

Kendal Town Council

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



Minutes of a meeting of the Planning Committee held on Monday, 6 November 2023, at 6.30 p.m., in the Council Chamber at the Town Hall, Highgate, Kendal.

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|--------------------|-----------|-----------------------------|-----------|
| 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 | Apologies |
| Cllr R Edwards | Present | Cllr D Rathbone (Chair) | Present |
| Cllr G Supka | Present | | |

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

P92/2023 Apologies

Apologies for absence were received and accepted from Cllrs R Edwards and D Miles.

P93/2023 Declarations of Interest

Cllr H Ladhams declared an interest in Agenda Item No.8 (Westmorland and Furness Council Consultation on both their Draft Statements of Licensing and Gambling Policies) by virtue of the fact that she was the Chair of the Westmorland and Furness Licensing Committee. Whilst she would not vote on the item, she would take part in the discussion.

The Chair, Cllr D Rathbone, declared an interest in Agenda Item No.11 (Planning Applications) (Planning Application No.SL/2022/0490) by virtue of the fact that his property adjoined the application site. He would leave the Chamber during discussion and voting on the item.

P94/2023 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

There were no excluded items on the agenda.

P95/2023 Minutes of the Previous Meeting

Resolved: To receive and accept the minutes of the previous meeting of the Planning Committee held on 16 October 2023 and to authorise the Chair to sign them as a true record.

P96/2023 Minute Action Sheet

The agenda included a report on actions taken by officers on resolutions or recommendations made at previous meetings. The Town Clerk had nothing further to raise.

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

P97/2023 Planning Process and Issues

The Town Clerk drew attention to the fact that the Levelling Up and Regeneration Act had been passed in the previous week. This would lead to a move towards the way design codes for plans were enacted and a tighter timetable for their creation. He explained that the Town Council would need to ensure that the design code reflected the requirement for something that was distinctly local.

Resolved: To note the verbal report.

P98/2023 Kendal Town Council Flood Relief Scheme Working Group

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, reported that the group had met on 26 October but that the minutes of that meeting had not yet been produced; these would be included on the agenda for the next meeting of the Planning Committee. He, however, drew attention to the fact that work at Gooseholme had progressed well and that the glass panel was due to be in place at that location before Christmas. In addition, the pumping station building at Gooseholme would soon be demolished. There was though a problem in relation to the outlet at both this location and at Waterside due to the existence of reinforced concrete. Cllr Cornthwaite also pointed out that the platform now fully installed at Waterside, works could continue throughout the winter months. Cllr Cornthwaite lastly referred to the ongoing parking issues and problems for residents at Castle Crescent and Thorny Hills.

Cllr Cornthwaite responded to a query, providing details in relation to Aynam Road. The Town Clerk responded to a query regarding the problems being faced by Waterside Café as a result of the works with the footpath having had to be closed. He had alerted Environment Agency colleagues to their duty of care to those affected by the works, and was exploring other lines of potential support.

Resolved: To note the verbal update.

P99/2023 Westmorland and Furness Council Consultation on both their Draft Statements of Licensing and Gambling Policies

Note - Cllr H Ladhams declared an interest in this item of business by virtue of the fact that she was the Chair of the Westmorland and Furness Licensing Committee. Whilst she did not vote on the item, she took part in the discussion.

The Committee considered a response to the consultations, as per request from Westmorland and Furness Council below:

Westmorland and Furness Council are consulting on both their draft Statements of Licensing and Gambling Policies, from 1 October 2023 to 31 December 2023.

Statement of Licensing Policy 2024-2029

The Licensing Act 2003 requires that the Council, acting as the Licensing Authority, prepare, consult on and publish a Statement of Licensing Policy to be published every five years, setting out the policies the Council will generally apply to promote the four licensing objectives when making decisions on applications under the Act.

Statement on Gambling Policy 2024-2027

The Gambling Act 2005 requires that the Council, acting as the Licensing Authority to prepare, consult on and publish a Statement of Gambling Policy every three years, setting out how the Authority will manage the licensing of local gambling premises.

These will be Westmorland and Furness Council's first Statement of Licensing Policy and Statement of Gambling Policy and once adopted will be in force from 1 April 2024. The former Barrow Borough, Eden and South Lakeland District Council legacy policies will remain in place until 31 March 2024.

