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Planning Application no. SL/2021/0102

Kendal Rugby Union Football Club,  
Mint Bridge, Shap Road, Kendal

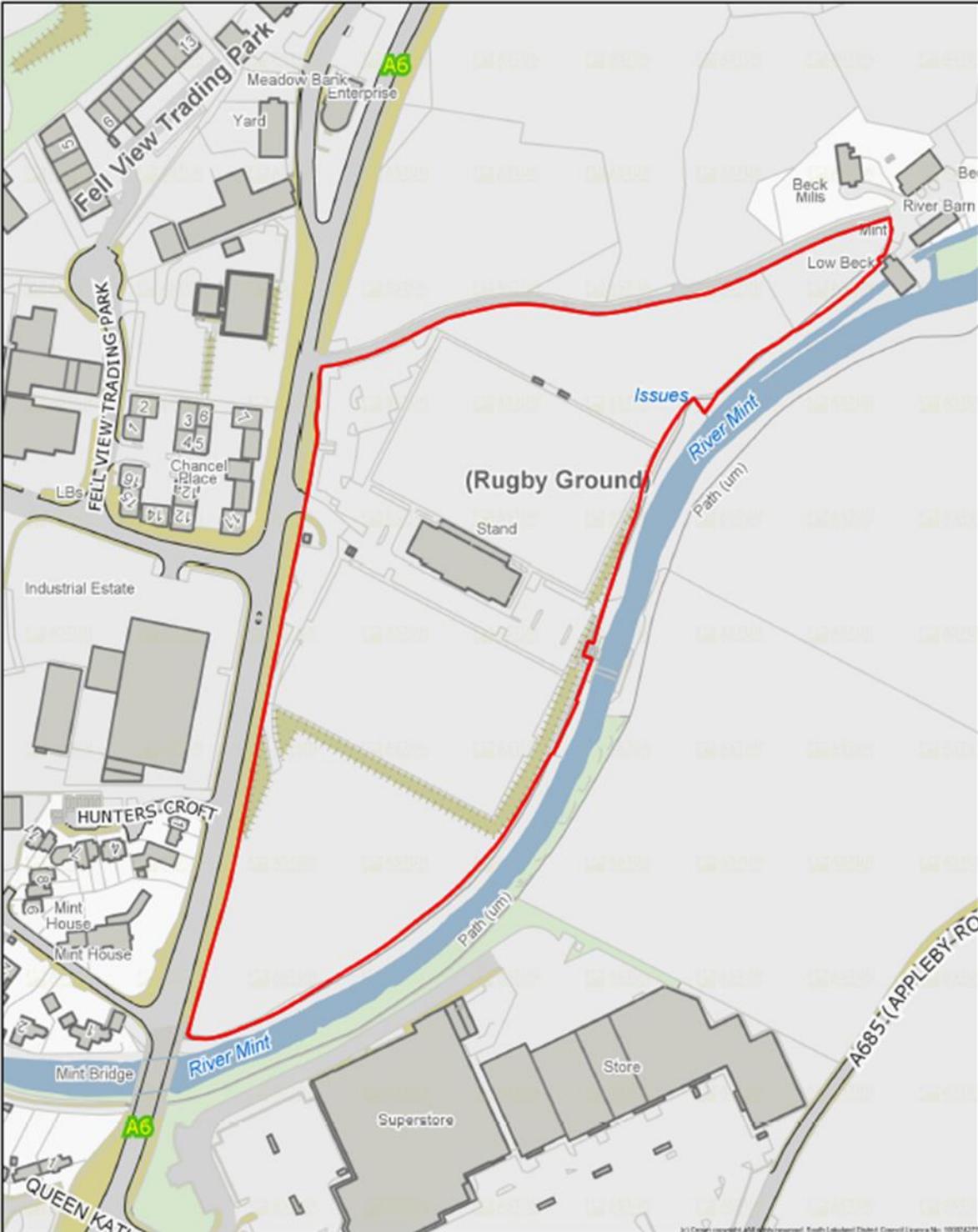
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## Contents

