

# Kendal Town Council

Town Hall, Highgate, Kendal LA9 4ED  
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## Minutes of a meeting of the Planning Committee held on Monday, 17 April 2023, at 6.31 p.m., in the Council Chamber at the Town Hall, Highgate, Kendal.

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

\* Arrived at 6.43 p.m., prior to consideration of Agenda Item No.8 (Town and Country Planning Act 1990 - Appeal Under S78 against Refusal of a Planning Application at the Duke Of Cumberland Inn, 1 Appleby Road, Kendal LA9 6ES), Minute No.P176/2022 below.

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

### **P169/2022 Apologies**

An apology for absence was received and accepted from Cllr A Campbell.

The opportunity was taken to welcome Cllr A Finch back as a Member of the Committee.

### **P170/2022 Declarations of Interest**

No declarations of interest were raised.

### **P171/2022 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)**

No issues were considered for exclusion.

### **P172/2022 Minutes of the Previous Meeting**

**Resolved:** To receive and accept the minutes of the previous meeting of the Planning Committee held on 3 April 2023 and to authorise the Chair to sign them as a true record.

### **P173/2022 Minute Action Sheet**

The Committee considered a report on actions taken by officers on resolutions or recommendations made at previous meetings.

*P95/2022 (Planning Process and Issues) and P164/2022 (Minute Action Sheet)* – The Town Clerk circulated hard copies of a set of draft Notes for Guidance in Responding to Planning Applications to Members of the Committee, advising that the document would be included on the agenda for the next meeting. It was pointed out that the paragraphs within the document required numbering and DM numbers including. With regard to the same Minute Nos. within the Minute Action Sheet, in response to a query, the Town Clerk reminded Members that Planning Training had been put on hold until May 2023.

*P165/2022 (Planning Process and Issues)* – The Town Clerk explained that no progress had been made as yet with regard to a review of the Kendal Town Council Conservation Area.

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

#### **P174/2022 Planning Process and Issues**

There was nothing to report under this item.

#### **P175/2022 Kendal Town Council Flood Relief Scheme Working Group**

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group reported that a virtual meeting of the Group had been held on Tuesday, 4 April 2023, the minutes of which would be presented to the next meeting of the Planning Committee. He drew attention to recent articles in the Westmorland Gazette regarding various aspects of the scheme. He further mentioned the issue relating to access at Beezon Fields and aspirations for future activity on that side of the river. Planting had resulted in a gap of less than 2 metres when a 3 metre gap had been expected, and this needed to be looked into. Members asked for an update to be provided with regard to the field under discussion and its horses at the next meeting.

**Resolved:** An update to be provided at the next meeting with regard to the field under discussion and its horses at the next meeting.

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

#### **P176/2022 Town and Country Planning Act 1990 - Appeal Under S78 against Refusal of a Planning Application at the Duke Of Cumberland Inn, 1 Appleby Road, Kendal LA9 6ES**

The Committee was asked to consider whether to submit comments in relation to an appeal against refusal of the erection of convenience store, retention of public house with redesigned beer garden, reconfigured car park including retained vehicular access from Shap Road and relocated vehicular access from Appleby Road, introduction of a service layby on Appleby Road and provision of a pedestrian crossing on Appleby Road (Resubmission of SL/2020/0431).

**Resolved:** A response to be made confirming the Committee's previous recommendation for refusal, reiterating the reasons.

#### **P177/2022 Planning Applications**

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

During consideration, attention was drawn to the lack of provision of appropriate measurements within the drawings relating to some applications. It was pointed out that although planning officers were professionals in their field and could recognise the information before them, this was not necessarily the case for Committee Members whose responsibility it was to form fair and proper judgement. The need for the Planning Department at Westmorland & Furness Council to try to address this issue was raised.

**Resolved:** To approach the Planning Department at Westmorland & Furness Council to discuss the potential for provision of appropriate scale and measurements within the drawings relating to planning applications.

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

The meeting closed at 7.22 p.m.

