



highway network for the traffic flows associated with the uses applied for.

With regards to the use of the track through the farmyard, the question of whether legal rights exist for the applicant to use this route for visitors to the facility is not a material planning consideration. However, the impact of the use of the track on the functioning and amenity of the adjoining farm holding and associated dwellings is considered to be material to this case, and here detailed representations have been received setting out the impact of the activities which have occurred to date. Having regard to the nature of the activities being applied for – which include celebratory and social gatherings – and the number of participants involved, which may include several hundred guests, it is not considered appropriate for the wedding and events venue to rely on this route, bringing as it does the risks of noise and disturbance in residential amenity terms, and the risk of conflict between visitor movements and the safe and satisfactory functioning of the farmyard. The existence of a previous planning permission for an alternative route to the Tournerbury Estate, whilst not part of this application, appears to have acknowledged this conflict and in planning terms remains capable of implementation.

In terms of other amenity considerations, the key concerns raised by third parties relate to noise generation, including amplified music. Further to initial concerns raised by the Environmental Health team, the applicant has installed additional noise attenuation measures to the principal focus of activities, the marquee. The current set-up has been observed during events by the Environmental Health officer visiting the vicinity of the site prior to the Covid pandemic, and they have been able to conclude that with these measures in place there is not likely to be a loss of amenity arising from noise from the site.

From a heritage point of view, the use of the existing track leading through The Bury Scheduled Ancient Monument is not considered to give rise to any harm to this heritage asset; The Bury itself not being the proposed site for any of the wedding or event activities per se.

In flood risk terms, whilst the site lies within Flood Zones 2 and 3, the Flood Risk Assessment submitted with the application sets out appropriate flood warning and evacuation measures to deal with the risks arising. No permanent residential accommodation is created by the proposals.

Overall, whilst a number of issues raised by consultees and third parties have been able to be overcome through the submission of additional information during the life of this application, the inherent challenges in continuing to rely upon the existing track through the adjoining farmyard are considered inappropriate for the scale and nature of activities proposed for the site. These concerns are, on balance, considered to outweigh the economic benefits that derive from the scheme, and in a challenging exercise of competing planning considerations the application is recommended for refusal.

## **1 Site Description**

- 1.1 The application site forms part of the Tournerbury Woods Estate, a 300 acre (121.4ha) estate lying off Tournerbury Lane on the eastern seaboard of Hayling Island. Approximately 250 acres (101ha) of the estate is understood to comprise intertidal habitat, with the balance of 50 acres (20ha) on land. The application site forms a part of that 50 acres (20ha) – the redline plan submitted with the application shows an area which the proposals relate to comprising 4.8ha.
- 1.2 Access to the site is gained via a right of way through adjacent land, including the farmyard of Tournerbury Farm, which eventually leads to the eastern terminus of the adopted highway of Tournerbury Lane.
- 1.3 The site lies within Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar Site. Tournerbury is also designated as a unit of the Chichester Harbour Site

of Special Scientific Interest (SSSI), and is the subject of a longstanding management agreement between the applicant and Natural England. In addition, the eastern part of the site lies adjacent to the Solent Maritime Special Area for Conservation (SAC).

- 1.4 The site lies within the Chichester Harbour Area of Outstanding Natural Beauty. Part of the access runs through a Scheduled Ancient Monument.

## **2 Planning History**

- 2.1 Previous planning applications of relevance are as follows:

01/62340/001 - Partial raising of lawn to above tidal level and removal of two trees to north of cottage covered by TPO 448. Permitted 18/12/2001.

APP/12/00584 - Application to determine whether prior approval is required for the siting and appearance of proposed fish tank. Prior approval required and refused 04/07/2012.

APP/17/00207 - Construct vehicular track from the public highway to Tournurbury Woods Estates for the purpose of avoiding agricultural operations in Tournurbury Farm. Permitted 04/05/2017 and part implemented.

APP/19/01262 - Application for Certificate of Lawfulness for an existing use or development relating to (1) change of use of Woods Cottage and its environs into leisure/tourism use for the purposes of holiday lettings and camping, and as a commercial event venue for the purposes of both holidays and the holding of weddings and events and the utilisation of any ancillary buildings and structures that may be required as necessary for such uses; (2) erection of log cabin and adjoining deck; (3) erection of Victorian style gazebo structure; and (4) erection of marquee structure. Refused 02/06/2021 for the following reason:

*1 On the basis of the evidence submitted with the application and other material available to the Council, including the planning history of the site, the Council has concluded the following in respect of the application:*

*Element 1: change of use of Woods Cottage and its environs into leisure/tourism use for the purposes of holiday lettings and camping, and as a commercial event venue for the purposes of both holidays and the holding of weddings and events and the utilisation of any ancillary buildings and structures that may be required as necessary for such uses.*

*Woods Cottage and its limited curtilage as demonstrated by the planning history of the site was once a separate planning unit, and the rest of the area affected by the CLEUD was necessarily part of another planning unit. Within the last 10 years that has changed, and Woods Cottage has become associated with a larger area, thereby creating a different planning unit. Furthermore, over the 10 year period the subject of the application there has been a material change in the mix and balance of uses undertaken at the site, with the result that it cannot be said that the activities being undertaken in 2019 are equivalent to those being undertaken in 2009.*

*As a result, the mixed use of the larger planning unit to which Woods Cottage now belongs does not benefit from immunity from enforcement action.*

*Elements 2-4: erection of log cabin and adjoining deck; erection of Victorian style gazebo structure; and erection of marquee structure.*

*Based on the evidence submitted, it is considered that on the balance of probability, all three structures are part and parcel of the material change of use which has occurred on the land. As none of the structures has been in situ for the period of 10 years prior to the*

*making of the application, they are not immune from enforcement action.*

*Having regard to these conclusions, a Lawful Development Certificate cannot be issued for the matters the subject of the application.*

APP/20/00626 - Variation of conditions 2 and 7 of Planning Permission APP/17/00207 (Construct vehicular track from the public highway to Tournerbury Woods Estates for the purpose of avoiding agricultural operations in Tournerbury Farm) to substitute a new plan "BJC Location and Site Plan (Plan no. H125/2020.07.03L/SP)" in lieu of approved plan "Site Plan and Section DN: A102"; and revised landscaping and tree planting proposals from those previously approved.  
Current application under consideration.

- 2.2 An Enforcement Notice was issued in respect of the site on 17th January 2020 regarding the following breach of planning control:

*"Without planning permission and within the last 10 years, a material change of use of the land from agriculture and a dwellinghouse used for holiday letting's, to the use of the land for agriculture, a dwellinghouse used for holiday letting's, camping, holding of weddings and other commercial events."*

The Notice took effect on 13 March 2020, and requires the following:

- 1 Cease the use of the Land for weddings and other commercial events.*
- 2 Cease the use of the Land for camping associated with weddings and other commercial events.*
- 3 Cease the use of the dwellinghouse for accommodation associated with weddings and other commercial events.*
- 4 Remove from the Land, all buildings (excluding the dwellinghouse), structures, decking and marquees and any other paraphernalia associated with weddings and commercial events.*

The Notice is currently the subject of an appeal to the Planning Inspectorate.

### **3 Proposal**

- 3.1 A material change of use of Land as a wedding and events venue and ancillary operational development to the material change of use.
- 3.2 This retrospective planning application seeks consent for use of part of the Tournerbury Woods Estate on Hayling Island as a wedding & events venue. The proposal includes both a change of land use and that of an existing building on the site (Woods Cottage). It also includes the following operational development which has already been undertaken on the land:
- A marquee with dimensions of 12m x 33m plus entrance pagoda. The marquee features a peaked roof which reaches a maximum height of 8.5m. The marquee incorporates a sound attenuation system which has been installed during the life of the application.
  - A raised deck area of 11.5m x 22m, with a log cabin on it of 4m x 3m. The deck is covered by a stretched tent awning which reaches a maximum height of 6.5m from ground level.
  - A Victorian-style gazebo, an open-air structure of 3m diameter and 4.5m in height.

The proposal also allows for use of a temporary jetty on the foreshore.

- 3.3 The area, the subject of the application, extends to include the use of lawns and garden areas adjoining the structures and Woods Cottage, and extends down to the foreshore where a temporary jetty is erected on occasion and at request, to receive the arrival of the

bride and groom from the Harbour, and/or for purpose of taking photographs of the wedding party.

- 3.4 In terms of the frequency of the use and its capacity, the Design and Access Statement submitted with the application indicates an aspiration for the site to hold between 100-200 weddings or events per year, ranging in size from 15-500 attendees. Other types of activities that it is proposed could be accommodated on the site are camping in connection with the Duke of Edinburgh Award Scheme; use as a forest school; and use as a wellbeing retreat.
- 3.4 Access to the site is taken via a private track which runs from the eastern limit of the adopted highway of Tournerbury Lane. Prior to entering the Tournerbury Estate the track passes the access to the parking area for the Tournerbury Golf Centre and then runs through the existing farmyard of Tournerbury Farm, which is surrounded by a number of dwellings and a variety of agricultural buildings.
- 3.5 The application has been through a number of rounds of consultation following the receipt of additional material responding to consultee responses and third party representations. As such the application is supported by a number of reports:
- Phase 1 Ecological Report
  - Ecological Impact report (June 2020)
  - Shadow Habitats Regulations Assessment report (April 2020)
  - Design and Access Statement
  - Topographic survey
  - Drainage, sewerage and utilities assessment
  - Scheduled Ancient Monument impact report
  - Tree survey and arboricultural impact statement
  - Acoustic Report (October 2013 and updated July 2019)
  - Flood risk assessment
  - Land deed documentation setting out access rights across Tournerbury Farmyard
  - Two Transport Statements (November 2019)

#### **4 Policy Considerations**

##### National Planning Policy Framework

##### Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS5	(Tourism)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

##### Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission Version Havant Local Plan

E22	(Amenity and pollution)
E5	(Chichester Harbour Area of Outstanding Natural Beauty)
E4	(Development on the Coast)
E1*	(High quality design)
E13	(Historic environment and heritage asset)
E3	(Landscape and settlement boundaries)
E19	(Managing flood risk in new development)
E15	(Protected species)
E16	(Solent Special Protection Areas)
E14	(The Local Ecological Network)
IN3	(Transport and parking in new development)
E18	(Trees, hedgerows and woodland)
EX1	(EX1   Water Quality impact on the Solent European Sites)

Havant Borough Council Borough Design Guide SPD 2011

Havant Borough Council Parking SPD

Listed Building Grade: Not applicable.  
Conservation Area: Not applicable.

