

DEVELOPMENT MANAGEMENT COMMITTEE 23rd JANUARY 2023

Case No: 20/01621/FUL (FULL PLANNING APPLICATION)

Proposal: CONSTRUCTION OF A BOAT SLIPWAY AND ACCESS TRACK, BOAT HUT AND JETTY, PART CHANGE OF USE OF CHANGING ROOMS AND TOILET BLOCK TO CAFÉ (USE CLASS E) AND DIVERSIFICATION OF EXISTING ACTIVITIES RELATING TO THE APPROVED USE OF THE SITE AS A WATER-BASED ACTIVITY CENTRE.

Location: LIQUID SKILLZ LAKE ASHMORE GORE TREE ROAD HEMINGFORD GREY PE28 9BP

Applicant: LIQUID SKILLZ

Grid Ref: 529345 269739

Date of Registration: 09.09.2020

Parish: HEMINGFORD GREY

RECOMMENDATION - APPROVE

This application is referred to the Development Management Committee (DMC) in accordance with the Scheme of Delegation as Hemingford Grey Parish Council's recommendation of refusal is contrary to the officer recommendation of approval and at the request of Cllr Dew, local member for Hemingford Grey and Houghton.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The application site comprises the lake and surrounding shores of Lake Ashmore, located to the east of Gore Tree Road, approximately 1km to the southeast of the village of Hemingford Grey. The site is currently used by "Liquid Skillz" (the applicant). The lake forms part of a County Wildlife Site (Marsh Lane Gravel Pits County Wildlife Site) and is thought to have been created by mineral extraction with trees surrounding the lake. The area around the lake is generally flat, with the shore edge falling away slowly into the lake shallows. On the west shore is located the centre of the 'Liquid Skillz' activities approved by 19/01168/FUL including, but not limited to a reception building and changing rooms, and storage building.
- 1.2 Vehicle access is directly off Gore Tree Road and leads to a parking area located to the rear of the reception area / changing

rooms. Public footpath No. 122/9 runs the length of the west boundary and provides access on foot from the application site into the heart of Hemingford Grey. The A14 runs parallel to the southern shore of the lake and is at a distance of approximately 400 metres.

- 1.3 Public Footpath 9 follows the route of this access before diverging and extending northwards along Long Lane and into the village.
- 1.4 In terms of constraints the site is not within a Conservation Area, there are no Listed Buildings in the immediate vicinity and no protected trees. The site lies within Flood Zone 3a, which have a high risk of flooding as identified in the Environment Agency Flood Risk Map.

Proposal

- 1.5 Planning permission is sought for the construction of a boat slipway and access track, boat hut and jetty, part change of use of changing rooms and toilet block to café (Use Class E) and diversification of existing activities relating to the approved use of the site as a water-based activity centre. This is an addition to the existing planning consent on the site, allowed at appeal on 5 May 2016 for the installation of a wakeboarding cable and proposed changing rooms together with retention of car park and access track. A retrospective permission was granted by the Council on 25 October 2019 for amendments to water-based activity centre; including alterations to approved changing rooms, and construction of a storage building, viewing hut and control shed.
- 1.6 The proposed concrete slipway would be constructed on the south shore at a distance of approximately 140m east of the reception block within a natural break in shore trees. The slipway would have external dimensions of 22.5m long by 3.3m deep and will terminate 1.4m below the water line. The proposal would require the reprofiling of the shoreline to accommodate the slipway and the existing perimeter track to the south of the will be extended to the slipway. According to the applicant, the slipway will provide essential access to ensure safe egress/ingress of boats into/out of the lake for servicing/repair/over winter storage. The proposed boat hut and jetty would be constructed almost midway between the proposed slipway and the reception area measuring 13.1m by 29.4m with some eaves and ridge heights of approximately 2.5m and 7.7m, respectively. The proposed boat hut would enable the safe boat storage and protection from inclement weather whilst the jetty will provide for short term mooring of boats and for visitors to embark / board craft. The proposal includes the diversification of the existing water-based activities to include use of the lake by open water swimmers and paddle boarders, which will be restricted although not exclusively

to the east of the lake. It is also proposed to utilize the existing (approved) wakeboarding line to pull small inflatables which could hold up four persons as well as the use of the lake for water-skiing focused mainly within the central spine of the lake.

- 1.7 The proposal is one of two planning applications for expansion and enhancement of the existing water-based or recreational activities on the site for Liquid Skillz. The other application is 21/00044/FUL.
- 1.8 The application was accompanied by:
 - Noise Impact Assessment
 - Arboricultural Impact Assessment
 - Ecological Impact Assessment and
 - Flood Risk Assessment
- 1.9 The application has been amended during the course of consideration by the request of the Wildlife Trust. As a result, the description of the development has been amended to remove the word 'to include private use'. No re-consultation has been carried out as the amendment is not considered to be significant and does not affect the substance of the application.
- 1.10 Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (20th July 2021) (NPPF 2021) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2021 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'
- 2.2 The NPPF 2021 sets out the Government's planning policies for (amongst other things):
 - delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - achieving well-designed, beautiful and safe places;
 - conserving and enhancing the natural, built and historic environment
- 2.3 Planning Practice Guidance and the National Design Guide 2019 are also relevant and are material considerations.

For full details visit the government website [National Guidance](#)

3. PLANNING POLICIES

- 3.1 Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)
- LP2: Strategy for Development
 - LP4: Contributing to Infrastructure Delivery
 - LP5: Flood Risk
 - LP6: Waste Water Management
 - LP9: Small Settlements
 - LP10: The Countryside
 - LP11: Design Context
 - LP12: Design Implementation
 - LP14: Amenity
 - LP15: Surface Water
 - LP16: Sustainable Travel
 - LP17: Parking Provision and Vehicle Movement
 - LP23: Tourism and Recreation
 - LP30: Biodiversity and Geodiversity
 - LP31: Trees, Woodland, Hedges and Hedgerows
 - LP34: Heritage Assets and their Settings
 - LP38: Water Related Development
- 3.2 Supplementary Planning Documents/ Guidance
- Landscape and Townscape SPD (2022) (adopted 17 March 2022)
 - Cambridgeshire Flood and Water SPD (2017) (adopted 20 April 2017)
 - Huntingdonshire Design Guide SPD (2017) (adopted 16 March 2017) and Huntingdonshire's Design Guide SPD 2017 – Compatibility Statement (2021)
 - Developer Contributions SPD (2011)
 - Developer Contributions: Updated Costs 2019/20
 - Huntingdonshire Tree Guidance Note 3
 - Noise Policy Statement for England (NPSE) 2010
- 3.3 No Neighbourhood Plans are relevant to this site.

Local For full details visit the government website [Local policies](#)

4. PLANNING HISTORY

- 4.1 1201122FUL - Change of use of land for camping and caravanning, erection of boat house and two holiday chalets and erection of zip wire for water skiing – Refused, Appeal - Dismissed.
- 4.2 1300002FUL - Installation of wakeboarding cable and proposed changing rooms together with retention of car park and access track. – Refused, Appeal Allowed.
- 4.3 1400719FUL - Retention of access to lake – Approved.

- 4.4 18/80055/COND - Condition information for 1300002FUL - C5 (make and model of rescue boat), C6 (scheme of landscaping works), C8 (ecological management plan), C9 (flood contingency plan) – Part Approved.
- 4.5 19/01168/FUL - Amendments to water-based activity centre allowed by appeal; including alterations to approved changing rooms, and construction of a storage building, viewing hut and control shed. (Approved 25 October 2019)

5. CONSULTATIONS

- 5.1 Hemingford Grey Parish Council – Objects to the proposal on the following grounds summarised below:
- The application is contrary to LP10 and LP23.
 - The noise impact on residents - a new independent noise assessment is needed as the readings were taken before the A14 was relocated.
 - There are inconsistencies in the application - it is not clear what exactly is being applied for and what the hours of operation will be.
 - The impact on wildlife including wintering birds and nightingales, as set out by the Wildlife Trust that no development is to take place unless the previous ecological management plan has been implemented.
 - Toilet facilities are insufficient.
 - The outdoor gym has been installed but not applied for
 - There should be safety standards to separate different users (either physical or timing).
 - More planting is needed to mitigate noise across open fields
 - The Parish Council would like the application to go to the DMC and District Cllr Keane to speak on behalf of the Parish Council.
- 5.2 HDC Environmental Health – No objection – Updated comments as follows:
Following subsequent discussions with the applicants, the submission of the additional noise impact assessment dated 28th July 2021, and site visit. The 'Addendum Report to Noise Impact Assessment of Water-Skiing Activity' dated 28th July 2021 provides further information to demonstrate the potential impact of the proposal, as previously requested. There are several core aspects to these application(s), and these are considered in turn:
Additional wakeboarding line - The operational noise of this activity is low and is unlikely to impact on the nearest sensitive properties. There is potential for an adverse impact from people noise, which is covered below.
Water Skiing - Whilst it is understood the site has a history of water-skiing use, the main concern for this aspect was regarding the potential noise from the boat. It is noted that the boat has an

inboard motor with silencer. The boat operation was witnessed during a site visit and the noise was not considered to be intrusive, both subjectively and as monitored during the demonstration.

Use of inflatables - This activity has already been occurring on the current wakeboard line, and as far as I am aware officers have not received any noise complaints regarding this activity to date. However, noise from customers using this equipment could cause an adverse noise impact at the nearest property if not controlled and minimised. This aspect therefore requires careful consideration with regard to numbers, timings, locations, equipment and management practices. It is considered that a condition requiring a noise management plan could be utilised to control this aspect as well as other noise sources on the site.

Café - If the applicants are intending to cook on the premises we will need details of the extraction/ventilation, and this will be dependent on the type of food being prepared and will need to meet the requirements within the EMAQ Guidance on the Control of Odour and Noise from Commercial Kitchens.

Other aspects - Due to the times and seasons of use, it is assumed no external lighting is proposed with the applications. If the applicants do want to instal new lighting we would request details are submitted and agreed prior to installation.

Conditions that were utilised on the previous permission will again be required including no amplification of music and/or voice; hours of use for the wakeboarding and commercial skiing not be used outside the period 21 March to 31 October and outside the hours of 1000 to 2000. The site shall not be open to users of the development outside the hours of 1000 and 2100 including limiting the number of event days to 6 per year with no more than one event per calendar month.

Officer Comments: It is noted that the above comments relates to the two applications for the site (20/01621/FUL and 21/00044/FUL).

- 5.3 Wildlife Trust – (Updated comments) - No objection - The submitted ecological report covers relevant species issues and makes appropriate avoidance and mitigation recommendations as regards the direct impacts of the new wakeboard cable and associated infrastructure. The assessment of ecological impacts from the current application is appropriate, though it should be realised that the winter bird survey did not coincide with cold weather conditions, which is when the lake will be most valuable for wintering birds, so inevitably has underestimated the potential value of the lake for wintering birds. This does not however affect the assessment of the summer only use of the wakeboard facility and other water recreational activities proposed. The proposal is acceptable subject to the imposition of condition relating to the provision of ecological management plan for an additional period of 10 years, should the application be approved.

- 5.4 Environment Agency – No objection
- 5.5 HDC Landscape – recommends seeking a reduction in winter use of the lake as mitigation for intensification of use in other periods.
- 5.6 HDC Conservation Officer - no objection as the proposals does not affect any listed buildings or heritage assets.
- 5.7 Cambridgeshire County Council Highways – No objection - The proposal would be remote from the highway and unlikely to increase vehicle movements.
- 5.8 Cambridgeshire County Council Lead Local Flood Authority (LLFA) - No objection in principle to the proposed development as the Flood Risk Assessment demonstrates the proposal is a small area of water compatible with development within the footprint of a lake, and that surface water will likely drain naturally into the lake and surface water is not a material consideration within the site.
- 5.9 Cambridgeshire Constabulary - No objection but advised that the applicant should ensure that the security measures for the buildings are sufficient for the property being stored in them.

