

PLANNING COMMITTEE

Minutes of the proceedings at a meeting of the Planning Committee held in the Assembly Room, Kendal Town Hall, Kendal, on Thursday, 29 July 2021, at 10.00 a.m.

Present

Councillors

Pete McSweeney (Chairman)
Malcolm Lamb (Vice-Chairman)

Rupert Audland
Brian Cooper
Michael Cornah
Judy Filmore

Gill Gardner
Chris Hogg
John Holmes
Janette Jenkinson

Susanne Long
David Webster
Giles Archibald

Apologies for absence were received from Councillor Vicky Hughes.

Officers

Nick Howard	Team Leader Development Management
Lucy Isham	Planning and Enforcement Assistant
Andrew Martin	Principal Planning Officer
Nic Unwin	Specialist - Development Management
Louisa Wania	Case Management Officer
Charlotte McKay	Planning Lawyer

P/1 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meetings of the Committee held on 25 February 2021 and 25 March 2021.

P/2 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that the following declarations of interest were made:-

- (1) Councillor Giles Archibald declared a non-pecuniary interest with regard to Minute No P/7 (Planning Application No SL/2020/0783).
- (2) Councillor Chris Hogg declared a non-pecuniary interest with regard to Minute No P/7 (Planning Application No SL/2020/0783), stating that he was a member of the Kendal Organ Donor Team board where the current Chairman of the Kendal Ski Club was also a board member. He stated that he wanted this to be known, yet he had no preconceptions regarding Planning Application No SL/2020/0783 and heard it with an open mind.

P/3 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That it be noted that there are no excluded items on the Agenda.

P/4 TERMS OF REFERENCE

RESOLVED – That the Terms of Reference for the Planning Committee be noted.

P/5 PUBLIC PARTICIPATION

RESOLVED – That it be noted that applications to speak under the Council's Public Participation scheme have been received in respect of the following items:-

Minute No. P6 (Planning Application No. SL/2020/0310);

Minute No. P7 (Planning Application No. SL/2020/0783);

Minute No. P8 (Planning Application No. SL/2021/0101); and

Minute No. P9 (Planning Application No. SL/2021/0102).

P/6 PLANNING APPLICATION NO. SL/2020/0310 - KENDAL SKI CLUB, CANAL HEAD NORTH, KENDAL

Note – The Planning Officer's presentation displayed at the meeting had been circulated to Members and displayed on the Council's Website on the day before the meeting.

The Planning Officer presented Planning Application No. SL/2020/0310 which sought permission in relation to an extension of the existing ski lodge and an extension of the existing ski slope at Kendal Ski Club, Canal Head North, Kendal. He displayed plans and photographs which outlined the proposal and summarised the application, full details of which were included within his report. The Planning Officer drew Members' attention to the principal issues which included the proximity of the development to adjacent residential dwellings, the loss of trees during the development phase and hence the lack of screening between the site and the residential area, and the objections received from residents particularly with regard to sound and light pollution.

The Planning Officer highlighted that although 25 trees were to be removed, they were to be replaced following the development with 38 trees and further hedgerows. Hence, although there was to be a time during the course of the development that there was to be no screening around the site, this would only be in the short term due to the re-planting of trees and hedgerows. This action was to also better the ecology of the area instead of destroying it, as some complaints alleged.

The Planning Officer stated that although the original proposed site plan did not show the dwellings around it, when viewed alongside the other submitted original plans, the landscaping plan and subsequent site plan provided, there was sufficient information about the relation of the site to neighbouring dwellings.

The Planning Officer concluded his report by acknowledging the complaints he had received from neighbours of the site. Local residents Peter Winter (speaking on the behalf of Kirkbie Green Residents Group), Bob Gibbs and Keith Traill addressed the Committee, on behalf of themselves and other local residents, in opposition to the application. Their primary concern with the application focused on noise and light pollution.

Mr John Lowther, the Founder Chairman of Kendal Ski Club, addressed the Committee in support of the application.

The Planning Officer responded to concerns raised during public participation. He stated that the original planning permission granted in 1984 had no restrictions and that there would be more control over the operation of Kendal Ski Club following this application by adding restrictions on operational hours. Regarding noise and light pollution, the Planning Officer stated that he had been in contact with Public Protection who raised no objection to the application. The Planning Officer highlighted the fact that full noise assessments and lighting assessments would be carried out prior to the commencement of development. He stated that no objections were raised by Public Protection.

The Planning Officer responded to questions raised by Members. He stated that at present there was no lighting scheme, however, this was secured through condition and when such a plan was to be submitted to the Planning Authority, the Authority would consequently consult with Public Protection and other experts to carefully assess it and its impacts on local residents. He further stated that the possible increase of traffic in the area was a matter for County Council Highway Authority, however the Highway Authority did not raise objections to the proposal. He confirmed to Members that the existence of the ski slope predated the residential housing in the area however the ski slope had expanded over time.

The Committee requested an amendment to the hours of use of the Ski Slope to 10 a.m. – 9.30 p.m. Monday – Friday, 9.15 a.m. – 8 p.m. Saturdays and 10 a.m. – 8 p.m. Sundays and Bank or Public Holidays to protect the amenity of neighbouring residents. The Committee additionally requested an amendment to the hours of use of the Clubhouse to 9 a.m. – 10.30 p.m. Monday – Friday, 8.15 a.m. – 9 p.m. Saturdays and 9 a.m. – 9 p.m. Sundays and Bank or Public Holidays, to allow for the fitting of ski boots and other necessary preparation.

