

Kendal Town Council

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



28 November 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, 5 December 2022, 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

A handwritten signature in black ink, appearing to be 'A B' followed by a long horizontal stroke.

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 21 November 2022; and to authorise the Chair to sign them as a true record (see attached).

5. 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. (Further to Minute No.P86/2022 of the meeting of the Committee held on 21 November 2021, the Committee's response to the District Council's additional list of Call for Sites proposals in relation to the South Lakeland Local Plan 2021 is attached for information.)

6. Kendal Town Council Flood Relief Scheme Working Group

To receive an update on the activities of the Working Group.

7. 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, 21 November 2022, at 6.00 p.m., in the Council Chamber at the Town Hall, Highgate, Kendal.

Cllr A Campbell	Present	Cllr A Finch	Present
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)	Apologies

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

Public Participation

Laura Miller, local Architect, spoke in detail on behalf of LAWSA (Lancaster and Westmorland Society of Architects) in relation to proposal by Story Homes to build a major housing development of 340 homes on land to the south of Kendal. The Society wished to highlight its views on the low ambition and standard of design for developments such as this, which would have a huge and long-lasting impact on the character and appearance of the Town. The environmental credentials of this type of development were also typically very poor, with a design that did not enable future changes, such as PV panels. The design of the houses was also unneighbourly. The Society also wished to point out that many developers put in place restrictive covenants preventing the retrospective fitting of panels to completed buildings. In addition, it was felt by the Society that the purchase prices of these developments were also contrary to efforts to address the affordability problems within the area, but under the guise of working to solve the housing crisis. The Society also wished to draw attention to, amongst many other comments, the house types being standard, “off the shelf” products, with a three bed house being scaled up rather than designing the larger houses with extra specific rooms to invite the enlarged price of over £700,000. Some were faced in brick, showing a complete lack of empathy with the Town and its history and, most importantly, there was no consideration with regard to employment or school or NHS places within the Town. Laura questioned the need for 350 highly priced homes in Kendal and suggested that smaller flats within the Town Centre would be more attractive for local buyers and felt that local people should be given the opportunity to take control of what was built in the area. Given the fact that the proposal was still at pre-application consultation stage, she suggested that the Society may wish to prepare a more coherent response and return to speak again at a future meeting of the Committee.

Laura answered a number of questions raised by Members who also thanked her for addressing the Committee.

P82/2022 Apologies

Apologies for absence were received and accepted from Cllrs D Evans and D Rathbone (Chair).

P83/2022 Declarations of Interest

No declarations of interest were raised.

P84/2022 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

No issues were considered for exclusion.

P85/2022 Minutes of the Previous Meeting

Resolved: To receive and accept the minutes of the previous meeting of the Planning Committee held on 7 November 2022 and to authorise the Chair to sign them as a true record.

P86/2022 Planning Process and Issues

A report had been circulated to Members prior to the meeting.

The Town Clerk spoke to the Committee in relation to the South Lakeland Local Plan 2021 and the District Council's publication of another list of Call for Sites proposals, which although outside Kendal's parish boundary, had a material affect on the Town. A site at Burton Road was also the subject of a pre-application by Story Homes for a 340-house development. He drew particular attention to this proposal, suggesting that Members consider the purpose of this development at the southern end of the Town.

Members raised a number of comments, reiterating the above-mentioned ones raised by LAWSA and, in particular, expressed strong concerns in relation to the saturation point of local services and schools within Kendal, a point which they felt needed to be stressed. Also raised was the potential for development to continue further down the A590 all the way to Junction 36 and the fact that this was highly undesirable.

The Clerk undertook to collate the comments raised by the Committee, those drawn to Members' attention by LAWSA and comments raised by Cllr Suzanne Long and to forward a response to South Lakeland District Council.

Resolved:

- (1) To note the verbal update.
- (2) The Clerk to produce a response including comments raised by the Committee, those drawn to Members' attention by LAWSA and comments raised by Cllr Suzanne Long and to forward the document to South Lakeland District Council.