6. REPRESENTATIONS

- 6.1 48 letters of representations have been received with 23 in support and 25 raising objections to the proposal as summarised below. Full details of the representations can be inspected via the comments section on the public access application file.
- 6.2 Support: (Summary of the key points)
- The development will be a great asset to the community and will provide a safe environment for people to enjoy outdoor activities.
 - Proposal improves the facilities and will increase the sustainability of the business/facility
 - Business provides activities for local families, children and youth and provides a positive space for the local community.
 - Proposal would increase number of activities on site offering opportunities for new jobs and supporting tourism in the area
 - Proposal would further support local sports clubs and teams
 - There is a huge lack of facilities like this within the Cambridgeshire area, so this planned proposal is a positive step forward to help more people become fit and active.
 - The site is safe, fun and family friendly outdoor activity in a perfect location in respect of the village being tucked away on the edge.

6.3 Objection: (Summary of the key points)

- Café has been in operation for several years without permission, suggesting change of use has already been implemented.
- The development already adversely impacts a public footpath and bridleway, reducing safety due to vehicles accessing site without separation and the impact of the gate at Gore Tree Road which does not have level access for those with limited mobility. Users currently gain entry to site via Long Lane, a part of which is unmade road leading onto a bridle path, contrary to permitted permissions and potentially dangerous to the public.
- There is already an excess of parking at the site, however no additional parking will be added.
- The above scheme has been slowly and steadily submitted in stages for Planning Approval so that over a short period the content of the site has been steadily and incrementally increased with the addition of constructions such as Zip Wire towers and buildings.
- Disposition of foul sewage needs to be addressed and potential increase in water pollution.
- Opening hours and private use are too 'broad' and without policing effectively provide unlimited use. Further clarification required regarding the term 'private use'.
- Application contrary to LP10 and LP23
- Noise impact on residents
- Impact on wildlife including on neighbouring Marsh Lane Pitts Lake
- Request site be added to Cambridgeshire's system of designated ponds and clean grass areas to protect wild newts.
- Request a survey be carried out to ensure noisy evening parties with lights and fireworks do not change and impact the conservation island and water lakes.
- Independence of Noise Impact Assessment (NIA) has been called into question. Equally, the opening of the new A14 has led to a change of situation with regards to background noise levels, with the more locally generated sounds now having a greater impact. Measurements were not taken from all potentially impacted zones (including residents' gardens), and the amplifying effect of open water on sound was not taken into consideration.
- Impact on other leisure users such as anglers.
- Proposal should be looked at in conjunction with the adjacent Hemingford Grey Quarry, in particular with regards to protected bird species' breeding territories
- Proposed café would be in direct competition with existing village community café which is run by volunteers.
- The current red-line area at the western end of the lake was to ensure the safeguarding of ecology to meet the recommendations of an ecological survey by the Wildlife Trust. The Inspector (appeal of 1300002FUL) imposed the red-line boundary to ensure certainty in that respect.

- Previous application 1300002FUL had in excess of 600 neighbour objections, and on that basis this new application should have been notified much more widely.
- Inspector on 1300002FUL appeal imposed a condition whereby a mixed hedge must be planted about 10m from the lake edge along its western boundary. This appears not to have been implemented and the area designated for the screening and wild-life friendly hedge cover has been incorporated into the activity area.
- Applicant's operation is no longer approved and overseen by British Water Ski and Wakeboard.

7. ASSESSMENT

- 7.1 When determining planning applications, it is necessary to establish what weight should be given to each plan's policies in order to come to a decision. The following legislation, government policy and guidance outline how this should be done.
- 7.2 As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 47 of the NPPF (2021). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".
- 7.3 In Huntingdonshire the Development Plan consists of:
- Huntingdonshire's Local Plan to 2036 (2019)
 - Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)
 - St Neots Neighbourhood Plan (2016)
 - Godmanchester Neighbourhood Plan (2017)
 - Houghton and Wyton Neighbourhood Plan (2018)
 - Huntingdon Neighbourhood Plan (2019)
 - Bury Neighbourhood Plan (2021)
 - Buckden Neighbourhood Plan (2021)
 - Grafham and Ellington Neighbourhood Plan (2022)
- 7.4 The statutory term 'material considerations' has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of the land: *Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor* [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material

consideration and significant weight is given to this in determining applications.

- 7.5 The main issues to consider in assessing this application are whether there is any conflict with Development Plan Policies and if there is any conflict, whether the application can be considered to be in accordance with the Development Plan when taken as a whole.
- 7.6. Where an application is not in accordance with the Development Plan, it must be considered whether there are any material considerations, including local and national guidance, that indicate that planning permission should be granted.
- 7.7 With this in mind, the report addresses the principal, important and controversial issues which in this case are:
- The Principle of Development
 - Impact upon the Character of the Area
 - Impact upon Residential Amenity
 - Highway Safety, Parking Provision and Access
 - Ecology and Biodiversity
 - Flood Risk
 - Other issues

The Principle of Development

- 7.8 The principle of water-based activities for recreational purposes on the site had been established by the grant of planning permission on appeal in May 2016 for the installation of wakeboarding cable and proposed changing rooms together with retention of car park and access track. The proposed development seeks to add further facilities (expansion and enhancement) to the existing facilities on the site, which would lead to the increase of water sports use on the site. The question therefore in this instance is whether the increase in water sport activities on the site would comply with policies LP10 and LP23 of HDC Local Plan to 2036 and paragraph 84 of the National Planning Policy Framework 2021.
- 7.9 The site is located outside of the Small Settlement of Hemingford Grey and within the open countryside as identified in Policy LP10 of the Local Plan to 2036 which states that development within the countryside will be restricted to the limited and sporadic opportunities as provided for in other policies of the plan. Amongst other requirements, development must protect the intrinsic character and beauty of the countryside and not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others.

- 7.10 Policy LP23 of the Huntingdonshire Local Plan to 2036: states a proposal for a new or expanded tourism, sport or leisure use within the countryside will be supported where it is:
- Well related to a defined settlement unless there are robust operational or sustainability reasons why it needs to be located elsewhere
 - Does not cause harm to, and where appropriate enhances ecological, landscape and heritage significance of the proposed location
- The impact of the scale, character and location of the development on both its immediate surroundings and wider landscape are minimised
- Adequate servicing can be provided including water supply, electricity and for sewage and waste disposal
- It would not have an adverse impact on a designated wildlife site through increased visitor pressure.
- 7.11 The current proposal seeks the construction of a boat slipway and access track, boat hut and jetty, part change of use of changing rooms and toilet block to café (Use Class E) and diversification of existing activities relating to the approved use of the site as a water-based activity centre. The plan accompanying the application illustrates that the jetty/boat hut and slipway all fall within the existing operational site of Liquid Skillz, which encompasses the lake and its adjacent shores. Although, the proposal would significantly increase water sports activities on the site the additional facilities proposed are considered to be related to the development allowed at appeal and would enhance and improve the recreational use of the site.
- 7.12 The proposal is therefore considered to be in accordance with Policy LP23 of the Huntingdonshire Local Plan to 2036 and the relevant parts of the NPPF as identified above. In land use terms, there is also not considered to be a material change of use compared to what was allowed on appeal.
- 7.13 The proposal is considered to be acceptable in principle subject to the detailed material considerations below.

Impact upon the Character of the Area

- 7.14 Policies LP11 and LP12 of the Local Plan and the Huntingdonshire Design Guide SPD (2017) set out key principles of good design to support proposals that respond positively to their context, integrate successfully with the surrounding built form and create well designed and sustainable developments that are functional to meet the needs of present and future occupiers. The above policies are reinforced by Paragraphs 124 (d) and (e) and Paragraph 130 (c) of the NPPF that seek to maintain an area's prevailing character and ensure development is sympathetic to local character.

- 7.15 From the above, the main issue for consideration is whether the additional water sports facilities to those existing on the site together with the associated works would respond positively to the context, integrate successfully with the surrounding built form and create well designed and sustainable development that are functional to meet the needs of present and future users.
- 7.16 The application site forms a transition between the edge of the settlement of Hemingford Grey to the north and the A14 to the south. There are trees around the margins of the existing lake and beyond and an agricultural hay barn adjacent to the car park.
- 7.17 In relation to the design and scale the proposed jetty/boat hut and slip way will be located within a secluded area on the south shore, which would be screened almost exclusively by existing trees. The structures are restricted to an extent in scale and massing and would be constructed of natural materials allowing them to assimilate into the existing landscape setting. In terms of the location of the proposed development, the structures would be set back from the wider site boundary and screened by almost the existing boundary landscaping features and as such limit views to and out of the site. The structures are also, of modest size and scale, single storey in height and are not considered to impact adversely on the openness of the countryside or the rural character of the area. Furthermore, the café building and the changing room, which would be altered to create additional facilities will have no additional visual bearing on the surrounding landscape. As the proposal would service only users of the facility, it would have no greater impact on the character of the area than the existing use of the facility. The additional water-based activities, particularly the open water swimming and paddle boarding, which would be limited to the east end of the lake would have no discernible impact on the landscape.
- 7.18 Overall, the proposal is considered to respond positively to its context within the surrounding built form and contributes positively to the areas character and identity. Subject to the imposition of a condition relating to external materials, particularly (colour) of the boat hut being of neutral (dark green), the proposal is considered to accord with the NPPF and policies LP11, LP12 and LP23 of the Huntingdonshire Local Plan to 2036.

Impact on Residential Amenity

- 7.19 Policy LP14 of the Local Plan to 2036 states a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings. A site visit was carried out by the case officer during

the consultation period of the application. A large number of the objections received relate to the impact of the development in terms of noise, nuisance and disturbance.

- 7.20 In terms of the location of the proposed development (boat slipway and access track, boat hut and jetty and toilet block), would be set back from the wider site boundary and screened by almost the existing boundary landscaping features and would be at a significant distance from views from neighbours. The structures are also, of modest size and scale, single storey in height and are not considered to generate any significant overlooking, overbearing or loss of light impacts on amenities of nearby residents.
- 7.21 Whilst the area does not have any formal status in relation to tranquillity, paragraph 130(f) of the National Planning Policy Framework 2021(NPPF) states that planning proposals should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reinforced by paragraph 174(e) and 185(a) of the NPPF, which seeks decisions to mitigate and reduce development to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. This advice is reflected in the Noise chapter of the Planning Practice Guidance (the PPG), which stresses the need for decision taking to take account of the existing acoustic environment and assess whether a significant adverse effect is likely to occur and whether a good standard of amenity can be achieved (Paragraph: 001 Reference ID: 30-001-20190722). Policy LP14 of the HDC Local Plan to 2036 is consistent with this advice.
- 7.22 The residential properties nearest to the application site are Mulberry Farm (approximately 100m from the western boundary of the site) and Long Lane Cottage (the second nearest property at more than 150m). It is acknowledged that there is potential for noise to be generated by the activities undertaken, for example noise generally from the shouts, screams and splashes of participants and that the additional facilities could increase noise generation. It is therefore imperative that any additional noise does not impact adversely on the current level of amenity enjoyed by the neighbouring residential occupiers. It must also be emphasised that noise and disturbance amongst others is one of the main concerns raised in the representations received.
- 7.23 The application was accompanied by a Noise Impact Assessment prepared by Spectrum Acoustic Consultants. The report has concluded that the total levels of noise from both already permitted activity of wakeboarding and use of rescue boat together with the proposed water-skiing activity, will generate levels of noise at the two nearest sensitive residential

receptors of Mulberry Farm (P1) and Long Lane Cottage (P2) of LAeq,1hr 43dB and 41dB respectively. The report goes further and acknowledges that the subjective impact of very loud shouting and screaming can be disturbing and annoying if audible and it is normal practice for planning authorities to require 'behavioural noise' matters to be controlled by good management and supervision of the activities on site by the Operators.

