
Planning Application no. SL/2020/0310

Kendal Ski Club, Canal Head North,
Kendal

www.southlakeland.gov.uk



Contents

Planning Application no. SL/2020/0310.....	1
Summary.....	5
Recommendation	5
1.0 Description and proposal	5
Site Description.....	5
Proposal.....	6
2.0 Consultations	7
Kendal Town Council	7
Cumbria County Council Highways and LLFA	7
Council Tree Officer	8
Public Protection	8
Conservation Officer	8
Lancaster Canal Trust.....	9
Canal and Rivers Trust	9
Historic Environment Officer	9
Historic England.....	9
Public Responses	9
3.0 Relevant planning history.....	10
4.0 Relevant planning policies	10
National Planning Policy Framework	10
Planning (Listed Buildings and Conservation Areas) Act 1990	11
Local Development Policies	11
5.0 Assessment	11
Principle of Development and Local Plan Policy	11
Impact on Amenity	12
Heritage Impact.....	14
Highways Impacts.....	16
Landscape and Character of the Area	17
Flooding and Drainage.....	18
Ecology	19
Planning Balance and Conclusions.....	20
6.0 Recommendation.....	21





SL/2020/0310

Kendal Ski Club, Canal Head North KENDAL



Scale: 1:2500

© Crown copyright. All rights reserved. South Lakeland District Council Licence No: 100024277

Printed on: 2021-06-10 11:57:02 by karen.shanks@SLDC

Summary

SL/2020/0310

PARISH: Kendal

Kendal Ski Club, Canal Head North, Kendal LA9 7BY

PROPOSAL: Lodge and slope extension

APPLICANT: Frances Watkins (Chairman Kendal Ski Club)

Grid Ref: E: 352134 N: 492674

Committee date: 29th July 2021

Case Officer: Nic Unwin

The proposal seeks full planning permission for the extension of the existing ski lodge and extension of the existing ski slope.

The proposed site is located within the Kendal Development Boundary and within the existing Kendal Ski Club site which is designated as an Outdoor Sports Facility.

The current application has been referred to committee as the application has been 'called in' by Councillor Dixon.

Recommendation

The recommendation is to approve the application subject to conditions set out at the foot of the report.

1.0 Description and proposal

Site Description

- 1.1. The proposed site lies within the boundary of the existing Kendal Ski Club.
- 1.2. The proposed site forms an existing ski club within the central section of the Kendal Development Boundary approximately 280 metres east of the Town Centre Boundary.
- 1.3. The proposed site is within the Kendal Conservation Area. It adjoins the Kendal Castle Public Open Space to the east, it is approximately 240 metres to the east of the River Kent SSSI and 85 metres north-west of the Kendal Castle Scheduled Ancient Monument (SAM). The proposed site is within flood zone 1 and adjoins the boundary of flood zone 2 to the west.

- 1.4. To the north, east and south of the site is mixed woodland with the residential development of Kirkby Green adjoining the western boundary. There is a public right of way along the eastern boundary of the site and a pedestrian access connecting Kendal Castle to Canal Head North to the west.
- 1.5. There are approximately 7 unmarked parking spaces in the southern section of the existing site. The car park adjacent to the south of the site contains 49 spaces and is under the Ski Club's ownership. The 49 space car park is open to the public between Monday – Friday 7am to 7pm and is exclusively available for use by the Ski Club outside of these times.
- 1.6. The existing ski club operates from 10am to 10pm Monday to Sunday.

Proposal

- 1.7. The proposal seeks full planning permission for the extension of the existing Ski Lodge (club house) and the extension of the existing ski slope to the south.
- 1.8. The proposed lodge extension would result in the southern section extending to the south by 10 metres at its widest and 5.35 metres at its narrowest, and 9.5 metres to the east of the exiting eastern elevation. There would additionally be a decked area along the east, north and west of the proposed extension and a limestone retaining wall erected to the east.
- 1.9. The proposed lodge extension would continue the roof slope of the existing lodge with a ridge height approximately 3.9 metres above that of the existing ridge. There would be a flue within the eastern roof slope approximately 0.5 metres above the ridge height of the proposal.
- 1.10. There would be a large single section of glazing within the northern elevation of the proposed lodge extension and two large sections of glazing within the southern elevation. The eastern elevation would be blank with a new entrance created in the western elevation. The walls of the ground floor of the proposed lodge extension would be natural limestone to match that of the existing retaining walls with the north, east and western walls being timber cladding to match that of the existing clubhouse. Shingles will be used for the roof to match that of the existing clubhouse.
- 1.11. The proposal would involve the extension of the existing ski slope to the south by 20 metres at its narrowest point and 28 metres at its widest. The proposed ski slope extension will include a new ski lift, additional lighting and barrier at the western end, full details of which will be secured through condition.
- 1.12. The proposed slope extension will replace part of an existing area of hard standing containing 7 informal parking spaces. 6 formal parking spaces will be located along the western section of the slope to replace these. The proposed extension to the clubhouse and ski slope will result in the loss of 25 trees, however 38 native trees will be planted throughout the site and a hedgerow is to be

planted along the southern elevation adjacent to the access to Kendal Castle to the south and a section within the north of the site.