## Kendal Town Council

Responses from Planning Committee: 17 April 2023

### Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	<a href="#">SL/2023/0127</a>	<b>21 Stonecross Road, Kendal</b> Single story rear extension	Stonecross	18 April	<b>No Material Objections</b> subject to resolution in relation to the maintenance gap of 200mm which the Committee feels to be insufficient and to provision for some net biodiversity gain at a sufficient level.
2	<a href="#">SL/2023/0216</a>	<b>60 Sedbergh Road, Kendal</b> Two storey rear extension and single storey side garage	Nether	18 April	<b>No Material Objections</b> , however, notice should be made of neighbour objections in relation to loss of privacy and overlooking. The Committee backs Kendal Swifts' request for integral swift bricks. The Committee further seeks net biodiversity gain of 10% as required by DM4.
3	<a href="#">SL/2023/0236</a>	<b>52 Greenside, Kendal</b> Part demolition of dwelling & outbuilding, alterations and erection of single storey extension with associated landscaping	Fell	19 April	<b>No Material Objections</b> provided that the materials used are sympathetic to the Conservation Area given its real heritage significance and subject to net biodiversity gain of 10% as required by DM4.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
4	<a href="#">SL/2023/0241</a>	<b>Flats 1-6 Melrose House, 36 Aynam Road, Kendal</b> Replacement of windows to apartments	Mintsfeet	19 April	<b>Recommend Refusal</b> on the basis that the application would destroy the line, conformity and design of existing windows in this location. The Committee also expresses disappointment that UPVC windows have previously been allowed on this site and would oppose any future applications for UPVC windows of poor design in this location.
5	<a href="#">SL/2023/0242</a>	<b>37 High Garth, Kendal</b> Demolition of rear outbuilding, erection of a single storey rear extension, a single storey side workshop extension, replacement front porch with associated landscaping works	Strickland	19 April	<b>No Material Objections</b> subject to net biodiversity gain of 10% as required by DM4.
6	<a href="#">SL/2023/0254</a>	<b>78 Shap Road, Kendal</b> Demolition of rear glazed extension and outbuildings & erection of new annexe extension with glazed link	Mintsfeet	19 April	<b>No Material Objections</b> subject to there being no adverse comments from neighbours and to provision for some net biodiversity gain at a sufficient level.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
7	<a href="#">SL/2023/0237</a>	<p><b>Farley Health Products Ltd, Lake District Business Park, Mint Bridge Road, Kendal</b></p> <p>Erection of a warehouse extension to the existing factory together with access road, turning area (MAJOR APPLICATION)</p>	Mintsfeet	24 April	<b>No Material Objections</b> subject to a suitable policy being put in place to mitigate the noise and impact of increased deliveries and to provision for some net biodiversity gain at a sufficient level. The Committee commends this application as beneficial to the Town's economy and necessary for the expansion of the business, provided that the Arboricultural Impact Assessment and Method Statement requested by the Arboriculture Specialist are submitted and deemed sufficient.
8	<a href="#">SL/2023/0277</a>	<p><b>45 Beast Banks, Kendal</b></p> <p>Replacement single storey extension with pitched roof &amp; replacement timber boundary fence</p>	Highgate	20 April	<b>No Material Objections</b> subject to the fence being in keeping with the Conservation area and to provision for some net biodiversity gain at a sufficient level.
9	<a href="#">SL/2022/1146</a> & <a href="#">SL/2022/1147</a>	<p><b>Wetherspoons, The Miles Thompson, Allhallows Lane, Kendal</b></p> <p>Increase the capacity for outdoor seating by closing off a portion of the pub's car park at the rear of the property (Retrospective)</p>	Highgate	17 April	<b>Recommend Refusal</b> and no change in the Committee's comments in relation to the previous, similar application. The Committee is still disbelieving that a PLC chain takes on itself to disregard the planning process and make these changes without consent. In addition, the Committee has found flaws in the submitted acoustic report.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
10	<a href="#">SL/2023/0253</a>	<b>8 Natland Road, Kendal</b> Demolition of existing rear shed & porch & erection of a single storey rear extension	Stonecross	24 April	<b>No Material Objections</b> subject to there being no adverse comments from neighbours and to provision for some net biodiversity gain at a sufficient level.
11	<a href="#">SL/2023/0278</a>	<b>3 Briarwood, Kendal</b> Single storey side extension	Highgate	25 April	<b>No Material Objections</b> subject to provision for some net biodiversity gain at a sufficient level.
12	<a href="#">SL/2023/0286</a>	<b>140 Windermere Road, Kendal</b> Two storey side extension	Fell	27 April	<b>No Material Objections</b> subject to ensuring no adverse impact on neighbours from construction works by the provision of a suitable and robust plan regarding timings in relation to working hours and noise during construction and subject to provision for some net biodiversity gain at a sufficient level.
13	<a href="#">SL/2023/0272</a>	<b>48 Bellingham Road, Kendal</b> Demolition of rear glazed porch and replace with single storey rear extension	Stonecross	2 May	<b>No Material Objections</b> subject to provision for some net biodiversity gain at a sufficient level.
14	<a href="#">SL/2023/0291</a>	<b>166 Valley Drive, Kendal</b> Single storey front extension (Resubmission of SL/2022/0977)	Heron Hill	2 May	<b>No Material Objections</b> subject to provision for some net biodiversity gain at a sufficient level.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
15	<a href="#">SL/2023/0297</a>	<b>9 Castle Riggs, Kendal</b> Erection of a two storey side, single storey rear & front extension with internal and external alterations	Castle	2 May	<b>No Material Objections</b> subject to provision for some net biodiversity gain at a sufficient level.