**5 Statutory and Non Statutory Consultations**

***Officer comment:** The planning application has featured a number of rounds of consultation with statutory and non-statutory consultees, in response to the submission of additional reports to accompany the application which have occurred after its original registration. The following section reports the most up to date consultee comments in each case.*

**Arboriculturalist, Havant Borough Council**

Having visited the site and read the Arb Method Statement (AMS) provided by Kim Gifford I am satisfied that the mitigation proposed so the trees are not negatively impacted upon is adequate.

Should permission be granted for this application then I would request that the AMS set out in the submitted report is conditioned and adhered to.

No arboricultural objection.

**Building Control**

No comments received

**Chichester Harbour Conservancy**

The Conservancy has reviewed the additional information submitted.

Whereas the 18/12/2020 views of The Conservancy's ecologist at the end of these comments\* have been taken into account, discussion of this case with The AONB Unit Manager still leaves a number of remaining concerns. The Conservancy therefore maintains its previous objection.

The impact of - (still poorly specified existing) - artificial lighting to wildlife during hours of darkness/night is still not properly assessed. The applicant's conclusion is that wildlife has become habituated to such impact, but does not even consider what

lighting is currently used at the site and whether this meets the specification of lighting they are recommending. Nor do the consultants specify the total number of light fittings that would be appropriate/not result in harm to wildlife. To date, all anyone knows about lighting used is indicated in the diagram below, which was sent to the Conservancy back in December 2018, although I cannot now find this on the Council's webpage for this case, so am unable to confirm this even forms part of the submitted application. The applicant has not submitted a schedule of all existing lighting and its specification.



It would be inappropriate for the Council to grant planning permission subject to all lighting meeting the ecology consultant's specification.

All that could be likely to happen is that the applicant would simply just continue to use the existing lighting and claim that it met that specification. That is not good enough for The Conservancy.

Adopted Core Strategy Policy CS12 sets out planning permission will be granted where it –

1. Carefully assesses the impact of individual proposals, and their cumulative effect, on the Chichester Harbour AONB, and its setting.
2. Is appropriate to the economic, social and environmental wellbeing of the area or is desirable for the understanding and enjoyment of the area.
3. Conserves and enhances the special qualities of the Chichester Harbour AONB (as defined in the Chichester Harbour AONB Management Plan).
4. Meets the policy aims of the Chichester Harbour AONB Management Plan, and
5. Provides mitigation of any detrimental effects including where appropriate the improvement of existing damaged landscapes relating to the proposal.

In respect of 1, the Conservancy asserts the assessment has not been careful enough.

In respect of 2, The Conservancy treats economic considerations as wholly subordinate to environmental considerations being satisfied.

In respect of 3, the Ecological consultant has not considered the impact of an uncapped number of events per calendar year the applicant proposes. Whereas the enhancements and event management plan the applicant's ecological consultant proposes are welcomed, The Conservancy still has very real concerns about an unrestricted number of events per calendar year and this forms the principal element of its objection.

In respect of 4, the applicant has not had regard to The Conservancy's Management Plan nor its planning principle 09, designed to restrict the impact of artificial lighting on the night sky in more remote/rural parts of the AONB. Whereas the applicant has produced their own assessment of light impact perceived from the water at night, there is no way of confirming that the lighting indicated at positions in the diagram above was in fact illuminated, when the photographs were taken. I am also aware of other multi-coloured string lighting closer to the shoreline from my site visit, that is not indicated on this diagram. For the applicant to point at other lighting close-by having greater impact is not the point. The applicant must demonstrate that their lighting does not cause a negative impact to the AONB.

Finally, in respect of strand 5, the Conservancy welcomes the enhancements proposed in 'The Plantation' in terms of Section 5 of the updated ecology report and the events Management Plan, which ought to have been submitted at the very outset.

*\*"The new application contains information that are important improvements to the application in regards to the ecology of the site, particularly the visitor management strategy and the Bat Survey Report. The visitor management strategy and its implementation is a key component in addressing the potential impacts on the designated features of the SPA (wintering and passage birds) of the proposal. Clear statements on the no fireworks rules, dogs on leads and limiting human access to the foreshore are significant measures in reducing likely impacts on wintering birds from visual and noise disturbance. Regarding the potential impacts to breeding birds within the woodland (an SSSI feature and of particular importance here due to the historic heronry), it is welcome that visitors will be prevented to accessing the woodland during the breeding season, and there is the potential for the access to be re-routed outside the woodland. I am satisfied that, assuming the visitor management strategy is carried out as described, the breeding bird interest in the woodland is unlikely to be significantly affected, although continued annual monitoring would be useful in understanding long terms impacts. The Bat Survey Report finds foraging and commuting bats around the site, and a likely roost in the cottage; - the mitigation measures (particularly regarding lighting) and enhancements as laid out in the bat survey report should be followed to ensure there is minimal impacts. I would recommend that the lighting, mitigation, visitor management measures are, as far as possible, secured by condition.*

The Conservancy notes Natural England's on-line comments dated 18-12-2020, but does not consider the matters set out above have been carefully considered, which does not recognise that the jetty does not benefit from planning permission and is contrary to The Conservancy's planning principle PP11, contained within the Chichester Harbour Management Plan 2019-2024.

#### **Communities Manager**

No comments received

#### **Conservation Officer**

Conservation Comments: The proposed venue area does not extend to the nearby Scheduled Ancient Monument (SAM). As such no buildings and structures are proposed that would affect the SAM or its setting. No objection.

#### **Countryside Access Team**

No comments received

#### **County Archaeologist**

As this is a retrospective application that will involve no significant ground disturbance, combined with the fact that the site is located within dense woodland and will not

impact upon the setting of the nearby Scheduled Monument, then there are no archaeological issues that I would wish to raise in this particular instance.

### **Council's Ecologist, Strategic Environmental Delivery**

Thank you for consulting me again on this retrospective application. As you know, I have been in communication with the applicant's ecologist as well as Natural England in respect to the updated ecological information submitted. I acknowledge that the applicant's ecologist has been in discussion with NE through their Discretionary Advice Service and that proposed mitigation measures have been agreed through that process.

The application is accompanied by a Shadow Habitats Regulations Assessment (Holbury Consultancy Service, November 2020), an Ecological Impact Assessment (HES, December 2020) and a Bat Survey report (HES, December 2020). The Shadow HRA includes a Visitor Management Strategy, designed primarily to address identified impacts in relation to recreational disturbance.

### **HRA**

The Shadow HRA sets out, in a logical order, the potential impacts on the identified international sites (Chichester & Langstone Harbours SPA and Ramsar, Solent Maritime SAC) and their qualifying features and conservation objectives. Potential impacts identified comprise noise and light disturbance, increased recreational disturbance and waterborne pollution. These potential impacts are discussed in further detail within the second stage of the HRA.

There is existing available data for wintering bird species within Chichester Harbour dating from winter 2017/18. These data show that a range of bird species, including SPA qualifying species, are present within the My Lord's Pond area lying south of the application site. I am willing to agree that some bird species (e.g. brent geese) will indeed be accustomed to existing background levels of noise and visual disturbance, however some species (e.g. curlew) do not appear to tolerate disturbance at all. It is important to highlight that the proposal comprises a novel source of potential noise and visual disturbance and that birds' estimated behavioural responses should be viewed in that context. It is almost impossible to predict what birds responses would be and, in accordance with HRA, a precautionary approach must be taken.

Overall, I accept that evidence suggests that noise levels will not exceed c.68dB at the foreshore and that noise impacts are unlikely to be an issue. In terms of noise and visual disturbance from guests, the proposed rope barrier and signage along the Harbour Lawn boundary will hopefully ensure that guests do not access the most sensitive areas within the wintering period, as will the restriction on jetty access. I accept that outdoor areas are less attractive in the winter months and that the foreshore itself is not an attractive area to access for wedding guests. The house rules on dogs and fireworks are welcome and it is hoped that these rules will continue to be enforced by the site managers as it is not possible to enforce these through planning. I note that in recent correspondence, Natural England have requested clarification of the periods within which noise disturbance and visitor access restrictions will apply. The recognised overwintering period is 1 October to 31 March and NE had requested that this period is used throughout. The agreed DAS meeting minutes also state that agreement was made on the 1 October / 31 March period. The Shadow HRA recommends that mitigation measures commence on 1 November and that the noise restrictions period is 30 November to 31 March. I note that email correspondence to the applicant's ecologist from NE (dated 19 November 2020) states 'provided the competent authority are satisfied that use of the jetty area in October will be infrequent and that dogs are kept on leads at all times there is unlikely to be adverse effect on integrity of the SPA?. The stated use of the jetty is 'a maximum of 3-4 times across the

month and 'of short duration. I am of course unable to confirm if this is indeed the case but, if this is correct, I am willing to agree that this is not likely to result in significant impacts to birds within the SPA/Ramsar. Some localised redistribution of bird species within intertidal areas (if access is away from high-tide periods) can be expected, but this is unlikely to be substantial provided that e.g. dogs are not present off-lead. Again, it is the implementation of the rules that is the key to success here.