The Committee requested that a condition be added to secure a management plan for the operation of the site to ensure that noise generating equipment such as leaf blowers are not used during antisocial hours, to protect the amenity of neighbouring residents.

A motion to approve the application was proposed and seconded and it was

RESOLVED – That the application be approved subject to:-

- (1) An amendment to the operational hours of the Slope, and Clubhouse and grounds;
- (2) A condition requiring the submission of a management plan for the operation of the site;
- (3) The conditions outlined below:-

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 – 21:30 - 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:-

09:00 – 22:30 - Mondays - Fridays.

08:15 – 21:00 - Saturdays.

09:00 - 21:00 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

Condition (14) Prior to the commencement of development, a management plan for the operation of the site shall be submitted to and approved in writing by the Local Planning Authority.

The development shall operate in accordance with the approved document at all times thereafter.

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.

P/7

PLANNING APPLICATION NO. SL/2020/0783 - LAND OFF BRIGSTEER ROAD, KENDAL

Note – The Principal Planning Officer’s presentation displayed at the meeting had been circulated to Members and displayed on the Council’s Website on the day before the meeting.

Note – The Committee voted to adjourn for a break at 11.27 a.m. and reconvened at 11.36 a.m. when the same Councillors were present.

Note – A Late Representation from Public Participant Mr Dearlove was circulated to Members and Officers.

The Principal Planning Officer presented Planning Application No. SL/2020/0783 which sought permission for the erection of 88 dwellings and associated works on the land off Brigsteer Road, Kendal. He displayed plans and photographs which outlined the proposal and summarised the application, full details of which were included within his report. The Principal Planning Officer drew Members' attention to the principal issues which were as follows. The site in question was part of a SLDC land allocation for residential development. In 2014, Planning Application No. SL/2014/1146, Erection of 35 dwellings with associated open space, landscaping and vehicular access, was refused on 25 February 2015 on the grounds of principled objection. On 15 February 2016 this refusal was overturned on appeal and Planning Permission was granted. Further points of significance highlighted by the Principal Planning Officer were that the northern part of the allocation was well-contained, comparably the south side was very open. He stated that during his presentation he was mostly referring to the land use proposals map, and highlighted that the Applicant's intention was to retain the north-east corner for open space alongside other significant areas of green spaces around the proposal. The Principal Planning Officer covered the planning history of the site. He stated that due to this history, the Planning Committee ought to refrain from revisiting the issues covered in 2014 on this occasion.

The Principal Planning Officer presented the key issues covered in the report, namely: public rights of way, flood risk, affordable housing, road access to the site, the loss of trees and protected trees on the site, open space, landscape impact, archaeology, and comprehensiveness. He recommended to the Committee that the application be approved.

The Principal Planning Officer presented Mr Dearlove's Late Representation which concerned contamination and flood risk. He stated that it was the developer's responsibility that the land be safe from contamination, and that it was the Council's responsibility to hold the applicant accountable. Regarding flood risk, he stated that experts' opinion was that as far as possible the characteristics of draining on the site should remain unchanged and that this was indeed what was being done in this proposal.

Note – The Committee voted to adjourn the meeting for 5 minutes at 12.17 p.m. to read the submitted Late Representation. The meeting reconvened at 12.21 p.m.

Local residents Gareth Dearlove, Susan Reynolds and John Studholme addressed the Committee, on behalf of themselves and other local residents, in opposition to the application. They expressed many concerns, particularly with regards to land contamination, the change of character to the site which was significant due to its close proximity to the Lake District National Park which was a UNESCO designated heritage site, the lack of public transport in the area which would mean that there would be a significant increase of traffic, affordable housing (the concern being due to the difficulty of the development that the proposed affordable housing

may be abandoned later in the development phase due to unforeseen costs), and the fact that this development was not a green development

Siobhan Sweeney, the Applicant's agent, addressed the Committee in support of the application.

Councillor Giles Archibald addressed the Committee in opposition to the application. He further highlighted issues that had been raised in respect to the increases of traffic. He stated that the Council's recommendation was for developers to provide 35% affordable housing, the Applicant had agreed to 20%. He stated that the problem was that the viability study was based on a pricing for land that was historic and that it was not reasonable for the community to have to bear the cost that was to come from the cost of the difficulty to develop the land, not merely the historical price of the land itself.

Note – Councillor Archibald withdrew from the Assembly Room for the remainder of this item.

The Principal Planning Officer responded to concerns raised during public participation. He addressed the fact that most objection to the proposal was an objection to the inappropriateness of developing the site in principle. He stated that the issue here lay in the fact that the principle of developing this site had been established in 2014, and the purpose of this hearing was to discuss the details of development, not the principle. He stated that the Council would find it very difficult to refuse the application in principle since that principle had long been established by the authority. He addressed concerns regarding the provision of affordable housing, stating that there was now a standardised methodology for calculating viability issues and applicants as well as consultants could use this methodology. He highlighted that at the beginning, the Applicant were offering no affordable housing, and now had changed their proposal to include just above 20% affordable housing. The Principal Planning Officer agreed that the site in question was a difficult site to develop. He turned to the issue of traffic, stating that were this application refused on these grounds it would go to appeal, where the question would come down to the fact that whilst local concerns were understandable, there was no evidence to support these concerns; the available and necessary rules and methodologies had to be followed and they had been followed in this case.

