

Kendal Town Council

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



Minutes of a meeting of the Planning Committee held on Monday, 15 July 2024, at 6.30 p.m., in the Georgian Room at the Town Hall, Highgate, Kendal.

Cllr A Campbell	Apologies	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	Absent		

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

Also present: Cllrs S Long and C Russell and one member of the public (Graham Harrison).

Public Participation

Cllr C Russell referred to the Environment Agency's current planning application in relation to New Road. He was keen for a meeting of either the Management Committee or Full Council to be convened as soon as possible in order to discuss the matter and to consider whether Community Infrastructure Levy funding could be used to fund the production of a paper on alternative options in relation to appropriate flood defences at New Road, this work to be carried out as a matter of urgency. Cllr Russell intended to raise the matter at the meeting of the Management Committee scheduled to be held on 17 July 2024.

P35/2024 Apologies

Resolved: To receive and accept apologies for absence from Cllrs Campbell and R Edwards.

P36/2024 Declarations of Interest

No declarations of interest were raised.

P37/2024 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

There were no excluded items on the agenda.

P38/2024 Minutes of the Previous Meeting

Resolved: To receive and accept the minutes of the previous meeting of the Planning Committee held on 1 July 2024 and to authorise the Chair to sign them as a true record.

P39/2024 Minute Action Sheet

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

Item Ref. No.30 – Minute Action Sheet – To raise again the issue of the two shopfronts at Finkle Street and Kirkland with the Planning Authority. The Town Clerk reported that he had heard nothing further from Westmorland and Furness Council on this matter.

Item Ref No.28 – Minute Action Sheet – To diarise a review of the Aynam Road Fountain case in June. Graham Harrison informed the Committee that all contractors involved had been organised and were ready to move forward with moving the fountain to its new location. Mr Harrison enquired whether a session on this issue should be held for members of the public, however, the Town Clerk explained that this was a matter for Westmorland and Furness Council and the Environment Agency.

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

P40/2024 Planning Process and Issues

The Town Clerk drew attention to a recent training session he had attended and to a document on Probity in Planning which provided guidance about ensuring that decisions on plan making and planning applications were undertaken, on behalf of communities, in a fair, impartial and transparent way.

The Town Clerk further referred to the National Planning Policy Framework which sets out the Government's planning policies for England and how these were expected to be applied. He drew attention to a recent revision made by the Chancellor of the Exchequer with regard to onshore windfarms, to the promise of a new document full of new policies by the end of the month and to the likely re-introduction of housing targets. Attention was drawn to the potential for proposals for windfarms nearby to Kendal and the need to be alert to any such applications.

The Chair drew Members' attention to the Local Plan, pointing out that the public consultation would end at the beginning of September. The Town Clerk, he advised, was currently finding out the deadline for responses by parish councils. The Chair referred to the Town Council's thoughts in relation to the production of a neighbourhood plan which, for various reasons, was felt not to be practical. He raised the need for the Town Council to consider what could be done by means of an alternative method to a neighbourhood plan. To this end, the Chair was proposing the establishment of a Local Plan Action Group to examine various avenues, reporting to the Planning Committee, with a view of an appropriate report for submission to Westmorland and Furness Council. The Chair proposed that, along with himself, the membership should be Cllrs Dunlop, Ladhams, Long and Supka. The Chair explained the type of work and research which would need to be carried out by the group and its individual members. The group's aims and objectives would be set at its first meeting. In response to a query as to how Natural Kendal could become involved, it was pointed out that the group would be likely to gather information from a number of stakeholders. The Chair explained that the deadline for comments by parish councils was likely to be shorter than those in relation to the public consultation, stressing the need for the group's work to be carried out in a timely manner. He further stressed that it would be the Planning Committee which made the final decision based on the information provided by the group. He was keen, however, for Full Council to be in agreement.

Resolved: To establish a Local Plan Action Group to investigate alternative options and policy aims for the Local Plan instead of providing a Neighbourhood, to report back to the Planning Committee prior to Full Council and onward submission of proposals to Westmorland and Furness Council for inclusion within the Local Plan, the membership to comprise Cllrs Dunlop, Ladhams, Long, Rathbone and Supka.

The Chair lastly referred to the Local Plan and “Call for Sites” exercise, consultation for which would close on 30 September. He suggested that Members may wish to make residents aware of this exercise or to ask their Westmorland and Furness councillors to do so.

Resolved: To note the verbal updates.