Overall, I am content with the submitted information and consider that, with the agreement of Natural England, Havant Borough Council can be confident that the proposed works as submitted will not result in impacts to the integrity of the international designated sites. I will add that if further amendments are required that would result in additional potential impacts (from recreational disturbance in particular e.g. through increased use of the jetty and lawn, or additional events within the winter period), then I would recommend that bespoke surveys of wintering birds are carried out. This would allow a more robust assessment of potential impacts and tailored mitigation measures.

#### Other ecology issues

The submitted bat survey report demonstrates that Woods Cottage supports a suspected non-breeding roost of common and soprano pipistrelle bats, with a peak of at least ten bats observed. It is understood that no works to Woods Cottage are proposed that would result in impacts to the identified bat roost. On that basis, no mitigation measures are necessary. If at any future time works to the roof materials, roof void or timber cladding of Woods Cottage are required, then updating bat surveys and a fully-detailed mitigation strategy will be required. Bat surveys identified that foraging/commuting bats are present across the site. Impacts to flying bats would occur from inappropriate lighting and some sensible recommendations for the use of artificial lighting are provided.

Mitigation measures to avoid and minimise impacts to the established heronry entail signage (to prevent vehicles stopping within the woodland) and restrictions on visitor pedestrian access to avoid the nesting season between January and June each year. These measures are acceptable and have been agreed in advance with NE.

I am content that sufficient detail has been provided on the general ecology of the site and that ecological impacts are understood and are not likely to be significant. Some sensible enhancement measures have been provided e.g. bird nest boxes.

If you are minded to grant permission, can I suggest that all ecological mitigation, compensation and enhancement measures are secured by condition.

*Development shall proceed in accordance with the Shadow Habitats Regulations Assessment (Holbury Consultancy Service, November 2020), Ecological Impact Assessment (HES, December 2020) and Bat Survey report (HES, December 2020) unless otherwise agreed in writing by the Local Planning Authority. All ecological mitigation and enhancement measures shall be implemented as per ecologist's instructions. All ecological enhancement measures shall be retained in a location and condition suited to their intended function Reason: to protect and enhance biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.*

#### **Crime Prevention -Major Apps**

No comments received

#### **Environmental Health Manager – Noise**

I refer to the above reconsultation request under the Town & Country Planning Acts

passed to this Service for comment, especially in relation to site generated noise.

I have perused the additional documentation now provided, including the latest noise assessment / report produced by Direct Acoustics, dated 12 June 2019, and can advise as follows:

This office dealt with a number of noise complaints received in the latter part of 2018 and early 2019, levelled at this facility especially in relation to alleged noise nuisance from loud music, and also allegations of noise from loud voices and swearing. The applicant has in April of this year, as advised by Direct Acoustics in the above report, further improved on the acoustic mitigation measures that previously existed within the marquee, used primarily for wedding receptions. The report shows that these measures, have significantly improved the attenuation of noise levels produced by live or recorded music.

Direct Acoustics have, after considering their assessment in June of this year, recommended that a suitable internal noise level of 96 dBA should not be exceeded within the dance floor area. If this is adhered to, it should then ensure no impact on nearby residential receptors from loud music.

There have been no further complaints of noise nuisance logged with this office at this time, especially since the additional mitigation measures were completed, nor any related to alleged people noise including shouting and swearing, emanating from the site.

This office therefore has no objection in principle to this retrospective application for this development, but would suggest the inclusion of the following conditions, if this application were to receive approval:

Condition 1: All recorded or live music to be provided for the entertainment of wedding or function guests should only be employed within the designated acoustic enclosure sited within the existing marquee on the site, and the noise level within this enclosure should not exceed the maximum 96 dBA LAeq recommended on the dance floor.  
Reason: to ensure the amenity of nearby residential receptors is not impacted upon.

Condition 2: That no 'after parties' or similar activities be allowed to take place within the boundaries of the Tournerbury Woods site.  
Reason: to ensure the amenity of nearby residential receptors is not impacted upon.

In respect of the latter condition, it is recommended that the applicant submit a 'noise plan', to confirm what procedures and practices are currently in place and what, if any, additional measures are being considered to ensure no impact, especially from those guests staying over in the proposed camp site area or in the cottage.

Please feel free to contact me if clarification is required of any of the above items.

### **Environmental Health Manager – Contamination**

I have briefly reviewed the submitted document, and note that whilst the highways impact is notable in percentage terms – it is relatively small in absolute terms. This is especially true when considering the frequency of events, and the seasonal bias in the demand for events (majority held in summer, when Air Quality is better, fewer in winter, when it tends to be materially 'worse'). From an air quality impact perspective, we are interested in the average annual effect, and the traffic generation is simply insufficient to be regarded as likely to be material.

The proportional change (from 'current planning land use' to the 'proposed wedding venue use') is considered to be an amenity issue. Given how contentious this

application appears to be, I thought that it was worth making a qualified 'raise no objection' response, rather than simply not respond on this subject.

### **Hampshire Fire & Rescue**

Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.

### **Hampshire Highways**

I refer to your recent re-consultation in respect of the above planning application and my earlier letter dated 18 November. Please accept this as my response to this consultation.

I now understand the aforementioned paragraph 5 of the highway review of right of way through Tournerbury Farm should have been removed. I confirm the description of that route is generally accurate. The description of the approach road is also generally accurate and I can confirm that because the traffic associated with this route is not likely to be generated during peak travel times and is tidal in character the local highway network can accommodate it.

Parking for cars and coaches has been made available on site and as you know this is a matter for the LPA.

Please accept this letter as confirmation that the Highway Authority have no objection to this proposal.

### **Hampshire Wildlife Trust, Beechcroft House**

No comments received

### **Highways Engineer**

The application needs the inclusion of a Transport Assessment Report in order for the Highway Authority to evaluate the effect of the proposed development on the local transport network.

### **Historic England**

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if there were additional works required that affect the road then Scheduled Monument Consent would be required.

### **Landscape Team, Havant Borough Council**

From a landscape perspective we have no adverse comments.

### **Local Lead Flood Authority HCC**

Thank you for consulting us on the above application.

This application appears to be for change of use and there does not appear to be an increase in impermeable area, therefore we have no comments at this time.

### **Natural England Government Team**

#### No objection subject to securing mitigation

Thank you for consulting Natural England on the Habitats Regulations Assessment and Appropriate Assessment for the above application.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Natural England welcome all of the measures taken to ensure there will be no adverse impacts on designated sites. We note that the restrictions and mitigation measures will be secured by a planning condition: any deviation from them will require the prior consent of the Competent Authority in consultation with Natural England. Where necessary, the Competent Authority will request additional assessment to determine if impacts are likely. Please refer to our previous advice, dated 18th of December 2020, for further comments on the mitigation strategies.

#### Advice dated 18<sup>th</sup> December 2020

No objection subject to mitigation

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

The following comments are provided to assist your authority in completing the HRA for the proposals and take into account the information provided in the shadow HRA and Visitor Management Strategy by Holbury Consultancy Service on behalf of the applicant.

#### Disturbance

Natural England previously raised concerns about potential increased disturbance from access, noise and light at Tournerbury Foreshore during wedding events during the overwintering period. We welcome the recognition in the shadow HRA that the overwintering period for the SPA species is 1st October to 31st March inclusive, however note that mitigation measures set out in the visitor management strategy will commence from 1st November to 31st March with a noise restriction period in place 30th November to 31st March.

The shadow HRA states that 'disturbance events associated with events would be infrequent (a maximum of 3-4 times across the month), of short duration (max 1-2 hours) and extremely localised in nature, confined to the temporary jetty or the adjacent Harbour Lawn'. We accept that access to outdoor areas is less attractive during winter

months and that the nature of the terrain at the foreshore is in itself not attractive to wedding guests in formal attire. We welcome the proposed barrier and signage which will further discourage access along with the event rules which requires dogs on short leads at all times and no fireworks allowed. We therefore on balance we agree that provided the competent authority is confident these rules will be implemented by site managers and the measures set out in the visitor management strategy, there is unlikely to be an adverse effect on integrity on the SPA.

It is Natural England's view that use of the jetty and lawn area during the month of October represent a novel source of noise which SPA species are unlikely to be habituated to, we therefore advise the competent authority recognise this in the HRA and take a precautionary approach. The competent authority should be satisfied that use of the jetty will be limited to 3-4 times during October.

In addition the proposals have the potential to impact on SPA species through noise disturbance from amplified music in the marquee. The applicant states an attenuated sound system will be continue to be used in the marquee which prevents noise levels exceeding 69db at the foreshore with measurements showing typical sound levels of 34db. We therefore agree that disturbance from noise is unlikely to have an adverse effect on integrity provided the use of this system and monitoring can be secured via appropriately worded condition with any planning consent.

Should the frequency of events increase beyond 4 we recommend that further bespoke wintering bird surveys are conducted to assess disturbance impacts.

#### The Bury

Natural England raised concerns potential disturbance to the Heronry within The Bury which is listed as a feature of the Chichester Harbour SSSI. However evidence suggests that Herons are more likely to be disturbed by vehicles stopping than by vehicles which drive by without stopping. The Visitor Management Strategy sets out that visitors are unlikely to stop on the access track but as a precaution signage will erected at entrances to the access track which advises visitors to not stop due to nesting birds. Based on this evidence and the additional measures we are satisfied there is unlikely to be increased disturbance to the Heronry during the nesting months of January to June.

