
Planning Application no. SL/2021/0101

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

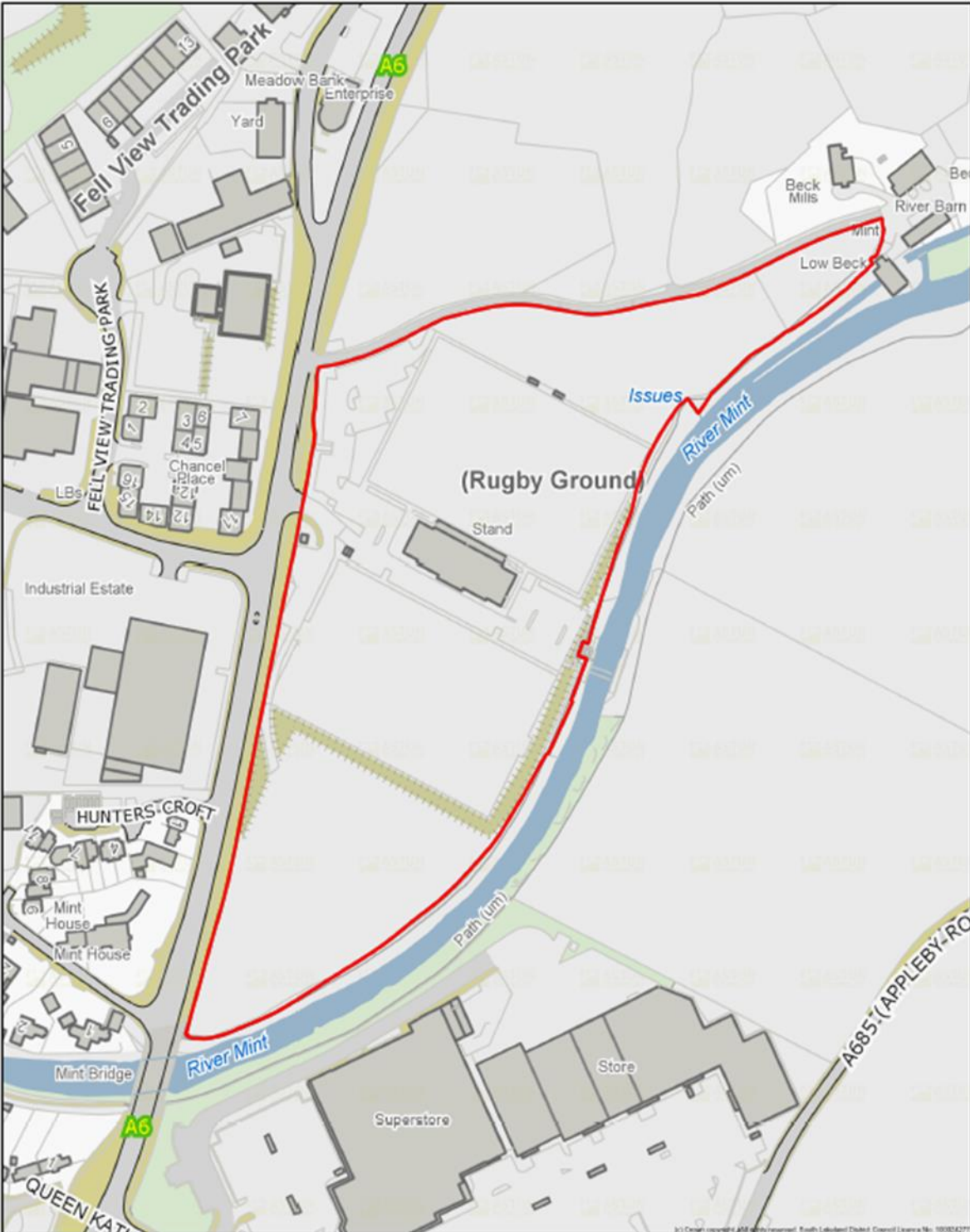
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SL/2021/0102

Kental Rugby Union Football Club, Mint Bridge Shap Road KENDAL



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Summary

SL/2021/0101

PARISH: Kendal

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

PROPOSAL: variation of condition 19 (Open Hours) attached to planning permission SL/2015/0016

APPLICANT: Kendal Rugby Union Football Club

Grid Ref: E: 352423 N: 494596

Committee date: 29th July 2021

Case Officer: Nic Unwin

The proposal seeks the variation of condition 19 (Open Hours) attached to planning permission SL/2015/0016.