The Principal Planning Officer responded to questions raised by Members. He reiterated that the Highway Authority were content with the reports regarding traffic submitted to them by the Applicant. He stated that the methodology was explained in detail in the report, and that if the Highway Authority found no problems with the report, it would be difficult to hold up in a Planning Inquiry were the application to be refused on these grounds. He further stated that the 20% provision of affordable housing would be enshrined in the Section 106 agreement, however, the applicant retained their right to challenge this in the future,

During the debate, Councillors stressed the fact that the 35% affordable housing targets need to be met from now on. Councillor Jenkinson urged Councillors to contribute their concerns to the upcoming Council's Local Plan to improve things

for the future. Many Councillors stated that they would reluctantly be voting for the application since there was no feasible way to refuse it. The Principal Planning Officer stated that following the Committee meeting, some of the wording in the conditions was to be adjusted to strengthen the condition for affordable housing as well as provide more support for protected trees.

A motion to approve the application was proposed and seconded and it was

RESOLVED – That the application be approved subject to:-

a) adoption by the Planning Committee of the “Habitat Regulations Assessment (Appropriate Assessment), Urban Green, 31 March 2021 ” to meet the Council’s responsibilities as a competent authority in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019);

b) a section 106 agreement to secure the following:

(i) Affordable housing

A minimum of 18 units of affordable housing, based upon: (1) a tenure mix of nine units for rent and nine for intermediate tenure (5 shared ownership and 4 discounted sale) in the locations indicated on the Affordable Homes Layout drawing (40014.03.11, Revision B) received 06 May 2021; and (2) the Council’s other standard clauses.

Not to allow the disposal of and/or occupation of:

- More than 19 full market value units to be occupied until 4 affordable units have been made ready for occupation and written notification of such has been made to the council;
- More than 32 full market value units to be occupied until 6 affordable units have been made ready for occupation and written notification of such has been made to the council;
- More than 36 full market value units to be occupied until 10 affordable units have been made ready for occupation and written notification of such has been made to the council;
- More than 66 full market value units to be occupied until all affordable units have been made ready for occupation and written notification of such has been made to the council.

(ii) On-site recreation and SuDS

A management company, or companies, to manage all of the on-site open space and SuDS in accordance with an “On-Site Open Space Management Plan” and a “SuDS Management Plan” to be first agreed.

(iii) Off-site recreation

A financial contribution of £44,625 towards off-site open space. [This is a pro rata calculation based on the £15,000 agreed for 34 dwellings in the 2016 section 106 agreement, plus inflation.] The contribution to be used towards: (1) the provision / improvement of open space and recreation/play space provision within the main Stainbank Green allocation; or (2) the provision / improvement of open space and recreation/play space provision within the “Vicarage Road green wedge” if the remainder of the Stainbank Green allocation is not substantially complete by the end of 2030.

(iv) Public right of way improvements

A contribution of £11,000 towards off-site public right of way improvements; specifically, upgrading the surface of footpath no. 536042 to improve accessibility to Underwood Road.

(v) Travel Plan monitoring

A contribution of £6,600 to fund CCC monitoring of the submitted Travel Plan

(vi) Access to remainder of the Stainbank Green allocation

A commitment to the provision of three adoptable highway links to the application site boundary, or the applicant's ownership interest if different, in the positions shown on the approved layout. [The objective of this is to ensure no ransom strips that might otherwise frustrate future phases of the development.]

(vii) Biodiversity net gain

A financial contribution of £20,800, for onward transmission to Cumbria Wildlife Trust, for the establishment and future maintenance of 1.1 hectares of species rich wet and acidic pasture on former agricultural land on the south side of Foulshaw Moss Nature Reserve.

(viii) Mitigation of impacts on Scout and Cunswick Scars Site of Special Scientific Interest (SSSI): part of the Morecambe Bay Pavements Special Area of Conservation (SAC). The provision of signage and information boards and the provision of dog waste bins in the main parking areas serving Scout and Cunswick Scars SSSI, all in accordance with a scheme to be first submitted to, and agreed in writing by, the local planning authority. The scheme to be fully funded by the developer.

c) requests being passed onto the applicant and the local highway authority encouraging them to work collaboratively to achieve the minimum street lighting standards necessary for road adoption; and

d) the following conditions:

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

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

Approved plans

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

- Location Plan, 40014.03.092, Rev B A0
- General Arrangements Layout plan (40014.03.01
- Revision T)
- Affordable Homes Layout, 40014.03.11, Revision C
- Landscape Structure Plan, 6219.01, Revision F
- Boundary Treatments, 40014.03.03, Revision F
- Boundary Details Plan, 40014.03.BDP
- Standard Boundary Treatments Layout, 40014.03.03ST

