

# Kendal Town Council

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



10 July 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, 17 July 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 be '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 7)**  
To receive the minutes of the meeting held on 3 July 2023, and to authorise the Chair to sign them as a true record (see attached).
- 5. Minute Action Sheet (Page 8)**  
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 (Pages 9 to 12)**  
To receive a verbal update on the activities of the Working Group and the minutes of the virtual meeting of the Group held on 6 July 2023 (see attached).
- 8. Planning Applications (Pages 13 to 14)**  
  
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>

## Item No.4

**Kendal Town Council**

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**Minutes of a meeting of the Planning Committee held on Monday, 3 July 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	Present
Cllr R Edwards	Apologies	Cllr D Rathbone (Chair)	Present
Cllr G Supka	Present		

**In Attendance:** Chris Bagshaw (Town Clerk) and Inge Booth (Democratic Services Assistant). Cllrs S Long and C Russell were also in attendance in respect of Agenda Item No.8 (Proposed Residential Development on Land off Brigsteer Road, Kendal), Minute No.P33/2023 below, however, whilst taking part in the discussion, took no part in the voting thereon, not being Members of the Planning Committee.

**P25/2023 Apologies**

Apologies for absence were received and accepted from Cllrs A Finch and R Edwards.

**P26/2023 Declarations of Interest**

No declarations of interest were raised.

**P27/2023 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)**

No issues were considered for exclusion.

**P28/2023 Minutes of the Previous Meeting**

**Resolved:** To receive and accept the minutes of the previous meeting of the Planning Committee held on 19 June 2023 and to authorise the Chair to sign them as a true record.

**P29/2023 Minute Action Sheet**

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

P24/2023 (Planning Applications) – The Town Clerk reported that he had found a document on shop-front style for the Kendal Conservation Area dated May 2004. He had, subsequently, contacted Westmorland and Furness Council to find out whether this document remained current, however, had received no reply to date. The Chair understood that the document formed part of a suite with regard to window design and materials produced at the same time and suggested, therefore, that it remained current. The Town Clerk undertook to circulate the document to Members in the absence of anything else. Further raised was the fact that the document may be pertinent to Kendal BID and the Town Clerk further undertook to pass on the document to that organisation.

**Resolved:** To circulate the shop front style document for the Kendal Conservation Area dated May 2004 to both Members and Kendal BID.

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

### **P30/2023      Planning Process and Issues**

The Chair referred to Minute No.P22.2023 (Planning Process and Issues) of the previous meeting of the Committee when Members had been informed of the new planning process at Westmorland and Furness Council where applications recommended by town/parish councils for refusal were now being put before their area planning committees in cases where Westmorland and Furness officers were recommending approval. He stressed the need to ensure that recommendations for refusal were robust and that they included reference to national and local policy so that Westmorland and Furness planning officers would need to be able to justify why they were not in agreement with the comments raised.

The Chair also referred to recent notification of such an application being put forward to the South Lakeland Local Area Committee on 6 July in relation to 10 Bluebell Close, Kendal. The Town Clerk explained that, due to the short notice provided, it would not be possible to provide a meaningful response within the deadline. He further mentioned another such application due to be considered by that Committee at the same meeting in relation to 4a High Tenterfell, Kendal. He added that any further input would only be to reiterate the comments already raised. The Chair, however, drew attention to the potential for submission of any additional information of significance following the Town Council's initial consideration which might lead to a difference of opinion. This, he suggested, meant that a suitable process was required. The Town Clerk at this point drew attention to the fact that applications recommended by town/parish councils for approval were also now being put before the area planning committees in cases where Westmorland and Furness officers were commending refusal. The Chair was of the opinion that the South Lakeland Area Planning Committee needed to be reminded about the importance of Kendal Town Council's comments on planning applications, the Town Clerk also drawing attention to the personal knowledge and experience of local Town Councillors.

