You are requested to attend a meeting of the Planning Committee on Friday, 27 March 2015, at 10.00 a.m. in the District Council Chamber, South Lakeland House, Kendal

Committee Membership

Councillors

Brian Cooper
Joss Curwen
Philip Dixon
Sheila Eccles
Sylvia Emmott (Vice-Chairman)
David Fletcher
Gill Gardner
Brenda Gray
Heidi Halliday
John Holmes
Helen Irving
Janette Jenkinson
Kevin Lancaster
Bharath Rajan
Phil Walker
David Williams
Mary Wilson (Chairman)
One Vacancy

Tuesday, 17 March 2015

Debbie Storr, Director of Policy and Resources (Monitoring Officer)

For all enquiries, please contact:-
Committee Administrator: Paul Rogers
Telephone: 01539 793497
E-mail: committeeservices@southlakeland.gov.uk
AGENDA

PART I

1 APOLOGIES
To receive apologies for absence, if any.

2 DECLARATIONS OF INTEREST
To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council’s Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.)

Members may, however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote, he/she is advised to contact the Monitoring Officer at least 24 hours in advance of the meeting.

3 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS
To consider whether the items, if any, in Part II of the Agenda should be considered in the presence of the press and public.

4 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 prior to noon on the last working day before the meeting. Information on how to make the application can be obtained by viewing the Council’s Website www.southlakeland.gov.uk or by contacting the Committee Administrator on 01539 793497.

(1) Planning Applications
Planning applications for which requests to speak have been made.

(2) Agenda Items
Agenda items for which requests to speak have been made.

5 REPORT OF THE DIRECTOR PEOPLE AND PLACES
To determine planning applications received.
PART II

Private Section (exempt reasons under Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, specified by way of paragraph number)

There are no items in this part of the Agenda.
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PRESTON PATRICK: Land between A65 and Lancaster Canal, South of Seven Milestone Bridge, Crooklands, MILNTHORPE LA7 7NU

PROPOSAL: Erection of a crematorium with memorial gardens and associated landscaping, car parking and formation of new vehicular access to A65

Mr D Jackson (Agent) Indigo Planning Limited

SUMMARY
This application seeks full planning permission for the siting of a crematorium with associated buildings, access, parking areas for 57 cars (and 39 overflow spaces and 6 disabled spaces) and landscaped memorial gardens to the north-east of the Crooklands roundabout, near to the junction 36 of the M6. The main issues arising from the application relates to whether the principle of a crematorium represents an appropriate development in this open countryside location; the visual and landscape impact of the changes on the surrounding area; and the impact of the proposed development on the highway and other movements on the A65 and local road network.

DESCRIPTION AND PROPOSAL
Site Description
The site is currently agricultural land which slopes from west to east and north to south, it is the westernmost part of a triangle of land bounded on two sides by the A65, to the west and south, and the Lancaster to Kendal Canal (a County Wildlife Site) to the north and east of the site, in the open countryside, to the immediate north-east of Crooklands roundabout and to the north of the Junction 36 Rural Auction Centre.

The nearest property is one at Longcroft which is to the north of the site across the Lancaster Canal at a distance of around 80 metres to the closest part of the site. That property was recently granted planning permission for a day nursery (SL/2014/0872) in June 2014. To the east of the site at a distance of around 180 metres are four residential properties - No.1 and No.2 New Valley, Valley View and Holly Cottage. To the north-west is Millness Leisure Park, whose entrance is
opposite the site with the nearest holiday caravan at a distance of around 50 metres from the nearest part of the application site.

A public footpath, the Lancaster - Kendal canal Long Distance Footpath, runs along the north to east boundary of the site on the former towpath to the canal between the canal and the application site. A Grade II Listed Building (Seven Milestone Bridge over the Kendal / Lancaster Canal) is to the immediate north of the application site.

The site is currently served by the 567 bus service which runs between Kirkby Lonsdale and Kendal with up to six buses a day Monday to Friday and four per day on Saturday.

Proposal

The full planning permission for the siting of a crematorium with associated buildings, access to the A65, parking areas for 57 cars (and 39 overflow spaces and 6 disabled spaces) and landscaped memorial gardens.

The plans submitted with the application show a single storey crematorium in the south east of the site, of approximate dimension of 40 metres wide by 22.5 metres deep with part enclosed arrival courtyard to the west and Porte-Cochere. The building is shown to be of contemporary design with two chimneys to a maximum height of 10 metres. The proposed interior layout of the building shows a ceremony space for 130 people with associated toilets, offices, waiting rooms and vestry and furnace rooms.

The building proposed shows a mix of materials to the wall, a mixture of white render, split faced limestone in random coursing with timber cladding and vertically orientated timber brise soleil. The roof would be a dark grey roofing membrane whilst the windows would be black PPC aluminium window frames with the public entrance doors.

Externally to the building there would be a service yard to the east with garden store, an enclosed mall private walled garden to the south whilst to the north there is proposed to be a large formally laid out landscaped gardens with a proposed avenue of trees and a mixture of pathways, grassed areas, formal shrub planting and seating.

To the west and north-west of the building would be the main car-parking for 57 cars with 6 DDA spaces and an overspill car-park of 39 spaces with a black tarmac access drive to the A65. The main car parking spaces are proposed to be a hard binding limestone gravel whereas the overspill parking would be a grass paving system. At the site entrance it is proposed to erect an LPG tank.

Access to the site would be via a tarmac recessed gated entrance with stone wing walls. As part of the works to the highways it is proposed to remove a large native species agricultural hedge adjacent the access to allow visibility splays. A new planted mixed species hedge would enclose the whole of the site with a mixture of other trees to the boundary. It is also proposed to widen the A65 on the north-western side to allow a right hand turn lane to be put in the highway to enable traffic travelling north from Crooklands to be able to turn into the site.

CONSULTATIONS

A set of amended plans and further details mainly relating to the highways have been submitted. These plans have been re-consulted on with the appropriate statutory
consultees. Not all responses have been received at time of the writing of this report. Members will be updated on further responses at the time of Planning Committee.

**Preston Richard Parish Council:**
The council have concerns as the site regularly floods and to build near the canal wall will cause further problems without fortification of the canal wall. They also feel such a building is not the right entrance to the gateway to the lakes.

**Preston Patrick Parish Council:**
Object:-

Having received a pre-application presentation by the applicants in November, Preston Patrick Parish Council discussed this application at its meeting on 26th January. 29 members of the public attended this meeting and all those who spoke strongly opposed the application.

The Parish Council considered that the proposal was in conflict with many South Lakeland District Council (SLDC) Local Plan policies, particularly those relating to landscape protection and the sustainable location of new development and, therefore, resolved the following:

a) to OBJECT to the application, and to urge SLDC to reject it, for the reasons set out below;

b) to request that this letter be reproduced in full in the SLDC Planning Committee report;

c) to authorise a member of the Parish Council to attend the appropriate SLDC Planning Committee meeting in order to present the objections verbally;

d) to request SLDC to commission an independent needs assessment for a Crematorium within the district, taking into account the capacity of existing facilities, death rates, population figures/forecasts and major local housing growth areas;

e) if a need, rather than a desire, is established then SLDC be requested to commission a detailed site search across the entire district, including land within the National Parks, to identify non-visualy prominent sites close to population centres, with extensive existing boundary treatment, and good public and private transport links.

**Reasons for Rejection**

1. **Adverse Landscape Impact**

Junction 36 is known as “The Gateway to the Lakes”, the junction that welcomes tourists to the Lake District, and its relatively undeveloped character is very important in people’s perception of the area. Consequently, the Parish and District Council have long resisted proposals, including a large hotel / conference centre and a business / retail park, which would alter the distinctive character and appearance of the surrounding area. Development has only been allowed in exceptional circumstances; e.g. development to support the restoration of the listed barn at Moss End, and in the case of the relocation of Kendal Auction Mart where a detailed study revealed that no other suitable sites were available and the provision of affordable housing in Kendal was involved. Also both of these schemes remain primarily
agricultural in appearance. The current application site is an open agricultural field with extensive views towards Farleton Knott. The crematorium building, with its 10m high chimney, would be visible from short, medium and long range viewpoints from both the Kendal and Kirkby Lonsdale directions and would appear as an abrupt, isolated and substantial intrusion of built development unrelated to any elements of its open countryside surroundings. The harmful effects of this siting are exacerbated by the deliberate “shoe-horning” of the building into the visually most prominent part of the site in order to meet the requirements of the Cremation Act 1902. The extent of this adverse landscape impact is recognised by the applicants in the huge amount of landscaping proposed to screen it. However, this landscaping will take between 6 – 10 years to screen the site, with the result also being the loss of the important views towards Farleton Knott, Scout Hill and the Lancaster Canal.

2. Highway Safety

The entrance to the site is from a narrow, twisting section of the A65 between Crooklands roundabout and the narrow Seven Milestone Bridge, and almost opposite the Millness Leisure Park access. This section of the A65 is used by a higher than normal proportion of heavy goods vehicles, because of the proximity of junction 36 to the nearby J Atkinson’s Canal Garage, and signs already warn drivers of queuing traffic that frequently occurs. The applicants Traffic Assessment, carried out in November when traffic volumes are low because of the lack of tourist traffic, acknowledges that the visibility splays attainable are lower than the required national standard for such a road. The consequences of this are that traffic leaving the crematorium site turning right towards Kendal would be turning across oncoming traffic and traffic coming from the south would have to turn across oncoming traffic at a point close to the Leisure Park access, all where visibility is sub-standard. There is also a real danger of tail backs along the short distance to the Crooklands roundabout where the A65 meets the A590, and beyond back towards the motorway. Furthermore, the A65 near to the entrance to the site is the subject of regular and extensive flooding that reduces the entire width of the road to a single lane, a fact which the applicants Flood Risk Assessment alarmingly fails to mention. All of this means that the siting of a crematorium at this site would result in the creation of unacceptable highway dangers to road users.

3. Inadequate Alternative Site Assessment

The applicants have sought to justify the granting of an exception in this case by stating in their documents that they have carried out a “rigorous sequential” search for alternate sites and that that search has revealed that no such site exists. The Parish Council considers that the search exercise carried out was totally inadequate and that the evidence produced by the applicants is flawed. First of all there is no quantifiable evidence of a real need, as opposed to a desire, for a crematorium to serve the area, and there is no evidence that land owners, land agents, commercial agents or estate agents have been approached to help in identifying suitable sites, it being acknowledged that a rural site is likely to be best suited for such a facility. The Parish Council is aware that a site in Helsington Parish is currently being discussed as a suitable site and whilst not wishing to comment directly upon its suitability it does confirm the view that the search exercise has been inadequately carried out.

4. Inadequate nature of site in terms of tranquillity
The Cremation Act 1902 and subsequent government guidance seek to ensure that such facilities are provided in peaceful, tranquil settings to allow for the sort of quietness and dignity that mourners and visitors expect. Such sites should not be prominent in the landscape but be in attractive locations with good existing screening. This site is just over 300m NE of a busy motorway, the traffic noise from which is clearly heard across the site. It is also bordered by the busy A65 to which it is fully open to view. Whilst extensive landscaping is proposed this will take between 6 – 10 years to fully establish, during which time the site will remain open to view. It is clear to the Parish Council that this site does not and cannot provide the peacefulness and tranquillity required and, as such, is totally unsuitable for a crematorium.

5. Sustainable location /accessibility/catchment area

In rejecting Time and Tides proposals for a business park at Junction 36 during the Land Allocations process, the Inspector concluded that this area was unsustainable in terms of its location, access etc. It is poorly served by public transport, with only 4 buses a day passing the site from the Kendal direction during the proposed hours of operation. Furthermore, there is no pavement from the nearest bus stop to the site, making access particularly difficult and dangerous for the elderly. At a time when national planning policy guidance seeks to reduce the need to travel, especially by private car, it is inconceivable that permission should be granted for this facility in a location that is at the very edge of its intended catchment area and so poorly served by public transport. Indeed, a Funeral Director who was present at the meeting expressed the view that this was entirely the wrong place for a crematorium and that any facility provided should be much closer to South Lakeland’s main population areas.

6. Proximity of adjacent residential / commercial properties

Whilst the siting has been massaged to meet the 183m from a residence criterion, there are site specific matters here. It is understood that air quality and noise issues are dealt with by other than planning legislation but, nonetheless, they are issues that need to be looked at very carefully because of the local atmospheric conditions in the area. Previously, at the Gatebeck site, the Inspector dismissed the idea that the constant passing of funeral corteges could have a depressing psychological impact on local residents. However, in this case, all of the adjoining properties, comprising dwellings, a proposed children’s nursery, and holiday lodges, are higher than the proposed crematorium and will look directly down onto it and its chimney all day every day. The same applies to users of the canal and its towpath. The Parish Council considers that this will cause distress and have an unacceptable impact upon the children at the nursery, the residents of the dwellings and tourists, and deter further tourism investment in the holiday lodges, other local caravan sites and the nearby Hideaway Café.

7. Flooding and Ecology

Concern is also expressed that the applicants’ studies concerning these matters are inadequate, particularly in the way that the site acts as a flood plain for the Elm Tree Beck and as an overflow area for the Lancaster Canal, from which two spillways lead onto the site. The scale of the cut and fill involved could well alter the way in which the site deals with the inundation that occurs, leading to adverse impacts on nearby properties and watercourses, including the ecologically important Farleton Beck.
Conclusion
In conclusion, the Parish Council considers that there are no exceptional circumstances in this case which clearly outweigh the harm that the proposal will cause (as shown above). It therefore urges SLDC to refuse the application.

Highways Agency
No objection.

Cumbria County Council Highways:
Had originally objected with concerns raised with regards to access arrangements, amount of parking on site and highway capacity around the site. The agents for the applicant have designed an amended scheme which verbally the Highways Department have confirmed would deal with their objection in terms of access arrangements and highway capacity issues. The Highways have been formally re-consulted on further submitted information and Members will be updated on any further written response on the day of committee.

Natural England:
No objection.

United Utilities:
No objection

Historic Environment Officer:
Records indicate that the site lies in an area of archaeological potential. Recommend that if planning consent is granted archaeological evaluation and, where necessary, a scheme of archaeological recording of the site be undertaken. This could be secured by condition.

Countryside Access Officer:
There should be no interference with the public footpath for the duration of the construction works and thereafter.

The Environment Agency:
No objection subject to a condition relating to a scheme to deal with surface water from development and a scheme to treat and remove suspended solids from surface water run-off during construction.
Has asked for an informative in relation to the following:
- culverting of Elm Tree Ghyll which runs to the east of the site. Has mentioned there may be benefit in reopening it. Any works affecting flows of Elm Tree Ghyll would require Ordinary watercourse Flood Defence Consent from the Lead Local Flood Authority (LLFA).
- Oil separators required before discharge to any watercourse.
- May require permit from agency if foul sewage is not to main sewerage.
Environmental Health / Protection:

Contaminated Land

Have requested a condition in line with the land contamination report that a detailed phase II investigation to confirm initial conclusion and for foundation design. The suggested condition requires that if during development any contamination is identified that has not been previously considered then remediation proposals shall be agreed in writing with the Local Planning Authority.

Noise

The noise assessment has not carried out in line with BS4142 as requested but the indicated 19dBA at nearby properties is satisfactory and residents are protected but have required that any other external plant is assessed cumulatively with any other external plant.

Air Quality

The air quality assessment predicts that traffic will have negligible impact on air quality. This assumes that would be four cremations per day and 25 vehicles per cremation. Traffic should either be assessed using worst case data or condition attached restricting use to that quoted in application.

Lighting

Request condition that prior to installation of any site lighting full details of levels at neighbouring properties shall be agreed in writing with the Local Planning Authority.

Electricity North West:

Development adjacent to or affecting Electricity North West operational land or electricity distribution assets. Applicant should ensure development does not encroach onto / over that land or any ancillary rights of access or cable easements. There is also High Voltage network (11KW) on the site, any diversion costs shall be borne by the applicant.

Canal and River Trust:

Comments on the following points:

Ecological impacts -

The canal is a local designated wildlife site. The preliminary ecological assessment should recognise this and the potential impacts on the canal, during both construction and operational phases are investigated and mitigated if necessary.

Visual Impact -

The development will have an impact on the visual amenity of the canal users travelling along this stretch of otherwise rural stretch of the waterway.