#### Nitrogen neutrality

The nitrogen calculation sets out that the proposals will result in a negative nitrogen budget of -0.51Kg/N/year taking into account camping associated with wedding events and the reduction in occupancy of Woods Cottage as a previous full time residential property to its current use by married couples on average 26 nights per year. Provided the competent authority is satisfied with the nitrogen budget, Natural England raises no concerns. It is Natural England's view that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. These are matters for each competent authority. Natural England's advice is to take a precautionary approach that recognises the uncertainty.

#### Protected species

Natural England has not assessed this application and associated document for impacts on protected species. Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise that the standing advice is interpreted for you by your district ecologist, or an equivalent independent party with the necessary expertise. Natural England will only provide bespoke advice on protected species where they form part of

a SSSI or in exceptional circumstances.

Please contact me if you have any queries regarding this advice.

### **Open Space Society**

No comments received

### **Planning Policy**

#### Policy Status

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan still form the adopted development plan for the borough. The Pre-Submission Plan may be afforded limited weight.

#### Key Issues

There are no specific local policies governing this type of operation, but a number of policies are relevant to development in this location. Previous comments highlighted only those in the adopted Local Plan. It should be noted that most have equivalent policies in the emerging Local Plan, which are highlighted below.

#### Development outside the urban area:

The site lies outside the urban area as defined by policies CS17 and AL2. These policies seek to guide development towards the urban area. However, it is hard to envisage how this particular use could be accommodated within the urban area; indeed, it is specifically making use of the space available on the agricultural land / the forest in this location. I do not consider that policies CS17 or AL2 are intended to govern this type of development, and it would therefore be inappropriate to raise an in principle objection on that point. The same is true of emerging policy E3, which in addition makes an exception for development which specifically and demonstrably requires a location outside of a built-up area.

#### Noise and Disturbance:

The use as a wedding venue, and in particular the fact that it is to be largely outdoors, has the potential to generate noise and be a source of disturbance to surrounding uses. The applicant will need to demonstrate that the likely noise impact, and proposed mitigation measures are acceptable, in line with policy DM10. Emerging policy E22 has the same expectations.

#### Solent SSSI, SAC, and Brent Geese and Waders:

It should be noted that the site lies adjacent to Chichester Harbour SSSI and SAC, and therefore it must be carefully assessed whether the provisions of policies CS11 and DM23, as well as national and international regulations regarding such sites is satisfied. In addition, immediately adjacent to the application site lies land which is noted to be a Core Area for Brent Geese and Solent Waders. Emerging policy E17 provides further detail on how such sites should be treated. It makes clear that a project level Habitats Regulations Assessment (HRA) and, if necessary, an Appropriate Assessment (AA) is required. I understand that this has not been done. Development proposals adjacent to sites used by Solent waders and Brent Geese (SWBG) will only be permitted where design and layout of the development prevents access and disturbance to the adjacent SWBG site. This can either be achieved by avoiding development close to the adjacent SWBG site, or by providing a package of avoidance and/or mitigation measures which are agreed with the Local Planning Authority. I note that both Natural England and the Council's ecologist consider that insufficient information has been provided on ecological impacts.

#### Chichester Harbour AONB:

The site lies within the Chichester Harbour AONB. The impact on the Special qualities

of the AONB will need to be carefully considered to satisfy the provisions of policy CS12. Emerging Policy E5 reiterates this requirement. In this context, the content of the Chichester Harbour AONB SPD should also be noted.

#### Development in the Coastal Zone:

Policy DM9 sets out additional provisions regarding development in the Coastal Zone in order to safeguard the character and appearance of the coast. Policy E4 in the emerging plan makes a distinction between proposed development in undeveloped areas of the coast and other areas of the coast. I consider that this site is in an undeveloped part of the coast. Here, the emerging policy states that development proposals will not usually be permitted, unless it can be demonstrated that the development requires a coastal location. This is a strengthening of the position as compared to the adopted local plan, which should be taken into account in the determination of this application, albeit it may be given only limited weight.

#### Flood Risk:

The site lies within FZ2 & 3, and is therefore at risk of tidal flooding. While a wedding venue is considered to be less vulnerable to that risk and is therefore acceptable in principle in FZ2 & 3, the proposal also includes visitor accommodation. National guidance on Flood Risk specifically requires such proposals to have a flood warning and evacuation plan (see paragraph 056 at <https://www.gov.uk/guidance/flood-risk-and-coastal-change>).

The applicant has submitted a Flood Risk Assessment, which sets out the management procedures in place to deal with flood risk on the wider site, and confirms that other than the cottage no visitor accommodation is proposed in areas at risk of flooding. The cottage itself is an established residential use, and therefore its use as visitor accommodation does not increase flood risk on the site.

#### Conclusion

Under adopted policy, there is no in principle policy objection to this proposal provided that the applicant satisfies concerns regarding the operational impacts of the proposal on neighbours and the wider environment, in particular the sensitive landscape and nature conservation interests in and around the harbour. It should be noted, however, that the emerging Local Plan 2036 takes a stronger line regarding the acceptability of development in undeveloped coastal areas; though this has limited weight.

#### **Royal Society for the Protection of Birds**

No comments received

#### **South Eastern Hampshire Clinical Commissioning Group**

South Eastern Hampshire Clinical Commissioning Group are primarily be interested in residential developments where there is likely to be a direct impact on health provision in the local area.

The above application relates to various commercial developments which would not have an impact on health provision. Therefore, we do not wish to make any further comment at this time.

#### **Southern Water**

It may be possible for the foul flows from the proposed development to be connected to a nearby public sewer, and the applicant shall investigate this option. The applicant should assure himself that he has adequate rights to utilise the intervening private drainage systems. Otherwise the connection to the public sewerage system could be requisitioned under the terms of the Water Industry Act. Southern Water requires a formal application for a connection to the public sewer. The applicant is advised to contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne,

Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)". Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

The applicant is advised to consult the Environment Agency directly regarding the use of a sewerage treatment plant which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the works to ensure its long-term effectiveness.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

#### **Traffic Management**

The Traffic Team have no adverse comment to make.

## **6 Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 9

Number of site notices: At least one site notice exists.

Statutory advertisement: Yes

Number of representations received: 130

(71 in favour; 56 against; remainder neutral)

#### **Support**

##### Economic/visitor considerations:

- Proposal is an amazing boon for Hayling and the Borough and should be supported.
- Small businesses, bars and accommodation providers on Hayling are supported by the wedding venue business and have customers referred to them.
- A local charity was supported by an event at the venue.
- The location and enterprise is an asset and a positive advertisement for Hayling and its community.
- The use brings income, local jobs and visitors to the Island, adding to the local

economy.

- The wedding venue makes a lot of people happy.
- A great idea and a fantastic venue.
- The wedding venue has a real community spirit to conserve and maintain the viability of the area.
- The venue gives particular attention to organising good weddings and events for many people from the Borough and further afield, with support from the hosts.
- Support for sharing the site with so many people.
- Site is an idyllic location for a wedding with the ability to also stay in the cottage.
- An exciting move towards sustainable tourism on Hayling Island.
- This is the only such facility in Havant Borough and can only be a positive.
- Management of the Estate, its woods and sea wall requires significant funding which would not be possible without the wedding venue and related ventures.
- Having stayed at Woods Cottage on many occasions I have noticed the gradual improvement of the Woods and grounds, and re-growth of the heronry.
- Given the global pandemic every hospitality venue should have its community's support.

#### Environmental considerations:

- The activities on site are undertaken sympathetically to the surroundings and with conservation of the environment and woodland at the core.
- The application will enhance and maintain the woodland setting and the viability of the place.
- The plans seem most appropriate for the venue and its location.
- The proposals will help preserve the beauty of Chichester Harbour.
- The site is the subject of continuous favourable ecological reports, reflecting good management and care.
- Any change in heron numbers at the site mirrors the fluctuation of such sites across the country and is subject to a wide range of factors.

#### Amenity considerations:

- The venue music does not bother us.
- The site is suitable as it is quite far from other dwellings.
- Living nearby the wedding activities have not caused any disturbances.
- The impact of the events venue to local residents and businesses from a traffic and access point of view is negligible.
- Tournerbury Woods was formerly the site of a commercial brickworks and therefore has been the subject of extensive commercial activities in the past.
- The proximity of buildings to the right of way has been within the control of the owners of Tournerbury Farm in the knowledge of the right of way running through the farmyard.

### **Objection**

#### Environmental considerations:

- Increased weddings would cause more traffic and noise pollution in an Area of Outstanding Natural Beauty and a Site of Special Scientific Interest.
- Application fails to comply with national and international environmental designations on the site, and contradicts the National Planning Policy Framework.
- The application would not enhance the woodland setting of the site but would cause more disturbance to residents and the wildlife.
- The site's landscape character has changed over recent years and is no longer in its original state.
- Site was previously cut off from public access and provided a rare and unique

habitat which is now being adversely affected by commercial activity.