- Elevation Treatments, 40014.03.02, Revision D
- Finish Floor Levels Layout, 40014.03.FFL, Revision A
- Hard Surfaces, 40014.03.04, Revision C
- Pond Section Layout, 40014 516
- Site Section, East Boundary, BRS-SS-003
- Section B-B, BRS-SS-001B, Revision A
- Section C-C, BRS-SS-001C, Revision A
- Section D-D, BRS-SS-001D, Revision A
- Section E-E, BRS-SS-001E Revision A
- Section G-G, BRS-SS-001G
- Section H-H, BRS-SS-001H
- Drainage Layout Phase 1, 40-01-01 Revision P3
- Southern Parcel Highway Surface Water Drainage
- Strategy Layout, 40014 517
- Swept Path Analysis, 40014-515
- House type Fulford (A) (Plot 15)
- House type Fulford (A) (Oher plots)
- House type Rutherford (A)
- House type Belford (A)
- House type Branford (A)
- House type Castleford (A)
- House type Cranford (A)
- House type Hartford (A)
- House type Linford (A)
- House type Milford (A)
- House type Stanford (A)
- House type Wexford (A)
- Single Garage 1, GB-PLP1/2 Revision A

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

External materials

Condition (3): External walls and roofs of the dwellings hereby approved shall be finished in accordance with the materials shown on the approved Elevation Treatments plan (40014.03.02 Revision D), and in accordance with natural stone and natural slate specifications that shall first have been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure compliance with: (1) policy CS8.10 (Design) of the South Lakeland Core Strategy; and (2) policies DM1 (General Requirements for all development) and DM2 (Achieving Sustainable High Quality Design) of the South Lakeland Development Management Policies Development Plan Document.

Plot boundaries

Condition (4): No individual dwelling shall be first occupied until its boundary has been enclosed in accordance with the details shown on the approved Boundary Treatments plan (40014.03.03 Revision F).

Reason: To ensure compliance with: (1) policy CS8.10 (Design) of the South Lakeland Core Strategy; and (2) policies DM1 (General Requirements for all development) and DM2 (Achieving Sustainable High Quality Design) of the South Lakeland Development Management Policies Development Plan Document.

Landscaping

Condition (5): No development shall commence until a detailed soft landscaping scheme based upon the principles established in the submitted Landscape Structure Plan (6219.01, Revision F) has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of:

(i) planting plans; (ii) existing vegetation to be retained; (iii) written specifications and schedules of proposed plants noting species, planting sizes and proposed numbers/densities; (iv) any essential external lighting; (v) an implementation timetable; and (vi) a schedule of landscape maintenance proposals for a period of not less than thirty years from the date of completion of the scheme. Thereafter, the approved landscaping scheme shall be implemented and maintained in accordance with the agreed details and timetables.

Reason: To safeguard and enhance the character of the area in accordance with policies LA1.3 (Housing Allocations) and LA2.7 (Stainbank Green) of the South Lakeland Land Allocations Development Plan Document and policy DM4 (Green and Blue Infrastructure, Open Space, Trees and Landscaping) of the South Lakeland Development Management Policies Development Plan Document.

Tree protection

Condition (6): No development shall commence until physical tree protection measures have been put in place (and confirmed as acceptable following a site inspection by the local planning authority's representative) in accordance with the details in: (1) the Arboricultural Impact Assessment (AIA), Brigsteer Road Phase 1 and 2, Urban Green, October 2020, Revision 06 (May 2021); and (2) the Arboricultural Method Statement (AMS), comprising the following drawings:

- Arboricultural Method Statement – Excavations and Root Pruning, UG_23_ARB_AMS_01, Revision P05
- Arboricultural Method Statement – Cellular Confinement System, UG_23_ARB_AMS_02, Revision P05
- Arboricultural Method Statement – Boundary Treatments, UG_23_ARB_AMS_03, Revision P05
- Arboricultural Method Statement – Arboricultural Monitoring
- Schedule, UG_23_ARB_AMS_04, Revision P01.

Thereafter, the protection measures shall be kept in place for the duration of the construction phase of the development, and development shall proceed in accordance the further measures detailed in the AIA and AMS.

Reason: To protect existing trees in accordance with policy DM4 (Green and Blue Infrastructure, Open Space, Trees and Landscaping) of the South Lakeland Development Management Policies Development Plan Document.

On-site open space

Condition (7): No individual dwelling hereby approved shall be first occupied until a timetable for the laying out and completion of all areas of on-site open space has been submitted to, and approved in writing by, the local planning authority. Thereafter, all areas of on-site open space shall be laid out and completed in accordance with the agreed timetable.

Reason: To ensure the timely provision of public open space in accordance with policies CS8.3a (Accessing open space, sport and recreation) and CS8.3b (Quantity of open space, sport and recreation) of the South Lakeland Core Strategy.[The long-term maintenance of on-site open space will be addressed by a planning obligation]

Accessible and adaptable homes

Condition (8): All of the dwellings hereby approved shall be constructed to meet the Building Regulations M4(2) standards for accessible and adaptable homes.

Reason: To secure an appropriate level of compliance with Policy DM11 of the Development Management Policies Development Plan Document.

Broadband

Condition (9): No individual dwelling hereby approved shall be first occupied until connected to the necessary infrastructure to enable access to high speed (superfast) broadband.

Reason: To comply with Policy DM8 (High Speed Broadband for New Developments) of the Development Management Policies Development Plan Document. Highways

Condition (10): No development shall commence until visibility splays providing clear visibility of 70 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway (Brigsteer Road). Thereafter, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays.

