

# Kendal Town Council

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



8 August 2022

To Members of the Planning Committee

|                    |                             |
|--------------------|-----------------------------|
| Cllr A Campbell    | Cllr H Ladhams (Vice Chair) |
| Cllr J Cornthwaite | Cllr D Miles                |
| Cllr L Edwards     | Cllr D Rathbone (Chair)     |
| Cllr D Evans       | One vacancy                 |

You are summoned to a meeting of Kendal Town Council Planning Committee on  
**Monday, 15 August 2022, at 6.30 p.m.** 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 read '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 on 1 August 2022 and to authorise the Chair to sign them as a true record.
- 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.
- 6. Kendal Town Council Flood Relief Scheme Working Group**  
To receive an update on the activities of the Working Group.
- 7. Town and Country Planning Act 1990 Section 257 - Proposed Stopping Up and Diversion of Public Footpath Nos 536002 Parish of Kendal and Public Footpath No 570013 Parish of Skelsmergh and Scalthwaiterigg**  
To consider any comments that the Committee may wish to make to Cumbria County Council regarding the proposed stopping up and diversion of public footpath nos 536002 and 570013.
- 8. Planning Applications** (see attached schedule)  
To consider planning applications received from South Lakeland District Council and Cumbria County Council.

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

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## Minutes of a meeting of the Planning Committee held on Monday, 1 August 2022, at 6.33 p.m., in the Town Hall, Kendal.

|                    |           |                             |         |
|--------------------|-----------|-----------------------------|---------|
| Cllr A Campbell    | Absent    | Cllr H Ladhams (Vice-Chair) | Present |
| Cllr J Cornthwaite | Apologies | Cllr D Miles                | Present |
| Cllr L Edwards     | Present   | Cllr D Rathbone (Chair)     | Present |
| Cllr D Evans       | Apologies | One vacancy                 |         |

**In Attendance:** Inge Booth (Democratic Services Assistant)

### **P37/2022 Apologies**

Apologies for absence were received and accepted from Cllrs J Cornthwaite and D Evans.

### **P38/2022 Declarations of Interest**

Cllr L Edwards declared an Other Registrable Interest in Minute No.P43/2022 (Planning Application No.SL/2022/0668 below and at Appendix 1 to these minutes by virtue of the fact that she was Chair of the Kendal Flood Action Group and had previously expressed support for the application.

### **P39/2022 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)**

No issues were considered for exclusion.

### **P40/2022 Minutes of the Previous Meeting**

**Resolved:** To receive and accept the minutes of the previous meeting of the Planning Committee held on 18 July 2022 and to authorise the Chairman to sign them as a true record.

### **P41/2022 Planning Process and Issues**

Cllr D Rathbone, Chair, informed the Committee that both he and the Council's Development and Delivery Manager had been examining the Local Plan with strong support for setting higher local energy efficiency standards than those proposed by Government and the aim of seeking inclusion of a requirement for developers to increase the amount of those standards and options provided in new builds, with a minimum standard to be met."

Development Services had indicated that they were looking at this aspect and were aware of other councils which were proposing something similar, and so were trying to source examples of best practice from them as well as case law examples. The Local Plan would be out for public consultation in October.

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

#### **P42/2022 Flood Scheme Working Group**

In the absence of Cllr J Cornthwaite, Chair of the Flood Scheme Working Group, the Chair reported that there had been no meetings of the Group since the last meeting of the Planning Committee. He drew to Members' attention, however, the fact that SL/2022/0163 - Kendal Flood Relief Management Scheme Phase 1 had been approved by South Lakeland District Council on 29 July 2022. The Chair felt that the Town Council Planning Committee Members would welcome this news, commend the design and look forward to work commencing. The Committee expressed thanks to all members of the Flood Scheme Working Group and their supporters.

