

In terms of traffic generation and highway safety, and notwithstanding the reduction in the number of events and participants proposed compared to those proposed under APP/18/00943, the numbers of visitors engaged in activities and events at the site are still considered have the potential to introduce significant levels of movements, both on the highway network and through the adjoining Tournerbury Farm farmyard. With regard to the former, having considered the submitted Transport Statement, the Highways Authority has not raised any objections to the application as it is considered that capacity exists within the 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 remain material to this case, and here detailed representations have continued to be 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, allowing for between 90 and 250 guests at individual events, 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.

In terms of other amenity considerations, the Environmental Health officer has assessed the Noise Management Plan and other noise mitigation measures set out within the application, 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 venue itself.

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.

Overall, and despite the reduction in the scale of the business proposals compared with that refused under APP/18/00943, it is considered that the inherent challenges in continuing to rely upon the existing track through the adjoining farmyard remain inappropriate in land use planning terms for the scale and nature of activities proposed for the site. These concerns are, on balance, considered to outweigh the 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 4.97ha.
- 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 decisions 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 Tournerbury Woods Estates for the purpose of avoiding agricultural operations in Tournerbury Farm. Permitted 04/05/2017 and part implemented.

APP/18/00943 - A material change of use of Land as a wedding and events venue and ancillary operational development to the material change of use. Refused 25/06/2021 for the following reason:

- 1 Having regard to the nature of the activities being applied for, which include celebratory and social gatherings into the late evening; the high number of participants proposed; and the limitations of the access track which do not allow for two-way flow over all of its length through the adjoining Tournerbury Farm holding, the Local Planning Authority considers that it is not appropriate in planning terms for the wedding and events venue to rely on this route. To do so would bring an ongoing risk of noise and disturbance to occupiers of the Farm dwellings; and the risk of conflict between visitor movements and the safe and satisfactory functioning of the farmyard activities as a whole.
As such the development is considered contrary to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy AL1 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.*

An appeal was lodged with the Planning Inspectorate in respect of the refusal of planning permission; however this appeal was withdrawn on 22 May 2022.

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.

The decision to refuse the Certificate of Lawfulness is currently the subject of an appeal to the Planning Inspectorate, which is being held in abeyance pending the outcome of the application the subject of this report.

APP/21/00536 - Part alternative to permission APP/17/00207. Construction of vehicular track from the public highway to Tournerbury Woods Estate for the purpose of avoiding agricultural operations in Tournerbury Farm. Permitted 22/10/2021 and part implemented.

- 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.*

An appeal was lodged with the Planning Inspectorate in respect of the Enforcement Notice; however this appeal was withdrawn on 22 May 2022.

3 Proposal

- 3.1 Change of Use of land and woodland (retrospective) as a wedding and events venue, including retention of permanent ancillary buildings and structures, the erection of removable structures (including marquees and temporary facilities), and the use of the land as a campsite in association with events.
- 3.2 This retrospective planning application follows on from the refusal of Planning Application APP/18/00943 referenced above and seeks consent for use of part of the Tournerbury Woods Estate on Hayling Island as a wedding & events venue. The proposal comprises a change of land use and 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 previous 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 includes provision for the use of various temporary structures according to the nature of the event, typically comprising:

- Trailer toilet facilities sited adjacent to the marquee
- A temporary jetty on the foreshore erected on request to receive the arrival of the bride and groom by boat
- Additional pop-up gazebos used by caterers and third-party suppliers
- Bouncy castles and other inflatables.

It should be noted that, unlike Planning Application APP/18/00943, the existing residence on the site known as Woods Cottage is excluded from the application site – its use being intended to remain for accommodation purposes only.

- 3.3 The area the subject of the application extends to include the use of lawns and garden areas adjoining the structures and extends down to the foreshore. Areas of woodland are also included within the application site, and include a designated camping area to the north west of the main venue area.
- 3.4 In terms of the frequency of the use and its capacity, at the time of determining the previous Application APP/18/00943 there was 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 was proposed could be accommodated on the site were camping in connection with the Duke of Edinburgh Award Scheme; use as a forest school; and use as a wellbeing retreat.
- 3.5 For this revised application the use of the land and structures is proposed to be more limited, for no more than 65 weddings/events per year. Within those 65 days it is further proposed that guest numbers will be restricted as follows:
- Up to 10 weddings / events at no more than the marquee dining capacity (250 persons)
 - Up to 10 weddings / events at no more 200 guests
 - Up to 30 weddings / events at no more than 150 guests
 - Up to 15 weddings / events at no more than 90 guests.