P41/2024 Kendal Town Council Flood Relief Scheme Working Group

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, explained that whilst there had been no further meetings of the Group, a workshop had been held on 11 July 2024, involving the Group, local flood action groups and the Environment Agency. The workshop had been held in order to go through various elements of the Flood Relieve Scheme. Also considered had been the issue of New Road and the recent planning application, consideration of which had been deferred by Westmorland and Furness to its September meeting. This would allow all parties additional time to consider the proposal. The workshop had discussed a number of alternatives on 11 July, however, these had simply been dismissed, resulting in negativity and upset. The Environment Agency had appeared to be unreceptive to any other approach. To this end, Cllr Cornthwaite was proposing that the Kendal Town Council Flood Relief Working Group, together with residents and other stakeholders, come up with an alternative, properly engineered alternative to what was being proposed within the Environment Agency’s planning application. Cllr Cornthwaite informed the Committee that he was aware of an organisation which was prepared to finance the preparation of an appropriate document.

The Town Clerk took the opportunity to provide clarification around planning requirements, explaining that the Environment Agency had already submitted a planning application to Westmorland and Furness Council. To this end, the only options available were either to attempt to get the Environment Agency to withdraw the application or to get Westmorland and Furness Council to reject it. He questioned how a planning application could be responded to by putting forward an alternative proposal. Furthermore, the Town Clerk informed the Committee that he had not as yet had sight of any alternative proposal. He believed that, should any money be spent, then this should be on seeking solid planning advice in relation to the current planning application in order to try to ensure a positive result. He stressed the need to concentrate on this issue. The Flood Group needed to re-examine the planning application and to make recommendations to the Town Council Planning Committee on how to respond to Westmorland and Furness Council. The Chair of the Committee echoed the Town Clerk’s opinion, also pointing out the importance of following planning regulations, particularly around procedure; those Members of the Town Council Planning Committee and the Kendal Town Council Flood Relief Working Gorup who were also Members of Westmorland and Furness Council should not take part in consideration of comments for submission to Westmorland and Furness Council. Also raised was the need to ensure that the Scheme was not delayed.

Resolved: The Kendal Town Council Flood Relief Working Group to reconsider the Environment Agency’s current planning application with regard to New Road and to make recommendations to the Planning Committee on an appropriate response to the Planning Authority.

Resolved: To note the verbal report.

P42/2024 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 7.35 p.m.

Kendal Town Council
 Responses from Planning Committee: 15 July 2024
Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
1	2024/1042/FPA	14 Spital Park Kendal LA9 6HG Single storey side and rear extensions	Nether	17 July	No Material Objections provided that no environmental permit is required and subject to Biodiversity Net Gain.
2	2024/0992/FPA	The Conifers Parkside Road Kendal LA9 7LG Demolition of existing dwelling and erection of replacement dwelling	Nether	17 July	No Material Objections however sympathetic arrangements should be made with regard to hours of building and deliveries. The Committee would support the letter from Kendal Swifts requesting eight integral swift nest bricks.
3	2024/1028/FPA	33 Castle Garth Kendal LA9 7AT Partial demolition of rear outrigger, adaption of existing house for wheelchair use and erection of single storey rear extension	Castle	17 July	No Material Objections

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
4	2024/1094/FPA	Birds Park Farm Sedbergh Road Kendal LA9 6PB Erection of Agricultural Building (Livestock)	Nether	19 July	No Material Objections to the building, however, there is a requirement for Biodiversity Net Gain, notwithstanding the letter provided which has no provenance. Planning permission should be subject to Biodiversity Net Gain of at least 10%. The Committee felt that existing hard standing had no relevance when arguing whether there should be <i>less</i> BNG required and, if anything, increased the need to make some gain a condition in any approval.
5	2024/1072/FPA	36 Stonecross Road Kendal LA9 5HR Two storey front extension	Stonecross	19 July	No Material Objections provided that there is no overlooking and the Committee would support the letter from Kendal Swifts requesting six integral swift bricks.
6	2024/1069/FPA	14 Printers Croft Entry Lane Kendal LA9 4DJ Installation of replacement UVPC window frames, patio doors & side panels	Fell	19 July	No Material Objections to the use of UPVC, however, the Committee would seek for the requirement of the finish to be of a natural wood grain in the Conservation Area. Should approval be granted, the Conservation Officer must be satisfied that the window frames are appropriate and contribute to <i>improvements</i> to the amenity of the Conservation Area (DM3).

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
7	2024/1147/FPA	70 Oxenholme Road Kendal LA9 7HH Front Porch/Bay Window to replace existing Bay Window	Oxenholme	23 July	No Material Objections but the Committee would seek not to have any further development at the front of the building.
8	2024/1110/FPA	3 Dalton Drive Kendal LA9 6AQ Replacement rear extension	Nether	26 July	No Material Objections provided that there is no overlooking and the Committee would seek sufficient Biodiversity Net Gain.