

Kendal Town Council

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



30 October 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, 6 November 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 8)

To receive the minutes of the meeting held on 16 October 2023, and to authorise the Chair to sign them as a true record (see attached).

5. Minute Action Sheet (pages 9 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. Westmorland and Furness Council Consultation on both their Draft Statements of Licensing and Gambling Policies

To consider a response to the consultations, as per request from Westmorland and Furness Council below:

Westmorland and Furness Council are consulting on both their draft Statements of Licensing and Gambling Policies, from 1 October 2023 to 31 December 2023.

Statement of Licensing Policy 2024-2029

The Licensing Act 2003 requires that the Council, acting as the Licensing Authority, prepare, consult on and publish a Statement of Licensing Policy to be published every five years, setting out the policies the Council will generally apply to promote the four licensing objectives when making decisions on applications under the Act.

Statement on Gambling Policy 2024-2027

The Gambling Act 2005 requires that the Council, acting as the Licensing Authority to prepare, consult on and publish a Statement of Gambling Policy every three years, setting out how the Authority will manage the licensing of local gambling premises.

These will be Westmorland and Furness Council's first Statement of Licensing Policy and Statement of Gambling Policy and once adopted will be in force from 1 April 2024. The former Barrow Borough, Eden and South Lakeland District Council legacy policies will remain in place until 31 March 2024.

Copies of the documents can be downloaded here:

Draft Statement of Licensing Policy 2024-2029

<https://www.westmorlandandfurness.gov.uk/business-and-licensing/licensing/alcohol-entertainment-and-late-night-refreshment-licensing>

Draft Statement of Gambling Policy 2024-2027

<https://www.westmorlandandfurness.gov.uk/business-and-licensing/licensing/gambling-licensing-and-permits>

9. Westmorland and Furness Council Planning Application for Comment - [SL/2023/0402](#) – 11 Gawith Place, Kendal – Replacement windows

The Town Council recommended refusal (20/9/2023) for reason of design and materials (mock sash uPVC windows)

The applicant decided to amend the proposal to sliding sash upvc windows and the Town Council were consulted again (see Appendix 1 to the minutes of Planning Committee meeting held on 16 October 2023 attached at Agenda Item No.4 above). The Committee appeared to be unclear on this change. However, Westmorland and Furness Council points out that the website has details of the Spectus Vertical Slider windows (originally submitted 17 May). These windows have been successfully installed in other parts of the conservation area.

Westmorland and Furness Council seeks clarification that the Committee would like to retain their initial opinion (refusal).

10. Westmorland and Furness Council Planning Application for Comment - [SL/2023/0683](#) – 5 Highgate, Kendal – Replacement shopfront & Installation of 1 illuminated fascia sign- Amended Plan

To consider an amended plan received by Westmorland and Furness Council in relation to Planning Application No. [SL/2023/0683](#) (The fascia sign will be illuminated EXTERNALLY.).

The Town Council's Planning Committee had, on 2 October 2023, had not felt the development was in line with the aims of the Planning Authority's shop front design toolkit (agreed as Supplementary Planning Guidance by SLDC in 2004), and had not felt any effort had been made to acknowledge the site's prominent location within the town centre and Conservation area. Whilst it welcomed the re-occupation of a vacant shop, it felt this should be done sympathetically with appropriate materials and design, using the existing style points. The Committee had questioned the purpose of the design toolkit if it could be so apparently readily ignored by developers. The Committee had recommend refusal on the plans shown. If an illuminated sign was subsequently accepted it should be restricted in its lit hours to those required for trading, to comply with Dark Skies initiatives.

11. Planning Applications (pages 12 to 14)

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, 16 October 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	Apologies
Cllr R Edwards	Apologies	Cllr D Rathbone (Chair)	Present
Cllr G Supka	Present		

In Attendance: Chris Bagshaw (Town Clerk).

P82/2023 Apologies

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

P83/2023 Declarations of Interest

No declarations of interest were raised under this item, though Cllr Cornthwaite drew the Committee's attention to his acquaintance with the architect of the Stainbank Green application.

P84/2023 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

There were no excluded items on the agenda.