- Loss of heronry as a result of activities on site.
- Suggested restrictions on accessing foreshore are unlikely to be observed by attendees to events.
- The marquee, whilst largely hidden in the summer months, is visible from My Lords Pond in the winter and because of its colour and size contravenes Chichester Harbour's planning guidelines.
- The proposed increase in usage of the site will impact on the ecology and wildlife of the remaining woodland space.
- The period from October to April should not involve the use of the facility in the interests of protecting birdlife.
- The site should have a full archaeological survey before any activity is allowed to take place.
- Noise limits on activities at the site are required in order to protect wildlife habitats.
- The use would adversely affect a previously dark sky and quiet environment.
- The fact that this is a retrospective application makes assessments of the impacts on ecology and archaeology difficult to undertake – any impacts have already taken place.
- Lighting restrictions set out in the ecology reports should be heeded and conditioned in the event of permission being forthcoming.
- Inadequate survey work undertaken to inform the ecology assessments.
- Inadequate assessment of the impact of vehicle movements and uncapped number of events on protected species.

#### Amenity considerations:

- Operators of the venue do not show consideration for others – noise from the site is so loud that we have to close windows and are not able to sit out in the evenings.
- Daytime music causes noise pollution to nearby residents.
- The prospect of an increase in activities at the site through a grant of retrospective permission is unacceptable and would lead to significant effects on health and quality of life.
- Disturbance caused through loud music, shouting and swearing at the site until the midnight hours and beyond.
- Marquees are not suitable for loud events in any residential area.
- Previous complaints about noise and disturbance have not been able to be acted upon by the Police or Environmental Health officers.
- There are adequate venues on Hayling in more appropriate areas.
- Should permission be granted the venue should be licenced to undertake no more events than it currently undertakes and to put in place and manage the necessary noise controls.
- Live bands are reluctant to use the noise limiting system in the marquee, and also play outside the marquee – all live and recorded music should be restricted to the marquee which should be further soundproofed.
- The camping facilities do not include washing facilities or permanent toilets, which is an oversight.
- Expressions of support from those who got married at the venue has come at the expense of those living in the area.
- The Environmental Health observations originally made on the application were based on out of date advice, and should be the subject of an up to date and independent noise assessment report.
- Premises Licence restrictions should be enforced.
- Light pollution across Mengham Creek.
- Health and safety risks associated with revellers in close proximity to the Harbour.
- Visitors to the venue cause a loss of amenity through noise and disturbance to the home life of the occupiers of the two family houses at Tournerbury Farm, including late at night.

- Visitors to the venue cause a safety and security risk to Tournerbury Farm.
- Instances of antisocial behaviour of visitors and trespass adversely affecting amenity of Tournerbury Farm and causing anxiety and loss of quality of life.

Transport and access considerations:

- An event hosting 500 guests will result in 200-300 double car journeys along access roads – Tournerbury Lane is unsuitable for this level of traffic.
- Level of policing on Hayling Island could not ensure the safety of residents or guests accessing the venue.
- The number of events and guest numbers will have a significant impact on the infrastructure of the Island, impacting traffic flow down Church Road.
- The difficulties caused by the use of the right of way through the farm are overwhelming and unsustainable – problem-free access to the events venue is critical.
- The right of way should be relinquished in favour of the alternative access route granted permission in 2017 as the right of way is no longer fit for the level of use being made of it. The alternative access would also be preferable in terms of highways, ecology and archaeology considerations.
- In securing permission for the alternative access track it appears the applicant shares concerns about the use of the right of way.
- Arguments that the alternative access track, as constructed, is unsafe and unfit for purpose are flawed and not connected to pragmatic issues.
- Suggestions that the existing access can be improved are not clarified, and may involve land outside the applicant's ownership where the pinch points are encountered.
- The applicants' claims that there is no legal bar to the intensification of use of the right of way through Tournerbury Farm are not accepted.
- Wedding traffic through Tournerbury Farm is a safety risk given proximity of machinery and livestock, and has resulted in near-misses.
- Guests getting lost have become stuck in their vehicles on other parts of Tournerbury Farm, requiring rescue.
- Instances of speeding traffic through the right of way.
- The applicant's review of the right of way does not pay sufficient regard to deep water lying either side of one section of the track.
- The surface condition of the track is not suitable for visitors to the venue and consideration should be given to requiring it to be upgraded.
- The applicant's review of the right of way does not pay sufficient regard to disturbance caused to animals within the farmyard barns.
- Access to the site should be routed to avoid damage to the Scheduled Ancient Monument.
- Visitors and servicing vehicles taking access through Tournerbury Farm pose risks to equestrian users of the right of way.
- The site would be a challenge to all emergency services vehicles to access and carry out their work.
- There are no public rights of way to the venue, and without landowner approval a trespass will occur.
- The transport assessments accompanying the application contain discrepancies and do not assess the maximum number of visitors requested in the application.
- The capacity of the right of way will be exceeded by the potential visitor numbers, including at a pinch point where the route passes between deep ditches and lakes on either side.
- The impact of the development on highway safety will be unacceptable in terms of the National Planning Policy Framework.
- Inadequate provision has been made for non-motorised users of the site.
- Legal submissions made that a decision to grant planning permission, that results in an unsafe access may result in the Local Planning Authority being liable for any/all injuries in respect of that particular development.

## **7 Planning Considerations**

- 7.1 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (hereafter referred to as the Habitats Regulations).
- 7.2 The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several European Sites due to the increase in recreation, decrease in water quality, and noise pollution arising from the development the subject of the application.
- 7.3 The planning application was then subject to Appropriate Assessment under Regulation 63. This included a number of avoidance and mitigation packages. The first is a package of site management measures to address the risks of recreational disturbance arising from the development. The second derives from limits on occupancy, and is based on the Council's agreed Position Statement on Nutrient Neutral Development. The third comprises measures to control the risk of noise pollution arising from the development.

### Recreational Pressure

- 7.4 The project being assessed would result in an increase in human activity within close proximity to Chichester & Langstone Harbours SPA/Ramsar. In particular, there is potential for visiting guests to congregate on or near intertidal habitats resulting in disturbance to birds.
- 7.5 There are mitigating factors that would lessen the potential for impacts:
- The majority of weddings will occur between April and November, thereby with minimal overlap with overwintering birds.
  - The foreshore adjacent to the marquee comprises uneven rubble, thereby being less attractive as a walking substrate.
- 7.6 Notwithstanding these inherent factors, a package of mitigation measures has been proposed, comprising the following:
- A Visitor Management Strategy.
  - No access to the foreshore and adjacent Harbour Lawn between 1 November and 31 March.
  - Rope barrier and signage to be installed along the Harbour Lawn/foreshore edge during all events.
  - Ban on fireworks at all events.
  - Temporary jetty is not used between 1 November and 31 March, and is limited to 4 occasions in October.
  - All dogs brought onto site for events to be kept on short leads.
- 7.7 On that basis, the Competent Authority has been able to conclude that potential disturbance impacts will be limited and therefore not likely to result in significant disturbance to SPA birds. This conclusion is based upon the implementation of the restrictions and mitigation measures detailed above, which would need to be secured by planning condition.

## Water Quality

- 7.8 The project being assessed would result in an increase in population in the catchment of several Solent European Sites. As advised by Natural England, a permanent significant effect on the Solent European Sites due to the decrease in water quality as a result of new development, is likely. As such, in order to lawfully be permitted, further assessment is needed as to the net nutrient emissions from the site, including any avoidance or mitigation measures proposed.
- 7.9 The Council's Position Statement and Mitigation Plan for Nutrient Neutral Development sets out how mitigation can be provided to enable development to take place within Havant Borough whilst avoiding any likelihood of a significant effect on the Solent European Sites identified in stage 2. The Position Statement sets out that for development on agricultural sites, such as this one, that it would be expected that on-site avoidance and mitigation measures would be used to achieve nutrient neutrality.
- 7.10 Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will not emit a nutrient load into any European Sites, based on nutrient budget calculations submitted by the applicant. The submitted details are acceptable; however the conclusion by the Competent Authority that impacts will not occur is based upon the submitted nutrient budget calculations which specify maximum numbers of camping pitches (82) and overnight stays (28) in Woods Cottage per annum – these would need to be secured by planning condition. Any amendments to the number of camping pitches (and portable WCs used) and number of overnight stays in Woods Cottage would require further assessment.

## Noise pollution

- 7.11 There is potential for noise generated by the proposed activities to result in disturbance of SPA/Ramsar bird species. The applicant has provided details of how the potential impacts of the sources of disturbance will be managed.

The existing marquee incorporates a sound-attenuating system, reducing noise levels to c.60 dB at 20m distance from the marquee dancefloor. Provided that the submitted details relating to noise attenuation within the marquee are implemented as described, and secured by condition, the Competent Authority considers that this would avoid potential impacts from noise disturbance due to amplified sound such that no impact to the stated conservation objectives of the SPA/Ramsar would occur.