The proposed site forms the existing 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.
- 1.3. The proposed site is accessed via an existing vehicular access onto the A6 to the west. Kendal Rugby Club comprises a club house, sports pitch and various training pitches and, a car park.
- 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 a combination of Flood Zones 1, 2 and 3 with the eastern boundary of the site adjoining the River Kent and Tributaries SSSI.

Proposal

- 1.7. The proposal seeks to vary condition 19 of approval SL/2015/0016 which relates to the operational hours of the rugby club.
- 1.8. Condition 19 prohibits the use of the clubhouse and grounds outside of the hours of 8am-11pm Sunday-Thursday and 8am-Midnight Friday and Saturday.
- 1.9. Application SL/2021/0102 is to allow seasonal camping on an existing training pitch forming part of the grounds of Kendal Rugby Club. This would rely on campers using the existing toilet and shower facilities within the clubhouse.
- 1.10. The condition is proposed to be amended as follows:

“The use of the clubhouse (excluding the toilet and shower facilities) and grounds (excluding the land used for seasonal camping) shall not take place other than between the following hours:-

08:00 – 23:00 hours Sunday to Thursday

08:00 – Midnight Friday and Saturday”

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 – 10 objections, 0 support, 1 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/2021/0102 – Change of use of land to allow seasonal camping. 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 12 Achieving well designed places

Local Development Policies

South Lakeland Core Strategy Policies (CS)

CS1.1 Sustainable development principles

CS1.2 The development strategy

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. The proposal is to vary condition 19 attached to approval SL/2015/0016 to permit seasonal camping and use of the existing toilet and shower facilities by these users.
- 5.2. Application SL/2021/0102 deals with the use of part of the existing Kendal Rugby Club site for seasonal camping. This permission would rely on users of the campsite using the toilet and shower facilities within the existing club house.

- 5.3. Condition 19 of approval SL/2015/0016, as it stands, prohibits the use of the clubhouse and grounds between the hours of 11pm and 8am and would therefore prohibit the use of the of the toilet and shower facilities by users of the camp site between these hours.
- 5.4. The proposed variation of condition 19 of approval SL/2015/0016 would continue to prohibit the use of the clubhouse and grounds during these hours, with the exclusion of the land used for seasonal camping and the toilet and shower facilities within the clubhouse.
- 5.2. Application SL/2021/0102 assesses the use of part of Kendal Rugby Club grounds for seasonal camping. The proposed variation of condition application would facilitate this approved use and is therefore reliant on the approval of SL/2021/0102. Should application SL/2021/0102 be approved then the principle of the proposed variation of condition application is considered acceptable.

Impact on Amenity

- 5.5. 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.
- 5.6. Condition 19 was attached to approval SL/2015/0016 to safeguard the amenity of neighbouring residents. The proposal is to amend condition 19 to allow the use of the toilet and shower facilities within the Club House and a section of land for seasonal camping outside of the operating hours of 08:00 – 23:00 Sunday to Thursday and 08:00 – midnight Friday and Saturday.
- 5.7. All of the public objections raised the issue of potential noise generated from the users of the proposed camp site.
- 5.8. The proposed campsite would result in the creation of 20 seasonal pitches which could be controlled through condition through application SL/2021/0102. 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.
- 5.9. 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.
- 5.10. It is acknowledged that some of the neighbour 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.

- 5.11. Public Protection were consulted on the application and application SL/2021/0102 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 camping area, a list of site rules 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 neighbours. The Noise Management Plan is part of the recommended conditions for application SL/2021/0102. Public Protection reviewed the submitted Noise Management Plan and raised no objections.
- 5.12. Based on the above, it is considered that through the imposition of conditions through application SL/2021/0102 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.