2.0 Consultations

Kendal Town Council

- 2.1. Kendal Town Council raise no objections to the proposal stating the following:

The Committee welcome that the original objections raised by the committee as issues against which to make the application have largely been addressed by subsequent alterations and therefore no material objections. Given the level of objections from local residents that still exist it is suggested the Ski Club engage with them further and in particular with the Kirkbie Green Residents Group; they felt a block plan would help with this to show impact on specific properties.

Cumbria County Council Highways and LLFA

- 2.2. This proposal would involve the extension of the matted dry ski slope by approximately 25%-30% to provide an expanded beginner slope and an extension to the ski-lodge clubhouse facility to provide improved operational and amenity space. It is noted that the Design and Access Statement sets out that the ski slope extension is predominantly aimed at providing space for additional children's classes at the sites peak times on Friday evenings and Saturdays and that it would allow two additional classes of up to 15 people to operate alongside the existing classes at any one time.
- 2.3. A Transport Form has now been supplied in support of the application. The information within the transport form in respect of existing average journeys per day, peak times, estimated number of additional journeys, modes of travel and parking capacity are duly noted.
- 2.4. Outside of peak times, it is considered that the application proposal would result in a modest increase in traffic. The applicant estimates that the slope extension would result in an additional 14 journeys being made on Fridays and 35 journeys on Saturdays, resulting in a total of 30 and 75 journeys on these days respectively. This would undoubtedly place some additional localized pressure on the highway network immediately around the site on Saturdays. We have no reason to disbelieve these figures provided by a long standing and respected club.
- 2.5. In respect of parking, it is noted that the site benefits from a 47/49 space car park whose entrance lies approximately 25m from the entrance to the slope and lodge compound. It is noted that this car park is open to the public Monday-Friday from 7am to 7pm and is exclusively available for use by the Ski Club outside of these times. It is noted that the ski-slope extension would result in the loss of an area utilised for informal parking with the site, which the applicant

sets out has space for approximately 7 spaces. They propose to create 6 formally marked spaces adjacent to their existing viewing gallery to off-set this. I am satisfied that this number of marked parking bays could be accommodated in this area. The applicant sets out that in practical terms the proposed development would result in the loss of a space for car-parking. The applicant anticipates a peak need for 30 parking spaces and that this would represent utilisation of just over half of the available parking space.

- 2.6. It is therefore considered that the proposal would not have an unacceptable impact on highway safety, or result in residual cumulative impacts on the road network that would be severe.
- 2.7. The applicant has provided some additional drainage information. This is welcomed and shows that the club has given some considerable thought to this matter. The applicant calculate that the 852m² (a 27% increase) will not have any impact (or at most little) on the drainage of the site. It is their stated preference (if required) to increase the current storage capacity and not to discharge into a soak away or sewers.
- 2.8. No formal calculations or flood risk assessment has been produced for the site. We are however confident, due to the current workings of the drainage system, that this matter can be conditioned.
- 2.9. I can confirm that the Highway Authority and Lead Local Flood Authority has no objections to the proposal, subject to the following recommended conditions being included in any permission should the local planning authority be minded to approve this application.

Council Tree Officer

- 2.10. The proposed replacement ratio of 1 tree lost for 1.5 trees planted (38 trees planted to replace 25 removed), in addition to new hedgerow planting totaling 300 plants, will provide a net gain in biodiversity. The proposal will not provide an increase in tree cover by area, with some of the planting being proposed under the existing woodland canopy. This planting to the east of the clubhouse will add a younger age class to the woodland and increase the age range of the copse.
- 2.11. A condition requiring the planting to be carried out before first use of the extended slope would be prudent.

Public Protection

- 2.12. No objections subject to conditions.