Flood Risk –

FRA should be amended to assess impact of breach of canal on proposed development.
Lancaster Canal Trust:
Refers to Green Belt court case that is not relevant as this is not green belt land. States that:

- The development would introduce a strong urban character to this essentially rural area, notwithstanding the proximity of the highway development in recent times.

The trust would wish that:

- The historic Seven Milestone Canal Bridge at the north-western end of the site is safeguarded.
- CIL should be used to require the developer to finance improvements to the towpath and accesses
- Shares concerns with Canal and River Trust relating to ecological impacts of the canal and its environs, need for additional screening and assessment of risk of site being flooded by escape from canal.

NEIGHBOURS / OTHERS:
A site notice was erected at five points around the site with the application also advertised in the Westmorland Gazette as well as near neighbours. There have been representations from neighbours and other interested parties to the application. These can be broadly categorised as letters mainly of objections (62) some of support (3) and one of observation. These representations cover the following points:

The principle and policy:

- Lancaster and Morecambe Crematorium proximity also meets need, only 10 miles away.
- Any Crematorium should be located more centrally to the district.
- Not a sustainable location contrary to Policy CS1.1.
- The stated intent should be only for 4 cremations per day. How can this be controlled? This also would not be financially viable.
- Detrimental to the character and appearance of the area and therefore contrary to Policy CS5 of the SLDC core strategy.
- No need for new crematorium.
- There is a need for new crematorium. Travelling to Lancaster is not a good experience.
- The Auction mart had an essential need to be located in rural location, a crematorium does not.
Landscape Impact

- Views from Farleton Knott would be harmed.
- First area of beautiful scenery when you leave the Motorway.
- The height of the chimneys would be visible in the immediate area.
- The area of Canal adjacent to the site currently has a very peaceful rural feel which will be harmed by the crematorium.
- The Proposed LPG plant at the entrance would be obvious and unsightly.
- Large car park and planted flower beds and landscaping at variance with the agricultural area.

Design

- at odds with surrounding countryside.
- Style of building does not reflect the vernacular architecture of the area.

Impact on Highways

- Dangerous access.
- Concerns over traffic inflated the proposal would result in little increase in traffic on the A65 and may have impact on M6.
- Lack of public transport to and from site and lack of pavements therefore if without car unable to get to site and makes use of private cars more likely having effect on public highway.
- Distance shown on map are not achievable.
- Cortege would quickly overwhelm turning lane.
- Proposed 40 mph sign not likely to be seen so close to Crooklands roundabout.
- Traffic survey done at wrong time. Need to account for holiday traffic. Combination with auction mart also will cause problems.

Other matters

- Proximity of nursery and impact on its business.
- Inadequate consultation.
- Pollution detrimental to residents and wildlife.
- Concerns with regards to Habitat Survey. Further survey needed in relation to County Wildlife Site.
• Surface water drainage issues causing flooding on A65.

• Possible flooding issues. The field floods and the closeness of the canal will cause concern if not reinforced.

• Concern same developer as Auction Mart who have not complied with conditions.

• Work at the auction mart has caused other problems to other businesses downstream; the further interruption of the crematorium would cause the same problems.

• Should encourage more green burials such as those at the nearby Dalton Woods Burial Ground.

• Welcome chance to be cremated in Westmorland / South Lakeland.

• Statistics on death rates do not back up the need for crematorium largely static-two week wait in Lancaster and Morecambe Crematorium-longer in winter and shorter in summer.

• Should use other brownfield land.

• Would provide benefit the economy and life balance for the South Lakeland Community.

• Inappropriate business at gateway to lakes.

• Wrong location. Should not be adjacent busy roads. Should be in a peaceful location.

• Viability of four cremations a day not likely to be sustained.

• Concern over neighbouring residential amenity from smoke.

• Concern over archaeological importance of the site.

APPLICANTS REPRESENTATIONS
The applicants agent has submitted a number of reports with the application which include: a Design and access statement; a Planning Statement; a Foul and Utility Statement: amended plans; air quality assessment; Preliminary Ecological Appraisal with updated information; Transport Statement with updated information; an Arboricultural Report; Phase 1 Geo-Environmental Site Assessment; an updated Flood Risk Assessment and an updated Landscape and Visual Impact Assessment.

In summary the applicant has concluded the Planning Statement thus:

• A presumption in favour of sustainable development is at the heart of the National Planning Policy Framework (paragraph 14). It states that for decision-taking development proposals that accord with the development plan should be approved without delay.
• The site is situated within the open countryside however this Planning Statement has clearly demonstrated that the proposal accords with the Development Plan and thus paragraph 14 of the Framework.

• Development within the open countryside is accepted in policy terms, provided exceptional circumstances and a need for a rural location can be demonstrated.

• This statement has established that there is a clear and identified need for a crematorium in South Lakeland to remove the need for residents to travel outside the district and long distances to access cremation services in Lancaster and Barrow-in-Furness. This need is recognised by the Council and represents exceptional circumstances in accordance with Policy CS1.2.

• A sequential assessment has been undertaken in accordance with Policy CS1.1, this confirmed there are no suitable or available sites in the settlements to accommodate a crematorium which meets operator requirements or the Cremation Act 1902. Furthermore, the Cremation Act and its requirements constrict the proximity of crematoriums to dwellings houses and roads ensuing that a rural location is necessary in accordance with Policy CS1.2.

• The proposed development has been designed and positioned to integrate well into the landscape and limit visibility from surrounding areas both for the amenity of residents but also to provide a tranquil setting for mourners. The proposal therefore accords with the development plan.

• As development plan is silent on crematoriums, in accordance with the Framework, a planning balance needs to be considered to establish if there are any other adverse impacts that would outweigh the benefits of the proposed scheme.

• With regard to the other material considerations relevant to the proposal, landscape; trees, noise, traffic, flood risk and ecology have all been assessed and mitigation proposed to offset any impact and if possible, improve the site, most notably by providing biodiversity and landscaping enhancements.

• When the impacts are weighed up against the significant benefits of the proposal, and taking into consideration mitigation proposed, the balance weighs strongly in favour of granting planning permission.

POLICY ISSUES

A Screening Opinion has been issued by the Local Planning Authority that concluded that for the development an Environmental Impact Assessment is not required.

The Crematorium Act 1902 states that: No crematorium shall be constructed nearer to any dwelling-house than two hundred yards, except with the consent, in writing of the owner, lessee and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority.

Crematorium is defined within the Act as meaning “any building fitted with appliances for the purpose of burning human remains and shall include everything incidental or ancillary thereto”.

DoE 1978 Guidance relating to Siting and Planning of Crematoria LG1/232/36 states that grounds used for the disposal of ashes would come within the definition of incidental or ancillary thereto.
Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that the local planning authority shall have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

**South Lakeland District Council Infrastructure Delivery Plan 2013** states:

The Council is championing the need for a crematorium in South Lakeland and has identified in the latest Council Plan 2013-2017 that it will explore options to work with others to provide one. There is an existing need for a crematorium in South Lakeland as it has a higher than average percentage of people over 60 and residents currently have to be transported to crematoriums in Barrow or Lancaster which can take two hours.

It recognises the difficulty in finding a suitable site and states that the usual planning and environmental considerations would have to be met.

**South Lakeland Core Strategy:**

*Policy CS1.1 Sustainable Development Principles* notes that development should accord with a sequential approach, first using existing buildings and previously developed land within settlements ahead of other suitable infill opportunities within settlements and only then development of other land that is well located in relation to housing, jobs, other services and infrastructure. It also notes that development should minimise the need to travel and provide a choice of sustainable transport modes.

*Policy CS1.2 The Development Strategy* states exceptionally new development will be permitted in the open countryside where it has an essential requirement for a rural location, is needed to sustain existing business, is an appropriate extension of an existing building or involves the appropriate change of use of an existing building or involves the appropriate change of use of an existing building.

*Policy CS5 The East* states that council and its partners will aim to:

- Protect and enhance the diverse character and local distinctiveness of the area by promoting high quality design.
- Protect the network of green infrastructure and important environmental characteristics and, in partnership with landowners, promote their positive use and management.
- Ensure that new development safeguards and enhances the natural environment—notably the AONB, and support habitat creation.
- Maintain and enhance the strength of tourism across the area.

Policy CS8.1 Green Infrastructure states that the core strategy will protect the countryside from inappropriate development whilst supporting its positive use for agriculture, recreation, biodiversity, health, education or tourism.

Policy CS8.2 Protection and enhancement of landscape and settlement character states that development proposals should demonstrate that their location, scale, design, and materials will protect, conserve and, where possible, enhance: the special qualities and local distinctiveness of the area.
Policy CS8.4 Biodiversity and geodiversity.

Policy CS8.10 Design states that the design, scale and materials of all development should be of a character which maintains or enhances the quality of the landscape or townscape and, where appropriate, should be in keeping with local vernacular tradition.

Policy CS10.2 Transport Impact of New Development requires that development be designed to reduce the need to travel and to maximise the use of sustainable forms of transport. Development proposals should provide for safe and convenient access and foot, cycle, public and private transport, be served by safe access to the highway network without detriment to the amenity or character of the locality, the expected nature and volume of traffic generated by the proposal can be accommodated by the existing road network without detriment to the amenity or character of the surrounding area, local air quality or highway safety. Where a development would have significant transport implications, it should be accompanied by an air quality assessment, transport assessment and a travel plan. It also states that the proposal incorporates parking standards that are in accordance with any adopted and emerging sub-regional and/ or local policy and guidance.

Saved South Lakeland District Council Plan Policies

Saved Policy S2 sets out the South Lakeland Design Code and requires development to take proper account of its principles.

Saved Policy S10 states that off-street parking will be required based on Cumbria County Council’s guidelines, but will be applied flexibly.

National Planning Policy Framework (NPPF):

Paragraph 14 sets out a presumption in favour of sustainable development. This means approving development proposals that accord with the development plan without delay. Implicit is that development not proven to be sustainable or not in accordance with the development plan does not benefit from this presumption.

Where the development plan is absent, silent or relevant policies are out-of date, planning permission should be granted unless:

- any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or

- Specific policies in the Framework indicate development should be restricted.

Cumbria Landscape Character Guidance and Toolkit:

Identifies the area as Character Type 7b-Drumlin Fields with adjacent sub-types of:

- 3a- Open Farmlands and Pavement
- 7a- Low Drumlins
- 9b-Rolling Farmland and Heath

The vision for this landscape character type is that the well composed landscape will be conserved and enhanced to retain its distinctive characteristics. The key characteristics are defined as Tracts of High Drumlins, Rounded Tops with steep
sides, district landform grain, hedges and stone walls forming strong boundaries, streams wet hollows are found in the dips between the drumlins, farms and development often nestle in intersecting valleys, narrow lanes with tall hedges and steep banks criss-cross through the drumlins and drumlins are cut through by the M6 motorway, railways and power lines.

HUMAN RIGHTS ACT

This application has been determined to accord with the rights and limitations of the Act in relation to Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

ASSESSMENT

Application of Planning Policy

The key issues of this application are:

1. The principle of a new crematorium on the site.

2. The visual and landscape impact of the changes on the surrounding area including design.

3. The potential highway impact upon the A6 and wider road network.

1. Principle of new crematorium on site

Policy CS1.1 and CS1.2 sets out the broad policy principles for the location of development which sets out that development in the open countryside should be allowed in exceptional circumstances. Crematoria are constrained of the locational requirements of the Cremation Act 1902 and require a mainly open countryside location as sequentially preferable sites within settlements or making use of brownfield land are likely to be constrained by nearby houses within 200 yards of the crematorium.

Additionally as most of the land outside settlement limits within South Lakeland is constrained by either flooding or other landscape designation which limits the availability of other land, it follows that other open countryside locations within the district are likely to be very limited.

A recent application for a crematorium at Beetham Hall (SL/2014/0701 and SL/2014/0702) demonstrates this. That application was refused because of the perceived impact on the setting of the AONB. This application is currently subject to an appeal with the Planning Inspectorate.

As part of the planning application SL/2005/1180 in relation to a proposed crematorium at Sampool, which was dismissed on appeal by the Planning Inspectorate (APP/M0933/A/06/2024355), it was accepted that there was a need for a crematorium in South Lakeland as it would substantially reduce the need to travel and in that respect be sustainable. Additionally the 2013 Infrastructure Delivery Plan recognises the need with the increasing ageing population in the area and the increasing popularity of cremation.
The application as it currently stands does not meet the requirements of the Cremation Act 1902 as part of the memorial gardens where ashes are to be scattered, and the cremation building service yard are within 45 metres (50 yards) of the public highway and 183 of residential dwellings. This has been reported to the agent / applicant and discussions are ongoing about how the scheme could be amended to meet the criteria of the Act. Committee will be updated on the day of any amendments.

The visual and landscape impact of the changes on the surrounding area including design within those viewpoints

The applicant has submitted a Landscape and Visual Impact Assessment. In Paragraph 4.6.2 an assessment has been made that the site in respect of landscape quality is considered to be of poor quality. Table 2: Landscape Value in Appendix 2 further expands on this definition as areas identified as having some redeeming features and possibly identified for improvement with the Landscape Condition identified by Table 1 as ordinary. This appears to contradict the Cumbria Landscape Character Assessment as a whole which identifies the landscape as well composed and the need to conserve and enhance to maintain its distinctive characteristics. To assess the harm it is considered necessary to look at both the quality, and appreciation of the local landscape at close views from the A65, and the footpath on the Lancaster - Kendal Canal and the distance views from Scout Hill and Farleton Fell.

Close Views

The proposed site sits nestled between the canal and A65 and forms an important open and expansive entranceway to other areas of South Lakeland from the M6, from the A65, and walking southwards along the Lancaster - Kendal Canal. Traveling from the M6 towards the A65, the landscape opens to a wide open view to Scout Hill beyond. This field forms part of that open characteristic. Similarly whilst travelling from Crooklands along the A65 to the Crooklands roundabout after crossing the canal bridge there are wide expansive views outwards to Farleton Fell. That journey is similar when you move under the canal bridge from the M6 leaving behind the caravan site, trees and other built form, this field provides a sharp and welcome contrast to that sense of enclosure.

These important views are recognised in the perceptual character of the Cumbria Landscape Character Assessment which describes a journey through it revealing a series of contrasts from enclosed sheltered hollows to exposed open hilltops affording long extensive views where a sense of intrigue can be created by the hill and winding lanes. The journey from the motorway bridge and the petrol station away from the north is an enclosed journey by trees, and hedging, topography with the quality further diluted by the garage and layby. This is relieved on crossing the canal bridge, both over and under with the land sloping downwards to the east with an exposed open character to Farleton Fell.

It is recognised that the A65 towards Kirkby Lonsdale partially bisects this viewpoint and the traffic from the roads do intrude on the sense of tranquility; the field and landscape being of an agricultural and rural nature. The design of the building and formalised gardens, whilst well designed, and the new LPG compound to the access, the new tarmac access drive and the gate pillars and walls would add to this sense of urbanisation that would introduce a jarring and discordant feature into that landscape. The proposed planting and screening would also remove that sense of openness.
Additionally the elevated position of both the road and the footpath make it difficult for the proposed landscaping to fully mitigate the impacts from public viewpoints.

Distance views

Distance views are afforded from both Farleton Fell and Scout Hill (both at a distance of around 2km). The site is seen as a green agricultural field which reflects the mosaic of fields surrounding. This mosaic is interrupted by large agricultural building and infrastructure such as the canals and motorway. Adjacent to the site, to the south, the large buildings of the auction mart and associated buildings dilute this mosaic combined with Moss End Farm and Business units. The proposed crematorium buildings would be seen within the context of this other built form to the north.

It is considered that this additional built form would cause further harm by consolidating the built form further, and further fracturing the mosaic of agricultural fields. The design of the building will cause further harm with two 10 metre by 4.5 metre wide chimneys will introduce a discordant feature. Whilst the proposed and existing associated landscaping and distance from the site would mitigate this harm it is considered that whilst the change would only be slight in the context of the wider landscape views, it would be harmful.

Conclusion

The development of the field will irreversibly change the character of the site from one of an agricultural and rural nature to one of built form and structured layout which will have a significant urbanising effect on the local landscape. The building design and the formalised layout of the memorial gardens all serve to impact on both close and distance viewpoints. It is considered that the proposed development would fail Policy CS8.2 in that the development proposals do not demonstrate that their location, scale, design, and materials will protect, conserve and where possible, enhance the special qualities and local distinctiveness of the area.

