

Kendal Town Council

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



12 February 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, 19 February 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.

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 6)

To receive the minutes of the meeting held on 5 February 2024 and to authorise the Chair to sign them as a true record (see attached).

5. Minute Action Sheet (pages 7 to 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 11)

To receive a verbal update on the activities of the Working Group and the minutes of the meeting of the Group held on 23 January 2024 (see attached).

8. Planning Applications (pages 12 to 13)

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, 5 February 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	Present	Cllr D Rathbone (Chair)	Present
Cllr R Edwards	Present	Cllr G Supka	Present
Cllr A Finch	Present		

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

P137/2023 Apologies

There were no apologies for absence, all Members being present at the meeting.

P138/2023 Declarations of Interest

No declarations of interest were raised under this item.

P139/2023 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

There were no excluded items on the agenda.

P140/2023 Minutes of the Previous Meeting

Attention was drawn to an error in date within the minutes and to the fact that this had been corrected within the hard copy due to be signed by the Chair.

Resolved: To receive and accept the minutes of the previous meeting of the Planning Committee held on 22 January 2024 and to authorise the Chair to sign them as a true record.

P141/2023 Minute Action Sheet

The agenda included a report on actions taken by officers on resolutions or recommendations made at previous meetings. Attention was drawn to item reference 1 regarding Planning training for Members. Members were reminded that individual sessions were available through CALC and to contact the Town Clerk should they be interested in attending.

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

P142/2023 Planning Process and Issues

The Chair and Town Clerk drew Members' attention to a recent advert relating to commercial development land east of Burton Road, Kendal, seeking offers in excess of £1. The

Committee was reminded that the Town Council had, last year, made a submission in relation to the current Land Allocation consultation, and that this had included an indication of the Council's opposition to development on this particular land. The Town Council had made it clear that it wished for this land to remain a green belt between Oxenholme and Kendal, alongside the railway line, and for it to remain a green space with, for example, parkland or low-level sport activity.

Resolved: To note the verbal update.

P143/2023 Kendal Town Council Flood Relief Scheme Working Group

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, reported that the Group had met on 23 January 2024 in the new Flood Hub at Beezon Road Industrial Estate. Discussed had been a couple of recent near miss high river levels. The Environment Agency were due to discuss with Housing Association residents who owned their properties how to assess their own property level. Also discussed had been the fountain on Aynam Road and its relocation to Abbot Hall. The Environment Agency was also now actively seeking new or additional flood storage areas. Cllr Cornthwaite lastly referred to the opening of the new glass panels at Gooseholme, at which the Area Flood Manager for Cumbria and Lancashire, Richard Knight, who was in charge of the scheme, had been present. Notes of the meeting would be included within the agenda for the next meeting of the Planning Committee. The next meeting of the Group would be due to take place on 21 March 2024.

In response to a query, the Town Clerk advised Members that the Environment Agency, who owned and controlled the floodgates, had explained that those gates which had already been installed could not be used until the scheme was complete in its entirety, as closing them at this stage could have a negative impact on other areas.

Resolved: To note the verbal update.

P144/2023 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 7.15 p.m.

Kendal Town Council
 Responses from Planning Committee: 5 February 2024
Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	2024/0015/FPA	2 Brookdale Oxenholme Road Kendal LA9 7NJ Garage conversion and replacement porch	Oxenholme	5 February	No Material Objections provided that the proposal is not deemed to be overlooking in accordance with the neighbour comments from 6 Carrock Close.
2	2024/0022/FPA	Riverside Hotel Beezon Road Kendal LA9 6FS Proposed entrance canopy and alterations to pavement	Mintsfeet	5 February	Recommend Refusal. Whilst the Council would look favourably on the canopy in theory, subject to the comments of the Conservation Officer being taken into account, it is opposed to the proposal to appropriate the pavement outside of the entrance and the erection of a barrier at the edge of the pavement. The Council would seek constructive redesign options in this respect. This objection is based on an apparent proposed private alteration to the highway by reducing the footway, and building a new restriction into the public realm. It would restrict an access that is used to enable foot passage along the river, which is not otherwise possible by the river bank.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
3	2024/0025/ADV	Pizza Express 6 Wainwrights Yard Kendal LA9 4DP Installation of 1 set of halo illuminated fascia text & 1 externally illuminated projection sign	Fell	5 February	No Material Objections subject to the lighting being in line with Kendal Town Council's Dark Skies Policy and that the lights are lit during business opening times only. The Town Council commends proposed use of downlighting.
4	2024/0044/FPA	Radiology CT & MRI Westmorland General Hospital Burton Road Kendal LA9 7RG 6 x 360L bins, Bin Store 3.5m x 2.7m with security mesh fencing and SHS post & a new timber fence around knockout panel to MRI	Oxenholme	6 February	No Material Objections
5	2024/0092/FPA	39 Empsom Road Kendal LA9 5PR Two storey side extension & single storey front & rear extensions	Strickland	14 February	No Material Objections subject to the net biodiversity gain items listed within the application being a condition of approval.

Item No.5

Planning Committee - Minute Action Sheet - as at 12-02-24

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	Committee requested on 08/01/24 for further approach to be made to Planning Authority.
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
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. Also, 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	Committee on 2/10 asked for this to be pursued.
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

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Minutes from the Kendal Flood Relief Scheme Working Group meeting held at 6.30pm on Tuesday 23 January 2024, at EA Office, Beezon Road and by Microsoft Teams

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

(* arrived 18.55)

In attendance: Chris Bagshaw (Town Clerk)

KFRS 12/2023 Apologies

Apologies were received and accepted from Cllr H Ladhams (for the first part of the meeting) and D Rathbone

KFRS 13/2023 Minutes of the Previous Meetings

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

KFRS 14/2023 Environment Agency Report

It was noted that Richard Knight (senior manager at EA) was not able to attend, but would do so at a later date).

