

Kendal Town Council

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



Minutes of a meeting of the Planning Committee held on Monday, 18 March 2024, at 6.30 p.m., in the Council Chamber 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	Present	Cllr G Supka	Present
Cllr A Finch	Apologies		

Other Members in attendance were Cllrs G Archibald, S Long and C Russell.

In Attendance: Chris Bagshaw (Town Clerk), Inge Booth (Democratic Services Assistant), Nick Howard Interim Head of Development Management, Westmorland and Furness Council) and one member of the public.

Public Participation

No items were brought forward by the public.

Nick Howard, Interim Head of Development Manager at Westmorland and Furness Council, provided the Committee with a presentation on planning process and Issues, entitled **Westmorland and Furness - The new Local Planning Authority One Year On.**

Mr Howard first referred to recent town planning changes and those relating to the National Planning Policy Framework (NPPF).December 2023:

- Plan Making – It emphasised that preparing and maintaining up-to-date locally prepared plans (Local Plans, Neighbourhood Plans etc.) was a priority and providing for sufficient housing and other development in a sustainable manner was a main objective of this.
- Affordable Housing/Community-led Development – All references to entry-level housing exception sites or similar had been replaced with community-led developments or similar,
- Density of Development – Significant uplifts in the average density of residential development were inappropriate where it would be wholly out of character with the existing area.
- Design and Local Design Codes – Emphasised the use of local design codes prepared in line with the National Model Design Code as well as beautiful and well-designed places.

He next referred to the changes relevant to the Levelling up and Regeneration Act 2023:

- Making it easier to put local plans in place and requiring design codes that set out where homes would be built and how they would look.
- The Government anticipated that these would enable local planning authorities to develop a Local Plan within 30 months and to review it every five years.
- Five-year land supply test would not apply for five years after a local plan was adopted.

- Modified the time limit for enforcing breaches of planning control in England to ten years for enforcement of building operations and unauthorised change of use of a building to a dwelling.

Mr Howard went on to talk about Biodiversity Net Gain (BNG):

- Developers had to deliver a BNG of 10%.
- This meant a development would result in more or better quality natural habitat than there was before development.
- Majors submitted after 12 February 2024 - BNG applied.
- All applications (householders exempt) after 2 April 2024.
- They could create biodiversity on-site.
- If developers could not achieve all of their BNG on-site, they could deliver through a mixture of on-site and off-site.
- If developers could not achieve on-site or off-site BNG, they had to buy statutory biodiversity credits from the Government.

Mr Howard talked about Government consultation:

- The introduction of a new accelerated planning service which would offer a new application route with accelerated decision dates for major commercial applications and fee refunds wherever these were not met.
- Changes in relation to extensions of time agreements, including a new performance measure for speed of decision-making against statutory time limits, and an end to the use of extension of time agreements for householder applications and repeat agreements for the same application for other types of application.
- An expansion of the current simplified householder and minor commercial appeal service to more written representation appeals.

Mr Howard provided information around design codes, which had to have a vision and focus, drawing attention to the ten characteristics of successful places from the National Design Guide and National Model Design Code which provided a basis. He further drew attention to the Westmorland and Furness Design Code Stage Summary:

Stage 1: Design Code Inception, Baseline, Scoping and Engagement (10 weeks).

Stage 2: Develop and Draft the Design Code (32 weeks).

Stage 3: Engagement (45 weeks).

Stage 4: Final Design Code and Training (9 weeks).

Stage 3 overlapped Stage 2 and informed Stages 2 and 4. Stages 2 to 4 all occurred within the same 52-week period.

The presentation was followed by a question and answer session, during which the need for a further presentation by a representative from Westmorland and Furness Council's Local Plans Team was raised. Further discussed was the need for Kendal Town Council's Planning Committee to provide improved clarity around whether it wished to support or object to individual planning applications. In addition, Mr Howard suggested that, where it was felt that information was missing or lacking, then Westmorland and Furness Council officers should simply be approached for assistance.

Members thanked Mr Howard for his contribution.

Note – The Committee adjourned for a break at 7.30 p.m. and reconvened at 7.40 p.m.

P161/2023 Apologies

Resolved: To receive and accept apologies for absence from Cllrs A Campbell and A Finch.

P162/2023 Declarations of Interest

Cllr J Cornthwaite declared an interest in Agenda Item No.8, Planning Application No. SL/2023/0622, as detailed within Minute No.P168 below.

Cllr G Supka declared an interest in Agenda Item No.8, Planning Application No.SL/2023/0163, as detailed within Minute No.P168/2023 below.

P163/2023 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

There were no excluded items on the agenda.

P164/2023 Minutes of the Previous Meeting

Resolved: To receive and accept the minutes of the previous meeting of the Planning Committee held on 4 March 2024 and to authorise the Chair to sign them as a true record.

P165/2023 Minute Action Sheet

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

P166/2023 Planning Process and Issues

The Town Clerk drew attention to Planning Application No.2024/0216/FPA (Land adjacent to River Kent at New Road Common (Reach F3), Kendal - 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. This application had been considered by the Committee at its last meeting on 4 March 2024 when it had been recommended that there were 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. Additional, contextual information had, however, since become available which, had it been considered at the time, may have led to a different recommendation. The Town Clerk pointed out that there had previously been no easily accessible information regarding the comparative heights of the wall or in relation to the wall on the other side of the river. The Town Clerk further drew attention to process and procedure at that meeting and questioned whether more time should have been set aside for that meeting and whether it should have commenced at an earlier time.