Conservation Officer

- 2.13. No objection

Lancaster Canal Trust

2.14. No Comments.

Canal and Rivers Trust

2.15. No Comments.

Historic Environment Officer

2.16. No comments.

Historic England

2.17. No Comments.

Public Responses

- 2.18. There were two phases of public consultation, the first was at a point where the application also consisted of a ski jump and crash mat to the east of the ski lodge. The second phase of consultations was following the removal of the ski jump and crash mat from the proposal.
- 2.19. Phase one consultations responses – 34 objections, 35 support, 2 observations – The following points were raised:
- Overlooking and loss of privacy
 - Noise pollution
 - Increase in traffic
 - Insufficient parking
 - Light pollution
 - Loss of trees
 - Overbearing
 - Landscape impact
 - Flood risk
 - Impact on the Conservation Area and setting of Kendal Castle
 - Impact on wildlife
 - Increase in ski facilities offered

2.20. Phase two consultations responses – 22 objections, 2 support – The following points were raised:

- Overlooking and loss of privacy
- Noise pollution
- Increase in traffic
- Insufficient parking
- Light pollution
- Loss of trees
- Overbearing
- Landscape impact
- Flood risk
- Impact on the Conservation Area and setting of Kendal Castle
- Impact on wildlife
- Increase in ski facilities offered

3.0 Relevant planning history

3.1. The applications relating to Kendal Ski Club are as follows:

- 5962057 – Extension to artificial ski slope. Full Approval.
- 5981089 – Lodge extension, viewing platform and supervisor’s shelter. Full approval.
- SL/2003/1900 – Extension to existing slope. Full approval.
- SL/2007/0073 – Extension to the club lodge. Full Approval.
- SL/2013/0698 – Public gallery with storage under. Full Approval.
- TR/2020/0125 – Seven Ash trees south of ski slope marked on attached plan. Fell due to ash die back. Full Approval.

3.2. Reference to some of the applications will be made later in the report

4.0 Relevant planning policies

National Planning Policy Framework

Chapter 2, Achieving sustainable development

Chapter 9 Promoting sustainable transport

Chapter 12 Achieving well designed places

Chapter 16 Conserving and enhancing the historic environment

Planning (Listed Buildings and Conservation Areas) Act 1990

Local Development Policies

South Lakeland Core Strategy Policies (CS)

CS1.1 Sustainable development principles

CS1.2 The development strategy

CS8.2 Protection and enhancement of landscape and settlement character

CS8.6 Historic environment

CS8.10 Design

CS10.2 Transport impact of new development

Land Allocations Development Plan Document Policies (LA)

LA1.1 Development Boundaries

LA1.11 Existing Outdoor Formal Sports Facilities

South Lakeland Development Management Development Plan Document Policies (DM)

DM1 – General Requirements for all development

DM2 – Achieving Sustainable High Quality Design

DM3 – Historic Environment

DM4 – Green and Blue Infrastructure, Open Space, Trees and Landscaping

DM9 – Parking Provision, New and Loss of Car Parks

5.0 Assessment

Principle of Development and Local Plan Policy

- 5.1. The proposed site is designated as an Outdoor Sports Facility within the Land Allocations DPD Maps. Para 2.74 of the Land Allocations DPD requires opportunities to be taken to enhance and increase the quality

and value of Outdoor Sports Facilities. This is supported by Policy LA1.11 of the Land Allocations DPD which states that “*the Outdoor Sports Facilities identified within the Policies Map will be safeguarded*”.

- 5.2. Para 92 of the NPPF requires the provision of social, recreational and cultural facilities and services the community needs through the provision of sports venues, in addition to ensuring these facilities are able to develop and modernise, and are retained for the benefit of the community.
- 5.3. The proposed development is for the extension of an existing ski slope and club house within the Ski Club boundary, Identified as an Outdoor Sports Facility. The proposal would allow for the enhancement and increase in facilities offered by the existing ski club which has said that the uniformity of the proposed slope extension would provide a better environment for beginners to the sport. Based on the above the principle of the proposed development is considered acceptable.

Impact on Amenity

- 5.4. Policy DM1 of the Development Management Policies DPD states that new development should ensure the delivery of acceptable levels of amenity for existing, neighbouring and future users. This is supported by Para 127 of the NPPF which states that new development should provide high standard of amenity for existing and future users.
- 5.5. Multiple public responses referenced the proposal’s impact on amenity. The specific impacts primarily comprised the proposals impact through overlooking/ loss of privacy, overbearing nature, noise pollution and light pollution. Each of these impacts is addressed below.
- 5.6. The initial scheme additionally involved the creation of a ski jump and air bag to the east of the existing club house. This element of the proposal, by its nature, had the potential to generate high noise levels from users, was located within the northern section of the site close to existing residential dwellings and, due to the location would have introduced additional flood lighting to the northern section of the site. Following consultations with the applicant, this element of the scheme was removed and a re-consultation conducted.
- 5.7. The consultation responses sited overlooking/ a loss of privacy from the proposal in addition to the proposed club house extension being overbearing when viewed from neighbouring properties.
- 5.8. There is an existing element of overlooking of the rear gardens of dwellings adjoining the ski club boundary from users of the ski slope in addition to pedestrians using the public right of way adjoining the eastern boundary of the ski slope. However, this overlooking is somewhat mitigated through existing high fencing and mature vegetation along this boundary.

