

# Kendal Town Council

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



30 January 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 D Miles
Cllr D Evans	Cllr D Rathbone (Chair)

You are summoned to a meeting of Kendal Town Council Planning Committee on Monday, 23 January 2023, at **6.00 p.m.** in the Council Chamber at the Town Hall, Highgate, Kendal. **(Members are reminded of the new start time moving forward.)**

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

Yours faithfully

A handwritten signature in black ink, appearing to be '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**  
To receive the minutes of the meeting held on 23 January 2023, and to authorise the Chair to sign them as a true record (see attached).
- 5. Minute Action Sheet**  
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**  
To consider planning applications received from South Lakeland District Council and Cumbria County Council (see attached).

The Committee will consider planning applications received and published by local planning authorities 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 websites:

<https://applications.southlakeland.gov.uk/fastweb/welcome.asp>  
<https://planning.cumbria.gov.uk/Search/Results>

## Kendal Town Council

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### Minutes of a meeting of the Planning Committee held on Monday, 9 January 2023, at 6.01 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	Apologies
Cllr D Evans	Apologies	Cllr D Rathbone (Chair)	Present

\* Arrived at 7.08 p.m. prior to consideration of Agenda Item No.5 (Minute Action Sheet).

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

#### **P113/2022 Chair's Announcement**

The Chair announced that, due to time constraints having arisen in recent months, all future meetings of the Planning Committee would commence at 6.00 p.m.

#### **P114/2022 Apologies**

Apologies for absence were received and accepted from Cllrs D Evans and D Miles.

#### **P115/2022 Declarations of Interest**

No declarations of interest were raised.

#### **P116/2022 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)**

No issues were considered for exclusion.

#### **P117/2022 Minutes of the Previous Meeting**

**Resolved:** To receive and accept the minutes of the previous meeting of the Planning Committee held on 9 January 2023 and to authorise the Chair to sign them as a true record.

#### **P118/2022 Minute Action Sheet**

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

With regard to Minute No.P109/2022 , Members felt that, in retrospect, there had been no need for an additional column including within the Action Sheet and, therefore, requested that the new column labelled “Timeline for updates” be removed.

**Resolved:** To remove the column labelled “Timeline for updates” (P109/2022) from the Minute Action Sheet.

In response to a query in relation to Minute No.P110/2022, the Town Clerk advised that he awaited news from the printer with regard to the laminated versions of the Conservation Area map and that he would chase this up.

**Resolved:** The Town Clerk to chase up the printer with regard to laminated versions of the Conservation Area map (P110/2022).

A query was raised with regard to Minute No.P95/2022 (production of checklist containing relevant points for discussion during consideration of large housing developments), the entry for which had been removed from the Action Sheet as having been completed, Members asked for this to be put back onto the document pending completion of the final document. Also raised was the need to include a point regarding whether the application was acceptable to the Conservation/Heritage Officer.

**Resolved:** To reinstate the entry regarding the production of a checklist containing relevant points for discussion during consideration of large housing developments (P95/2022).

**Resolved:** To note the report.

#### **P119/2022     Planning Process and Issues**

The Town Clerk raised the issue of the planning application at Meadowbank Industrial Estate (Meadowbank 2), for a proposed car showroom. He referred to pieces of infrastructure at that location which were owned by the Town Council, and to trees belonging to the Rotary Club and funded by the District Council. All of this would appear to be obliterated by the proposed new junction and the Town Clerk explained that he had seen nothing within the application either acknowledging this fact or offering to replace. He questioned whether the Town Council should have been notified

**Resolved:** To raise the issue with the Planning Authority, copying in the relevant agent, and report back to the committee with a response.

#### **P120/2022     Kendal Town Council Flood Relief Scheme Working Group**

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, informed the Committee that there had been no further meetings of the Group, although the Environment Agency had recently put forward a date of Wednesday, 15 February 2023, at 7.00 p.m. in their Hub. He intended, however, to ask them to bring the start of the meeting forward to 6.00 p.m., following Member training for Westmorland and Furness Members on highways. Cllr Cornthwaite provided Members with an update on progress on the works being carried out on the section between Gooseholme and the Scout Hut and advised that preparations were being made for the wall along New Road. The rest of the works would fire up again in July when there would be access to the river.

Some concern was expressed regarding the fact that work was only possible for two to three months after July, before the river rose again. Cllr Cornthwaite explained that a lot of areas would be hit simultaneously at that time.

