

UPDATES AND LATE REPRESENTATIONS FOR COMMITTEE

Committee Date: 29 July 2021

Planning application no. SL/2021/0102

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

1.0 Committee referral

- 1.1. This application has been 'called in' to Planning Committee by Cllr Archibald due to the proposal's potential impact on the amenity of neighbouring residents.

2.0 Updates

The National Planning Policy Framework

- 2.1. On 20 July 2021 the government published an updated version of the National Planning Policy Framework (NPPF). In essence this has strengthened requirements on design quality and the use of trees in new developments, as well as presenting revised policies on plan-making, removing statues and opting out of permitted development rights. The NPPF remains a key material consideration in the determination of all planning applications.
- 2.2. None of the updates in the 2021 version of the NPPF has a material impact on the recommendation for the current application, although some of the paragraph numbers in the NPPF referred to in the officers' report have now been altered. The updated cross-references are listed below:

2019 National Planning Policy Framework	2021 National Planning Policy Framework
Para 127	Para 130
Para 80	Para 81

3.0 Representations

Agent Representations

- 3.1. On the 27/07/2021 the following was received by the agent regarding proposed Condition 3:
- 3.2. *“The conditions suggested in relation to this application are generally considered to be reasonable and necessary, but we do have comments about three of the conditions proposed.*
- Condition 3 limits the camping use to the period between 1st May and 31st August each year, the applicant is happy to accept this, as that is the main period they intend to operate the campsite. However, as discussed previously, the applicant would also like to offer camping during the Kendal Mountain Festival weekend. The Festival takes place each year in November, running from Thursday evening to Sunday – the exact dates vary each year. As provision for this element is not included in the condition, can you confirm that the Council would be satisfied that the applicant could utilise their permitted development rights to offer camping at the time of the Festival?”.*
- 3.3. Kendal Mountain Festival does not have fixed dates and any condition that permitted camping explicitly during Kendal Mountain Festival would run the risk of the festival increasing its operational period in the future and effectively permitting camping for this increased period. For this reason it is considered that the Condition 3 should remain with the existing wording.
- 3.4. On the 27/07/2021 the following was received by the agent regarding proposed Condition 5:
- 3.5. *“Condition 5 seems to suggest that vehicles should not be stationed on the site at any time. As set out in the application submission, campers are allowed to drive to their camping pitch to unload or load their luggage, but are then required to park their vehicles on the adjacent car park. Can you confirm that operating the site in this way would not be considered a breach of condition 5?”*
- 3.6. It is considered that the wording of Condition 5 with Condition 6 prohibit caravans (including motor homes) from being stationed or parked on the proposed site. Furthermore within section 2 of the submitted Noise Management Plan (secured through Condition 7), it states that *“campers will not be allowed to park their vehicles on the camping field”*. Based on the aforementioned conditions

and the Noise Management Plan submitted by the applicant, no caravan (including motor homes) or vehicle may be stationed or parked on the site.

- 3.7. On the 27/07/2021 the following was received by the agent regarding proposed Condition 9:
- 3.8. *“In relation to condition 9, we would question why this is necessary to be a precommencement condition? As there are no physical works involved in the development, the permission could be implemented as soon as the decision is issued – indeed, as you are aware, camping is currently taking place on the site under the 56 day permitted development right. Could the condition be amended to require the scheme to be agreed within 12 months of the decision date?”.*
- 3.9. At present recommended Condition 9 requires a scheme of biodiversity net gains to be submitted prior to first use of the proposed development. Given the application is part retrospective it is considered that this condition should be amended to require the scheme of biodiversity net gain to be submitted within 3 months of the date of the permission.
- 3.10. It is recommended that Condition 9 be amended to the following:
- 3.11. Condition (9) Within 3 months of the date of this permission, 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.
- 3.12. The response received by the agent on 27/07/2021 additionally raised the following matters:
- 3.13. *“As mentioned above, the applicant is currently operating a camp site on the application site, under the relevant permitted development provisions. In recent weeks, the applicant has received correspondence from nearby residents alleging that there has been excessive noise coming from the camp site late into the evening.*
- Most recently last weekend there was an allegation that noise was occurring on the site. However, a member of staff from the Rugby Club was on site and did not hear any excessive noise coming from the camping area or anywhere else on the site. The applicant also spoke with campers on the site the following morning and they did not report any noise issues.*
- The feedback that the applicant has received in relation to the site has been overwhelmingly positive, with particular comments made about how well the site is being managed. This is reflected on the Pitchup website, which is used by the applicant to manage bookings etc.”.*