The Design and Access Statement describes the majority of wedding events as taking place on Fridays, Saturdays and Sundays from April through to late October, with occasional mid-week bookings; whilst the majority of corporate events take place on

weekdays or Sundays.

- 3.6 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 two dwellings and a variety of agricultural buildings.
- 3.7 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:
- Ecological Impact Assessment (October 2021)
 - Bat Survey Report (December 2020)
 - Shadow Appropriate Assessment (November 2021)
 - Design and Access Statement
 - Drainage, sewerage and utilities assessment
 - Scheduled Ancient Monument impact report
 - Tree survey and arboricultural impact statement
 - Acoustic Report (October 2013 and updated June 2019)
 - Flood risk assessment
 - Report on the allegations of noise disturbance emanating from the wedding venue at The Tournerbury Woods Estate, September 2019
 - Interim Noise Report on The Tournerbury Woods Estate 2019
 - Noise Management Plan
 - Wedding Guest Visitor Management Strategy (September 2022)
 - Transport Statement (November 2021)

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)

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 material to accompany the application which has occurred after its original registration. The following section reports the most up to date consultee comments in each case.*

Arboriculturalist, Havant Borough Council

Arboricultural Officer comments remain as no objection. There is no additional pressure on the trees to that of the previous application.

Officer comment: *For context, the Arboricultural Officer comments on APP/18/00943 were as follows:*

“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

At the 31 January 2020 meeting of The Conservancy’s Planning Committee the following occurred in relation to its deliberations over planning application APP/21/01310.

Some verbal updates were reported to Committee Members.

The presenting Officer stressed the change in the red line identifying the application site, but commented that wandering guests do not observe red lines and without proper supervision could easily stray into areas where wildlife – particularly birds – could be disturbed.

Staffing levels set out in paragraph 4.5.3 of the design and access statement were stressed during the presentation with specific attention drawn to paragraphs 3.12- 3.14 of the Committee report.

It was re-iterated that Woods Cottage now was excluded from the red line, but Officers query this as no planning permission or lawful development certificate exists to use the property as a holiday let. Its most probable lawful use is considered by the presenting Officer to be a dwelling.

The ecology report by Holbury is far more in-depth than the previous reports in terms of the Shadow Appropriate Assessment produced under the Habitats Regulations 2017.

It identifies the potential for significant effects on the features of interest within the European sites.

With the proposed visitor management statement (VMS), the Holbury report has concluded that provided these can be conditioned and the nutrient mitigation controlled under a S.106, no adverse effects to the features of interest are predicted.

This is especially said to be so during beginning of November to end of February period annually. And particular attention has been paid to the October overlap with the core wedding season, in terms of over-wintering birds beginning to arrive in the Harbour during October.

Notwithstanding the above, your Officers remain concerned that proper enforcement of planning conditions would involve an intolerable level of supervision by Havant Borough Council as the local planning authority and thus fail the key test of enforceability.

There were no comments from Natural England on the Council's website for this application at this time.

As such, an objection is maintained on this basis as set out in the recommendation to Members.

Having listened to a deputation by the applicant, Members asked questions and then offered comments on the application. A vote was then taken and the majority vote was to support the Officer recommendation, subject to adding the final - (in quotes) - paragraph below.

"That Havant Borough Council, as local planning authority, be advised that Chichester Harbour Conservancy raises an objection to the proposed development on ecological impact grounds.

These impacts do not just create impact to the venue areas, but also those areas adjoining them, from noise, external lighting impact and vehicular movement to and from the site.

The Conservancy notes the proposal to cap the total number of events during a calendar year, but still considers that with no guarantees of supervising large numbers of guests, disturbance within the SSSI and SPA could not be adequately controlled owing to likely impacts from noise, external lighting impact and vehicular movement to and from the site.

This would place an intolerable level of supervision on the local planning authority, which The Conservancy does not think it could adequately police and enforce.

The tangible environmental benefits from granting planning permission to these proposals, in terms of the key features of the SSSI and how its condition is to be enhanced have not been demonstrated.

Where the Council may still be minded to grant planning permission, The Conservancy would appreciate being forewarned of this by Council Officers at the earliest opportunity. The Conservancy would wish to influence the wording of any recommended planning conditions and the wording of any clauses to form part of a planning obligation."

