

# Kendal Town Council

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



12 April 2022

To Members of the Planning Committee

Cllr J Cornthwaite	Cllr D Rathbone (Chair)
Cllr P Gibson	Cllr C Rowley
Cllr H Ladhams (Vice chair)	Cllr K Teasdale
Cllr D Miles	Cllr G Vincent

You are summoned to a meeting of Kendal Town Council Planning Committee on **Tuesday 19 April 2022 at 6.30PM** at the Town Hall, Highgate, Kendal. (Please note day)

**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 flourish.

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 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 4 April 2022 and affirm 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. Proposed Footpath Diversion**

To consider the proposed alterations to Footpaths **536209 & 536210** from Cumbria County Council (see attached).

**8. Planning Applications** (see attached schedule)

To consider the following 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>

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## Minutes of a meeting of the Planning Committee held on Monday 4 April 2022 at 6pm in the Town Hall, Kendal.

Cllr J Cornthwaite	Present	Cllr D Rathbone (Chair)	Present
Cllr P Gibson	Apologies	Cllr C Rowley	Apologies
Cllr H Ladhams (Vice Chair)	Present	Cllr K Teasdale	Apologies
Cllr D Miles	Present	Cllr G Vincent	Present

**In Attendance:** Town Clerk

### **P153/21/22 Apologies**

Apologies were received and accepted from Cllrs Gibson, Rowley and Teasdale.

### **P154/21/22 Declarations of Interest**

None

### **P155/21/22 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)**

No issues were considered for exclusion.

### **P156/21/22 Minutes of the Previous Meeting**

The Committee received the minutes of the previous planning committee meeting held on 21 March 2022.

**Resolved:** To accept them as a true record.

### **P157/21/22 Planning Process and Issues**

No matters were considered.

### **P158/21/22 Net Biodiversity Gain Consultation**

The Committee considered a report on the Net Biodiversity Gain consultation from Defra, which had been submitted.

**Resolved:** To note the submission.

### **P159/21/22**

The Committee considered a consultation from the Lake District National Park Authority on second homes. They welcomed the opportunity to comment on an issue which has an impact on Kendal, despite Kendal not being in the National Park.

**Resolved:** To contact SLDC and LDNPA to express the Committee's belief that the two Planning Authorities should align their policies in this matter, to ensure that there are no gaps in the area which could lead detrimental outcomes in Kendal.

**Resolved:** To submit the following comments to LDNPA:

*1. We believe the Town and Country Planning (Use Classes) Order should be amended to create new use classes for Primary Homes, Secondary Homes and Short-term Holiday lets. Any change of use between these would require planning permission, with local circumstances being a material consideration.*

*Do you agree the number of second homes in the Lake District National Park should be controlled through the local authority planning function?*

**Yes**

*2. If a property is in England and available to let for short periods that total 140 days or more per year, it will be rated as a self-catering property and valued for business rates. The Valuation Office will work out the rateable value of the property based on its type, size, location, quality and how much income is likely to be made from letting it.*

*Small business rate relief is available if:*

- *The property's rateable value is less than £15,000*
- *The business only uses one property – you may still be able to get relief if you use more*

*You will not pay business rates on a property with a rateable value of £12,000 or less. For properties with a rateable value of £12,001 to £15,000, the rate of relief will go down gradually from 100% to 0%.*

*Do you support the proposal to remove furnished holiday homes from the small business rate relief?*

**Yes**

### **P160/21/22 Kendal Town Council Flood Relief Scheme Working Group**

The Chair of the Working Group reported that there had recently been a technical subgroup meeting with the EA to consider issues relating to the specification of the glass screens and associated materials, the schedule of payments and other matters. It was noted that many of the most prominent impactful elements of the tree removal were now complete for the season, allowing in-river access for the Summer. It was suggested that the scheme was a marked improvement, not only on the original plan, but also on the 1970s flood scheme it is replacing, which demonstrated much less of the environmental consideration that the current scheme includes.

**Resolved:** To note the report.

### **P161/21/22 Planning Applications**

The Committee considered the Planning Applications shown in Appendix 1.

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

The meeting closed at 18.44.