P85/2023 Minutes of the Previous Meeting

Resolved: To receive and accept the minutes of the previous meeting of the Planning Committee held on 2 October 2023 and to authorise the Chair to sign them as a true record.

P86/2023 Minute Action Sheet

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

It was suggested that Action Sheet ref 18, 19, 21 and 22 could be deleted, as these had no been dealt with. Action 8 and 9 could be merged. It was noted that there was not yet anything to report on Neighbourhood Planning, but scoping of the task ahead was being commenced.

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

P87/2023 Planning Process and Issues

The Committee responded to the Clerk's recent circulation of the Weekly list from the Planning Authority. It was felt to be a helpful addition to the flow of information. Cllr Ladhams will endeavour to send out back dated lists from the previous year for members who needed them.

Recent indications about the guidance on Solar Panels in a Conservation Area and on Listed Buildings changing will be followed up with officer at Westmorland and Furness.

Resolved: To clarify any changes in policy advice concerning Solar Panels with Westmorland and Furness.

P88/2023 Kendal Town Council Flood Relief Scheme Working Group

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, reported that the group would be meeting on Thursday 26th October, at the Flood Hub on Little Aynam. He reported that ongoing disruption to parking at Castle Crescent was continuing to affect residents adversely, but that no alternative options could be identified. The status of works on Waterside would be reported at the meeting, and the latest timetable for completion of the scheme would be circulated to members in due course.

Resolved: To note the verbal update.

P89/2023 DLUHC (Department for Levelling Up, Housing and Communities) Consultation

Further to Minute No.P78/2023, the Chair requested that the matter of a Council response to the consultation be delegated to the Clerk in consultation with the Chair and members.

Resolved: To delegate the substance of a response to DLUHC to the Clerk in consultation with the Chair any other members required.

P90/2023 Westmorland and Furness Council Planning Application for Comment - SL/2023/0634 – 51 Broad Ing Crecent, Kendal – Two storey extension to replace existing single storey extension - Amended Plan

The Committee was asked to consider an amended plan submitted to Westmorland and Furness Council by the agent in relation to Planning Application No.[SL/2023/0634](#). The design of the roof had been altered. The Town Council had objected to the original proposal and the Planning Authority had asked for it to be reconsidered. The Planning Authority stated that other elements (windows) can be controlled by condition.

Resolved: The Committee welcomed the amendments to the application, which now appeared closer to the Committee's view of what would be acceptable. Whilst observing that a bird box does not make up an effective biodiversity net gain, they now had no material objections to the application.

P91/2023 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 7.18pm.

Kendal Town Council
 Responses from Planning Committee: 16 October 2023
Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	SL/2023/0691	116 & 118 Windermere Road, Kendal Proposed storage outbuilding and garden boundary wall to rear of dwellings	Fell	18 October	Concern was expressed over the width of the access gates, particularly to 118, however there were <u>No material objections.</u>
2	SL/2023/0692	41 Whinfell Drive, Kendal Single storey rear extension forming self contained annex accommodation	Nether	18 October	The development was characterised as having the appearance of a shipping container in a garden. The Committee felt it was out of keeping with the surrounding area, of an inappropriate scale and dominance, with inappropriate design and materials. There was also concern that it would be very visible from Garburn Road. The Committee welcomed the proposal to plant silver birches, but otherwise could not support the proposal and therefore <u>recommend refusal.</u>
3	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	20 October	The Committee could not find anything in the additional details supplied to cause them to alter their initial opinion. It was still unclear as to whether the new windows were opening sliding sash and this didn't seem to be reflected in the new information. No further comments to make unless this issue can be explained further.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
4	SL/2023/0705	115 - 119 Stricklandgate, Kendal Change of use of part of the ground floor existing shop (Use Class E) to a 1 bedroom flat (Use Class C3), alterations to the shop front window configuration and installation of double glazing	Fell	24 October	<u>No material objections.</u>
5	SL/2023/0707	18 Michaelson Road, Kendal Front porch	Stonecross	24 October	The Committee would like to see net biodiversity gain lifted from the status of being 'taken into consideration' to actually being specified, but otherwise had <u>no material objections.</u>
6	SL/2023/0623	8 Stainbank Green, Brigsteer Road, Kendal Single-story extension to create open plan kitchen/dining area.	Highgate	26 October	The Committee would like to see a net biodiversity gain of 10%, but otherwise had <u>no material objections.</u>
7	SL/2023/0712	11 Castle Road, Kendal Enlargement of rear extension and including installation of French doors to replace windows and relocation of back door	Castle	27 October	<u>No material objections.</u>