**Resolved:** To note the verbal update.

### **P121/2022 South Lakeland, Barrow and Eden Playing Pitch and Outdoor Sport Strategy Survey**

The Committee considered the Town Council's response to the Playing Pitch and Outdoor Sport Strategy survey. The document considered the adequacy of provision for a variety of outdoor sports and included facilities owned by town and parish councils, as well as facilities on school, private and district council sites. It would help to protect existing sports facilities and would identify if any new facilities were required, as well as where improvements were needed to existing facilities. This was an important Strategy for the councils. As well as supporting the planning process, the Strategy would provide the evidence required to generate investment into sport, both through external funding and by maximising funding delivered through new development. This investment could be in facilities owned by town and parish councils.

The survey sought to confirm the facilities owned by the Town Council, which was currently nil, to understand any issues that arose with these facilities and to capture any aspirations for future development. It further sought to understand if the Council was aware of any unmet demand for outdoor sports facilities within Kendal. Inclusion in the Strategy document would ensure that the Town and any facilities it managed would be able to benefit from any investment opportunities that arose.

Members considered responses to the questions contained within the survey at some length, with a particular focus on the section relating to unmet demand. The Town Clerk made a note of the responses, with the general consensus of opinion being that Kendal did not have enough sports pitches or outdoor sports facilities, with those that existed being of poor quality and not up to date, having deteriorated with time. The need for all-weather pitches within the Town was stressed.

Also raised was concern regarding land availability and the need for assurance that the District Council would include land and pitches which it owned.

**Resolved:** The Town Clerk to draft a response along the lines discussed at the meeting and briefly outlined above and to circulate it to all Members of the Committee for comment prior to submission of the response to the Playing Pitch and Outdoor Sport Strategy survey by 1 February 2023.

### **P122/2022 Application under Section 38 of the Commons Act 2006**

The Committee was asked to consider whether to make a representation with regard to the submission of an application by the Environment Agency under Section 38 of the Commons Act 2006 for common land consent for works on New Road Common in Kendal. The proposed works were for the construction of new linear flood defences along the edge of

New Road Common to increase the flood resilience for Kendal as part of the wider Kendal Flood Risk Management Scheme. Members expressed the view that the work on the Common Land would not negatively affect the residential amenity or commoners' rights and were in favour of the proposal.

**Resolved:** The Town Clerk to submit the response to the application by the Environment Agency under Section 38 of the Commons Act 2006 for common land consent for works on New Road Common in Kendal, as discussed at the meeting and outlined above, before 14 February 2023.

### **P123/2022    Planning Applications**

The Committee considered the Planning Applications shown 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 6.58 p.m.

**Kendal Town Council**

Responses from Planning Committee: 23 January 2023

**Appendix 1**

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	<a href="#">SL/2022/1170</a>	<p><b>Land adjacent to Rivers Mint and Kent extending from adjacent to Lakeland Distribution Centre to Helsington Mills, Kendal</b></p> <p>Demolition and reconstruction of a grade II listed gate pier and two sections of stone walling, and permanent removal of another section of listed walling, all to facilitate access to, and safe construction of, the flood defences in Reaches F5 and F6 of the Kendal Flood Risk Management Scheme Phase 1 (originally approved under reference SL/2018/0925)</p>	Several	30 January	<b>No Material Objections</b> subject to the conditions of the original application.
2	<a href="#">SL/2022/1176</a>	<p><b>Highgate Hotel, 128 Highgate, Kendal</b></p> <p>Replace one rotten window on the south elevation of the property, with a like for like timber hardwood sash window. Replace all windows the rear (west) and side (north) elevations of the property, with a like for like double glazed casement window using Sapele treated wood</p>	Highgate	30 January	<b>No Material Objections</b> provided that the Sapele treated wood is sustainably farmed and that the Conservation Officer is satisfied with the proposal.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
3	<a href="#">SL/2022/1178</a>	<p><b>Land adjacent to Rivers Mint and Kent extending from adjacent to Lakeland Distribution Centre to Helsington Mills, Kendal, Little Aynam, Kendal</b></p> <p>Demolition and reconstruction of a section of stone walling to provide an alternative route for construction vehicles accessing Reaches F5 and F6 of the Kendal Flood Risk Management Scheme Phase 1 (originally approved under reference SL/2018/0925)</p>	Several	30 January	<b>No Material Objections</b> subject to the conditions of the original application.
4	<a href="#">SL/2022/1167</a>	<p><b>38 Hillswood Avenue, Kendal</b></p> <p>Single storey rear extension</p>	Kirkland	30 January	<b>No Material Objections</b> provided that there is a contribution to net biodiversity gain as required by DM4.
5	<a href="#">SL/2023/0021</a>	<p><b>18, 26, 28, 30 Hawthorn Way, Kendal</b></p> <p>Deed of variation to section 106 agreement dated 20 February 2017 to permit 18, 26, 28 and 30 Hawthorn Way, Kendal to be disposed of as affordable units for discounted sale</p>	Heron Hill	31 January	Members expressed concern with regard to the nature of the variation, concerned that the units may originally have been for rent. To this end, a <b>response is delegated to the Chair of the Committee</b> subject to sight of the paperwork which was not available at the meeting due to the Northgate system having been out of action at the time.