**Kendal Town Council**

Applications for Planning Committee: 4 April 2022

**Appendix 1**

No.	App No./Type	Address/Proposed Development	Comments to SLDC	Observations/Recommendations
1	SL/2021/0626	<p><b>From land to the south of the A685, Appleby Road, Kendal to land immediately north of the A684 off Kinn Road, Kendal</b></p> <p>Proposed works for and use of replacement section of aqueduct, including earthworks and ancillary infrastructure including: new valve house buildings within fenced compounds with permanent vehicular access provision; installation of tunnel shafts; open cut connection areas at either end of the replacement section within temporary construction compounds, to include site accesses, storage areas, plant and machinery, and drainage infrastructure.</p>	15 April	The Committee noted that there appeared to be no net biodiversity plan. Assuming the development incorporated the recommendations of the arboreal survey and complied with relevant HSE guidelines they had <b><u>No Material Objections.</u></b>
2	SL/2022/0155	<p><b>Bull Gap House, 31 Beast Banks</b></p> <p>Replace wooden single glazed sash windows with like for like wooden double glazed sash windows</p>	7 April	The Committee welcomed the use of traditional materials. <b><u>No Material Objections</u></b>
3	SL/2021/1147	<p><b>Town and Village Green area, Kendal Fell</b></p> <p>Signs &amp; viewing platforms</p>	8 April 2022	The Committee noted that Kendal Town Council did not appear to be consulted in the development of the signs, which seemed anomalous in the context of town and village green areas in the

				<p>parish. It requested that the Town Council be formally involved in any subsequent development concerning these areas. It otherwise welcomed the plans.</p> <p><b><u>No Material Objections</u></b></p>
4	SL/2022/0246	<b>18 Laurel Gardens</b> First floor side extension	11 April	<p><b><u>No Material Objections</u></b></p>
5	SL/2022/0251	<b>High Park Cottage, Oxenholme</b> Variations of conditions 8 (Contamination) 9 (Construction management plan) & 11 (Foul and surface water drainage) attached to planning permission SL/2020/0726 (Construction of a new dwelling in place of the existing converted garage building)	12 April	<p>Providing drainage, contamination and construction issues are resolved:</p> <p><b><u>No Material Objections</u></b></p>
6	SL/2022/0260	<b>124 Stainbank Road</b> Single storey rear extension	12 April	<p>It was noted that the plans did not give a useful indication of scale. There is a requirement for some net biodiversity gain.</p> <p><b><u>No Material Objections</u></b></p>
	SL/2022/0274	<b>55 Finkle Street</b> Change of use of 2nd floor to dwelling with roof terrace with glazed balustrade	14 April	<p>The Committee wondered how realistic it was to assert that no parking spaces would be required.</p> <p><b><u>No Material Objections</u></b></p>
	SL/2022/0273 & SL/2022/0277	<b>Globe Inn, 8 Market Place, KENDAL</b> Installation of 2 retractable canopies to the front elevation	14 April	<p>The Committee had concerns about the impact on the market, on the public highway and in what could become the effective privatising of a public space. Providing the area covered was not permanently enclosed, they had</p>

				<b><u>No Material Objections.</u></b>
	SL/2022/0275	<b>Globe Inn, 8 Market Place, KENDAL</b> Internal Decorations and Minor alterations	15 April	<b><u>No Material Objections</u></b>
	SL/2022/0276	<b>56 Greenside</b> Single storey side return extension to rear of property and rebuild of existing rear utility room outbuilding.	18 April	<b><u>No Material Objections</u></b>
	SL/2022/0280	<b>34 High Fellside</b> Removal of rear conservatory, erection of rear porch and utility room, installation of glazed patio doors, new roof lights to front and rear elevation & new double glazed timber window to front elevation at ground floor level	18 April	Assuming the Conservation Officer is satisfied that the development does not compromise the visual amenity of the Conservation Area – <b><u>No Material Objections.</u></b>



Economy & Infrastructure • Highways Assets and 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)

7 April 2022

Reference: SS 5.1.484

Dear Sir or Madam

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257  
PROPOSED DIVERSION OF PUBLIC FOOTPATH NOS 536209 & 536210 PARISH OF KENDAL**

I shall be pleased to receive any comments that you might wish to make regarding the proposed diversion of public footpath nos 536209 and 536210 in the parish of Kendal, as shown on the attached map.

The County Council is processing the diversion order on behalf of South Lakeland District Council who has granted planning permission for Kendal Flood Risk Management Scheme SL/2018/0925.

**Description of the Route to be Extinguished (with reference to the plan)**

That length of public footpath no 536209 shown A-B

That length of public footpath no 536210 shown D-B-E

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

A new length of public footpath no 536209 shown A-C

A new length of public footpath no 536210 shown D-C-E

The proposed diversion route will be 536209 A-C = 2.5 metres and 536210 D-C = 1.8 metres and C-E = 2.5 metres wide.