Reason: To maintain highway safety in accordance with: (1) policy CS10.2 (Transport impact of new development) of the South Lakeland Core Strategy; and (2) policy DM1 (General Requirements for all development) of the South Lakeland Development Management Policies Development Plan Document.

Condition (11): No dwellings shall be occupied until the estate road including footways, cycleways, parking, and turning spaces, to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason: To maintain highway safety in accordance with: (1) policy CS10.2 (Transport impact of new development) of the South Lakeland Core Strategy; and (2) policy DM1 (General Requirements for all development) of the South Lakeland Development Management Policies Development Plan Document.

Condition (12): No individual dwelling hereby approved shall be first occupied until the 30mph speed limit on Brigsteer Road has been extended and defined by a 'Gateway'/traffic calming feature in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority.

Reason: To maintain highway safety in accordance with: (1) policy CS10.2 (Transport impact of new development) of the South Lakeland Core Strategy; and (2) policy DM1 (General Requirements for all development) of the South Lakeland Development Management Policies Development Plan Document.

Condition (13): No individual dwelling hereby approved shall be first occupied until the new footpath link along Brigsteer Road to the junction with Underwood has been constructed and made available for use in accordance with the General Arrangements Layout plan (40014.03.01 Revision T) and a further specification that shall first have been submitted to, and approved in writing by, the local planning authority. The specification must include details of the construction methods and working practices necessary to retain the protected sycamore identified as T9 in the Arboricultural Impact Assessment submitted in support of this application and prepared by Urban Green - October 2020, Revision 05.

Reason: To maintain highway safety in accordance with: (1) policy CS10.2 (Transport impact of new development) of the South Lakeland Core Strategy; and (2) policy DM1 (General Requirements for all development) of the South Lakeland Development Management Policies Development Plan Document.

Condition (14): No work on the construction of the main estate road at the point where it crosses footpath no. 536043 shall begin until a specification for the crossover of the footpath with the road has been submitted to, and approved in writing by, the local planning authority. Thereafter, the crossover shall be constructed in accordance with the approved specification.

Reason: To maintain highway safety in accordance with: (1) policy CS10.2 (Transport impact of new development) of the South Lakeland Core Strategy; and (2) policy DM1 (General Requirements for all development) of the South Lakeland Development Management Policies Development Plan Document.

Condition (15): No individual dwelling hereby approved shall be first occupied until the emergency vehicle access shown in the north-west of the site on the General Arrangements Layout plan (40014.03.01 Revision T) has been constructed and

made available for use in accordance with a specification that shall first have been submitted to, and approved in writing by, the local planning authority.

Reason: To maintain highway safety in accordance with: (1) policy CS10.2 (Transport impact of new development) of the South Lakeland Core Strategy; and (2) policy DM1 (General Requirements for all development) of the South Lakeland Development Management Policies Development Plan Document.

Travel plan

Condition (16): A final travel plan shall be submitted to the local planning authority for written approval in accordance with the Action Plan and timescales set out in section 4.4 of the submitted Framework Travel Plan, produced by Croft, and dated May 2021.

Reason: To encourage the use of more sustainable modes of transport.

Parking

Condition (17): No individual dwelling shall be first occupied until its parking provision, as indicated on the General Arrangements Layout plan (40014.03.01 Revision T) and, where applicable, integral garages shown on the relevant house type designs, has been constructed and made available for use. All dwellings with garages shall be provided with charging points for electric vehicles.

Reason: To ensure the timely provision of car parking in accordance with policy DM9 (Parking Provision, new and loss of car parks) of the South Lakeland Development Management Policies Development Plan Document.

Drainage

Condition (18): Foul and surface water shall be drained to separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Condition (19): No development shall commence until full details of a sustainable drainage system consistent with the principles established in:

- 1) the Flood Risk Assessment & Outline Drainage Strategy, Brigsteer Road, Kendal, Report Ref. 881960-R1(03)-FRA, RSK, October 2020;
- 2) 881960-R2(00)-FRAAddendum, RSK, 23 March 2021;
- 3) Drainage Layout Phase 1
- 4) drawing, 40-01-01 Revision P3; and
- 5) Southern Parcel Highway Surface Water Drainage Strategy Layout drawing, 40014 517,

have been submitted to, and approved in writing by, the local planning authority.

The full details must incorporate:

- (1) hydraulic design;
- (2) treatment design; and
- (3) must be inclusive

of all off-site features. Treatment design must be in accordance with the recommendations of the SuDS Manual. The full details must also include an implementation timetable. The existing exceedance proposals shall be updated when detailed design levels are available and should show a dropped kerb or similar near plot 47 to allow spill to the east, and near plot 10 to allow spill to the north east. Thereafter, the sustainable drainage system must be installed in accordance with the approved details and timetable.

Reason: To reduce the risk of flooding and to promote the use of a sustainable surface water drainage scheme in accordance with policy CS8.8 (Development and Flood Risk) of the South Lakeland Core Strategy and policy DM6 (Flood Risk Management and Sustainable Drainage Systems) of the South Lakeland Development Management Policies Development Plan Document.

