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# **Kendal Town Council**

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



16 January 2023

To Members of the Planning Committee

Cllr A Campbell	Cllr A Finch
Cllr J Cornthwaite	Cllr H Ladhams (Vice Chair)
Cllr L Edwards	Cllr D Miles
Cllr D Evans	Cllr D Rathbone (Chair)

You are summoned to a meeting of Kendal Town Council Planning Committee on Monday, 23 January 2023, at **6.00 p.m.** in the Council Chamber at the Town Hall, Highgate, Kendal. (**Please note earlier start time.**)

(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 - <a href="http://www.kendaltowncouncil.gov.uk/kendal-town-council/statutory-information/guidance-on-public-participation-at-kendal-town-council-meetings/">http://www.kendaltowncouncil.gov.uk/kendal-town-council/statutory-information/guidance-on-public-participation-at-kendal-town-council-meetings/</a> 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.

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# 4. Minutes from the Last Meeting

To receive the minutes of the meeting held on 9 January 2023, and to authorise the Chair to sign them as a true record (see attached).

#### 5. Minute Action Sheet

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. South Lakeland, Barrow and Eden Playing Pitch and Outdoor Sport Strategy Survey

To consider the Council's response to the Playing Pitch and Outdoor Sport Strategy survey (see attached).

# 9. Application under Section 38 of the Commons Act 2006

To consider whether to make a representation with regard to the submission of an application by the Environment Agency under Section 38 of the Commons Act 2006 for common land consent for works on New Road Common in Kendal (see attached).

## 10. Planning Applications

To consider planning applications received from South Lakeland District Council and Cumbria County Council (see attached).

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 Planning 23 January 2023 Page 3 of 20

# **Kendal Town Council**

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



Minutes of a meeting of the Planning Committee held on Monday, 9 January 2023, at 6.00 p.m., in the Council Chamber at the Town Hall, Highgate, Kendal.

Cllr A Campbell	Present	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

In Attendance: Chris Bagshaw (Town Clerk).

P105/2022 Apologies

None

P106/2022 Declarations of Interest

No declarations of interest were raised.

P107/2022 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

No issues were considered for exclusion.

# P108/2022 Minutes of the Previous Meeting

**Resolved:** To receive and accept the minutes of the previous meeting of the Planning Committee held on 19 December 2022 and to authorise the Chair to sign them as a true record.

#### P109/2022 Minute Action Sheet

Members considered a report on actions taken by officers on resolutions or recommendations made at previous meetings. The report format was welcomed by the Committee and a further column was requested indicating a likely timeline for updates.

The decision to support the relocation of the Aynam Road fountain was reiterated, and the need for further training was emphasised.

**Resolved:** To note the report, with the recommendation that future reports include a column for timeline updates. Incomplete actions would remain on the report until complete.

#### P110/2022 Planning Process and Issues

The Committee welcomed the rediscovery of help sheets on material considerations. The

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Clerk reported that he was drafting a new version which would reflect better the Committee's particular attention to net biodiversity, flooding and design.

The Clerk also circulated mapping of the town's wards and the Conservation for member's reference.

**Resolved:** To request laminated versions of the Conservation Area map.

# P111/2022 Kendal Town Council Flood Relief Scheme Working Group

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, informed the Committee that there had been no further actions from the group since the last meeting. However, in the light of the Town Council's recent acquisition of the riverbank at Mintsfeet, he hoped that the situation with regard to the sitting licensee would be resolved as soon as soon as possible. The Town Clerk confirmed that he expected this to be actioned by the end of the current week.

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

# P112/2022 Planning Applications

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 7pm.

