

# Kendal Town Council

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



30 April 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 **Tuesday 7 May 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 9)

To receive the minutes of the meeting held on 22 April 2024 and to authorise the Chair to sign them as a true record (see attached).

**5. Minute Action Sheet (pages 10 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**

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

**8. Planning Applications (pages 13)**

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/>

# Kendal Town Council

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## Minutes of a meeting of the Planning Committee held on Monday, 22 April 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	Apologies	Cllr D Miles	Present
Cllr L Edwards	Present	Cllr D Rathbone (Chair)	Present
Cllr R Edwards	Present	Cllr G Supka	Apologies
Cllr A Finch	Absent		

**In Attendance:** Chris Bagshaw (Town Clerk).

Also Cllr S Long

### Public Participation

Mr G Harrison drew the Committee's attention to the absence of a design for the actual gates in the Application 0571, and queried their location. The Committee's consideration of this issue is shown in the appropriate table.

#### P177/2023 Apologies

**Resolved:** To receive and accept apologies for absence from Cllrs A Campbell, J Cornthwaite and G Supka.

#### P178/2023 Declarations of Interest

No declarations of interest were raised under this item.

#### P179/2023 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

There were no excluded items on the agenda.

#### P180/2023 Minutes of the Previous Meeting

**Resolved:** To receive and accept the minutes of the previous meeting of the Planning Committee held on 8 April 2024 and to authorise the Chair to sign them as a true record.

#### P181/2023 Minute Action Sheet

The Committee considered a report on actions taken by officers on resolutions or recommendations made at previous meetings. On the matter of the Aynam Road fountain (issue 27), the matter was diarised for follow up at the first meeting in June.

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

**Resolved:** To review the progress of the Aynam Road fountain at the first meeting in June.

### **P182/2023 Planning Process and Issues**

The Chair reported that the Planning Authority had given consent to the Nutricare application, considered at a previous meeting. He explained that the consent was due in no small part to the feedback the committee had given and the subsequent changes the applicant made. He drew attention to the Planning Authority's rejection of the Pennington's application for a self-build development beside the quarry. He stressed that this rejection was mostly for technical reasons, which the Town Council would not have been aware of and did not consider, though the size of the proposed dwellings was considered to be outwith the scope of the current SHENA. He reported that following the Committee's recent meeting with a senior Planning Officer, further training was being offered to all the parishes in Westmorland and Furness outwith the National Parks.

The Clerk reported that he had received an email from Dan Hudson, who was now interim Senior Manager in Planning Policy at Westmorland and Furness Council. Mr Hudson had consented to attending a subsequent meeting of the Committee to explain the development of the new Local Plan. He also reiterated the jeopardy and challenge presented by the proposed commencement of a Neighbourhood Plan in Kendal, for the reasons usually cited – the size, complexity and volume of work. Committee members concurred that the preferred outcome was the involvement of the Town Council in the generation of the Local Plan in a meaningful and strategic manner.

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

### **P183/2023 Kendal Town Council Flood Relief Scheme Working Group**

Cllr Ladhams reported that, although the Working Group had not met since the last meeting of the Committee, there had been a Zoom meeting with Westmorland and Furness Cllrs Thornton, Ladhams and Cornthwaite and senior officers at the Environment Agency, along with Tim Farron MP, to review the New Road scheme and its particular history. W&FC Ward member Cllr G Archibald had also spoken separately with Richard Knight (Flood and Coastal Risk Manager, EA) and discussed this meeting and the variety of possible solutions to the New Road design issue. Cllr Ladhams reported that a further meeting was planned, which would be reported back to the Committee through the Working Group.

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

### **P184/2023 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.

### **P185/2023 Story Homes Development at Brigsteer Road Phase 4**

The Committee considered proposed amendments from Story Homes to their application for Phase 4 of the development of land at Brigsteer Road. The developer has not yet submitted the application for the amendments, so was notifying the Town Council of its intentions and offering it the opportunity to comment prior to Planning.

