

**Application Number:** 18/11130 Full Planning Permission

**Site:** NEW FOREST WATER PARK, RINGWOOD ROAD,  
FORDINGBRIDGE SP6 2EY

**Development:** Clubhouse and additional accommodation for fishery manager

**Applicant:** Mr Jury

**Target Date:** 06/12/2018

<b>RECOMMENDATION:</b> Refuse
<b>Case Officer:</b> Stephen Belli

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Countryside

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

Objectives

- 1. Special qualities, local distinctiveness and a high quality living environment
- 7. The countryside
- 8. Biodiversity and landscape
- 9. Leisure and recreation

Policies

CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS6: Flood risk  
CS10: The spatial strategy  
CS24: Transport considerations

**Local Plan Part 2 Sites and Development Management Development Plan Document**

DM2: Nature conservation, biodiversity and geodiversity  
DM25: Recreational uses in the countryside - including horse-keeping/riding

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPG - Blashford Lakes Strategic Management Plan

## **6 RELEVANT PLANNING HISTORY**

- 6.1 16/10025 - Clubhouse with additional use for fishery manager accommodation refused 13/03/16 – appeal dismissed 19/01/17
- 6.2 13/10191 - Clubhouse - granted 13/5/13
- 6.3 10/96273 - Clubhouse - granted outline planning permission 1/6/11
- 6.4 57062 - Vary Condition 9 on 41232 (jet & water skiing use) – granted 9/8/95
- 6.5 52288 - Vary Condition 9 on 41232 to allow jet skiing - granted 14/7/93
- 6.6 41232 - Erect Clubhouse on 1 hectare site and use as water based recreation - granted 13/12/90

## **7 PARISH / TOWN COUNCIL COMMENTS**

### **Fordingbridge Town Council**

Recommend that permission is granted as the proposal will increase security for an established and successful business.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

### **9.1 Natural England**

Note the site lies immediately adjacent to the Avon Valley Special Protection Area (SPA) and Ramsar and in close proximity to the New Forest SPA, Ramsar and Special Area of Conservation. Natural England are satisfied with the Council's mitigation strategy and Habitat Regulations Assessment.

On other matters Natural England notes the presence of an SSSI adjacent to the site but is satisfied that the development will not be harmful provided a condition is imposed regarding any percussive piling operations. Natural England recommend that due regard is also taken in respect of biodiversity net gain and advice set out as well as Standing Advice dealing with protected species.

### **9.2 Ecologist**

The case officer would be required to consider the proposal against current approaches and strategies employed by the Council to provide mitigation for impacts on protected nature conservation sites - if a dwelling is established then appropriate contribution to the New Forest SPA mitigation scheme would be required. In addition I note it is proposed to discharge waste water to a septic tank, presumably that would then discharge into land within the River Avon catchment and Natural England's advice in relation to nutrient neutrality might be pertinent.

As with the previous application for this area, ecological details are scant and it would be necessary to condition measures for biodiversity mitigation, compensation and enhancement to be provided prior to commencement. In this case the use of conditions is possible due to the lower level of impact and previous planning history, however professional ecological expertise will be required to produce suitable information and method statements for works.

## **10 REPRESENTATIONS RECEIVED**

None received

## **11 CRIME & DISORDER IMPLICATIONS**

The applicant claims there is a need for on site protection for fishing stocks at the lake.

## **12 LOCAL FINANCE CONSIDERATIONS**

Local financial considerations are not material to the decision on this application

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case the applicant did not enter into pre application discussions with the Council. The current submission is still unacceptable in terms of siting and design so the Council considers it appropriate to issue a refusal.

## **14 ASSESSMENT**

### **14.1 Site description and proposals**

14.1.1 The New Forest Water Park is situated at Hucklesbrook Lakes, which is a collection of 3 lakes on the west side of the A338 Ringwood to Fordingbridge Road, between this highway and the River Avon. The Water Park specifically occupies the 2 northern lakes. The southern lake is used for fishing and is in separate ownership. The lakes were formed about 20 years ago, and they are surrounded by banks of maturing deciduous vegetation. There is an existing clubhouse building adjacent to the north-western corner of the northern lake. The land to the west of the lakes is within the Avon valley flood plain and is a designated Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA).

### **14.2 Planning History and background**

14.2.1 Since their formation in the early 1990s, the lakes have been used for water based recreation. The original 1990 planning permission restricted noise generating water based activities (water skiing and jet skiing) to just the northernmost lake. A subsequent application in 1995 permitted the middle lake to be used for jet skiing providing that jet skiing on the middle lake does not take place at the same time as

upon the northern lake. This 1995 permission also precluded jet skiing taking place on the western part of the middle lake, primarily for nature conservation reasons. At present the Water Park is only open from Easter to early November.