[The long-term maintenance of the SuDS system will be addressed by a planning obligation]

Condition (20): No development shall commence until a surface water drainage validation strategy has been submitted to, and approved in writing by, the local planning authority. The strategy must include a timetable for the phased submission of validation reports in respect of the main sustainable drainage system and exceedance routes. No dwelling shall be first occupied until the validation report for the relevant phase of the development has been submitted to, and approved in writing by, the local planning authority.

Reason: To reduce the risk of flooding and to promote the use of a sustainable surface water drainage scheme in accordance with policy CS8.8 (Development and Flood Risk) of the South Lakeland Core Strategy and policy DM6 (Flood Risk Management and Sustainable Drainage Systems) of the South Lakeland Development Management Policies Development Plan Document.

Condition (21): No work on the construction of the southernmost of the two SuDS basins shown on the General Arrangements Layout plan (40014.03.01 Revision T) shall commence until a specification for the construction and maintenance of the access track serving it has been submitted to, and approved in writing by, the local planning authority. Thereafter the access track shall be constructed and maintained in accordance with the approved specification.

Reason: To support the use of a sustainable surface water drainage scheme in accordance with policy CS8.8 (Development and Flood Risk) of the South Lakeland Core Strategy and policy DM6 (Flood Risk Management and Sustainable Drainage Systems) of the South Lakeland Development Management Policies Development Plan Document.

Construction management

Condition (22): Construction work shall not take place outside the hours of 0800 – 1800 Monday to Friday or 0900 – 1300 on Saturdays, nor at any time on bank holidays.

Reason: In the interests of safeguarding the amenity and ecological interest of the existing area in accordance with: (1) policy CS8.4 (Biodiversity and geodiversity) of the South Lakeland Core Strategy; and (2) policies DM4 (Green and Blue Infrastructure and Open Space) and DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

Condition (23): No blasting shall be undertaken as part of the construction process.

Reason: To safeguard the amenity of the area in accordance with policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.
Construction environment management plan

Condition (24): No development shall take place, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by the Local Planning Authority. The objectives of the CEMP must be to reduce the impacts of the development on the amenity of the local area in general and, specifically, to

- a. Demonstrate the potential impacts on protected/notable fauna and habitats anticipated and confirmed to be on site and within the wider area (such as the River Kent SAC and Blind Beck) in relation to the proposed construction activities;
- b. Describe the proposed measures in order to minimise debris and dust from entering the River Kent SAC via Blind Beck using protective fences, exclusion barriers and warning signs;
- c. Describe the installation of silt control devices to catch sediment water run-off where appropriate;
- d. Demonstrate the locations of "Biodiversity Protection Zones" and outline the working methods to be followed during the construction phase, regarding on site habitats and associated fauna, as well as the River Kent and Blind Beck;
- e. Demonstrate physical measures and sensitive working practices to avoid or reduce impacts during construction on protected/notable habitats.

In addition, and consistent with the above, the CEMP shall provide for:

- (i) a phasing scheme for the construction of the development, including timescales for the installation of the access roads, parking and turning areas;
- (ii) safe visibility at the access during the construction period;
- (iii) details of proposed crossings of the highway verge;
- (iv) dedicated areas for the parking of vehicles of site operatives and visitors;
- (v) dedicated areas for loading and unloading of plant and materials;
- (vi) dedicated areas for storage of plant and materials used in constructing the development;

- (vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (viii) wheel cleaning facilities;
- (ix) the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- (x) cleaning of site entrances and the adjacent public highway;
- (xi) the management of junctions to and crossings of the public highway and other public rights of way/footway;
- (xii) the scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs and banksman/escort details;
- (xiii) measures to control the emission of dust and dirt during construction;
- (xiv) measures to control surface water run-off during construction;
- (xv) a rock pecking method statement;
- (xvi) measures to control noise and vibration

The approved Construction Environment Method Statement shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of the area in accordance with policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

Land contamination

Condition (25): No development shall commence until a method statement for the removal of the two instances of arsenic contamination identified at locations TP109 and TP110 in the submitted Phase I and Phase II Geo-Environmental Site Assessment (e3p, June 2018) has been submitted to, and approved in writing by, the local planning authority. Thereafter, the removal of the arsenic shall proceed in accordance with the agreed method statement.

Reason: To safeguard the amenity of existing and proposed dwellings in accordance with policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

Condition (26): If during the course of development any visible contaminated or odorous material (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present, development shall immediately cease. Thereafter, development shall only recommence in accordance with a method statement detailing the nature and degree of the contamination and the techniques proposed to remove it. The method statement must be prepared by a suitably qualified independent consultant and must first have been submitted to, and approved in writing by the local planning authority.

Reason: To safeguard the amenity of existing and proposed dwellings in accordance with policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

Noise

Condition (27): No individual dwelling hereby approved shall be first occupied until a validation report has been submitted to, and approved in writing by, the local planning authority confirming that ambient noise levels do not exceed: (a) 35dB LAeq 16hour within the dwelling's living room(s) and bedroom(s); and (2) do not exceed 30dB LAeq 8hour within the dwelling's bedroom(s) between the hours of 2300 and 0700.

Reason: In the interests of safeguarding the amenity of the proposed dwellings in accordance with policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

Archaeology

Condition (28): No development shall commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall first have been submitted to, and approved in writing by, the local planning authority.