- 7.24 The Environmental Health Officer has assessed the noise impact assessment report and has advised that noise generated from the recreational activities on the lake and the activities on the site itself would not have an unacceptable impact on the nearest residential property Mulberry Cottage over 100m away from the site or any other residential property. The Environmental Health Officer has gone further and indicated that conditions that were utilised on the previous permission will again be required including no amplification of music and/or voice; hours of use for the wakeboarding and commercial skiing not be used outside the period 21 March to 31 October and outside the hours of 1000 to 2000. The site shall not be open to users of the development outside the hours of 1000 and 2100 including limiting the number of event days to 6 per year with no more than one event per calendar month. (see paragraph 5.2 above). The Environmental Health Officer also recommends the imposition of a noise management plan.
- 7.25 It is Officer's view that the appeal permission remains valid and that the operators of the site have a responsibility to comply with those conditions, as well as the conditions recommended here (should planning permission be granted). Furthermore, the permission granted on appeal reference APP/H0520/W/15/3132500 had a number of conditions imposed with regards to limiting the proposed wakeboarding and recreational use and also prohibited external broadcasting of music. The current application seeks to add facilities in association with the lawful use of the site (water sport); it is therefore necessary to re-apply and include additional conditions to mitigate the potential impacts. It is considered that the conditions proposed are reasonable, necessary and relevant to the development and accord with paragraph 56 of the NPPF 2021.
- 7.26 With regard to the noise Management Plan, although it is normal practice for planning authorities to require 'behavioural noise' matters to be controlled by good management and supervision of the activities on site by the Operators it appears unreasonable and difficult to difficult to enforce and as such would not meet the tests specified at paragraph 56 of the NPPF 2021. In this instance, it is the expectation and the responsibility of the Operator of the site to do whatever necessary including the placements of signs on the site or advise or warn customers of

excessive shouting taking into account the amenities of nearby residents.

- 7.27 Overall, it is considered that a high standard of amenity would be provided for all users of the development and maintained for neighbours. The development is considered acceptable in terms of noise and would not have a significant detrimental impact upon residential amenity. It is further considered that the proposal would not generate any significant overlooking, overbearing or loss of light impacts on amenities of nearby residents. The proposal is therefore considered to be in accordance with Policy LP14 of the Local Plan to 2036 and paragraph 130(f) of the NPPF (2021) subject to the imposition of the above conditions.

Flood Risk

- 7.28 The application is for further ancillary development to an existing site within Flood Zone 3a as designated by the Councils 2017 Strategic Flood Risk Assessment. The application site forms part of flood zone 3a and is liable to flooding. The land has a 1 in 100 years or greater annual probability of river flooding; or a 1 in 200 years or greater annual probability of sea flooding. There are also flood defences in place. In such locations, the National Planning Policy Framework states under Paragraph 159 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. The NPPF goes further at paragraphs 161 and 162 and aim to steer development to land with the lowest risk of flooding using the sequential test.
- 7.29 The proposal requires the Sequential Test to be applied and for the exception test to be passed it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 7.30 Given the recreation nature of Liquid Skillz and the existing wakeboarding activity, it would therefore be unreasonable for the Council to expect the applicant to find alternative sites within the district which has limited other opportunities for water compatible development therefore the sequential and exception tests will be based on the application site itself. It should also be noted that the proposed development is for ancillary buildings and facilities in support of a water compatible land use, and for water-based recreation. In principle in terms of flood risk, development is therefore considered appropriate.

- 7.31 A Flood Risk Assessment (FRA) has been submitted and the Environment Agency has no objection on flood risk grounds subject to the imposition of recommended condition. In terms of the exception test, it is Officers' view that the uses of the respective buildings and facilities can be classed as 'less vulnerable' in a flood risk context, as such the site would be safe in terms of flooding. In terms of sustainability, the site provides a unique opportunity locally for water-based recreation for local people to both have fun and to learn new skills. Furthermore, it is Officer's view that the imposition of the recommended condition by the Environment Agency relating to flood contingency plan in addition to the existing condition relating to the previous consent 19/01168/FUL, which contains flood proofing measures within the FRA would be sufficient to prevent the increased risk of flooding.
- 7.32 Overall, the proposal is considered to be in accordance with the NPPF and Policy LP5 of the Huntingdonshire Local Plan to 2036.

Ecology and Biodiversity

- 7.33 Policy LP30 of the Local Plan to 2036 requires proposals to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated. Policy LP30 of the Local Plan to 2036 also requires development proposals to ensure no net loss in biodiversity and provide a net gain in biodiversity where possible.
- 7.34 The application site is within Marsh Lane Gravel Pits County Wildlife Site (CWS) and therefore in line with local and national planning policy, it is important that the potential impacts on the CWS are adequately assessed and mitigated and that proposed management and enhancements are appropriate to the CWS.
- 7.35 An Ecological Appraisal (PEA) was submitted with the application. The Wildlife Trust has assessed the application and indicated that the report covers relevant species issues and makes appropriate avoidance and mitigation recommendations as regards to the direct impacts of the new wakeboard cable and associated infrastructure. The assessment of ecological impacts from the current application is appropriate, though it should be realised that the winter bird survey did not coincide with cold weather conditions, which is when the lake will be most valuable for wintering birds, so inevitably has underestimated the potential value of the lake for wintering birds. This does not however affect the assessment of the summer only use of the wakeboard facility and other water recreational activities proposed.
- 7.36 This was relayed to the applicant who has agreed to remove the 'all-year round use' as previously stated in the description of the application and the imposition of condition to limit the period of

use between 21 March to 31 October during any year. This is to avoid disturbance to wintering water birds for which the lake can be an important refuge, particularly at times of cold weather. It must also be noted that this would be consistent with the previous planning permission, where the inspector made reference to the ecology and the fact that the wakeboarding use would be confined to a relatively small proportion of the lake. Given, that the proposal represents significant increase of recreational uses on the site and the fact that the CWS mainly covers the lake itself rather than the land to the west and south where the buildings are and would be sited and no objection has been raised by the Wildlife Trust, it is considered that it would be appropriate to impose similar conditions (ecological management plan) including, restricting the periods of use to mitigate the impact on ecology.

7.37 The submitted ecological appraisal prepared by Skilled Ecology Consultancy indicates that enhancement measures in the form of the provision of Bat and Bird boxes positioned high on trees (above 4m) and spread around the site in quiet areas in the east and south. The bat boxes would be positioned facing a southerly directly with the bird boxes facing a northerly direction. Soft landscaping would be provided in the areas disturbed by construction activities including wildflower seed mix. Furthermore, the applicant has indicated that all of the biodiversity enhancements will be included within a Long-term Ecological Management Plan to cover the entire site management. This can be conditioned should permission be granted.

7.38 Overall, the proposed works and increase in activity is considered to be relatively small scale and unlikely to cause significant direct or indirect impact to the County Wildlife Site or notable wildlife using the site. It is further considered that the proposed biodiversity enhancements are considered acceptable and would provide a net gain in biodiversity and geodiversity of the site. Subject to conditions the proposed development is considered to accord with Policy LP30 of the Local Plan to 2036 and paragraph 174 d) of the NPPF (2021).

Trees

7.39 Policy LP31 of the Huntingdonshire Local Plan to 2036 requires proposals to demonstrate that the potential for adverse impacts on trees, woodland, hedges and hedgerows has been investigated and that a proposal will only be supported where it seeks to conserve and enhance any existing tree, woodland, hedge or hedgerow of value that would be affected by the proposed development.

7.40 The application was accompanied by an arboricultural report prepared by Skilled Ecology Consultancy Limited which identifies

trees on or near the site which have the potential to be impacted by the development and further considers the constraints of the proposed development upon them. The report indicates that the development will result in the removal of 8 Category C trees (consisting of 3 groups of trees) to enable the construction of a new boat hut, jetty and slipway on the southern bank of Lake Ashmore, and associated extension of the existing gravel track to the proposed slipway location. This would also include the proposed facilities as in application 21/00044/FUL (control shed and viewing hut). The report states that a supplementary tree planting programme would be implemented to adequately compensate for proposed tree removals.

- 7.41 Subject to the imposition of condition requiring suitable replacement trees on the site in accordance with the submitted arboricultural details, the proposal is considered to be in accordance with Policy LP31 of the Huntingdonshire Local Plan to 2036 and paragraph 174 b) of the NPPF (2021) in this regard.

Access and Transport

- 7.42 The site will continue to be serviced by the existing access off Gore Tree Road. The nature and scale of the proposal is such that it will not significantly increase daily traffic movements to and from the site, relative to existing site uses. There is sufficient on-site parking in the form of the visitor parking area to ensure vehicles are not displaced onto adjacent highways. The applicant has indicated that the scheme would provide more than sufficient space to park for those wishing to arrive at site on bike and if it is considered prudent, by agreement with CCC Highways, will be willing to provide cycle stands to enable bikes to be safely locked.
- 7.43 The Cambridgeshire County Council Local Highway Authority has advised that all of that proposal would be internal and remote from the highway. The café element is indicated to provide limited choice and aimed at the existing clientele/users of the activity centre. This would therefore be unlikely to increase vehicle movements to and from the site.
- 7.44 Overall, it is considered that matters of a highway and access nature would not be a constraint to the proposed development. The additions proposed are unlikely to result in any significant increase to the daily traffic movements to and from the site. For these reasons, the proposed scheme is considered to accord with Local Plan Policies LP16 and LP17 of the Huntingdonshire Local Plan to 2036 subject to the imposition of access condition in line with the appeal ref APP/H0520/W/15/3132500. This is considered reasonable.

Public Rights of Way

- 7.45 Public Footpath 9 follows the route of this access before diverging and extending northwards along Long Lane and into the village. The County Council's Definitive Mapping team has not commented or raised an objection to the proposal with regards to the impact on the adjacent public right of way (Public Footpath 9). However, it is noted that the County Council's Definitive Mapping team did not raise an objection to the recent application reference 19/01168/FUL approved on 25 October 2019. Furthermore, the proposed structures and additional facilities would not be in proximity to the location of the footpath.
- 7.46 A neighbour representation has been received in respect of the impact of the existing development on the adjacent Public Footpath 9 reducing safety due to vehicles accessing site without separation and the impact of the gate at Gore Tree Road which does not have level access for those with limited mobility.
- 7.47 Overall, it is Officer's view that an informative identical to permission reference 19/01168/FUL will inform the applicant that members of the public on foot have the dominant right of passage along the public footpath and that private vehicular users must 'give way' to them.

Other Matters

- 7.48 Representations received from the local residents appear varied. The concerns raised by local residents have been addressed in the report either directly or indirectly. Other concerns raised by residents, which are not covered in the report are addressed below.
- 7.49 A comment made relating to the attitude of the owners or the operator(s) of the site are not matters best dealt with in planning however, any concerns relating to owners not complying with conditions imposed on existing consents are matters that can be investigated by the regulatory department of the Council and appropriate action taken. A comment has been made about development of the site being slowly and steadily submitted in stages for planning approval so that over a short period the content of the site has been steadily and incrementally increased with the addition of constructions such as Zip Wire towers and buildings. The submission of separate or individual planning applications are matters of choice of the applicant and out of the Council's planning control; as in this case, the Council have received two applications dealing with various development proposals on the same site. In this instance, the Council can only determine each application on its own merits taking into account the relevant development plan policies and any other material considerations.