- 14.2.2 Application 10/96273 - In June 2011, outline planning permission was granted for a new clubhouse building adjacent to the north-west corner of the Middle Lake. A condition restricted the internal floorspace of the building to 100 square metres and the ridge height of the building to 5.5 metres. Subsequently, in May 2013, full planning permission was granted for a clubhouse building, which was proposed to be sited adjacent to the north-west corner of the Middle Lake.
- 14.2.3 Application 13/10191 - The approved clubhouse building would have a floorspace of about 100 square metres, an eaves height of about 2.5 metres and a ridge height of 5.5 metres. The approved plans showed a building with toilets, changing room facilities, a kitchen facility and a lounge / refreshment area. The approved clubhouse would be positioned right by the water's edge and would include an area of decking that would stretch out over a small part of the lake. Based on the specific justification that was put forward in support of these two applications, it was felt that there would be practical benefits in having a new smaller clubhouse facility that could specifically serve the needs of just the Middle Lake, taking into account the broad policy support for the recreational use of these lakes. There is some doubt as to whether or not this permission has been implemented. The applicants claim that certain works have been carried out to implement the permission but there is no firm evidence to confirm this. Both this application and the previous application were located in a position close to the north west corner of the middle lake close to the car park that serves this middle lake area.
- 14.2.4 Application 16/10025 - The last application was for a building to be sited on the western edge of the middle lake in a location that would be about 100 metres to the south of the previously approved clubhouse buildings. The building in question would be on sloping ground immediately adjacent to the water's edge. The building would be larger than the clubhouse buildings that were previously approved being about 6.5 metres in height when measured from the higher ground levels on the building's north-west side, but due to the sloping topography, the building would be materially higher than this when seen from other more prominent viewpoints. Indeed, the south-east elevation of the building would rise more than 8 metres above the water's edge. The building would have a footprint of about 107 square metres, but unlike the previous approved schemes, this development would have accommodation over 2-storeys. The submitted plans indicate that the main part of the ground floor of the building would be used as a workshop and for client facilities. The ground floor of the building would also include a store, a bathroom and a small changing room. The application indicates a first floor area that would be used as "personal space". There would also be a void over part of the ground floor workshop / client facilities. The application also proposes an external balcony area across the full length of the building that would overhang the lake. The submitted drawings are entitled 'Caretakers Lodge'. There was an indication that the lodge would be used for occasional residential accommodation by the Caretaker to guard against poaching in particular.

This application was refused for the following reasons

*The proposed development would be detrimental to the character and appearance of this area of countryside, in particular because:-*

- a) the proposal would result in a significant new building in an isolated rural position that would be imposing and intrusive in its lakeside setting, and which would harmfully erode the landscape character of the lake, taking into account the need to remove a significant area of trees and lakeside vegetation in order to accommodate the proposed building;*
- b) the development's adverse impact on its rural surroundings would be materially compounded by the additional activity associated with use of the building in what is a quiet lakeside position;*
- c) the proposed building would be of a size, scale and character that would not be reasonably justified in order to help meet a local recreational need.*

*As such, the proposed development would be contrary to policies CS2 and CS10 of the Core Strategy for New Forest District outside of the National Park and Policy DM25 of the Local Plan Part 2: Sites and Development Management.*

**Appeal decision – 19/01/2017** – a subsequent appeal against the refusal was dismissed. The Inspector considered the size and height of the building was unacceptable and harmful in visual terms and there was insufficient justification for such a large amount of caretaker accommodation at first floor level. The inspector considered a building in principle was acceptable but he was not convinced the chosen site was an acceptable alternative to the original approval.

#### 14.3 Current application

14.3.1 The current application is on the same site as the appeal decision. The red line location plan is identical to the earlier application. The red line plan however does not appear to be accurately plotted in relation to the car park. This has been queried with the agent but no response has been received. The building now shown is a mixture of single storey (flat roof) and two storey (pitched roof) accommodation taking account of changing ground levels. The building as previously would be clad in timber albeit this time there are no roof materials shown. The earlier building was shown with a slated roof. The applicant suggests potentially a sedum roof but there is no certainty on this.

14.3.1 The comparison with the earlier refused application is as follows (with the figures for the new application in brackets).

