

Kendal Town Council

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



9 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, 16 October 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' with a long horizontal stroke extending to the right.

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 6)

To receive the minutes of the meeting held on 2 October 2023, and to authorise the Chair to sign them as a true record (see attached).

5. Minute Action Sheet (pages 7 to 10)

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. Department for Levelling Up, Housing and Communities (DLUHC) consultation on Local Plans

Further to Minute No.P78/2023, to consider some proposed responses to the DLUHC consultation on Local Plans.

9. 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

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

10. Planning Applications (pages 11 to 12)

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/>

Kendal Town Council

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



Minutes of a meeting of the Planning Committee held on Monday, 2 October 2023, at 6.30 p.m., in the Council Chamber at the Town Hall, Highgate, Kendal.

Cllr A Campbell	Present	Cllr A Finch	Apologies
Cllr J Cornthwaite	Present	Cllr H Ladhams (Vice-Chair)	Present
Cllr L Edwards	Present	Cllr D Miles	Apologies
Cllr R Edwards	Present	Cllr D Rathbone (Chair)	Present
Cllr G Supka	Present		

In Attendance: Chris Bagshaw (Town Clerk).

P72/2023 Apologies

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

P73/2023 Declarations of Interest

Cllr Rathbone drew the Committee's attention to his previous knowledge of the Oakmere Homes development at Strawberry Fields (as a local resident and councillor), but confirmed that the present application was not within his scope of knowledge. Cllrs R and L Edwards drew the Committee's attention to their knowledge of an applicant as a neighbour, and suggested they will take no part in consideration of Item 10 1).

P74/2023 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

There were no excluded items on the agenda.

P75/2023 Minutes of the Previous Meeting

Resolved: To receive and accept the minutes of the previous meeting of the Planning Committee held on 18 September 2023 and to authorise the Chair to sign them as a true record.

P76/2023 Minute Action Sheet

It was suggested that Issue 3 be given a new Deadline.

Resolved: To alter this deadline to 17 October 2023.

It was suggested that Issues 8 and 9 are followed up with officers at Westmorland and Furness Council for attention.

Resolved: To follow up these issues further with W&FC

There was further consideration of the significance of the response offered by the Planning Authority to the Council's query on deliverable housing supply. It was noted that the imminent new Levelling Up and Regeneration Act would alter the way in which Local Plans are developed and that this would need careful studying to assess its impact. It was further noted that it seemed likely that Neighbourhood Planning would be boosted by the Act and that this was an issue that the Town Council would have to look at if it wanted to resolve some of its aspirations concerning housing and development.

Resolved: To consider the impact of the new Act alongside the challenges of Neighbourhood Planning in future meetings, including briefing sessions outwith the scheduled programme of Committee meetings.

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

P77/2023 Planning Process and Issues

The Chairman reported that Westmorland and Furness Council had received an application for the vacant properties at 9-11 Church Walk to become an Asset of Community Value and was inviting the Council to comment.

Resolved: To inform the Planning Authority that the Council would support any initiative which secures a viable future for a historic listed building within a sensitive part of the Conservation Area.

P78/2023 DLUHC Consultation

The Committee noted that it had been asked to consider a response to a request from NALC on a consultation on permitted development rights from the Department for Levelling Up, Housing and Communities (DLUHC), but that the NALC request was for responses by 22 September, whereas the DLUHC deadline was 18 October.

Resolved: To submit a response to DLUHC supporting NALC's response.

(Note: it subsequently transpired that NALC's response was not yet available, so this item will be considered again at the Committee's next meeting.)

P79/2023 Kendal Town Council Flood Relief Scheme Working Group

Cllr Cornthwaite reported that he was awaiting confirmation of a choice dates from the Environment Agency for the Working Group's next meeting.

Resolved: To note the verbal update.

P80/2023 SL/2023/0586

The Committee considered a request from the local Planning Authority for comments on a Non Material Amendment following approval of reserved matters SL/2016/0398 (erection of 69 dwellings (phase 2)). The developer, Oakmere Homes, has found that it no longer needs to use an area in the development earmarked for surface water drainage. It is proposing an amenity planting scheme in its place.