- 7.50 Other representation includes the use of the café would be in direct competition with existing village community café which is run by volunteers. It is Officers view that the use of the café, which would be seasonal in conjunction with the hours of use of the site would not be in any direct competition with the community café. Competition is also not a matter best dealt with in planning and as such, does not constitute a material consideration in the determination of this application.

Community Infrastructure Levy (CIL):

- 7.51 The development will be CIL liable in accordance with the Council's adopted charging schedule; CIL payments will cover footpaths and access, health, community facilities, libraries and lifelong learning and education.

Conclusion and Planning Balance

- 7.52 This proposal seeks permission for the construction of a boat slipway and access track, boat hut and jetty, part change of use of changing rooms and toilet block to café (Use Class E) and diversification of existing activities relating to the approved use of the site as a water-based activity centre. This is an addition to the existing planning consent on the site, allowed at appeal on 5 May 2016 for the installation of a wakeboarding cable and proposed changing rooms together with retention of car park and access track.
- 7.53 The application must be determined in accordance with the statutory tests in section 38(6) of the Planning and Compulsory Purchase Act 2004, namely, in accordance with the Development Plan unless material considerations indicate otherwise. Policies set out above that are the most important for determining the application are considered to be up-to-date and are afforded full weight.
- 7.54 In this instance, the development lies in the open countryside whereby the principle of water-based activities for recreational purposes on the site had been established by the grant of planning permission on appeal in May 2016. The development proposed is for additional of facilities to enhance and diversify those existing on the site.
- 7.55 The NPPF has at its heart the presumption in favour of sustainable development. To be sustainable, development must, as noted in paragraph 6 of the NPPF, strike a satisfactory balance between the economic, environmental and social considerations.
- 7.56 In terms of the economic dimension of sustainable development, the proposal would contribute towards economic growth, by providing paid and volunteer jobs and importantly will assist jobseekers in preparing for work and finding employment in a

similar field, it will have multiplier or knock-on effect in employment terms. It will also contribute to the Councils Business rate revenue stream.

- 7.57 In terms of the environmental dimension of sustainable development and having regard to the appeal decision and a previously discharged condition, the proposal is considered to preserve and enhance biodiversity and not adversely impact the rural character of the area.
- 7.58 In terms of the social dimension, the site offers an outdoor recreation facility that has the potential to improve health and well-being.
- 7.59 The proposed development is considered to be compliant with relevant national and local planning policy as it:
- Is an appropriate expansion of a recreational activity
 - Is acceptable in terms of highway safety
 - It would not have a significant detrimental impact on the amenity of neighbours.
 - Acceptable in terms of Flood Risk
 - Acceptable in terms of ecology and biodiversity
 - There are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.
- 7.60 Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

8. RECOMMENDATION - APPROVAL subject to conditions to include the following

- Time limit
- Approved Plans
- Materials of boat hut
- Landscaping
- No broadcasting of music
- Wakeboarding limitations
- Rescue boat details
- Access details
- FRA compliance
- Ecology management plan
- External lighting
- Extraction or ventilation flue

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs

CONTACT OFFICER:

Enquiries about this report to **Richard Sakyi, Senior Development Management Officer. Email richard.sakyi@huntingdonshire.gov.uk**

From: developmentcontrol@huntingdonshire.gov.uk
Sent: 13 October 2020 16:14
To: DevelopmentControl
Subject: Comments for Planning Application 20/01621/FUL

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 13/10/2020 4:13 PM from Mrs Gail Stoehr.

Application Summary

Address:	Liquid Skillz Lake Ashmore Gore Tree Road Hemingford Grey Huntingdon PE28 9BP
Proposal:	Construction of a boat slipway and access track, boat hut and jetty, part change of use of changing rooms and toilet block to café (Use Class E) and diversification of existing activities relating to the approved use of the site as a water-based activity centre (to include private use)
Case Officer:	Tim Hartley

[Click for further information](#)

Customer Details

Name:	Mrs Gail Stoehr
Email:	parish.clerk@hemingfordgreyparishcouncil.gov.uk
Address:	30 West Drive, Highfields Caldecote, Caldecote, Cambridgeshire CB23 7NY

Comments Details

Commenter Type:	Town or Parish Council
Stance:	Customer objects to the Planning Application
Reasons for comment:	
Comments:	The Parish Council objects to the application and recommends refusal on the following grounds: 1) The application is contrary to LP10 and LP23. 2) The noise impact on residents - a new independent noise assessment is needed as the readings were taken before the A14 was relocated. 3) There are inconsistencies in the application - it is not clear what exactly is being applied for and what the hours of operation will be. 4) The impact on wildlife including wintering birds and nightingales, as set out by the Wildlife Trust that no development is to take place unless the previous ecological management plan has been implemented.

- 5) Toilet facilities are insufficient.
 - 6) The outdoor gym has been installed but not applied for.
 - 7) There should be safety standards to separate different users (either physical or timing).
 - 8) More planting is needed to mitigate noise across open fields
 - 9) The Parish Council would like the application to go to the DMC and District Cllr Keane to speak for the Parish Council.
-

Kind regards

Development Management Committee



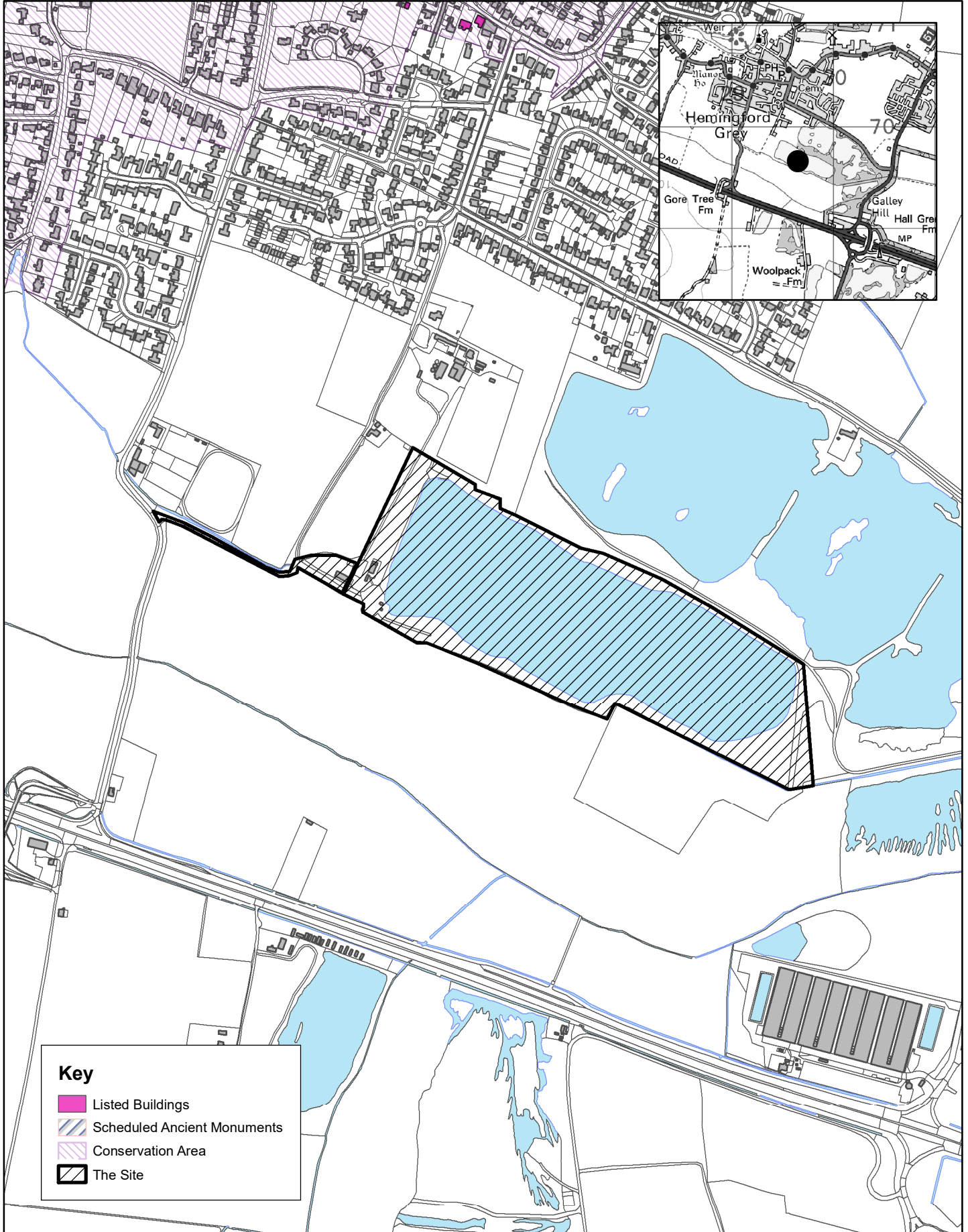
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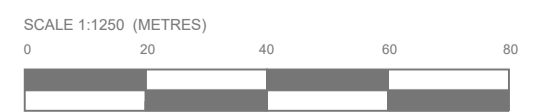
Application Ref: 20/01621/FUL

Date Created: 04/01/2023

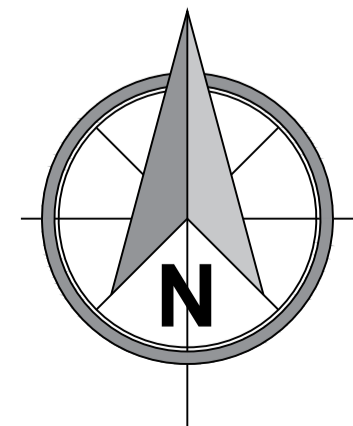
Location: Hemingford Grey

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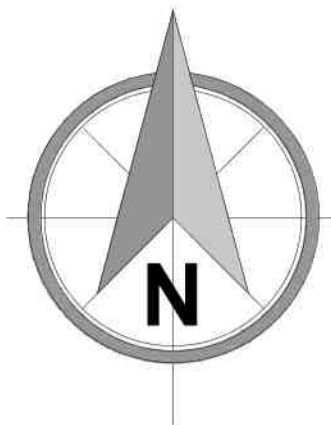


1:1250 Site Location Plan



<small>REV</small> <small>DATE</small> <small>BY</small> <small>REVISION NOTES</small>	
Suite 2, Clore Hall, St Ives Business Park, Parsons Green, St Ives, Cambs, PE27 4WY	
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<small>PROJECT</small> Proposed Landscaping Water Activity Centre Lake Ashmore, Gore Tree Road, Hemingford Grey	
<small>CLIENT</small> Liquid Skillz	
<small>DRAWING TITLE</small> Site Location Plan	
<small>DRAWN BY</small> SD	<small>SCALE</small> 1:1250 @ A1
<small>DATE</small> 14.01.19	<small>DWG. No.</small> DH2018.09.100
<small>REV.</small>	





LONG LA

Timber decking
Proposed
storage building

Wakeboard Cable
(Approved by Appeal
APP/H0520/W/15/3/132500)

