

Kendal Town Council

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



22 July 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 29 July 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 4 to 10)

To receive the minutes of the meeting held on 15 July 2024 and to authorise the Chair to sign them as a true record (see attached).

5. Minute Action Sheet (pages 11 to 12)

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

a) To receive a verbal update on the activities of the Working Group.

Background

The group is meeting on Thursday 25 July to receive proposals for the Council's response to the current Planning application for Reach 3, New Road Common. It is likely that they will make a recommendation based on the information they consider, relating to the options being proposed by the Environment Agency.

b) To consider what support will be required to enable the Council to respond adequately to any recommendation from the FRSWG, and how and when that recommendation should be given to the Planning Authority.

Background

Once in receipt of a recommendation from the FRSWG, the Committee will be in a position to consider how the recommendation will be processed as the Council's formal response. It may choose to adopt the recommendation, amend it, or reject it. The Council's Management Committee has confirmed that if the recommendations require the council to produce professional documentation, then such administrative overheads should be met by the Council as a part of its day to day activities. The Planning Authority has requested that any indication of a proposal for a different view on the existing 'optioneering' by the Environment Agency, should be passed to them as soon as possible, to ensure that the Planning Authority meeting in September is sufficiently prepared to consider the issues.

8. New Public Space Protection Order (PSPO) for the Westmorland and Furness Area (pages 13 to 14)

To consider a response to the consultation on the proposed legal order, with Westmorland and Furness Council seeking to address various areas within the PSPO including dog fouling, regulating alcohol consumption and a range of other anti-social activity (the deadline for comments is 1 September 2022) (see attached).

9. Westmorland and Furness Council Consultation on Sports and Leisure

To consider completion of the survey on how Westmorland and Furness Council can best use its sport and leisure facilities in the future - <https://www.westmorlandandfurness.gov.uk/news/2024/have-your-say-sports-and-leisure-services>

10. Planning Applications (pages 15 to 16)

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, 15 July 2024, at 6.30 p.m., in the Georgian Room 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	Apologies	Cllr G Supka	Present
Cllr A Finch	Absent		

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

Also present: Cllrs S Long and C Russell and one member of the public (Graham Harrison).

Public Participation

Cllr C Russell referred to the Environment Agency's current planning application in relation to New Road. He was keen for a meeting of either the Management Committee or Full Council to be convened as soon as possible in order to discuss the matter and to consider whether Community Infrastructure Levy funding could be used to fund the production of a paper on alternative options in relation to appropriate flood defences at New Road, this work to be carried out as a matter of urgency. Cllr Russell intended to raise the matter at the meeting of the Management Committee scheduled to be held on 17 July 2024.

P35/2024 Apologies

Resolved: To receive and accept apologies for absence from Cllrs Campbell and R Edwards.

P36/2024 Declarations of Interest

No declarations of interest were raised.

P37/2024 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

There were no excluded items on the agenda.

P38/2024 Minutes of the Previous Meeting

Resolved: To receive and accept the minutes of the previous meeting of the Planning Committee held on 1 July 2024 and to authorise the Chair to sign them as a true record.

P39/2024 Minute Action Sheet

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

Item Ref. No.30 – Minute Action Sheet – To raise again the issue of the two shopfronts at Finkle Street and Kirkland with the Planning Authority. The Town Clerk reported that he had heard nothing further from Westmorland and Furness Council on this matter.

Item Ref No.28 – Minute Action Sheet – To diarise a review of the Aynam Road Fountain case in June. Graham Harrison informed the Committee that all contractors involved had been organised and were ready to move forward with moving the fountain to its new location. Mr Harrison enquired whether a session on this issue should be held for members of the public, however, the Town Clerk explained that this was a matter for Westmorland and Furness Council and the Environment Agency.

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

P40/2024 Planning Process and Issues

The Town Clerk drew attention to a recent training session he had attended and to a document on Probity in Planning which provided guidance about ensuring that decisions on plan making and planning applications were undertaken, on behalf of communities, in a fair, impartial and transparent way.

The Town Clerk further referred to the National Planning Policy Framework which sets out the Government's planning policies for England and how these were expected to be applied. He drew attention to a recent revision made by the Chancellor of the Exchequer with regard to onshore windfarms, to the promise of a new document full of new policies by the end of the month and to the likely re-introduction of housing targets. Attention was drawn to the potential for proposals for windfarms nearby to Kendal and the need to be alert to any such applications.