Resolved: To delegate a response to this request to the Clerk, in consultation with Committee members.

P81/2023 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 7.23 p.m.

Kendal Town Council
 Applications for Planning Committee: 2 October 2023
Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	SL/2023/0668	20 Drovers Drive, Kendal Single storey rear extension	Nether	3 October	<i>Cllrs L and R Edwards took no part in the consideration of this item.</i> Whilst having No Material Objections , the Committee suggests that a biodiversity net gain of at least 10% is stated as a condition, along the specific lines indicated in the application.
2	SL/2023/0675 & SL/2023/0676	43–45 Branthwaite Brow, Kendal Installation of Solar Panels to the rear elevation with battery backup	Fell	4 October	The Committee had No Material Objections , subject to confirmation by the Conservation Officer that the development is not detrimental to the visual amenity of the Conservation Area. The Council understands that solar panels may now be considered a permitted development, even in the Conservation area, but would hope that this issue is still subject to planning oversight in some form.
3	SL/2023/0683	5 Highgate, Kendal Replacement shopfront	Fell	16 October	See below

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
4	SL/2023/0684	5 Highgate, Kendal Installation of 1 illuminated fascia sign	Fell	16 October	<p>The Committee did not feel the development is in line with the aims of the Planning Authority's shop front design toolkit (agreed as Supplementary Planning Guidance by SLDC in 2004), and did not feel any effort had been made to acknowledge the site's prominent location within the town centre and Conservation area. Whilst it welcomes the re-occupation of a vacant shop, it feels this should be done sympathetically with appropriate materials and design, using the existing style points. The Committee questioned the purpose of the design toolkit if it can be so apparently readily ignored by developers.</p> <p>Recommend refusal on the plans shown. If an illuminated sign is subsequently accepted it should be restricted in its lit hours to those required for trading, to comply with Dark Skies initiatives.</p>

Item No.5

Planning Committee - Minute Action Sheet - as at 09-10-23

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	CB		Inquiry made	Committee on 2/10 asked for this to be pursued.
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	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 Abbot Hall.	CB		Inquiry made	

Ref. No.	Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
18	04/09/2023	P62/2023	Kendal Town Council Flood Relief Scheme Working Group	Cllr Cornthwaite to discuss the matter of recent refusal to accept a planning application as a minor material amendment in relation to the flood relief scheme at New Road with the Environment Agency and also to discuss public presentation of events with them	JC		Ongoing	
19	18/09/2023	P71/2023	Planning Applications	The Town Clerk to write to the proprietor of Ye Olde Fleece Inn to seek to have the rails from in front of the building reinstated.	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
21	02/10/2023	P77/2023	Planning Process and Issues	With regard to the application for the vacant properties at 9-11 Church Walk to become an Asset of Community Value, to inform the Planning Authority that the Council would support any initiative which secures a viable future for a historic listed building within a sensitive part of the Conservation Area	CB		Completed 6/10	

Ref. No.	Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
22	02/10/2023	P80/2023	SL/2023/0586	With regard to a request from the local Planning Authority for comments on a Non Material Amendment following approval of reserved matters SL/2016/0398 (erection of 69 dwellings (phase 2)), to delegate a response to this request to the Clerk, in consultation with Committee members	CB		Completed 6/10	

Kendal Town Council
 Applications for Planning Committee: 16 October 2023
Appendix 1

Item No.10

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	
2	SL/2023/0692	41 Whinfell Drive, Kendal Single storey rear extension forming self contained annex accommodation	Nether	18 October	
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	
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	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
5	SL/2023/0707	18 Michaelson Road, Kendal Front porch	Stonecross	24 October	
6	SL/2023/0623	8 Stainbank Green, Brigsteer Road, Kendal Single-story extension to create open plan kitchen/dining area.	Highgate	26 October	
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	
8	SL/2023/0722	78 Greenside, Kendal Roof alterations to existing garage with installation of solar panels	Fell	27 October	
9	SL/2023/0727	64 Hayclose Crescent, Kendal Single storey detached garage	Heron Hill	27 October	