Following the majority vote on the item, Conservancy Officers would also like the following observations to be taken into account by the local planning authority (LPA), before it makes its decision:

- The application is in breach of the HBC adopted AONB Management Plan Policy 2, which reads, "All development in Chichester Harbour will continue to conserve and enhance the Area of Outstanding Natural Beauty and be consistent with all other environmental designations." This is a material planning consideration under the Council's adopted development plan Policy CS12 (4). Chichester Harbour Conservancy advises Havant Borough Council, and the LPA, that this application does

not conserve and enhance the AONB.

- It was noted that the SSSI Condition Review of favourable status for the Tournerbury Woods unit of the SSSI presented by the applicant, when answering Member questions during the meeting, dates back to 2010, when the wedding business was being planned. It does not account for the deterioration which may have occurred since wedding events began and cannot be relied upon as an accurate reflection of the state of the Woods in 2022.
- In the list of operations likely to damage the SSSI (as published by Natural England for this Chichester Harbour SSSI – see Appendix 2 of previously submitted legal opinion offered to The Conservancy by RP Law Ltd), it would seem that the following operations have taken place since the establishment of the wedding events business, which would lead the Conservancy to conclude that the SSSI has been damaged.
- 4 – The introduction of mowing or other methods of cutting vegetation and changes in the mowing or cutting regime (including hay making to silage and cessation)
- 7 – Dumping, spreading or discharge of any materials
- 11 – The destruction, displacement, removal or cutting of any plant remains, including tree, shrub, herb, hedge, dead or decaying wood, moss, lichen, fungus, leaf-mould and turf
- 12 – The introduction of tree and/or woodland management - (including afforestation, planting, clear and selective felling, thinning, coppicing, modification of the stand or underwood, changes in species composition, cessation of management) – and changes in tree and/or woodland management
- 15 – infilling of ditches, dykes, drains, ponds, marshes or pits and dune slacks
- 21 – Construction, removal or destruction of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks, or the laying, maintenance or removal of pipelines and cables, above or below ground
- 23 – Erection of permanent or temporary structures, or the undertaking of engineering works, including drilling
- 26 – Use of vehicles or craft likely to damage features of interest
- 27 – Recreational or other activities likely to damage features of interest including sand dune and beach land forms

Particularly in respect of items 7 and 21, no regard appears to have been had by Natural England as to the importation of stone chippings to form extensive car parking areas. Notwithstanding the applicant's position that permitted development rights to stage a limited number of events, The Conservancy is not aware of any legal agreement with Natural England and the Tournerbury Woods Estate which, apart from "...limited infilling of ruts with rubble..." in relation to woodland tracks, would have allowed an exception to items 23, 26 and 27. The Conservancy is aware of a legal agreement between Natural England and the Tournerbury Woods Estate dated April 1997, but this does not provide for the items referred to in this paragraph and currently does not form part of the information submitted to support application APP/21/01310, and does not appear to be referred to in the submitted design and access statement. Indeed, The Conservancy is greatly surprised that Natural England has not referred to this agreement in its various comments made on the previous application - APP/18/00943.

- Conservancy Officers are disappointed with the response from the Landscape Architect who did not account for views from the water or the landscape impact of clearing trees at the site which historic Google Earth satellite imagery suggests.
- No on-going monitoring currently seems to be offered in the draft heads of terms to the Visitor Management Strategy.

For information I attach the RM Law Ltd document referred to above and the Committee report considered by our Members.

Communities Manager

No comments received

Conservation Officer

Assessment:

The application is to seek retrospective permission of the use of the application site as a wedding venue. A heritage statement has been submitted with the application. This advises the following:

“A hill fort is a type of earthworks used as a fortified refuge or defended settlement, located to exploit a rise in elevation for defensive advantage. Tournerbury is unusual in this sense as it is on a flat coastal area rather than elevated on a hill side. They are typically European and of the Bronze and Iron Ages. Some were used in the post-Roman period. The fortification usually follows the contours of a hill, consisting of one or more lines of earthworks, with stockades or defensive walls, and external ditches. Hill forts developed in the Late Bronze and Early Iron Age, roughly the start of the first millennium BC, and were used in many Celtic areas of central and Western Europe until the Roman conquest.

The venue area does not extend to the SAM. The primary access route from the public highway to the venue area does utilise the existing road / track which cuts through the western edge of the SAM. This track has been in situ for as long as records have been kept and has been utilised throughout past decades (known for certain for at least 140 years) for all traffic purposes whether on foot or vehicle for access to Tournerbury Woods, Woods Cottage and historic agricultural and industrial workings in Tournerbury Woods.