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

#### **P43/2022 Planning Applications**

***Note - Cllr L Edwards declared an Other Registrable Interest in this item regarding Planning Application No.SL/2022/0668 by virtue of the fact that she was Chair of the Kendal Flood Action Group and had previously expressed support for the application. Cllr Edwards left the room during the discussion and voting thereon and for the remainder of the meeting.***

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 6.58 p.m.

Kendal Town Council  
 Responses from Planning Committee: 1 August 2022  
**Appendix 1**

| No. | App No./Type                 | Address/Proposed Development  | Parish Ward | Comments to SLDC | Observations/Recommendations   |
|-----|------------------------------|---|-------------|------------------|--|
| 1   | <a href="#">SL/2022/0571</a> | <b>12 Rosemary Hill, KENDAL</b><br>New window opening 900mm / 600mm in the gable end wall   | Fell        | 5 August         | <b><u>No Material Objection</u></b>  |
| 2   | <a href="#">SL/2022/0655</a> | <b>Windyridge, 19 Gillinggate, KENDAL</b><br>Replacement windows and door, new windows and door to enclose porch and new roof over front bay window | Highgate    | 5 August         | <b><u>No Material Objection</u></b> provided that the materials used are as stated within the Heritage Statement.  |
| 3   | <a href="#">SL/2022/0657</a> | <b>37 Empsom Road, KENDAL</b><br>First floor side extension & single storey front & rear extensions   | Strickland  | 10 August        | <b><u>No Material Objection</u></b> provided that there is no overlooking and that sufficient provision for biodiversity net gain is made. In addition, the footpath must be retained as outlined by Cumbria County Council. |

| No. | App No./Type                 | Address/Proposed Development   | Parish Ward | Comments to SLDC | Observations/Recommendations   |
|-----|------------------------------|--|-------------|------------------|--|
| 4   | <a href="#">SL/2022/0663</a> | <b>6 Gilthwaiterigg Lane, KENDAL</b><br>Porch extension, replacement of Juliet balcony with window, window replacement & installation of solar panels to south elevation | Mintsfeet   | 11 August        | <p>Whilst the Committee commended the principle of installation of solar panels, Members felt that the plans required amending to ensure that the panels did not adversely impinge on the visual amenity of the area. The Committee objected to the panels due to the number and their obtrusive colour, as well as the fact that no specific description of them was provided. The Committee therefore also awaited Highways comments in this regard.</p> <p><b><u>No Material Objection</u></b> in relation to the porch extension, replacement of Juliet balcony with window and window replacement, however, recommend <b><u>Refusal</u></b> of solar panels to south elevation.</p> |

| No. | App No./Type                 | Address/Proposed Development   | Parish Ward | Comments to SLDC | Observations/Recommendations   |
|-----|------------------------------|--|-------------|------------------|--|
| 5   | <a href="#">SL/2022/0668</a> | <p><b>Land adjacent to River Kent at Stockbeck and Gooseholme Park, KENDAL</b></p> <p>Full Application for design changes to approved Phase 1 Kendal Linear Defences Scheme Ref: SL/2018/0925 to include construction of new pumping station including underground infrastructure, demolition of existing kiosk, erection of Motor Control Centre and electricity substation, linear defences in Reach F4, new outfall to River Kent and new hardstanding areas and associated landscaping areas incorporating SUDs within Gooseholme Park</p> | Mintsfeet   | 20 August        | <p><b><i>Note - Cllr L Edwards declared an Other Registrable Interest in this Planning Application by virtue of the fact that she was Chair of the Kendal Flood Action Group and had previously expressed support for the application. Cllr Edwards left the room during the discussion and voting on this application and for the remainder of the meeting.</i></b></p> <p>The Committee felt pleased to see a net increase on the site of 25 trees.</p> <p><b><u>No Material Objection</u></b> provided that:-</p> <p>(1) the footpath is retained as outlined by Cumbria County Council;</p> <p>(2) an archaeological watching brief is maintained;</p> <p>(3) tree paling protection is improved, as requested;</p> <p>(4) biodiversity tree and bush planting regime is to be supplied to ensure long term biodiversity net gain is sustained; and</p> <p>(5) the Arboriculturalist's report is adhered to.</p> |