Copies of the documents can be downloaded here:

Draft Statement of Licensing Policy 2024-2029

<https://www.westmorlandandfurness.gov.uk/business-and-licensing/licensing/alcohol-entertainment-and-late-night-refreshment-licensing>

Draft Statement of Gambling Policy 2024-2027

<https://www.westmorlandandfurness.gov.uk/business-and-licensing/licensing/gambling-licensing-and-permits>

Members expressed support for the documents, acknowledging that the policies related to statutory functions of Westmorland and Furness Council

Resolved: To submit a response to Westmorland and Furness Council expressing support for both of the Draft Statements of Licensing and Gambling Policies.

P100/2023 Westmorland and Furness Council Planning Application for Comment - [SL/2023/0402](#) – 11 Gawith Place, Kendal – Replacement windows

The Town Council had recommended refusal to the above-mentioned planning application on 20 September 2023 for reason of design and materials (mock sash uPVC windows).

The applicant had subsequently decided to amend the proposal to sliding sash upvc windows and the Town Council had been consulted again (see Appendix 1 to the minutes of Planning Committee meeting held on 16 October 2023). The Committee had appeared to be unclear on this change. However, Westmorland and Furness Council had pointed out that the website included details of the Spectus Vertical Slider windows (originally submitted 17 May). These windows had been successfully installed in other parts of the Conservation Area.

Westmorland and Furness Council, therefore, now sought clarification that the Committee would like to retain their initial opinion (refusal).

The Town Clerk displayed an image depicting the type of windows to be used. Members felt more amenable to the application having now been provided with sufficient information.

Resolved: To submit a response to Westmorland and Furness Council advising that the Committee feels that sufficient information has now been provided confirming that the windows are sliding, that the depth of the material is appropriate and that the colour has been confirmed to be suitable.

P101/2023 Westmorland and Furness Council Planning Application for Comment - SL/2023/0683 – 5 Highgate, Kendal – Replacement shopfront & Installation of 1 illuminated fascia sign- Amended Plan

The Committee considered an amended plan received by Westmorland and Furness Council in relation to Planning Application No. [SL/2023/0683](#) (The fascia sign will be illuminated EXTERNALLY.).

The Town Council's Planning Committee, on 2 October 2023, had not felt the development was in line with the aims of the Planning Authority's shop front design toolkit (agreed as Supplementary Planning Guidance by SLDC in 2004), and had not felt that any effort had been made to acknowledge the site's prominent location within the town centre and Conservation area. Whilst it had welcomed the re-occupation of a vacant shop, it had felt that this should be done sympathetically with appropriate materials and design, using the existing style points. The Committee had questioned the purpose of the design toolkit if it could be so apparently readily ignored by developers. The Committee had recommended refusal on the plans shown. If an illuminated sign was to be subsequently accepted, it had been felt that it should be restricted in its lit hours to those required for trading, to comply with Dark Skies initiatives.

Members, whilst now expressing support for the amended plan, were keen to ensure that the hours of lighting should be restricted.

Resolved: To submit a response to Westmorland and Furness Council advising that the Committee withdraws its objection to the design of the application but still wishes that lighting should be restricted to up to one hour either side of opening hours to comply with Dark Skies initiatives.

P102/2023 Planning Applications

Note - The Chair, Cllr D Rathbone, declared an in interest in Planning Application No.SL/2022/0490 by virtue of the fact that his property adjoined the application site. He left the Chamber during discussion and voting on the item.

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.

The meeting closed at 7.30 p.m.

Kendal Town Council
 Responses from Planning Committee: 6 November 2023
Appendix 1

| No. | App No./Type | Address/Proposed Development | Parish Ward | Comments to SLDC | Observations/Recommendations |
|-----|------------------------------|---|-------------|------------------|---|
| 1 | SL/2023/0737 | Flats 4, 18, 20 and 22 New Shambles, Finkle Street, Kendal Replacement of the existing roof structure, roof covering, and damp remediation works including associated works to the rainwater goods, external works, windows and doors, internal staircase and internal decoration | Fell | 1 November | No Material Objections and would encourage re-use of existing materials. The Committee welcomes Home Group's investment in housing. The Committee supports the comments regarding Kendal Swifts and notes the comments raised within the Conservation Officer's report. |
| 2 | SL/2023/0741 | 37 Park Street, Kendal Single storey rear extension | Kirkland | 1 November | No Material Objections subject to there being no detrimental effect on neighbours and subject to biodiversity net gain of at least 10% |
| 3 | SL/2023/0748 | 138 Highgate, Kendal Penetrating damp remediation and thermal/energy improvement works | Highgate | 7 November | No Material Objections subject to the protection of the items identified as of significance, re-use of existing materials where possible, that the shop front is in keeping with the 2004 Regulations and subject to the remedial works being in keeping with the comments raised by the Conservation Officer. |

