

# Kendal Town Council

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



11 September 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, 18 September 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 11)**  
To receive the minutes of the meeting held on 4 September 2023, and to authorise the Chair to sign them as a true record (see attached).
- 5. Minute Action Sheet (Pages 12 to 15)**  
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 16 to 18)**  
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

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### Minutes of a meeting of the Planning Committee held on Monday, 14 August 2023, at 6.32 p.m., in the Council Chamber at the Town Hall, Highgate, Kendal.

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

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

#### **P55/2023 Apologies**

There were no apologies for absence.

#### **P56/2023 Declarations of Interest**

Cllr G Supka declared an interest in Agenda Item No.9, Planning Application Ref. No.5 (SL/2023/0568 and SL/2023/0569), Minute No.P63/2023 below, by virtue of the fact that he was the applicant.

#### **P57/2023 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)**

There were no excluded items on the agenda.

#### **P58/2023 Minutes of the Previous Meeting**

**Resolved:** To receive and accept the minutes of the previous meeting of the Planning Committee held on 14 August 2023 and to authorise the Chair to sign them as a true record.

#### **P59/2023 Minute Action Sheet**

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

*Refs. Nos. 1, 2 and 7* – The Town Clerk, in response to a query, reported that he awaited a response from the Royal Town Planning Institute with regard to planning training for Members.

*Ref. No.3* – The Town Clerk undertook to follow up with Westmorland and Furness Council the matter regarding a review of the Kendal Town Council Conservation Area, having not yet received a response to his initial approach.

*Ref. No.5* – The Town Clerk reported that he had, as yet, received no response from Westmorland and Furness Council with regard to the proposed relocation of the fountain on Aynam Road to Abbot Hall and undertook to follow this up with them.

**Resolved:** 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.

*Ref. No.9* – The Chair suggested that it would probably not be possible for planning officers at Westmorland and Furness to provide an indication of pertinent points for consideration by Kendal Town Council's Planning Committee when considering significant planning applications for large applications, mainly due to the fact that the consultation deadline for such applications would not be until after the Town Council's Planning Committee had considered them.

*Ref. No.10* – The Chair stressed the fact that provision by planning officers at Westmorland and Furness of a clear description of the actual amendment in relation to amendments in relation to large developments already granted approval would be very helpful. The Town Clerk explained that this should be feasible, however, that this was outside Westmorland and Furness Council's statutory role. Attention being drawn to a number of forthcoming planning applications, it was further raised that the Lake District National Park Authority had indicated that provision to the Town Council of information on applications within the Kendal Boundary was not a statutory role. To this end, the Town Clerk undertook to set up alerts on these applications to Town Council officers.

**Resolved:** To arrange for alerts to be sent to the Town Council in relation to Lake District National Park Authority planning applications within the Kendal Boundary.

*Ref. No.11* – The Town Clerk advised that he had not yet received a response in relation to the question put to Westmorland and Furness Council regarding the Land Allocations Plan's five year deliverables. The Committee asked for this matter to be pursued and for a further question to be raised as to why these appeared mostly to be within Kendal.

**Resolved:** To pursue the enquiry with Westmorland and Furness Council regarding the question of the Land Allocation Plan's five year deliverables and as to why these appear mostly to be within Kendal.

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

### **P60/2023      Protocol for Site Visits**

Further to Minute No.P52/2023 and a request by the Committee, the Town Clerk presented a draft Protocol for Site Visits. The protocol referred to the fact that not every planning issue would require a site visit, however, sometimes it was necessary for Members to gain further information before submitting a formal response to the local planning authority. Also, in some instances, councillors may be asked by the applicant to give an opinion on a proposed development prior to submission of a planning application. Councillors and the Clerk needed to exercise care when meeting any third parties. The protocol provided procedure to be followed under these circumstances.

Members welcomed the protocol, however, it was suggested that reference within the document to the Chair should be altered to "the Chair or Vice-Chair".