## Cumbria County Council

Economy & Infrastructure □ Highways Assets & Strategy □ The Parkhouse Building □ Kingmoor Business Park □  
Carlisle □ Cumbria CA6 4SJ  
T: 07920 711254 □ E: [sandra.smith@cumbria.gov.uk](mailto:sandra.smith@cumbria.gov.uk)

Date 26 July 2022  
Reference: SS 5.1.495

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257  
PROPOSED STOPPING UP AND DIVERSION OF PUBLIC FOOTPATH NOS 536002 PARISH  
OF KENDAL AND PUBLIC FOOTPATH NO 570013 PARISH OF SKELSMERGH AND  
SCALTHWAITERIGG**

I shall be pleased to receive any comments that you might wish to make regarding the proposed stopping up and diversion of public footpath nos 536002 in the parish of Kendal and public footpath no 570013 parish of Skelsmergh and Scalthwaiterigg, at Meadowbank, as shown on the attached map.

The County Council is processing the stopping up and diversion order on behalf of South Lakeland District Council who has granted planning permission to develop land north of Meadowbank Business Park SL/2019/0743.

**Description of the Routes to be stopped up (with reference to the plan)**

That section of path no 536002 in the parish of Kendal shown A-B

That section of path no 570013 in the parish of Skelsmergh and Scalthwaiterigg shown B-C

**Description of the Proposed Route (with reference to the plan)**

A new section of path no 570013 in the parish of Skelsmergh and Scalthwaiterigg shown C-D

When responding, please could you think about the following legal test that would have to be met if any stopping up/diversion is to be successful:-

that the path(s) requires stopping up or diversion to allow development to be carried out

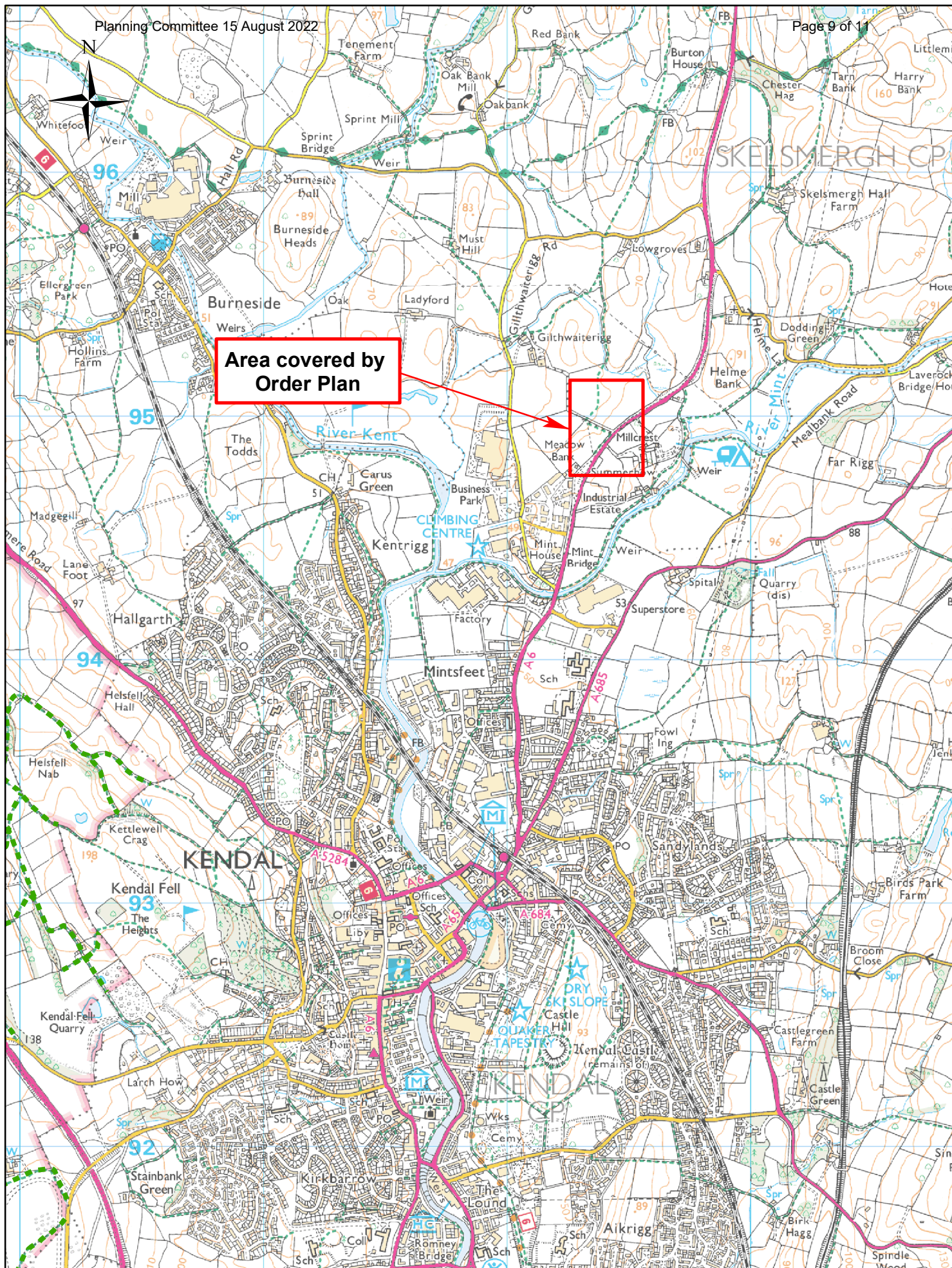
A reply by the end of August 2022 would be appreciated.