Area highlighted for
water-skiing to be
kept clear of
wakeboard cable

Existing toilets and changing
facilities approved under
19/1168/FUL

Existing viewing hut approved
under 19/1168/FUL


Existing control shed as
approved under
19/1168/FUL

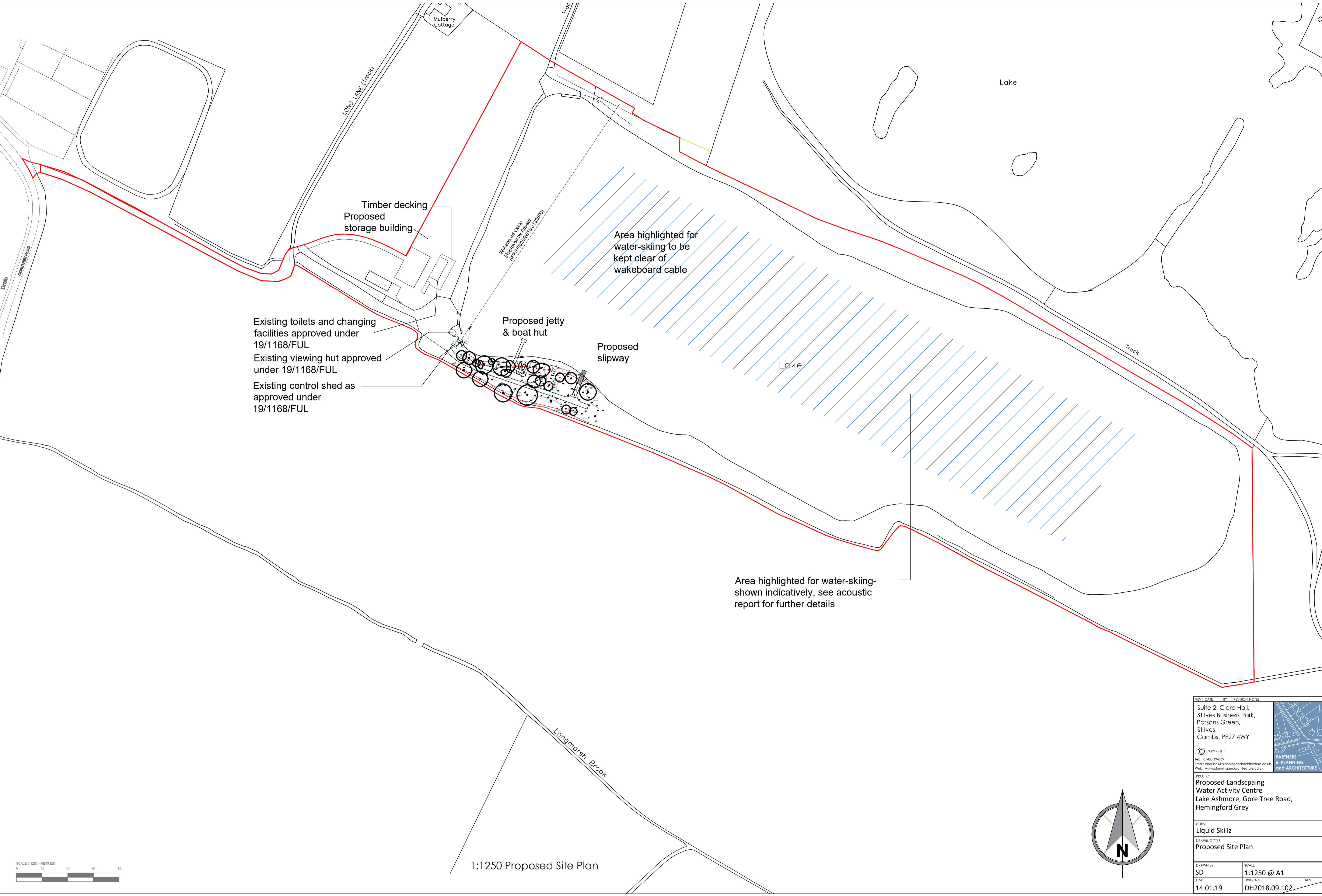
Proposed jetty
& boat hut

Proposed
slipway

SCALE 1:500 (METRES)
0 5 10 15 20

1:500 Block Plan

REV	DATE	BY	REVISION NOTES
Suite 2, Clore Hall, St Ives Business Park, Parsons Green, St Ives, Cambs, PE27 4WY © COPYRIGHT Tel: 01455 474949 Email: enquiries@planningandarchitecture.co.uk Web: www.planningandarchitecture.co.uk 			
PROJECT Proposed Landscaping Water Activity Centre Lake Ashmore, Gore Tree Road, Hemingford Grey			
CLIENT Liquid Skillz			
DRAWING TITLE Block Plan			
DRAWN BY SD		SCALE 1:500 @ A1	
DATE 14.01.19		REV. DH2018.09.103	



Existing toilets and changing facilities approved under 19/1168/FUL
 Existing viewing hut approved under 19/1168/FUL
 Existing control shed as approved under 19/1168/FUL

Timber decking
 Proposed storage building

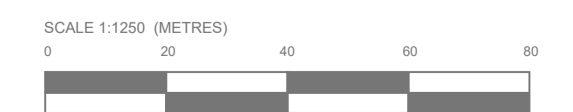
Proposed jetty & boat hut

Proposed slipway

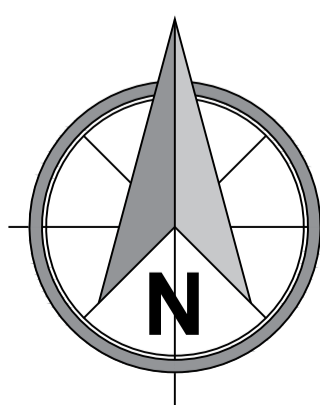
Area highlighted for water-skiing to be kept clear of wakeboard cable

Area highlighted for water-skiing - shown indicatively, see acoustic report for further details

Wakeboard Cable
 Approved by Highways Authority 19/1168/01



1:1250 Proposed Site Plan



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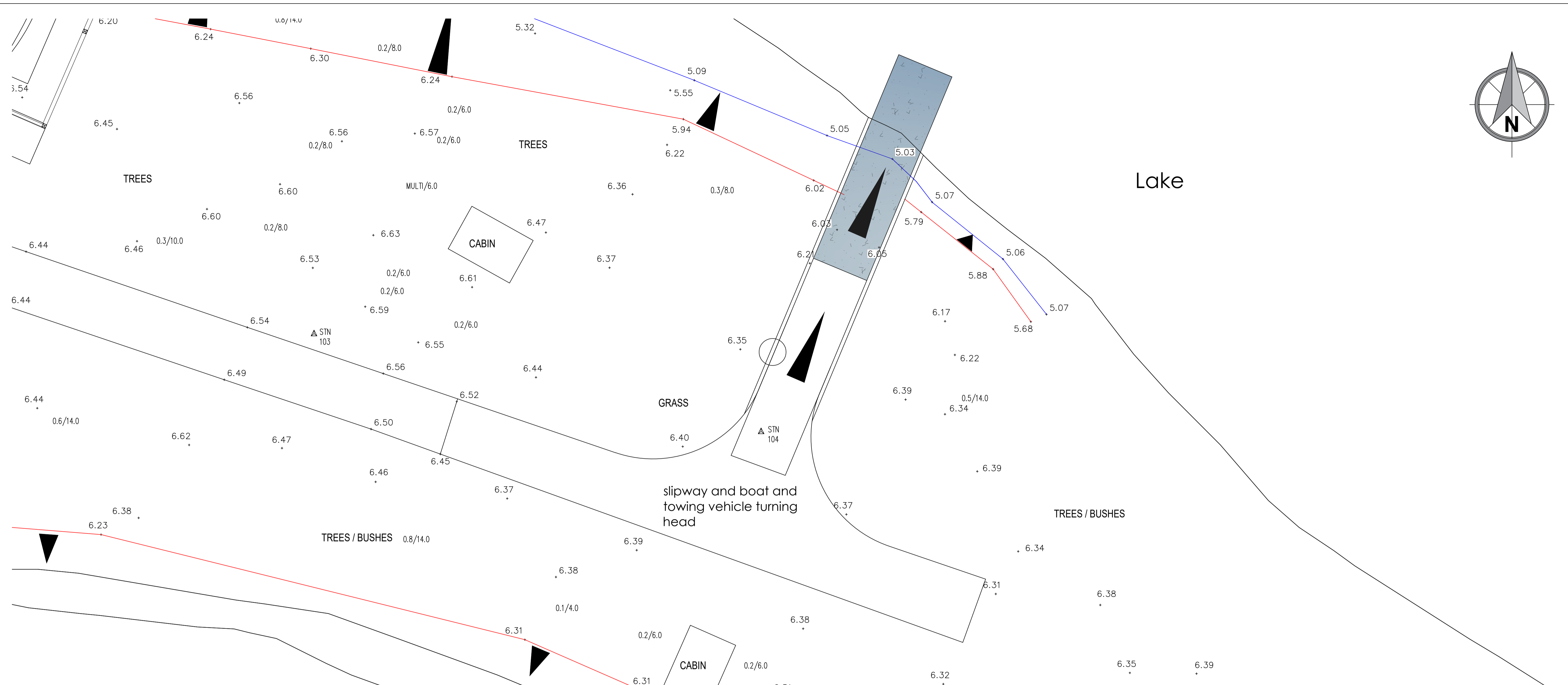
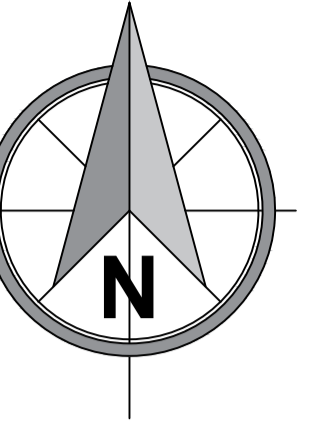
PARTNERS
 IN PLANNING
 and ARCHITECTURE

PROJECT
 Proposed Landscaping
 Water Activity Centre
 Lake Ashmore, Gore Tree Road,
 Hemingford Grey

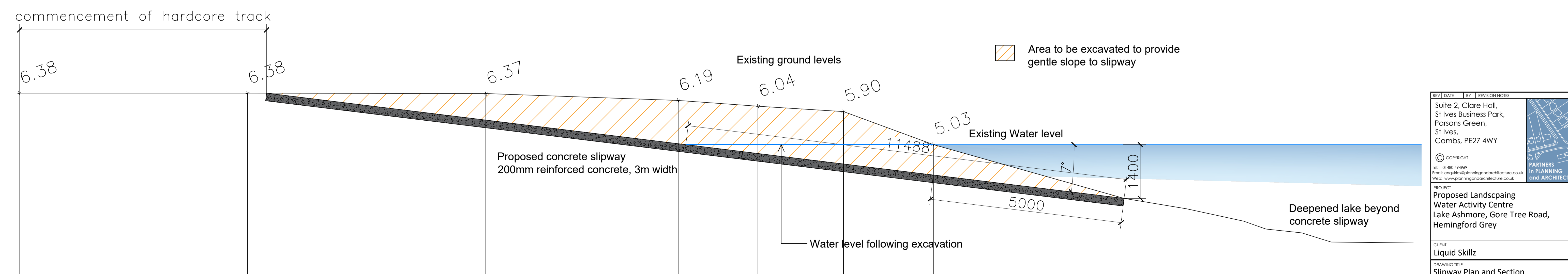
CLIENT
 Liquid Skillz

DRAWING TITLE
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DATE 14.01.19	DWG. NO. DH2018.09.102



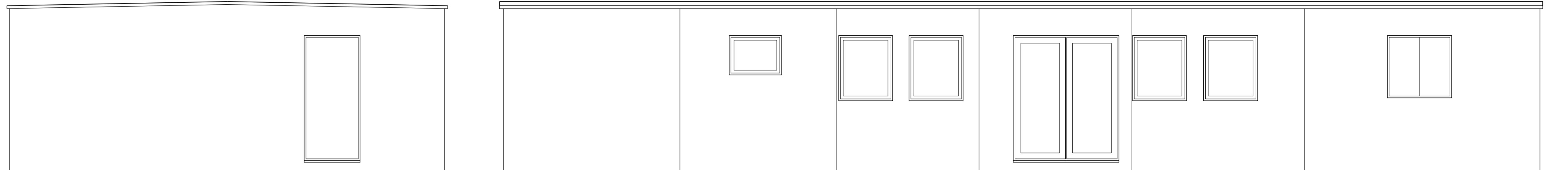
1:100 Plan- Slipway and turning area



1:50 Proposed slipway section

REV	DATE	BY	REVISION NOTES
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PROJECT Proposed Landscaping Water Activity Centre Lake Ashmore, Gore Tree Road, Hemingford Grey			
CLIENT Liquid Skillz			
DRAWING TITLE Slipway Plan and Section			
DRAWN BY SD		SCALE 1:100, 1:50 @ A1	
DATE 14.01.19		DWG. NO. DH2018.09.105	