Planning Application no. SL/2021/0102.....	1
Summary.....	5
Recommendation .....	5
1.0 Description and proposal .....	5
Site Description.....	5
Proposal.....	6
2.0 Consultations .....	6
Kendal Town Council.....	6
Cumbria County Council Highways and LLFA .....	6
Sport England .....	6
Public Protection.....	7
Public Responses .....	7
3.0 Relevant planning history.....	7
4.0 Relevant planning policies .....	8
National Planning Policy Framework .....	8
Local Development Policies.....	8
5.0 Assessment .....	8
Principle of Development and Local Plan Policy.....	8
Impact on Amenity .....	11
Highways Impacts.....	12
Landscape and Character of the Area .....	12
Economic Impact .....	13
Ecology.....	13
Other Matters.....	14
Planning Balance and Conclusions.....	14
6.0 Recommendation.....	14





**SL/2021/0102**

Kendal Rugby Union Football Club, Mint Bridge Shap Road KENDAL



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## Summary

SL/2021/0102

PARISH: Kendal

Kendal Rugby Union Football Club, Mint Bridge, Shap Road, KENDAL, LA9 6NY

PROPOSAL: Change of use from training pitches to training pitches and seasonal (1st May – 31st August) camping

APPLICANT: Kendal Rugby Union Football Club

Grid Ref: E: 352423 N: 494596

Committee date: 29th July 2021

Case Officer: Nic Unwin

The proposal seeks full planning permission for the change of use of the land to allow seasonal (1st May – 31st August) camping.

The proposed site forms part of the existing training pitches at Kendal Rugby Club.

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

## 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 forms part of the existing training pitches of Kendal Rugby Club.
- 1.2. Kendal Rugby Club is outside of, but adjoins the north-east of Kendal Development Boundary. The proposed site forms part of the training pitches, approximately 80 metres north-east of the existing club house.
- 1.3. The proposed site is accessed via an existing vehicular access to Kendal Rugby Club onto the A6 to the west. There is an existing car park serving the rugby club adjoining the western section of the proposed site.
- 1.4. There is an access road running along the northern boundary of the site with open agricultural land to the north and to the south-east of the proposed site. A cluster of

5 dwellings that look to have been converted from former mill buildings approximately 50 metres to the north-east of the proposed site.

- 1.5. The proposed site is bordered by a drystone wall along the northern boundary, a mature hedgerow along the north-eastern boundary and mature trees along the south-eastern boundary.
- 1.6. The proposed site is located within Flood Zone 1 with the south-eastern boundary of the site adjoining the River Kent and Tributaries SSSI.

## Proposal

- 1.7. The proposal seeks full planning permission for the change of use of the land to permit camping of up to 20 pitches between the 1<sup>st</sup> of May – 31<sup>st</sup> of August. Outside of these dates the proposed site will continue to be used as a training pitch in association with the rugby club. The land will exclusively be used for camping with no caravans or campervans permitted on the proposed site.
- 1.8. The proposal would utilize the existing toilet and shower facilities within the club house (current variation of conditions application SL/2021/0101 would facilitate this). All vehicles associated with the proposed camping use would use the existing club house car park.

## 2.0 Consultations

### Kendal Town Council

- 2.1. No material objections.

### Cumbria County Council Highways and LLFA

- 2.2. Bearing in mind the existing use of the site, its car park and access, which is designed to host rugby matches with their accompaniment of spectators arriving by car, I do not consider that the proposal to operate 20 camping pitches during the off-season will have a material impact on highway conditions nor will it increase the flood risk for the site.
- 2.3. I can therefore confirm that the Highway Authority and Lead Local Flood Authority have no objection to the proposal.

### Sport England

- 2.4. No objections.

## Public Protection

- 2.5. I have reviewed the document entitled 'Noise Management Plan: Kendal Rugby Club – Seasonal campsite (May 2021) for the Kendal Rugby Club campsite and I can confirm that the proposed measures are acceptable to control potential noise impacts resulting from the development. I recommend any future permission granted includes a condition for the operation to be in accordance with the Noise Management Plan dated May 2021.

## Public Responses

- 2.6. Consultation responses – 9 objections, 0 support, 0 observations – The following points were raised:
- Noise pollution
  - Insufficient parking
  - Landscape impact

## 3.0 Relevant planning history

- 3.1. The applications relating to Kendal Rugby Club are as follows:
- SL/2015/0016 – 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. Full Approval.
  - SL/2016/0026 – Discharge of conditions 4, 7, 14, 16, 21, 24 and 25 of approval SL/2015/0016. Discharge of condition approval.
  - SL/2016/0330 – Discharge of conditions 3, 8, 9, 10, 11 and 23 of approval SL/2015/0016. Discharge of condition approval.
  - SL/2016/1059 – Discharge of conditions 6, 17 and 26 of approval SL/2015/0016. Discharge of condition approval.
  - SL/2017/0013 – Discharge of conditions 5, 7, 27 and 26 of approval SL/2015/0016. Discharge of condition approval.
  - SL/2021/0101 – Variation of condition 19 of approval SL/2015/0016. Live.
- 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