The potential highway impact upon the A65 and wider road network

The current amount of traffic using the site is very low, primarily agricultural, whilst it is anticipated that the average additional number of vehicles generated by the proposed use would be around 200 extra vehicle movements per day with the submitted transport assessment stating that there would be around four cremations per day with 25 trips to and from the site associated with each crematorium. Traffic counts have shown that the Annual Average Daily Traffic (AADT) of the A65 would be around 345 cars per hour which would change to 365 cars per hour if the application was approved. This assumption does not consider some of those vehicle movements are already vehicles travelling to the crematorium at Lancaster which currently use the A65, and the assumption does not make an assessment of the movements that would use the bus service.

The Highway Authority has expressed concern about the potential number of vehicles exiting and entering the site at any one time and the potential effect on the safety of the highway and has suggested that amendments have to be made to the speed limit and / or other alterations. These involve widening the carriageway, the use of speed limits signs, advanced directional signs, the use of a clearway and the provision of a right hand lane for traffic travelling from the canal bridge. At the time of
writing this report, the Highway Authority were still considering further information submitted and Members will be updated on the day of Committee.

OTHER MATTERS

Drainage and Flood Risk

The site is within Flood Zone 1 and the proposed building is shown on the Environment Agency maps to be in an area where surface water flooding could take place up to depths of 300mm. The site has been observed to flood and at the time of a site visit part of the site was found to be covered in a very shallow depth of water. These areas would be covered by landscaping and the attenuation shown on the plan. The Environment Agency has no objection but have asked for a condition to secure the surface water drainage scheme and a Construction Method Statement in terms of preventing pollution of the water during construction.

Foul sewage would need to be dealt with a package treatment plant. It is expected that these details could be secured by condition if approved.

Concern has been expressed as to the possibility of the breach from the canal inundating the crematorium building. Further information has been submitted by the applicant to show that the extent of collection of water away from the building and the ability to evacuate the site to the west should there be an overtopping or breach event.

Air Quality

An air quality assessment has been submitted in terms of vehicle movements and it was concluded that annual concentrations of NO2 and PM10 were predicted to be well below the respective air quality objectives for both with and without development scenarios. Discussion is still ongoing with Environmental Protection colleagues about any requirement for any mitigation and Members will be updated on the result of that discussion on the day of Committee.

Emission from the chimney is covered by separate licensing legislation and is not a material consideration as part of this application.

Neighbouring Amenity

The nearest neighbours are at the nursery and residential property of Long Croft at a nearest distance of around 100 metres to the nearest part of the proposed site with the proposed buildings over 183 metres away to the north. The next nearest residential properties would be at the group of dwellings at Valley View around 180 metres to the east of the site and Fell View within Millness Leisure Park to the west at a distance of 175 metres to the closest part of the site. There are holiday lodges at a closer distance. The most affected dwellings would be from the residential properties at Fell View and Longcroft from which the site would be visible in varying degrees depending on which part of the site you stand on.

All have intervening features between the site and the proposed location including trees, hedging, the canal and the current and former A65 and topography which ensure the proposal would not have an adverse effect on amenity. These would be further supplemented by other proposed landscaping which could be secured by condition.
Setting of Listed Building (Seven Milestone Bridge)

The bridge would be located just outside the proposed boundary of the site to the north. The bridge currently serves as a road bridge to the A65 with the canal. It is considered that because of the intervening landform and the existing and proposed landscaping including trees and hedges there will be no effect on the listed building.

Ecology

A phase I Habitat survey was taken of the site and no further survey work was recommended on the site. An amount of hedgerow would be loss due to the removal for visibility site lines but this would be replaced by other native hedging on site. The report concludes that if other planting, hedging, trees and attenuation for a SuDs scheme this would improve the ecological value of the site.

CONCLUSION

There is an identified need for a crematorium within the South Lakeland District Council area and it is likely that the location would need to be in open countryside. However that need should not over ride other planning concerns.

It is considered that the development of the field will irreversibly change the character of the site from one of an agricultural and rural nature to one of built form and structured layout which will have a significant urbanising effect on the local landscape. The building design, tarmacked entrance drive, LPG enclosure and the formalised layout of the memorial gardens all serve to impact on both close and distance viewpoints which cannot be adequately mitigated. It is considered that the proposed development would fail Policy CS8.2 in that the development proposals do not demonstrate that their location, scale, design, and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area.

RECOMMENDATION: The Director (People and Places) to refuse the application for the following reason:-

It is considered that the proposed crematorium and its ancillary memorial gardens, parking, new access, LPG compound and other structures would have a significant urbanising effect on a rural and agricultural setting. The design of the building and formalised gardens would introduce jarring and discordant features into that landscape from both close and distance viewpoints, which fail to protect and conserve the special qualities and the local distinctiveness of the area. This would be contrary to Local Plan Policy CS8.2 of the South Lakeland Core Strategy.
SCHEDULE No: 2
SL/2015/0016

KENDAL:
Mill Field, Shap Road,
KENDAL

PROPOSAL:
Engineering operation and development to re-grade the site to form one full sized floodlit rugby pitch, one full sized floodlit artificial pitch, two training pitches, a clubhouse, parking and landscaping

Mr Keith Nutter
(Morbaine Limited)

SUMMARY
The application site lies on the northern edge of Kendal some 1.5 km from the centre just outside the settlement boundary and comprises two fields of undulating undeveloped agricultural land used for the grazing of livestock.

Kendal Rugby Union Football Club have been seeking new premises for over 10 years to respond to the demands of the modern game of rugby. The proposal is for a replacement rugby ground and involves extensive re-grading of the site with retaining walls/embankments to provide level playing fields together with the construction of a substantial two storey clubhouse

The proposed development is outside the development boundary of Kendal so the main policy considerations relate to the principle of development in this location and its impact on landscape character.

The detailed considerations relate to impact on residential amenity, highways and access and technical issues of drainage and protection of ecology

DESCRIPTION AND PROPOSAL

Site Description
The site is 5.08 ha in area comprising two fields, enclosed by a traditional stone wall, of undulating undeveloped agricultural land used for the grazing of livestock. The ground falls generally from 57m (AOD) along its northern boundary to around 51m at its southern end with high points of 58m midway across the site with the land falling towards the river.

The site lies on the northern edge of Kendal some 1.5 km from the centre. It lies on the eastern side of A6 / Shap Road just north of the bridge over the River Mint. It is bordered by the river on the eastern and southern boundaries and to the west by Shap Road with the Industrial Estate / Business Park opposite and a small number of residential properties around Mint House / Hunters Croft at the southern end of the site. The northern boundary is a private road that leads to a small group of
residential dwellings, Beck Mills near the river. A public footpath runs along the river bank. Trees line part of the Shap Road boundary.

The eastern side of Shap Road is outside the development boundary of Kendal. The site is approximately 300m from the existing Kendal Rugby Union Football Club (KRUFC) ground (500m between the existing and proposed clubhouses) and a similar distance from Queen Katherine High School.

Proposal

The proposed development will include a significant amount of engineering and re-grading of the land at Mill Field to provide suitably level surfaces on which playing pitches can be laid. In part the land will be reduced by almost 4m in height with significant areas of retaining walls constructed and embankments particularly around the artificial pitch to create level playing fields. After removing the topsoil all of the material from the cut will be used in the fill. In terms of the topsoil, this is estimated to be about 6,000 m$^3$. The applicant intends to use as much of the topsoil as possible with the ideal scenario resulting in nothing leaving the site. In the worst case half of the topsoil may have to be removed if the quality is not right. If a HGV takes about 50 m$^3$ then this is about 60 HGV movements which would be spread over about a month (roughly 3 a day).

The pitches that will be provided include:

- a full sized floodlit grass pitch;
- a full size floodlit artificial grass pitch, (International Rugby Board and EUFA compliant which can host rugby and football); and
- two smaller training pitches.

There will be 6 lighting columns for the grass pitch and 6 lighting columns for the artificial pitch (which will also cast light onto the lower training pitch). The estimated height of the lighting columns is between 12 to 15m.

In addition, the proposal includes the erection of a two storey clubhouse facility (with a gross internal area of 1496 sq m) which will also include a viewing balcony and seating area overlooking the main grass pitch to the north.

The length of the 2 storey element of the clubhouse is 37.5m plus two single storey additions of 7.5m each side taking the maximum length of building to 52.5m. The width is 18.6m plus the balcony which is a further 5.2m making a total of 23.8m. The height to eaves is 6.9m at the front entrance and where the ground slopes down to the opposite end it is 8.1m. The height of the ridge of roof above the eaves is 4.2m making a total height varying from 11.1m – 12.3m.

The proposed building will be designed as a contemporary sports clubhouse and will be essentially two storey with a pitched roof with hipped dormer features in the main (north) elevation. The two storey design proposes a viewing gallery with canopy on the first floor overlooking the main grass pitch. The ground floor will be constructed of stone with columns rising to a first floor rendered elevation punctuated by various sized windows. The roof is slate effect steel profiled sheeting.

Details of the internal layout of the clubhouse will include sufficient changing room facilities to address the needs of mini, junior and female rugby. Essentially the building is divided into changing/sporting facilities at ground floor with social accommodation at first floor.
Ground floor – 6 changing rooms (Sport England standards), referees / First Aid room, store, cellar, large gym, office and 4 consulting rooms plus servery and toilets.

First floor - Members Lounge, Main Bar and Conference facility to be used for match food, coaching education, viewings of matches, meetings and social functions to be used by the club and the local community for hire to pay for upkeep of the club.

The proposed development will also include a new access off Shap Road to the north of Gilthwaiterigg Lane which will provide access to a new dedicated car park with a 164 car parking spaces and 2 coach spaces.

The following detailed technical reports were submitted as part of the planning application. They include:-

- Design and Access Statement
- Planning Statement
- Transport Assessment
- Landscape and Visual Impact Assessment
- Flood Risk Assessment and Surface Water drainage Strategy
- Lighting Assessment and Typical Lighting Columns
- Extended Phase 1 Habitat Survey
- Information to support an Habitat Regulations Assessment
- An Otter, White Clawed Crayfish and Fresh Water Mussels Survey
- Preliminary Site Investigation Report
- Geophysical survey re Archaeology

HISTORICAL CONTEXT

Related Planning History

- Land at Oxenholme Road, Kendal.

SL/2008/1220 - Kendal Rugby Union Football Club (KRUFC) application for engineering operations to re-grade the site to form two full size rugby pitches and a flooded training pitch, with club house, parking and landscaped woods, approved 26 March 2009.


SL/2015/0019 - Kendal Rugby Union Football Club - application for engineering operations to re-grade the site to form one full size rugby pitch, one full size floodlit artificial pitch, two training pitches, with club house, parking and landscaping– on Planning Agenda

-Kendal Rugby Union Football Club - Shap Road, Kendal

SL/2013/1120 - Erection of foodstore (class A1), petrol filling station and associated parking and servicing facilities granted subject to S106 agreement and conditions Jan 2015.
CONSULTATIONS
Kendal Town Council:
Approve.

Cumbria County Council:-

Highways:
There is a concern regarding the visibility splays which have been demonstrated, based on a speed limit of 40mph under the Design Manual for Roads and Bridges. The concern is that traffic may be exceeding the speed limit in this location as it leaves the built up area. It is considered that traffic speed data should be carried out on Shap Road, directly outside the access to the development, in order to give a fair and accurate representation of the 85th percentile speeds on this road. This will either reaffirm the shown visibility splay or demonstrate what it should be.

Additionally, it is considered that sufficient footways / cycleways have not been considered to facilitate the development. Whilst it is acknowledged that the development will create a link to the footpath along the River Mint, the pedestrian / cycle desire line for accessing the development will be up Shap Road. Furthermore, crossing facilities do not appear to have been considered for Shap Road, in order to safeguard pedestrians / cycles accessing the development.

The arrangement of the junction off Shap Road does not conform to DMRB standards, in that it has a to short a stagger length and inadequate queuing space for coaches and HGVs. This will result in conflict with traffic turning into the industrial estate.

In conclusion, there is sufficient enough concern cited above that the Highway Authority cannot support the application in its current state. The Highway Authority therefore has no option but to recommend the application, as it stands, for refusal.

Historic Environment Officer:
Records indicate that the site lies in an area of archaeological potential close to the potential site of the medieval village of Mint. Request geophysical survey.

Following the geophysical survey the site has not highlighted archaeological remains of such significance as to warrant preservation in situ. The survey has revealed anomalies that might be archaeological in nature so recommend a protective condition re archaeological investigation and recording.

SOUTH LAKELAND DISTRICT COUNCIL:

Environmental Protection Officer:

Air Quality

The number of car parking spaces proposed for this development poses a potential for an adverse impact on local air quality due to vehicle movements. This is a material planning requirement and as such I would request that:

Prior to any consent being issued a “Design Manual for Roads and Bridges (DMRB) screening assessment” to show the effect of the increase in traffic levels on air quality at relevant local receptors shall be submitted and agreed
in writing with the Local Planning Authority. If any increase in pollutant levels is predicted, even if negligible when using the EPUK guidance, then the assessment should include proposals for mitigation.

Reason: To minimise the impact that from vehicle emissions which may have a significant adverse affect on local air quality.

Noise

A noise impact assessment has not been submitted as part of this application and therefore it has not been possible to assess the potential impact that noise emissions from the use of this proposed development may have on nearby residential properties. I would therefore ask that the following condition is applied to any subsequent consent:

No development shall commence until a noise impact assessment has been undertaken and submitted to and approved by the Local Planning Authority. The criteria for this assessment should include, but not be limited to, existing background noise levels, use of the sports pitches, use of the club house, and externally mounted plant and machinery. Where mitigation measures are required to control noise emissions, a scheme detailing these measures shall be submitted to and approved by the Local Planning Authority. The scheme, as approved, shall be implemented before the development is first brought into use.

Reason: To minimise the impact of noise to safeguard against the development having a significant adverse impact upon the residential amenity at nearby properties.

Flood lights

Flood lighting of sports pitches has the potential to cause an adverse impact on local amenity through both the location of the light, the type, and the duration in which they are employed. No plan or scheme presenting this detail has been submitted with this application therefore I would recommend that the following condition is applied to any subsequent consent:

A scheme showing the proposed lighting plan for the development shall be submitted and agreed in writing with the Local Planning Authority prior to development commencing. This shall show the location, number and type of units proposed, their orientation and brightness in lux and proposed hours of operation. It shall also predict the light level in lux to be experienced at surrounding properties.

Reason: To minimise the visual impact of light on nearby residential properties.

Construction Phase

The construction phase of this development has the potential to cause both noise and dust nuisance to occupiers of nearby residential properties. I would therefore request that the following conditions be applied to any subsequent consent:

No work for the construction of this development, including start-up of any machinery and deliveries and unloading of equipment and materials, shall take place on the site, except between the hours of 0800 am and 1800 pm Monday to Friday and between the hours of 0800 am and 1400 pm on Saturday. No
work shall be carried out on Sunday’s or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.

Reason: To safeguard against unacceptable levels of disturbance to nearby residents during construction works.

A scheme shall be submitted and agreed in writing with the Local Planning Authority prior to development commencing to show how noise and dust will be controlled during the construction phase of the development.

Reason: To safeguard against unacceptable levels of disturbance to nearby residents during construction works

No burning in the open air shall take place on the site.

Reason: To safeguard against unacceptable levels of dust impacting on the amenity of nearby residential and commercial properties.

Environment Agency:

The proposed development is located predominately in Flood Zone 1 but the southern end of site has a lower level and includes land in both Flood Zone 2 and Flood Zone 3 (Medium/high risk of flooding). The proposed development is largely water compatible. The most vulnerable part of the development, the clubhouse, has been located in Flood Zone 1.

No objection in principle to the development subject to conditions on Compensatory Flood Storage as in the applicants FRA and standard condition in respect of surface water drainage based on sustainable drainage principles.

United Utilities:

Drainage comments

The site should be drained on a separate system with foul draining to public sewer and surface water draining in most sustainable way.

**No objection in principle** to the development subject to conditions re details of separate foul drainage and surface water drained into soakaway as stated in the applicants surface water drainage strategy.