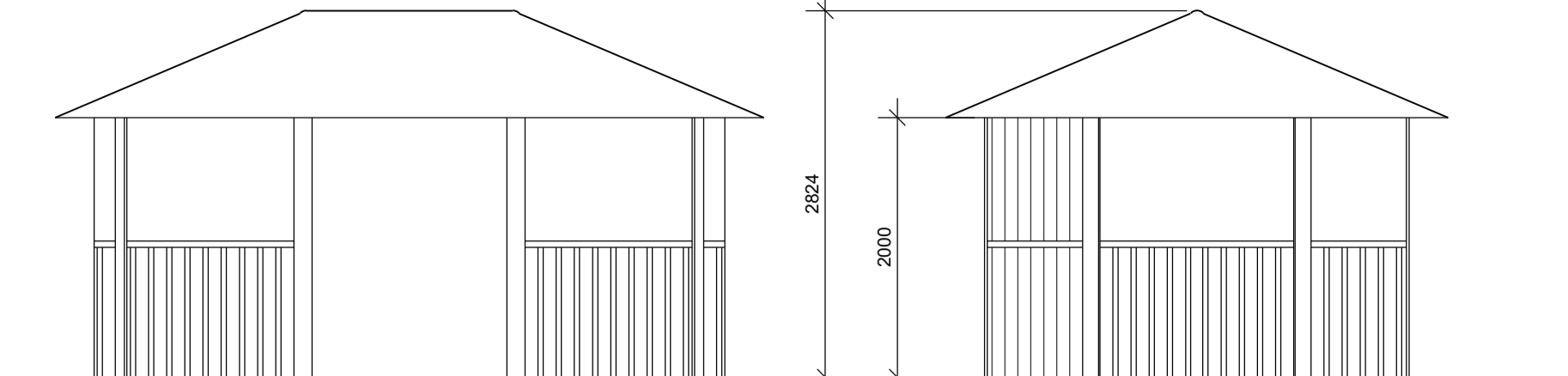
Proposed Changing Rooms and Toilets



North Elevation

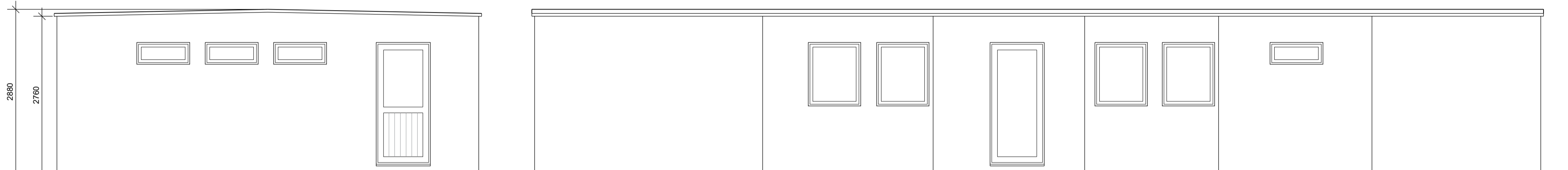
East Elevation

Viewing Hut



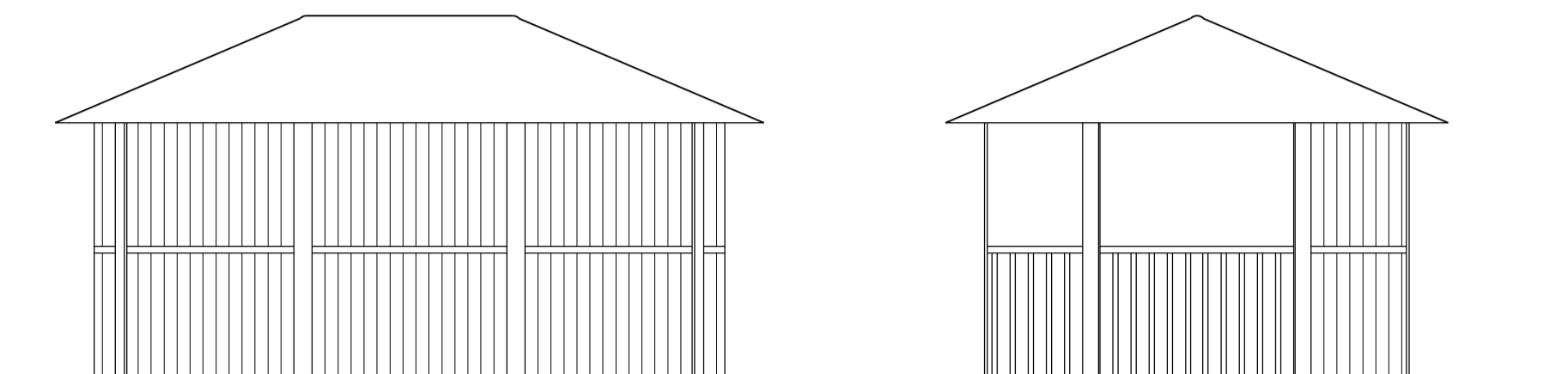
North Elevation

East Elevation



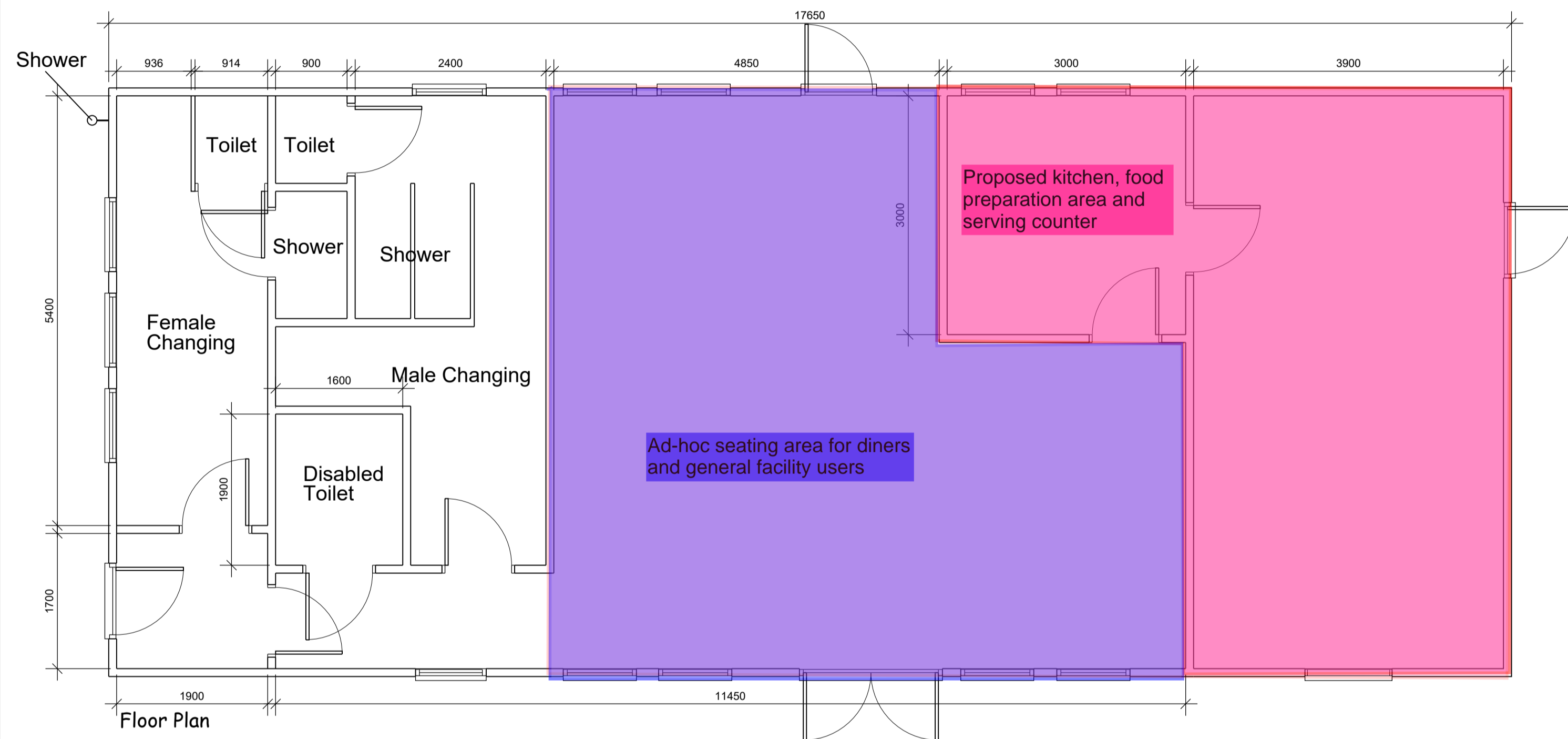
South Elevation

West Elevation

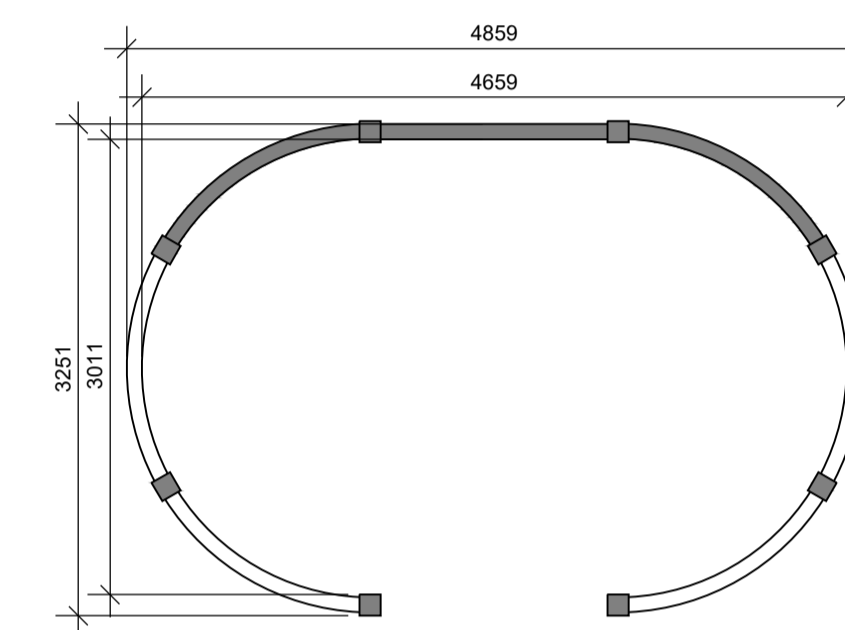


South Elevation

West Elevation

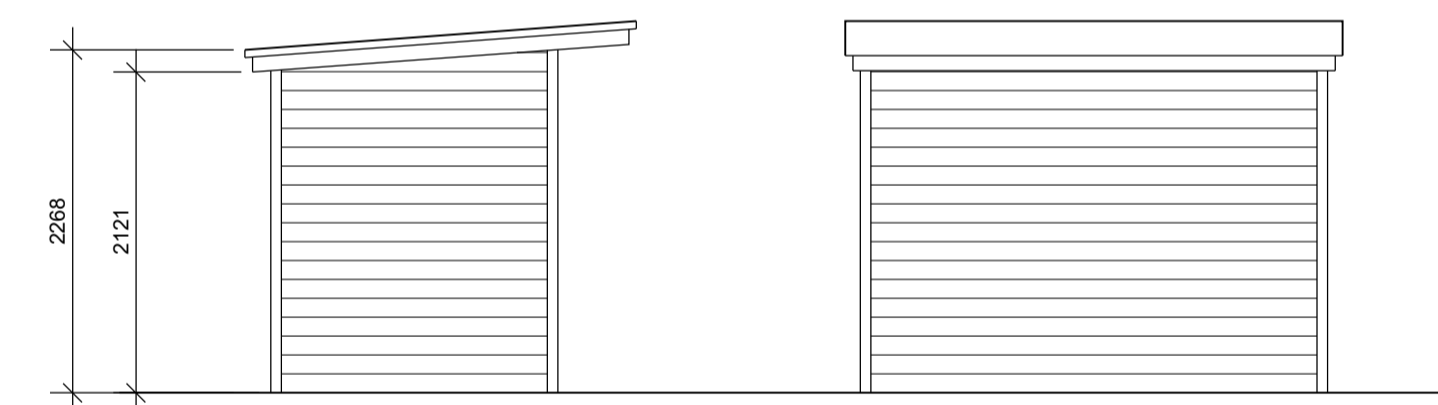


Floor Plan



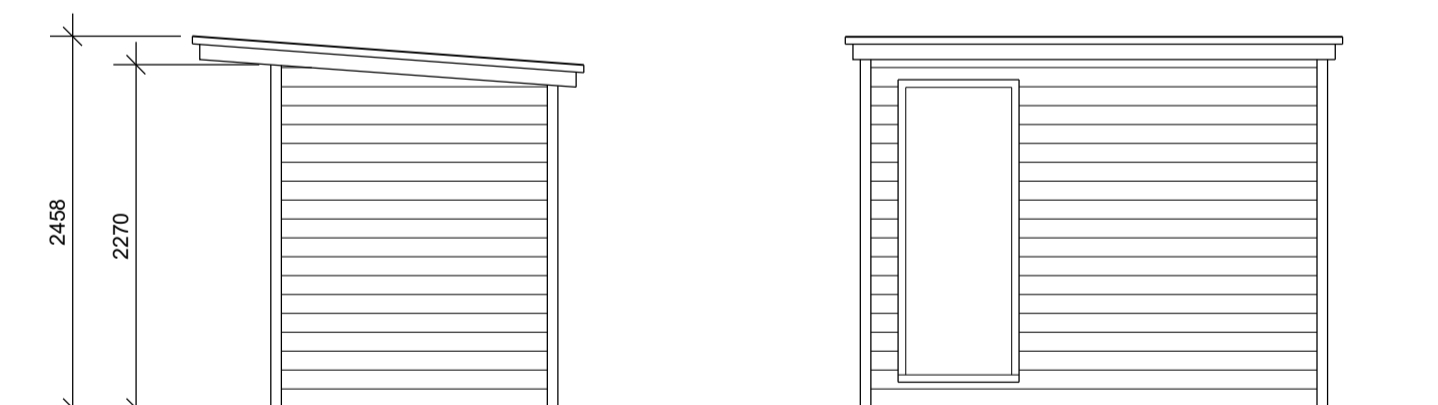
Floor Plan

Control Shed



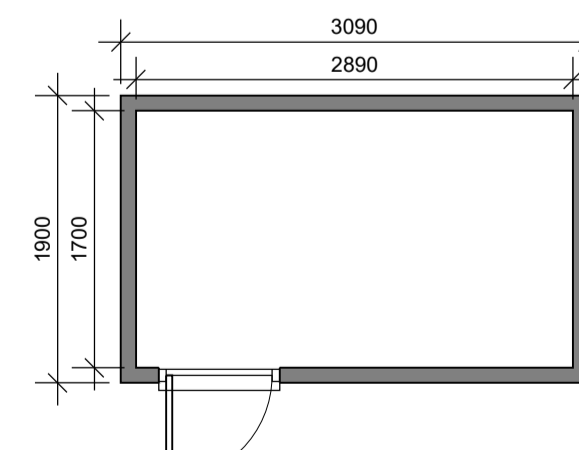