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# **Kendal Town Council**

Responses from Planning Committee: 9 January 2023
Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	SL/2022/1092	Rear of 37-39 Finkle Street, Kendal Change of use of rear of 37-39 Finkle Street to 3 cottages with a bin/recycling store and bicycle parking (Resubmission of SL/2022/0406)	Fell	3 January	Noting that the Committee had supported this application initially, it considered what had been changed since the application was refused by Planning Officers. The Committee remained supportive in principle of the redevelopment, but did not consider that the latest application addressed the Reasons for Refusal sufficiently. Whilst it was satisfied that it should support the installation of solar panels on the development, and that the proposed installation may prove to be acceptable (part of Refusal 2), the remaining issues in Refusal 2 did not seem to be adequately addressed. Reasons for Refusal 1, 3, 4 and 5 were also unconvincingly addressed, leading the Committee to <b>Recommend Refusal</b>

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No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
2	SL/2022/0668	Land adjacent to River Kent at Stockbeck and Gooseholme Park, Kendal	Nether / Mintsfeet	12 January	The Committee welcomed the detail and clarity of this application.
		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			No material objections

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No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
3	SL/2022/1023	Garage site to the rear of Castle Garth, Kendal  Demolition of eight existing garages and erection of a single new domestic dwelling	Mintsfeet	9 January	Whilst the Committee welcomed an attempt to tidy an area of unkempt property, they felt the proposed development fell short of the required standards in this sensitive location. They did not feel the development was sustainable, were concerned about access to the site and the affect on the Conservation Area. They noted the concerns of local residents about overlooking and other issues, and concluded on balance that the proposal represented an overdevelopment of a sensitive site.  Recommend Refusal.
4	SL/2022/1109	Town View Fields Hostel, Town View, Kendal	Fell	16 January	No material objections
		Entrance ramp and accessible exit doors			

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No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
5	<u>SL/2022/1120</u> & <u>SL/2022/1121</u>	Vestry at the United Reformed Church, 104 Highgate, Kendal Change of use of Vestry to a self contained holiday let (Use class C3) and associated works	Highgate	17 January	Although the Committee recognised the welcome renovation of surplus buildings and long term aims for this site, it felt duty bound to express how very disappointed it was that the developer was proposing the development as a short-term letting opportunity, instead of a much-needed addition to the town centre's housing stock. It recognised that the developer was making assumptions about the sustainability of the proposal and the Committee could not identify any current material planning considerations that would lead them to oppose the development, so assuming that the Conservation Officer was satisfied that it did not threaten the visual amenity of the Conservation Area had No material objections.
6	SL/2022/1134	18 Teal Beck, Kendal  Detached garage to the side of the property	Heron Hill	17 January	The Committee would like to see some net biodiversity gain beyond the placement of a single bird box, otherwise it had <b>No material objections.</b>
7	SL/2022/1123	65 Serpentine Road, Kendal Installation of solar panels to the front & rear facing roofs	Fell	18 January	No material objections

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No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
8	SL/2022/1137	School House, 1 Castle Street, Kendal Replacement doors and windows	Mintsfeet	18 January	Providing the Conservation Officer is satisfied that the development does not compromise the visual amenity of the Conservation Area.  No material objections
9	SL/2022/1150	27 Westwood Avenue, Kendal Alterations to include new hipped roof to existing garage & kitchen with small rear extension	Kirkland	18 January	The Committee would like to see some positive statement on net biodiversity gain.  No material objections

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No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
10	SL/2022/1146 & SL/2022/1147	Wetherspoons, The Miles Thompson, Allhallows Lane, Kendal Increase the capacity for outdoor seating by closing off a portion of the pub's car park at the rear of the property (Retrospective)	Fell / Highgate	19 January	The Committee was disappointed that a company of this size was applying retrospectively for Planning Consent, and urged developers to be more cognisant of their local planning contexts - something they must have come across somewhere in the rest of their portfolio. The Committee noted the local objections to the development, and was very sympathetic to their issues. They considered the development to be flawed in several respects – overlooking, privacy, noise, smoke pollution, loss of parking – an overall creeping over-development which was detrimental to the neighbourhood. Additionally they felt the character and appearance of the development fell a long way short of being appropriate in the context of a Grade II listed heritage asset in the Conservation Area.  Recommend Refusal
11	SL/2022/1168	Brewery Arts, 118 - 120 Highgate, Kendal  Essential replacement of 9 single glazed timber windows to Art rooms at first floor level & replacement of glazed timber screen and double doors at first floor level	Highgate	19 January	Providing the Conservation Officer is satisfied that the development does not compromise the visual amenity of the Conservation Area.  No material objections

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Planning Committee - Minute Action Sheet - as at 16-01-23								
Meeting	Minute No.	Title	Action (Resolution)	Officer	Deadline, if	Timeline for	Date	Comments
Date				Responsible	any	updates	Actioned	
05/12/2022 P95/2022 Planning Process and Arrange Planning training for		Arrange Planning training for	СВ				Ongoing.	
		Issues	Members.					
09/01/2023	P109/2022	Minute Action Sheet	Include column for timeline	IJB			16/01/2023	
			updates and incomplete actions					
			to remain on report until actioned.					
09/01/2023	P110/2022	Planning Process and	Laminated versions of the	СВ				
		Issues	Conservation Area map to be					
			provided to Members.					

