

Kendal Town Council

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



11 March 2024

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, 18 March 2024, 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.

Westmorland and Furness Council Development Management

To receive a presentation from a representative from Westmorland and Furness Council's Development Management Department on Planning Process and Issues.

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 11)

To receive the minutes of the meeting held on 4 March 2024 and to authorise the Chair to sign them as a true record (see attached).

5. Minute Action Sheet (pages 12 to 13)

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. Planning Applications (pages 14 to 15)

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, 4 March 2024, 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	Apologies	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), and one member of the public.

Public Participation

Graham Harrison would speak under Minute No.P160/2023 (Planning Applications) (Planning Application No.2024/0216/FPA) below and detailed within Appendix 1 to these minutes.

P153/2023 Apologies

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

P154/2023 Declarations of Interest

Cllr J Cornthwaite declared interests under Agenda Item No.8 (Planning Applications), Planning Applications Nos.2024/0216/FPA (Land adjacent to River Kent at New Road Common (Reach F3), Kendal) and 2024/0268/FPA (55 Shap Road, Kendal), as outlined at Minute No.P160/2023 (Planning Applications) below and within Appendix 1 to these minutes.

P155/2023 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

There were no excluded items on the agenda.

P156/2023 Minutes of the Previous Meeting

Resolved: To receive and accept the minutes of the previous meeting of the Planning Committee held on 19 February 2024 and to authorise the Chair to sign them as a true record.

P157/2023 Minute Action Sheet

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

With reference to Ref. No.21 on Planning Process and Issues, Members were reminded that an officer from Westmorland and Furness Council would be attending the meeting of the Committee scheduled to be held on 18 March 2024 to address Members on planning issues. Members were, therefore, urged to prepare questions to raise at that meeting.

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

P158/2023 Planning Process and Issues

The Town Clerk referred to a revised Planning Application No.2024/0022/FPA, Riverside Hotel Beezon Road, Kendal (proposed entrance canopy and alterations to pavement), details of which had only recently been received. The deadline for receipt of comments by the Planning Authority was 15 March 2024, which was prior to the next meeting of the Committee. An extension to the deadline was currently being sought, however, the Town Clerk was seeking authorisation to make a response under delegated powers, if necessary.

Resolved: If necessary, to authorise the Town Clerk to arrange a response under delegated powers, after discussion with the Committee Chair.

Resolved: To note the verbal update.

P159/2023 Kendal Town Council Flood Relief Scheme Working Group

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, advised that there had been no further meetings of the group since that held on 23 January 2024, details of which had already been reported. The next meeting of the Group was currently scheduled to be held on 21 March 2024, however, a new date was being sought due to a number of Members having to attend other meetings on that date.

Resolved: To note the verbal report.

P160/2023 Planning Applications

Note - Cllr J Cornthwaite declared interests under Planning Applications Nos.2024/0216/FPA (Land adjacent to River Kent at New Road Common (Reach F3), Kendal) and 2024/0268/FPA (55 Shap Road, Kendal), as outlined within Appendix 1 to these minutes.

The Committee considered the Planning Applications as detailed in Appendix 1 to these minutes.

Graham Harrison addressed the Committee with regard to Planning Application No.2024/0216/FPA (Land adjacent to River Kent at New Road Common (Reach F3) Kendal. Mr Harrison expressed concern in relation to the newly proposed height of the wall along the common, which was very high at six feet, although varying in height and dropping down towards the end, after the floodgates. He further expressed concern with regard to the proposal of large, black floodgates along the roadside, which were to be 30 feet in length. These were due to remain closed at all times, and Mr Harrison believed that this would create an unsightly, industrial look to New Road. Whilst he appreciated that this may cause additional work for the Environment Agency in the event of flooding, Mr Harrison suggested that the Committee may wish to seek a condition requiring the gates to remain open at all other times, pointing out that it would be possible for them to be folded back against the walls.

Resolved: To submit the recommendations in Appendix 1 to these minutes to the Planning Authority.

The meeting closed at 7.41 p.m.

