

Kendal Town Council

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



26 September 2022

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, 3 October 2022, at 6.30 p.m. 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

To receive the minutes of the meeting held on 5 September 2022; and to authorise the Chair to sign them as a true record (*see attached*).

5. Planning Applications dealt with under Delegated Powers

Following the cancellation of the meeting of the Committee scheduled to have been held on 19 September 2022, to note the delegated responses made in relation to those planning applications for which comments were due prior to the next meeting (*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 an update on the activities of the Working Group.

8. 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>

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Minutes of a meeting of the Planning Committee held on Monday, 5 September 2022, at 6.30 p.m., in the Council Chamber at the Town Hall, Kendal.

Cllr A Campbell	Apologies	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	Apologies	Cllr D Rathbone (Chair)	Present

Also in attendance: Two members of the public.

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

Public Participation

Emma Cowan of Hylands, Brigsteer Road, Kendal, spoke in relation to Minute No.P59/2022 (Planning Application No.SL/2022/0718 – Land off Underbarrow Road, Kendal) below.

P52/2022 Apologies

Apologies for absence were received and accepted from Cllrs A Campbell, D Evans and A Finch.

P53/2022 Declarations of Interest

Cllr D Miles declared an interest in Minute No.P59/2022 (Planning Application No.SL/2022/0726 below and at Appendix 1 to these minutes by virtue of the fact that both he and his son had carried out work for and were acquainted with the applicant.

P54/2022 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

No issues were considered for exclusion.

P55/2022 Minutes of the Previous Meeting

Members were asked to retrospectively receive and accept an apology for absence from Cllr D Miles which, despite having been submitted, had not been raised at the meeting of the Committee held on 15 August 2022.

Resolved:

- (1) to retrospectively receive and accept an apology for absence from Cllr D Miles for the meeting of the Planning Committee held on 15 August 2022; and
- (2) to receive and accept the minutes of the previous meeting of the Planning Committee held on 15 August 2022 and to authorise the Chair to sign them as a true record.

P56/2022 Planning Process and Issues

The Chair pointed out that the issue of short term holiday lets formed a separate item later on in the Agenda.

The Town Clerk referred to recent receipt of a request from Storys Homes for pre planning comments in relation to Phase 3 of the Brigsteer Road development. It was noted that the deadline for receipt of comments was 19 September 2022 which was the date of the next meeting of the Planning Committee. It was, therefore, suggested that the Company be asked if they would be willing to accept comments on the following day and, furthermore, that the Company be advised not to set such short deadlines in future if they actually wished to receive responses from the Town Council.

Resolved: The Town Clerk to write to Storys Homes seeking an extension to the deadline for pre planning comments and to advise the Company of the need for longer consultation periods as mentioned above.

P57/2022 Kendal Town Council Flood Relief Scheme Working Group

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, informed the Committee that there had still not been any further meetings but that the Group would try to meet before the end of September. He advised, however, that he had recently met with Tom McCormick from the Environment Agency who had talked him through the relief scheme in detail. With regard to the controversy over the premature felling of the trees along Aynam Road, he explained that the Environment Agency believed that they had sent notification of this by email.

The Planning Committee Chair questioned whether there may now be a need to re-advertise details about the Flood Hub and Cllr Cornthwaite said that discussions were currently taking place on how to move forward in this regard. Cllr Cornthwaite added that Tom McCormick had indicated that some aspects of the scheme were ahead of schedule and, furthermore, that some areas would be opened up for Torchlight.

Cllr Cornthwaite referred to the positive television report on the scheme in the previous week during which Cllr L Edwards had made an appearance.

Resolved: To note the verbal update.

P58/2022 NALC Short Term Holiday Lets Policy Consultation Briefing

Members' attention was drawn to a request for comments to NALC in response to consultation questions contained within the Department of Culture, Media and Sport's consultation into short term holiday lets. It was, however, pointed out that the deadline for comments to NALC had passed.

The Town Clerk further referred to the fact that the Committee was expecting a report on this issue in the near future but the report was not yet complete, this being an incredibly complex issue. He explained the difficulties in quantifying the impact on the housing market in Kendal, however, stressed the fact that many traditional starter homes within the Town had now become AirBnBs making it difficult for permanent homes of this type to be come by. The deadline for comments to NALC having passed, he suggested that he could provide some feedback. He also drew attention to the fact that he was aware that there were solutions in the pipeline.

A Member drew attention to the need for licensing of AirBnBs in order to be able to establish numbers.

Resolved: The Town Clerk to provide feedback to NALC.

P59/2022 Planning Applications

Note - Cllr D Miles declared an interest in this item regarding Planning Application No.SL/2022/0726 by virtue of the fact that both he and his son had carried out work for and were acquainted with the applicant.

The Committee considered the Planning Applications shown in Appendix 1 to these minutes.