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From: Carolyn@sportsplanningconsultants.co.uk>

Sent: 13 January 2023 13:15

Cc: Law, Damian < D. Law@southlakeland.gov.uk>

Subject: Playing Pitch and Outdoor Sports Strategy - Town / Parish Consultation

Dear Town / Parish Council Clerk

As hopefully you are aware following an e mail received from Damian Law at South Lakeland Council last week, Sports Planning Consultants (SPC) are working alongside South Lakeland, Eden and Barrow Councils, as well as Sport England and several governing bodies of sport (including the FA, RFU, Cricket Board and LTA) to produce a playing pitch and outdoor sports facility strategy. This document considers the adequacy of provision for a variety of outdoor sports and includes facilities owned by Town and Parish Councils, as well as facilities on school, private and District Council sites. It will help to protect existing sports facilities and will identify if any new facilities are required as well as where improvements are needed to existing facilities.

This is an important strategy for the Councils. As well as supporting the planning process, the strategy will provide the evidence required to generate investment into sport, both through external funding and by maximising funding delivered through new development. This investment may be in facilities owned by Town and Parish Councils.

To ensure that the strategy accurately takes into account the facilities owned and managed by your Town / Parish Council and includes any improvements that are required, I have attached a short survey. It would be much appreciated if you could complete this and return it directly to me by e mail by February 1<sup>st</sup> 2023.

The survey should take only a few minutes to complete - it seeks to confirm the facilities that your Town / Parish Council manages, understand any issues that arise with these facilities, and capture any aspirations you have for future improvement. We are also looking to understand if you are aware of any unmet demand for outdoor sports facilities in your Parish. We appreciate that some facilities under the ownership of Town / Parish Councils may be managed by Playing Field committee rather than the Town / Parish itself. If this is the case, then please feel free to pass the survey on (in full or part) to the relevant contact. If your Town / Parish Council do not own / manage any facilities, please respond to confirm this.

Inclusion in the strategy document will ensure that your Parish, and any facilities that you manage, is able to benefit from any investment opportunities that arise and from external funding opportunities (The Football Foundation / Cricket Board etc).

If you would prefer to discuss the information contained in the survey over the telephone, please let me know when is best to call (and the telephone number) and I will do so. If you require any further clarification from the Council, please contact Damian Law (cc'd above).

Many thanks in advance for your help and I look forward to hearing from you

Kind regards

Carolyn

Carolyn Wilkinson

Director

Mob: 07710 185489

Email: carolyn@sportsplanningconsultants.co.uk
Web: www.sportsplanningconsultants.co.uk











# South Lakeland, Barrow and Eden Playing Pitch and Outdoor Sport Strategy

#### INTRODUCTION

South Lakeland, Barrow and Eden Councils are producing a Playing Pitch and Outdoor Sports Facility Strategy (PPOSS). The document will evaluate the adequacy of provision for football, cricket, rugby, hockey, tennis, bowls, archery, athletics and golf and will identify the key priorities for investment and improvement. It will take account of all facilities, including those managed by Town and Parish Councils as well as education and private sport club sites.

The PPOSS will provide a strong foundation for decision making relating to playing pitches and outdoor sports facilities and will help the Council to bring investment into sport. The development of the PPOSS will ensure that funding is directed to where it is most needed to meet the needs of clubs and providers. It can also be used to support applications for external funding.