**Resolved:** Subject to the amendment raised at the meeting and outlined above being made, to adopt the Protocol for Site Visits, as attached to the agenda, for implementation with immediate effect.

### **P61/2023      Planning Process and Issues**

The Chair drew attention to the fact that the planning application with regard to Phase 3 of the Brigsteer Rise development was due to be considered by Westmorland and Furness Council's Strategic Planning Committee on 19 September 2023 at 10.00 a.m. He sought agreement, as previously discussed by the Committee, from Members for the Town Clerk to

attend and to address that Committee, forcefully emphasising the points raised by Kendal Town Council's Planning Committee.

**Resolved:** The Town Clerk to address the Westmorland and Furness Council Strategic Planning Committee in relation to Phase 3 of the Brigsteer Rise development at the meeting on 19 September 2023, forcefully emphasising the points raised by Kendal Town Council's Planning Committee.

The Chair further drew attention to two applications due to be considered by the Westmorland and Furness Council's South Lakeland Area Planning Committee on 7 September 2023. These related to Bluebell Close and Laurel Gardens, however, it was felt that nothing further needed to be submitted on these applications.

The Town Clerk finally drew attention to forthcoming online training on 20 September 2023 between 12.00 p.m. and 1.30 p.m. on how the design briefs in relation to the new Levelling Up Bill and changes in setting of Local Plans would work. He undertook to email details on the session to all Members of the Planning Committee and asked them to let him know if they wished to attend.

**Resolved:** The Town Clerk to email to all Members of the Planning Committee details in relation to the online training session on design briefs, Members to get back to him regarding attendance.

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

#### **P62/2023 Kendal Town Council Flood Relief Scheme Working Group**

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, reported that no further meetings had been held to date. It was hoped that a meeting would be arranged for late September/early October. He referred to the recent refusal to accept a planning application as a minor material amendment in relation to the scheme at New Road. Discussion led to Cllr Cornthwaite undertaking to discuss the matter with the Environment Agency and then to submit a letter of support.

**Resolved:** 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.

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

#### **P63/2023 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 7.32 p.m.

Kendal Town Council  
 Responses from Planning Committee: 4 September 2023  
**Appendix 1**

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	<a href="#">SL/2023/0581</a> & <a href="#">SL/2023/0582</a>	<b>The Lakeland Museum, Abbot Hall Art Gallery, Kirkland, Kendal</b> Demolition of late 20th century linking structure	Highgate	29 August	<b>No Material Objections</b> provided that the window at the gable end is restored as per the design brief.
2	<a href="#">SL/2023/0590</a>	<b>12 Red Tarn Road, Kendal</b> To remove the existing white upvc framed conservatory and build a garden room with tiled roof on a slightly larger footprint	Heron Hill	31 August	<b>No Material Objections</b> provided that checks are in place to ensure that net biodiversity gain is actioned as stated.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
3	<a href="#">SL/2023/0596</a>	<p><b>Dividing Wall at entrance to Wainwrights Yard, Stricklandgate, Kendal</b></p> <p>1. New front entrance sign. A powder-coated aluminium sign, with 3D lettering and colour changing LED light beam. 2. High level banner</p>	Fell	31 August	<p>Recommend <b>refusal</b> in line with the Conservation Officer's response. The Committee raises concern that the applicant does not demonstrate an understanding of the needs of the area or of the Listed Buildings in close proximity to the proposal. The Committee objects specifically to the lettering and colour-changing LED light beam as this does not "respond to the local character and distinctiveness" except in a negative way. Without prejudice to the details of any future application, the Committee would look more favourably on an unchanging, single-colour light beam in any future application. However, the Committee has no objection to the high level banner.</p>