## Appropriate Assessment conclusion

- 7.12 The Appropriate Assessment concluded that the avoidance and mitigation packages proposed are sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA has been subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. Appropriate conditions would need to be incorporated in any permission in order to secure the mitigation packages proposed.
- 7.13 In other respects, and having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:
- (i) Principle of development
  - (ii) Impact upon the character and appearance of the area, including the Chichester

- Harbour Area of Outstanding Natural Beauty
- (iii) Impact on ecology
- (iv) Access and Highway implications
- (v) Impact upon residential and neighbouring amenity
- (vi) Impact on archaeology (The Bury)
- (vii) Flood risk

(i) Principle of development

- 7.14 As required by section 38(6) of the Planning and Compulsory Purchase Act (2004), applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.15 The Development Plan consists of the Havant Borough Local Plan (Core Strategy) (2011), and the Havant Borough Local Plan (Allocations Plan) (2014), both of which cover the period until 2026. The development plan also includes the Hampshire Minerals and Waste Plan (2013). These plans continue to form the basis for determining planning applications in the Borough.
- 7.16 The emerging Havant Borough Local Plan was submitted to the Secretary of State for Housing Communities and Local Government for examination on 12 February 2021. The policies contained within the emerging Local Plan can be afforded only limited weight at this time.
- 7.17 Under the adopted Local Plan the application site lies outside the urban area, as defined by policy AL2 of the Havant Borough Local Plan (Allocations) and Policy CS17 of the Havant Borough Local Plan (Core Strategy). The same is true in relation to Policy E3 of the emerging Local Plan. These policies seek to guide new development towards existing urban areas; however it is acknowledged in the Planning Policy consultation response that the particular uses being applied for would be difficult to accommodate within the urban area, given that they are specifically making use of land and buildings in a non-urban and coastal environment, and clearly that is one of the key factors in the attraction of the wedding and events venue business being applied for. This factor is also considered to provide some justification for consideration of the proposal whereby it lies within the Coastal Zone identified in both the existing and emerging Local Plans.
- 7.18 The National Planning Policy Framework sets out, at Paragraphs 7 and 8, that the purpose of the planning system is to contribute to the achievement of sustainable development, and this involves the pursuit of three overarching objectives – economic, social and environmental. The Havant Borough Local Plan (Allocations) 2014 sets out at Policy AL1 (Presumption in Favour of Sustainable Development) the need to weigh the benefits of development with any adverse impacts of granting permission.
- 7.19 In terms of economic considerations, and having regard to the non-urban location of the application site, Paragraph 83 of the NPPF is considered to be of some relevance to this case, whereby it sets out provisions to support prosperous rural economies:

*Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

Whilst the proposal being applied for is not typical of a rural diversification initiative, it is considered that there are some parallels between this proposal to introduce a new wedding and events venue to this non-urban location, and the objectives set out in the NPPF.

- 7.20 The Design and Access Statement submitted with this application draws attention to the scope for weddings and events at the Tournerbury Estate to draw guests, business people and suppliers to the Borough, and the opportunity this gives for related spending which benefits the local economy. Based on the findings of a Nationwide Building Society survey from 2017 into general wedding spending, it is argued that the wedding activity already undertaken at the site in the year prior to the submission of the application may have contributed c. £1.3million into the local economy from wedding guest spending; whilst also providing business opportunities for a variety of local event suppliers.
- 7.21 Whilst the financial benefits of the wedding and events activities proposed at the site have not been able to be directly verified by officers, given that this principally involves third parties, it is nonetheless considered that the proposal does represent an opportunity to provide economic benefits to the local economy through the use of local suppliers and visitor spending, and this is a factor that should be weighed in the planning balance.
- 7.22 With regard to social considerations, a number of representations received in respect of the application have provided support for the proposals on the basis of the quality of the facility that has been created. The provision of a bespoke wedding and events facility is, in this regard, considered to have the potential for community benefits to the Borough. At the same time, representations have also been received regarding the impact of the proposals on the amenities of nearby occupiers, principally in terms of noise and disturbance caused through the wedding event activities. These impacts are examined in more detail in the succeeding sections of this report.
- 7.23 With regard to environmental considerations, the site lies in a sensitive environmental setting. It lies adjacent to Chichester Harbour SSSI and SAC; and immediately adjacent to the application site lies land which is noted to be a Core Area for Brent Geese and Solent Waders. On this basis a project level Habitats Regulations Assessment (HRA) and an Appropriate Assessment (AA) has been carried out, as set out above, which has concluded that subject to the avoidance and mitigation packages proposed being secured by condition, these are sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur.
- 7.24 The site also has specific ecological considerations arising from its natural character, which are assessed further below. Furthermore, the site lies within the Chichester Harbour AONB, and Paragraph 172 of the NPPF states:  
*“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas.....”*

The impact of the proposals on the AONB is considered further below.

(ii) Impact upon the character and appearance of the area, including the Chichester Harbour Area of Outstanding Natural Beauty

- 7.25 As set out at Section 1 above, the application site forms part of a wider estate of over 121ha, with the majority comprising intertidal habitat. The area of the site the subject of the planning application amounts to 4.8ha of the 20ha land-based estate, and directly fronts onto Chichester Harbour at its south-eastern limit. The site currently comprises

woodland and open agricultural land/open grassed areas with a number of ponds, and is accessed via the end of Tournerbury Lane, through the farmyard of Tournerbury Farm to reach the site.

7.26 In terms of built form, the application incorporates the use of the following permanent buildings/structures:

- \* Woods Cottage, a two-storey building originally built as a dwelling and present on the site since the 19<sup>th</sup> Century;
- \* A marquee with a clear span of 12m x 33m plus entrance pagoda. The marquee features a peaked roof which reaches a maximum height of 8.5m;
- \* A Victorian-style gazebo, an open air structure of 3m diameter and 4.5m in height; and
- \* A raised deck area of 11.5m x 22m, with a log cabin on it of 4m x 3m. The deck is covered by a stretched tent awning which reaches a maximum height of 6.5m from ground level.

The proposal also allows for use of a temporary (demountable) jetty on the foreshore.

7.27 The ecological assessment submitted with the application describes the natural character of the site as follows:

*Tournerbury Wood is a mixture of semi-natural broad-leaved woodland within Saxon earthworks (subsequently referred to as The Bury) with adjoining broad-leaved plantation woodland and secondary woodland (Tournerbury plantation) established on former open ground in the late 19th Century. There is a small area of improved grassland within the woodland. In the south eastern corner of the site the woodland habitats open out into amenity grassland around Woods Cottage. There is a patch of species-poor semi-improved grassland to the west of the cottage that has been heavily grazed by rabbits. Further to the south-west, the woodland opens out into a small area of saltmarsh. Scattered scrub has established along the south eastern edge of the site.*

The heavily wooded character of the land surrounding the application site is such that the site is well screened from adjoining land holdings, and views of Woods Cottage and the marquee, gazebo and log cabin and deck are not apparent from the north and west.

7.28 To the south and east the site adjoins Chichester Harbour, and here views are available from My Lords Pond itself and the properties further south in Salterns Close and Marine Walk of the south eastern part of the application site where it adjoins the foreshore, as well as Woods Cottage and the marquee in particular. The latter is composed of white canvas which does appear visible in views from the south. However, the nature of the tree cover on the site means that such views of the site and buildings are much more limited during the main events period, when trees are in leaf, and the Council's Landscape Team have raised no objections to the proposal. Additional landscaping could also be secured by condition to improve screening during the winter months.

7.29 Lying within the Chichester Harbour AONB means that Policy CS12 of the Havant Borough Local Plan (Core Strategy) 2011 is engaged, which states:

*Development will be permitted where it:*

- 1. Carefully assesses the impact of individual proposals, and their cumulative effect, on the Chichester Harbour AONB, and its setting.*
- 2. Is appropriate to the economic, social and environmental wellbeing of the area or is desirable for the understanding and enjoyment of the area.*
- 3. Conserves and enhances the special qualities of the Chichester Harbour AONB (as defined in the Chichester Harbour AONB Management Plan).*
- 4. Meets the policy aims of the Chichester Harbour AONB Management Plan, and*

5. *Provides mitigation of any detrimental effects including where appropriate the improvement of existing damaged landscapes relating to the proposal.*

Chichester Harbour Conservancy have raised objection to the proposal on a number of grounds, the principal of which relate to assertions that the assessment of impact has not been sufficient; that economic considerations should be regarded as subordinate to environmental considerations; that insufficient consideration has been given to the impact of an uncapped number of events per year; and the impact of artificial lighting on the AONB.

7.30 With regard to the environmental concerns raised, the Local Planning Authority has undertaken a Habitats Regulations Assessment and Appropriate Assessment of the proposals in consultation with Natural England, and has also engaged its Consultant Ecologist to review the ecological impacts of the development in all other respects. These consultations have concluded that the impacts of the development on the natural environment and protected habitats and species can be appropriately controlled and mitigated. As set out under the Appropriate Assessment conclusion above, these incorporate limits on the level of camping and occupancy of Woods Cottage.

7.31 Policy CS12 does not distinguish economic considerations to be subordinate to environmental concerns and thus the economic benefits of the scheme are, as set out at Paragraph 7.9 above, a matter to be weighed in the overall planning balance.

7.32 Notwithstanding this it must be recognised that the NPPF states “*Great weight should be given to conserving and enhancing landscape and scenic beauty*”. In this regard the Conservancy’s concerns over the unfettered use of lighting at the site are acknowledged as holding the potential for harm to the landscape. The ecology consultant’s report describes the following controls to be employed in respect of lighting at Woods Cottage and the wider area:

*Outside lighting: outside lighting will be angled to the ground and should avoid spillage of greater than 1 lux onto the trees and woodland, wherever possible. Any additional future lighting must be warm spectrum non-UV LED lighting, and angled to the ground.*

*Direction: lighting will be directed to illuminate only the immediate area required and with as sharp a downward angle as possible. The lit area should where possible avoid being directed at, or towards, retained vegetation or where bats are known to roost in Woods Cottage. A shield or hood can be used to control or restrict the area to be lit. Any new wide-angle lighting will be avoided.*

Such controls are considered relevant not only to ecological considerations, but also to control the impact of lighting on the AONB landscape. In the event that permission were to be recommended for the application it is considered that this matter should be subject to a condition requiring a detailed lighting scheme to be submitted for the site that demonstrably meets the ecology consultant’s specification.

7.33 Having regard to all of the above considerations, it is considered that, on balance, the overall impact of the development on the character and appearance of the area, and specifically the landscape and scenic beauty of the AONB, could be appropriately managed in such a way as to realise the economic benefits of the proposal whilst responding to the sensitive landscape issues at play in this location.