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

### **P31/2023      Kendal Town Council Flood Relief Scheme Working Group**

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, reminded Members that the meeting of the Group and the Environment Agency which had been due to take place on 14 June 2023 had been rescheduled to take place on Thursday, 6 July 2023, at the Flood Hub and also virtually for those unable to attend in person.

Cllr Cornthwaite drew attention to progress on the scheme, especially to current work along Aynam Road and reinforcing that area of the river. He further reported that the Environment Agency would in Autumn be removing the recently-planted trees at Beeson Fields to open up a wider section, having realised that there had been an error in the planting distance.

The Town Clerk was now in a position to report on the extent of Network Rail's property at this site, which was just the area below the railway arch. The dangerous piece of wall actually belonged to Westmorland and Furness Council, and the Town Clerk would be making arrangements to meet with officers of that Authority on that point of conversation.

A question was raised as to whether there would be an update at the meeting in relation to Scroggs Wood and the need to ensure that there was co-ordination between those involved was raised. The importance of ensuring that the funding on offer from United Utilities was not lost was stressed.

The Town Clerk, in response to a query, reported that the former tenant at Beezon Fields had now removed the ponies. Whilst progress had been made, the Town Clerk had yet to meet with the individual with regard to those items that remained on the field.

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

### **P32/2023      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.

### **P33/2023      Proposed Residential Development on Land off Brigsteer Road, Kendal**

The Committee was asked to consider a letter from Story Homes in relation to their intention to submit a full planning application for approximately 108 new homes on the above site in Summer 2023.

The letter pointed out that Members would be aware that Story Homes was currently constructing 88 new homes on the first phases of Brigsteer Rise and that a planning application for a further 24 homes in the third phase was currently pending determination. The application site formed part of the larger area of land allocated for housing development by policies LA1.3 (Housing Allocations) and LA2.7 (Stainbank Green) of the Land Allocations Development Plan Document. Attached to the letter was a copy of the Consultation Layout which showed the application site in the context of the phases referred to above. Story Homes sought comments by 5 July 2023. The letter further highlighted the fact that once the full planning application had been submitted to Westmorland and Furness Council and had been validated, formal comments could be submitted to that Council as part of the planning application process.

A lengthy discussion ensued, during which both Cllrs S Long and C Russell put forward a number of comments.

Raised was the need for any development to reflect the sensitivity of the location, close to the Town boundary and the Lake District National Park World Heritage Site.

Members wished to reiterate that the Stainbank Green Supplementary Planning Document (SPD) proposed the Brigsteer Road as the sole vehicle exit and noted that, whilst the proposed access route was in line with the 2015 SPD, implication could be drawn that the exit onto Cedar Grove could be something more than a restricted emergency exit. It was felt that the development should bring forward robust active travel solutions to lessen the impact of creating a cul-de-sac of the size proposed.

Members found it difficult to comment on the density and design of the dwellings from the drawings supplied and welcomed an opportunity to discuss their expectations with the developer prior to an application being made. It was noted that the proposal for 108 new homes would take the cumulative total for the development to 220, 31 units over the recommended level in the Land Allocations Development Plan Document (DPD), which would place an additional burden on traffic flows. The Council would expect to see an affordable element representing 35% of the total.

The Council was committed to defending the integrity of the town's few remaining green corridors, of which the Vicarage Drive/Collinfield Lane open space was a vital part. Although the 2015 SPD saw this area reduced, the adopted version still requiree a greater link than as was implied from the preliminary sketches. Members wishedto see the site's southern boundary more robustly and overtly connected for nature and amenity through to the descending open space.

The Council was had been disappointed that the developer's initial designs had led to misleading representations of tree distribution in the previous phases of the development. Members were keen to see a generous and realistic distribution of tree cover.

Members felt that that interconnectivity with existing walking and cycling routes was of importance and would be seeking proper provision for this in any subsequent travel plan, especially in the context of the EVA to Cedar Grove and other permeability points in the development. Whilst motor vehicle access into the existing estate to the East of the development should not be possible, theCouncil would look for traffic mitigations which served to encourage active travel to services.