The Chair drew Members' attention to the Local Plan, pointing out that the public consultation would end at the beginning of September. The Town Clerk, he advised, was currently finding out the deadline for responses by parish councils. The Chair referred to the Town Council's thoughts in relation to the production of a neighbourhood plan which, for various reasons, was felt not to be practical. He raised the need for the Town Council to consider what could be done by means of an alternative method to a neighbourhood plan. To this end, the Chair was proposing the establishment of a Local Plan Action Group to examine various avenues, reporting to the Planning Committee, with a view of an appropriate report for submission to Westmorland and Furness Council. The Chair proposed that, along with himself, the membership should be Cllrs Dunlop, Ladhams, Long and Supka. The Chair explained the type of work and research which would need to be carried out by the group and its individual members. The group's aims and objectives would be set at its first meeting. In response to a query as to how Natural Kendal could become involved, it was pointed out that the group would be likely to gather information from a number of stakeholders. The Chair explained that the deadline for comments by parish councils was likely to be shorter than those in relation to the public consultation, stressing the need for the group's work to be carried out in a timely manner. He further stressed that it would be the Planning Committee which made the final decision based on the information provided by the group. He was keen, however, for Full Council to be in agreement.

Resolved: To establish a Local Plan Action Group to investigate alternative options and policy aims for the Local Plan instead of providing a Neighbourhood, to report back to the Planning Committee prior to Full Council and onward submission of proposals to Westmorland and Furness Council for inclusion within the Local Plan, the membership to comprise Cllrs Dunlop, Ladhams, Long, Rathbone and Supka.

The Chair lastly referred to the Local Plan and “Call for Sites” exercise, consultation for which would close on 30 September. He suggested that Members may wish to make residents aware of this exercise or to ask their Westmorland and Furness councillors to do so.

Resolved: To note the verbal updates.

P41/2024 Kendal Town Council Flood Relief Scheme Working Group

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, explained that whilst there had been no further meetings of the Group, a workshop had been held on 11 July 2024, involving the Group, local flood action groups and the Environment Agency. The workshop had been held in order to go through various elements of the Flood Relieve Scheme. Also considered had been the issue of New Road and the recent planning application, consideration of which had been deferred by Westmorland and Furness to its September meeting. This would allow all parties additional time to consider the proposal. The workshop had discussed a number of alternatives on 11 July, however, these had simply been dismissed, resulting in negativity and upset. The Environment Agency had appeared to be unreceptive to any other approach. To this end, Cllr Cornthwaite was proposing that the Kendal Town Council Flood Relief Working Group, together with residents and other stakeholders, come up with an alternative, properly engineered alternative to what was being proposed within the Environment Agency’s planning application. Cllr Cornthwaite informed the Committee that he was aware of an organisation which was prepared to finance the preparation of an appropriate document.

The Town Clerk took the opportunity to provide clarification around planning requirements, explaining that the Environment Agency had already submitted a planning application to Westmorland and Furness Council. To this end, the only options available were either to attempt to get the Environment Agency to withdraw the application or to get Westmorland and Furness Council to reject it. He questioned how a planning application could be responded to by putting forward an alternative proposal. Furthermore, the Town Clerk informed the Committee that he had not as yet had sight of any alternative proposal. He believed that, should any money be spent, then this should be on seeking solid planning advice in relation to the current planning application in order to try to ensure a positive result. He stressed the need to concentrate on this issue. The Flood Group needed to re-examine the planning application and to make recommendations to the Town Council Planning Committee on how to respond to Westmorland and Furness Council. The Chair of the Committee echoed the Town Clerk’s opinion, also pointing out the importance of following planning regulations, particularly around procedure; those Members of the Town Council Planning Committee and the Kendal Town Council Flood Relief Working Group who were also Members of Westmorland and Furness Council should not take part in consideration of comments for submission to Westmorland and Furness Council. Also raised was the need to ensure that the Scheme was not delayed.

Resolved: The Kendal Town Council Flood Relief Working Group to reconsider the Environment Agency’s current planning application with regard to New Road and to make recommendations to the Planning Committee on an appropriate response to the Planning Authority.

Resolved: To note the verbal report.

P42/2024 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 7.35 p.m.