It was noted that details of the application had not been included within this meeting's agenda. However, Members, acknowledging that new information had come to light and of the opinion that consideration had been too rushed on 4 March, felt that the application should be reconsidered herewith.

Note – Cllr J Cornthwaite, at this stage in the meeting, declared an interest the following 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.

Planning Application No.2024/0216/FPA (Land adjacent to River Kent at New

Road Common (Reach F3), Kendal

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.

New information has come to light and, on the basis of examination of the Town Council's processes, had the Committee been aware of all of these facts on 4 March 2024, it would have provided a different response, as follows:

Recommend refusal on the grounds of the significant, detrimental effect on the visual amenity and character of the Town in this location within a Conservation Area, and beside the Common Land and river. The Committee was further concerned with the impact on anti-social behaviour, with the wall acting as a potential shield from public oversight.

The higher wall also impacted on the setting of the nearby listed buildings, particularly Miller Bridge.

The Committee wished these comments to be added to their existing comment about the closure of the flood gates.

The Committee acknowledged that the feasibility of alternatives had been explored previously, but suggested a number of alternatives which would potentially overcome their objections. These included building the wall at the edge of the river, with a glass panel finish above 1.2m in the same style as Aynam Road; lowering the proposed wall back to the original consented height; finishing the higher sections of the proposed wall on its proposed alignment, but in glass panel above 1.2m; setting the proposed wall back from the road, so as to allow for a pavement, and completing in glass panel above 1.2m.

None of the comments mean that the Town Council is not in favour of the wall and flood scheme per se. It simply does not feel that the proposed amendments contained in this specific application satisfy the concerns they have raised. The original consent can be seen to have been on the margins of acceptability in this context and the new proposals cross that margin into the unacceptable.

Note – Cllr D Rathbone, Chair, abstained from voting on the application.

Resolved: To note the verbal update, and to relay the views of the Committee to the Planning Authority on this matter.

P167/2023 Kendal Town Council Flood Relief Scheme Working Group

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, informed the Committee that the next meeting would be held via Microsoft Teams on Thursday, 21 March 2024, at 4.45 p.m.

Resolved: To note the verbal report.

P168/2023 Planning Applications

Notes -

Cllr J Cornthwaite declared an interest in Planning Application No. SL/2023/0622, as detailed within Appendix 1 to these minutes. Cllr G Supka declared an interest in Planning Application No.SL/2023/0163, as detailed within Appendix 1 to these minutes.

During consideration of this item, at 8.30 p.m., in accordance with the Council's Standing Orders No.3 Meetings Generally x, a meeting shall not exceed a period of 2 hours, the Committee voted to continue the meeting.

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 8.50 p.m.

Kendal Town Council
 Responses from Planning Committee: 18 March 2024
Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	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	<p><i>Note – Cllr G Supka declared an interest in this planning application by virtue of the fact that he knew one of the neighbours who had submitted a comment. He advised, however, that he was not predetermined and remained in the Council Chamber and took part in the discussion and voting thereon.</i></p> <p>No material objections, however, greening of the roof would be a preferable outcome, if feasible and, if not, then a suitable biodiversity gain would be required in the immediate locality. Attention was drawn to the increased noise that would result from the application and this is outlined in the response from 2a Kentrigg.</p> <p><i>Note – Cllr D Rathbone, Chair, abstained from voting on this application.</i></p>
2	2024/0313/FPA	<p>The Beeches 7b Sedbergh Road KENDAL LA9 6AD</p> <p>Replacement porch</p>	Nether	20 March	<p>No material objections provided that the porch is completed in suitably matching materials.</p>

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
3	2024/0022/FPA	Riverside Hotel Beezon Road KENDAL LA9 6FS Proposed entrance canopy and alterations to pavement <i>(further information)</i>	Mintsfeet	20 March	No material objections to the canopy as amended and as indicated in the Conservation Officer's report, there is now no need to alter the pavement outside the hotel and the Committee would still oppose any alterations to that pavement. In addition, the sign needs to be agreed on the basis of a design which is still to be submitted and in accordance with the Conservation Officer's report.
4	2024/0318/FPA	Parklands Parkside Road KENDAL LA9 7LG Replacement detached double garage	Nether	26 March	No material objections subject to the Arboriculturist's Report.
5	2024/0319/LBC	Parklands Parkside Road KENDAL LA9 7LG Replacement detached double garage	Nether	26 March	No material objections subject to the Arboriculturist's Report.
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	No material objections subject to the Conservation Officer's report. The Committee expresses disappointment in the fact that this is a part retrospective application.
7	2024/0380/FPA	25 Silver Howe Close KENDAL LA9 7NW Proposed glazed rear balcony extension	Heron Hill	27 March	No material objections provided that the proposal is not deemed to be overlooking.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
8	SL/2023/0622	<p>Millennium Playing Fields Association Shap Road KENDAL LA9 6DL</p> <p>Erection of a 2.4 meter fence around the perimeter of the playing fields</p>	Mintsfeet	27 March	<p><i>Note – Cllr J Cornthwaite declared an interest in this planning application by virtue of the fact that he was a Trustee of the Millennium Playing Fields. He left the Council Chamber during the discussion and voting thereon.</i></p> <p>Recommend refusal on the basis of the height of the fence; its style and materials to be used; and restrictions to public access. Should permission be granted then the Committee would look for a reduction in the height of the fence and for public access to be safeguarded. A Public Space Protection Order to exclude dogs; and the provision of litter bins might offer mitigation against dog fouling, as it does elsewhere..</p>