- 5.9. The proposed extension of the south of the slope is the part of the existing site furthest from the dwellings that comprise Kirkby Green which are primarily located to the north and east of the proposed site.
- 5.10. Although the proposed slope extension would result in additional users on the slope at any given time, due to the proposed location in the south of the site and existing screening along the boundary with these dwellings to the east, the increase overlooking is considered limited.
- 5.11. The proposed extension to the existing club house is to the south and east. Although there is an external decking area proposed to the east and south, the clubhouse will screen this area from the dwellings to the west with existing mature trees providing screening to the north.
- 5.12. The proposed clubhouse extension will not extend to the west towards the existing dwellings. Although the ridge height of the proposed club house extension will be approximately 3.9 metres above the ridge height of the existing club house, it will continue the slope of the existing clubhouse roof and extend to the west with the ridge a further 8 metres west of the ridge of the existing clubhouse. Furthermore the site to the east rises steeply and there are trees much taller and closer to the western boundary than the proposed extension. As such, in the context of the existing clubhouse and surrounding mature tree, the proposed clubhouse extension is not considered to be overbearing when viewed from the curtilage of the dwellings to the west.
- 5.13. The majority of public representations raised concerns of additional noise caused due to an increase in users of the proposed site.
- 5.14. The proposed slope extension would result in an increase of approximately 30% of the existing slope area. This would permit a greater number of users of the slope at any one time and has the potential to increase noise levels generated from the ski club.
- 5.15. The proposed area is located within the southern section of the existing ski club site, the furthest point from existing dwellings. It is important to note that this area is not exclusively residential with the Kendal Household Waste Recycling Centre approximately 45 metres to the south-west of the proposed site with further industrial buildings to the west of this. There exists a certain element of pre-existing noise levels created through these neighbouring uses.
- 5.16. Public Protection were consulted on the application and raised no objections subject to a condition requiring the provision of a noise impact assessment and noise mitigation scheme prior to the commencement of development.
- 5.17. The existing site operates from 10am to 10pm with previous permissions at the site not appearing to have attached any conditions limiting its operational hours. The proposed hours of operation for the ski slope stated within the application form are 10am-10pm Monday to Friday, 9.15am-8pm Saturday and

10am-8pm Sundays and Bank Holidays. It is considered that a formal condition controlling the proposed operational hours to that suggested within the application form will enable better control of the operational hours of the site in future.

- 5.18. Given the proposal's location within the southern section of the site, the existing ski slope and other noise generating uses within the site, the proposed condition limiting operational hours and, the proposed condition requiring a noise assessment and mitigation prior to commencement will effectively mitigate any additional noise generated from the proposal to an acceptable level.
- 5.19. Many of the public representations raised concerns regarding potential light pollution from the proposed development and the impact this would have on surrounding dwellings.
- 5.20. There is already external lighting on the existing ski slope sections. Public Protection were consulted on the application and were satisfied that the proposed additional lighting required for the slope extension could be achieved without an unacceptable impact on the amenity of neighbouring residents. Public Protection have recommended a condition for the provision of full details of any additional external lighting at the proposed site including a layout plan with beam orientation, luminaire type, mounting height, aiming angles and luminaire profiles.
- 5.21. It is considered that acceptable lighting levels can be achieved without harming the living conditions of neighbouring residents through the imposition of the lighting condition recommended by Public Protection.
- 5.22. Based on the above, through the use of conditions, it is considered that any adverse impacts of the proposal on neighbouring residential amenity can be reduced to an acceptable level.