- 13.5m long by 7.5m wide (14m x 6.8m)
- Maximum ridge height from water 8m (6.5m)
- Maximum ridge height from rear 6.3m (3.3m)
- Ground floor space 96 sq m (83 sq m)
- 1<sup>st</sup> Floor space for reception/caretaker 34 sq m (37 sq m)
- Total floorspace excluding any balconies 130 sq m (120 sq m)

#### Original approved building under 13/10191

- Single storey 14m x 7.8m
- Overall floor space 97 sq m
- Ridge height 5.5m

- 14.3.3 The key issues with this application revolve around the principle of development in the open countryside, design of the building and any impact on visual appearance and character of the area, and any impact on matters of ecological importance.

#### 14.4 Principle and policy

- 14.4.1 On the basis that the proposed building is designed to support a recreational use, Policy DM25 of the Local Plan Part 2 is a key policy. This policy indicates that development associated with recreational uses will be permitted where it will help meet a local recreational need provided that there will not be unacceptable impacts on the amenities of local residents, the rural character of the area, local roads or other environmental or agricultural interests. The Blashford Lakes Strategic Management Plan is also of relevance. This document indicates that the overall objectives of Hucklesbrook Lakes are:- the continued use of the two northernmost lakes as a regional resource for water sports; the continued use of the southernmost lake for fishing; and general improvements to the landscape character and nature conservation interest of the lakes.

- 14.4.2 Development Plan Policy would support a new building on the shores of the middle lake that meets a clear recreational need, and which can be provided without adversely affecting the landscape character of the lake or other environmental interests. Indeed, this is why planning permission has been granted for clubhouse buildings on the shores of the middle lake previously. However, as indicated above, the building now proposed has a very different character to the developments that were approved previously. The justification for a 'clubhouse' building of the size and character now proposed is felt to be unconvincing. In considering the need for a new clubhouse building, it is important to recognise that there is already a significant clubhouse building adjacent to the northern lake that includes residential accommodation for the site owner. There is also a large storage building in this location. Furthermore, a residential caravan has been sited in this location without planning permission for occupation by the general site caretaker, and this has now become lawful by default. As such, the New Forest Water Park is already well served by existing facilities, and any significant new facility should therefore be clearly justified. The distance between this accommodation and the middle lake is less than 400 metres (0.25 miles).

- 14.4.3 The applicant's agent has submitted a supporting statement which indicates that there has been a change in the use and management of the site. The water sports will be focused on the northern lake, with the middle lake being used for quieter activities such as coarse fishing. The building now proposed reflects the changed priorities for the middle lake.

14.4.4 The earlier supporting document suggested a need for a workshop and occasional caretaker accommodation. The accommodation internally was segregated between ground floor for fishermen and 1<sup>st</sup> floor for the caretaker. This time the accommodation appears to be more mixed over the two floors and the applicant has not provided a firm idea of the exact amount and degree of accommodation for the caretaker.

14.4.5 Overall neither the Council nor the Planning Inspector disputed there was a need for a modest building to serve the recreational needs of the fisherman in the location of the middle lake. That remains the case.

#### 14.5 Design and local impact

14.5.1 The applicant's supporting statement does not fully set out the need for a building of this scale over two floors of accommodation. The difference between this application and the previous application is minimal (10 sq.m) in floor space terms. In design terms the building would still appear as a large new facility on the lake shore. The earlier approval for a single storey building would have much less visual impact and much less impact on the character of the area. The removal of the lakeside trees that existed when the last application was made has created a visual scar on this part of the site and this combined with a large new building would be detrimental to both the visual appearance of the area and its landscape character. While it may be argued that the site is relatively discreet when viewed from public vantage points, the impact on the landscape character of this part of the site and the lake still needs to be taken into consideration.

14.5.2 The Planning Inspector in his decision noted the new site was more prominent and would be visible from a number of viewpoints around the lake and from the access road leading from the A338 road to the east of the site. He noted the overall impact of the earlier building would damage the rural character of this part of the lake and its sylvan appearance. The question now is whether or not the reduced height of the building and other changes shown have proved sufficient to overcome the Inspector's and the Council's concerns. It is considered that the new design and the works to this part of the lake shore would continue to damage the character and appearance of the area. The Council maintains its position that the earlier approved site was preferable in that it was better grouped with the existing car park and had a much lesser impact on this part of the lake shore in both visual and character terms. The single storey nature of the original approval also helped to reduce any impact.