(iii) Impact on ecology

7.34 The application site lies in a sensitive environmental setting and is the subject of a number of national and international designations. The site lies within Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar Site. Tournery is also

designated as a unit of the Chichester Harbour Site of Special Scientific Interest (SSSI), and is the subject of a longstanding management agreement between the applicant and Natural England governing activities at the site. In addition, the eastern part of the site lies adjacent to the Solent Maritime Special Area for Conservation.

- 7.35 In recognition of the international importance of the SPA, Ramsar and SAC habitats, the Local Planning Authority has undertaken a Habitats Regulations Assessment and Appropriate Assessment of the proposals in consultation with Natural England, the results of which are reported at Paragraphs 7.1-7.12 above. The Appropriate Assessment was able to conclude that the avoidance and mitigation packages proposed are sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur.
- 7.36 With respect to the SSSI status of the site, and having regard to other protected habitat and species legislation, the application has been accompanied by a detailed Ecological Impact Assessment Report, updated in December 2020, which has been informed by site surveys pre-dating the application, and also by further surveys of the heronry (the condition of which is raised in a number of the representations) and bat emergence and activity surveys undertaken during the life of the application.
- 7.37 In general terms the Assessment Report concludes that the habitats and plant species observed on the site itself have been found to be common species of no particular nature conservation value from a botanical perspective. With no habitat removal required to accommodate the ongoing uses applied for at the site, impacts upon these plants and habitats are not likely to arise. The woodland of The Bury, through which the access track runs, is noted as being of more significance in botanical terms than the habitats and species on the remainder of the site; however this area is excluded from the main body of the application site area and is solely required for access to and from Woods Cottage and the events venue area.
- 7.38 In terms of animal species of note, Woods Cottage is a confirmed non-breeding day roost for low numbers of pipistrelle bats, and foraging by a variety of bat species was found on and around the edges of the site during surveys. The lighting controls reported earlier in this report are proposed to limit the impact on these species, and bat boxes are proposed to be provided in the woodland areas to enhance the site opportunities for these species.
- 7.39 The Assessment Report also considers the impact of the application proposals on dormice, great crested newt, otter and water vole, badgers, reptiles and other mammals, and concludes that these species are either not present on the site, or the habitat supporting them within the Estate as a whole is not affected by the proposals, which are limited to the application site area in the south-eastern part of the Estate.
- 7.40 With regards to birds, the Assessment Report specifically addresses the heronry and little egret nests present within the woodland to the north of the site, and which lie outside of the application site. The heronry has been the subject of monitoring during 2015 and 2019, over which time the number of grey heron nests were found to have halved, with the number of little egret nests staying stable. A number of representations received during the course of the application raise concerns over the apparent reduction in activity in the heronry in particular. The Report considers this reduction in nests to be a result of the heronry's position as a small secondary colony, having originated from a larger colony on Thorney Island, and as such subject to natural fluctuations in population size. Notwithstanding these conclusions, following discussions with Natural England the Report proposes that during the heron nesting season guest access will be limited to the access track only, with signage to discourage any stopping of vehicles within this area.
- 7.41 With regard to other bird species, the breeding bird survey undertaken by the applicant's ecological consultants has identified the value of the site to birds as relatively low, with

only the more common woodland birds being recorded. Notwithstanding these findings, the site is proposed to be enhanced through the provision of bird boxes.

- 7.42 The Ecological Assessment Report submitted on behalf of the applicant has been reviewed by both Natural England and the Council's Ecologist. Natural England advise that based on the evidence provided, and the additional measures proposed regarding the prevention of vehicle stopping within The Bury, they are satisfied there is unlikely to be increased disturbance to the heronry during the nesting months of January to June. The Council's Ecologist advises that they are content that sufficient detail has been provided on the general ecology of the site and that ecological impacts are understood and are not likely to be significant. They also note the enhancement measures proposed in the form of bird and bat boxes.
- 7.43 Having regard to the information submitted during the life of the application, and the consultation responses of both Natural England and the Council's Ecologist, it is considered that the impact of the proposed development on ecology has been appropriately assessed, and a grant of permission for the application would not prejudice the ecological interest of the site provided it is subject to the controls set out in the Assessment Report. On this basis the development would meet the objectives of Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

(iv) Access and Highway implications

- 7.44 The access arrangements for the wedding and events venue proposals involve utilising a private track which runs from the eastern limit of the adopted highway of Tournerbury Lane. This track, which is variable in its width and alignment, runs east for approximately 230m, passing the access to the parking area for the Tournerbury Golf Centre and then running through the existing farmyard of Tournerbury Farm, which is surrounded by a number of dwellings and a variety of agricultural buildings.
- 7.45 Once beyond the farmyard the access track turns sharply south, passing at this point a narrowed section between two pond areas associated with the Farm, before then continuing through The Bury and on to the main body of the application site. On entering the site, the track encounters a number of side tracks joining from the south-west, and on the approach to the marquee the land to the south of the track has been surfaced around existing trees to provide car parking areas to serve the wedding/events venue use. Whilst not formally marked out with individual spaces, the Transport Statement submitted on behalf of the applicant describes there as being up to 120 car parking spaces available.
- 7.46 The Transport Statement considers the technical matters associated with the application in terms of the traffic volumes likely to arise from the development and the capacity of the public highway to accommodate vehicle movements. In doing so it analyses the wedding and event activity undertaken by the applicants at the site during 2019, which included events with up to 150 day guests and a further 65 evening guests, and is based on recorded traffic counts on four of the event days which all featured over 100 guests. The Statement concludes that when considering the capacity of Tournerbury Lane, including its junction with Church Road, the impact of the development of the site is not significant in highway terms and would not be regarded as unacceptable in the terms set out under the National Planning Policy Framework.
- 7.47 A further highways-related report has been submitted on behalf of the applicant which considers the private right of way running from the terminus of the adopted highway of Tournerbury Lane, through Tournerbury Farm to the application site. It reviews the capacity of the right of way to accommodate two-way traffic, identifying a limited number of pinch points where drivers facing opposing traffic would need to wait to allow vehicles to pass; the typical flow characteristics of arrivals and departures at weddings and events; and the likely traffic movements based on the surveys undertaken during 2019. In

reviewing the adequacy of the access to accommodate the expected traffic, the report concludes that, in capacity terms, the nature of the right of way is sufficient to accommodate the likely traffic flows attracted to the site; and that any inconvenience caused to farm operations or farm residents is likely to be minor.

- 7.48 Both the Transport Statement and the right of way report have been reviewed by the Highways Authority, who have advised that “... *because the traffic associated with this route is not likely to be generated during peak travel times and is tidal in character the local highway network can accommodate it.*”
- 7.49 No objection is therefore raised to the application by the Highways Authority, and it is not considered that a refusal of the application could be sustained on highway capacity grounds, providing that the scope of any permission was consistent with the Transport Statement’s survey and analysis.
- 7.50 It is acknowledged that detailed transport-related representations have been submitted on behalf of the Farm holding, raising concerns that the Transport Statement is inadequate in scope, and that in particular, in reviewing events in 2019 of limited capacity, it does not represent the position that might arise from an event with up to 500 attendees. Having considered these representations, their main focus is in relation to the implications of the use of the private track for use in connection with these events, rather than the public highway, and it is considered by officers that this is more appropriately considered in the next section of this report.

(v) Impact upon residential and neighbouring amenity

- 7.51 The impacts of the development on the amenities of occupiers of nearby properties is considered to fall into two main categories – the occupiers and workers of the Tournerbury Farm complex, the farmyard of which the application site is accessed and egressed through; and the residential properties opposite the main wedding and events venue area, which face the site across My Lords Pond.

*The impact upon Tournerbury Farm*

- 7.52 With regards to the use of the track through the farmyard to access the Estate, the question of whether legal rights exist for the applicant to use this route for visitors to the facility is not a material planning consideration. However, the impact of the use of the track on the functioning and amenity of the adjoining farm holding and associated dwellings is considered to be material to this case. In this regard, detailed representations have been received setting out the impact of the activities which have occurred to date, bearing in mind that the application is a retrospective one.
- 7.53 The representations received fall into two main categories. The first of these relates to personal amenity, and here concerns are principally raised about noise and disturbance caused late at night from visitors and traffic generated from the venue; and a lack of security arising from guest activity through the Farm/right of way and occasional anti-social behaviour.
- 7.54 The right of way through the farmyard has two large dwellings accessing directly onto it. Tournerbury Farmhouse lies to the south of the right of way, with an amenity area directly adjoining the route. The main body of the dwelling lies approximately 15m south of the right of way, however there is little screening of the dwelling and its windows face directly along the right of way and thus will be exposed to the noise and activity of venue traffic and pedestrians when accessing and egressing the site. This is likely to be particularly noticeable at night time, when vehicle headlights will be directly facing the dwelling as vehicles head west along the right of way towards Tournerbury Lane, and when the character of the locality, owing to its rural location, will be particularly quiet.

