

# Kendal Town Council

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



11 April 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, 17 April 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 'A B' 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 3 April 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. Town and Country Planning Act 1990 - Appeal Under S78 against Refusal of a Planning Application at the Duke Of Cumberland Inn, 1 Appleby Road, Kendal LA9 6ES**

To consider whether to submit comments in relation to an appeal against refusal of the erection of convenience store, retention of public house with redesigned beer garden, reconfigured car park including retained vehicular access from Shap Road and relocated vehicular access from Appleby Road, introduction of a service layby on Appleby Road and provision of a pedestrian crossing on Appleby Road (Resubmission of SL/2020/0431).

**9. 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, 3 April 2023, at 6.30 p.m., in the Council Chamber at the Town Hall, Highgate, Kendal.

Cllr A Campbell	Present **	Cllr H Ladhams (Vice-Chair)	Present *
Cllr J Cornthwaite	Present	Cllr D Miles	Present
Cllr L Edwards	Present	Cllr D Rathbone (Chair)	Present
Cllr D Evans	Absent ***	Vacancy	

\* Arrived at 6.33 p.m., prior to consideration of Agenda Item No.5 (Minute Action Sheet), Minute No.P164/2022.

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\*\* Arrived at 6.52 p.m., during consideration of Agenda item No.9 (Planning Applications) (Planning Application No.SL/2023/0202).

\*\*\* Following the meeting, it became apparent that Cllr D Evans had tendered his apologies by email shortly before the meeting.

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

#### **P160/2022 Apologies**

No apologies for absence had been seen before the start of the meeting, although it became apparent following the meeting that Cllr D Evans had tendered his apologies by email shortly before the meeting.

#### **P161/2022 Declarations of Interest**

No declarations of interest were raised.

#### **P162/2022 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)**

No issues were considered for exclusion.

#### **P163/2022 Minutes of the Previous Meeting**

**Resolved:** To receive and accept the minutes of the previous meeting of the Planning Committee held on 20 March 2023 and to authorise the Chair to sign them as a true record.

#### **P164/2022 Minute Action Sheet**

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

P95/2022 Planning Process and Issues – The Town Clerk informed the Committee that he intended to deal with arrangements for Planning training for Members after May. He also reported that the checklist of relevant points for discussion during consideration of large housing developments was nearly complete and that he would bring this to the next meeting of the Committee.

**Resolved:** Arrangements be made for Planning training for Members to be held after May.

**Resolved:** The checklist of relevant points for discussion during consideration of large housing developments be brought before the next meeting of the Committee.

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

### **P165/2022 Planning Process and Issues**

The Vice-Chair referred to a recent discussion between herself and the Town Clerk on whether the Town Council should consider enlarging the Kendal Conservation Area, drawing attention to Castle and Kirkbarrow estates as fine examples of 1930s council estates. The Clerk referred to a Lake District National Park Authority design guide which he had circulated to Members earlier in the day and which was likely to become a supplementary planning document. He suggested that the Town Council could also have a similar design strategy.

Members questioned the process of making changes to the Conservation Area boundaries. The Town Clerk informed the Committee that Kendal Futures was supportive of a review of the Kendal Conservation Area and suggested that he could write informally to the Planning Authority to find out how to initiate proceedings. The importance of finding out how the concepts of any new proposal may conflict with the intentions of the original documents was raised, and attention drawn to a number of unusual boundaries. The Town Clerk encouraged Members to look at the 2007 Character Appraisal which provided a useful history of the Kendal Conservation Area.

**Resolved:** 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.

### **P166/2022 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 next meeting of the Group would be held virtually on Tuesday, 4 April 2023, at 6.30 p.m.

Members acknowledged that flood management was a function of the County Council and the fact that Westmorland & Furness wished to discuss the matter with Members.

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

### **P167/2022 South Lakeland Strategic Housing and Economic Needs Assessment Study (SHENA)**

Further to P158/2022, the Planning Authority had not consented to a submission so late after its preferred deadline. The Authority had been willing to accept comments up to 31 March, so the Chair had consulted Members and the Clerk accordingly and the Council had submitted comments. The Town Clerk undertook to circulate a copy of the feedback provided.

