

# Kendal Town Council

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



13 February 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 D Miles
Cllr D Evans	Cllr D Rathbone (Chair)

You are summoned to a meeting of Kendal Town Council Planning Committee on Monday, 20 February 2023, at **6.00 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 'A B' followed by a flourish.

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**  
To receive the minutes of the meeting held on 6 February 2023, and to authorise the Chair to sign them as a true record (see attached).
- 5. Minute Action Sheet**  
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. Town and Country Planning Act 1990 – Appeal under S78 Against Refusal of a Householder Application – 25 Dunmail Drive, Kendal – Extension to existing front dormer to full width and rear first floor extension (SL/2022/0852)**  
To note that an appeal has been made to the Secretary of State (Planning Inspectorate) against the decision of South Lakeland District Council to refuse planning permission for the development (see attached).
- 9. Planning Applications**  
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>

## Kendal Town Council

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



### Minutes of a meeting of the Planning Committee held on Monday, 6 February 2023, at 6.00 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 D Evans	Present *	Cllr D Rathbone (Chair)	Present

\* Arrived at 6.18 p.m. during to consideration of Agenda Item No.8 (Planning Applications) (Planning Application No.SL/2023/0017).

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

#### **P124/2022 Apologies**

An apology for absence was received and accepted from Cllr A Finch.

#### **P125/2022 Declarations of Interest**

No declarations of interest were raised.

#### **P126/2022 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)**

No issues were considered for exclusion.

#### **P127/2022 Minutes of the Previous Meeting**

The Chair drew attention to the fact that whilst the correct set of minutes relating to the 23 January 2023 meeting had been attached to the agenda, the document showed the incorrect date of 9 January, and this had been corrected in the version that he was due to sign.

Reference was made to Minute No.P120/2022 (Kendal Town Council Flood Relief Scheme Working Group) and a request made for the removal of the sentence, "He (Cllr J Cornthwaite) intended, however, to ask them to bring the start of the meeting forward to 6.00 p.m., following Member training for Westmorland and Furness Members on highways."

**Resolved:** Subject to the amendments outlined above being made, to receive and accept the minutes of the previous meeting of the Planning Committee held on 23 January 2023 and to authorise the Chair to sign them as a true record.

**P128/2022 Minute Action Sheet**

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

With reference to P110/2022 (Planning Processes and Issues), the Town Clerk handed out plastic copies of the Conservation Area map to Members.

The Town Clerk referred to P95/2022 (Planning Process and Issues), and suggested that Planning training for Members be put on hold pending commencement of the new Westmorland and Furness Council. It was suggested that a date of 1 April 2023 be inserted into the "Deadline" column.

**Resolved:** To insert a date of 1 April 2023 into the "Deadline" column with regard to Minute No.P95/2022.

**Resolved:** To note the report.

**P129/2022 Planning Process and Issues**

In response to a query, the Town Clerk explained that statutory undertakers had permitted development rights to put cables across anyone's land and to erect pylons.

In response to a further query regarding whether the Committee was given the opportunity to consider planning applications crossing the boundaries of Kendal, such as Burneside, the Town Clerk pointed out that such an application in relation to Natland appeared on this evening's agenda. He explained that if an application was germane to Kendal Civil Parish, then the Town Council had a legitimate interest. He was of the opinion, however, that it would not be appropriate for the Committee to consider a planning application in Burneside Civil Parish, unless it was right against the civil parish boundary.

**Resolved:** To note the discussion.

**P130/2022 Kendal Town Council Flood Relief Scheme Working Group**

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, reiterated the fact that the next meeting of the Working Group was due to be held at 7.00 p.m. on Wednesday, 15 February 2023, at the Flood Hub.

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

**P131/2022 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.

The meeting closed at 7.45 p.m.

**Kendal Town Council**

Responses from Planning Committee: 6 February 2023

**Appendix 1**

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	<a href="#">SL/2023/0017</a>	<b>Duke Of Cumberland Inn, 1 Appleby Road, Kendal</b> Temporary permission for one year to retain enlarged beer garden incorporating covered outdoor seating, pergola and planters	Nether / Mintsfeet	7 February	<b>No Material Objections</b> subject to the noise assessment required by the Environmental Health Officer.
2	<a href="#">SL/2023/0031</a>	<b>4 Hawthorn Gardens, Kendal</b> Demolition of conservatory & erection of a single storey rear flat roofed extension with sky lantern	Strickland	7 February	<b>No Material Objections</b> although the Committee felt that it would have been of help to have been provided with the dimensions of both the conservatory and the proposed new building.
3	<a href="#">SL/2023/0022</a>	<b>16 Burneside Road, Kendal</b> Replacement UPVC double glazed windows to front	Strickland	9 February	<b>Objection</b> to use of UPVC within the Conservation area subject to the provision of suitable, quality photographs of the new windows proposed, at which point the Committee will be able to make a considered recommendation.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
4	<a href="#">SL/2022/1151</a>	<b>2 Beechnut Road, Kendal</b> Demolition of existing detached garage, erection of a new two storey annexe extension incorporating garage, stores, utility, day room, shower and plant room	Natland	10 February	The Committee welcomes the opportunity to comment on an application in another civil parish, which has an effect on Kendal civil parish.  <b>Objection</b> on the grounds of scale and dominance of the proposed building in the context of the rest of the estate and particularly given its position at the entrance to the estate. The Committee also objects to the use of materials which are not in keeping with the rest of the estate and so would have an effect on the visual amenity.  <b><u>Recommend Refusal</u></b>
5	<a href="#">PN/2023/0003</a>	<b>Land to the North East of Jenkin Cragg Farm, Fowling Lane, Kendal</b> Application to determine if prior approval (proposed) is required for a development by or on behalf of an electronic communications code operator for a 22.5m communications mast, antennas, ground based apparatus and landscaping	Nether	14 February	<b>No further comments</b> to make on this application.
6	<a href="#">SL/2023/0048</a>	<b>30 Crescent Green, Kendal</b> Extension to front elevation to form new bay window	Mintsfeet	16 February	<b>No material objections</b> provided that the scale of the window is in line with the drawings provided. The Committee is, however, disappointed that no figures were included within the application with regard to dimensions.