- 7.55 Opposite Tournerbury Farmhouse to the north lies 1-2 Tournerbury Farm Cottages, which faces directly south over the right of way. Lying less than 10m from the right of way as it heads east through the farmyard, this dwelling has its principal elevation facing directly onto the route, and has no intervening screening. As with Tournerbury Farmhouse, this is considered to expose occupiers of the property to noise and activity associated with visitors to the venue when accessing and egressing the site.
- 7.56 The application details set out an aspiration for events to potentially occur at the wedding and events venue on up to 200 occasions per year, with up to 500 guests. For both of the residential properties adjoining the right of way, a significant loss of amenity is considered likely to arise from these activities.
- 7.57 The second main category of representation relates to health and safety concerns. . These are raised in the light of the requirement for visitors to access the facility through a working farm, with the attendant risks that this poses to both the security of the Farm (including livestock) and the personal safety of visitors. The layout of the right of way relative to farm buildings is such that whilst the width of the route allows for two-way passage of vehicles, this is in the context of a farmyard where a series of farm buildings directly adjoin the right of way and where farm vehicles, and occasionally cattle, are in evidence. With the wedding and events venue and the farm falling within differing ownerships, the opportunity to coordinate activities in the context of expected visitor numbers is not available, and there is considered to be an inherent risk of conflict between visitor movements and the activities in the working farmyard.
- 7.58 The transport-related representations received also go on to analyse the traffic flows associated with the uses applied for, and conclude that there are inherent safety issues in particular associated with the narrow section of track to the east of the Farmyard where it passes between water bodies and where two vehicles cannot pass one another and where forward visibility is limited. The representations also highlight that the applicant's right of way report is based on survey analysis of events featuring visitor numbers falling well below the maximum of 500 visitors set out in the application. Whilst acknowledging the Highways Authority's consultation response that the traffic flows associated with the wedding and events venue are likely to be 'tidal' in character, officers consider that when taking account of the numbers of visitors associated with the use applied for, there are likely to be scenarios where opposing flows of vehicles will arise, and these will take place on a route which has clear obstacles to the free flow of traffic. This is likely to give rise to conflict and inconvenience on the right of way which will impact upon the operation of the route within Tournerbury Farm. In a late night scenario, it is also likely to add to the loss of amenity caused to the nearby residential dwellings.
- 7.59 The NPPF sets out that when considering the social objective of the planning system, this includes "...by fostering a well-designed and safe built environment...." (Paragraph 8). It further sets out that applications for development should "...create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles..... (Paragraph 110). Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 supports the achievement of High Quality Design; this including where the development does not cause unacceptable harm to the amenity of neighbours, and also where it produces a positive relationship between buildings, streets and spaces. Policy DM10 of the Core Strategy addresses pollution, and looks to development not to give rise to risks to the health and safety of existing and future users of a site, nor to nearby occupiers and residents.
- 7.60 Having regard to these policy considerations in the context of the activities being applied for, which include celebratory and social gatherings into the late evening; the high number of participants proposed; and the inherent limitations of the access track which do not allow for two-way flow over all of its length through the Farm holding, officers

consider that it is not appropriate for the wedding and events venue to rely on this route. To do so would bring an ongoing risk of loss of amenity through noise and disturbance to occupiers; and the risk of conflict between visitor movements and the safe and satisfactory functioning of the farmyard activities as a whole. The existence of a previous planning permission under APP/17/00207 for an alternative route to the Tournerbury Estate, whilst not part of this application, appears to have acknowledged this conflict and in planning terms remains capable of implementation.

*The residential properties opposite the main wedding and events venue area*

- 7.61 In terms of the amenity considerations for residential properties to the south of the site, across My Lords Pond, the key concerns raised by third parties have related to noise generation. In this regard the use of the marquee for functions incorporating amplified music in what is otherwise a non-urban and natural environment clearly holds the potential for noise to affect the character and amenities of the wider area; whilst the use of the wider land for social activities, which might include shouting or swearing, could also cause a loss of amenity.
- 7.62 The representations received from third parties have been considered by the Environmental Health team, and following initial concerns raised, the applicant has installed additional noise attenuation measures to the marquee during the course of this application. The current set-up has been observed during events by the Environmental Health officer visiting the vicinity of the site prior to the Covid pandemic, and they have been able to conclude that with these measures in place, there should be no impact on nearby residential receptors. With regard to wider social activities on the land, whilst principally a management issue for the business and subject to separate Environmental Health controls, the consultation response would indicate that this is capable of being controlled within the site such that at the time of responding to the consultation no further noise nuisance complaints had been received.
- 7.63 Having regard to the Environmental Health officer's consultation response, it is concluded that activities can be appropriately managed within the main body of the site in such a manner as not to give rise to a loss of amenity to the residential properties to the south. However, this conclusion is not considered to extend to the Farm holding – here, visitor movements and activities along the track are considered likely to give rise to an unacceptable level of noise and disturbance to occupiers of the Farm, as well as prejudicing the safe and satisfactory operation of the Farm for workers and visitors to the wedding/events venue alike.

(vi) Impact on archaeology

- 7.64 From a heritage point of view, the existing track leading to the venue area passes through the western edge of the Tournerbury Scheduled Ancient Monument (SAM) known as 'The Bury'. This is a coastal hill fort occupying a raised area of land close to Chichester Harbour. It stands to a height of up to 4 metres within a small copse.
- 7.65 Whilst it is acknowledged that the access track to the application site passes through the SAM, this is a long-existing track and the main body of the application site and venue area does not extend to the SAM. Furthermore, no alterations are proposed to the access track to accommodate the proposal.
- 7.66 The Scheduled Ancient Monument Impact Report submitted with the application concludes that on this basis there is not considered to be any negative impact arising as a result of the application. Both the Conservation Officer and the County Archaeologist concur that the development will not impact upon the setting of the SAM and accordingly it is not considered that the proposed development will cause any harm to heritage assets.

(vii) Flood risk

7.67 In flood risk terms, much of the site lies within current Flood Zones 2 and 3, this being the result of its susceptibility to tidal flooding. A Flood Risk Assessment has been submitted with the application which sets out a number of mitigation measures to deal with the risks arising:

- Occupation of Woods Cottage is argued to be less intensive under the application proposals than its former permanent use as a residential dwelling. No additional residential accommodation is created by the proposals, and all sleeping areas within the cottage are at first floor level.
- Camping can be accommodated in areas outside of the existing Flood Zones 2 & 3.
- The owner/manager of the site is in a position to monitor predicted tidal conditions and manage the occupancy of the site in advance accordingly.
- Staff are also in place during events to evacuate the flood risk area in the event of a flood event.

7.68 Having regard to these mitigation measures it is considered that the Flood Risk Assessment submitted with the application sets out appropriate flood risk management.

## **8 Conclusion**

8.1 In weighing the planning considerations relating to this case, it is clear that a balanced judgement must be reached regarding the key issues. The approval of this application for the creation of a wedding and events venue would authorise a new hub of activity at this site, and this is considered to provide the potential for benefits to the local economy and local suppliers, as well as increasing visitor numbers to Hayling Island and the wider Borough.

8.2 The site lies outside the urban area, within the Chichester Harbour Area of Outstanding Natural Beauty, and in a location which is the subject of numerous national and international environmental designations. Following a lengthy determination period, during which significant new material has been submitted to address ecological concerns, both Natural England and the Council's Ecologist are satisfied that the development could be controlled and mitigated in such a way as to ensure there would be no harmful impacts to protected habitats and species, and a Habitats Regulations Assessment and Appropriate Assessment has concluded that subject to conditions reflecting the applicant's proposed Visitor Management Strategy the likely significant effect on the Solent's European Sites can be appropriately mitigated. Overall, the visual impact of the built form of the development is considered to be limited, given its woodland setting.

8.3 In terms of traffic generation and highway safety, the numbers of visitors engaged in activities and events at the site have the potential to introduce significant levels of movements, both on the highway network and through the adjoining Tournery Farm farmyard. With regard to the former, having considered the submitted Transport Statement the Highways Authority have not raised any objections to the application as it is considered that capacity exists within the highway network for the traffic flows described in the Transport Statement.

8.4 With regards to the use of the track through the farmyard, the question of whether legal rights exist for the applicant to use this route for visitors to the facility is not a material planning consideration. However, the impact of the use of the track on the functioning and amenity of the adjoining farm holding and associated dwellings is considered to be material to this case. Having regard to the nature of the activities being applied for –

which include celebratory and social gatherings – and the number of participants involved, which may include several hundred guests, it is not considered appropriate for the wedding and events venue to rely on this route, bringing as it does the risks of noise and disturbance in residential amenity terms, and the risk of conflict between visitor movements and the safe and satisfactory functioning of the farmyard.

- 8.5 In terms of other amenity considerations, the key concerns raised by third parties relate to noise generation, including amplified music. Further to initial concerns raised by the Environmental Health team, the applicant has installed additional noise attenuation measures to the principal focus of activities, the marquee. The current set-up has been observed during events by the Environmental Health officer visiting the vicinity of the site prior to the Covid pandemic, and they have been able to conclude that with these measures in place there is not likely to be a loss of amenity arising from noise from the site.
- 8.6 From a heritage point of view, the use of the existing track leading through The Bury Scheduled Ancient Monument is not considered to give rise to any harm to this heritage asset. In flood risk terms, whilst the site lies within Flood Zones 2 and 3, the Flood Risk Assessment submitted with the application sets out appropriate flood management measures to deal with the risks arising.
- 8.7 Overall, whilst a number of issues raised by consultees and third parties have been able to be overcome through the submission of additional information during the life of this application, the inherent challenges in continuing to rely upon the existing track through the adjoining farmyard are considered inappropriate for the scale and nature of activities proposed for the site. Having regard to Policy AL1 of the Havant Borough Local Plan (Allocations) 2014 and the NPPF, these adverse impacts are, on balance, considered to outweigh the economic benefits that derive from the scheme, and in a challenging exercise of competing planning considerations the application is recommended for refusal.

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## 9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/18/00943 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 Tournurbury 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.

### Appendices:

- (A) Location Plan with access to adopted highway

- (B) Site Layout Plan
- (C) Woods Cottage elevations
- (D) Woods Cottage floor plans
- (E) Marquee elevations
- (F) Marquee floor plan
- (G) Gazebo elevation
- (H) Log cabin and decking elevations
- (I) Log cabin and decking floor plan