

Kendal Town Council

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



15 January 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, 22 January 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 10)

To receive the minutes of the meeting held on 8 January 2024 and to authorise the Chair to sign them as a true record (see attached).

5. Minute Action Sheet (pages 11 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 (page 14)

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, 8 January 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	Apologies	Cllr G Supka	Present
Cllr A Finch	Apologies		

In Attendance: Chris Bagshaw (Town Clerk), Inge Booth (Democratic Services Assistant), and Cllr S Long in relation to Agenda Item No.8, Planning Application No.4 (2023/1061/FPA).

P121/2023 Apologies

Apologies for absence were received and accepted from Cllrs R Edwards and A Finch.

P122/2023 Declarations of Interest

Cllr H Ladhams declared an interest in Agenda Item No.8 (Planning Applications), Planning Application No.7 (2023/1014/FPA), Minute No.P128/2023 below, by virtue of the fact that she was Chair of the Westmorland and Furness Council Communities and Equalities Group and a Member of the Westmorland and Furness Biodiversity Group, both bodies which had provided grants towards the garden to the rear of Hallgarth Community Centre.

P123/2023 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

There were no excluded items on the agenda.

P124/2023 Minutes of the Previous Meeting

Resolved: To receive and accept the minutes of the previous meeting of the Planning Committee held on 18 December 2023 and to authorise the Chair to sign them as a true record.

P125/2023 Minute Action Sheet

The agenda included a report on actions taken by officers on resolutions or recommendations made at previous meetings. The Town Clerk reported that there had been no movement since the last meeting of the Committee.

During discussion, attention was drawn to the fact that, in relation to items 1 and 2 regarding Planning training for Members, the deadline for action was approaching. Attention was further drawn to Item 3 regarding making informal enquiries of the Planning Authority in relation to a review of the Kendal Town Council Conservation Area, the deadline for which had passed, with no response having yet been received. It was suggested, therefore, that the deadline should be changed to March, with the enquiry to be made again. A query was raised in relation to Item 20 and consideration of the impact

of the new Levelling Up and Regeneration Act and challenges of Neighbourhood Planning. It was raised that there had been talk of seeking attendance at a Planning meeting by an officer from Westmorland and Furness Council to talk about these matters. It was suggested that the deadline for this also be set for March. In addition, it was felt that items 28 and 29 could be removed from the Minute Action Sheet.

Resolved: To note the need for action in relation to items 1 and 2 of the Minute Action Sheet.

Resolved: To make the changes outlined above to items 3 and 20 of the Minute Action Sheet.

Resolved: To remove items 28 and 29 from the Minute Action Sheet.

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

P126/2023 Planning Process and Issues

No issues were raised under this item.

P127/2023 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, with the next one currently scheduled to be held at 7.00 p.m. on 18 January 2024. It was, however, pointed out that this clashed with another Westmorland and Furness Council meeting, and therefore suggested that the date be reconsidered. Attention was drawn to the fact that more information had recently been received in relation to the potential for a path from Beezon Fields to Mintsfeet, but that this was in its early stages.

Resolved: To review the date for the next meeting of the Group.

Resolved: To note the verbal update.

P128/2023 Planning Applications

Note - Cllr H Ladhams declared an interest in Planning Application No.7 (2023/1014/FPA) by virtue of the fact that she was Chair of the Westmorland and Furness Council Communities and Equalities Group and a Member of the Westmorland and Furness Biodiversity Group, both bodies which had provided grants towards the garden to the rear of Hallgarth Community Centre (see Appendix 1).