Members were keen to see new developments having the benefits of Solar/PV and sustainable sources of power built in to the design and layout of the estate and its buildings, and not as an aftersales, afterthought.

Members expected the design for managing surface water run off to be sustainable and to be sufficient to cope with the expectation of very severe weather.

There was increasing evidence that the area occupied by the development may be on a route of genuine historic significance, and Members expected robust independent archaeological survey work to be carried out prior to any development.

Members further wished to see imaginative and impactful proposals for biodiversity net gains and an ecological impact survey that encompassed the cumulative impact of the development, particularly on the green corridor in the south east corner.

The Council would expect to see adequate play provision for the cumulative impact of the development, and this was not clear from the proposal drawings.

Members also that the cumulative impact on Brigsteer Road might lead to a proposal to split the development in two as a mitigation, with the southern half accessed through Cedar Grove. The Committee noted that this would be in contravention of the SPD, and would probably not present a viable solution. Members considered the preservation of access through this portal to be suitable for an EVA only.

**Resolved:** The Town Clerk, in consultation with the Chair of the Committee, to write a letter of comment to Story Homes along the lines discussed at the meeting and outlined above.

The meeting closed at 7.24 p.m.

**Kendal Town Council**

Responses from Planning Committee: 3 July 2023

**Appendix 1**

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	<a href="#">SL/2023/0460</a>	<b>22 Gillinggate, Kendal</b> Replacement of 4 single glazed timber sash windows with Upvc double glazed sash windows	Highgate	11 July	<b>No Material Objections</b> providing the Conservation Officer is confident that the materials in the application are not deemed to be overly detrimental in the Conservation Area.

**Item No.5**

<b>Planning Committee - Minute Action Sheet - as at 10-07-23</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 Action Commenced</b>	<b>Comments</b>
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
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
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	informal approach made. Awaiting reponse	
02/05/2023	P185/2022	Responding to Planning Applications – Draft Notes for Guidance April 2023	To accept the draft set of notes for guidance in considering planning applications and to include the information raised during discussion and outlined above.	CB			In progress
03/07/2023	P29/2023	Minute Action Sheet	To circulate the shop front style document for the Kendal Conservation Area dated May 2004 to both Members and Kendal BID.	CB		Completed	
03/07/2023	P33/2023	Proposed Residential Development on Land off Brigsteer Road, Kendal	The Town Clerk, in consultation with the Chair of the Committee, to write a letter of comment to Story Homes along the lines discussed at the meeting and outlined above.	CB		Completed	



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### Minutes from the Kendal Flood Relief Scheme Working Group meeting held at 6.30pm on Thursday 6 July 2023, at EA Office, Little Aynam and by Microsoft Teams

Cllr J Brook	Not present	Cllr D Rathbone	Apologies
Cllr J Cornthwaite (Chair)	Present	Cllr P Thornton	Present*
Cllr J Dunlop (Vice Chair)	Apologies	Cllr G Harrison (Co-optee)	Present
Cllr S Evans	Apologies	T McCormick (EA)	Present
Cllr E Hennessy	Present	M Ulliyart (EA)	Present
Cllr H Ladhams	Apologies	Alex Cowin (EA)	Present
Cllr S Long	Present*	Nick Welch (VolkerStevin)	Present

#### \* via Teams

**In attendance:** Chris Bagshaw (Town Clerk)

#### **KFRS 01/2023 Apologies**

Apologies were received and accepted from Cllr H Ladhams and colleagues from the Environment Agency.

#### **KFRS 02/2023 Minutes of the Previous Meetings**

The minutes of the previous meeting were considered and accepted as a true record.

#### **KFRS 03/2023 Issues Update**

It was confirmed that, following a meeting between W&FC officers, Kendal Futures and EA, further work would be undertaken by W&FC on the viability of after-completion project to span the desire-line section of wall on Little Aynam, accessing Gooseholme Bridge. This would use the FRAP process of Flood Risk Assessment Permits.