### 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

CS8.10 Design

#### Land Allocations Development Plan Document (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

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

DM9 – Parking Provision, New and Loss of Car Parks

DM18 – Tourist accommodation – caravans, chalets, log cabins, camping and new purpose built self-catering accommodation (outside the Arnside and Silverdale AONB)

## 5.0 Assessment

### Principle of Development and Local Plan Policy

- 5.1. Policy DM18 of the Development Management Policies DPD supports proposals for new camping sites where “*the site is sustainably located within or adjoining*

*Principal, Key, or Local Service Centres. In the first instance, priority will be given to the re-use of previously developed sites, provided these are not of high environmental value”.*

- 5.2. The proposed site is considered to be within a highly sustainable location adjoining the Kendal Development Boundary defined as a Principle Service Centre within the Core Strategy.
- 5.3. The NPPF defines previously developed land as “*Land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure*”. The proposed site is considered to be part of the curtilage of Kendal Rugby Club and there represents previously developed land.
- 5.4. Policy DM18 requires all new caravan and camping sites to:

*“a) be of a scale and design appropriate to the locality; and”*

The proposal is for 20 camping pitches with no physical alterations to the proposed site. Given this small scale and size of the existing site the scale of the proposal is considered appropriate for its locality.

*“b) not have an adverse impact (individually or cumulatively) on the countryside or coast, in terms of landscape, character and visual amenity; and”*

The proposal is for camping only with no caravans or vehicles permitted on the site which reduces visibility. The site is well screened from existing public view points. The proposal adjoins the Kendal Development boundary and will be viewed in the context of the surrounding built environment. The proposal is not considered to have any adverse landscape or visual impact (this is assessed further in the Landscape and Character of the Area section).

*“c) be capable of being effectively screened by existing landform, trees or planting. Additional effective landscaping may be needed to supplement existing landscaping; and”*

The proposed development is considered to be well screened from the primary public view point of the A6 by the rise in land to the north and existing vegetation to the west (this is assessed further in the Landscape and Character of the Area section).

*“d) not have an adverse impact on surrounding residential amenity; and”*

The proposed site is approximately 50 metres from the closest dwellings. The proposal is for a modest 20 pitches maximum (controlled through condition). The A6 lies to the west of the site and an existing industrial estate and therefore there is an existing level of background noise. A Noise Management Plan was submitted and reviewed by Public Protection who raised no objections. Based on this, the

impact of the proposed development on residential amenity is considered limited (this is assessed further in the Impact on Amenity section).

*“e) not give rise to unacceptable impacts on the local road network, either through traffic generation from the site itself, or through cumulative impacts alongside other sites; and”*

The proposed camping use would be used outside of the rugby season. The existing car park has approximately 164 parking spaces which is considered more than capable of accommodating the proposed 20 pitches. Cumbria County Council as Highways Authority were consulted on the application raising no objections. The proposal is not considered to impact highway safety (this is assessed further in the Highways Impacts section).

*“f) protect and enhance biodiversity assets; and”*

The proposed development will not require the removal of any vegetation. A condition has been recommended for the submission of a scheme of biodiversity net gain.

*“g) be constructed of appropriate external materials and colours that are sympathetic to its locality; and”*

The proposal does not involve any physical alterations to the site and therefore this element of the policy does not apply.

*“h) demonstrate the delivery of tangible local economic benefits”*

Accurately quantify the economic benefits of a relatively small scale camp site such as the proposed development is difficult. However, the BH&HPA UK Holiday Parks – Economic Impact Study January 2012 calculates that visitor expenditure per pitch, per annum as £2,600. This would give the proposal an annual visitor expenditure (factoring in inflation) within the local economy of approximately £62,795. Based on the above it is considered that tangible local economic benefits can be demonstrated and the proposal complies with criteria h).