The road / track passes through the lowest northerly and southerly western side of the earthworks and the predominant remaining features of the earthworks are on the eastern side of the SAM. As the predominant moat and rampart sections of the SAM are not visible whilst travelling along the road access road, guests to the venue would not know that they are driving through a SAM so the risk of additional footfall within the SAM from guests stopping to look at the earthworks is nonexistent. No structures are being requested to be developed within the SAM as part of this application and there is no negative impact on the SAM as a result of the wedding venue application”.

As the relationship with the SAM will not alter as a result of this application, which is for retrospective approval, it is considered that the proposal would not result in further harm to the designated heritage asset. As such, there are no heritage objections raised.

Countryside Access Team

No comments received

County Archaeologist

Thank you for your consultation. This retrospective application will have no significant below ground impact and appears to have no significant impact upon the setting of the Tourner Bury scheduled monument. As such, I do not wish to raise any archaeological issues.

Council's Ecologist

Thank you for consulting me on this revised application.

The application is accompanied by an amended Shadow Habitats Regulations

Assessment (Holbury Consultancy Service, November 2021). Following refusal of planning permission, the proposal has been amended to address issues relating to site access and impacts on neighbouring dwellings and businesses. The proposal now removes the amendments to Woods Cottage (it will remain as holiday accommodation) and reduces the number of events planned in each year (now 65 per annum, with a request to extend to additional events subject to prior approval) as well as the number of attendees (ranging from 90 to 250 attendees). It is hoped that this reduction in numbers and frequency will minimise impacts to local residents as well as ecological receptors.

The proposed access through Tournerbury Farm is unchanged: a potential alternative through pastures to the west is seemingly unachievable at the current time and in any case would bring with it potential impacts on SPA supporting habitat within Solent Waders & Brent Goose Strategy site H40F: the current proposal does not entail direct impacts to this site and other areas of functionally linked land (although the submitted HRA does not explicitly mention SWBGS sites, these are included in Havant Borough Council's own HRA/Appropriate Assessment for the previous scheme). The reduction in the number of events, and the number of attendees at each event, will clearly reduce the potential risk of disturbance to ecological features compared to the previous proposal, notably bird species associated with the adjacent Chichester & Langstone Harbours SPA/Ramsar.

Overall, 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. The proposed changes to the scheme would not, in my view, result in new potential impacts to the ecology of the site or surrounding area and would reduce the impact of previously identified impacts. The submitted Visitor Management Strategy (December 2021) is acceptable, and accords with measures agreed previously in discussion with both Natural England and HBC.

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 2021), 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 2019, Wildlife & Countryside Act 1981, NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Officer comment: *The 'potential alternative access to the west' referred to by the Ecologist is the subject of Planning Permissions APP/17/00207 and APP/21/00536. Consultation with the Council's Ecologist in respect of the latter concluded that it was "...unlikely that this would present issues with the surrounding Low Use Solent Waders & Brent Goose Strategy site."*

Crime Prevention -Major Apps

No comments received

Environmental Health Manager – Noise

Initial comments:

I have perused the documentation provided, in relation to this application and can

advise as follows:

As per my comments previously submitted in respect of App/18/00943, 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 had in April 2019, as advised by Direct Acoustics in their report dated 12 June 2019, further improved on the acoustic mitigation measures that previously existed within the marquee, used primarily for wedding receptions. The report showed that these measures, had significantly improved the attenuation of noise levels produced by live or recorded music, within the marquee.

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

In my previous response in December 2019, it was advised as per the Condition 1 in that consultee response that all music for the entertainment of guests be provided within the acoustic enclosure in the marquee. Recent communication with the applicant, has brought to the fore the desire to continue to provide low volume music external to the marquee, and related to wedding ceremonies on the deck or at the gazebo, and also with regard to, occasions whereby a musician / s provide acoustic type music during e.g. post ceremony drinks receptions on the lawns.

I am advised that this is something that is integral to the wedding ceremony, and if suitably controlled, I am satisfied that this can be dealt with as part of the Noise Management Plan, which plan I referred to in my previous response in 2019.

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

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

Condition 2: That the applicant submits a noise management plan (NMP), to the Local Planning Authority, which specifies the procedures and practices currently employed, and any additional measures to be implemented, to ensure the control of noise, before, during and after any events taking place on this site. The NMP will encompass all noise related to people noise, any music related to wedding ceremonies and post ceremony drinks and / or gatherings external to the marquee, and the management of guests staying overnight in the proposed camping area or in the existing cottage in the vicinity. External music should also be limited to a cut off time such as e.g. 18:00. The NMP should also include a layout plan depicting the number, siting & output directions for any speakers and related equipment, that are to be used externally. The NMP shall remain a live document and the agreed measures to be implemented to control noise, must be adhered to. This document shall be reviewed periodically or as and when required, to address any issues which may arise. Reason: To protect the occupants of nearby residential properties from any noise emanating from this site.