Other Matters

- 5.13. Other matters were raised through public representations including highways impacts and landscape impacts. The proposal is for the variation of Condition 19 of approval SL/2015/0016 which specifically relates to protecting the amenity of neighbouring residents. As such the only considerations for the proposal relate to its impact on residential amenity. Other material planning considerations raised are addressed in application SL/2021/0102.

Planning Balance and Conclusions

- 5.14. The proposed development will allow the proposed seasonal camping under application SL/2021/0102 to operate outside of the existing hours of 8am-11pm Sunday-Thursday and 8am-Midnight Friday and Saturday. The proposal would additionally allow campers to use the toilet and shower facilities within the existing clubhouse outside of these hours.
- 5.15. Condition 19 of approval SL/2015/0016 was attached to protect the amenity of neighbouring residents. It is considered that the use of part of the site for seasonal camping and use of the toilet and shower facilities within the clubhouse outside of the existing operational hours can be sufficiently controlled through conditions attached under application SL/2021/0102 to reduce any amenity impact to an acceptable level.
- 5.16. Based on the above, on balance the proposed development is recommended for approval.

6.0 Recommendation

Planning permission SL/2021/0101 is recommended to be granted subject to the following conditions:

Condition (1) No development shall take place other than in complete accordance with the following plans and documents:

- Drwg No 306-44 Site Location Plan;
- Drwg No 306-28 C Topographical Survey;
- Drwg No 306-39 H Site Plan as Proposed;
- Drwg No 306-29 F Proposed Clubhouse Floor Plans;
- Drwg No 306-41A Proposed Clubhouse Floor Elevations;
- Drwg No 306-46 Site Sections;
- Drwg No 306-48 Catch Net Plan;
- Drwg No 2019/3 Landscape Proposals;
- Design Ref UKS9667 External Floodlighting;
- Drwg 130901/05 Rev B Proposed Access Arrangements;
- Drwg 130901/10 Rev A Wider Highway Network details;
- Dnwg No 2519/4 and No 2519/5 Landscaping Plan;
- Air Quality Statement, dated 30 October 2015;
- Noise Impact assessment (P15-558-RO1-V1);
- Dnwg 2756/EX1 and UKS9667 Lighting Scheme;
- Junction Details (5977 H600 Rev C);
- Cycle Path (5977 H600 Rev G);
- Drainage Scheme, date received 8th April 2016;
- Proposed materials, date received 8th April 2016;
- Dnwg 306-39J Floor Levels;
- Air Conditioning Details, date received 11th November 2016;
- Vehicle Control Barrier Details, date received 11th November 2016;

- Drawing No: 306-137 Rev C – UPVC Window Details and Full Window Schedule;
- Drawing No: 306-138 Rev D – Aluminium Window and Entrance Door Details;
- Drawing 2519/4 Rev E & 2519/5 Rev D Hard and Soft Landscaping;
- Drawing No: 306-110 Rev N Location of Bike Racks;
- Drawing No: 306-151 Rev J Location and Number of Bike racks;
- Travel Plan, date received 9th January 2017;
- Noise Management Plan, date received 17/05/2021.

Reason: For the avoidance of doubt and to define the permission.

Condition (2) 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.

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

Condition (3) The roof of the building shall be covered with slate coloured metal profile sheeting.

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

Condition (4) 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 (5) 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.

Condition (6) The use of the clubhouse (excluding the toilet and shower facilities) and grounds (excluding the land used for seasonal camping) 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.

Condition (7) 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.

Condition (8) 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.

Condition (9) The visibility splays shown on Drwg 130901/05 Rev B Proposed Access Arrangements, shall be maintained free of any obstruction over 1 metre 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 (10) The parking spaces shall be used solely for the benefit of the spectators and visitors of the rugby club and seasonal camping use, and for no other purpose.

Reason: In the interests of highway safety.

Condition (11) 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.