**Resolved:** Members to be provided with a copy of the feedback provided in relation to SHENA.

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

**P168/2022 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 6.57 p.m.

**Kendal Town Council**

Responses from Planning Committee: 3 April 2023

**Appendix 1**

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	<a href="#">SL/2023/0059</a>	<b>35 Beast Banks, Kendal</b> Repair and raise the height of a section of limestone boundary wall which borders Bowling Fell using local limestone and mortar to match the existing materials	Highgate	4 April	<b>No Material Objections</b> provided the stone used is on a like for like basis.
2	<a href="#">SL/2023/0202</a>	<b>Jewson Ltd, Stockbeck, Kendal</b> Variation of condition 2 (Approved plans) attached to planning permission SL/2022/0226 (Demolition of existing warehouse building and erection of new warehouse building)	Nether	4 April	<b>Recommend Refusal</b> due to the site's proximity to Stockbeck. This is subject to the Environment Agency report and whether this objection can be overcome as stated by the Environment Agency in the further comments they have requested. This is also subject to National Rail's agreement.
3	<a href="#">SL/2023/0205</a>	<b>33 Castle Road, Kendal</b> Demolish single storey rear extension and replace with larger single storey extension	Castle	4 April	<b>No Material Objections</b> provided surety is given on the ability to maintain the north-east boundary with the neighbouring property. In addition, subject to the Conservation Officer being satisfied that the development does not compromise the visual amenity of the Conservation Area. Also, sufficient net biodiversity gain to conform with the Government's requirements for a 10% gain to make up for the hardstanding planned at the front and considering the loss of hedging.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
4	<a href="#">SL/2023/0196</a>	<p><b>8 Belmont, Kendal</b></p> <p>Installation of 4 solar panels in the front of the roof (east facing) and 6 on the back (west facing)</p>	Fell	12 April	<p><b>No Material Objections</b> subject to the Heritage Officer being satisfied that the development does not compromise the visual amenity of the Conservation Area.</p>

Planning Committee - Minute Action Sheet - as at 27-03-23							
Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
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	Revision ongoing
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.
20/03/2023	P154/2022	Minute Action Sheet and Planning Process	To add Affordable Housing element to standard list of criteria.	CB		21-Mar-23	
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 RTP1
03/04/2023	P164/2022	Minute Action Sheet	The checklist of relevant points for discussion during consideration of large housing developments be brought before the next meeting of the Committee.	CB	17-Apr		To follow
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		w/c 10 Apr
03/04/2023	P167/2022	South Lakeland Strategic Housing and Economic Needs Assessment Study (SHENA)	Members to be provided with a copy of the feedback provided in relation to SHENA.	CB			Completed



Our Ref: SL/2021/0175 Your Ref:

Date: 04 April 2023

Dear Sir / Madam

**TOWN AND COUNTRY PLANNING ACT 1990  
APPEAL UNDER S78 AGAINST REFUSAL OF A PLANNING APPLICATION**

**Site At:** Duke Of Cumberland Inn, 1 Appleby Road,  
KENDAL, LA9 6ES

**Proposed Development:** Erection of convenience store, retention of public house with redesigned beer garden, reconfigured car park including retained vehicular access from Shap Road and relocated vehicular access from Appleby Road, introduction of a service layby on Appleby Road and provision of a pedestrian crossing on Appleby Road (Resubmission of SL/2020/0431)

**Appellant:** Mr Jeremy Heppell

**Appeal Start Date:** 03 April 2023

**SLDC Application Ref:** SL/2021/0175

**Planning Inspectorate Ref:** APP/M0933/W/23/3315309

I refer to the above details. An appeal has been made to the Secretary of State (Planning Inspectorate) against the decision of South Lakeland District Council to refuse to grant planning permission. Westmorland and Furness Council is now the local authority responsible for the area previously covered by South Lakeland District Council.

The appeal will be determined on the basis of **written representations**. The procedure to be followed is set out in Part 1 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009.

Any comments made at application stage will be sent to the Planning Inspectorate and the appellant and will be considered by the Inspector (unless withdrawn within the 5 week deadline). If you wish to make any additional comments 3 copies must be submitted within 5 weeks of the starting date, **by 08 May 2023**. If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned, Additional comments should be emailed to [north2@planninginspectorate.gov.uk](mailto:north2@planninginspectorate.gov.uk)

The Planning Inspectorate will not acknowledge representations. They will, however, ensure that letters received by the deadline are passed on to the Inspector dealing with the appeal.

If you wish to withdraw any representations you made on the application, you must make this request to the Planning Inspectorate by **08 May 2023**. You can do this by emailing [north2@planninginspectorate.gov.uk](mailto:north2@planninginspectorate.gov.uk)

If you do not have access to the internet, you can write (quoting the appeal reference) to

Vicky Williams  
The Planning Inspectorate  
3/D EAGLE WING  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

The appeal documentation will be available to view on the Council's website:  
<https://applications.southlakeland.gov.uk/fastweb/welcome.asp>