Further comments:

I've read through the latest NMP submission and perused the Appendix 4 maps, and can advise that I am satisfied that the NMP now submitted will meet our requirements at this time. Also that as a 'living document' if any additional noise related issues do arise in the future, these can be discussed and alterations made to the existing NMP as might be required.

Officer comment: *The further comments received effectively supersede the requirements for a Noise Management Plan to be submitted as per Condition 2 above; rather that the Plan submitted be adhered to.*

Environmental Health Manager – Contamination

No comments received

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

The Highway Authority note that this is a revision of planning application APP/18/00943 where the Highway Authority previously responded with no objection in our responses dated 22nd November 2019 and 12 December 2019.

This current application has been scaled back, with planning permission being sought for no more than 65 weddings / events a year. Thus, this would lead to a reduction in trips than those previously accepted by the Highway Authority in APP/18/00943.

Having regard to the above, the Highway Authority are satisfied that the above planning application will not have a detrimental impact on the wider highway network and thus provide no objections.

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.

Landscape Team, Havant Borough Council

From a landscape perspective, given the site is not visible from public view or indeed is deemed to create a negative impact on the existing character of the area we have no adverse comments in relation to this application.

Local Lead Flood Authority HCC

We have no comments to make to this planning application.

Natural England Government Team

Representation in respect of Appropriate Assessment

No objection subject to mitigation

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment, dated 18th July 2022, 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.

Provided that the mitigation measures set out within the Appropriate Assessment are secured by an appropriate condition or obligation attached to any planning permission and are fully adhered to at all times by the applicant, Natural England is satisfied that the applicant has mitigated against the potential adverse effects on the integrity of the European site(s).

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation. We refer to our response dated 25th July 2022 (ref 385087) for other matters.

Representations on other matters

Chichester Harbour Site of Special Scientific Interest (SSSI)

The application site is located within Chichester Harbour SSSI Unit 3, which is designated for lowland mixed deciduous woodland. The northern part of the woodland known as The Bury is an area of ancient semi-natural woodland which has historically supported a heronry.

Based on available evidence, (previous visits in 2014 and 2018, ecological evidence submitted by the applicant and aerial photos) Natural England is satisfied that there have been no direct impacts to the interest features of the SSSI unit from this proposal. Subject to mitigation, we consider that this proposal is unlikely to impact the site's ability to support the monitored feature of this SSSI unit (recorded in 2010 as favourable). We are therefore content that the proposal would not impact the statutory designation of this site as a SSSI. Advice on the mitigation measures required to support this position is provided below. Should planning permission be granted, we advise these measures are secured to ensure the interest features of the SSSI are appropriately protected.

With regards to the Heronry within The Bury, evidence suggests that Herons are more likely to be disturbed by vehicles stopping than by vehicles which drive by without stopping. The VMS sets out that visitors are unlikely to stop on the access track but as a precaution, signage will be erected at entrances to the access track advising visitors to not stop due to nesting birds. Based on this evidence and the measures set out in the VMS, we are satisfied there is unlikely to be increased disturbance to the Heronry during the nesting months of January to June. Provided the measures within the VMS are secured with any permission we are satisfied the proposals will have mitigated any potential disturbance impacts from vehicle access and raise no further concerns.

Potential impacts associated with camping include trampling, tipping, soil compaction around tree roots, increased light pollution, localised enrichment, and contamination of soils. Whilst we appreciate that camping is likely to only take place on a small number of nights per year, it is our preference that camping takes place outside of the woodland and within the wedding venue area, for example within existing open, lawned areas closer to the marquee and Woods Cottage.

In addition to the measures set out for camping, we recommend the VMS is expanded to include further controls on the location, number of permitted pitches and permitted nights. It is important that the camping area is not managed through vegetation management such as tree pruning, removal of trees or understorey, or removal of

deadwood. Pitches should be rotated so that the same areas are not repeatedly used, and the VMS should set out how this will be achieved.

Protected Landscapes - Chichester Harbour AONB

The proposed development is for a site within a nationally designated landscape, namely Chichester Harbour AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and 4 National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Representation on Updated Visitor Management Strategy

We note that the location for camping in area C has been more clearly delineated on the map on page 4. However, areas B and D appear to have moved. This may be an unintended consequence of the map being updated, but we advise that your authority confirms and/or clarifies the location of all areas as they relate to their proposed uses.