Water comments

A water main runs along western side boundary of site – require access strip of min 5m.

Natural England:

Internationally and nationally protected sites

The site is within close proximity to a European designated site – the River Kent Special Area of Conservation (SAC) and the River Kent and Tributaries Site of Special Scientific Interest (SSSI). In considering the impacts of the SAC, a Habitats Regulations Assessment (HRA) is required.
No objection

In advising the authority on the requirement relating to the HRA Natural England offers the following advice:

- The proposal is not necessary for the management of the European site.
- That the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

When recording your HRA we recommend you refer to the following information:-

- No direct discharges to the River Mint.
- No works within 10m of the river bank.
- No changes to public access to the river bank.
- Suitable site construction pollution control measures to be provided by condition including an earth bund between the works area and River Mint.

Natural England is satisfied that the proposed development will not damage or destroy the interest features for which the SSSI has been notified. The SSSI does not represent a constraint in determining the application.

Natural England has not assessed the impacts on protected species.

Electricity North West:

No impacts.

Sport England:

As part of the assessment of this application, Sport England has sought the views of the Rugby Football Union (RFU). The RFU comment that:

The relocation of Kendal RUFC is identified as a priority for the RFU within the Cumbria RFU facilities plan and as such it is the RFU’s view that the current plans for the relocation of Kendal Rugby Club will have a positive impact on the provision of rugby union within South Lakeland. The RFU can confirm that the plans for Mill Field will provide equivalent or better provision in terms of quantity and quality than the existing Mint Bridge site.

Sport England concur with the RFU that the proposal will provide equivalent or better provision in terms of quantity and quality compared to the existing Mint Bridge site, and Sport England is satisfied that this site would make a suitable replacement.

Sport England is aware that a Section 106 agreement for the Mint Bridge site stipulates that works cannot start on the retail site until the Rugby Club has been fully relocated to a brand new facility and the site is wholly vacant.

The majority of the proposal accords with the RFU’s design guidance, however the RFU have raised concerns relating to the design of the artificial grass pitch (AGP) and that it should be widened by 5 metres to meet World Rugby artificial pitch standards. Sport England has suggested that the design of the AGP can be dealt with by way of a planning condition.

This being the case, Sport England does not wish to raise an objection to this application.
NEIGHBOURS / OTHERS:

7 individual letters of objection have been received. Objections largely come from occupiers of 2 residential areas around Mint House / Hunters Close / Shap Road at the southern end of the site and residential dwellings at Beck Mills on the north east boundary. The concerns of all objections raised are summarised as follows:

Principle and scale of development

Scale of development is enormous outside the settlement boundary.

Landscape Character

Loss of area of natural beauty, rural amenity.

Wall around Becks Mill should be retained to protect character.

Visual barrier provided to Beck Mills.

Access required for maintenance of river bank.

Flooding and drainage

Access required to service septic tanks which serve Beck Mills. Area should not be used for pitches.

Greater risk of flooding.

Traffic

Impact of road traffic from development and inadequacy of existing road network to cope with extra traffic.

Too many junctions on Shap Road. Offset junction dangerous.

Need traffic calming.

Access to private drive to Beck Mills more dangerous.

No coach parking or drop off points.

Noise and impact on Residential Amenity

Need changes to the scheme and protection from conditions for residents and local tourist businesses.

Clubhouse should be realigned south with main pitch on south.

North facing balcony will be used for social events/smoking area for late night functions and will impact residents, hours restrictions needed and limit on social facilities.

Becks Mill Drive will be used by spectators for parking and viewing. Need more tree screening / visual barrier.

Better ball guards will be needed.

Existing pitches cause disturbance for residents along Shap Road noise from 4 pitches and functions at night would be intolerable for residents.

Light pollution need conditions to limit glare hours beyond 9.30 pm.

Inappropriate use of footpath creates security issues outside lower Mill Beck.

One letter of support:

Site is close to Queen Katherine School so facilities can be shared.
Not close to residential properties so less impact from noise / social facilities.
Shap Road is a main road so can accommodate traffic.
Links to Town Centre good.
Majority of site will remain green.

**APPLICANT’S REPRESENTATIONS**

Kendal Rugby Union Football Club have been seeking new premises for over 10 years to respond to the demands of the modern game of rugby particularly in relation to the growing mini rugby, junior and female membership. Given the need for separate mini, junior and female changing rooms as well as other support facilities the club’s existing facility is clearly outdated and not fit for purpose. Furthermore, whilst the main pitch can be used all year round, the training pitch, which has very poor drainage, is often water logged and unusable. As a result the club have to train on a strip of “Astra Turf” in their existing car park. This is clearly inadequate and there is an urgent need for an all-weather pitch which will enable the club to train all year round.

At the moment, the club overcome these significant shortcomings by sharing facilities at the Queen Katherine School on the opposite side of Shap Road. Whilst this has proved to be a helpful short term solution, the all-weather pitch at the Queen Katherine School is not a modern generation all-weather pitch which can easily support the playing of rugby.

In order to provide the necessary facilities required for Kendal Rugby Union Football Club to expand and further develop mini, junior and female rugby it has been necessary to re-develop their existing ground to generate sufficient capital to provide a new state of the art facility elsewhere in Kendal.

In 2008, a planning application was made on land at Oxenholme Road in Kendal to provide that facility. Planning permission was granted in 2009 (reference SL/2008/1220). However, the subsequent planning application for a food store on the existing club was refused by South Lakeland District Council and in preparation for an appeal in 2012, the permission at Oxenholme Road was extended for a further three years expiring on the 28 February 2015.

Therefore, whilst planning permission does exist for a new rugby facility within Kendal, it is evident that this will expire before a valid start can be made and the Club now requires a slightly different facility to that granted in 2009 and renewed in 2012.

However, it is important to note that since the permission at Oxenholme Road was extended, the Club have now identified another alternative opportunity (land known as Mill Field, off Shap Road, Kendal) which in their view better meets their needs and would create less disruption in relocating given its close proximity to the existing Club. The location of the site at Mill Field would also enable them to foster their current relationship with Queen Katherine School which would mean that the school could also benefit from the new facility if permission is granted. Therefore, a separate planning application has been submitted for the same facility to be provided on land at Mill Field, Shap Road.

If for whatever reason consent is not granted for the proposed development at Mill Field then the club would revert to Oxenholme Road which currently has consent for a new rugby club facility. However, as the requirements of the rugby club have
changed since permission was granted back in 2009 (renewed in 2012) a new application for Oxenholme Road is also being submitted to ensure that the right facility can be provided in the future at Oxenholme Road notwithstanding the fact that the club’s preferred location is now Mill Field.

**POLICY ISSUES**

**South Lakeland Core Strategy:**

CS1.1 *Sustainable Development Principles* provides criteria for new development. It notes that development should accord with a sequential approach, first using existing buildings and previously developed land within settlements ahead of other suitable infill opportunities within settlements and only then development of other land that is well location in relation to housing, jobs, other services and infrastructure. It also notes that development should minimise the need to travel and provide a choice of sustainable transport modes.

CS1.2 *The Development Strategy* states that 35% of new development in the district will be concentrated in Kendal. The exact scale and level of development will be dependent on individual character, the impact on environmental capacity and infrastructure provision and the desire to meet the need for affordable housing. Revised town development boundaries will be identified as part of the Allocations of Land DPD.

CS2 *Kendal Strategy* states that Kendal will be developed as a Principle Service Centre.

CS8.2 *Protection and Enhancement of Landscape and Settlement Character* states that development proposals should be informed by and be sympathetic to the distinctive character landscapes identified in the Cumbria Landscape Character Guidance and Toolkit. Proposals should demonstrate that their location, scale, design and materials will protect and conserve the special qualities and local distinctiveness of the area.

CS8.3a and CS8.3b *Open Space, Sport and Recreation* provide accessibility standards for the provision of facilities. Where development is located within the accessibility standards, contributions will be required towards improving the local open space that will serve local residents.

CS8.4 *Biodiversity and Geodiversity* states that all development proposals should protect, enhance and restore the biodiversity and geodiversity value of land and buildings. It also states that development proposals that would have a direct or indirect adverse effect on nationally, sub-regional, regional and local designated sites will not be permitted unless they cannot be located on alternative sites that would cause less or no harm; the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of rural habitats; and prevention, mitigation and compensation measures are provided.

CS8.8 Development and Flood Risk seeks to ensure most new development is located in flood risk zone 1. New development will only be permitted where it can be demonstrated that it would not have a significant impact on the capacity of an area to store flood water, measures required to manage any flood risk can be implemented and surface water is managed in a sustainable way.

CS8.10 Design
CS9.1 *Social and Community Infrastructure* seeks to improve the health and wellbeing of residents. This will be achieved through tackling air pollution where necessary through Air Quality Management Plans ensuring appropriate social and community infrastructure (including health and cultural facilities) are in place from the onset.

CS10 Transport Impact of New Development requires that development be designed to reduce the need to travel and to maximise the use of sustainable forms of transport. Development proposals should provide for safe and convenient access and foot, cycle, public and private transport, be served by safe access to the highway network without detriment to the amenity or character of the locality, the expected nature and volume of traffic generated by the proposal can be accommodated by the existing road network without detriment to the amenity or character of the surrounding area, local air quality or highway safety.

South Lakeland Local Plan:
Policy C5 of the Local Plan states that development which will incorporate external lighting will need to demonstrate that light spillage is minimised, and in edge of town or village locations, landscaping measures will be provided to screen the lighting installation from view from neighbouring countryside areas.

Local Plan Policy S10 states that off-street parking will be required based on Cumbria County Council’s guidelines, but will be applied flexibly.

S2 Design
Cumbria Landscape Character Guidance and Toolkit (March 2011) - the site forms part of Type 7B Drumlín Fields landscape.

National Planning Policy Framework:
Para 17 Core Planning Principles.

Council Plan 2013 - 2017:
The broad aims of the 5 year Council Plan are to:
- Enable and deliver opportunities for economic growth
- Provide homes to meet need
- Improve residents’ health and well being
- Protect the environment.

**HUMAN RIGHTS ACT**
This application has been determined to accord with the rights and limitations of the Act in relation to Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).
ASSESSMENT

Key issues
Principle of development / development strategy;
Impact on landscape / settlement character;
Design and External appearance;
Access and parking;
Drainage;
Ecology;
Residential amenity noise and disturbance and lighting; and
Sports Provision.

The principle of development / development strategy

Policies CS1, CS1.2 and CS2 seek to guide the location, design and type of development to ensure that it can best contribute to the sustainable future of South Lakeland. The guiding principle behind this policy is to concentrate the majority of new development in the Principal Centres such as Kendal followed by the Key Service Centres.

The proposed rugby club facility seeks to meet the needs of Kendal and surrounding areas. Therefore, the most sustainable and logical location for this is within the settlement of Kendal. However, the rugby club facility (including all of the required playing and training pitches) is a very "space hungry" use and therefore the probability of finding approximately 5 hectares of relatively level land within Kendal is highly unlikely.

It has previously been accepted that KRUFC are unlikely to be able to raise the funds to sufficiently improve the current site, and to reiterate, the Club is of the view that their Shap Road site is inadequate in any event, particularly in the number of pitches which can be provided there. The Planning Inspector in assessing outline planning application SL/2010/0180 (redevelopment of the Shap Road for retail development) when considering the planning balance set out some of the benefits of and stated:

The appeal proposal would have significant benefits for KRUFC and the sporting community in Kendal. The rugby facilities on the appeal site are outdated and in poor condition; relocation to Oxenholme Road would enable provision of an all-weather training pitch and changing facilities for female and youth teams.

It is recognised that the only suitable sites that are available for a rugby club facility fall outside the existing settlement boundary. The applicants have undertaken an extensive search on the fringes of Kendal and in 2005 considered that the most suitable site was land at Oxenholme Road and this was granted planning permission in 2009 which was subsequently extended in 2012. The application site now being considered is very similar to Oxenholme Road in that it abuts the existing settlement boundary and is close to existing development including the Industrial Estate and Business Parks on Shap Road and the existing retail park off Queen Katherine’s Avenue.

The application site at Mill Field is located in the general area where the future expansion of Kendal is planned including the expansion of the industrial estate and
the identification of two “broad locations” for future residential development. The northern boundary into Kendal is marked by the industrial development on the western side of Shap Road. The site also benefits from access to public transport which will be further enhanced once the existing rugby club site is redeveloped for the proposed Sainsbury's store. It is also recognised that the site is close to both the existing KRUFC and the Queen Katherine school with which it will share facilities. Taken together, it is considered that it is sustainably located on the edge of the settlement boundary.

**Impact on landscape / settlement character**

Policy CS8.2 states that development proposals should be informed by and be sympathetic to the distinctive landscape character. Proposals should demonstrate that their location, scale, design and materials will protect and conserve the special qualities and local distinctiveness of the area.

The current site comprises undulating grazing land. The Cumbria Landscape Character Guidance and Toolkit identifies the site as being part of wider Type 7B Drumlín Fields landscape which predominates to the north and south of Kendal. The undulating nature of the site is characteristic of this landscape type and guidance suggests new development avoids cutting across the grain and scale of landscape.

The proposal involves extensive re-grading of the site with retaining walls / embankments to provide level playing fields together with the construction of a substantial two storey clubhouse which is 12.3m high and has maximum dimensions of 52.5m length by 23.5m width. It also proposes floodlighting to the main pitch and floodlighting and fencing to the artificial pitch together with a 164 space car park and access road. The applicants’ landscape assessment and strategy recognises that this will result in a significant change in the landscape character of the site. Officers consider that there will be a significant and discernible change in the landform as a result of the engineering operations.

However over time it is recognised that the northern edge of Kendal’s settlement boundary is likely to be extended and the Rugby Club proposals for playing fields will largely preserve the open nature of the landscape albeit with a different landform. The existing boundary stone wall along the western and northern boundary is to be retained. All existing trees / planting on or around the site are to be retained (other than an isolated Oak tree in the centre of the site). The proposed landscape strategy is to use / supplement the existing areas of trees / planting to create filtered views of the substantial clubhouse with tree planting in scattered clusters along the northern driveway, along the river, around the car park and interspersed with the existing trees on the highway verge to Shap Road.

At the Planning Officer’s request the applicant has produced CGI images of; the existing site, the site after completion (including planting) and the site when the trees have matured after 5 / 10 years. These show views into the site from both the northern and southern end of Shap Road. It is considered that with the proposed trees / planting the main filtered views into the site from the west along Shap Road are maintained and there is no significant adverse impact on the openness of the site. The landscape strategy to retain filtered views of the site and the Clubhouse with selective trees / landscaping in key clusters is more reflective of the site’s character than either screen planting or minimal planting.

Officers consider that the site’s openness will be largely retained with the impact on the character of the northern entrance into Kendal being altered but not significantly...
affected by the development. However there will be some adverse effect on the undulating form of the landscape as a result of the proposals.

**Design and External appearance**

In terms of facilities the clubhouse has been designed in line with key documentation and bodies which govern the design of sports facilities - Sport England, RFU, Building Regulations and the scale of the building has been influenced by the need to provide adequate facilities for both the sports and social needs of the club.

The proposed building will be designed as a contemporary sports clubhouse and will be essentially two storey with a pitched roof with hipped dormer features in the main (north) elevation. The ground floor will be constructed of stone with columns rising to a first floor rendered elevation punctuated by various sized windows. The roof is slate effect steel profiled sheeting. The two storey design also allows for a viewing gallery with canopy on the first floor overlooking the main grass pitch.

The materials and overall contemporary design seeks to reflect the character and local vernacular found in Kendal and the Lake District generally and is acceptable and a distinct improvement from that previously approved at Oxenholme Road.

**Access and parking**

A total of 164 car parking spaces are proposed, including 12 disabled spaces, together with spaces for 2 coaches. In comparison, the car park at the existing Shap Road club site is able to accommodate approximately 170 cars.

There have been known parking difficulties at the existing club site on big match days. This site is still relatively accessible by different modes of transport, being on a bus route which provides direct links to Kendal town centre. The site is also easily accessible by bicycle. These facilities will be improved as part of the redevelopment of the existing rugby ground for a supermarket.

The level of car parking provision therefore appears to be a reasonable balance between addressing an existing shortfall of parking and recognising that this site is more accessible by other modes of travel.