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

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

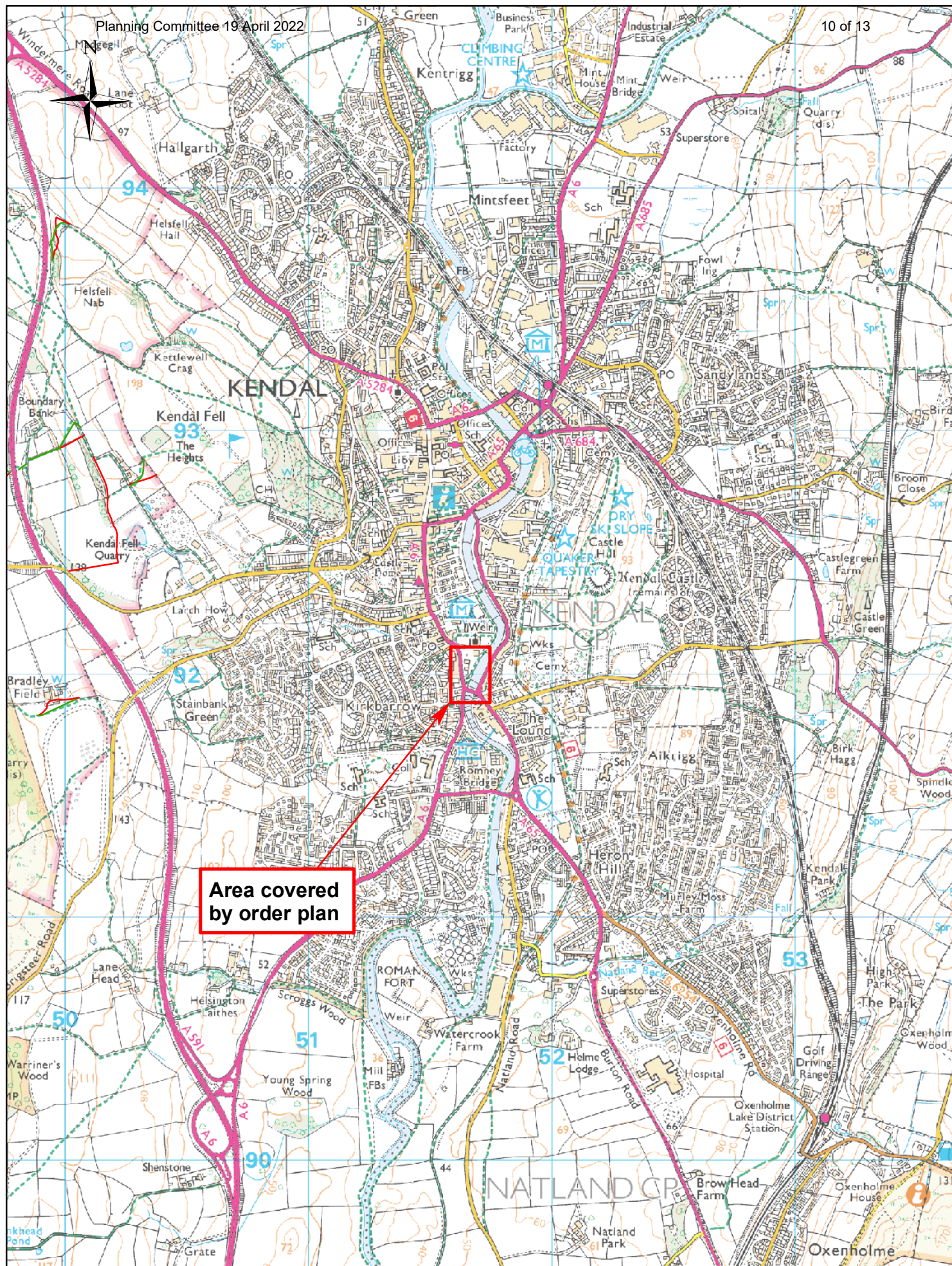
A reply by 6 May 2022 would be appreciated.