| No. | App No./Type | Address/Proposed Development | Parish Ward | Comments to SLDC | Observations/Recommendations |
|-----|---|---|-------------|------------------|---|
| 4 | SL/2023/0699 | 7 Gilthwaiterigg Lane, Shap Road Industrial Estate, Kendal Raise roof of existing building, single storey side extension, rear roofed canopy & erection of a new workshop unit | Mintsfeet | 14 November | No Material Objections provided that adequate note is taken of the requirement for biodiversity net gain of at least 10% and of Dark Skies commitments (any external lights to conform to the Council's Dark Skies policy). In addition the Committee asks that adequate importance will be given by the Lead Local Flood Authority relating to additional needs for drainage. |
| 5 | SL/2023/0716 & SL/2023/0761 | Aynam Lodge, Bridge Street, Kendal Installation 1 non-illuminated single sided post sign, 2 non-illuminated wall mounted tray signs & 1 non-illuminated aluminium projecting sign | Mintsfeet | 14 November | No Material Objections. |
| 6 | SL/2023/0752 | 25 Ruskin Close, Kendal To remove the existing lean too shelter and replace with single storey side extension | Heron Hill | 14 November | No Material Objections. |
| 7 | SL/2023/0758 & SL/2023/0759 | Unitarian Church, Market Place, Kendal Replacement of the defective ceiling in the existing school room & the addition of solar panels to the east roof pitches | Fell | 15 November | No Material Objections in line with the structural inspection report and subject to the Conservation Officer's report. |

| No. | App No./Type | Address/Proposed Development | Parish Ward | Comments to SLDC | Observations/Recommendations |
|-----|------------------------------|--|-------------|------------------|---|
| 8 | SL/2023/0762 | 61 Castle Street, Kendal Replacement roof material, door and windows to existing single storey extension with new rooflights and one additional window | Mintsfeet | 15 November | No Material Objections given that it is at the rear of the property, but on condition the the uPVC is wood effect. |
| 9 | SL/2023/0763 | 17 High Sparrowmire, Kendal Single storey rear extension to replace existing conservatory & replacement front porch | Strickland | 15 November | No Material Objections and the Committee notes the requirement for 10% Biodiversity net gain and confirmation that it conforms with the “DM4 net gains policy measures”. |

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|----|------------------------------|--|------------|-------------|---|
| 10 | SL/2022/0490 | <p>Land East of Hayclose Road, Kendal Parks, Kendal</p> <p>Application for Outline Planning Permission (with All Matters Reserved) for a residential development of up to 160 Dwellings and associated infrastructure</p> | Heron Hill | 15 November | <p>Note - The Chair, Cllr D Rathbone, declared an in interest this application by virtue of the fact that his property adjoined the application site. He left the Chamber during discussion and voting on the item.</p> <p>Recommend Refusal. The application does not address the Committee's previous concerns raised on 20 June 2022. The following points need to be taken into consideration:</p> <ul style="list-style-type: none"> • The development overlooks the houses on Howe Bank Close. • The roundabout is planned on a very dangerous corner with poor visibility and should not be permitted. • Any other entrance to the site will cause bottle necks and excess traffic through Kendal Parks which has a problem with parking already. • More houses will bring a strain to Schools, doctors and dentists. • Too many houses – the Committee would like to see 20 less, more green areas and a play area. • The Committee would like to see a separating green corridor between this development and Howe Bank close and along to the corner at the north West corner. • The Committee would like flooding potential dealt with for the stream near the South west corner. |
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| No. | App No./Type | Address/Proposed Development | Parish Ward | Comments to SLDC | Observations/Recommendations |
|-----|------------------------------|--|-------------|------------------|--|
| | | | | | <ul style="list-style-type: none"> • The Committee wishes for the main road to access and exit from the site to be Kendal Parks. • The Committee wishes for Oxenholme road to be the emergency vehicle entrance and exit only and for bikes and walkers. • In addition, the Committee would like to see EV charging units as standard at houses or in various areas of the development. |
| 11 | SL/2023/0767 | <p>12 Greenside, Kendal</p> <p>Replacement of 5 timber sliding sash windows with white UPVC</p> | Fell | 16 November | <p>No Material Objections on the condition that the upvc is of timber effect in order to be in keeping with the Conservation Area and subject to assurance that the Conservation Officer is content.</p> |