<b>Planning Committee - Minute Action Sheet - as at 13-02-23</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 Actioned</b>	<b>Comments</b>
05/12/2022	P95/2022	Planning Process and Issues	Production of checklist containing relevant points for discussion during consideration of large housing developments.	CB		26-Jan-23	Revision ongoing
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.
23/01/2023	P118/2022	Minute Action Sheet	Chase up printer with regard to laminated versions of Conservation Area map	CB		Completed	Copies distributed
23/01/2023	P119/2022	Planning Process and Issues	Raise issue re Meadowbank Ind Est with Planning Authority, copying in relevant agent, and report back to Committee with response	CB		Raised 27 Jan 2023	
06/02/2023	P128/2022	Minute Action Sheet	To insert a date of 1 April 2023 into the "Deadline" column with regard to Minute No.P95/2022	IB		13/02/2023	

## Inge Booth

---

**From:** Development Management <development.management@southlakeland.gov.uk>  
**Sent:** 02 February 2023 15:53  
**To:** Inge Booth  
**Subject:** South Lakeland District Council Planning Appeal Notification - SL/2022/0852

Our Ref: SL/2022/0852      Your Ref:      Date: 02 February 2023

Dear Sir / Madam

### **TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER S78 AGAINST REFUSAL OF A HOUSEHOLDER APPLICATION**

<b>SITE AT:</b>	<b>25 Dunmail Drive, KENDAL, LA9 7JG</b>
<b>PROPOSED DEVELOPMENT:</b>	<b>Extension to existing front dormer to full width &amp; rear first floor extension</b>
<b>APPELLANT:</b>	<b>Mr Alex Barrow</b>
<b>SLDC APPLICATION REF:</b>	<b>SL/2022/0852</b>
<b>PLANNING INSPECTORATE REF:</b>	<b>APP/M0933/D/23/3314207</b>
<b>APPEAL START DATE:</b>	<b>02 February 2023</b>

I refer to the above details. An appeal has been made to the Secretary of State (Planning Inspectorate) against the decision of South Lakeland District Council to refuse planning permission for the development.

As this appeal is proceeding under the Householder Appeals Service, there is no opportunity for you to submit comments. However, we have forwarded all the representations made to us on the application to the Planning Inspectorate. These will be considered by the Inspector when determining the appeal.

If you wish to withdraw any representations you made on the application, you must make this request to the Planning Inspectorate by 02 March 2023. You can do this by emailing [north2@planninginspectorate.gov.uk](mailto:north2@planninginspectorate.gov.uk)

The appeal documentation will be available to view on the Council's website:

<https://applications.southlakeland.gov.uk/fastweb/welcome.asp>

Information regarding the progress of the appeal can be accessed via <https://www.gov.uk/appeal-planning-inspectorate>

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk> alternatively, a paper copy of the appeal decision can be requested from our offices.

Yours faithfully

Mark Smith  
Case Management Officer  
South Lakeland District Council  
Tel: 01539 733333  
Email: [development.management@southlakeland.gov.uk](mailto:development.management@southlakeland.gov.uk)

**South Lakeland District Council** *Working together to make South Lakeland the best place to live, work and explore*



**Kendal Town Council**

Applications for Planning Committee: 20 February 2023

**Appendix 1**

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	<a href="#">SL/2023/0053</a>	<b>The Ice Cream Parlour, Natland Mill Beck Lane, Kendal</b> Erection of new Ice Cream Parlour annex	Natland	22 February	
2	<a href="#">SL/2023/0058</a>	<b>Carus Green Farm, Burneside Road, Kendal</b> Erection of home garage, workshop and gym, with associated change of land change of use from agricultural to domestic	Strickland	22 February	
3	<a href="#">SL/2023/0066</a>	<b>9 Helsington Road, Kendal</b> Single storey rear extension	Stonecross	23 February	
4	<a href="#">SL/2023/0075</a> & <a href="#">SL/2023/0076</a>	<b>157 Stricklandgate, Kendal</b> Replacement Windows	Strickland	28 February	
5	<a href="#">SL/2023/0083</a>	<b>8 Fowl Ing Lane, Kendal</b> Single story front porch extension	Nether	28 February	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
6	<a href="#">SL/2023/0090</a>	<p><b>Land off Brigsteer Road, Brigsteer Road, Kendal</b></p> <p>Variation of condition 2 (approved plans) attached to planning permission SL/2020/0783 (Erection of 88 dwellings and associated works) to: (1) amend plots 60 to 69; and (2) amend tree planting proposals adjoining highway from plots 79 to 61 (MAJOR APPLICATION)</p>	Highgate	8 March	
7	<a href="#">SL/2023/0095</a>	<p><b>36 Kendal Green, Kendal</b></p> <p>Two storey extension, insulation and cladding, raised decking with glazed balustrade and solar panels to roof</p>	Strickland	3 March	