A Transport Statement was submitted alongside the application and this suggests that the increase in traffic which would result from this development could be satisfactorily accommodated by the local highway network. A further material consideration is that the majority and largest flows of traffic generated would be largely confined to weekend only for match days and Junior Rugby.

The County Council Highways have some detailed concerns over suitable visibility displays at the junction of Shap Road and pedestrian and cycleway links from the site to the Town Centre. There are ongoing discussions with County Council Highways to resolve these issues.

**Drainage**

The applicants have had meetings with the Environment Agency to explain the works involved and how water could be attenuated on site. A full FRA was prepared which acknowledged that parts of the site are within Flood Risk Zones 3 and 2 and how the development will mitigate the risks from flooding. The most vulnerable part of the development, the clubhouse, has been located in Flood Zone 1.

Residents have raised issues with regard to access arrangements to service septic tanks which serve Beck Mills but this is a private matter between the parties as no built development would impede this access.
Ecology

This is a sensitive site next to the River Mint part of the River Kent SAC and SSSI. The applicants have submitted detailed reports in respect of an Extended Phase 1 Habitat Survey, Information to support a Habitat Regulations Assessment and an Otter, White clawed Crayfish and Fresh Water Mussels Survey. The applicants state that there will be no works within 10m of the river bank and that measures will be put in place during construction including earth bunding to prevent sediment entering the river. Drainage from the pitches will not be directly discharged to the watercourse but filtered by a sand layer and a hybrid stone soakaway. The above reports recommend mitigation measures (controlled by condition) to ensure there is no adverse impacts on water quality or habitat as a result of any works undertaken during constructing or following the operation /use of the rugby ground. An appropriate Habitat Regulation Assessment has been undertaken which considers that, given the mitigation available to protect water quality and habitat for protected species there are not likely to be any significant effects on the SSSI and SAC. The proposal therefore accords with Policy CS8.4 of the Core Strategy and saved Policies C6 and C7 of the Local Plan.

Residential amenity noise and disturbance and lighting

There are a number of residential properties towards the southern end of the site on the western side of Shap Road around Mint House / Hunters Croft as well as a cluster of residential buildings known as Beck Mills beyond the north east corner of the site by the river.

A number of objections received focus on the noise and disturbance to local residents which is anticipated to result from this development. The potential for noise and disturbance from this development would be from three main sources: (1) Use of Sports pitches - General crowd noise from the pitches and a significant increase in pedestrian and vehicle movements on match days (generally Saturdays) but also for Junior rugby on a Sunday plus training days; also increased use of sporting facilities at the Club (2) More general / community use of clubhouse - Noise, disturbance and possible antisocial behaviour resulting from night time use of the clubhouse and bar for functions both internally and externally noise; and (3) use of the car park for early morning car boot sales and other similar events.

In relation to the use of the sporting facilities and general crowd noise for two hours or so, this would usually occur no more than once a week, would not have a significant adverse impact upon the amenity of nearby residents. There would be increased use of the sporting facilities by outside organisations and groups particularly use of the artificial floodlight pitches but these would be at an acceptable level.

There would be a significant increase in vehicular movements in the immediate vicinity of the site on match days although much of the traffic on the highway network would already have been visiting the existing Club. The applicants have argued that the car parking provision will be adequate, avoiding overspill onto Shap Road and other residential areas. Although traffic movements would be significantly greater on match days, this would be limited to a relatively short period of time, and so officers consider this would be acceptable.

More careful consideration must be given to the potential implications of (2) above. It is part of KRUFC business plan that the Club will seek to regularly hire the clubhouse for a variety of functions, including parties or late night functions which may finish late
at night (subject to the building securing the necessary license for such events, if granted planning permission). There are pockets of residential development which would be sensitive to this type of activity. The residential properties towards the southern end of the site on the western side of Shap Road around Mint House / Hunters Croft, 180m from the clubhouse, as well as a cluster of residential buildings known as Beck Mills beyond the north east corner of the site, 225m from the clubhouse.

The acoustic insulation of the building itself can be controlled by imposing a suitable condition to avoid music and other noise escaping from the building and to require the closure of doors and windows during evening / social events. In particular the design of the first floor with the provision of balcony areas makes it particularly important to control the possibility of late night activity and restrict the use of these areas.

However it is more difficult to control the behaviour or noise generated by patrons when leaving the premises late at night, both by pedestrians and in vehicles. It is reasonable to assume that, on occasion, disturbance to local residents will result, and it is also possible that antisocial behaviour may occur from time to time.

Previously, in considering late night events it was considered that hours of use could be controlled by the Licensing Regulations. This was the approach taken in considering both the previous Oxenholme Road rugby ground applications and Carus Green Golf Club.

The Licensing and Planning regimes are distinct and the statutes and guidance require different considerations to be applied. The reason for this separation is that the issues are considered from different perspectives e.g. public nuisance or crime and disorder with Licensing and issues of principle or residential amenity in relation to Planning. Being different regulatory regimes under different legislation with differing objectives, then different outcomes can and do arise.

The current Licensing Act Statutory Guidance states that “licensing committees are not bound by the decisions made by a Planning Committee and vice versa”. However, a recent revision to the Guidance does appear to recognise that there should be a greater degree of liaison between planning and licensing officers, stating “Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.”

The use of the clubhouse for social functions is seen as an essential source of revenue for KRUFC, also bringing benefits to the wider community. This needs to be balanced against any potential impact upon the amenity of nearby residents. In this context it is considered that the hours should be restricted to Midnight on Fridays and Saturdays and 11.00pm Sundays to Thursdays. Conditions are also suggested to prevent late evening use of the balcony area. The licensing authority have the power to revoke licenses if regular problems occur. The current Rugby Club on Shap Road is used in a similar manner, which is also close to numerous residential properties.

The final key concern of this nature, identified in (3) above is regarding other potential uses of the car park, for events such as car-boot sales which may commence very early on weekend mornings. In the event that planning permission is granted, it is recommended to impose a condition to restrict usage of the car park for
any other purposes between the hours of 23:00 hrs and 08:00 hrs to prevent unacceptable disturbance from such events / activities.

The application proposes 6 lighting columns for the grass pitch and 6 lighting columns for the artificial pitch (which will also cast light onto the lower training pitch). The estimated height of the lighting columns is between 12 to 15m. The columns themselves would not have a significant adverse visual impact, although when illuminated this will introduce prominent lighting in a residential area and green gap. To minimise the visual impact of this lighting after dark and the use of the pitches it is recommended that a condition be imposed to restrict hours of use and another to control the level of illumination and cowling. The area of illumination would be confined to the playing pitch itself, avoiding any nuisance. Lighting to the building and car park will also be controlled by condition. In considering the above, the development satisfies Local Plan Policy C5.

**Sports Provision**

There are benefits to Kendal RUFC and the sporting community in Kendal from the proposed relocated rugby club. The rugby facilities on the existing site at Shap Road are outdated and in poor condition. Relocation to Mill Field, 400m or so from the existing site, would enable the club to meet its operational and strategic needs to develop the club further in terms of its league position and to provide further leisure / sport opportunities for the wider community including greater youth and women’s rugby. The disposal of the application site by KRUFC would fund the new purposed built facilities at Mill Field, Shap Road. The proposed site will serve the same area of need or demand and is in an accessible location. Moreover the Mill Field site would also enable the Rugby Club to foster their current relationship with Queen Katherine School which would mean that the school could also benefit from the new facility if permission is granted.

Kendal RUFC has a very important role to play in the local community. Policies CS2, CS8.3 and CS9.1 seek to maintain and where necessary enhance sports provision. The proposals represent an improvement in both the number of and quality of playing fields provision with the floodlit artificial surface in particular being able to be let out to other sporting groups. It will also increase the availability of community facilities in Kendal. Both Sport England and the Rugby Football Union consider that the proposal will provide equivalent or better provision in terms of quantity and quality compared to the existing Mint Bridge site, and Sport England is satisfied that this site would make a suitable replacement. The development of the proposed facility will represent a massive improvement compared to the facilities that the club currently occupy and will be a significant boost to Kendal's overall sporting, social and community infrastructure.

**CONCLUSION**

Kendal Rugby Union Football Club have been seeking new premises for over 10 years to respond to the demands of the modern game of rugby. The proposed rugby club facility seeks to meet the needs of Kendal and surrounding areas. It is recognised that a location within the settlement boundary is unlikely and that the proposal is sustainable located on the edge of the settlement boundary.

The proposal involves extensive re-grading of the site with retaining walls / embankments to provide level playing fields together with the construction of a
substantial two storey clubhouse. The design and appearance of the Clubhouse and associated facilities is acceptable. Officers consider that the site’s openness will be largely retained with the impact on the character of the northern entrance into Kendal being altered but not significantly affected by the development. However there will be some adverse effect on the undulating form of the landscape as a result of the proposals.

A number of objections received focus on the noise and disturbance to local residents which is anticipated to result from this development. Subject to safeguarding conditions to control noise, hours of use and lighting, officers consider the level to be acceptable. The technical issues in relation to drainage and protection of ecology can be satisfactorily addressed by conditions.

The County Council Highways have some detailed concerns over suitable visibility displays at the junction of Shap Road and pedestrian and cycleway links from the site to the Town Centre.

The development of the proposed facility will represent a massive improvement compared to the facilities that the club currently occupy and will be a significant boost to Kendal's overall sporting, social and community infrastructure. Officers recommend approval.

**RECOMMENDATION**

Subject to a satisfactory conclusion to negotiations over the highway details, the application be GRANTED subject to conditions relating to the following:

**Condition (1)** The development hereby permitted shall be commenced before the expiration of THREE YEARS from the date hereof.

**Reason** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Approved Drawings and Reports**

**Condition (2)** No development shall take place other than in complete accordance with the following drawings:

Drwg No 306-44 Site Location Plan;
Drwg No 306-28 C Topographical Survey;
Drwg No 306-39 F Site Plan as Proposed;
Drwg No 306-29 F Proposed Clubhouse Floor Plans;
Drwg No 306-35 F Proposed Clubhouse Floor Elevations;
Drwg No 2019/3 Landscape Proposals; and
Design Ref UKS9667 External Floodlighting.

All deposited with the Local Planning Authority on 9 January 2015.

**Reason** For the avoidance of doubt and to define the permission.
**Materials and Design**

**Condition (3)** All walls of the building to be stone faced shall be built from random coursed natural limestone similar in colour and of similar texture to stone quarried within the County of Cumbria. A sample panel of the proposed stonework shall be erected on the site for the further written approval of the Local Planning Authority and this written approval shall be obtained before any facing works are commenced; this panel shall be of sufficient size to indicate the method of jointing and coursing to be used and all stone facing shall match the sample panel thereafter to the satisfaction of the Local Planning Authority.

**Reason** To ensure a satisfactory appearance of development in accordance with Policy CS8.10 of the adopted South Lakeland Core Strategy.

**Condition (4)** The roof of the building shall be covered with slate coloured metal profile sheeting a sample of which shall be submitted to and agreed in writing with the Local Planning Authority before any development work commences on site.

**Reason** To ensure a satisfactory appearance of development in accordance with Policy CS8.10 of the adopted South Lakeland Core Strategy.

**Condition (5)** Notwithstanding the approved plans precise details of the design, construction, colour, profile and reveals of all windows and doors shall be submitted to and approved in writing by the Local Planning Authority. No development shall thereafter take place other than in accordance with the approved details.

**Reason** To ensure a satisfactory appearance of development in accordance with Policy CS8.10 of the adopted South Lakeland Core Strategy.

**Condition (6)** Construction of the clubhouse shall not commence until finished floor levels in relation to a fixed datum have been submitted to and agreed in writing with the Local Planning Authority. No development shall thereafter take place other than in accordance with the approved details.

**Reason** To ensure a satisfactory appearance of development in accordance with Policy CS8.10 of the adopted South Lakeland Core Strategy.

**Landscaping**

**Condition (7)** No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, based on the principles of Rosetta Landscape proposals, Drawing No 2519/3 which shall include indications of all existing and proposed boundary features and walls, existing and proposed trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development. All planting and
Landscaping shall be completed prior to the development being brought into use. Any trees/shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees/shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason
To ensure a high standard of landscaping and screening in order to minimise the impact of the development upon the Green Gap in accordance with Policy CS8.2 of the adopted South Lakeland Core Strategy.

Drainage

Condition (8) Development shall not begin until a surface water drainage scheme for the site, based on:- Surface Water Drainage Strategy by MJM Consulting Engineers 9 January 2015 - based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. If sustainable drainage principles are found to be technically unfeasible, robust evidence of the reasons for this shall be provided together with an alternative surface water drainage scheme. This shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason
To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

Construction Management

Condition (9) Prior to the commencement of development, details of a buffer zone between the site and the watercourse shall be created, based on the principles contained within Section 4 Impact Assessment and Mitigation of the Otter, White clawed Crayfish and Fresh Water Mussels Survey, and Section 5 Ecological impacts and Recommendations of the Extended Phase 1 Habitat Survey both prepared by WYG Planning and Environment. The precise details of which shall be submitted to and agreed in writing with the Local Planning Authority. No machinery or vehicles shall have access to the watercourse at any time and the buffer zone shall be maintained until construction works have been completed.

Reason
To protect the River Kent and Tributaries SSSI and River Kent SAC in accordance with Policy CS8.4 of the South Lakeland Core Strategy.

Condition (10) Prior to the commencement of development a working Method Statement to cover all construction site drainage and pollution
prevention works as set out shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

**Reason**
The construction phase of any proposed development affecting the adjacent receiving watercourse poses significant risks of pollution with the potential to affect receiving watercourses with SSSI and SAC designations.

**Condition (11)** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

i. The parking of vehicles of site operatives and visitors;

ii. Loading and unloading of plant and materials;

iii. Storage of plant and materials used in constructing the development;

iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

v. Wheel washing facilities;

vi. Measures to control the emission of dust and dirt during construction; and

vii. Measures to control noise and vibration.

**Reason**
To safeguard the amenity of neighbouring occupiers and highway safety and to control the air quality.

**Condition (12)** No work for the construction of this development, including start-up of any machinery and deliveries and unloading of equipment and materials, shall take place on the site, except between the hours of 0800 am and 1800 pm Monday to Friday and between the hours of 0800 am and 1400 pm on Saturday. No work shall be carried out on Sunday’s or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.

**Reason**
To safeguard against unacceptable levels of disturbance to nearby residents during construction works.

**Condition (13)** No burning in the open air shall take place on the site.

**Reason**
To safeguard against unacceptable levels of dust impacting on the amenity of nearby residential and commercial properties and to safeguard against unacceptable levels of disturbance to nearby residents during construction works.
Air Quality

Condition (14) Prior to any consent being issued a “Design Manual for Roads and Bridges (DMRB) screening assessment” to show the effect of the increase in traffic levels on air quality at relevant local receptors shall be submitted to and agreed in writing with the Local Planning Authority. If any increase in pollutant levels is predicted, even if negligible when using the EPUK guidance, then the assessment should include proposals for mitigation.

Reason To minimise the impact from vehicle emissions, which may have a significant adverse effect on local air quality.

Ecology

Condition (15) The development shall not proceed except in accordance with the Mitigation and Enhancement strategy described in Section 4 Impact Assessment and Mitigation of the Otter, White clawed Crayfish and Fresh Water Mussels Survey and Section 5 Ecological impacts and Recommendations of the Extended Phase 1 Habitat Survey both prepared by WYG Planning and Environment and deposited with the Local Planning Authority on 9 January 2015.

Reason For the avoidance of doubt and to prevent harm to protected species in accordance with Policy CS8.4 of the adopted South Lakeland Core Strategy.

Noise and Hours Restrictions

Condition (16) No development shall commence until a noise impact assessment has been undertaken and submitted to and approved by the Local Planning Authority. The criteria for this assessment should include, but not be limited to; existing background noise levels, use of the sports pitches, use of the club house, and externally mounted plant and machinery. Where mitigation measures are required to control noise emissions, a scheme detailing these measures shall be submitted to and approved by the Local Planning Authority. The scheme, as approved, shall be implemented before the development is first brought into use.

Reason To minimise the impact of noise to safeguard against the development having a significant adverse impact upon the residential amenity at nearby properties.

Condition (17) No air conditioning, extraction or ventilation units or any other ancillary plant shall be installed unless precise details of its location, dimensions, appearance and noise output have been submitted to and approved in writing by the Local Planning Authority.