P87/2022 Kendal Town Council Flood Relief Scheme Working Group

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, presented the notes of the meeting of the Working Group held on 26 October 2022. He informed the Committee that the next meeting of the Working Group would take place on 7 December 2022.

Resolved:

- (1) To note the verbal update.
- (2) The notes of the meeting of the Kendal Town Council Flood Relief Scheme Working Group held on 26 October 2022 be received.

P88/2022 Motion to Council

Cllr A Campbell presented proposed text for a Motion to the next meeting of Full Council on the Town Council's position on second homes and holiday lets within Kendal.

Members were keen to ensure that an appropriate press release was made following the meeting of Full Council, should the motion be upheld.

Resolved: To forward the following Motion to Full Council on 3 December 2022:-

"The Council believes that everyone in Kendal should be able to buy or rent an affordable home in town and notes with deep concern the growing shortage of homes in Kendal and the surrounding parishes thanks to the increase in the number of second homes, holiday lets, and Airbnbs in the community leading to increasing house prices, increasing rent costs and an increasing number of residents seeking social-rented housing.

The Council also notes with deep concern the increasing incidences of eviction in South Lakeland District and the rising number of homelessness applications received by the District Council.

The Council recognises the importance of tourism and hospitality to Kendal's economy, providing jobs for locals and amenities to both locals and visitors. The Council also recognises that accommodation is a key requirement to sustaining a healthy tourism and hospitality sector.

However, without affordable housing, Kendal risks losing not only its local workforce but young people, families, and pensioners, who are being priced out of the community by rising housing costs. Fewer people using services like the Post Office, local transport, schools, and libraries, put those services at risk of closure and fewer workers damage Kendal's economy as local businesses struggle to recruit employees.

Current planning law is not sufficient to protect local homes for local people.

We, therefore, call on the Secretary of State for Leveling Up, Housing and Communities to protect local homes for local people by adopting the following reforms:

- 1. Require property owners to seek planning permission before converting their properties to second homes, Airbnbs and other holiday lets thereby handing local authorities the power to control the number and location of such properties in Kendal and the surrounding communities.*
- 2. Grant local authorities the power to charge a council tax premium on second homes in excess of the current 100% maximum.*
- 3. Grant planning authorities the power to demand more affordable homes from developers, up to 100% of a development.*
- 4. Restrict developers' use of viability assessments to reduce the number of affordable homes built.*

The Council, also urges South Lakeland District Council and Westmorland and Furness Council, when considering any planning application concerning a dwelling, to use any and all powers available to them to ensure that that dwelling becomes or remains a primary residence.

The Council also calls on South Lakeland District Council and Westmorland and Furness Council to join this Council and our Member of Parliament in lobbying Ministers to protect local homes for local people in Kendal and in our South Lakeland communities."

P89/2022 Asset of Community Value Nomination – Kendal Mountain Search and Rescue Team Base, Busher Walk

The Clerk provided details with regard to the process relating to assets of community value and asked Members to consider any comments in relation to a nomination which had been submitted to South Lakeland District Council by Kendal Mountain Search and Rescue Team with regard to its Base at Busher Walk.

Resolved: The Town Clerk to express the Committee's support to South Lakeland District Council for inclusion of the Kendal Mountain Search and Rescue Team Base within its list of Assets of Community Value.

P90/2022 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 7.00 p.m.