Kendal Town Council
 Responses from Planning Committee: 15 July 2024
Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
1	2024/1042/FPA	14 Spital Park Kendal LA9 6HG Single storey side and rear extensions	Nether	17 July	No Material Objections provided that no environmental permit is required and subject to Biodiversity Net Gain.
2	2024/0992/FPA	The Conifers Parkside Road Kendal LA9 7LG Demolition of existing dwelling and erection of replacement dwelling	Nether	17 July	No Material Objections however sympathetic arrangements should be made with regard to hours of building and deliveries. The Committee would support the letter from Kendal Swifts requesting eight integral swift nest bricks.
3	2024/1028/FPA	33 Castle Garth Kendal LA9 7AT Partial demolition of rear outrigger, adaption of existing house for wheelchair use and erection of single storey rear extension	Castle	17 July	No Material Objections

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
4	2024/1094/FPA	Birds Park Farm Sedbergh Road Kendal LA9 6PB Erection of Agricultural Building (Livestock)	Nether	19 July	No Material Objections to the building, however, there is a requirement for Biodiversity Net Gain, notwithstanding the letter provided which has no provenance. Planning permission should be subject to Biodiversity Net Gain of at least 10%. The Committee felt that existing hard standing had no relevance when arguing whether there should be <i>less</i> BNG required and, if anything, increased the need to make some gain a condition in any approval.
5	2024/1072/FPA	36 Stonecross Road Kendal LA9 5HR Two storey front extension	Stonecross	19 July	No Material Objections provided that there is no overlooking and the Committee would support the letter from Kendal Swifts requesting six integral swift bricks.
6	2024/1069/FPA	14 Printers Croft Entry Lane Kendal LA9 4DJ Installation of replacement UVPC window frames, patio doors & side panels	Fell	19 July	No Material Objections to the use of UPVC, however, the Committee would seek for the requirement of the finish to be of a natural wood grain in the Conservation Area. Should approval be granted, the Conservation Officer must be satisfied that the window frames are appropriate and contribute to <i>improvements</i> to the amenity of the Conservation Area (DM3).

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
7	2024/1147/FPA	<p>70 Oxenholme Road Kendal LA9 7HH</p> <p>Front Porch/Bay Window to replace existing Bay Window</p>	Oxenholme	23 July	<p>No Material Objections but the Committee would seek not to have any further development at the front of the building.</p>
8	2024/1110/FPA	<p>3 Dalton Drive Kendal LA9 6AQ</p> <p>Replacement rear extension</p>	Nether	26 July	<p>No Material Objections provided that there is no overlooking and the Committee would seek sufficient Biodiversity Net Gain.</p>

Item No.5

Planning Committee - Minute Action Sheet - as at 23-07-24

Ref. No.	Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
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
22	19/02/2024	P150/2023	Planning Process and Issues	To produce a draft statement in relation to out of town food outlets, and to circulate to all Members of the Planning Committee, with Members to submit comments for inclusions should they so wish				To be drafted
30	07/05/2024	P190/2023	Minute Action Sheet	To raise again the issue of the two shopfronts at Finkle Street and Kirkland with the Planning Authority.			23-May-24	Action initiated by W&F 6 June. Awaiting outcome of review. Action also now initiated on Kirkland. Awaiting outcome.
34	01/07/2024	P32/2024	Planning Process and Issues	The Town Clerk to bring to a future meeting of the Committee a paper outlining alternative options to a neighbourhood plan for Kendal.				Committee exploring options with new Local Plan

Ref. No.	Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
35	15/07/2024	P40/2024	Planning Process and Issues	To establish a Local Plan Action Group to investigate alternative options and policy aims for the Local Plan instead of providing a Neighbourhood, to report back to the Planning Committee prior to Full Council and onward submission of proposals to Westmorland and Furness Council for inclusion within the Local Plan, the membership to comprise Cllrs Dunlop, Ladhams, Long, Rathbone and Supka.			First meeting of group 22 July 2024.	
36	15/07/2024	P41/2024	Kendal Town Council Flood Relief Scheme Working Group	The Kendal Town Council Flood Relief Working Group to reconsider the Environment Agency's current planning application with regard to New Road and to make recommendations to the Planning Committee on an appropriate response to the Planning Authority.				FRSWG meeting on 25 July 2024, to report to current meeting.

Westmorland and Furness Council
Public Space Protection Orders 2024 Proposal Consultation Guidance
for Parish and Town Councils

Westmorland and Furness Council ('the Council') are currently reviewing the Public Spaces Protection Orders (PSPO) that are in force across the legacy Councils of Eden District Council, Barrow Borough Council and South Lakeland District Council that continue to operate following Local Government Reorganisation and are consulting on the introduction of Council wide PSPOs.