- 5.5. Policy LA1.11 of the Land Allocations DPD which states that *“the Outdoor Sports Facilities identified within the Policies Map will be safeguarded”*. This is supported by Para 92 of the NPPF which requires planning decisions to guard against the unnecessary loss of valued facilities and services.
- 5.6. The existing site is used as a training pitch associated with Kendal Rugby Club. Kendal Rugby Club was given permission in 2015 and is therefore not included within the Land Allocations DPD (2013). Never the less, it is considered to be a designated Outdoor Sports Facility and as such benefits from the protections afforded to within the Land Allocations DPD and NPPF.
- 5.7. The proposed development would retain the existing use of the land as a training pitch for Kendal Rugby Club, however in the off season (1<sup>st</sup> May – 31<sup>st</sup> August) it

would allow for the unutilised site to be used for 20 camping pitches. The revenue generated would contribute to the finances of the Kendal Rugby Club. Sport England were consulted on the application and raised no objections.

- 5.8. Based on the above the proposed development is considered to comply with Policy DM18 of the Development Management Policies DPD governing the principle of new camping sites. The proposed camp site would operate during the closed season and therefore would not result in the loss of any Outdoor Sports Facilities.

## Impact on Amenity

- 5.9. 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.
- 5.10. All of the public objections raised the issue of potential noise generated from the users of the proposed camp site.
- 5.11. The proposed campsite would result in the creation of 20 pitches which could be controlled through condition. The campsite is approximately 50 metres from the 5 dwellings to the north-east at its closest point which is not considered to be insignificant.
- 5.12. The proposed site is approximately 60 metres east of the Shap Road Industrial Estate and 50 metres east of the A6. It is therefore considered that there will be an existing level of background noise observed at the site from the industrial uses of the industrial estate and vehicular movements along the A6.
- 5.13. It is acknowledged that some of the neighbor responses state that they have experienced excessive noise levels from the site when it was used in previous years as a campsite on a temporary basis.
- 5.14. Public Protection were consulted on the application and requested the submission of a Noise Management Plan. The Noise Management Plan stipulates that all vehicles will be parked within the existing parking area with no vehicles permitted to enter the proposed site, a list of site rules which which customers will have to agree to (including an 11pm site curfew, no amplified electronic music, no camp fires or BBQ's etc) and staff at the existing Rugby Club will monitor the campsite when in operation and be available to act on any complaints by neighbors. The Noise Management Plan is part of the recommended conditions. Public Protection reviewed the submitted Noise Management Plan and raised no objections.
- 5.15. Based on the above, it is considered that through the imposition of conditions relating to the maximum number of pitches and Noise Management Plan, the impact of the proposal on the amenity of neighboring residents can be reduced to an acceptable level.

## Highways Impacts

- 5.16. Policy DM9 of the Development Management Policies DPD requires all developments to provide acceptable levels of car, motorcycle and bicycle parking.
- 5.17. The public responses to the application raised concerns surrounding the proposal's parking provision.
- 5.18. Kendal Rugby Club has approximately 164 car parking spaces. Given the proposal is for a maximum of 20 camping pitches and would operate during the off season, it is considered that the existing car park could comfortably accommodate the parking requirements for the proposal. Cumbria County Council were consulted on the application and raised no objections.
- 5.19. Based on the above the proposal is considered acceptable from a highways perspective.

## Landscape and Character of the Area

- 5.20. 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.
- 5.21. 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.
- 5.22. Chapter 12 'Achieving well-designed places' of the NPPF requires new development to be sympathetic to local character and landscape setting.
- 5.23. Some of the public objections raised concerns regarding the proposal's impact on landscape and character of the area.
- 5.24. The proposed site forms part of the training pitches for Kendal Rugby Club. The large car park for the rugby club adjoins the western corner of the proposed site. Kendal Rugby Club adjoins the Kendal Development Boundary. Due to the proposal's location adjoining the existing built environment with an industrial estate 60 metres to the west, it will be viewed within the context of this surrounding built environment.
- 5.25. The primary public view point of the proposal is from the A6 to the west. When approaching the site via the A6 from the south, brief views of the site are possible, however these views are in the context of the large car park on the foreground. When approaching the site via the A6 from the north, the land to the north of the

proposed site had a higher topography and screens the site from this direction.

- 5.26. The proposed site can be limited to a maximum number of 20 camping pitched with vehicles and caravans prohibited from entering the site through condition. This is considered to further reduce any potential landscape impact with caravans usually larger and more visually prominent.
- 5.27. Based on the sites location adjacent to the Kendal Development Boundary and built environment of Kendal, the proposed development is considered to have a limited landscape impact.