This written scheme will include the following components:

- An archaeological evaluation;
- An archaeological recording programme the scope of which will
- be dependent upon the results of the evaluation;
- Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme, or within such timescale otherwise agreed in writing by the local planning authority, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the local planning authority, completion of an archive report, and submission of the results for publication in a suitable journal.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains, in accordance with (1) policies CS2 (Kendal Strategy) and CS8.6 (Historic environment) of the South Lakeland Core Strategy; and (2) policy DM3 (Historic Environment) of the South Lakeland Development Management Policies Development Plan Document.

Biodiversity

Condition (29): None of the dwellings hereby approved shall be first occupied until an information pack to be made available to future residents, highlighting the significance and sensitivity of the nearby Scout and Cunswick Scars Site of Special Scientific Interest (SSSI) (part of the Morecambe Bay Pavements Special Area of Conservation (SAC)), has been submitted to, and approved in writing by,

the local planning authority. Thereafter, the information pack shall be made available to all future residents for the lifetime of the development.

Reason: To reinforce compliance with policy CS8.4 (Biodiversity and geodiversity) of the South Lakeland Core Strategy.

Condition (30): No development shall commence until an ecological strategy document, prepared by a qualified ecologist, has been submitted to, and approved in writing by, the local planning authority. The document shall set out a strategy for the provision of site-wide biodiversity improvements, including specific proposals for the two approved SuDS basins shown on the approved General Arrangements Layout plan (40014.03.01 Revision T). The strategy must link to the detailed landscaping scheme required by condition (5) and must include a schedule of maintenance proposals for a period of not less than thirty years from the date of completion of the development.

Thereafter, the improvements shall be implemented and maintained in accordance with the approved strategy.

Reason: To contribute towards the net gain in biodiversity required by:(1) policy DM4 (Green and Blue Infrastructure, Open Space, Trees and Landscaping) of the of the South Lakeland Development Management Policies Development Plan Document; (2) paragraph 170 of the National Planning Policy Framework.; and (3) section 40 of the Natural Environment and Rural Communities Act 2006.

Note – The Committee voted to adjourn the meeting for 30 minutes at 1.31p.m.

Note – Councillors Archibald, Cooper and Holmes left the meeting at 2.00p.m.

Note – The meeting reconvened at 2.05p.m.

P/8

PLANNING APPLICATION NO. SL/2021/0101 - KENDAL RUGBY UNION FOOTBALL CLUB, MINT BRIDGE, SHAP ROAD, KENDAL

Note – The Planning Officer’s presentation displayed at the meeting had been circulated to Members and displayed on the Council’s Website on the day before the meeting.

Note – The Planning Officer presented Planning Application No. SL/2021/0101 and Planning Application No. SL/2021/0102 simultaneously as both related to the same site, Kendal Rugby Union Football Club, Mint Bridge, Shap Road, Kendal.

The Planning Officer presented Planning Application No. SL/2021/0101 and SL/2021/0102. Planning Application No. SL/2021/0101 sought a proposal to vary Condition 19 (Opening Hours) attached to planning permission No. SL/2015/0016.

Planning Application No. SL/2021/0102 sought full planning permission for the change of use from training pitches to training pitches and seasonal camping (01 May to 31 August).

There were late representations submitted by the applicant; a noise management plan had been added to the conditions that applied solely to the camping area. The Planning Officer highlighted that the site would potentially be used for Kendal Mountain Festival. However, it was not within the remit of planning permission to condition that use, the proposal will be limited to the dates within the condition.

Note – Councillor Archibald joined the meeting at 2.19p.m., however not with voting rights.

Vehicles were only allowed to be stationed on the site for loading and unloading. However, the noise management plan stated that campervans would not be able to park their vans in the camping area. At present, and within the conditions, no vehicles, campers or campervans would be allowed, only tent pitches.

The noise management plan, although not an exhaustive list prohibited amplified music, barbecues and pets. Staff would monitor the campsite when it was in operation. The Planning Officer understood this was sufficient to mitigate the noise impact on other residents. The Planning Officer recommended that both applications should be approved subject to conditions.

Mark Kerr, a local resident, addressed the Planning Committee in objection of the application. He highlighted concerns that Sports England had raised in relation to waste management, a lack of firefighting equipment on site, failure to prevent drug use and failure to limit the site to only family campers. Dr.Kerr maintained that false statements had been made to the Council. Namely, that there had not been any complaints made against the site, which Dr.Kerr stated, was inaccurate. Dr.Kerr ended his representation by stating the application should be refused or deferred.

Sophie Crewdson, whom lived adjacent to the site, addressed the Committee in objection to the application. Mrs. Crewdson highlighted camping had already taken place since May of this year and that the noise report did not reflect the reality of the situation. Issues were beyond unacceptable noise impact due to their being no limitation on the site to families; there had regularly been large groups of people camping at the site. She drew Members' attention to the fact that she felt unsafe over recent weekends, having to make two calls to the Police. She highlighted to Members that there had been no available contact to report the complaints to at the Club.