Reason For the avoidance of doubt, in the interests of residential amenity and to ensure a satisfactory standard of development in accordance with Policy CS8.10 of the adopted South Lakeland Core Strategy.
Condition (18) The use of the balcony shall not take place other than between the following hours:
08:00 - 22:00 hours Sunday to Saturday.

Reason To safeguard the amenity of the neighbouring residents in accordance with the National Planning Policy Framework core principles.

Condition (19) The use of the Clubhouse and grounds shall not take place other than between the following hours:
08:00 - 23:00 hours Sunday to Thursday
08:00 - Midnight Friday and Saturday.

Reason To safeguard the amenity of the neighbouring residents in accordance with the National Planning Policy Framework core principles.

Condition (20) The car park area should not be used for any purpose other than the parking of vehicles between 23.00 and 08.00 hours.

Reason To minimise the impact of noise to safeguard against the development having a significant adverse impact upon the residential amenity at nearby properties.

Lighting and Floodlight use

Condition (21) A scheme showing the proposed lighting plan (including all pitch floodlighting, external building lights and car park lighting) for the development shall be submitted and agreed in writing with the Local Planning Authority prior to development commencing. This shall show the location, number and type of units proposed, their orientation and brightness in lux and proposed hours of operation. It shall also predict the light level in lux to be experienced at surrounding properties.

Reason To minimise the visual impact of light on nearby residential properties.

Condition (22) Floodlighting provided for use on the training pitch shall not be used other than between 10.00 and 21.30 hours.

Reason To minimise the visual impact of light emitted from the site on neighbouring light sensitive locations, and in the interests of visual amenity in accordance with saved Policy C5 of the South Lakeland Local Plan.

Transport, Access and Parking

Condition (23) No development shall begin unless and until visibility splays providing a clear visibility of [INSERT]m measured down the centre of the access road and the nearside channel line of the major road
have been constructed at the junction of [INSERT] with [INSERT]. The visibility splays shall thereafter be maintained free of any obstruction over [INSERT] in height above the adjacent carriageway.

Reason
In the interests of highway safety in accordance with Policy CS10.2 of the adopted South Lakeland Core Strategy.

Condition (24) Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason
In the interests of highway safety in accordance with Policy CS10.2 of the adopted South Lakeland Core Strategy.

Condition (25) The development hereby approved shall incorporate the provision of a cycle path within the site adjacent to Shap Road. Notwithstanding the approved plans, no development shall commence until the precise details of all pedestrian and bicycle access points to the site have been submitted to and approved in writing by the Local Planning Authority. Development shall not proceed except in accordance with the approved details.

Reason
In the interests of highway safety in accordance with Policy CS10.2 of the adopted South Lakeland Core Strategy.

Condition (26) Notwithstanding the approved plans no vehicle control barriers shall be installed unless and until their precise position and management of operation has been submitted to and approved in writing by the Local Planning Authority. Development shall not proceed except in accordance with the approved details.

Reason
To prevent vehicles queuing and obstructing the free flow of traffic on Shap Road, in the interests of highway safety.

Condition (27) Precise details of the location, number and design of bicycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority, and shall be provided in accordance with the approved details prior to the first occupation of the development.

Reason
To encourage multi-modal travel to the site by staff and visitors to the development.

Condition (28) Prior to first occupation of the development, the approved parking layout, and turning space shall be constructed, marked out and made available for use and shall be retained as such thereafter. The parking spaces shall be used solely for the benefit of the
spectators and visitors of the development hereby approved and for
no other purpose.

Reason
In the interests of highway safety in accordance with saved Policy
S10 of the South Lakeland Local Plan.

Condition (29)
Before the development is first brought into use a Travel Plan shall
be submitted to and approved in writing by the Local Planning
Authority.

Reason
In order to encourage staff and supporters to use sustainable
modes of travel to access the development in accordance with
Policies CS10.1 and CS10.2 of the adopted South Lakeland Core
Strategy.

P & P
Statement
The Local Planning Authority has acted positively and proactively in
determining this application by identifying matters of concern within
the application (as originally submitted) and negotiating with the
applicant, acceptable amendments to the proposal to address those
concerns. As a result, the Local Planning Authority has been able
to grant planning permission for an acceptable proposal, in
accordance with the presumption in favour of sustainable
development, as set out within the National Planning Policy
Framework.
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SCHEDULE No: 3
SL/2015/0019

KENDAL:
Land off Oxenholme Road, KENDAL LA9 7HG

PROPOSAL:
Engineering operation and development to re-grade the site to form one full sized floodlit rugby pitch, one full sized floodlit artificial pitch, two training pitches, a club house, parking and landscaping

Mr Keith Nutter
(Applicant)

SUMMARY
The application site lies on the south eastern edge of Kendal some 2 km from the centre just outside the settlement boundary and comprises undeveloped agricultural land.

Kendal Rugby Union Football Club have been seeking new premises for over 10 years to respond to the demands of the modern game of rugby. The proposal is for a replacement rugby ground and involves some re-grading of the site to provide level playing fields together with the construction of a substantial two storey clubhouse.

The proposed development is outside the development boundary of Kendal so the main policy considerations relate to the principle of development in this location and its impact on landscape character. The Land Allocations DPD Policy LA1.9:Green Gaps identifies the land between Kendal and Oxenholme as a Green Gap.

The detailed considerations relate to impact on residential amenity, highways and access and technical issues of drainage and protection of ecology.

DESCRIPTION AND PROPOSAL
Site Description
The site is 4.9 Ha in area, all of which is previously undeveloped agricultural land. The site itself is reasonably level, sloping gently downwards towards the north west. As such, some re-grading of the land will be necessary in order to accommodate four flat playing pitches. Immediately to the south east, the land rises steeply towards Oxenholme railway station, and much of the embankment has mature tree cover. There are residential properties along the northern side of Oxenholme Road for its entire length, the nearest of which are approximately 80 metres from the proposed clubhouse. To the north and west is open agricultural land. However, the Oxenholme Road housing scheme has consent for 96 homes with the nearest likely
Proposal
The proposed development will include the engineering and regarding of the land at Oxenholme Road to provide suitably level surfaces on which playing pitches can be laid.

The pitches that will be provided include:

- a full sized floodlit grass pitch;
- a full size floodlit artificial grass pitch, (International Rugby Board and EUFA compliant which can host rugby and football); and
- two smaller training pitches.

There will be 6 lighting columns for the grass pitch and 6 lighting columns for the artificial pitch (which will also cast light onto the lower training pitch). The estimated height of the lighting columns is between 12 to 15m.

In addition, the proposal includes the erection of a two storey clubhouse facility (with a gross internal area of 1496 sq m) which will also include a viewing balcony and seating area overlooking the main grass pitch to the south.

The length of the 2 storey element of the clubhouse is 37.5m plus two single storey additions of 7.5m each side taking the maximum length of building to 52.5m. The width is 18.6m plus the balcony which is a further 5.2m making a total of 23.8m. The height to eaves is 6.9m. The height of the ridge of roof above the eaves is 4.2m making a total height of 11.1m.

The proposed building will be designed as a contemporary sports clubhouse and will be essentially two storey with a pitched roof with hipped dormer features in the main (north) elevation. The ground floor will be constructed of stone with columns rising to a first floor rendered elevation punctuated by various sized windows. The roof is slate effect steel profiled sheeting.

Details of the internal layout of the clubhouse will include sufficient changing room facilities to address the needs of mini, junior and female rugby.

Ground floor – 6 changing rooms (Sport England standards), referees / First Aid room, store, cellar, large gym, office and 4 consulting rooms plus servery and toilets.

First floor - Members Lounge, Main Bar and Conference facility to be used for match food, coaching education, viewings of matches, meetings and social functions to be used by the Club and the local community for hire to pay for upkeep of the Club.

The proposed development will also include a new access off Oxenholme Road 40m south west of the junction with Hayclose Road which will provide access to a new dedicated car park with a 216 car parking spaces and two coach spaces. A 3m pedestrian / cycleway route is reserved on the site’s frontage to Oxenholme Road.

A landscape strip of varying width 15 – 30m is to be provided between the development and Oxenholme Road, with the erection of a stone wall to match existing along the main road frontage. A new native mixed hedge is to be planted with post and rail fence on the site’s northern boundary.

The following detailed technical reports were submitted as part of the planning application. They include:-
Design and Access Statement
- Planning Statement
- Transport Assessment
- Landscape and Visual Impact Assessment
- Flood Risk Assessment and Surface Water Drainage Strategy
- Lighting Assessment and Typical Lighting Columns
- Extended Phase 1 Habitat Survey
- Information to support an Habitat Regulations Assessment

HISTORICAL CONTEXT
An earlier application to relocate the Rugby Club to this site was made in 1987 (ref: 5/87/0964). This was withdrawn before any decision was made.

SL/2008/1220 - Kendal Rugby Union Football Club (KRUFC) application for engineering operations to re-grade the site to form two full size rugby pitches and a floodlit training pitch, with club house, parking and landscaped woods, approved 26 March 2009.


Related Planning History
Kendal Rugby Union Football Club - Shap Road, Kendal:-
SL/2013/1120 - Erection of foodstore (Class A1), petrol filling station and associated parking and servicing facilities granted subject to S106 agreement and conditions Jan 2015.

SL/2015/0016 - Kendal Rugby Union Football Club - Mill Field, Shap Road, Kendal.

CONSULTATIONS
Kendal Town Council:
Refuse – Unsuitable due to the increase of housing on other side of road, access issues and loss of green space.

Cumbria CC Highways:
Views awaited.

Environment Agency:
No objection subject to standard condition re a sustainable Surface Water Drainage strategy.

Natural England:
Internationally and nationally protected sites- No objection.
The site is within close proximity to a European designated site – the River Kent Special Area of Conservation (SAC) and the River Kent and Tributaries Site of Special Scientific Interest (SSSI). In considering the impacts of the SAC, a Habitats Regulations Assessment (HRA) is required.

Notes your authority has carried out a screening opinion and concluded that significant effects are unlikely to occur but a formal HRA Assessment is required.

**Sport England:**

As part of the assessment of this application, Sport England has sought the views of the Rugby Football Union (RFU). The RFU comment that:

> The relocation of Kendal RUFC is identified as a priority for the RFU within the Cumbria RFU facilities plan and as such it is the RFU’s view that the current plans for the relocation of Kendal Rugby Club will have a positive impact on the provision of rugby union within South Lakeland. The RFU can confirm that the plans for Oxenholme Road will provide equivalent or better provision in terms of quantity and quality than the existing Mint Bridge site.

Sport England concur with the RFU that the proposal will provide equivalent or better provision in terms of quantity and quality compared to the existing Mint Bridge site, and Sport England is satisfied that this site would make a suitable replacement.

Sport England is aware that a Section 106 agreement for the Mint Bridge site stipulates that works cannot start on the retail site until the Rugby Club has been fully relocated to a brand new facility and the site is wholly vacant.

The majority of the proposal accords with the RFU’s design guidance, however the RFU have raised concerns relating to the design of the artificial grass pitch (AGP) and that it should be widened by 5 metres to meet World Rugby artificial pitch standards. Sport England has suggested that the design of the AGP can be dealt with by way of a planning condition.

This being the case, Sport England does not wish to raise an objection to this application.

**SOUTH LAKELAND DISTRICT COUNCIL**

**Environmental Protection Officer:**

**Air Quality**

The number of car parking spaces proposed for this development poses a potential for an adverse impact on local air quality due to vehicle movements. This is a material planning requirement and as such I would request that:

Prior to any consent being issued a “Design Manual for Roads and Bridges (DMRB) screening assessment” to show the effect of the increase in traffic levels on air quality at relevant local receptors shall be submitted and agreed in writing with the Local Planning Authority. If any increase in pollutant levels is predicted, even if negligible when using the EPUK guidance, then the assessment should include proposals for mitigation.

Reason: To minimise the impact that from vehicle emissions which may have a significant adverse effect on local air quality.
Noise

A noise impact assessment has not been submitted as part of this application and therefore it has not been possible to assess the potential impact that noise emissions from the use of this proposed development may have on nearby residential properties. I would therefore ask that the following condition is applied to any subsequent consent:

No development shall commence until a noise impact assessment has been undertaken and submitted to and approved by the Local Planning Authority. The criteria for this assessment should include, but not be limited to, existing background noise levels, use of the sports pitches, use of the clubhouse, and externally mounted plant and machinery. Where mitigation measures are required to control noise emissions, a scheme detailing these measures shall be submitted to and approved by the Local Planning Authority. The scheme, as approved, shall be implemented before the development is first brought into use.

Reason: To minimise the impact of noise to safeguard against the development having a significant adverse impact upon the residential amenity at nearby properties.

Flood lights

Flood lighting of sports pitches has the potential to cause an adverse impact on local amenity through both the location of the light, the type, and the duration in which they are employed. No plan or scheme presenting this detail has been submitted with this application therefore I would recommend that the following condition is applied to any subsequent consent:

A scheme showing the proposed lighting plan for the development shall be submitted and agreed in writing with the Local Planning Authority prior to development commencing. This shall show the location, number and type of units proposed, their orientation and brightness in lux and proposed hours of operation. It shall also predict the light level in lux to be experienced at surrounding properties.

Reason: To minimise the visual impact of light on nearby residential properties.

Construction Phase

The construction phase of this development has the potential to cause both noise and dust nuisance to occupiers of nearby residential properties. I would therefore request that the following conditions be applied to any subsequent consent:

No work for the construction of this development, including start-up of any machinery and deliveries and unloading of equipment and materials, shall take place on the site, except between the hours of 0800 am and 1800 pm Monday to Friday and between the hours of 0800 am and 1400 pm on Saturday. No work shall be carried out on Sunday’s or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.

Reason: To safeguard against unacceptable levels of disturbance to nearby residents during construction works.
A scheme shall be submitted and agreed in writing with the Local Planning Authority prior to development commencing to show how noise and dust will be controlled during the construction phase of the development.

Reason: To safeguard against unacceptable levels of disturbance to nearby residents during construction works.

No burning in the open air shall take place on the site.

Reason: To safeguard against unacceptable levels of dust impacting on the amenity of nearby residential and commercial properties.

**NEighbours / Others**

8 individual letters of objection have been received plus Triangle Opposition Group. The concerns of all objections raised are summarised as follows:

- **Principle and scale of development**
  - Scale of development is too large outside the settlement boundary.
  - KUFC’s preferred location is the Mill Field site. No decision should be made until that application is determined.
  - Mill Field is much better location.

- **Landscape Character**
  - Green gap is strengthened by Land Allocations DPD.
  - Green gap eroded by proposals particularly given new housing development.
  - Green landscape being eroded and destroyed.

- **Traffic**
  - Impact of road traffic from development and inadequacy of existing road network to cope with extra traffic.
  - Permission for 148 dwellings on land west of Oxenholme Road would together with development proposals further add to dangerous traffic on Oxenholme Road.
  - Allocated housing site at Kendal Parks would add further traffic.
  - On match days extreme traffic congestion would result on Oxenholme Road, Oxenholme Village and Oxenholme Road/Burton Road.
  - Particular problems with coaches.
  - Road too narrow dangerous for pedestrians already but on match days would be exacerbated by spectators walking to ground. Need improvements.
  - Inadequate provision of cycleways.
  - Unsatisfactory rerouting of bridleway.
  - Road system already adversely affected by main line station.
  - Insufficient parking for match days, spectators will park in residential streets.

- **Noise and impact on residential amenity**
  - Scale of development is too large in residential area for both rugby and social events.
  - Social events will cause unacceptable noise, disturbance and antisocial/drunken behaviour up to Midnight and beyond.
Need strict conditions to control late night noise and disturbance and lighting.
Too near Westmorland General Hospital will cause unacceptable noise for patients.
Light pollution the area will be lit up most of the time.

**APPLICANT’S REPRESENTATIONS**

Kendal Rugby Union Football Club have been seeking new premises for over 10 years to respond to the demands of the modern game of rugby particularly in relation to the growing mini rugby, junior and female membership. Given the need for separate mini, junior and female changing rooms as well as other support facilities the club’s existing facility is clearly outdated and not fit for purpose. Furthermore, whilst the main pitch can be used all year round, the training pitch, which has very poor drainage, is often waterlogged and unusable. As a result the club have to train on a strip of “Astra Turf” in their existing car park. This is clearly inadequate and there is an urgent need for an all-weather pitch which will enable the club to train all year round.

