

HAVANT BOROUGH COUNCIL

At a meeting of the Planning Committee held on 24 June 2021

Present

Councillor Crellin (Chairman)

Councillors Howard, Hughes, Patel and Patrick

Other Councillors Present:

Councillor(s):

28 Apologies

Apologies for absence were received from Councillors Branson and Linger

29 Minutes

The minutes of the meetings of the Development Management Committee held on 25 February 2021 and the Planning Committee held on 10 and 18 March and 29 April 2021 were agreed as a correct record and signed by the Chairman.

30 Site Viewing Working Party Minutes

The minutes of the meeting of the Site Viewing Working Party held on 17 June 2021 were received.

31 Declarations of Interests

There were no declarations of interests.

32 APP/18/00943 - Tournerbury Woods, Tournerbury Lane, Hayling Island

(The site was viewed by the Site Viewing Working Party)

Proposal: A material change of use of Land as a wedding and events venue and ancillary operational development to the material change of use.

The Committee considered the written report and recommendation from the Head of Planning to refuse permission.

The Committee received supplementary information, circulated prior to the meeting which included written deputations received from Doctor Austin, Mr Southgate and Mr Knapett, on behalf of the applicant.

The Committee was addressed by the following deputies who in addition to their written deputations, had requested to address the Committee in person:

- a) Doctor Austin, who on behalf of Chichester Harbour Conservancy, outlined the responsibilities with regard to Areas of Outstanding Natural Beauty and recommended that the application should be refused for the following reasons:
- (1) the application has a detrimental impact on the landscape in an Area of Natural Beauty (“ANOB”);
 - (2) the application would have a detrimental impact on nature conservation; and
 - (3) the inappropriateness of this application in terms that it represented a major development in a highly protected landscape

Doctor Austin advised that unless it was robustly refused on these grounds, a refusal could be lost in an appeal.

- b) Mr Knappett, who on behalf of Mr & Mrs Phillips, who owned Tournerbury Farm, highlighted the following issues raised in his written submission:
- (1) little had changed since the 2017 application when there was a wish to improve access to activities within the Tournerbury Estate, whilst protecting the farming activities and husbandry at Tournerbury Farm
 - (2) the 2017 planning permission for the alternative vehicular access track had been implemented by his clients and was under construction. A current planning application had been submitted to the Council seeking to divert the approved access track in the south-eastern corner and included other minor alterations to the planning permission. It was hoped that the applicant (and his customers) would use this alternative route to access the Estate once completed;
 - (3) the specific issues of concern included: noise and disturbance late at night by visitors and traffic going to/from the Estate; the lack of security, occasional antisocial behaviour, taxis waiting in the Farmyard, vehicle headlights late at night towards the Farmhouse; the narrowness of the track and lack of opportunities for vehicles to pass; the close proximity of water bodies and lack of forward visibility; and the conflict of vehicles passing through the Farmyard with livestock, farm vehicles and workers. The application had a detrimental impact on the landscape in an Area of Natural Beauty;

(Mr Knappett failed to complete his deputation in the time allowed)

- c) Mrs Snell, the applicant, who with reference to the written deputation submitted by Mr Morris on her behalf, supported the application for the following reasons:
- (1) this was long standing business which aimed to generate sustainable income to preserve and conserve the environment and habitat;
 - (2) every Natural England condition site assessment since the business started has been positive;
 - (3) the concerns of the Conservancy examined in depth and been addressed positively by Natural England;
 - (4) Tournerbury Woods was classified as favourable status with no condition threats identified unlike most of the rest of the harbour as mentioned by the Conservancy;
 - (5) the events were booked well in advance and subjected to multiple planning meetings;
 - (6) the guests were briefed by staff on the dos and don'ts when attending an event;
 - (7) the applicant did not host stag, hen or other open access events;
 - (8) the application site was a licensed wedding venue (Hampshire CC from 2016) and licensed premises (Havant BC from 2017) and there had been no significant incidents over the past 20 years;
 - (9) the applicant had invested in the only cutting edge sound system in the Borough which had been approved by the Council's Environmental Health Team;
 - (10) the statutory undertakers had recognised the
 - Statutory Successful noise mitigation.
 - Acceptable visual impact.
 - Acceptable environmental impacts.
 - Acceptable highways impacts.
 - No heritage harm.
 - (12) the applicant was happy to put in place mitigation measures to address concerns arising from the use of the right of way;
 - (13) the applicant would be willing to use the access granted consent in 2017. However, negotiations for this use had been suspended until the owner of the access route had resolved the enforcement issue;

- (14) Hampshire County Transport consultee raised no highway concerns;
- (15) Tournerbury Farm was not a tranquil area. Since 2017 the Farm has held commercial activities such as a music festival;
- (16) The grazing animals were not in close proximity to the site and there had been no reports of incidents by guests;
- (17) if this application was refused, the fall back position could be agricultural or forestry use or a holiday let site, which could have a greater impact in terms of noise and disturbance;
- (18) the benefits of the busines identified in the report outweighed the negative impact arising from the use of the current access route; and
- (20) refusing the Application would be unreasonable, and would lead to unnecessary and wasted expense in pursuing appeal proceedings.

Mrs Snell urged the Committee not to refuse the application. However, if it was minded to do so, she requested that the mater be deferred to enable appropriate conditions to be drafted to overcome the reason for refusal

- d) Councillor Scott, a ward Councillor, who on behalf of the owners of Tournerbury Farm supported her written deputation by highlighting:
 - (1) that the use of the current access endangered the health and safety of animals, workers on the farm and guests;
 - (2) that the access route was not accessible by buses;
 - (3) the number of accidents and incidents of anti-social behaviour which had occurred at Torunerbury Farm caused by guests of the events held by the applicant, who had strayed onto the farm because there was no marshalling or security at the events;
 - (4) the use of the current access interfered with the rights of occupiers of Tournerbury Farm under Article 12 of the Human Rights Act; and
 - (5) there is no guarantee that the applicant would use the new access route after it had been completed.