It would also appear that wording relating to rights of way and 'proposed management controls' (sections 2.4 – 2.6 of the previous VMS) have been removed from this version of the VMS. We advise that you consider whether these provisions are now covered elsewhere and if they can be appropriately secured.

The VMS has incorporated our suggestions for camping controls including:

- Keeping a record of tent pitch locations and rotating pitch locations over the summer.
- Camping taking place on no more than 12 nights per year and restricted to 10 pitches per night.
- Campfires not permitted
- Site management to include no removal of deadwood (except for limited health and safety reasons), no vegetation management, site inspection and litter pick once pitches are vacated.

Being mindful that the proposed use of the site as a wedding venue extends beyond

camping in area C, we recommend that the proposed site management applies to the whole of the application site, to protect the SSSI.

In addition to the above measures, a Code of Conduct for Overnight Camping has been submitted (Visitor Management Strategy: Appendix 1) which will be issued to all overnight guests on arrival. This is welcomed and we advise this is secured with any condition.

Whilst it continues to be our preference that camping is located outside of the woodland, we acknowledge that camping activity will be limited in nature. We recommend that the Council clearly defines and maps all activity areas permitted to enable accurate monitoring and enforcement. We suggest any permission attaches an appropriately worded condition or obligation requiring an annual monitoring report be submitted, this should include all activities occurring on the site, together with measures to relocate and appropriately mitigate for the activities should any damage to the SSSI occur, in consultation with Natural England and Havant Borough Council.

Provided the measures described above and as set out in the Visitor Management Strategy are secured and implemented in full, we are satisfied that the applicant has adequately mitigated any likely significant impacts to the SSSI and to the adjacent European designated site.

Officer comment: *Having regard to Natural England's comments on the Updated Visitor Management Strategy, a further revised Visitor Management Strategy dated September 2022 has since been received from the applicants which confirms that site management measures are to apply to the entire application site; and includes a topographical map clearly defining the extent of the camping area. This is considered to address the clarifications requested by Natural England.*

Open Space Society

No comments received

Planning Policy – Nutrient Team

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/21/01310.

Royal Society for the Protection of Birds

No comments received

South Eastern Hampshire Clinical Commissioning Group

No comments received.

Southern Water

The Environment Agency should be consulted directly by the applicant regarding the use of a cesspit.

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.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Officer comment: *It should be noted that the application does not propose the use of a cesspit; instead stating that foul sewage is taken off site by a tanker.*

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) and Statement of Community Involvement, as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 138

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

Statutory advertisement: Yes

Number of representations received: 203

(162 in favour; 38 against; remainder neutral)

Councillors are reminded that all representations are available to view in full on the Council's website – the material submitted including photographs and video stills.

A Summary of representations received can be found at Appendix I (to be circulated under separate cover).

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 recreational pressure, 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 between 1 November and 31 March.
- Ban on fireworks at all events.
- Temporary jetty is not used between 1 November and 31 March.
- All dogs brought onto site for events to be kept on short leads.

With regard to events in the month of October, which would coincide with the overwintering bird period and during which a temporary jetty could be in use and no physical barrier to prevent access to the foreshore, the applicants have stated that the number of events during October will be no more than 4.

7.7 On that basis, and following consultation with Natural England and the Council's Ecologist, 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 arising from the camping activity proposed. The submitted Visitor Management Strategy describes the extent of camping activity as follows:

*Camping will take place on no more than 11 nights per year and will be restricted to no more than 8 pitches on any one night. Camping will only take place in association with a booked wedding or event; and
A record will be kept of tent locations to ensure that they are effectively rotated from one use of the site to the next.*

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.

7.10 Natural England have produced guidance for developers and mitigation providers. This can be found on the Council's nutrient neutrality webpage. This sets out a methodology to calculate the nutrient emissions from a development site. The Council has also produced advice on the occupancy figure which should be used within Natural England's calculator this can be found in the Council's published Position Statement and Mitigation Plan. The applicant has used and submitted the Council's occupancy calculator and Natural

England's calculator as part of an overall nutrient budget. This calculation has confirmed that the site will emit a nutrient load into European Sites.