Kendal Town Council

Responses from Planning Committee: 21 November 2022

Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	SL/2022/0969	Unit 2, Mintsfeet Road South, Kendal Canopy enclosure.	Mintsfeet	22 November	No Material Objections.
2	SL/2022/0849	Pekora Nera One, 104 - 106 Stricklandgate, Kendal Removal of signage, repainting of building facade and erection of awning (Part Retrospective).	Fell	22 November	No Material Objections provided that the Conservation Officer is satisfied that the proposal does not compromise the visual amenity of the Conservation Area. The Committee expressed disappointment that this was a part retrospective application.
3	SL/2022/0955 & SL/2022/0956	64 Highgate, Kendal Replacement of the existing external ATM with new model, through new centred aperture. Surrounding stonework replaced to suit & match existing, with lime-based mortar used.	Highgate	23 November	No Material Objections provided that the Conservation Officer is satisfied that the proposal does not compromise the visual amenity of the Conservation Area.
4	SL/2022/0957	64 Highgate, Kendal Replacement of the existing external ATM, with associated aperture & internal plinth alteration works. Installation of 1No non illuminated ATM header sign. Replacement / removal of existing internal machines, with associated making good works. New wall & floor decorations.	Highgate	23 November	No Material Objections provided that the Conservation Officer is satisfied that the proposal does not compromise the visual amenity of the Conservation Area.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
5	SL/2022/0972	15 Castle Oval, Kendal Proposed single storey rear and side extension.	Castle	22 November	No Material Objections provided that there is a contribution to meet net biodiversity gain as required by DM4.
6	SL/2022/0977	166 Valley Drive, Kendal Single storey front extension.	Heron Hill	24 November	No Material Objections provided that there is a contribution to meet net biodiversity gain as required by DM4 and the Planning Officer should check on the measurements of the building, details of which are unclear.
7	SL/2022/0987	9 Hawesmead Avenue, Kendal Demolition of existing garage & outbuildings and the erection of a detached single storey garage/workshop.	Stonecross	24 November	Material Objections on the grounds of scale, size and dominance of the proposed building in that plot.
8	SL/2022/0946	6 Lound Road, Kendal Change of use of ground floor office (Use class E) to a single apartment (Use class C3) with single storey rear extension.	Castle/Kirkland	24 November	No Material Objections provided that the Conservation Officer is satisfied that the proposal does not compromise the visual amenity of the Conservation Area.
9	SL/2022/0989	Unit 2 A - 3 South Lakeland Retail Park, Queen Katherines Avenue, Kendal High level sign to front elevation, replacement panels/vinyls to existing totem poles, loading bay sign to rear elevation, and vinyls/graphics/solar film to internal face of windows/doors.	Mintsfeet	24 November	No Material Objections

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
10	SL/2022/0971	37-39 Finkle Street, Kendal Change of use of 1st & 2nd floors of former retail and retail storage & ancillary accommodation (Use class E) to 4 flats (Use class C3) with bin, recycling store and bicycle park (Resubmission of SL/2022/0405)	Fell	28 November	No Material Objections provided that the problems in relation to the original application have been addressed.
11	SL/2022/0975	55 Finkle Street, Kendal Change of use of 2nd floor of former retail (Use class E) to a dwelling (holiday accommodation) (Use class C3) with roof terrace with glazed balustrade (Resubmission of SL/2022/0274)	Fell	28 November	No Material Objections provided that the problems in relation to the original application have been addressed.
12	SL/2022/0898	114 - 116 Kirkland Installation of 1 non-illuminated fascia sign to front elevations & 1 non-illuminated tray sign to side elevation	Kirkland	2 December	Material Objections due to the size and dominance of the proposed sign on the front elevation in that area; the Committee prefers the size of the existing sign on the front elevation.
13	SL/2022/1006	3 Spring Bank Two storey rear extension & front porch replacement	Strickland	2 December	No Material Objections provided that there is a contribution to meet net biodiversity gain as required by DM4.

South Lakeland Local Plan 2021 Land Allocations Additional items added since last round

Ref 2021-Cfs-11

Land at Boundary Bank Lane

Although this land is within Kendal CP, and adjoins the Lake District National Park, it is also pretty much within the existing quarry boundary and is brownfield in nature.

Call for sites response

No particular objections

Ref 2021-Cfs-14

This is the area Story Homes have proposed to build 340 houses. The feedback suggested here acts for both consultations.

This is 'white land' on the existing plan – that is to say it is not considered development land. It is in Natland Civil Parish. It adjoins Kendal CP along Burton Road, but its northern boundary is to a previous development which is still in Natland parish, but is a part of the continuous Kendal urban area.