In response to the deputations, the officers commented as follows:

Mr Southgate

- Neither the County Archaeologist nor the Council's Conservation Officer objected to the scheme on the grounds that the scheme would have a detrimental impact on the ancient monument as no alterations were proposed to the existing track running through the ancient monument

Doctor Austin

- The traffic generation concerns did not have a direct bearing on the landscape character of the ANOB per se and any impact could be managed, therefore the officers had taken the view that this application did not constitute a major development. However, this was a matter to be determined by the Committee.

Mrs Snell

- Natural England and the Council's Ecologist was satisfied with the application and the applicant had consulted Natural England
- With reference to Mrs Snell comments regarding the fall-back position, the officers advised that:
 - a certificate of lawfulness had not be issued for the event
 - The majority of the site was already forestry and agricultural so traffic movements of this use was to be expected and there was no evidence of an intention for livestock farming or glass houses. Therefore, the Committee needed to consider the likelihood of the this use occurring.
 - The Committee would need to consider if the traffic likely to be generated by the letting of the cottage as a holiday let would be comparable with the movements associated with the events.
 - There would be a significant difference in impact if the events were held under permitted development i.e. the events were held on up to 28 days a year.

In response to questions raised by members of the Committee, the officers advised

- There were no details on the forest school referred to be the applicant. Reference to the school was probably included to demonstrate the flexibility of activities that could take place on the application site
- The officers had no information on the music events held on the farm.
- The sound proofing structure was installed on the instigation by the applicants in response to concerns raised about the noise likely to be generated by the event.

- the proximity of residential properties to the south of the site was such that it was not considered that the noise likely to be generated by the events would be sufficient to justify refusal.
- It was understood that Tournerbury Farm was a working farm but the officers did not have details of the range of activities on this farm.
- The traffic count reports referred to in the Committee papers referred to the use of the private access. The peak flows were just prior to the beginning of the event and when the event closed
- The officer were not in a position to advise if the quality of the ANOB had been affected by the events.
- The Council was required to considered the impact of the development on the ANOB and the officers had taken the view that this impact would not sufficient to justify refusal. However, this was disputed by Chichester Harbour Conservancy.
- In terms of the impact of the ANOB, there was an additional requirement that if the development was considered a “major development”, the application should be refused. In this particular case, the officers did not agree with Doctor Austin that the development should be classified as “major development” for the reasons stated above.
- The Committee was required to consider the application as submitted on its own merits
- The two applications for an alternative access were submitted by the applicant to avoid the impact on Tournerbury Farm. The owner of Tournerbury Farm had implemented the track but not in accordance with the approved plans. The stance taken by the applicants was that the alternative access was helpful but not necessary
- The Committee had an opportunity to consider if a lesser amount of traffic would be acceptable

The Committee discussed the application in detail together with the views raised by deputees.

The Committee considered that this application did not constitute a “major development” and would not have a detrimental impact on the ANOB.

Some of the members expressed concern that there were insufficient details on the projected growth of the events to make a judgement on the potential impact of the application. However, a majority of the Committee considered that the applicant had been given an opportunity to supply additional information to support the application and that sufficient information was available to make a decision.

One member did considered that:

- (i) the number and the timing of the events would not have a sufficient adverse impact to justify refusal;
- (ii) the benefits of this business to the economy of the Borough outweighed any detrimental impact; and
- (iii) a compromise on the use of the access would overcome the objections to the scheme.

However, a majority of the Committee considered that, based on the information available at the time of the meeting, the activities likely to be generated by the application would have a detrimental impact on the amenities of the occupiers of the farm and cottages. This adverse impact outweighed the benefits of the application.

A majority of the Committee were therefore minded to refuse this information and it was:

RESOLVED that application APP/18/00943 be refused for the following reasons:

1. Having regard to the nature of the activities being applied for, which include celebratory and social gatherings into the late evening; the high number of participants proposed; and the limitations of the access track which do not allow for two-way flow over all of its length through the adjoining Tournerbury Farm holding, the Local Planning Authority considers that it is not appropriate in planning terms for the wedding and events venue to rely on this route. To do so would bring an ongoing risk of noise and disturbance to occupiers of the Farm dwellings; and the risk of conflict between visitor movements and the safe and satisfactory functioning of the farmyard activities as a whole.

As such the development is considered contrary to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy AL1 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

[the voting on this resolution was recorded as follows:

*For: Councillors Crellin, Howard and Howard
Against: Councillors Patel and Patrick
Abstention: None]*

33 APP/21/00345 - 6 Battens Way, Havant, PO9 2DX

(The site was viewed by the Site Viewing Working Party)

Proposal: Rear conservatory

The Committee considered the written report and recommendation from the Head of Planning to grant permission.

In response to questions from the Committee, officers advised that the existing outbuildings in the rear gardens were not the subject of this application.

RESOLVED that application APP/21/00345 be granted permission subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

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.

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

Location Plan
Proposed Block Plan
Proposed East Elevation
Proposed West Elevation
Proposed Rear Extension
Proposed Ground Floor Plan

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

[The voting on this application was recorded as follows:

For: Councillors Crellin, Howard, Hughes, Patel and Patrick
Against: None
Abstentions: None]

The meeting commenced at 5.00 pm and concluded at 8.52 pm

.....

Chairman