Heritage Impact

- 5.23. The proposed site is within the Kendal Conservation Area which is considered to be of moderate significance and 85 metres north-west of the Kendal Castle SAM which is considered to be of high significance.
- 5.24. Policy CS8.6 of the Core Strategy requires proposals to safeguard and where possible enhance conservation areas. This is supported by Policy DM3 of the Development Management DPD which states that proposals affecting a designated heritage asset should take into account the impact the proposal will have on the significance of the heritage asset.
- 5.25. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any building or land within a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 5.26. Para 193 of the NPPF states that “*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation*”. Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 5.27. Para 196 of the NPPF states that “*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal*”.
- 5.28. The initial consultation response from the Conservation Officer concluded that due to the loss of tree coverage, specifically from the proposed ski jump ramp and crash mat within the north of the proposed site the following::
- “I am not convinced that the proposed loss of woodland would directly harm the setting or the significance of the scheduled ancient monument, as sufficient tree cover remains on three sides of the centre to minimise the effect of the slightly wider opening in the woodland. There would be a greater impact on the northern boundary as the new planting will take perhaps 10-20 years to mature sufficiently to make an impact. The loss of woodland would, in my view, have a slightly adverse effect on this key landscape component of the conservation area to the detriment of its character and appearance.*
- The existing floodlighting already impacts both on the setting of the Castle and on the character and appearance of the conservation area, and an increase in illumination levels will merely add to the harm that already exists. The perceived increase in the level of noise from equipment and excited humans is also a factor to be considered as a cause of harm affecting the character of a conservation area, albeit that in this case this might be only slight”.*
- 5.29. The initial response from the Conservation Officer concluded that the proposal would not harm the setting of the SAM, however there would be a limited impact on the setting of the Conservation Area. This impact is considered to constitute less than substantial harm which the Conservation Officer did not believe was outweighed by the public benefits of the proposal.
- 5.30. Since receiving the above consultation response, three events of note have occurred.
- 5.31. The first event since the initial Conservation Officer’s response is the removal of the proposed ski jump and crash mat from the scheme. This has severely reduced the number of trees required for removal within the northern section of the site to three. Additionally this has further reduced the requirement for any additional external lighting in the northern section of the proposed site. The proposed condition requiring the submission of a full lighting scheme for the proposal will give further control over the additional lighting required for the slope extension to the south and

therefore the ability to mitigate any impact on the setting of Kendal Castle and character of the Conservation Area.

- 5.32. The second event since the initial Conservation Officer's response is the submission and approval of tree works notice TR/2020/0125 for the removal of seven ash trees adjacent to the southern boundary of the ski slope due to ash dieback. There is no requirement for these trees to be replaced. Since their removal, the ski slope has lost a noticeable level of screening along the southern boundary making the ski slope considerably more noticeable when viewed from the pedestrian access to Kendal Castle adjacent to the southern boundary of the proposed site, negatively impacting this part of the Conservation Area.
- 5.33. The third event since the initial Conservation Officer's response is the submission of a full planting scheme. The proposed scheme would involve the removal of 25 trees from the existing site. However, the proposal would involve replacement planting of 35 trees in addition to a large section of hedgerow along the southern boundary of the proposed site. Approximately 12 of these trees will be planted along the southern boundary of the site in addition to 6 along the eastern boundary providing screening of the site from these public view points, enhancing the character of these sections of the Conservation Area. Further planting is to be provided within the existing canopy to the north providing additional density (not area cover).
- 5.34. The Conservation Officer was consulted on the amended plans and raised no objections to the proposal.
- 5.35. Based on the above it is considered that the limited impact of the initial proposal has been further reduced through amendments to the original scheme. The now very limited impact of the ski slope and club house extension on the setting of the Conservation Area is considered to be offset by the additional planting along the southern site boundary, better screening the ski slope from views from the pedestrian access to the south up to Kendal Castle, enhancing this section of the Conservation Area. This is considered to result in the proposal having a neutral impact on the setting of the Conservation Area.
- 5.36. On balance the proposal is considered not to impact the SAM and to have a neutral impact on the setting of the Conservation Area, preserving its significance. Therefore Paragraph 196 of the NPPF does not apply.

Highways Impacts

- 5.37. Policy CS10.2 requires new development to be capable of being served by safe access to the highway network and that the nature and volume of traffic generated by the proposal could be accommodated by the existing road network. This is supported by Policy DM1 of the Development Management Policies DPD which states that new development should ensure adequate and safe movement of pedestrians, cyclists and motor vehicles.