Yours faithfully

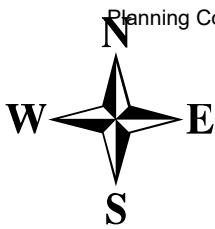


Sandra Smith  
Countryside Access Officer







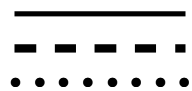


### Legend

Footpath to be Stopped Up

Footpath to be Created

Routes to remain



Air Valves

C = 352366 495034

D = 352481 494978

B = 352334 494981

A = 352357 494842

FP 570013

FP 536002

Path (um)

CW

CH

Def

CH

Def

CH

CW

Grid

Und

BS

SHAP ROAD A6  
Def

Meadow Bank

SHAP ROAD

SEAL

**Kendal Town Council**

Applications for Planning Committee: 15 August 2022

**Appendix 1**

| No. | App No./Type  | Address/Proposed Development  | Parish Ward | Comments to SLDC | Observations/Recommendations |
|-----|---|---|-------------|------------------|------------------------------|
| 1   | <a href="#">SL/2022/0673</a>                                      | <b>73 Lingmoor Rise, KENDAL</b><br>Detached garage  | Castle      | 23 August        |                              |
| 2   | <a href="#">SL/2022/0674</a>                                      | <b>8 Bellingham Road, KENDAL</b><br>Front porch extension   | Stonecross  | 23 August        |                              |
| 3   | <a href="#">SL/2022/0680</a><br>&<br><a href="#">SL/2022/0681</a> | <b>HSBC, 64 Highgate, KENDAL</b><br>Installation of one new CCTV camera   | Highgate    | 23 August        |                              |
| 4   | <a href="#">SL/2022/0696</a>                                      | <b>17 Heron Close, KENDAL</b><br>Alterations & extension to remove rear conservatory and erection of a single storey rear extension to form open plan kitchen / dining room | Heron Hill  | 24 August        |                              |