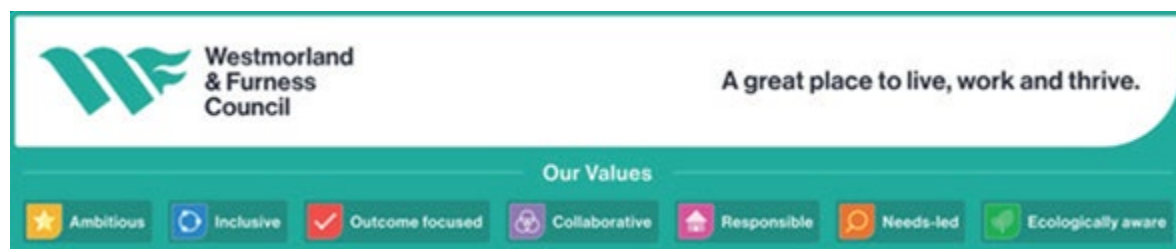
A copy of the booklet 'Guide to taking part in planning appeals proceeding by Written representations' can be obtained at GOV.UK  
<https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-orenforcement-appeal>

The Planning Inspectorate aims to deal with appeals following this procedure within 8 weeks of the appeal start date. When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk>

Yours faithfully,

**Mark Smith**  
**Case Management Officer - Regulatory Services**  
**Inclusive and Green Growth - Westmorland and Furness Council**  
South Lakeland House, Lowther Street, Kendal, Cumbria LA9 4DQ

Tel: 0300 373 3300 | Email: [planning3@westmorlandandfurness.gov.uk](mailto:planning3@westmorlandandfurness.gov.uk)  
Website: [www.westmorlandandfurness.gov.uk](http://www.westmorlandandfurness.gov.uk)



**Kendal Town Council**

Applications for Planning Committee: 17 April 2023

**Appendix 1**

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	<a href="#">SL/2023/0127</a>	<b>21 Stonecross Road, Kendal</b> Single story rear extension	Stonecross	18 April	
2	<a href="#">SL/2023/0216</a>	<b>60 Sedbergh Road, Kendal</b> Two storey rear extension and single storey side garage	Nether	18 April	
3	<a href="#">SL/2023/0236</a>	<b>52 Greenside, Kendal</b> Part demolition of dwelling & outbuilding, alterations and erection of single storey extension with associated landscaping	Fell	19 April	
4	<a href="#">SL/2023/0241</a>	<b>Flats 1-6 Melrose House, 36 Aynam Road, Kendal</b> Replacement of windows to apartments	Mintsfeet	19 April	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
5	<a href="#">SL/2023/0242</a>	<b>37 High Garth, Kendal</b> Demolition of rear outbuilding, erection of a single storey rear extension, a single storey side workshop extension, replacement front porch with associated landscaping works	Strickland	19 April	
6	<a href="#">SL/2023/0254</a>	<b>78 Shap Road, Kendal</b> Demolition of rear glazed extension and outbuildings & erection of new annexe extension with glazed link	Mintsfeet	19 April	
7	<a href="#">SL/2023/0237</a>	<b>Farley Health Products Ltd, Lake District Business Park, Mint Bridge Road, Kendal</b> Erection of a warehouse extension to the existing factory together with access road, turning area (MAJOR APPLICATION)	Mintsfeet	24 April	
8	<a href="#">SL/2023/0277</a>	<b>45 Beast Banks, Kendal</b> Replacement single storey extension with pitched roof & replacement timber boundary fence	Highgate	20 April	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
9	<a href="#">SL/2022/1146</a> & <a href="#">SL/2022/1147</a>	<b>Wetherspoons, The Miles Thompson, Allhallows Lane, Kendal</b> Increase the capacity for outdoor seating by closing off a portion of the pub's car park at the rear of the property (Retrospective)	Highgate	17 April	
10	<a href="#">SL/2023/0253</a>	<b>8 Natland Road, Kendal</b> Demolition of existing rear shed & porch & erection of a single storey rear extension	Stonecross	24 April	
11	<a href="#">SL/2023/0278</a>	<b>3 Briarwood, Kendal</b> Single storey side extension	Highgate	25 April	
12	<a href="#">SL/2023/0286</a>	<b>140 Windermere Road, Kendal</b> Two storey side extension	Fell	27 April	
13	<a href="#">SL/2023/0272</a>	<b>48 Bellingham Road, Kendal</b> Demolition of rear glazed porch and replace with single storey rear extension	Stonecross	2 May	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
14	<a href="#">SL/2023/0291</a>	<b>166 Valley Drive, Kendal</b> Single storey front extension (Resubmission of SL/2022/0977)	Heron Hill	2 May	
15	<a href="#">SL/2023/0297</a>	<b>9 Castle Riggs, Kendal</b> Erection of a two storey side, single storey rear & front extension with internal and external alterations	Castle	2 May	