- 7.11 Achieving a position where there are no net nutrient emissions into the Solent European Sites from this development involves the use of a specific on-site avoidance measure as well as the use of Warblington Farm as a specific off-site mitigation measure. As set out in the Position Statement and Mitigation Plan for Nutrient Neutral Development, an appropriate scale of mitigation for this scheme would be £2,900.60.
- 7.12 A legal agreement will be necessary to secure this avoidance and mitigation package in perpetuity; whilst it will also be necessary for the assumptions built into the nutrient budget calculation underpinning the mitigation package to be secured in any consent granted, limiting the camping occupancy to that assumed in the calculator in any given year – i.e. (8 pitches x 11 nights) = 88 'pitch-nights'. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. As long as such a legal agreement and/or appropriate conditions are secured through the planning process, the proposed development will not affect the water quality of the Solent European Sites and therefore the development will not act against the stated conservation objectives of the Solent European Sites.

Noise pollution

- 7.13 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.
- 7.14 The existing marquee incorporates a sound-attenuating system, reducing noise levels to not exceeding c.69dB at the foreshore. Provided that the submitted details relating to noise attenuation within the marquee remain 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

- 7.15 The Appropriate Assessment has concluded that the avoidance and mitigation packages proposed would be sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur from the development proposed. 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. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages. However, in the event of a refusal of planning permission for other matters, it is not possible at this time to secure the mitigation packages through a legal agreement. As such, it would be necessary to include the non-provision of the avoidance and mitigation packages as a reason for refusal; albeit one that would be likely to be resolved in the run-up to any appeal proceedings.
- 7.16 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
- (viii) Fallback position and conditions

(i) Principle of development

- 7.17 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.
- 7.18 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.
- 7.19 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). These policies seek to guide new development towards existing urban areas; however it was acknowledged in the assessment of the previous Application APP/18/00943 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 the Local Plan.
- 7.20 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.
- 7.21 In terms of economic considerations, and having regard to the non-urban location of the application site, Paragraph 84 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.

- 7.22 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 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 undertaken at the site in 2019 may have contributed c. £1million into the local economy from wedding guest spending; whilst also providing business opportunities for a variety of local suppliers of the region of £780,000, based on the average spend by Tournerbury wedding couples on local suppliers.

- 7.23 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 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.
- 7.24 With regard to social considerations, a number of representations received in respect of the application continue to support 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.
- 7.25 With regard to environmental considerations, the site lies in a sensitive environmental setting and the application argues that the income derived from the business activities at the site help underpin the conservation of the habitat and the environment. The site lies within the Chichester Harbour SSSI and Chichester and Langstone Harbours SPA. It also lies adjacent to the Solent Maritime SAC. 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, these are sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur.
- 7.26 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 176 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

- 7.27 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 4.97ha 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.
- 7.28 In terms of built form, the application incorporates the use of the following permanent buildings/structures:

- * 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 includes provision for the use of various temporary structures according to the nature of the event, typically comprising:

- Trailer toilet facilities sited adjacent to the marquee
- A temporary jetty on the foreshore erected on request to receive the arrival of the bride and groom by boat
- Additional pop-up gazebos used by caterers and third-party suppliers
- Bouncy castles and other inflatables.

7.29 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 the marquee, gazebo and log cabin and deck are not apparent from the north and west.

7.30 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 (which does not form part of the application site) 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 sought by condition if members considered it necessary, to improve screening during the winter months.

7.31 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 ecological impacts. Such impacts are described as not only applying to the venue areas, but also areas adjoining them by reason of noise, external lighting impact and vehicular movement to and from the site. The Conservancy's response also highlights, as have third party representations, concerns that the development of the site to its current form may have involved operations likely to have damaged the SSSI.

7.32 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, subject to the completion of a S106 agreement. As set out under the Appropriate Assessment conclusion above, there would need to be a limit on the level and location of camping.

7.33 It should be noted that Local Plan 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 7.22 above, a matter to be weighed in the overall planning balance.

7.34 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 external lighting impacts are acknowledged as holding the potential for harm to the landscape. The Visitor Management Strategy describes the following controls to be employed in respect of lighting at the venue:

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.

The Camping Code of Conduct supplied as part of the Visitor Management Strategy also requires campers to use hand held torches only for the purpose of lighting.

7.35 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 these lighting criteria be the subject of conditions.