Kendal Town Council
 Responses from Planning Committee: 4 March 2024

Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	2024/0216/FPA	<p>Land adjacent to River Kent at New Road Common (Reach F3) KENDAL</p> <p>Full Application for design changes to approved Phase 1 Kendal Linear Defences Scheme Ref: SL/2018/0925 comprising amendments to the approved linear defences, flood gates, surface water drainage, reprofiling and reinstating the slipway to the River Kent and landscaping at Reach F3/New Road Common.</p>	Mintsfeet	6 March	<p><i>Note – Cllr J Cornthwaite declared an interest in this application by virtue of the fact of being Chair of the Kendal Town Council Flood Relief Scheme Working Group, however, drew attention to the fact that he was not pre-determined. He remained in the Council Chamber and took part in the discussion and voting on the application.</i></p> <p>The Committee, whilst recognising the need for the application and the significant benefit to Kendal of the flood relief barrier, feels strongly that the proposal for such a high wall and large, black floodgates, will have a significant, detrimental effect on the visual amenity and character of the Town in this location within a Conservation Area.</p> <p>No Material Objections subject to a condition that the floodgates remain in the open position during times of non-flooding and closed only when necessary (it is noted that it is feasible).</p> <p><i>Note – Cllr D Rathbone, Chair, abstained from voting on this application.</i></p>

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
2	2024/0008/ADV	Nationwide Building Society 29-33 Finkle Street KENDAL LA9 4AB Advertisement consent for the replacement of illuminated and non-illuminate signs	Fell	6 March	No Material Objections subject the application conforming with the May 2004 shopfront design guidance and to any lighting conforming with Kendal Town Council's Dark Skies Policy, with times of lighting to be within one hour either side of opening hours.
3	2024/0095/FPA	Unit 1A Kendal Motor Village Queen Katherines Avenue KENDAL LA9 6DU Change of Use of car showroom (Use class sui-generis) to restaurant (Greggs Bakery) with indoor & outdoor seating (Use Class E(b))	Mintsfeet	6 March	No Material Objections subject to biodiversity net gain of at least 10%, conditions on a suitable extraction system as agreed for odours and noise abatement on condensers and ventilation, any internal/external, signage lighting to conform with Kendal Town Council's Dark Skies Policy and times of lighting to be within one hour either side of opening hours. Design of any signage to be submitted under a separate application, given that this design is not outline in the application as seen.
4	2024/0223/FPA	35a Horncop Lane KENDAL LA9 4SR Proposed side extensions	Strickland	7 March	No Material Objections provided that neighbour privacy is maintained, that there is no overlooking and subject to biodiversity net gain of at least 10%.
5	2024/0235/FPA	21 Wordsworth Drive KENDAL LA9 7JW Single storey side extension	Heron Hil	7 March	No Material Objections subject to the proposed biodiversity being required to be permanent.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
6	2024/0135/LBC	11 Church Walk KENDAL LA9 5AG Reinstate window opening and insertion of sash window on east elevation	Highgate	11 March	No Material Objections provided that the Conservation Officer's report is positive and the materials used and style are as stated.
7	2024/0191/DISC	The Ice Cream Parlour Natland Mill Beck Lane KENDAL LA9 7LH Discharge of condition 3 (Surface water drainage) attached to planning permission SL/2023/0053 (Erection of new ice cream parlour annex)	Natland	6 March	No Material Objections to the plan as submitted, however, the condition cannot be discharged without that plan being implemented and then signed off as per the original Condition 3 of SL/2023/0053.
8	2024/0244/DISC	Moraine Business Park Land North of Meadowbank Business Park Shap Road KENDAL LA9 6NY Discharge of conditions 7 (Soft Landscaping), 8 (Ecological Strategy), 9 (Tree Protection) & 39 (CEMP) attached to planning permission SL/2019/0743	Mintsfeet	6 March	Recommend Refusal on the basis of the detrimental effect to soft landscaping of the area and incomplete information in the application. Furthermore, it should be noted that Kendal Town Council requested this information when the plans were originally submitted.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
9	2024/0268/FPA	<p>55 Shap Road KENDAL LA9 6DL</p> <p>Change of use of a dwelling house (Use Class C3) as a home for up to 2 young people (no older than 18 years of age). They will have care provided 24 hours a day by up to 2 care staff and a manager during the day with 2 staff overnight (Use Class C2 - Residential institution)</p>	Mintsfeet	12 March	<p>Note – Cllr J Cornthwaite declared an interest in this application by virtue of the fact that he was the local Town Councillor and Westmorland and Furness Councillor in this area. with the property being close to his own residence and having had residents approaching him on the matter. He, however, drew attention to the fact that he was not pre-determined and took part in the discussion and voting on the application.</p> <p>No Material Objections provided that the Highways Report addresses the questions regarding increase in traffic volume and the ability for parking.</p>
10	2024/0277/FPA	<p>Curlew Cottage 5 High Tenterfell KENDAL LA9 4PG</p> <p>Replacement single storey rear extension, installation of a double height bay window to the front facade and a cantilevered bay window to rear bedroom, replacement doors and windows and erection of a detached studio-workshop at rear of property</p>	Fell	18 March	<p>No Material Objections provided that the Conservation Officer’s report is in favour and subject to biodiversity net gain of at least 10%.</p>
11	2024/0289/FPA	<p>8 Serpentine Road KENDAL LA9 4PE</p> <p>Replacement of 6 single glazed wooden sash windows with uPVC sash windows</p>	Fell	18 March	<p>No Material Objections</p>