On behalf of residents, Cllr S Long addressed the Committee in relation to Planning Application No.4 (2023/1061/FPA). She referred to her work with South Lakeland District Council around ten years previously in the development of the supplementary planning document for the area. She drew particular attention to the fact that this document was not referred to within the current plan. She stressed the fact that the document had been developed following wide consultation, and therefore represented the correct guidance for developers. The main concern raised by Cllr Long was in relation to the proposal to open up Cedar Grove which would create a rat run and result in traffic flowing down Vicarage Drive impacting on the college and two primary schools. She pointed out that the access at Cedar Grove had been designated for emergency vehicle access only. Cllr Long also raised concern around lack of mention in Phase 4 around biodiversity. She drew attention to the existing wildlife corridor which, if lost, would take many years to replace. She felt that there was no need to build in this location and that the same amount of development could be

achieved without using this particular area. Cllr Long pointed out that a dedicated playground was not included within the plan, with the playground at Maple Drive being referred to. This, she explained, was not suitable. Cllr Long further referred to two fields to the left of the site which were currently being used in relation to the development for parking of wagons, materials, etc. She believed that the developers would, sometime in the future, look to build on these fields, with the landowner already having put them forward for development in the next land allocation process. Cllr Long stressed the need for the supplementary planning document to be adhered to and for the Committee to do justice for the people represented by the Town Council.

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 7.25 p.m.

Kendal Town Council
 Responses from Planning Committee: 8 January 2024
Appendix 1

No	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	SL/2023/0789	29 Queen Katherine Street Kendal LA9 7DG Replacement UPVC windows.	Mintsfeet	9 January	No Material Objections provided that the materials used conform to the visual amenity of the Conservation Area.
2	2023/1033/FPA	1 Aldercroft Kendal LA9 5BQ Demolition of existing single-storey conservatory with replacement single-storey extension.	Kirkland	9 January	No Material Objections provided that the conditions are in accordance with the Arboriculturist's report and provided that the proposal is not out of keeping with the locality.
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	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 comment, the Committee backs the request for swift bricks in responses.
4	2023/1061/FPA	Brigsteer Road Kendal 108 dwelling houses and associated infrastructure including landscaping, open space, access, highway and drainage (Brigsteer Rise, Phase 4).	Highgate	10 January	Recommend Refusal. The Committee is very much against the proposal to open up the access to Cedar Grove which is shown in the development brief as an emergency vehicle access only, as per the requirements for a development of this size. If this leads to

No	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
					<p>viability problems, it should be noted that this is not something that will change the opinion of the Committee. The Committee supports the Development Brief's adopted position that Cedar Grove will be closed to traffic from the Allocated Site and provide EVA and Active Travel route only ie pedestrians and cyclists. This will prevent Cedar Grove becoming the rat-run for all traffic that is heading to Romney junction and enable children a safer passage to school. Having sole access from Brigsteer Road will encourage a percentage of vehicles to use other routes, from therefore spreading the load. From local knowledge, this change in driver behaviour is crucial to the area as a whole.</p> <p>A decision must also take into account the 'most used' route for south-west / south with a smaller number of junctions at Underwood – Stainbank Road – Vicarage Drive (or Westwood Ave to Vicarage Drive) This route is already a rat-run south. The development's traffic will have an impact on the already excess speed along Stainbank Road, which necessitates braking sharply to turn left onto Vicarage. This has already been a cause of concern for residents for years without the proposed increase in traffic volume. The traffic backs up on Vicarage Road and is also impacted by the double parking of</p>

No	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
					<p>Kendal College users. The nursery, primary schools (x2) are accessed from higher on Vicarage Road and children’s safety must take highest priority.</p> <p>The Committee does not want biodiversity credit to be used somewhere else in South Lakeland or Westmorland and Furness, but on an area adjacent to the site. This is a point of principle, given the potentially large future number of allocated sites in/near the town boundary and should be worked on for the next Local Plan. Biodiversity net gain should be beneficial to the site or contiguous to the site to benefit and offset negative effects of development in the immediate area.</p> <p>The Committee seeks “better quality” homes and environmental concerns should be built into the style as well as the actual build of new properties, as mentioned in previous properties. Again, this should be built into any future Local Plan. Specifics of this must be part of this process and discussed with developers to be included in any conditions.</p> <p>The Committee would wish for the requirement for a designated playground on a development of this size to be adhered to. Funding has already been given on previous phase(s) and should be provided for on-site – there is no adequate</p>