Call for sites response

The area is a part of the 'green gap' between Kendal and Natland village. Any major development here would need to be considered a part of Kendal, rather than Natland. This would require a boundary change. Any possible development here should retain the green gap between urban Kendal and Natland village.

A major development here would have a serious impact on local facilities – schools, community buildings, sport and recreational provision would all need to be considered. With serious consideration for these factors, the Council could accommodate a development, though it would be heavily contingent on other related factors. If the plan is unable to address these per se, then the Council would revert to the existing position – green gap.

2021-Cfs 19

Land at Castle Mount, Oxenholme

A small residential site in Oxenholme, which should be suitable for appropriate housing development.

Call for sites response

No objections

2021-Cfs-20

Land South of Helme Lane

A small housing site in Scaethwaiterigg which will have marginal impact on the town.

Call for sites response

No objections

2021-Cfs-27

Land at Scroggs Wood

Sometimes referred to as Scroggs Wood 1, this breach of the Town's settlement boundary has been trailed heavily before.

Call for sites response

If the site must be developed, the town's boundary must be moved to bring the two into line. Development must be of a high standard and there must be contributions made to the connectivity with the river corridor. There must be adequate provision for run-off and sewerage, and biodiversity net gain.

2021-Cfs-28

Land adjacent to Scroggs Wood

Sometimes referred to as Scroggs Wood 2, this is a massive extension of the town's settlement boundary to beyond the A591 roundabout.

Call for sites response

This would feel like an enormous ribbon extension and could have a very damaging affect on town centre vitality. It should remain as a greenfield definer of the town's outer limits.

2021-Cfs30

Land west of Helsington

This is the land running to the north of Helsington Laithes, up to the fields above Stonecross, which are subject to their own development pressures from the first round.

Call for sites response

The Council has already expressed its opposition to any further development on the heights to the west of the town. It is archaeologically sensitive and gives a valuable landscape character to the western boundary which be irrevocably lost if the settlement boundary pushed up against the bypass.

2021-Cfs31

Land at Milnthorpe Road, Helsington

This is the land to the south of Helsington Laithes, running down to the bypass.

Call for sites response

This is important green gap land on the edge of town, and shouldn't be developed.

2021-Cfs 32

Land west of Natland Road

This proposal is for a large parcel of land off Natland Road, owned by Clarks. The existing distribution depot is no longer in use, beyond are green fields.

Call for sites response

Whereas the Council would support the development of the brownfield site on the former Clark's depot, for business or residential use, it would strongly oppose any attempt to package this with a development of the fields beyond, between Natland Road and the River Kent. Not only does this area sit in a flood water corridor, it is archaeologically sensitive, for its proximity to Watercreek Roman Fort and the unexcavated site known as the Sattury. The area is far less sustainable than a site to the east of the Natland Road, which at least benefits from potentially good access to local services. Development on this site would be very detrimental to the rural character of the area south of the town.

Kendal Town Council

Applications for Planning Committee: 5 December 2022

Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	SL/2022/1016	Romleigh, Romney Road, Kendal Demolition of existing bungalow and erection of two semi-detached one bedroomed apartments (Resubmission of SL/2021/0566)	Kirkland	7 December	
2	SL/2022/1018	21 Greenside, Kendal Remove the flat roof over garage and replace with a pitch roof extending the line of the existing house to create additional living accommodation	Fell/Highgate	7 December	
3	SL/2022/1024	Farley Health Products Ltd, Lake District Business Park, Mint Bridge Road, Kendal Erection of a single storey building to provide enhanced and expanded micro laboratory facilities	Mintsfeet	12 December	
4	SL/2022/1048	Unit 2 A - 3, South Lakeland Retail Park, Queen Katherines Avenue, Kendal Alterations to position of rear fire exit door & repositioning/reduction in size of existing rear opening to receive new roller shutter	Mintsfeet	13 December	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
5	SL/2022/1051	35 Rinkfield, Kendal Proposed detached single garage	Stonecross	16 December	
6	SL/2022/1052	93 Highgate, Kendal Change of use of 1st & 2nd floors (Use class E) to dwelling (Use class C3)	Highgate	19 December	