The Council is seeking the views of Town and Parish Councils to consider the proposed PSPOs. The existing PSPOs of the legacy Councils will stop being effective upon the enactment of the new PSPOs. The Council does not charge Town and Parish Councils to apply for PSPOs. PSPOs may be appropriate for children's play areas and playing fields that are owned by the Parish and Town Councils.

The legal tests required to be met for a new PSPO to be made by the Council are that the Council must be satisfied on reasonable grounds that the following conditions have been met:

- (a) The activities carried on in the public place have or are likely to have a detrimental effect on the quality of life of those in the locality or it is likely that activities will be carried on in a public place in that area and that they will have such an effect. The definition of "public space" is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre, parks, playing fields etc.; and
- (b) The effect of the activities are, or are likely, to be of a persistent or continuing nature, such as to make them unreasonable and justifying any restrictions or requirements imposed in the PSPO. There is a focus on the Council to consider proportionality and assessment on whether any restrictions are required all the time, for example, it may be that a particular restriction does not need to be imposed all year round.

It is recommended that Town and Parish Councils hold their own consultation during the Council's consultation period with their constituents and provide the Council with its findings on any PSPO that is proposed and details of any anti-social behaviour in the area which a PSPO may address.

The Council is under a duty to consider how the use of a PSPO may impact on vulnerable members of the society and any displacement effects the PSPOs may have on people who live in the society. As such, as part of the consultation carried out by the Council an Equality Impact Assessment will be completed. Town and Parish Councils may be asked to input or deliver actions arising from the Assessment.

In addition to consulting with Town and Parish Council, the Council will also consult with a number of other parties, including, but not limited to:

- (a) The chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) Any community representatives the local authority considers it appropriate to consult. For example, residents' groups or particular groups of individuals who use a local amenity. Discussing the scope of potential restrictions or requirements with local

residents or interest groups is particularly useful as it can ensure that the final PSPO meets the needs of the local community;

- (c) Highway Authority;
- (d) Westmorland and Furness Councillors;
- (e) residents, users of the public space, local businesses and the Kennel Club; and
- (f) The owner or occupier of land within the restricted area (this list is not exhaustive).

If Town and Parish Councils support or disagree with any of the proposed PSPOs they should provide any supporting evidence in the form of reports, statements and consultation responses to the Council.

Town and Parish Councils are responsible for installing, managing and replacing any relevant signage if any new PSPOs are made. Town and Parish Councils will also be required to cover the costs of the signage. The Council will advise on the wording of the signage.

The current proposed consultation period for the Council wide PSPOs is 8th July 2024 – 1st September 2024.

The link to the online consultation is [Consultation on a new Public Space Protection Order - Westmorland and Furness Council - Citizen Space](#)

Should you wish to discuss the PSPO consultation please contact locality@westmorlandandfurness.gov.uk.

Kendal Town Council
 Applications for Planning Committee: 29 July 2024
Appendix 1

Item No.10

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
1	2024/1140/LBC	Ye Olde Fleece Inn 14 Highgate Kendal LA9 4SX Listed Building Consent for the installation of 64 photovoltaic panels to the roof of the existing public house (Sui Generis).	Fell	31 July	
2	2024/1107/FPA	15 White Moss Court Kendal LA9 5RD Replacement powder coated galvanised steel external staircase to a first floor flat	Strickland	1 August	
3	2024/1156/FPA	Fell House Low Fellside Kendal LA9 4NH Proposed reinstatement of original balcony, replacement windows, replacement glazing and new roof window	Fell	1 August	
4	2024/1189/FPA	Upper Flat 11 Aynam Road Kendal LA9 7DE 4 replacement UPVC double glazed windows to front elevation	Mintsfeet	1 August	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
5	2024/0864/FPA	5 Castle Garth Kendal LA9 7AT Loft conversion with roof light and rear dormer window	Mintsfeet	26 July	
6	2024/1204/FPA	Land north of Laurel Gardens Kendal LA9 Variation of condition 2 (approved plans) to increase overall number of homes on site to 165 (an increase of 8 homes) attached to planning permission SL/2019/0602 (Residential development and associated works and infrastructure)	Strickland	5 August	
7	2024/1244/FPA	8 The Old Woodyard High Tenterfell Kendal LA9 4PZ Replace wooden windows with PVC-u with wood grain effect finish.	Fell	7 August	
8	2024/0940/FPA	3 Low Kirkbarrow Lane Kendal Cumbria LA9 5DG Replacement of all exiting wooden doors and windows with UPVC windows and composite doors	Kirkland	13 August	