No	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
					<p>provision within a suitable close location in Kendal for this size of 4 phase development.</p> <p>The Committee notes the use of the two fields to the left of the development during the building process and would point out that it is against any future applications for development on these fields or inclusion within any future land allocation plans.</p> <p>Any alterations should be made in accordance with the Development Brief, especially with regard to entrance and exit routes for traffic. Anything that differs from the Development Brief must be referred back to the Local Plan itself. In addition, any alterations to one phase of the development must be seen in relation to all four phases of the Development, particularly with regard to the road entrance and exit from the development, and in line with the Development Brief.</p> <p>Note – Cllr D Rathbone, Chair, abstained from voting on this application.</p>
5	2023/1104/FPA	<p>53 Milnthorpe Road Kendal LA9 5QG</p> <p>Detached double garage & home office with associated garden works & replacement UPVC windows to the west facing bay windows.</p>	Kirkland	11 January	<p>No Material Objections subject to use of suitable materials and subject to neighbour comments, particularly that the proposal is not seen as being overbearing or resulting in a loss of privacy.</p>

No	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
6	2023/1043/FPA	Sunny Cote Sunnyside Kendal LA9 7DJ Replacement of windows and door from timber single glazed with like for like timber double glazed.	Mintsfeet	11 January	No Material Objections subject to the Conservation Officer confirming that the proposal conforms to the visual amenity of the Conservation Area.
7	2023/1014/FPA	Existing garden to the rear Hallgarth Community Centre Hallgarth Circle Kendal LA9 5NY Introduction of grass areas, planting, timber raised beds, timber pergola and seating, steel knee rail and resin bound paths to create community garden on current area of tarmac.	Strickland	11 January	Note - Cllr H Ladhams declared an interest by virtue of the fact that she was Chair of the Westmorland and Furness Council Communities and Equalities Group and a Member of the Westmorland and Furness Biodiversity Group, both bodies which had provided grants towards the garden to the rear of Hallgarth Community Centre. Whist Cllr Ladhams took part in the discussion, she took no part in voting on the application. Recommend Refusal based purely on the lack of information currently provided.
8	2023/1077/FPA	20 Oxenholme Road Kendal LA9 7NJ Replacement single story side extension & erection of a detached single garage.	Heron Hill	14 January	The Committee is unable to make a decision without an arboriculture report on the effect of the proposal on neighbouring trees. It feels that the siting of the garage is unsuitable as it can be viewed from the road. It agrees with the comments raised by the neighbour at Murley Hill and, without further comments and information, it cannot agree to the application.

Item No.5

Planning Committee - Minute Action Sheet - as at 15-01-24

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	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. 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	CB		Inquiry made	Committee on 2/10 asked for this to be pursued.
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 <u>Abbot Hall</u> .	CB		Inquiry made	
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	Action plan being drawn up. Committee requested on 08/01/24 for attendance by Planning Authority officer to attend meeting to provide briefing.

Ref. No.	Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
30	08/01/2023	P125/2023	Minute Action Sheet	To note the need for action in relation to items 1 and 2 of the Minute Action Sheet.	CB			Noted
31	08/01/2023	P125/2023	Minute Action Sheet	To make the changes outlined above to items 3 and 20 of the Minute Action Sheet.	IJB		15-Jan-24	
32	08/01/2023	P125/2023	Minute Action Sheet	To remove items 28 and 29 from the Minute Action Sheet.	IJB		14/01/2024	Complete
33	08/01/2023	P127/2023	Kendal Town Council Flood Relief Scheme Working Group	To review the date for the next meeting of the Group.	CB			

Kendal Town Council
 Applications for Planning Committee: 22 January 2024
Appendix 1

Item No.8

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	2023/1198/FPA	<p>Stephenson Centre Ann Street Kendal LA9 6AA</p> <p>Temporary pod to house 1 homeless individual in emergencies (Resubmission of SL/2022/0083)</p>	Mintsfeet	24 January	
2	2024/0010/FPA	<p>10 Anchorite Road Kendal LA9 5NQ</p> <p>Detached garden shed and covered log store (Retrospective)</p>	Kirkland	5 February	