The Committee reviewed the latest proposal map against the original application

(2023/1061/FPA) layout map.

The developer had listed seven significant amendments to their initial proposals, and the Committee responded in that order.

1. The Committee gave a cautious welcome to the introduction of character areas with differing densities, but noted there was insufficient supporting information to be conclusive.
2. The Committee welcomed the retention of the existing hedgerow to protect the green corridor from Vicarage Park open space, although it did not reach the whole length of this part of the development, due to a road. It noted that the connectivity to the buffer zone at the south of the site was also important.
3. The relationship with the TPO sycamore tree was welcomed, if it was satisfactory to the Tree Officer.
4. Improved active travel connectivity would be welcomed, especially if it contributed to a reduction in surface water drainage. It was noted that further work may be needed, alongside the developer's works, to maximise the potential of the connecting routes.
5. The improvements to the SUDS pond were welcomed, especially if the new pond was as it appeared in the illustration, with much less obvious hard engineering, and softer, greener surroundings.
6. The Committee observed that the proposed traffic calming measures did not make up for the Emergency Vehicles Only access point it had requested instead of an access road into Cedar Grove. It reiterated its opposition to this vehicular exit into the neighbouring residential estate. It further pointed out that creating an EVA here would improve the development's space for play, which the Committee feels is also seriously lacking. If the developer will not install a new play area, sufficient for the number of houses already built in previous phases, the existing play facilities at Maple Drive would require significant enhancement to compensate for the loss of play space.
7. Improving the relationship between the development and existing homes would be welcomed, but so would a play area.

The Committee noted that generally it might have been beneficial for the developer to talk directly to the Council, before making its updated proposals. The parking areas were not clear in the new design and this could lead to the spoiling of the proposed new open space feel to the character areas.

**Resolved:** To pass this feedback on to the developer.

The meeting closed at 19.33 p.m.

Kendal Town Council  
 Responses from Planning Committee: 22 April 2024  
**Appendix 1**

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
1	<a href="#">2024/0529/LBC</a>	<b>8-10 Highgate Kendal LA9 4SX</b> Application for Listed Building Consent for the relocation of CCTV from 6 to 8 - 10 Highgate	Highgate	29 April	<b>No material objections</b>
2	<a href="#">2024/0532/LBC</a>	<b>40 Market Place Kendal LA9 4TN</b> Application for Listed Building Consent for the installation of CCTV on 40 Market Place	Fell	29 April	<b>No material objections</b>
3	<a href="#">2024/0537/FPA</a>	<b>29 Dunmail Drive Kendal LA9 7JG</b> Replacement of existing detached garage and canopy structure with a two storey side extension and rear infill extension	Heron Hill	29 April	The committee noted that the development appeared to be out of keeping with the surrounding area, but not to sufficiently material extent. They had <b>No material objections</b> but recommend the imposition of some biodiversity net gain conditions.
4	<a href="#">2024/0541/LBC</a>	<b>Parish Hall Kirkland Kendal LA9 5AF</b> Listed Building Consent for the restructuring and re-roofing of entrance porch & narthex	Highgate	29 April	<b>No material objections</b>
5	<a href="#">2024/0540/FPA</a>	<b>Parish Hall Kirkland Kendal LA9 5AF</b> Application for Planning Permission for the restructuring and re-roofing of entrance porch & narthex	Highgate	29 April	<b>No material objections</b>