## Economic Impact

- 5.28. Policy CS1.1 of the Core Strategy emphasizes the need to grow the local economy in a sustainable way. This is supported by Para 80 of the NPPF which states that significant weight should be placed on the need to support economic growth and productivity.
- 5.29. Although the proposed site is limited to a maximum 20 pitches, these guests will spend money within the local economy. Accurately quantify the economic benefits of such a proposal is difficult. However, the BH&HPA UK Holiday Parks – Economic Impact Study January 2012 calculates that visitor expenditure per pitch, per annum as £2,600. This would give the proposal an annual visitor expenditure (factoring in inflation) within the local economy of between £62,795.
- 5.30. Based on the above, the proposal is considered to contribute to the local economy and should therefore benefit from the weight afforded to it through Para 80 of the NPPF.

## Ecology

- 5.31. 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.
- 5.32. 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.

- 5.33. No evidence of biodiversity net gains has been submitted with the application. It is considered that due to the size and condition of the existing site, biodiversity net gains are achievable. A condition has been recommended to secure the provision of biodiversity net gains.

## Other Matters

- 5.34. The application is reliant on the use of the toilet and shower facilities within the existing Rugby Clubhouse. The use of the toilet and shower facilities in connection with the proposal can only be achieved through the granting of the variation of condition application SL/2021/0101. Therefore should the proposal be approved, SL/2021/0101 will additionally need to be approved so that this permission is implementable.

## Planning Balance and Conclusions

- 5.35. The proposal would allow a training pitch at Kendal Rugby Club to be used as a camping site during the off season (1<sup>st</sup> May – 31<sup>st</sup> August (inclusive)). This would provide an additional source of income to Kendal Rugby Club in addition to guests' spending money within the local economy.
- 5.36. It is acknowledged that the proposal has the potential to result in additional noise levels which could impact the amenity of neighbouring residents. It is considered that this can be reduced to an acceptable level and effectively controlled through condition.
- 5.37. The existing 164 space car park is considered to provide ample parking for the proposal. Due to the site's relationship with the existing built environment and natural screening from public view points, it is considered to have a limited landscape impact.
- 5.38. Based on the above, on balance the proposed development is recommended for approval.

## 6.0 Recommendation

Planning permission SL/2020/0102 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 03/02/2021;
- Noise Management Plan, date received 17/05/2021.

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

Condition (3) The proposed camping use shall be limited to the 1<sup>st</sup> May – 31<sup>st</sup> August unless otherwise agreed in writing by the Local Planning Authority. Outside of these dates the proposed site will continue to be used as a training pitch in association with Kendal Rugby Club unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the existing Outdoor Sports Facility use in accordance with Policy LA1.11 of the Land Allocations Development Plan Document and Para 92 of the National Planning Policy Framework.

Condition (4) There shall be a maximum number of 20 pitches at any one time on the Site Outline identified within the Location Plan (date received 03/02/2021).

Reason: In the interest of residential amenity and to preserve the landscape in accordance with Policies CS8.2 and CS8.10 of the Core Strategy Development Plan Document, Policies DM1 and DM2 of the Development Management Policies Development Plan Document and Para 127 of the National Planning Policy Framework.

Condition (5) No vehicles or Caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968), shall be stationed on the site at any time.

Reason: To preserve the landscape in accordance with Policies CS8.2 and CS8.10 of the Core Strategy Development Plan Document, Policies DM1 and DM2 of the Development Management Policies Development Plan Document and Chapter 12 of the National Planning Policy Framework.

Condition (6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the written approval of the Local Planning Authority shall be obtained for the construction and siting of any buildings, structures, erections, motorhomes or touring caravans (whether temporary or otherwise) to be placed or parked on the site.

Reason: To preserve the local environment and landscape in accordance with Policy DM18 of the Development Management Policies Development Plan Document.

Condition (7) The hereby approved development shall be conducted in accordance with the approved Noise Management Plan (date received 17/05/2021).

Reason: In the interest of residential amenity in accordance with Policy DM1 of the Development Management Policies Development Plan Document and Para 127 of the National Planning Policy Framework.

Condition (8) A register of all occupants of the site hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. The register shall comprise consecutively numbered pages, which shall be kept in order, and each entry shall contain the name and address of the principal occupier together with the dates of occupation.

Reason: To safeguard the local tourist economy in accordance with Policy DM18 of the Development Management Policies Development Plan Document and Policy CS7.6 of the South Lakeland Core Strategy.

Condition (9) Prior to the first use of the hereby approved development, a scheme of biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be carried out as approved to the agreed timetable and remain in perpetuity.

Reason: These details are required to secure a biodiversity net gain for the proposal in accordance with Policy DM4 of the Development Management Policies Development Plan Document.