At the moment, the club overcome these significant shortcomings by sharing facilities at the Queen Katherine School on the opposite side of Shap Road. Whilst this has proved to be a helpful short term solution, the all-weather pitch at the Queen Katherine School is not a modern generation all-weather pitch which can easily support the playing of rugby.

In order to provide the necessary facilities required for Kendal Rugby Union Football Club to expand and further develop mini, junior and female rugby it has been necessary to re-develop their existing ground to generate sufficient capital to provide a new state of the art facility elsewhere in Kendal.

In 2008, a planning application was made on land at Oxenholme Road in Kendal to provide that facility. Planning permission was granted in 2009 (reference SL/2008/1220). However, the subsequent planning application for a food store on the existing club was refused by South Lakeland District Council and in preparation for an appeal in 2012, the permission at Oxenholme Road was extended for a further three years expiring on the 28 February 2015.

Therefore, whilst planning permission does exist for a new rugby facility within Kendal, it is evident that this will expire before a valid start can be made and the Club now requires a slightly different facility to that granted in 2009 and renewed in 2012.

However, it is important to note that since the permission at Oxenholme Road was extended, the Club have now identified another alternative opportunity (land known as Mill Field, off Shap Road, Kendal) which in their view better meets their needs and would create less disruption in relocating given its close proximity to the existing Club. The location of the site at Mill Field would also enable them to foster their current relationship with Queen Katherine School which would mean that the school could also benefit from the new facility if permission is granted. Therefore, a separate planning application has been submitted for the same facility to be provided on land at Mill Field, Shap Road.

Whilst the club’s preference is for the facility to be provided at Mill Field this site has not previously been considered by the Local Planning Authority for a rugby club facility (unlike Oxenholme Road) and therefore the outcome of the planning application is less certain at this stage. Whilst Morbaine Limited are confident that
the application for Mill Field fully accords with national and local planning policy and therefore planning consent should duly be granted, if for whatever reason this was not the conclusion of South Lakeland District Council then the club would revert to Oxenholme Road as the development of a rugby club facility has already been accepted by the Local Planning Authority.

POLICY ISSUES

South Lakeland Core Strategy:
CS1.1 *Sustainable Development Principles* provides criteria for new development. It notes that development should accord with a sequential approach, first using existing buildings and previously developed land within settlements ahead of other suitable infill opportunities within settlements and only then development of other land that is well location in relation to housing, jobs, other services and infrastructure. It also notes that development should minimise the need to travel and provide a choice of sustainable transport modes.

CS1.2 *The Development Strategy* states that 35% of new development in the district will be concentrated in Kendal. The exact scale and level of development will be dependant on individual character, the impact on environmental capacity and infrastructure provision and the desire to meet the need for affordable housing. Revised town development boundaries will be identified as part of the Allocations of Land DPD.

CS2 *Kendal Strategy* states that Kendal will be developed as a Principle Service Centre.

CS8.2 *Protection and Enhancement of Landscape and Settlement Character* states that development proposals should be informed by and be sympathetic to the distinctive character landscapes identified in the Cumbria Landscape Character Guidance and Toolkit. Proposals should demonstrate that their location, scale, design and materials will protect and conserve the special qualities and local distinctiveness of the area.

Land will identified in the Land Allocations DPD as forming a Green Gap where, if developed it would cause or add to the risk of future coalescence of two or more individual settlements.

Green gaps should:

- Contribute to maintaining a settlements identity, landscape setting and character.
- Comprise predominantly open land and aspect.
- Where possible afford recreational and biodiversity opportunities.

The policy indicates that development in the Green Gaps will be supported where it is essential for the needs of agriculture, forestry and local community infrastructure where it cannot be located elsewhere.

CS8.3a and CS8.3b *Open Space, Sport and Recreation* provide accessibility standards for the provision of facilities. Where development is located within the accessibility standards, contributions will be required towards improving the local open space that will serve local residents.
CS8.4 *Biodiversity and Geodiversity* states that all development proposals should protect, enhance and restore the biodiversity and geodiversity value of land and buildings. It also states that development proposals that would have a direct or indirect adverse effect on nationally, sub-regional, regional and local designated sites will not be permitted unless they cannot be located on alternative sites that would cause less or no harm; the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of rural habitats; and prevention, mitigation and compensation measures are provided.

CS8.8 *Development and Flood Risk* seeks to ensure most new development is located in flood risk zone 1. New development will only be permitted where it can be demonstrated that it would not have a significant impact on the capacity of an area to store flood water, measures required to manage any flood risk can be implemented and surface water is managed in a sustainable way.

CS8.10 *Design.*

CS9.1 *Social and Community Infrastructure* seeks to improve the health and wellbeing of residents. This will be achieved through tackling air pollution where necessary through Air Quality Management Plans ensuring appropriate social and community infrastructure (including health and cultural facilities) are in place from the onset.

CS10 *Transport Impact of New Development* requires that development be designed to reduce the need to travel and to maximise the use of sustainable forms of transport. Development proposals should provide for safe and convenient access and foot, cycle, public and private transport, be served by safe access to the highway network without detriment to the amenity or character of the locality, the expected nature and volume of traffic generated by the proposal can be accommodated by the existing road network without detriment to the amenity or character of the surrounding area, local air quality or highway safety.

**Development Plan Document (DPD): Local Plan Land Allocations:**

Policy LA1.9: Green Gaps identifies the land between Kendal and Oxenholme as a Green Gap where CS8.2 applies.

**South Lakeland Local Plan:**

Policy C5 of the Local Plan states that development which will incorporate external lighting will need to demonstrate that light spillage is minimised, and in edge of town or village locations, landscaping measures will be provided to screen the lighting installation from view from neighbouring countryside areas.

Local Plan Policy S10 states that off-street parking will be required based on Cumbria County Council’s guidelines, but will be applied flexibly.

S2 Design.

**National Planning Policy Framework (NPPF):**

Para 17 Core Planning Principles
Council Plan 2013 - 2017:
The broad aims of the 5 year Council Plan are to:

• Enable and deliver opportunities for economic growth
• Provide homes to meet need
• Improve residents’ health and well being
• Protect the environment.

HUMAN RIGHTS ACT
This application has been determined to accord with the rights and limitations of the Act in relation to Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

ASSESSMENT
In this instance, the principle and broad details of this development have already been judged by the Planning Committee to be acceptable. However whilst many of the principles of development are similar the design of the Clubhouse has been updated.

Since the decision was made on the previous applications, the Core Strategy and the Land Allocations DPD have both been adopted.

Key issues
The application needs to be considered afresh and raise the following issues:
Principle of development/development strategy;
Impact on landscape /settlement character and the Green Gap;
Design and External appearance;
Access and parking;
Drainage;
Ecology;
Residential amenity noise and disturbance and lighting; and
Sports Provision.

Principle of development / development strategy
Policies CS1, CS1.2 and CS2 seek to guide the location, design and type of development to ensure that it can best contribute to the sustainable future of South Lakeland. The guiding principle behind this policy is to concentrate the majority of new development in the Principal Centres such as Kendal followed by the Key Service Centres.

The proposed rugby club facility seeks to meet the needs of Kendal and surrounding areas. Therefore, the most sustainable and logical location for this is within the
settlement of Kendal. However, the rugby club facility (including all of the required playing and training pitches) is a very “space hungry” use and therefore the probability of finding approximately 5 hectares of relatively level land within Kendal is highly unlikely.

It has previously been accepted that KRUFC are unlikely to be able to raise the funds to sufficiently improve the current site, and to reiterate, the Club is of the view that their Shap Road site is inadequate in any event, particularly in the number of pitches which can be provided there. The Planning Inspector in assessing outline planning application SL/2010/0180 (redevelopment of the Shap Road for retail development) when considering the planning balance set out some of the benefits of and stated:

*The appeal proposal would have significant benefits for KRUFC and the sporting community in Kendal. The rugby facilities on the appeal site are outdated and in poor condition; relocation to Oxenholme Road would enable provision of an all-weather training pitch and changing facilities for female and youth teams.*

It is recognised that the only suitable sites that are available for a rugby club facility fall outside the existing settlement boundary. The applicants have undertaken an extensive search on the fringes of Kendal and in 2005 considered that the most suitable site was this site at Oxenholme Road and this was granted planning permission in 2009 which was subsequently extended in 2012. The applicants have extended their search and as a result have submitted an application, SL/2015/0016, at Mill Field, Shap Road which is similarly located just outside the settlement boundary on the north side of Kendal.

The location of this application for a replacement rugby ground on the edge of the settlement boundary is considered acceptable in principle.

**Impact on landscape / settlement character and the Green gap**

The Land Allocations DPD Policy LA1.9: Green Gaps identifies the land between Kendal and Oxenholme as a Green Gap where CS8.2 applies. Policy CS8.2 requires that development in green gaps should; contribute to maintaining a settlements identity, landscape setting and character; comprise predominantly open land and aspect and where possible afford recreational and biodiversity opportunities.

The current site comprises gently sloping undeveloped grazing land comprising few distinctive landscape features. The proposal involves some re-grading of the site to provide level playing fields together with the construction of an substantial two storey clubhouse which is 11.1m high and has maximum dimensions of 52.5m length by 23.8 width. It also proposes floodlighting to the main pitch and floodlighting and fencing to the artificial pitch together with a 164 space car park and access road. A landscape strip of varying width 15 – 30m is to be provided between the development and Oxenholme Road with the erection of a stone wall to match existing along the main road frontage. A new native mixed hedge is to be planted with post and rail fence on the site’s northern boundary.

The applicant’s landscape assessment and strategy recognises that this will result in a significant change in the landscape character of the site.
Although the development would inevitably alter the character of land the proposed pitches would undoubtedly retain the open character of the site, with “built” development being confined to the corner of the site adjacent to Oxenholme Road.

The clubhouse and car park surrounded by extensive landscaping would reduce to some extent the open character of the site, when viewed from Oxenholme Road between Hayclose Road and the railway station. The position of the building and landscaping would not, on balance, cause significant harm to the open character of the wider Green Gap area as it would not restrict the most important public views of and through the Green Gap. The view from Burton Road, heading north towards Kendal, would be largely unaffected by this development. Similarly, views towards Kendal and Scout Scar from Oxenholme Road, when heading northwards, do not fully open up until after Hayclose Road. The clubhouse and landscaping, when heading towards Oxenholme along either Burton Road or Oxenholme Road, would be seen with an immediate backdrop of a steeply rising embankment which is heavily wooded, and also in reasonably close proximity to residential properties on Oxenholme Road. The development would not break the skyline from this direction and as the building and landscaping would be in the corner of the Green Gap, the overall open character of the Green Gap area would not be significantly harmed.

The development would not lead to significant visual or physical coalescence between Kendal and Oxenholme. The development would significantly enhance recreation facilities and offer some opportunities for biodiversity opportunities. Officers consider that the site’s openness will be largely retained with the impact on the character of the south eastern entrance into Kendal being altered but not significantly affected by the development.

**Design and External appearance**

In terms of facilities the clubhouse has been designed in line with key documentation and bodies which govern the design of sports facilities - Sport England, RFU, Building Regulations and the scale of the building has been influenced by the need to provide adequate facilities for both the sports and social needs of the club.

The proposed building will be designed as a contemporary sports clubhouse and will be essentially two storey with a pitched roof with hipped dormer features in the main (north) elevation. The ground floor will be constructed of stone with columns rising to a first floor rendered elevation punctuated by various sized windows. The roof is slate effect steel profiled sheeting. The two storey design also allows for a viewing gallery with canopy on the first floor overlooking the main grass pitch.

The materials and overall contemporary design seeks to reflect the character and local vernacular found in Kendal and the Lake District generally and is acceptable and a distinct improvement from that previously approved at Oxenholme Road.

**Access and parking**

The proposed development will also include a new access off Oxenholme Road which will provide access to a new dedicated car park with 216 car parking spaces including 12 disabled spaces, together with spaces for 2 coaches. In comparison, the car park at the existing Shap Road club site is able to accommodate approximately 170 cars. A 3m pedestrian / cycleway route is reserved on the site’s frontage to Oxenholme Road.
There have been known parking difficulties at the existing club site on big match days, and this is reflected in the proposed modest increase in car spaces. This site is relatively accessible by different modes of transport, being in close proximity to Oxenholme railway station and a bus route which provides direct links to Kendal town centre. The site is also easily accessible by bicycle. The level of car parking provision therefore appears to be a reasonable balance between addressing an existing shortfall of parking and recognising that this site is more accessible by other modes of travel.

A Transport Statement was submitted alongside the application and this suggests that the increase in traffic which would result from this development could be satisfactorily accommodated by the local highway network. A further material consideration is that the majority and largest flows of traffic generated would be largely confined to weekend only for match days and junior rugby.

There is an ongoing problem with car parking along Oxenholme Road immediately to the north of the station. This is because many commuters using the train avoid using the station car park because of its substantial charge. If this on-street parking was to continue, this would unacceptably restrict visibility from, and of, the proposed access to the Rugby Club.

The formal views of the County Council Highways are awaited.

Drainage

The Environment Agency has required the imposition of conditions to require full details of surface water drainage provision to be submitted and agreed prior to commencement of development. The applicant has demonstrated that it is feasible to attenuate the discharge of surface water to an acceptable level, so the details of how this is achieved can reasonably be addressed in this way.

Ecology

The site is previously undeveloped agricultural land with hedgerows, scattered trees and two streams along the western and northern boundary along Oxenholme Road. The streams eventually join Natland Mill Beck after some 700m, a tributary of the river Kent and part of the SAC and SSSI so an assessment is required in particular as to whether the proposals, during construction and operation would be likely to significantly affect water quality or habitat. The applicant’s have submitted detailed reports in respect of an Extended Phase 1 Habitat Survey and Information to support a Habitat Regulations Assessment. The drainage scheme will be designed around the perimeter of the scheme to prevent run off direct to the stream. Any discharges will intercepted to an attenuation and brake system. The above reports recommend mitigation measures (controlled by condition) to ensure there is no adverse impacts on water quality or habitat as a result of any works undertaken during constructing or following the operation / use of the rugby ground. An appropriate Habitat Regulation Assessment has been undertaken which considers that, given the mitigation available to protect water quality and habitat for protected species there are not likely to be any significant effects on the SSSI and SAC. The proposal therefore accords with Policy CS8.4 of the Core Strategy and saved Policies C6 and C7 of the Local Plan.
Residential amenity noise and disturbance and lighting

There are residential properties along the northern side of Oxenholme Road for its entire length, the nearest of which are approximately 80 metres from the proposed clubhouse. To the north and west is open agricultural land. However the Oxenholme Road housing scheme has consent for 96 homes with the nearest likely to be about 60m from the site and 100m between the clubhouse and proposed dwellings.

A number of objections received focus on the noise and disturbance to local residents which is anticipated to result from this development. The potential for noise and disturbance from this development would be from three main sources: (1) Use of Sports pitches - General crowd noise from the pitches and a significant increase in pedestrian and vehicle movements on match days (generally Saturdays) but also for Junior rugby on a Sunday plus training days; also increased use of sporting facilities at the Club (2) More general / community use of clubhouse- Noise, disturbance and possible antisocial behaviour resulting from night time use of the clubhouse and bar for functions both internally and externally noise; and (3) use of the car park for early morning car boot sales and other similar events.

In relation to the use of the sporting facilities and general crowd noise for two hours or so, this would usually occur no more than once a week, and would not have a significant adverse impact upon the amenity of nearby residents. There would be increased use of the sporting facilities by outside organisations and groups particularly use of the artificial floodlight pitches but these would be at an acceptable level.

There would be a significant increase in vehicular movements in the vicinity, although the applicants have argued that the car parking provision will be adequate, avoiding overspill onto Oxenholme Road and other residential areas. Although traffic movements would be significantly greater on match days, this would be limited to a relatively short period of time, and so this concern is not shared.

More careful consideration must be given to the potential implications of (2) above. It is part of Kendal Rugby Union Football Club (KRUFC) business plan that the Club will seek to regularly hire the clubhouse for a variety of functions, including parties or late night functions which may finish late at night (subject to the building securing the necessary license for such events, if granted planning permission). Oxenholme Road is almost exclusively a residential road, (and will be increasingly so with new development to the north west) and so it is particularly sensitive to this type of activity.