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
4	<a href="#">SL/2023/0527</a> & <a href="#">SL/2023/0528</a>	<b>Wainwright's Yard, Kendal</b> Refurbishment of the 2 entrance passageways off Stricklandgate, new front entrance sign to replace existing, new slate paving with LED uplighters to replace coloured resin flooring in the passageways and out into Stricklandgate, installation of digital screens in the passageways to advertise retailers and event in the yard, upgraded LED down lighters in the ceiling & new 'Wainwright's Yard & Booths' combined banner	Fell	4 September	Recommend <b>refusal</b> in line with the Conservation Officer's response. The Committee feels that the proposal is inappropriate given both the needs of the area and intrusive in the specific location, given the narrow entrance way to the yard. The proposal could have a negative impact on some who may be detrimentally physically affected by the lighting. The Committee feels that the Design and Access Statement is totally inadequate to justify the scale of harm of the application to the heritage assets of this locality – it states the relevant issues but does not address any suitable solutions. The proposal is over-intensive and overbearing in this narrow space, does not “respond to the local character and distinctiveness” except in a negative way and is, therefore, not appropriate.
5	<a href="#">SL/2023/0568</a> & <a href="#">SL/2023/0569</a>	<b>Flat 4, 150 Highgate, Kendal</b> Replacement of single glazed south facing windows with double glazed hardwood sash windows	Highgate	4 September	<p><b>Note – Cllr G Supka declared an interest in this application by virtue of the fact that he was the applicant and left the Chamber during the discussion and voting on the item.</b></p> <p><b>No Material Objections</b> and the Committee commends the materials to be used and the vernacular style of window.</p>



No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
6	<a href="#">SL/2023/0599</a>	<p><b>Marks &amp; Spencer, Car Park, Library Road, Kendal</b></p> <p>Works to car park including the installation of ten electric vehicle charging bays supported by eight chargers and associated electrical equipment</p>	Fell	5 September	<b>No Material Objections</b> - any harm of this application to heritage assets within the Conservation Area is more than acceptable in supporting the local and national policy of a low carbon future.
7	<a href="#">SL/2023/0604</a> & <a href="#">SL/2023/0605</a>	<p><b>2 Stricklandgate, Kendal</b></p> <p>New shopfront and shopfront sign to include new fascia, bus stop sign, internally illuminated text, screen and vinyl</p>	Fell	5 September	<b>No Material Objections</b> , however, whilst the Committee welcomes the removal of the current garish sign which is out of keeping in the Conservation Area, it would seek to tone down the illumination as proposed and, in addition, to reduce the hours of illumination from 8.00 a.m. to 6.00 p.m.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
8	<a href="#">SL/2023/0609</a>	<p><b>Kendal College, Milnthorpe Road, Kendal</b></p> <p>Erection of a single storey building to provide teaching facilities for the Animal Care T-Level curriculum</p>	Kirkland	5 September	<p><b>No Material Objections</b> subject to the requirements outlined by United Utilities being addressed. The Committee also raises the question of whether an Arboriculture Statement should be required. In addition, conditions should ensure that net biodiversity <b>gain</b> is of at least 10%.</p> <p>The Committee feels that of great importance is the need for the College to look at the increase in parking requirements that already exist in the area and make suitable spaces available so that the existing severe parking problem already outlined to Kendal College does not become any worse.</p>
9	<a href="#">SL/2023/0617</a>	<p><b>Unit 3 Mintsfeet Road North, Kendal</b></p> <p>Construction of a single storey enclosed link between two existing buildings</p>	Mintsfeet	13 September	<p><b>No Material Objections</b> subject to provision for net biodiversity <b>gain</b> of at least 10%.</p>

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
10	<a href="#">SL/2023/0619</a>	<b>75 Sparrowmire Lane, Kendal</b> Erection of 1.8m tall close boarded timber fence to boundary of property	Strickland	13 September	<b>Note – Cllr A Finch now declared an interest in this application by virtue of the fact that he was acquainted with the applicant and, whilst he took part in discussion on the item, took no part in voting thereon.</b>  Recommend <b>refusal</b> due to the fact that the proposal will have a detrimental impact on the character of the area, as well as being overbearing in nature. The Committee specifically refers to the front fence as being overbearing.
11	<a href="#">SL/2023/0627</a> & <a href="#">SL/2023/0628</a>	<b>Bridge House, Bridge Street, Kendal</b> Replacement of 11 existing windows with new timber windows	Mintsfeet	14 September	<b>No Material Objections</b>