<b>Planning Committee - Minute Action Sheet - as at 30-01-23</b>							
<b>Meeting Date</b>	<b>Minute No.</b>	<b>Title</b>	<b>Action (Resolution)</b>	<b>Officer Responsible</b>	<b>Deadline, if any</b>	<b>Date Actioned</b>	<b>Comments</b>
05/12/2022	P95/2022	Planning Process and Issues	Production of checklist containing relevant points for discussion during consideration of large housing developments.	CB		26-Jan-23	
05/12/2022	P95/2022	Planning Process and Issues	Arrange Planning training for Members.	CB			Ongoing.
09/01/2023	P109/2022	Minute Action Sheet	Include column for timeline updates and incomplete actions to remain on report until actioned.	IJB		16/01/2023	
09/01/2023	P110/2022	Planning Process and Issues	Laminated versions of the Conservation Area map to be provided to Members.	CB		Requested	
23/01/2023	P113/2022	Chair's Announcement	Arrangements to be made regarding all forthcoming meetings starting at 6.00 p.m.	IJB		25/01/2023	
23/01/2023	P118/2022	Minute Action Sheet	Remove column labelled "Timeline for Updates" from document	IJB		25/01/2023	
23/01/2023	P118/2022	Minute Action Sheet	Chase up printer with regard to laminated versions of Conservation Area map	CB		Chased 26 Jan 23	
23/01/2023	P118/2022	Minute Action Sheet	Reinstate entry regarding checklist for large housing developments	IJB		25/01/2023	
23/01/2023	P119/2022	Planning Process and Issues	Raise issue re Meadowbank Ind Est with Planning Authority, copying in relevant agent, and report back to Committee with response	CB		Raised 27 Jan 2023	
23/01/2023	P121/2022	South Lakeland, Barrow and Eden Playing Pitch and Outdoor Sport Strategy Suvery	Draft response and circulate to Committee Members for comment prior to submission of response by 1 February 2023	CB		Circulated 27 Jan 2023	

Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Actioned	Comments
23/01/2023	P122/2022	Application under S.38 of the Commons Act 2006	Submit response before 14 February 2023	CB		Responded 27 Jan 2023	

**Kendal Town Council**

Applications for Planning Committee: 6 February 2023

**Appendix 1**

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	<a href="#">SL/2023/0017</a>	<b>Duke Of Cumberland Inn, 1 Appleby Road, Kendal</b> Temporary permission for one year to retain enlarged beer garden incorporating covered outdoor seating, pergola and planters	Nether / Mintsfeet	7 February	
2	<a href="#">SL/2023/0031</a>	<b>4 Hawthorn Gardens, Kendal</b> Demolition of conservatory & erection of a single storey rear flat roofed extension with sky lantern	Strickland	7 February	
3	<a href="#">SL/2023/0022</a>	<b>16 Burneside Road, Kendal</b> Replacement UPVC double glazed windows to front	Strickland	9 February	
4	<a href="#">SL/2022/1151</a>	<b>2 Beechnut Road, Kendal</b> Demolition of existing detached garage, erection of a new two storey annexe extension incorporating garage, stores, utility, day room, shower and plant room	Natland	10 February	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
5	<a href="#">PN/2023/0003</a>	<p><b>Land to the North East of Jenkin Cragg Farm, Fowling Lane, Kendal</b></p> <p>Application to determine if prior approval (proposed) is required for a development by or on behalf of an electronic communications code operator for a 22.5m communications mast, antennas, ground based apparatus and landscaping</p>	Nether	14 February	
6	SL/2023/0048	<p><b>30 Crescent Green, Kendal</b></p> <p>Extension to front elevation to form new bay window</p>	Mintsfeet	16 February	