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East Elevation



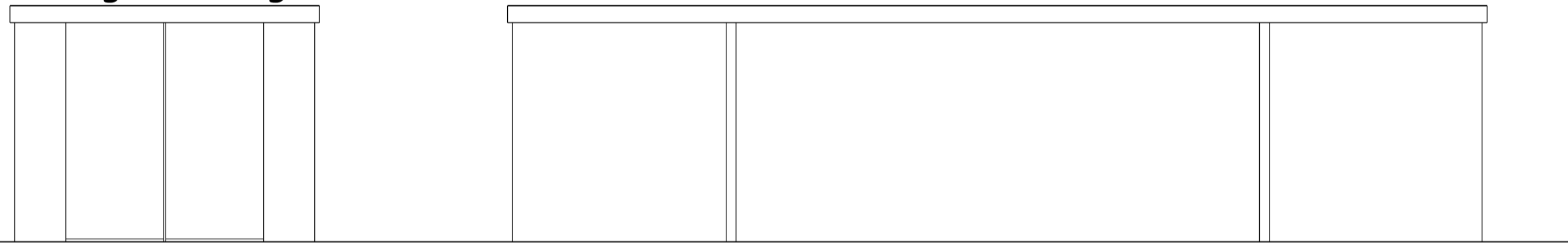
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West Elevation



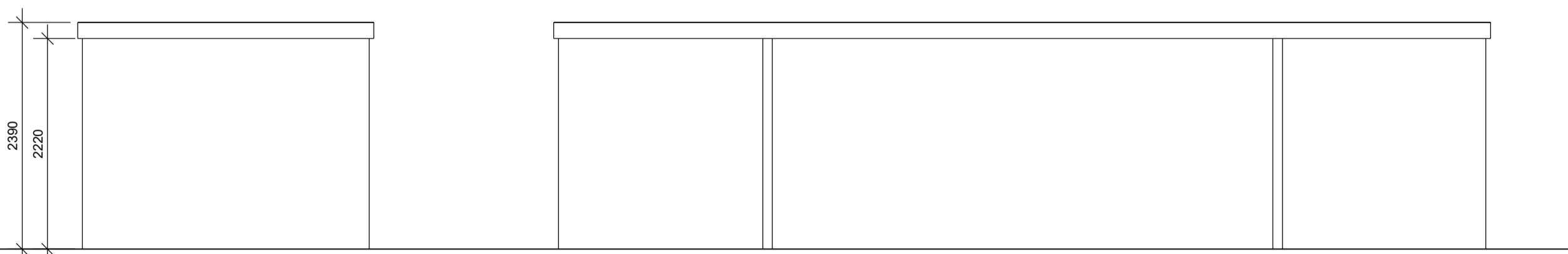
Floor Plan

Storage Building



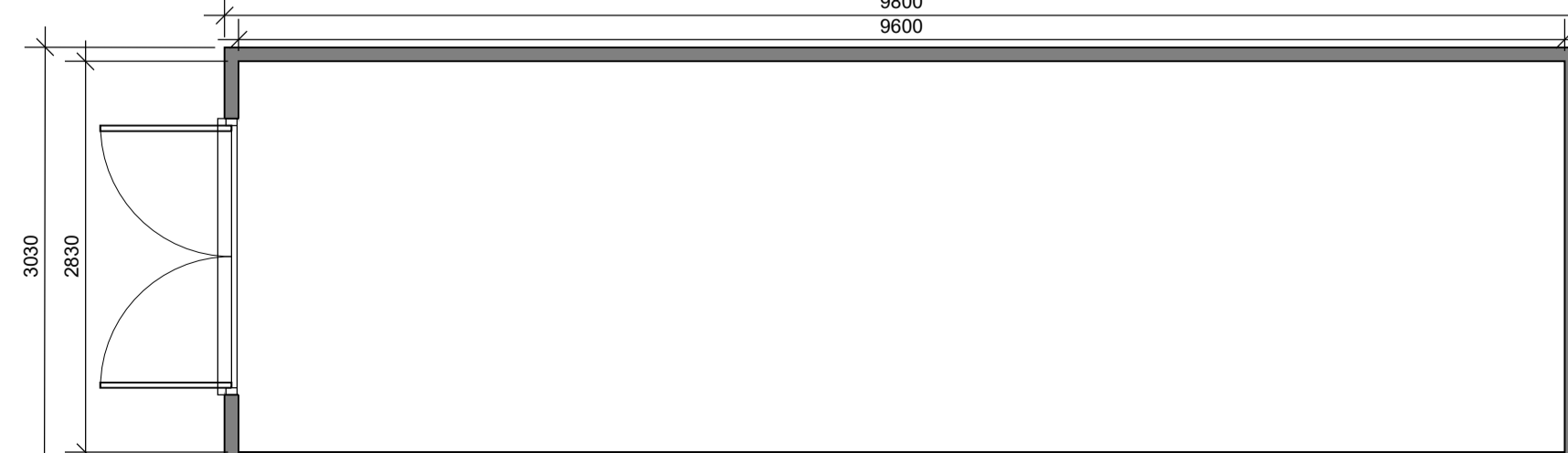
North Elevation

East Elevation



South Elevation

West Elevation



Floor Plan

REV.	DATE	REVISION NOTES
A	22/05/19	Extended Changing Rooms by 4m
B	05/09/19	Amended Changing Rooms Layout

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PROJECT
Water Activity Centre
 Lake Ashmore, Gore Tree Road,
 Hemingford Grey