- 5.38. Para 109 of the NPPF states that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”.
- 5.39. The public responses to the application raised concerns surrounding the proposal’s impact on additional traffic to this area and a perceived lack of parking for the proposal.
- 5.40. A transport form was completed by the applicant and reviewed by Cumbria County Council. The transport form concluded that there will be no additional vehicle movements to the site from Sundays to Thursdays. During the peak days of Friday and Saturday, vehicle movements were estimated to increase by 30 and 75 respectively (2 vehicle movements equals 1 car visiting then leaving the site). Having reviewed the transport form, the County Council considered that although the vehicle movements during peak times would “*place some additional localised pressure on the highway network immediately around the site*”, they do not believe this to result in an unacceptable impact on highway safety, or residual cumulative impacts on the road network that would be severe.
- 5.41. The proposal would result in the loss of 7 informal spaces within the proposed site, however six formal spaces would be created adjoining the western boundary of the ski slope. The 49 space car park to the south of the site can be used by the public Monday - Friday 7am – 7pm, however outside of these times its use is exclusively for the Ski Club. Within the transport form it is anticipated that the peak requirement for parking spaces (on a Saturday) would be 30 spaces, well below the 49 spaces within the existing car park.
- 5.42. It is acknowledged that during peak times there would be additional localised pressure on the highways network, however this is not considered to be severe. The existing parking at the proposed site and adjacent car park are considered sufficient to accommodate the necessary parking requirements at peak times. In accordance with Para 109 of the NPPF the proposed development would not result in an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network be severe. As such the proposal is considered acceptable from a highways perspective.

Landscape and Character of the Area

- 5.43. Policy DM1 of the Development Management Policies DPD requires new development to protect and enhance the District’s distinctive landscapes and townscapes. Policy DM2 of the Development Management Policies DPD states that new development should respond appropriately to local and settlement character and be well proportioned and positioned with its surroundings.
- 5.44. Policy CS8.2 of the Core Strategy states that new development should support and enhance local distinctiveness and protect and enhance key local features and

characteristics. Policy CS8.10 requires new development to maintain or enhance the quality of the landscape or townscape.

- 5.45. Chapter 12 'Achieving well-designed places' of the NPPF requires new development to be sympathetic to local character and landscape setting.
- 5.46. The proposed development is within the existing site of Kendal Ski Club. The primary visual impact of the proposal is the extension of the ski slope to the south. The proposed ski slope extension would result in the loss of 19 trees within the southern section of the site.
- 5.47. Due to the existing industrial buildings to the west of the site and the topography of Kendal, views of the proposed site are restricted from public viewpoints along Aynam Road along the river. Views of the existing site are restricted to intermittent views from the pedestrian access to Kendal Castle along the southern boundary of the site, the public right of way along the eastern boundary of the site and, from within the residential development of Kirkbie Green. Less restricted views of the proposed site are visible from along Queens Road and public rights of way further up the western valley side towards Kendal Golf Course. However, these viewpoints are above 1km from the proposed site which heavily reduce the proposals visual impact. Furthermore, the proposed development will be viewed within the context of the existing adjoining ski slope.
- 5.48. Due to the much larger existing adjoining ski slope to the north, the limited views from the surrounding public view points and substantial distance from the site of the view points along Queens Road and Kendal Golf Course, the proposed development is considered to have a limited landscape impact.

Flooding and Drainage

- 5.49. Public responses raised concerns regarding the potential for the proposal to result in additional surface water to discharge from the site and cause flooding elsewhere.
- 5.50. The proposed site is located within flood zone 1 with no evidence of surface water flooding present at the site.
- 5.51. The existing ski slope drainage is collected at the base of the slope and pumped to a storage tank (located within the ground floor of the club house) for redistribution on the slope during skiing. Should the existing storage tank reach capacity, this is discharged to the main sewer.
- 5.52. The proposed slope extension would utilize the same slope pump collection process at the base of the slope. There is capacity to increase the existing storage tank within the club house by 30-50%, considered sufficient to accommodate the slope extension (approximately 30% increase). Additionally, part of the slope extension is over an existing area of hard standing currently contributing to surface water runoff.

- 5.53. Cumbria County Council state that they are confident, due to the current workings of the drainage system, that the additional surface water from the slope can be secured through condition.

Ecology

- 5.54. Policy DM4 is focused on ensuring that all new development proposals will, unless it can be demonstrated that it is not possible, result in environmental net gains for biodiversity, green and blue infrastructure and demonstrate how the use of multifunctional green and blue infrastructure will deliver wider requirements and objectives. The design of proposals should mitigate the negative impacts of the development by incorporating beneficial biodiversity and geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate.
- 5.55. The supporting text to Policy DM4 states it is recognised the nature and scale of net gains that can be achieved from proposals will vary depending on the size, location and type of development under consideration. In this respect, policy requirements relating to net gain will be applied to all new developments as relevant to the proposal under consideration.
- 5.56. When referring specifically to trees, Policy DM4 requires new development to positively incorporate new, and protect and enhance existing trees. Within the policy 'trees' should be read to include hedgerows.
- 5.57. Policy DM4 requires proposals that result in the loss or deterioration of trees within Conservation Areas to provide an overriding need for the development and its benefits that outweigh the harm and provide compensatory planting at an appropriate ratio.
- 5.58. The proposed development would result in the loss of approximately 25 trees within the existing Conservation Area. The proposed development would result in the expansion and provision of additional facilities for Kendal Ski Club which is designated as an Outdoor Sports Facility. Since the removal of the seven ash trees along the southern boundary due to ash dieback, there are more prominent views of the site from the pedestrian access to Kendal Castle to the south. The proposal would introduce a higher density of tree planting along the southern boundary in addition to a large section of hedgerow which would better screen the proposal from this view point.
- 5.59. The proposed ratio of replacement tree planting is approximately 1.5. The Council's Arboriculturist reviewed the proposed planting scheme and found it acceptable.
- 5.60. The benefits of the additional provision of facilities at Kendal Ski Club is considered to outweigh the loss of trees from the site. The proposed replacement planting is of a ratio of 1.5 and would provide additional screening of the site when viewed from public view points from the south.