EA reported that only a single property in the Kent catchment was believed to have been flooded in Storms Isha and Jocelyn. This was not in Kendal and property-level protection was being discussed with the occupant.

Tom welcomed members to the new hub at Unit 2b Beezon Road. Signage is anticipated shortly.

Alison Kirkpatrick gave the update report. F4 and Stock Beck pumping station were making good progress. Diversions were nearing completion, the chamber was dug and the new building for the pump station was due to start very soon. Generators were about to be replaced by mains connectivity. Glass panels on F1 below Stramongate had been installed, and noticeboards updated. Border TV would do interviews on 2 February.

At G2 Waterside, where piling work had hit boulders, a new rig had been installed and there was optimism about the results, though noise and vibration levels would have to be monitored.

There was some discussion about gate operation during Isha/Jocelyn, but EA confirmed that it was a condition of the scheme's planning that no new elements would be put in operation until the scheme was complete, to lessen the potential impact on down/across stream areas. EA would reinforce their comms message with residents and SLH. It was noted that W&FC had mended the coping stones on Miller Bridge and removed the ivy and other vegetation from the railings, so their engineers could more effectively inspect their part of the riverbank and bridge that was not in the scheme.

On Aynam Road, G1, G3 and H1, ENWL diversions and BT work would start in the spring.

F3 New Road was due to Planning in February 2024, for commencing May 24.

Construction work across the scheme would now slip into completion in 2026, with most completed in 2025 and only landscaping and de-mobbing remaining.

Railings at Nether Hall should be completed shortly, after failing initial inspection, so the red and white barriers can be removed.

Upstream, a new design for the Stock Beck catchment drain is now agreed. It will be a covered drain with a network of feeders and a headwall system to protect Sandylands from extreme run off. Technical design will be completed in 2024-25, in consultation with landowners. Construction will follow in 2026/27. Fowl Ing Lane won't be used as construction access.

Burneside, Staveley and Ings survey work will continue through 2024, with design expected the following year. Construction is planned for 2026. Ongoing survey work in the catchments of the Kent, Sprint and Mint, along with landowner discussions is anticipated to bring forward new options for upstream floodwater storage.

Several initiatives are looking at landscape recovery projects in the upper Kent, which will include natural flood management elements as well as increasing biodiversity.

At Mintsfeet, several stretches of new footpath were washed out by Isha/Jocelyn and will require reinstatement. Some of the designs will also be altered to improve their robustness.

Discussion about the emphasis on upstream measures included publicity, timescales and relative security.

KFRS 15/2023 KTC Issues

There was a query about the progress of the relocation of the Aynam Road fountain. Graham Harrison reported that this was currently with the Civic Society to progress through Planning.

Self-seeding vegetation on much of the Aynam Road bank was a matter for Westmorland and Furness to assess as it was their land.

The 'missing link' footpath on Waterside would be picked up in the LCWIP related work on Kendal 'Riverside South'.

The EA would continue to log complaints about the noise of the generators on castle Crescent, but anticipated that this issue would reduce dramatically with the use of mains electric.

The Town Clerk would share contact details for the Westmorland and Furness Countryside Access team with Tom.

KFRS 16/2023 Date of Next Meeting

The next meeting was scheduled for 21 March 2024, at 6.30.

The meeting closed at 20.20

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	2024/0119/FPA	48 Greenside KENDAL LA9 5DT Replacement garage	Fell	20 February	
2	2024/0112/FPA	40 Burneside Road KENDAL LA9 4RL Single storey rear extension & replacement sash windows	Strickland	20 February	
3	2024/0105/FPA	26 Empsom Road KENDAL LA9 5PS Proposed front vestibule alterations	Strickland	20 February	
4	2024/0107/FPA	178 Burneside Road KENDAL LA9 6EB Single storey side extension and rear balcony	Strickland	20 February	
5	2024/0116/FPA	158 Windermere Road KENDAL LA9 5EZ Proposed dropped kerb and off-street parking area	Fell	26 February	
6	2024/0137/LBC	Flat 4 150 Highgate KENDAL LA9 5AH Replacement of single glazed front facing windows with double glazed hardwood sash windows	Highgate	27 February	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
7	2024/0138/FPA	Flat 4 150 Highgate KENDAL LA9 5AH Replacement of single glazed front facing windows with double glazed hardwood sash windows	Highgate	27 February	
8	2024/0051/FPA	1 Queens Place KENDAL LA9 4PJ Internal alterations, addition of new openings and replacement of windows, landscaping works	Fell	29 February	
9	2024/0151/FPA	86 Vicarage Drive KENDAL LA9 5BA Alterations and extensions to existing dwelling house and drive.	Kirkland	29 February	

Request to Reconsider Response

The following item was considered at the meeting on 8 January 2024. The Planning Officer has sought clarification from the Committee on the issue of scale and dominance, as he observes there are similar extensions at the surrounding properties: 2, 5, 7, 19 and 21 and he does not consider the application to be greatly different from them. It is assumed the reference to a development brief is an error, as it relates to the application which followed this item on 8 January.

3	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	9 January	8th January Response <i>Recommend Refusal primarily on the grounds of scale and dominance and the proposal is out of keeping with the size of the plot. No opposition is to the principle of building on this site and the Committee's comments are made in line with the land allocation and original development brief. Notwithstanding this</i>
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