Item No.5

Planning Committee - Minute Action Sheet - as at 11-09-23

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-Apr	informal approach made. Awaiting reponse	
4	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
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	
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	
11	14/08/2023	P52/2023	Planning Process and Issues	To ask the Town Clerk to seek to discuss with officers at Westmorland and Furness Council the question of the Land Allocations Plan's five year deliverables.	CB		Inquiry made	
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
13	04/09/2023	P59/2023	Minute Action Sheet	To arrange for alerts to be sent to the Town Council in relation to Lake District National Park Authority planning applications within the Kendal Boundary.	CB		Completed	Alerts are not possible. The check will have to be done manually.
14	04/09/2023	P59/2023	Minute Action Sheet	To pursue the enquiry with Westmorland and Furness Council regarding the question of the Land Allocation Plan's five year deliverables and as to why these appear mostly to be within Kendal	CB		Completed	Reply shared with members
15	04/09/2023	P60/2023	Protocol for Site Visits	Subject to the amendment raised at the meeting and outlined above being made, to adopt the Protocol for Site Visits, as attached to the agenda, for implementation with immediate effect	CB		Protocol adopted	
16	04/09/2023	P61/2023	Planning Process and Issues	The Town Clerk to address the Westmorland and Furness Council Strategic Planning Committee in relation to Phase 3 of the Brigsteer Rise development at the meeting on 19 September 2023, forcefully emphasising the points raised by Kendal Town Council's Planning Committee	CB		in progress	
17	04/09/2023	P61/2023	Planning Process and Issues	The Town Clerk to email to all Members of the Planning Committee details in relation to the online training session on design briefs, Members to get back to him regarding attendance	CB		Circulated	

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			

Kendal Town Council  
 Applications for Planning Committee: 18 September 2023  
**Appendix 1**

**Item No.8**

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	<a href="#">SL/2023/0612</a>	<b>1 Stramongate, Kendal</b> Change of use of first and second floors from Subway seating area and storage (Use Class E) to one 2 bedroom flat and two bedroom flats (Use Class C3)	Fell	20 September	
2	<a href="#">SL/2023/0616</a>	<b>1 Stramongate, Kendal</b> Installation of new shop fronts	Fell	20 September	
3	<a href="#">SL/2023/0632</a>	<b>Land Adjacent 39 C Helme Drive, Kendal</b> Application for approval of reserved matters (access, appearance, landscaping, layout & scale) following outline approval SL/2021/0499 (Outline Planning Permission (all matters reserved) for the erection of a bungalow)	Heron Hill	22 September	



No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
4	<a href="#">SL/2023/0634</a>	<b>51 Broad Ing Crescent, Kendal</b> Two storey extension to replace existing single storey extension	Nether	22 September	
6	<a href="#">SL/2023/0643</a> & <a href="#">SL/2023/0644</a>	<b>The Miles Thompson, Allhallows Lane, Kendal</b> Installation of 2 new external condensers	Highgate	22 September	
7	<a href="#">SL/2023/0577</a>	<b>Ye Olde Fleece Inn, 14 Highgate, Kendal</b> Remove, damaged wood floor from front of bar to replace with traditional stone tiles	Fell	29 September	
8	<a href="#">SL/2023/0402</a>	<b>11 Gawith Place, Kendal</b> Replacement of wooden black single glazed sash windows with black UPVC double glazed wood effect mock sash windows	Highgate	25 September	
9	<a href="#">SL/2023/0653</a>	<b>185 Highgate, Kendal</b> Change of use of shop with offices above (Use Class E) to Muslim Community Centre (Use Class F1)	Highgate	27 September	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
10	<a href="#">SL/2023/0656</a>	<b>33 Shap Road, Kendal</b> Replacement garage/outbuilding	Mintsfeet	27 September	