- 5.61. Although the proposal would result in the loss of 25 trees, 38 trees are proposed to be planted. There is additionally a substantial section of hedgerow (90 metres comprising 300 plants throughout the site). The replacement tree planting in addition to the proposed hedgerow are considered to achieve biodiversity net gains for the proposed development.
- 5.62. Concerns were raised by the public regarding the proposal's impact on habitats, particularly from the slopes extension to the south and removal of 25 trees.
- 5.63. The proposed development is located within the existing Kendal Ski Club site. The proposed trees that are to be removed are considered to be relatively low in number and are located on the fringes of the site adjoining the built environment. The site possesses no specific habitat designations. Based on this, further habitat surveys for the site are considered neither reasonable, nor necessary.

Planning Balance and Conclusions

- 5.64. The proposal would facilitate the expansion and provision of additional facilities at Kendal Ski Club, designated as an Outdoor Sports Facility. The proposed slope extension would provide a more uniform slope better suited to beginners in the sport. The expansion and development of such facilities is supported by both Local and National Planning Policy.
- 5.65. It is acknowledged that the proposed slope extension would result in additional lighting being required and due to the increase in number of people using the slope at any given time, has the potential to result in additional noise. It is considered that these elements can be reduced to an acceptable level and effectively controlled through condition.
- 5.66. The proposal would result in an increase in vehicle movements to the site however this element has been reviewed by Cumbria County Council who believe it to be an acceptable level. The existing parking capacity at the site and adjoining 49 space car park are considered sufficient to accommodate the increased parking demands.
- 5.67. Although the slope extension would result in an increased landscape impact, the views of the site from the surrounding public view points are limited. The proposed planting scheme is considered to better screen the proposal from these view points. Less restricted views of the site are from Queens Road and Kendal Golf Course, however due to the substantial distance from the site the impact of the proposed extension from these areas is considered limited.
- 5.68. The proposal is considered not to have an impact on the setting of the SAM and to have a neutral impact on the setting of the Conservation Area, preserving its significance.
- 5.69. The proposed removal of 25 trees will be offset through the planting of 38 trees and a 90 metre section of hedgerow. The proposed development is considered to

secure biodiversity net gains and contains no habitat designations to warrant any additional surveys.

- 5.70. The existing surface water runoff from the slope is pumped into a storage tank under the existing clubhouse. There is the option to increase the capacity of this storage tank by 30-50% to accommodate the proposal. Full drainage details have been secured through condition.
- 5.71. The benefits of the proposal through the expansion of facilities at the existing Ski Club are considered to outweigh the potential harms which are considered to be further limited and controlled through the proposed conditions. On balance the proposed development is recommended for approval.

6.0 Recommendation

Planning permission SL/2020/0310 is recommended to be granted subject to the following conditions:

Condition (1) The development hereby permitted shall begin not later than three years from the date of this decision.

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.

Condition (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan, date received 12/05/2020;
- Proposed South and West Elevations, date received 13/05/2020;
- Proposed East Elevation, date received 13/05/2020;
- Proposed North Elevation Rev 2, date received 26/10/2020;
- Proposed Club House layout Rev 2, date received 26/10/2020;
- Proposed Block Plan Rev 2, date received 26/10/2020;
- Arboricultural Report Rev 2, date received 26/10/2020;
- Proposed Planting Scheme (AH/AIA/180220-1), date received 19/05/2021.

Reason: For the avoidance of doubt and in the interests of proper planning.

Condition (3) The development hereby permitted shall be fully implemented in accordance with the following approved materials details:

Roof – Shingles to match existing

Walls – Wood panelling and local stone to match existing

The development shall then be retained as such at all times thereafter.

Reason: To ensure the development is of a high quality design in accordance with Policy DM2 of the Development Management Policies Development Plan Document and Policy CS8.10 of the South Lakeland Core Strategy.