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
6	<a href="#">2024/0550/FPA</a>	<b>109 Milnthorpe Road Kendal LA9 5HH</b> Demolition of an existing extension & store and erection of a two storey extension	Stonecross	29 April	<b>No material objections</b> , subject to the imposition of biodiversity net gain conditions in this important wildlife corridor, confirmation that the Arboriculture report is supportive and that any neighbours' reservations can be overcome.
7	<a href="#">2024/0571/FPA</a>	<b>Land adjacent to River Kent on the west side of the Jennings Yard Footbridge Kendal Cumbra LA9 4EN</b> Minor Planning Application for the installation of two pedestrian gates at the western end of Jennings Yard footbridge in Reach G of the approved Kendal Flood Risk Management Scheme	Highgate	6 May	<b>Recommend refusal</b> on the basis that there is insufficient design information submitted to assess the impact of the proposal in the Conservation Area. The committee were very concerned that the proposed gates for public safety should be placed where they are less intrusive and where they would have a less detrimental impact in this sensitive location. .
8	<a href="#">2024/0588/FPA</a>	<b>17 Sunnyside Kendal LA9 7DJ</b> Single storey rear extension to create a larger Dining room	Mintsfeet	6 May	<b>No material objections</b> , subject to the Conservation Officer's opinion that the development does not harm the heritage or visual amenity of the Conservation Area, that neighbour's opinions are taken into account and that there is meaningful biodiversity net gain imposed as a condition.

Kendal Town Council  
 Responses from Planning Committee: 22 April 2024  
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**Item No.5**

**Planning Committee - Minute Action Sheet - as at 07-05-24**

<b>Ref. No.</b>	<b>Meeting Date</b>	<b>Minute No.</b>	<b>Title</b>	<b>Action (Resolution)</b>	<b>Officer Responsible</b>	<b>Deadline, if any</b>	<b>Date Action Commenced</b>	<b>Comments</b>
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
5 and 12	17/07/2023 and 04/09/2023	P38/2023 and P59/2023	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	Now in budget for 2024
21	19/02/2024	P150/2023	Planning Process and Issues	To review ongoing dialogue between the Planning Committee and Westmorland and Furness Council planning officers with a view to maximising the impact of the Town Council's comments on planning applications.		Oct-24		Ongoing.

Ref. No.	Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
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
24	08/04/2024	P174/2023	Planning Process and Issues	To invite officers from Westmorland and Furness Council's Planning Policy to attend a future meeting of the Planning Committee to talk about the Neighbourhood Plan and the Local Plan.			15-Apr-24	
25	08/04/2024	P174/2023	Planning Process and Issues	To contact Westmorland and Furness Council with regard to the need for enforcement action to be pursued in relation to the Chip Shop on Finkle Street and the Newsagent's on Kirkland.			10-Apr-24	
26	08/04/2024	P175/2023	Kendal Town Council Flood Relief Scheme Working Group	To authorise the Town Clerk to write to the Environment Agency seeking information from when they carried out boring tests in the New Road area.			10-Apr-24	

Ref. No.	Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
27	08/04/2024	P175/2023	Kendal Town Council Flood Relief Scheme Working Group	To authorise the Town Clerk to write to the Environment Agency seeking clarification on the matter of moving the fountain on Aynam Road and re-siting, as previously agreed.			15-Apr	
28	22/04/2024	P181/2023	MAS	To diarise a review of the Aynam Road Fountain case in June		17-Jun-24		
29	22/04/2024	P185/2023	Brigsteer Road	To pass on the feedback to the developer		30-Apr-24	24-Apr-24	

Kendal Town Council  
 Applications for Planning Committee: 7 May 2024  
**Appendix 1**

**Item No.8**

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
1	2024/0636/FPA	<b>Queen Katherine School, Appleby Road</b> Variation of Condition 2 (approved plans) attached to planning permission SL/2021/0495 (Extension of Sandgate SEN school comprising of new educational classrooms, multi-purpose hall with pupil facilities, teaching facilities and external works)	Mintsfeet	14 May	
2	2024/0634/FPA	<b>60 Low Fellside</b> Replacement of conservatory with new garden room, replacement roof covering and dormers to rear, and replacement windows and door	Fellside	14 May	
3	2024/0671/ADV	<b>Unit 1A Queen Katherine's Avenue</b> Advertisement consent of the installation of 2 illuminated fascia signs and 2 illuminated projecting signs	Mintsfeet	21 May	
4	2024/0677/FPA	<b>Unit 1A Queen Katherines Avenue</b> Planning Permission for new signage, shopfronts, air conditioning condenser units and extract grilles	Mintsfeet	21 May	