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
12	2024/0311/FPA	3 Undercliff Road KENDAL LA9 4PS Internal & external alterations including replacement porch & covered raised glazed terrace to back garden	Fell	18 March	No Material Objections subject to, given the significant loss of green space, biodiversity net gain of at least 10%.
13	2023/1044/FPA	15 Underley Avenue KENDAL LA9 5EU Two storey side extension, single storey rear extension, front porch & proposed vehicular access (parking area) to front garden	Strickland	11 March	No Material Objections , however, given the significant loss of green space, subject to biodiversity net gain of at least 10%.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
14	SL/2023/0163	<p>Kendal Nutricare Ltd Farley Health Products Ltd Lake District Business Park Mint Bridge Road KENDAL LA9 6NL</p> <p>New building on existing car park to house a spray dryer, existing covered walkway to be enclosed to create new access corridor, car park spaces to be reconfigured to suit building position (MAJOR APPLICATION)</p> <p><i>(Further information)</i></p>	Mintsfeet	11 March	<p>No Material Objections subject to non-negotiable conditions to ameliorate the design and soften the view, as follows:-</p> <ul style="list-style-type: none"> • Tapering of the roof. • Greening of the roof with, for example, sedum and a hanging garden effect to contribute to biodiversity net gain, together with an appropriate management plan for upkeep of these conditions for a period of 30 years. <p>If not forthcoming, then the plans as shown would not be acceptable.</p> <p>It is with reluctance that Kendal Town Council offers this recommendation, because it considers that the impact on the townscape will be detrimental. However, it recognises the company's and the site's contribution to the local economy of the area, the employment benefits and the need for the application, for the future of the business.</p> <p><i>Note – Cllr D Rathbone, Chair, abstained from voting on this application.</i></p>

Item No.5

Planning Committee - Minute Action Sheet - as at 11-03-24

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 01/03/2024	15-Jan-24	To be discussed 18 March
5 and 12	17/07/2023 and 04/09/2023	P38/2023 and P59/2023	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	Now in budget for 2024

Ref. No.	Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
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	01/03/2024	ongoing	W&FC officer to attend 19 March meeting
21	19/02/2024	P150/2023	Planning Process and Issues	To review ongoing dialogue between the Planning Committee and Westmorland and Furness Council planning officers with a view to maximising the impact of the Town Council's comments on planning applications.				Ongoing.
22	19/02/2024	P150/2023	Planning Process and Issues	To produce a draft statement in relation to out of town food outlets, and to circulate to all Members of the Planning Committee, with Members to submit comments for inclusions should they so wish.				To be drafted

Kendal Town Council
 Applications for Planning Committee: 18 March 2024
Appendix 1

Item No.8

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	SL/2023/0163	<p>Kendal Nutricare Ltd Farley Health Products Ltd Lake District Business Park Mint Bridge Road KENDAL LA9 6NL</p> <p>New building on existing car park to house a spray dryer, existing covered walkway to be enclosed to create new access corridor, car park spaces to be reconfigured to suit building position (MAJOR APPLICATION)</p> <p><i>(To consider subsequent information concerning suggestions made by the Town Council.)</i></p>	Mintsfeet	11 March	
2	2024/0313/FPA	<p>The Beeches 7b Sedbergh Road KENDAL LA9 6AD</p> <p>Replacement porch</p>	Nether	20 March	
3	2024/0022/FPA	<p>Riverside Hotel Beezon Road KENDAL LA9 6FS</p> <p>Proposed entrance canopy and alterations to pavement</p> <p><i>(further information)</i></p>	Mintsfeet	20 March	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
4	2024/0318/FPA	Parklands Parkside Road KENDAL LA9 7LG Replacement detached double garage	Nether	26 March	
5	2024/0319/LBC	Parklands Parkside Road KENDAL LA9 7LG Replacement detached double garage	Nether	26 March	
6	2024/0253/FPA	13 Market Place KENDAL LA9 4TN First floor rear extension to building fronting Market Place to facilitate reconfiguration of music venue (Bootleggers) at back of property (Part Retrospective)	Fell	26 March	
7	2024/0380/FPA	25 Silver Howe Close KENDAL LA9 7NW Proposed glazed rear balcony extension	Heron Hill	27 March	
8	SL/2023/0622	Millennium Playing Fields Association Shap Road KENDAL LA9 6DL Erection of a 2.4 meter fence around the perimeter of the playing fields	Mintsfeet	27 March	