Christopher Crewdson, whom lived adjacent to the site, addressed the Committee in objection to the application. He began his representation by stating he had previously welcomed the presence of the Rugby Club and that he was a member of the Club prior to COVID-19. However, there was now disturbance and noise at the site due to inappropriate and unsupervised camping. He drew Members' attention to the fact that the site was still in operation past the 56 days of agreed operation. Mr.Crewsdon indicated there should be a fully manned reception facility

with supervision of camping pitches, which would ensure vehicles are not parked on the site and that any unruly campers should be removed.

Harry Tonge, the applicant's agent, addressed the Committee on behalf of the applicant. His address understood the concerns about noise hence the proposed implementation of the noise management plan. Mr.Tonge highlighted to Members that at no stage had the Police or Environmental Health contacted the club. He addressed concerns that the Balcony use of the Club related to other activities occurring on at the site and provided reassurance that the only access campers had to the Club was to the toilets and showers.

The Planning Officer drew Members' attention to the fact that today's Committee was about adding conditions to the site and supervising these conditions. He also clarified that Sport England did not raise any objections to the proposal. He explained that the Council could take enforcement action should any of conditions and planning permission not be complied with. The Planning Officer provided a summary of the proposed conditions, which included an imposed curfew at 11.00pm, a ban of electronic music, no pets, fires or BBQs, no same sex group bookings and that no drunk or disorderly behaviour would be tolerated. He advised Members that the noise management plan would address a number of the issues raised by local residents; if the application was approved then enforcement action could be taken if any of the conditions were breached.

The Planning Officer responded to questions around the addition of a check-in process and night-time contact number being added to the conditions, he stated that the noise management plan could be amended to address these considerations.

The applicant's agent addressed questions on the access of the Club House during the hours of 11.00.p.m. to 8.00.a.m. He clarified that there was an external door and that all of the other doors could be locked, the door to the toilets and showers had a fob and that users were unable to have access to the remainder of the Club House.

Questions were raised by Members on the how the noise management plan would be monitored as the campsite would have to be monitored during operation. Members expressed that it would be unacceptable for residents to monitor the noise on behalf of the Club. The applicant's undertook to check this point with the Club.

The Planning Officer also clarified that in relation to Condition 6, anything outside of this operation would be against the conditions. Lastly, he also clarified that any same-sex booking without families would be made aware of the rules of the site.

A motion to grant the planning application was proposed and seconded and it was

RESOLVED – That the application be granted, subject to the conditions outlined below:-

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 until 31 August 2022) 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.

P/9

PLANNING APPLICATION NO. SL/2021/0102 - KENDAL RUGBY UNION FOOTBALL CLUB, MINT BRIDGE, SHAP ROAD, KENDAL

Note – The Planning Officer’s presentation displayed at the meeting had been circulated to Members and displayed on the Council’s Website on the day before the meeting.

Note – The Planning Officer presented Planning Application No. SL/2021/0101 and Planning Application No. SL/2021/0102 simultaneously as both related to the same site, Kendal Rugby Union Football Club, Mint Bridge, Shap Road, Kendal.

Please see minute P/8 above for substantiated representations and questions on planning application No. SL/2021/0102.

A motion to grant the application was proposed and seconded and it was

RESOLVED – That the application be granted, subject to:-

- (1) the Club be managed on a 12-month temporary permission until 31 August 2022;
- (2) the submission of a revised noise management plan to include a contact telephone number, further details on how the campsite will be monitored, and details of the check-in procedure;
- (3) the conditions outlined below:-

Condition (1) The hereby approved camping use shall cease on the 31 August 2022 and the use of the land shall revert back to a training pitch in association with Kendal Rugby Club.

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 (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 1st May – 31st 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.

P/10

PLANNING APPLICATION NO. SL/2021/0025 - 15 THE PARK, OLD HUTTON, KENDAL

The Planning Officer presented Planning Application No. SL/2021/0025. The application sought permission to erect a 3m x 3.9m raised timber deck to the rear of the property at No. 15 The Park, Old Hutton, Kendal, LA8 0NX. The Planning Officer highlighted to Members the main issues of the proposal, the visual impact and residential amenity of the area.

Members raised no questions in relation to the application.

A motion to grant the planning application was proposed and seconded and it was

Members raised no questions in relation to the application.

A motion to approve the application was proposed and seconded.

RESOLVED – That the application be approved 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:

'Proposed Rear Raised Garden Deck' Drawing Number: 15TP/DECK/001
'15TP-DECK-001-LOCN' Plan Reference Number: TQRQM21031161214773
'15TP-DECK-001-SITE' Plan Reference Number: TQRQ2103116928064
As received by the Local Planning Authority 01 February 2021

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

Condition (3) The development hereby permitted shall be constructed of the materials details of which are shown on Drawing Number: 15TP/DECK/001. The approved materials shall be retained thereafter, unless otherwise 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 (4) Prior to the first occupation of the hereby approved development a hedgehog house and bird box shall be erected on site as agreed in an email received by the Local Planning Authority 01/06/2021 from the applicant of the application.

Thereafter, the approved hedgehog house and bird box shall be retained for the lifetime of the development, replaced on a like-for-like basis as necessary.

Reason: To ensure net biodiversity gains in accordance with Policies DM1 & DM4 of the Development Management Policies Development Plan Document and Policies CS1.1 & CS8.4 of the South Lakeland Core Strategy.

The meeting ended at 3.03 p.m.