At Beezon Field, the desire line for the connecting path was noted as being a distance from the original planned path. Planting would be adjusted in the Autumn to facilitate better connectivity along the desire line through to the railway arch and KTC land at Mintsfeet. Beezon Field is currently closed at both ends pending further snagging work.

#### **KFRS 03/2023 Environment Agency Report**

Reach C at Mintsfeet - the turning circle is complete and contractors are well on with new flood defence work around Nutricare.

Reach F2 the scaffolding will be craned out imminently.

Reach F6 The Scout Hut fencing is being removed next week, and the wall down to Aynam Lodge is a approaching completion.

Reach F5 the precast sections around the putting green are now in place.

Gooseholme compound is under construction.

Reach F4 remaining trees in the removal scheme have been removed. Thinning work on the canopy around Thorney Hills is in progress. In-river work to commence imminently.

Reach G2 The crane is arriving this weekend to recommence the in-river work. Sewer diversion work is underway on Aynam Road and road strengthening to support access for crane is complete.

Reach F1 Permits for in-river work by kiosk still awaited. ENWL unable to complete their diversions in time, and completion dates have slipped to November, which is very frustrating. The Planning Inspectorate are deliberating and a result on the Common Land application is expected within 8 weeks.

Reach B2b work at Lakeland Creamery site is advancing quickly on an empty site.

Reach H2 some defects are being corrected by the parish church.

Reach G4 handrail at Waterside flats was not robust enough to withstand levels of unexpected human interaction and has snapped. It is being re-designed prior to replacement.

Reach B1 Mealbank Properties estates, ENWL diversion of high powered cable now delayed by a year to June 2024, after which trenching across QKS field will be required out of term time, so hopefully Summer 2024.

Reach F3 New Road amendments to be submitted tomorrow following extensive consultation with Civic Society, OSS and FoLD. It is anticipated that minor design changes will make whole area more open in feel.

There was discussion concerning the possible impact of flood events this coming winter, while the scheme was still unfinished. EA staff were of the view that their modelling suggested the impact would be neutral. Reaches at Helsington Mill, Clarks depot and Natland Road would now be better off, but floodgates at Waterside could not be operated until the rest of the scheme on Aynam Road was complete, or they could make flooding worse on the opposite bank. There is an emergency comms plan in place, and South Lakes Housing have clear instructions on their actions in the run up to a potential flood event.

Property Flood Resilience (PFR) work is being undertaken on some individual properties which are adversely affected by the scheme. Some of these are part of the defended line (eg Bridge Inn and St John Ambulance), some are upstream and some are outwith the scheme. Survey work is complete but there has been a delay in signing contracts with the contractor. It should be in hand very soon. Members, again were concerned that a Comms plan be in place to ensure that residents know the process involved. The PFR work this summer should mitigate the risk of flood over winter due to the scheme.

There was discussion about Stock Beck works, which are proving complex. The pump will be on a three-times-a-year test cycle to ensure it works, but there is little scope to test it in real world conditions, except in an actual flood.

The Stock Beck culvert under Calder Drive and other parts appeared to be in poor condition, with various service crossing restricting flow. Much of this is now a W&FC installation, so solutions are being worked out with W&FC officers. Ground penetrating radar (GPR) surveys through gardens being undertaken this summer. An unknown cable in the culvert at Jewson's is being investigated.

KTC and W&FC asked to be supportive of New Road proposals, which should commence in the autumn, along with Aynam Road. Gooseholm would not be completed until 2025. The whole scheme is running approx 18 months late due to problems with service diversions. It was noted that 2025 would be the ten year anniversary since Storm Desmond.

Engagement events had been very successful with over 200 children adding to more than 500 adults attending the Threads through Time exhibition and presentations. The project produced a tapestry version of the John Speed map of Kendal, utilising over 4,000 hours of community volunteering. Presentations by KTC's Heritage Officer, Civic Society and EA's archaeology team among others, were well attended.