CLIENT
Liquid Skillz

DRAWING TITLE
Proposed Buildings Floor Plans and Elevations

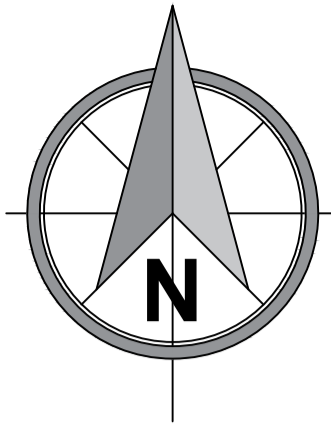
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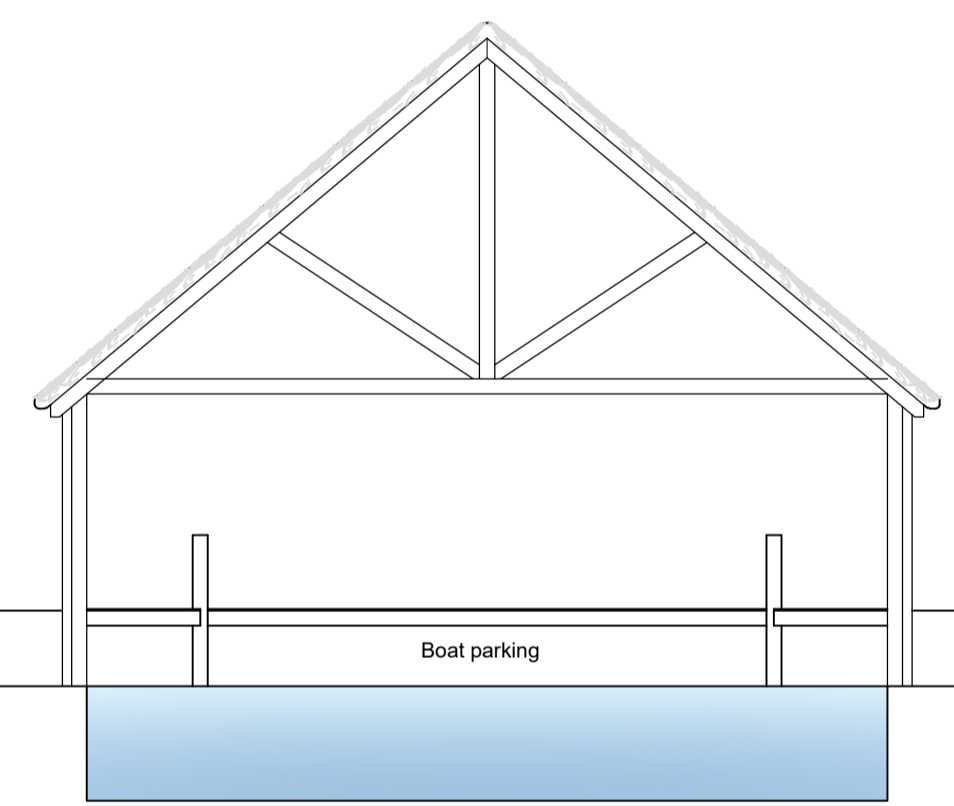
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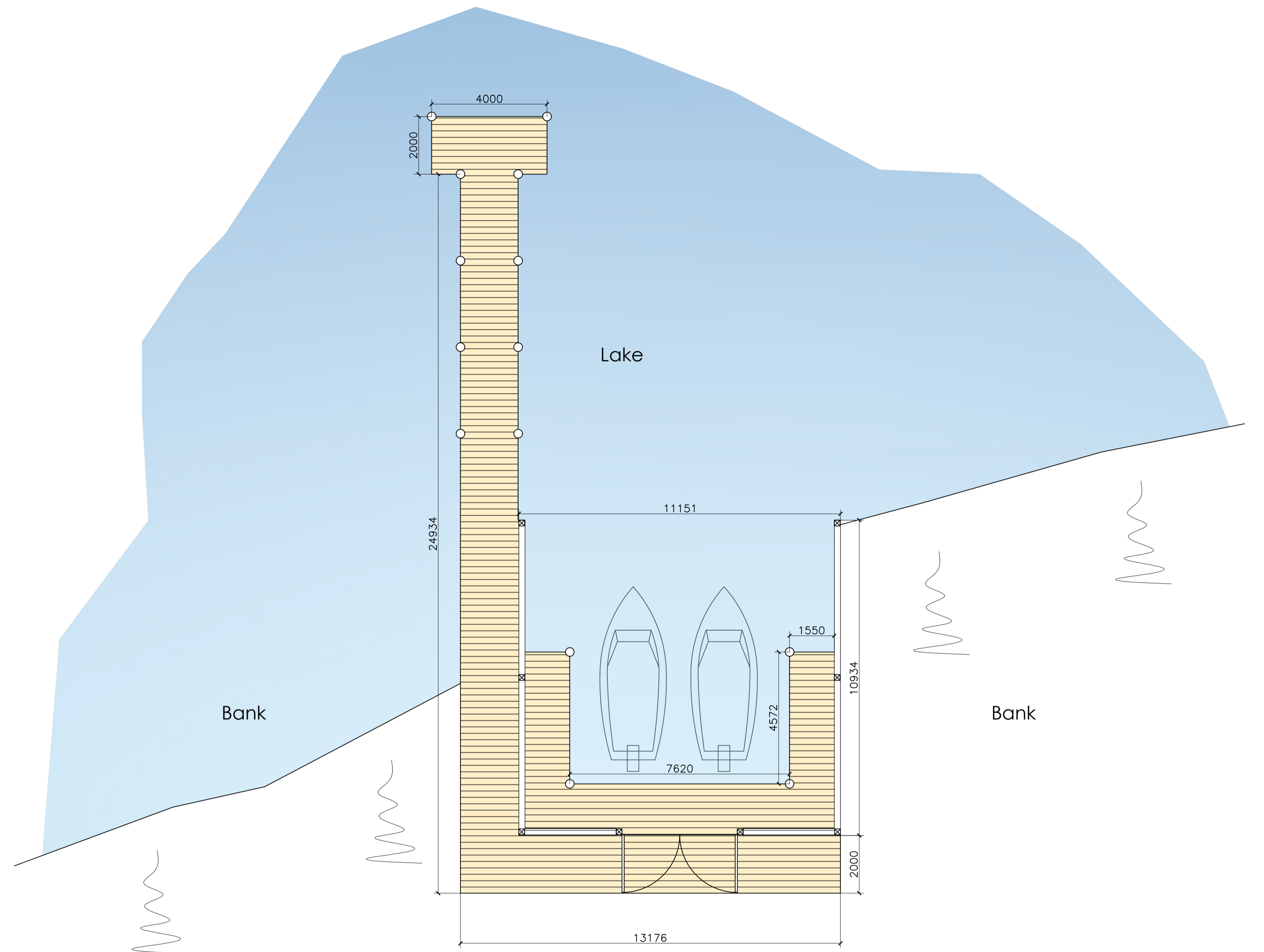
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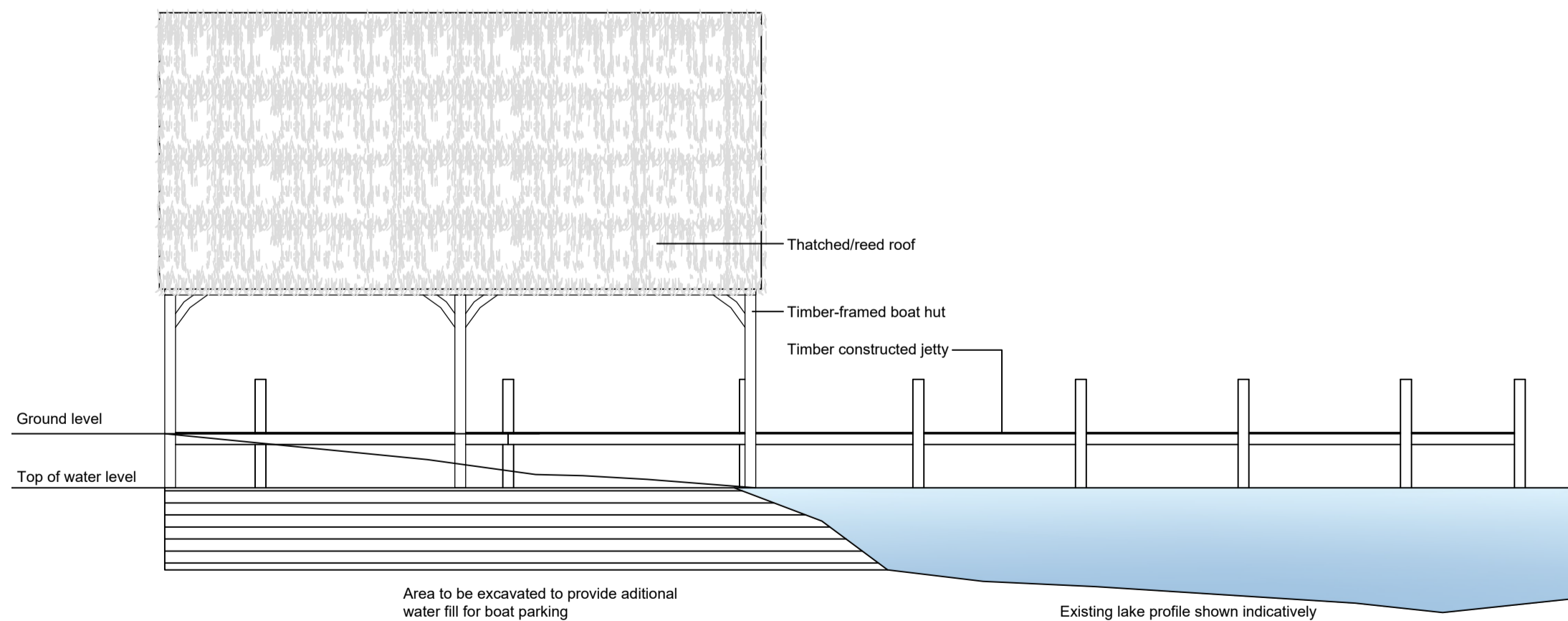
1:100 Front Elevation



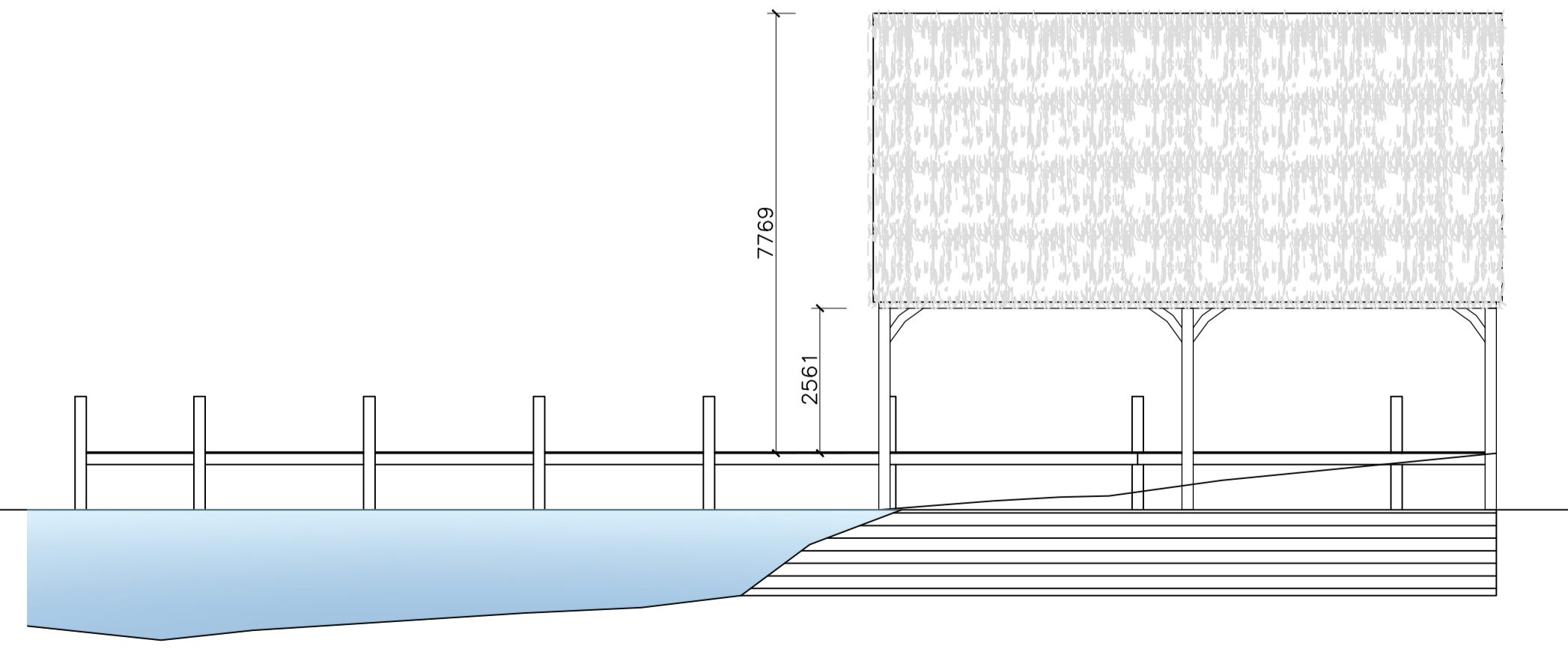
1:100 Rear Elevation



1:100 Plan



1:100 Side Elevation



1:100 Side Elevation



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PROJECT Proposed Landscaping Water Activity Centre Lake Ashmore, Gore Tree Road, Hemingford Grey			
CLIENT Liquid Skillz			
DRAWING TITLE Boat Hut Plans and Elevations			
DRAWN BY SD		SCALE 1:100 @ A1	
DATE 14.01.19		DWG. NO. DH2018.09.104	
		REV.	