This survey requests information that will support the development of the strategy. It is important that we have details of all the facilities that are provided, both in order to ensure that the strategy is robust but also to maximise opportunities for funding and we are therefore grateful for your time in completing the form. If the facilities in your Town or Parish are managed by a committee or trust, please feel free to pass the survey on to the relevant person to complete. Thank you in advance for your help

Town / Parish Name Click or tap here to enter text.	
Clerk: Click or tap here to enter text.	
OUTDOOR SPORTS FACILITIES AVAILABLE	

Q1a	Please indicate whether your	Town/Parisi	n owns or manages any outdoor sports facilities?
	Football Pitches	Yes □	No □
	Cricket Pitches	Yes □	No □
	Rugby Pitches	Yes □	No □
	Bowling Greens	Yes □	No □
	Tennis Courts	Yes □	No □

If NO, please go to Q4. If YES, please continue to Q1b.

Q1b Please provide details in the table overleaf of the pitches that your Town/Parish owns/ manages. In particular please;

- Highlight if facilities are managed / maintained by the Parish or leased to another organisation
- Identify the facilities that are available at the site (please indicate the sport facilities are used for and the type of pitches provided eg full size adult pitch, 7v7 mini pitch etc)
- Provide an indication of the cost of pitch hire.

Please provide as much detail as you are able and please include all facilities for the following sports; **football, cricket, rugby, hockey, tennis, bowling.** 









TETRA TECH Planning

# South Lakeland, Barrow and Eden Playing Pitch and Outdoor Sport Strategy

Site Name and Address	Ownership / Management	Number of Pitches of each Type provided	Details of Changing Facilities and other onsite amenities	Cost of Pitch Hire
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
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If YES, please provide further details below								
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Q1d Ha	ve you ever	turned down	a request fo	or hire of the	e facilities in	your Town /	Parish?	
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one name	Quality	Trends (Improved / Static / Declined)	Dramage	Oracient	Eveniless	Equipment	Changing	Improvements needed
Main Road Playing Fields	Average	Improved	Good	Average	Poor	Good	None	Levelling and changing facilities
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once per week  $\ \square$  fortnightly  $\ \square$  monthly  $\ \square$  never  $\ \square$ 











Q3b: Please outline any problems that you have with the maintenance of your playing fields:

Click or tap here to enter text.

Click or tap here to enter text.

UNM	ET DEMAND					
Q4	Are you aware of any specific demand for new or improved outdoor sports facilities in your Town / Parish?					
	Yes □ No □					
	If YES, please give full details, including the names of any clubs that you are working with or are impacted:					
	Click or tap here to enter text.					
Q5a	Does your Town / Parish own any land that could be used to provide outdoor sports facilities but currently serves other purposes?					
	Yes □ No □					
	If YES, please provide further details below					
	Click or tap here to enter text.					
Q5b:	Are you aware of any sites within your Town / Parish that have previously contained sports facilities but no longer do so?					
	Yes □ No □					
	If YES, please provide further details below					
	Click or tap here to enter text.					
Q6	Does your Town / Parish have any plans to expand, develop or improve any playing pitches or outdoor sports facilities over the next five years?					
	Yes □ No □					
	If YES, please elaborate.					
	Click or tap here to enter text.					
Q7	Please include below any further comments you wish to make on playing pitches in your Town / Parish:					

THANK YOU VERY MUCH FOR COMPLETING THIS QUESTIONNAIRE













10 January 2023

#### **COMMONS ACT 2006 - SECTION 38**

DATE OF APPLICATION: [10/01/2023]

#### **NEW ROAD COMMON CL68**

The Environment Agency is applying to the Secretary of State for Environment, Food and Rural Affairs (Defra) for consent to construct works on New Road Common under section 38 of the Commons Act 2006. The Planning Inspectorate will determine the application on behalf of Defra.

We are required to give you notice of our proposals and are sending you a copy of the attached notice in order to comply with that requirement.

Under section 38, we need Defra's consent to carry out any restricted works **on land registered as common land** under the Commons Registration Act 1965 or the Commons Act 2006.

Restricted works are any that prevent or impede access to or over the land. They include fencing, buildings, structures, ditches, trenches, embankments and other works, where the effect of those works is to prevent or impede access. They also include, in every case, new tarmac (or similar) surfaces, such as for a new car park or access road.

Defra's decision will be based on the merit of the proposal, and will balance all the interests in the common, taking account of all views expressed. Regard must be given to the criteria set out in section 39 of the commons act 2006. These are:

- (a) The interest of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
- (b) The interests of the neighbourhood;
- (c) The public interest, which includes the public interest in:
  - Nature conservation
  - The conservation of the landscape
  - The protection of public rights of access to any area, and
  - The protection of archaeological remains and features of historical interest;
- (d) Any other material considered relevant.