A member of the public, Emma Cowan of Hylands, Brigsteer Road, Kendal, spoke in relation to Minute No.P59/2022 (Planning Application No.SL/2022/0718 – Land off Underbarrow Road, Kendal), as detailed within the Appendix.

Resolved: To submit the recommendations in Appendix 1 to these minutes to the Planning Authority.

The meeting closed at 7.28 p.m.

Kendal Town Council

Responses from Planning Committee: 5 September 2022

Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	SL/2022/0311	52-56 Highgate, Kendal Replace the roof covering on 2 storey rear extension	Highgate	5 September	Recommend refusal on the basis that no heritage or access statements. Please resubmit application including statements and an explanation as to why Brazilian slate has been chosen over local state and details regarding the colour of Brazilian slate.
2	SL/2022/0703	149 Hallgarth Circle, Kendal Two storey side extension and single storey rear extension	Strickland	6 September	No Material Objection provided that sufficient provision for biodiversity net gain is made (nest boxes not viewed as sufficient), however, attention is drawn to the potential detrimental impact of scale, dominance and overlooking.
3	SL/2022/0704	27 Stricklandgate, Kendal Internal alterations to shop premises	Fell	6 September	No Material Objection provided that the grills and television cause no detrimental impact on the Conservation Area in being overtly visible.
4	SL/2022/0709	21 Helme Drive, Kendal Demolition of existing porch and erecting of larger porch	Heron Hill	6 September	No Material Objection

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
5	SL/2022/0715	Formentor, Oxenholme, Kendal Erection of domestic horse stables (Resubmission of SL/2022/0494)	Oxenholme	7 September	Recommend refusal as this proposal does not take advantage of the contours of the land and is detrimental to the immediate view of Kendal as seen from the Helme. The Committee also raises the potential detrimental impact on the Council's dark skies policy on a prominent location on the edge of Kendal. The refusal decision for the previous application does not appear to have been addressed, especially with regard to positioning sufficiently far from neighbouring residential curtilage in what is not a rural location.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
6	SL/2022/0718	Land off Underbarrow Road, Kendal Residential Development for 9 Dwellings with associated access, landscaping and drainage works (Major application)	Highgate	13 September	<p>Emma Cowan of Hylands, Brigsteer Road, on behalf of herself and Craig Russell, raised a number of comments and observations in relation to the application. These were around boundaries and wildlife, urging planners to request details on boundary treatments; concerns around trees, water wind and wildlife; and surface water in a natural valley, the measures put forward within the application considered to be inadequate.</p> <p>No recommendation can currently be made on the application without a report from the Arboriculturist which should examine the potential for pollarding the Lime trees of not to be retained in their current state. Any response on this application is dependent on resolving this and issues around drainage, foul water, biodiversity, environmental protection, banking, fire service and street scene. Without this additional information the Committee cannot recommend a decision and requires resubmission with additional information as it is currently detrimental to the amenity of the area.</p>

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
7	SL/2022/0726	Ruby's Chinese Take Away, 68 Natland Road, Kendal First floor front extension (Resubmission of SL/2021/0821 & SL/2021/1117)	Stonecross	12 September	Note - Cllr D Miles declared an interest in this application by virtue of the fact that both he and his son had carried out work for and were acquainted with the applicant. No Material Objection provided that the suitability of the extraction unit and its height are confirmed.
8	SL/2022/0732	12-14 Stricklandgate, Kendal Installation of extraction together with blocking up existing metal gate and window, opening up of side windows to enable property to be used as a Lounge cafe	Fell	7 September	No Material Objection provided that the access report is deemed suitable for neighbouring properties.
9	SL/2022/0735	12-14 Stricklandgate, Kendal Installation of new shopfront	Fell	7 September	No Material Objection
10	SL/2022/0748	16 Hayfell Rise, Kendal First floor rear glazed balcony	Heron Hill	14 September	No Material Objection provided that not overlooking neighbours to the side or on Wordsworth Drive.
11	SL/2022/0753	19 Union Street, Kendal Detached office/shed	Strickland	14 September	No Material Objection provided that sufficient provision for biodiversity net gain is made.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
12	SL/2022/0755	37-55 Finkle Street, Kendal Division of existing ground floor retail space to 2 retail units with new shop entrance to 39 Finkle Street (Resubmission of SL/2022/0392)	Fell	14 September	No Material Objection provided that waste storage arrangements are deemed adequate and that any asbestos is dealt with as necessary.
13	SL/2022/0764	Land around Longlands View, Kendal Removal of existing planted verge and build three parallel parking bays, new planting, lower brick walls at the ends of both cul de sacs and replace with coping stone and decorative railings, install railings and gate to the garden area	Nether	14 September	No Material Objection provided that the Arboriculturist's comments are noted.
14	SL/2022/0083	Stephenson Centre, Ann Street, Kendal Temporary pod to house 1 homeless individual in emergencies	Mintsfeet	13 September	No Material Objection although attention is drawn to neighbour comments and provided that the temporary permission is for no longer than five to seven years in line with that recently agreed for the pod at Manna House.
15	SL/2022/0757	125 Valley Drive, Kendal Alterations and 2 storey side extension to create ground floor garage and first floor bedrooms	Castle	14 September	No Material Objection