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
8	SL/2023/0722	78 Greenside, Kendal Roof alterations to existing garage with installation of solar panels	Fell	27 October	<u>No material objections.</u>
9	SL/2023/0727	64 Hayclose Crescent, Kendal Single storey detached garage	Heron Hill	27 October	There was concern about whether the design actually provided sufficient space for a vehicle to turn into the garage, but otherwise there were <u>no material objections.</u>

Item No.5

Planning Committee - Minute Action Sheet - as at 30-10-23

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	17/10/2023	informal approach made. Awaiting reponse	
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. Also, 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	CB		Inquiry made	Committee on 2/10 asked for this to be pursued.
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 <u>Abbot Hall</u> .	CB		Inquiry made	
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		ongoing	Action plan being drawn up

Ref. No.	Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
23	16/10/2023	P87/2023	Planning Process and Issues	To clarify any changes in policy advice concerning Solar Panels with Westmorland and Furness.	CB		17-Oct	Question put
24	16/10/2023	P89/2023	DLUHC (Department for Levelling Up, Housing and Communities) Consultation	To delegate the substance of a response to DLUHC to the Clerk in consultation with the Chair any other members required.	CB			No action to date
25	16/10/2023	P90/2023	Westmorland and Furness Council Planning Application for Comment - SL/2023/0634 – 51 Broad Ing Crecent, Kendal – Two storey extension to replace existing single storey extension - Amended Plan	The Committee welcomed the amendments to the application, which now appeared closer to the Committee's view of what would be acceptable. Whilst observing that a bird box does not make up an effective biodiversity net gain, they now had no material objections to the application. <i>(To send response to Westmorland and Furness Council)</i>	CB		17-Oct	

Kendal Town Council
 Applications for Planning Committee: 6 November 2023
Appendix 1

Item No.11

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	SL/2023/0737	Flats 4, 18, 20 and 22 New Shambles, Finkle Street, Kendal Replacement of the existing roof structure, roof covering, and damp remediation works including associated works to the rainwater goods, external works, windows and doors, internal staircase and internal decoration	Fell	1 November	
2	SL/2023/0741	37 Park Street, Kendal Single storey rear extension	Kirkland	1 November	
3	SL/2023/0748	138 Highgate, Kendal Penetrating damp remediation and thermal/energy improvement works	Highgate	7 November	
4	SL/2023/0699	7 Gilthwaiteirigg Lane, Shap Road Industrial Estate, Kendal Raise roof of existing building, single storey side extension, rear roofed canopy & erection of a new workshop unit	Mintsfeet	14 November	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
5	SL/2023/0716 & SL/2023/0761	Aynam Lodge, Bridge Street, Kendal Installation 1 non-illuminated single sided post sign, 2 non-illuminated wall mounted tray signs & 1 non-illuminated aluminium projecting sign	Mintsfeet	14 November	
6	SL/2023/0752	25 Ruskin Close, Kendal To remove the existing lean too shelter and replace with single storey side extension	Heron Hill	14 November	
7	SL/2023/0758 & SL/2023/0759	Unitarian Church, Market Place, Kendal Replacement of the defective ceiling in the existing school room & the addition of solar panels to the east roof pitches	Fell	15 November	
8	SL/2023/0762	61 Castle Street, Kendal Replacement roof material, door and windows to existing single storey extension with new rooflights and one additional window	Mintsfeet	15 November	
9	SL/2023/0763	17 High Sparrowmire, Kendal Single storey rear extension to replace existing conservatory & replacement front porch	Strickland	15 November	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
10	SL/2022/0490	Land East of Hayclose Road, Kendal Parks, Kendal Application for Outline Planning Permission (with All Matters Reserved) for a residential development of up to 160 Dwellings and associated infrastructure	Heron Hill	15 November	
11	SL/2023/0767	12 Greenside, Kendal Replacement of 5 timber sliding sash windows with white UPVC	Fell	16 November	