site visit and the names of those councillors to attend.
- b. Councillors will be notified by the Clerk of the time and place of the site visit, and it is recommended that the Clerk is present.
- c. The applicant and/or landowner may be present if the site visit takes place on-site rather than adjacent to the site.

- d. Members of the public should not attend site visits, unless invited to do so by the Town Council or Clerk
- e. The Code of Conduct applies: Interests should be declared and councillors should not attend if they have a disclosable interest.
- f. The Chair of the Planning Committee should ensure that the site visit is properly carried out, taking advice from the Clerk.
- g. There must be no debate, representations from groups or individuals, or decision at the site visit.
- h. Councillors may pose questions and ask the clerk to take notes on the issues raised and the information gained on site
- i. All points should be objective, relevant and material.
- j. Councillors must be very careful not to express any opinions about the proposal whilst on the site.
- k. When the chairman deems the site visit closed, all councillors and clerk will leave.

Reporting Back

- 1. The site visit will be reported to the Planning committee by the clerk who will have notes prepared, to be circulated.
- 2. The clerk will report on any information-gathering as a result of questions raised at the site visit. The committee will take the report into account when coming to its decision.

Next Review Date September 2025

Acknowledgment: Kendal Town Council is grateful to Chaddesley Corbett Parish Council for the model of this protocol.

Kendal Town Council
 Applications for Planning Committee: 4 September 2023
Appendix 1

Item No.9

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	SL/2023/0581 & SL/2023/0582	The Lakeland Museum, Abbot Hall Art Gallery, Kirkland, Kendal Demolition of late 20th century linking structure	Highgate	29 August	
2	SL/2023/0590	12 Red Tarn Road, Kendal To remove the existing white upvc framed conservatory and build a garden room with tiled roof on a slightly larger footprint.	Heron Hill	31 August	
3	SL/2023/0596	Dividing Wall at entrance to Wainwrights Yard, Stricklandgate, Kendal 1. New front entrance sign. A powder-coated aluminium sign, with 3D lettering and colour changing LED light beam. 2. High level banner	Fell	31 August	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
4	SL/2023/0527 & SL/2023/0528	Wainwright's Yard, Kendal Refurbishment of the 2 entrance passageways off Stricklandgate, new front entrance sign to replace existing, new slate paving with LED uplighters to replace coloured resin flooring in the passageways and out into Stricklandgate, installation of digital screens in the passageways to advertise retailers and event in the yard, upgraded LED down lighters in the ceiling & new 'Wainwright's Yard & Booths' combined banner.	Fell	4 September	
5	SL/2023/0568 & SL/2023/0569	Flat 4, 150 Highgate, Kendal Replacement of single glazed south facing windows with double glazed hardwood sash windows	Highgate	4 September	
6	SL/2023/0599	Marks & Spencer, Car Park, Library Road, Kendal Works to car park including the installation of ten electric vehicle charging bays supported by eight chargers and associated electrical equipment	Fell	5 September	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
7	SL/2023/0604 & SL/2023/0605	2 Stricklandgate, Kendal New shopfront and shopfront sign to include new fascia, bus stop sign, internally illuminated text, screen and vinyl	Fell	5 September	
8	SL/2023/0609	Kendal College, Milnthorpe Road, Kendal Erection of a single storey building to provide teaching facilities for the Animal Care T-Level curriculum	Kirkland	5 September	
9	SL/2023/0617	Unit 3 Mintsfeet Road North, Kendal Construction of a single storey enclosed link between two existing buildings	Mintsfeet	13 September	
10	SL/2023/0619	75 Sparrowmire Lane, Kendal Erection of 1.8m tall close boarded timber fence to boundary of property	Strickland	13 September	
11	SL/2023/0627 & SL/2023/0628	Bridge House, Bridge Street, Kendal Replacement of 11 existing windows with new timber windows	Mintsfeet	14 September	