Kendal Town Council

Applications for Planning Committee: 19 September 2022

Appendix 1

Please note, the following observations were forwarded by the Town Clerk, following the appropriate consultations with the Chair and individual councillors, under the scheme of delegation. This was due to the impact of the period of Public Mourning on council meeting schedules.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	SL/2022/0710	27 Kendal Green, Kendal Ancillary Building	Strickland	21 September	The Council would expect the development not to overlook neighbouring properties unduly, utilise appropriate local materials where possible, and to demonstrate net biodiversity gain. Assuming the Conservation Officer was content that it did not prejudice the visual amenity of the Conservation Area, the Council has <u>No material objections.</u>
2	SL/2022/0763	Kendal Nutricare Ltd, 1 Mint Bridge Road, Kendal Erection of new RTF building	Mintsfeet	22 September	The Council has <u>No material objections</u> but assumes that the flood plan is sufficient in the view of the LLFA, and that a consideration of net biodiversity gain is made.
3	SL/2022/0767	77-78 Aynam Road, Kendal Change of use of ground floor retail unit (Use class E) to 2 dwellings (Use class C3) including associated demolition, extension & alterations	Castle	22 September	The Council has <u>No material objections,</u> providing it does not present an overlooking issue. It was difficult to tell from the plans.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
4	SL/2022/0770	Premier Inn Kendal Central, Maude Street, Kendal Replacement of 1 internally illuminated totem sign, 1 internally illuminated fascia sign, 1 externally illuminated fascia sign and 1 internally illuminated roundel sign	Fell	22 September	<u>No material objections</u> providing its level of brightness does not create additional issues
5	SL/2022/0776	58 Sedbergh Road, Kendal Proposed front porch and detached garage	Nether	22 September	<u>No material objections</u>
6	SL/2022/0806	9 Strickland Court, Windermere Road, Kendal Replace the existing windows and door with UPVC White wood grain effect	Strickland	30 September	<u>No material objections</u> , though the Council would like to see a contribution to net biodiversity gain, and assuming the visual amenity of the area is not compromised.
7	SL/2022/0808	Willowfield, Parkside Road, Kendal Single garage (Retrospective)	Castle	30 September	The Council is disappointed to be receiving a retrospective application, as this implies the developer thought they did not need to bother applying. However, it has <u>No material objections</u> .
8	SL/2022/0810	Rear of 10 Murley Moss, Kendal Change of use of public space to garden extension for 10 Murley Moss to be established as a community garden	Oxenholme?	30 September	<u>No material objections</u>

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
9	SL/2022/0802	Kendal Rugby Union Football Club, Mint Bridge, Shap Road, Kendal Variation of condition 6 (Use of the clubhouse & grounds) attached to planning permission SL/2021/0101 (Variation of condition 19 (Open Hours) attached to planning permission SL/2015/0016 (Engineering operation and development to re-grade the site to form one full sized floodlit rugby pitch, one full sized floodlit artificial pitch, two training pitches, a clubhouse, parking and landscaping.)	Mintsfeet	7 October	<u>No material objections</u>
10	SL/2022/0803	Kendal Rugby Union Football Club, Mint Bridge, Shap Road, Kendal Variation of condition 1 (Camping season) attached to planning permission SL/2021/0102 (Change of use of land to allow seasonal camping)	Mintsfeet	30 September	<u>No material objections</u> but the Council would not like to see this becoming a permanent development without a full planning application

Kendal Town Council

Applications for Planning Committee: 3 October 2022

Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	SL/2022/0819	72 Greenside, Kendal Repositioning of existing front door to allow for internal lobby	Fell	5 October	
2	SL/2022/0528	7 Michaelson Road, Kendal Two storey rear extension	Stonecross	7 October	
3	SL/2022/0822	48 Natland Road, Kendal Two storey side & single storey rear extensions (Resubmission of SL/2022/0202)	Stonecross	7 October	
4	SL/2022/0837	7 Captain French Lane, Kendal Change of use of vacant residential property (Use class C3) to part of dental practice premises (Use class E)	Highgate	12 October	
5	SL/2022/0841	4 Spital View, Kendal, LA9 4NX Construction of rear dormer & replacement of existing front dormer	Fell	12 October	
6	SL/2022/0787	Sunny Cote, Sunnyside, Kendal Erection of a single storey garage/outbuilding	Mintsfeet	13 October	