Condition (4) Prior to the commencement of development, full details of materials of the hereby approved decked area and surrounding balustrade, and ski slope extension shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is of a high quality design in accordance with Policy DM2 of the Development Management Policies Development Plan Document and Policy CS8.10 of the South Lakeland Core Strategy.

Condition (5) Prior to the commencement of development, full details of landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- proposed finished levels or contours
- means of enclosure
- hard surfacing materials
- barriers surrounding the ski slope

The agreed scheme shall be carried out as approved to the agreed timetable.

Reason: To ensure the development is of a high quality design in accordance with Policy DM2 of the Development Management Policies Development Plan Document and Policy CS8.10 of the South Lakeland Core Strategy.

Condition (6) Prior to the commencement of development, full details of the proposed ski lift identified within the Proposed Block Plan Rev 2 (date received 26/10/2020) and any associated infrastructure shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is of a high quality design in accordance with Policy DM2 of the Development Management Policies Development Plan Document and Policy CS8.10 of the South Lakeland Core Strategy.

Condition (7)

The use of ski slope shall not take place other than between the following hours:-

10:00 – 22:00 - Mondays - Fridays.

09:15 – 20:00 - Saturdays.

10:00 - 20:00 Sundays and Bank or Public Holidays.

The use of the Clubhouse and grounds shall not take place other than between the following hours:-

09:30 – 22:30 - Mondays - Fridays.

08:45 – 20:30 - Saturdays.

09:30 - 20:30 Sundays and Bank or Public Holidays.

Reason: To safeguard the amenity of the neighbouring residents in accordance with Policies DM1 and DM2 of the Development Management Policies Development Plan Document and National Planning Policy Framework Chapter 12, Achieving well-designed places - para 127.

Condition (8) Prior to the first use of the hereby approved ski slope extension, the access and parking requirements shall be constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision and parking when the development is brought into use. To support Local Transport Plan Policies: LD5, LD7 and Policy DM9 of the Development Management Policies DPD.

Condition (9) Prior to the commencement of development, full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the schedule.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere.

Condition (10) Prior to the first use of the hereby approved development, the hereby approved Proposed Planting Scheme (date received 19/05/2021) shall be implemented in full.

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 safeguard and enhance the character of the area and secure high quality landscaping in accordance with Policies DM1, DM2 and DM4 of the Development Management Policies Development Plan Document.

Condition (11) Prior to the commencement of development, including demolition, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning authority. The Construction Management Plan shall include the following details:

- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure
- Dust suppression, mitigation and avoidance measures
- Noise reduction measures, including use of acoustic screens and enclosures, the types of equipment to be used and their hours of operations.
- Use of fences and barriers to protect adjacent land, footpaths and highways
- Details of parking and traffic management measures
- Avoidance of light spill and glare from any floodlighting and security lighting installed
- Pest control

Reason: To safeguard the amenity of the neighbouring residents in accordance with Policies DM1 and DM2 of the Development Management Policies Development Plan Document and National Planning Policy Framework Chapter 12, Achieving well-designed places - para 127.

Condition (12)

- a) Prior to the commencement of the development, an assessment of the impact of the proposed development on nearby residential properties shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall address the potential for noise to occur which may impact upon the amenity of the occupier(s) of the property and shall identify fully all measures which are required to control the impact of that noise.
- b) All approved control measures shall be implemented prior to first use of the hereby approved development and shall be retained as such thereafter. A verification report shall be submitted to and approved in writing by the Local Planning Authority confirming that all measures in the approved assessment have been implemented in full prior to first use of the hereby approved development.

Reason: These details are required to be approved before the commencement of development to safeguard the amenity of future occupiers of the site in accordance with Policies DM1 and DM7 of the Development Management Policies Development Plan Document and The National Planning Policy Framework Chapter 2 - Achieving sustainable development, para 8, Chapter 12 - Achieving well-designed places, para 128 and Chapter 15 - Conserving and enhancing the natural environment –para 180.

Condition (13)

- a) A scheme showing all proposed external lighting (including all floodlighting, external building lights and car park lighting) including their operational hours for the development shall be submitted to 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.
- b) The development shall be carried out in accordance with the approved lighting scheme and retained as such thereafter.

Reason: These details are required to be approved before the commencement of development to minimise the visual impact of light on nearby residential properties in accordance with Policy DM2 of the Development Management Policies Development Plan Document and The National Planning Policy Framework Chapter 2 - Achieving sustainable development, para 8 and Chapter 12 - Achieving well-designed places, para 127.