Beezon Fields would have a soft launch this summer, followed by an official launch tying in with Torchlight in September and National Heritage Week, when the tree carved Speed map would also be unveiled. Currently the scheme had notched 25,000 visits on social media, with its most visited picture being one from the Coronation Garden on Kirkland.

Upstream, work in the Stock Beck catchment with landowners was ongoing, and expected to be completed by 2027.

In the Upper Kent, Mint, Sprint and Gowan, plans would be brought to communities in early 2024, following groundwork and survey work. EA were building up plans for Comms but some landowners remained very sensitive to anything other than general publicity.

#### **KFRS 04/2023            KTC Issues**

The Chair thanked EA colleagues, particularly Maria and Tom, for the Community event which he felt went very well. EA reported that the genome results were expected by September.

Concerns were expressed about changes to the coping stone designs in the light of further safety analysis from EA's national colleagues. Chamfering would be altered slightly to accommodate the glass more safely, but the final process would come down to the stone masons on site. A methodology that didn't require each stone to be cut in situ would be sought to comply with working methods safety. The final design would be agreed between the Planning Officer and the PRSA team, on site, on the first panel.

W&FC were looking at resurfacing the gaps in the paths between the sections of the scheme on Waterside and elsewhere.

Reducing disruption on Gooseholme for residents was a very live issue for ward councillors. Alternative parking sites had been investigated, but nothing suitable had been found. EA staff were of the view that the situation would become slightly more intense when St Georges Walk was closed for sewer re-alignment, but there were some benefits in removing vehicles from the area which were not locally owned by residents. W&FC will follow up the scheme with new parking regulations to protect residents, once the scheme is complete.

Graham Harrison shared the outcome of his discussions with the Civic Society over the Jennings Yard Bridge fountain, which EA were having to move because it was in the way of the new wall. The fountain was re-located to Jennings Yard Bridge after its previous location on Aynam Road was disrupted by the Lancashire Rivers Board scheme in the early 1970s. The Civic Society propose that it is replaced in Abbot Hall Park. W&FC officers would be approached to effect the move, but EA would palletize the stonework and store it until it was re-located.

EA had met with W&FC officers to talk about Mintsfeet. It was requested that KTC and Natural Kendal be involved in these discussions.

Cllr Hennessy drew the group's attention to the thriving hornbeams, which the Town Council had allowed to be removed from Jennings Yard Bridge to Fletcher Park.

**KFRS 05/2023            Date of Next Meeting**

To be confirmed.

The meeting closed at 20.15

Kendal Town Council  
 Applications for Planning Committee: 17 July 2023  
**Appendix 1**

**Item No.8**

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	<a href="#">SL/2023/0482</a>	<b>7 The Old Woodyard, High Tenterfell, Kendal</b> Replacement wooden windows with UPVC	Fell	19 July	
2	<a href="#">SL/2023/0484</a>	<b>23 Parr Street, Kendal</b> Replacement of front timber dormer windows with matching hardwood timber double-glazed windows	Mintsfeet / Castle	19 July	
3	<a href="#">SL/2023/0485</a>	<b>9 Wildman Street, Kendal</b> Alterations to frontage to reinstate a more traditional shopfront appearance	Mintsfeet	20 July	
4	<a href="#">SL/2023/0479</a>	<b>Printers Croft, Entry Lane, Kendal</b> Replace wooden door frame and surrounding window with UPVC & aluminium to main entrance on the west elevation	Fell	20 July	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
5	<a href="#">SL/2023/0504</a>	<b>The Birches, Murley Moss Lane, Kendal</b> Demolition of existing lean-to porch canopy/roof and construction of first floor glazed balcony	Heron Hill	26 July	
6	<a href="#">SL/2023/0505</a>	<b>6 Bellingham Road, Kendal</b> Replacement single-storey rear extension	Stonecross	26 July	