Yours faithfully



Sandra Smith  
Countryside Access Officer

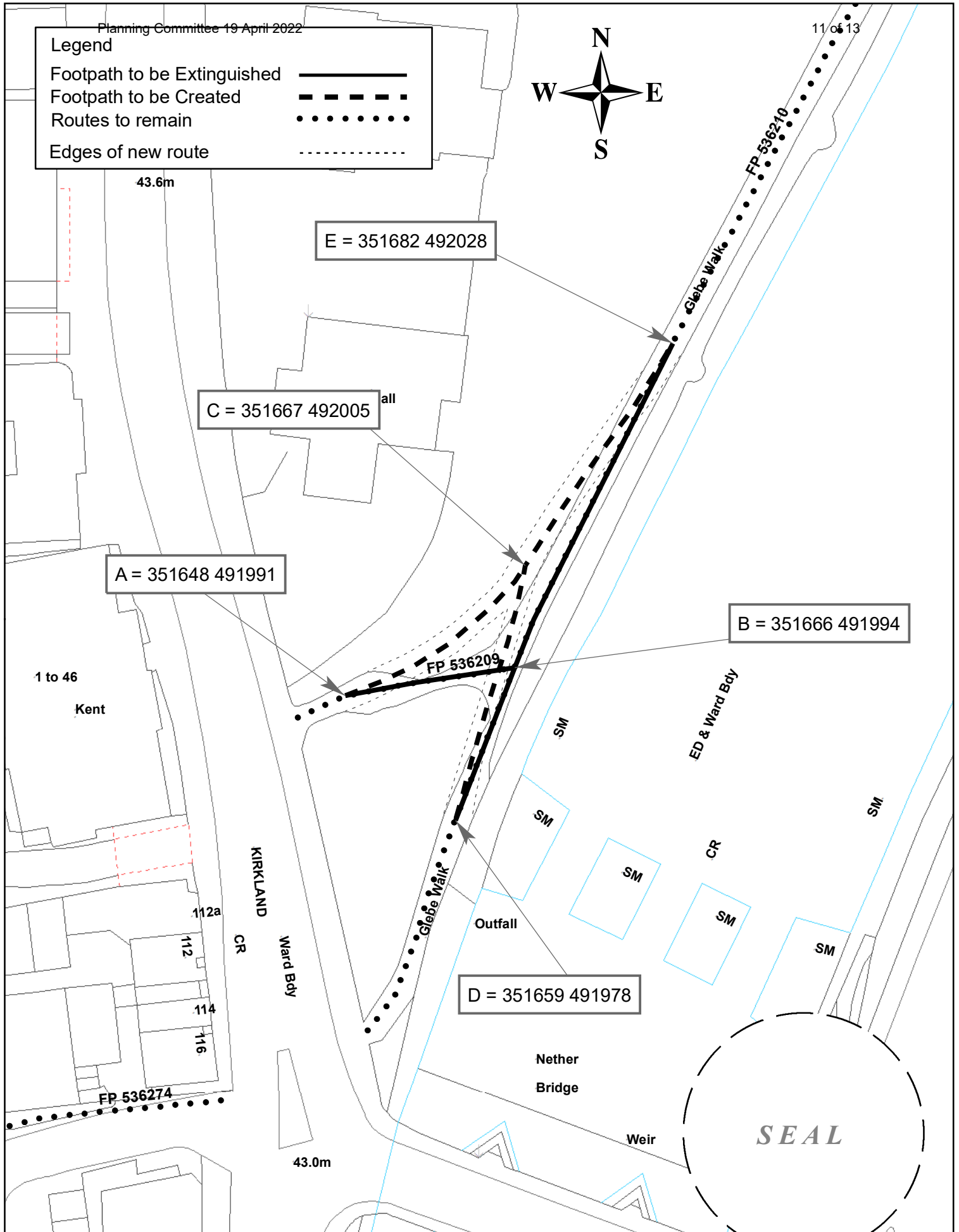
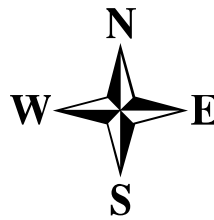






# Legend

- Footpath to be Extinguished —————
- Footpath to be Created - - - - -
- Routes to remain ..... 11 of 13
- Edges of new route - - - - -



**Kendal Town Council**

Applications for Planning Committee: 19 April 2022

**Appendix 1**

No.	App No./Type	Address/Proposed Development	Comments to SLDC	Observations/Recommendations
1	<a href="#">SL/2022/0284</a>	<b>48 Buttermere Drive</b> Refurbishment including external insulation with a rendered finish, replacement triple glazed windows, removal of existing conservatory and replacement of existing stepped access to the rear garden.	19 April	
2	<a href="#">SL/2022/0292</a>	<b>116 Burneside Road</b> Single storey extensions to porch and bay window	19 April	
3	<a href="#">SL/2022/0293</a>	<b>116 Burneside Road</b> Rear raised deck / balcony replacing Juliet Balcony	19 April	
4	<a href="#">SL/2022/0307</a>	<b>34 Low Mead</b> Two storey rear extension	20 April	
5	<a href="#">SL/2022/0226</a>	<b>Jewson Ltd, Stockbeck</b> Demolition of existing warehouse building	28 April	

		and erection of new warehouse building		
6	<a href="#">SL/2022/0243</a>	<b>11 Nether Street</b> Replacement limestone perimeter wall	28 April	
7				
8				
9				
10				
11				