14.5.3 Added to this it is also the case that the chosen design, which shows a rectangular flat roof box on the rear of the building, is inappropriate in design terms and creates an odd incongruous looking building which does little to demonstrate local vernacular. While it could be argued that it uses the differing site levels, the overall design is unacceptable and contrary to policy CS2 of the Core Strategy. The new proposal when viewed from the front would still be in excess of the ridge height of the single storey building approved on the preferred site.

#### 14.6 Ecological impact

- 14.6.1 The application is not supported by any ecological assessment. On the basis of the available evidence, the Ecologist has concluded that with appropriate mitigation and compensation measures, the development's impact on ecological interests would be acceptable. The ecologist also raises issues regarding the River Avon and the discharge of waste water into the River Avon catchment area. In addition there is no information submitted regarding any impact on protected species or biodiversity gain. The Inspector in his earlier decision made no reference to ecological matters as these did not form a reason for refusal. In this case however it is considered that the proposal should demonstrate it is in accordance with policy CS3 of the Core Strategy. While on balance the lack of a biodiversity and enhancement scheme is regrettable this does not form a reason for refusal but should be considered further if the applicant decides to appeal against any refusal. Such a scheme can include a detailed landscaping proposal to replace trees taken out as part of the pre application works to the site.

#### 14.7 Other matters

- 14.7.1 Within the earlier appeal decision there was a discussion regarding whether or not the earlier permission granted in May 2013 has actually been implemented. Without firm evidence through a Certificate of Lawfulness it cannot be determined at this stage if that permission is still 'alive' by virtue of the ground works that took place. It is not clear what ground works took place and when. The Inspector was exercised over this matter because if he was minded to approve the application at appeal it was important not to allow two buildings to be constructed under separate planning permissions. He considered that a legal agreement was the only way in which the earlier permission could be prevented from being built.

- 14.7.2 The site is partly in a Flood Risk Area. A clubhouse building is not a use that would be a flood risk sensitive use, and on this basis the Environment Agency have no concerns. The Environment Agency have suggested that the building should not be used for overnight sleeping, but it would appear that they would not object to the development if there was an element of overnight sleeping that stopped short of a permanent residential use. On this basis, it is felt the development would be consistent with policies on flood risk.

#### 14.8 Conclusions

- 14.8.1 The principle of a new building to serve the recreational needs of the fisherman on the middle lake has been accepted in the past and is still agreed. The new site, however, for a much larger building with a greater impact is not acceptable. The design of the new building is contrary to Policy CS2, and the need to accommodate a caretaker within the building to the extent shown is not accepted as there is already accommodation on site. It is clear that the new site is more prominent in landscape terms, with any building works having a greater impact on the rural character of the lake. Any building should be single storey only and located on the site of the earlier permission. While the layout of the earlier approved building may not be exactly what is now required there is no reason why this cannot be redesigned



to include a small dedicated rest area for any lake caretaker. It is considered that the previous reason for refusal is still relevant with an additional clause relating to design.

- 14.8.2 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## **15. RECOMMENDATION**

### **Refuse**

#### **Reason(s) for Refusal:**

1. The proposed development would be detrimental to the character and appearance of this area of countryside, in particular because:-
  - a) the proposal would result in a significant new building in an isolated rural position that would be imposing and intrusive in its lakeside setting, and which would harmfully erode the landscape character of the lake, taking into account the need to remove a significant area of trees and lakeside vegetation in order to accommodate the proposed building;
  - b) the development's adverse impact on its rural surroundings would be materially compounded by the additional activity associated with use of the building in what is a quiet lakeside position;
  - c) the proposed building would be of a size, scale and character that would not be reasonably justified in order to help meet a local recreational need. As such, the proposed development would be contrary to policies CS2 and CS10 of the Core Strategy for New Forest District outside of the National Park and Policy DM25 of the Local Plan Part 2: Sites and Development Management.
  - d) It is considered that the proposed building is poorly designed by virtue of the large flat roofed section at the rear and will appear as an incongruous building which does not satisfy policy CS2 of the Core Strategy.

**Notes for inclusion on certificate:**

1. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case the applicant did not enter into pre application discussions with the Council. The current submission is still unacceptable in terms of siting and design so the Council considers it appropriate to issue a refusal.

**Further Information:**

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# New Forest DISTRICT COUNCIL

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**Planning Development  
Control Committee**  
**January 2019**

**Item No: 3d**  
New Forest Water Park  
Ringwood Road  
Fordingbridge  
18/11/130

**Scale 1:5000**  
N.B. If printing this plan from  
the internet, it will not be to  
scale.