These criteria will be viewed in the light of the overriding objective of protecting, maintaining or improving the common, and of ensuring that the overall stock of Common Land is not diminished. This will enable the diversity, variety, and overall extent, of Common Land to be safeguarded.

Any representations about the proposal should be sent to the Planning Inspectorate by the closing date specified in the notice.

Yours sincerely,

Alex Cowin, Project Manager

**Environment Agency** 

**Richard Fairclough House** 

**Knutsford Road** 

Warrington, WA4 1HG













10 January 2023

#### COMMONS ACT 2006 – SECTION 38

DATE OF APPLICATION: [10/01/2023]

#### **NEW ROAD COMMON CL68**

The Environment Agency has applied to the Secretary of State for Environment, Food and Rural Affairs for consent under section 38 of the Common Act 2006 to carry out restricted works on New Road Common. The Planning Inspectorate will decide the application on behalf of the Secretary of State.

The proposed works are for the construction of new linear flood defences along the edge of New Road Common to increase the flood resilience for Kendal as part of the wider Kendal Flood Risk Management Scheme. The works to New Road Common include the construction of flood defence walling, flood gates and additional surface water drainage.

A copy of the application form and accompanying documents can be inspected at South Lakeland District Council Offices, South Lakeland House, Lowther Street, Kendal LA9 4DQ during normal office hours. A copy of the application form and accompanying documents may be obtained by emailing <a href="mailto:KendalFRMS@environment-agency.gov.uk">KendalFRMS@environment-agency.gov.uk</a> or by visiting <a href="https://thefloodhub.co.uk/kendal/public-consultations/">https://thefloodhub.co.uk/kendal/public-consultations/</a>.

Any representations should be sent in writing ON or BEFORE the 14 FEBRUARY 2023 to:

The Planning Inspectorate, Commons Team 3A, Temple quay House, Temple Quay, Bristol, BS1 6PN

Or commonlandcasework@planninginspectorate.gov.uk

Letters sent to the Planning Inspectorate cannot be treated as confidential. They will be copied to the applicant and possibly other interested parties. To find out more about how the Planning Inspectorate uses and manages personal data, please go to the privacy notice (https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices)

Alex Cowin, Project Manager
Environment Agency
Richard Fairclough House
Knutsford Road

Warrington, WA4 1HG

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# **Kendal Town Council**

Applications for Planning Committee: 23 January 2023
Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	SL/2022/1170	Land adjacent to Rivers Mint and Kent extending from adjacent to Lakeland Distribution Centre to Helsington Mills, Kendal	Several	30 January	
		Demolition and reconstruction of a grade II listed gate pier and two sections of stone walling, and permanent removal of another section of listed walling, all to facilitate access to, and safe construction of, the flood defences in Reaches F5 and F6 of the Kendal Flood Risk Management Scheme Phase 1 (originally approved under reference SL/2018/0925)			
2	SL/2022/1176	Replace one rotten window on the south elevation of the property, with a like for like timber hardwood sash window. Replace all windows the rear (west) and side (north) elevations of the property, with a like for like double glazed casement window using Sapele treated wood	Highgate	30 January	

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No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
3	SL/2022/1178	Land adjacent to Rivers Mint and Kent extending from adjacent to Lakeland Distribution Centre to Helsington Mills, Kendal, Little Aynam, Kendal	Several	30 January	
		Demolition and reconstruction of a section of stone walling to provide an alternative route for construction vehicles accessing Reaches F5 and F6 of the Kendal Flood Risk Management Scheme Phase 1 (originally approved under reference SL/2018/0925)			
4	SL/2022/1167	38 Hillswood Avenue, Kendal Single storey rear extension	Kirkland	30 January	
5	SL/2023/0021	18, 26, 28, 30 Hawthorn Way, Kendal  Deed of variation to section 106 agreement dated 20 February 2017 to permit 18, 26, 28 and 30 Hawthorn Way, Kendal to be disposed of as affordable units for discounted sale	Heron Hill	31 January	