The acoustic insulation of the building itself can be controlled by imposing a suitable condition to avoid music and other noise escaping from the building and to require the closure of doors and windows during evening / social events. In particular the design of the first floor with the provision of balcony areas makes it particularly important to control the possibility of late night activity and restrict the use of these areas.

However it is more difficult to control the behaviour or noise generated by patrons when leaving the premises late at night, both by pedestrians and in vehicles. It is reasonable to assume that, on occasion, disturbance to local residents will result, and it is also possible that antisocial behaviour may occur from time to time.

Previously, in considering late night events it was considered that hours of use could be controlled by the Licensing Regulations. This was the approach taken in
considering both the previous Oxenholme Road rugby ground applications and Carus Green Golf Club.

The Licensing and Planning regimes are distinct and the statutes and guidance require different considerations to be applied. The reason for this separation is that the issues are considered from different perspectives e.g. public nuisance or crime and disorder with Licensing and issues of principle or residential amenity in relation to Planning. Being different regulatory regimes under different legislation with differing objectives, then different outcomes can and do arise.

The current Licensing Act Statutory Guidance states that “licensing committees are not bound by the decisions made by a Planning Committee and vice versa”. However, a recent revision to the Guidance does appear to recognise that there should be a greater degree of liaison between planning and licensing officers, stating “Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.”

The use of the clubhouse for social functions is seen as an essential source of revenue for KRUFUC, also bringing benefits to the wider community. This needs to be balanced against any potential impact upon the amenity of nearby residents. In this context it is considered that the hours should be restricted to Midnight on Fridays and Saturdays and 11.00pm Sundays to Thursdays. Conditions are also suggested to prevent late evening use of the balcony area. The licensing authority have the power to revoke licenses if regular problems occur. The current Rugby Club on Shap Road is used in a similar manner, which is also close to numerous residential properties.

The final key concern of this nature, identified in (3) above is regarding other potential uses of the car park, for events such as car-boot sales which may commence very early on weekend mornings. In the event that planning permission is granted, it is recommended to impose a condition to restrict usage of the car park for any other purposes between the hours of 23:00 hrs and 08:00 hrs to prevent unacceptable disturbance from such events / activities.

The application proposes 6 lighting columns for the grass pitch and 6 lighting columns for the artificial pitch (which will also cast light onto the lower training pitch). The estimated height of the lighting columns is between 12 to 15m. The columns themselves would not have a significant adverse visual impact, although when illuminated this will introduce prominent lighting in a residential area and green gap. To minimise the visual impact of this lighting after dark and the use of the pitches it is recommended that a condition be imposed to restrict hours of use and another to control the level of illumination and cowling. The area of illumination would be confined to the playing pitch itself, avoiding any nuisance. Lighting to the building and car park will also be controlled by condition. In considering the above, the development satisfies Local Plan Policy C5.

Sports Provision

There are benefits to Kendal RUFC and the sporting community in Kendal from the proposed relocated rugby club. The rugby facilities on the existing site at Shap Road are outdated and in poor condition. Relocation to Oxenholme Road, Kendal, would enable the club to meet its operational and strategic needs to develop the club further
in terms of its league position and to provide further leisure / sport opportunities for the wider community including greater youth and women’s rugby. The disposal of the application site by KRUFC would fund the new purpose built facilities at Oxenholme Road. The proposed site will serve the same area of need or demand and is in an accessible location.

KRUFC has a very important role to play in the local community. Policies CS2, CS8.3 and CS9.1 seek to maintain and where necessary enhance sports provision. The proposals represent an improvement in both the number of and quality of playing fields provision with the floodlit artificial surface in particular being able to be let out to other sporting groups. It will also increase the availability of community facilities in Kendal. Both Sport England and the Rugby Football Union consider that the proposal will provide equivalent or better provision in terms of quantity and quality compared to the existing Mint Bridge site, and Sport England is satisfied that this site would make a suitable replacement. The development of the proposed facility will represent a massive improvement compared to the facilities that the club currently occupy and will be a significant boost to Kendal's overall sporting, social and community infrastructure.

**CONCLUSION**

Kendal Rugby Union Football Club have been seeking new premises for over 10 years to respond to the demands of the modern game of rugby. The proposed rugby club facility seeks to meet the needs of Kendal and surrounding areas. It is recognised that a location within the settlement boundary is unlikely and that the proposal is sustainable located on the edge of the settlement boundary.

The proposal involves some re-grading of the site to provide level playing fields together with the construction of a substantial two storey clubhouse. The design and appearance of the clubhouse and associated facilities is acceptable. In relation to the Green Gap the development would not lead to significant visual or physical coalescence between Kendal and Oxenholme. The development would significantly enhance recreation facilities and offer some opportunities for biodiversity opportunities. Officers consider that the site’s openess will be largely retained with the impact on the character of the south eastern entrance into Kendal being altered but not significantly affected by the development.

A number of objections received focus on the noise and disturbance to local residents which is anticipated to result from this development. Subject to safeguarding conditions to control noise, hours of use and lighting officers consider the level to be acceptable. The technical issues in relation to drainage and protection of ecology can be satisfactorily addressed by conditions.

Whilst the formal views of the County Council Highways are awaited, the access and parking arrangements are the same as for the previously approved applications.

The development of the proposed facility will represent a massive improvement compared to the facilities that the club currently occupy and will be a significant boost to Kendal's overall sporting, social and community infrastructure.

Officers recommend approval.
RECOMMENDATION

Subject to a satisfactory conclusion to negotiations over the highway details, the application be GRANTED subject to conditions relating to the following:

Condition (1) The development hereby permitted shall be commenced before the expiration of THREE YEARS from the date hereof.
Reason To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Drawings and Reports

Condition (2) No development shall take place other than in complete accordance with the following drawings:
Drwg No 306-45 Site Location Plan;
Drwg No 306-36 B Topographical Survey;
Drwg No 306-37 D Site Plan as Proposed;
Drwg No 306-40 A Proposed Clubhouse Floor Plans;
Drwg No 306-41A Proposed Clubhouse Floor Elevations;
Drwg No 2044/2 Landscape Proposals;
Design Ref UKS9667 External Floodlighting; and
Drwg 13091/08 Proposed Access Arrangements.
All deposited with the Local Planning Authority on 9 January 2015.
Reason For the avoidance of doubt and to define the permission.

Materials and Design

Condition (3) All walls of the building to be stone faced shall be built from random coursed natural limestone similar in colour and of similar texture to stone quarried within the County of Cumbria. A sample panel of the proposed stonework shall be erected on the site for the further written approval of the Local Planning Authority and this written approval shall be obtained before any facing works are commenced; this panel shall be of sufficient size to indicate the method of jointing and coursing to be used and all stone facing shall match the sample panel thereafter to the satisfaction of the Local Planning Authority.
Reason To ensure a satisfactory appearance of development in accordance with Policy CS8.10 of the adopted South Lakeland Core Strategy.

Condition (4) The roof of the building shall be covered with slate coloured metal profile sheeting a sample of which shall be submitted to and agreed in writing with the Local Planning Authority before any development work commences on site.
Reason To ensure a satisfactory appearance of development in accordance
with Policy CS8.10 of the adopted South Lakeland Core Strategy.

Condition (5) Notwithstanding the approved plans precise details of the design, construction, colour, profile and reveals of all windows and doors shall be submitted to and approved in writing by the Local Planning Authority. No development shall thereafter take place other than in accordance with the approved details.

Reason To ensure a satisfactory appearance of development in accordance with Policy CS8.10 of the adopted South Lakeland Core Strategy.

Condition (6) Construction of the clubhouse shall not commence until finished floor levels in relation to a fixed datum have been submitted to and agreed in writing with the Local Planning Authority. No development shall thereafter take place other than in accordance with the approved details.

Reason To ensure a satisfactory appearance of development in accordance with Policy CS8.10 of the adopted South Lakeland Core Strategy.

Landscaping

Condition (7) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, based on the principles of Rosetta Landscape proposals, Drawing No 2044/2 which shall include indications of all existing and proposed boundary features and walls, existing and proposed trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development. All planting and landscaping shall be completed prior to the development being brought into use. Any trees/shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees/shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason To ensure a high standard of landscaping and screening in order to minimise the impact of the development upon the Green Gap in accordance with Policy CS8.2 of the adopted South Lakeland Core Strategy.

Drainage

Condition (8) Development shall not begin until a surface water drainage scheme for the site, based on: - Surface Water Drainage Strategy by MJM Consulting Engineers 9 January 2015 - based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. If sustainable drainage principles are found to be technically
unfeasible, robust evidence of the reasons for this shall be provided together with an alternative surface water drainage scheme. This shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

Construction Management

Condition (9) Prior to the commencement of development, details of a buffer zone between the site and the watercourse shall be created, based on the principles contained within Section 5 Ecological impacts and Recommendations of the Extended Phase 1 Habitat Survey prepared by WYG Planning and Environment and deposited with the Local Planning Authority on 9 January 2015, the precise details of which shall be submitted to and agreed in writing with the Local Planning Authority. No machinery or vehicles shall have access to the watercourse at any time and the buffer zone shall be maintained until construction works have been completed.

Reason

To protect the River Kent and Tributaries SSSI and River Kent SAC in accordance with Policy CS8.4 of the South Lakeland Core Strategy.

Condition (10) Prior to the commencement of development a working Method Statement to cover all construction site drainage and pollution prevention works as set out - based on the principles contained within Section 5 Ecological impacts and Recommendations of the Extended Phase 1 Habitat Survey prepared by WYG Planning and Environment and deposited with the Local Planning Authority on 9 January 2015, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

Reason

The construction phase of any proposed development affecting the adjacent receiving watercourse poses significant risks of pollution with the potential to affect receiving watercourses with SSSI and SAC designations.

Condition (11) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
i. The parking of vehicles of site operatives and visitors;
ii. Loading and unloading of plant and materials;
iii. Storage of plant and materials used in constructing the development;
iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
v. Wheel washing facilities;
vi. Measures to control the emission of dust and dirt during construction;
viii. Measures to control noise and vibration.

Reason To safeguard the amenity of neighbouring occupiers and highway safety and to control the air quality.

Condition (12) No work for the construction of this development, including start-up of any machinery and deliveries and unloading of equipment and materials, shall take place on the site, except between the hours of 0800 am and 1800 pm Monday to Friday and between the hours of 0800 am and 1400 pm on Saturday. No work shall be carried out on Sunday’s or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.

Reason To safeguard against unacceptable levels of disturbance to nearby residents during construction works.

Condition (13) No burning in the open air shall take place on the site.

Reason To safeguard against unacceptable levels of dust impacting on the amenity of nearby residential and commercial properties and to safeguard against unacceptable levels of disturbance to nearby residents during construction works.

Air Quality

Condition (14) Prior to any consent being issued a “Design Manual for Roads and Bridges (DMRB) screening assessment” to show the effect of the increase in traffic levels on air quality at relevant local receptors shall be submitted to and agreed in writing with the Local Planning Authority. If any increase in pollutant levels is predicted, even if negligible when using the EPUK guidance, then the assessment should include proposals for mitigation.

Reason To minimise the impact from vehicle emissions, which may have a significant adverse effect on local air quality.

Ecology

Condition (15) The development shall not proceed except in accordance with the Mitigation and Enhancement strategy described in Section 5
Ecological impacts and Recommendations of the Extended Phase 1 Habitat Survey prepared by WYG Planning and Environment and deposited with the Local Planning Authority on 9 January 2015.

Reason For the avoidance of doubt and to prevent harm to protected species in accordance with Policy CS8.4 of the adopted South Lakeland Core Strategy.

Noise and Hours Restrictions

Condition (16) No development shall commence until a noise impact assessment has been undertaken and submitted to and approved by the Local Planning Authority. The criteria for this assessment should include, but not be limited to; existing background noise levels, use of the sports pitches, use of the club house, and externally mounted plant and machinery. Where mitigation measures are required to control noise emissions, a scheme detailing these measures shall be submitted to and approved by the Local Planning Authority. The scheme, as approved, shall be implemented before the development is first brought into use.

Reason To minimise the impact of noise to safeguard against the development having a significant adverse impact upon the residential amenity at nearby properties.

Condition (17) No air conditioning, extraction or ventilation units or any other ancillary plant shall be installed unless precise details of its location, dimensions, appearance and noise output have been submitted to and approved in writing by the Local Planning Authority.

Reason For the avoidance of doubt, in the interests of residential amenity and to ensure a satisfactory standard of development in accordance with Policy CS8.10 of the adopted South Lakeland Core Strategy.

Condition (18) The use of the balcony shall not take place other than between the following hours:-
08:00 - 22:00 hours Sunday to Saturday.

Reason To safeguard the amenity of the neighbouring residents in accordance with the National Planning Policy Framework core principles.

Condition (19) The use of the Clubhouse and grounds shall not take place other than between the following hours:-
08:00 - 23:00 hours Sunday to Thursday
08:00 - Midnight Friday and Saturday.

Reason To safeguard the amenity of the neighbouring residents in accordance with the National Planning Policy Framework core principles.
Condition (20)  The car park area should not be used for any purpose other than the parking of vehicles between 23.00 and 08.00 hours.

Reason  To minimise the impact of noise to safeguard against the development having a significant adverse impact upon the residential amenity at nearby properties.

Lighting and Floodlight use

Condition (21)  A scheme showing the proposed lighting plan (including all pitch floodlighting, external building lights and car park lighting) for the development shall be submitted and agreed in writing with the Local Planning Authority prior to development commencing. This shall show the location, number and type of units proposed, their orientation and brightness in lux and proposed hours of operation. It shall also predict the light level in lux to be experienced at surrounding properties.

Reason  To minimise the visual impact of light on nearby residential properties.

Condition (22)  Floodlighting provided for use on the training pitch shall not be used other than between 10.00 and 21.30 hours.

Reason  To minimise the visual impact of light emitted from the site on neighbouring light sensitive locations, and in the interests of visual amenity in accordance with saved Policy C5 of the South Lakeland Local Plan.

Transport, Access and Parking

Condition (23)  No development shall begin unless and until visibility splays providing a clear visibility of [INSERT]m measured down the centre of the access road and the nearside channel line of the major road have been constructed at the junction of [INSERT] with [INSERT]. The visibility splays shall thereafter be maintained free of any obstruction over [INSERT] in height above the adjacent carriageway.

Reason  In the interests of highway safety in accordance with Policy CS10.2 of the adopted South Lakeland Core Strategy.

Condition (24)  Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason  In the interests of highway safety in accordance with Policy CS10.2 of the adopted South Lakeland Core Strategy.
Condition (25) The development hereby approved shall incorporate the provision of a cycle path within the site adjacent to Oxenholme Road. Notwithstanding the Drwg 13091/08 Proposed Access Arrangements, no development shall commence until the precise details of all pedestrian and bicycle access points to the site have been submitted to and approved in writing by the Local Planning Authority. Development shall not proceed except in accordance with the approved details.

Reason In the interests of highway safety in accordance with Policy CS10.2 of the adopted South Lakeland Core Strategy.

Condition (26) Notwithstanding the approved plans no vehicle control barriers shall be installed unless and until their precise position and management of operation has been submitted to and approved in writing by the Local Planning Authority. Development shall not proceed except in accordance with the approved details.

Reason To prevent vehicles queuing and obstructing the free flow of traffic on Shap Road, in the interests of highway safety.

Condition (27) Precise details of the location, number and design of bicycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority, and shall be provided in accordance with the approved details prior to the first occupation of the development.

Reason To encourage multi-modal travel to the site by staff and visitors to the development.

Condition (28) Prior to first occupation of the development, the approved parking layout, and turning space shall be constructed, marked out and made available for use and shall be retained as such thereafter. The parking spaces shall be used solely for the benefit of the spectators and visitors of the development hereby approved and for no other purpose.

Reason In the interests of highway safety in accordance with saved Policy S10 of the South Lakeland Local Plan.

Condition (29) Before the development is first brought into use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason In order to encourage staff and supporters to use sustainable modes of travel to access the development in accordance with Policies CS10.1 and CS10.2 of the adopted South Lakeland Core Strategy.
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.