7.36 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

- 7.37 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 the Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar Site. Tournembury 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 south eastern limit of the site lies adjacent to the Solent Maritime Special Area for Conservation.
- 7.38 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 7.1-7.15 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.
- 7.39 With respect to the SSSI status of the site, and having regard to other protected habitat and species legislation, the application is accompanied by a detailed Ecological Impact Assessment Report, dated December 2020, which was also considered when determining the previous Application APP/18/00943 and has been informed by site surveys pre-dating that 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 that earlier application. The findings of the Ecological Impact Assessment Report have informed the Visitor Management Strategy proposed for the site.
- 7.40 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 the events venue area.
- 7.41 In terms of animal species of note, Woods Cottage adjacent to the site is a confirmed non-breeding day roost for low numbers of pipistrelle bats, and commuting and foraging by a variety of bat species was found on and around the edges of the site during surveys. The lighting controls set out at Paragraph 7.31 of 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.
- 7.42 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.
- 7.43 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, 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.

- 7.44 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.
- 7.45 The Ecological Assessment Report and Visitor Management Strategy submitted on behalf of the applicant have 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. Clarification has been provided in response to Natural England's comments (see Section 4 above) in order to ensure that relevant site management measures apply to the entirety of the application site, and that the camping area is clearly defined on the plan accompanying the Visitor Management Strategy. With these matters resolved, Natural England's position is that the applicant has adequately mitigated any likely significant impacts to the SSSI.
- 7.46 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. The proposed changes to the scheme compared to that considered under APP/18/00943 would not, in their view, result in new potential impacts to the ecology of the site or surrounding area and would reduce the impact of previously identified impacts. The submitted Visitor Management Strategy is also confirmed to be acceptable.
- 7.47 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. It is noted that representations have been received in connection with the application alleging that the development as applied for has involved offences and/or damaging operations to the SSSI – Natural England are aware of these allegations, but have nonetheless responded to the current proposals in the manner set out above. It is considered that it can therefore be concluded that 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 Ecological Assessment Report and Visitor Management Strategy. 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

- 7.48 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 two dwellings and a variety of agricultural buildings.
- 7.49 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.

- 7.50 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.
- 7.51 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 vehicular movements associated with farm operations or farm residents is likely to be minor.
- 7.52 Both the Transport Statement and the right of way report have been reviewed by the Highways Authority, who have advised that “...*the Highway Authority are satisfied that the above planning application will not have a detrimental impact on the wider highway network.*”
- 7.53 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 – particularly as the previous Application APP/18/00943, which proposed a greater number of weddings and events with a greater number of participants, was not refused on highway capacity grounds.
- 7.54 It is acknowledged, however, that detailed representations have continued to be submitted on behalf of the Farm holding regarding the implications of utilising the private right of way for access to the proposed wedding and events venue. Their main focus is in relation to the implications of using the private right of way for the proposed use in terms of living conditions and the business enterprise. 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

- 7.55 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.
- 7.56 Before considering these impacts in more detail, it is necessary to reflect the nature of the

application proposals in more detail in terms of the controls that are proposed to be imposed on the weddings and events venue activities.

- 7.57 The applicants' Design and Access Statement accompanied with the application describes the Premises Licence arrangements that the venue benefits from:
- *The performance of live music and playing of recorded music, with the supply of alcohol. Premises opening hours are 08.00 – 01.00, with activity times limited:*
 - *Performance of live music – all week 11.00 – 00.00*
 - *Playing of recorded music (indoors and outdoors) – all week 11.00 – 00.00*
 - *Supply of alcohol for consumption of ON and OFF the premises – all week 11.00 – 23.45*
- 7.58 The applicants' Noise Management Plan puts forward a revised set of timings, however, and advises the following:
- *Venue hire is from 08.00 and contractors are requested not to arrive before this.*
 - *Music is not permitted after 23.00 anywhere; live bands must conclude their sets in the marquee by 22.00; any music external to the marquee must conclude by 18.00.*
 - *Venue hire concludes at 23.30, with guests and suppliers required to have vacated the venue by 23.59 or as soon thereafter*
- 7.59 In terms of staffing, the Noise Management Plan advises as follows:
- *Each event will be staffed by a Venue Manager.*
 - *During each event the Venue Manager is assisted by additional staff (Team Members). There is a base min staff ratio of 1:100 guests, usually the ratio is 1:50 or 1:25.*
 - *The Venue Manager and other Team Member staff regularly monitor the grounds of the venue area for noise, antisocial behaviour and litter.*
 - *The Venue Manager will remain on-site from the start of the event to its conclusion when all guests and contractors/suppliers have vacated the site and any campers have settled.*
- 7.60 Both the Visitor Management Strategy and the Noise Management Plan set out additional management controls:
- *Clear signage erected at exit of the Tournerbury Woods Estate (before accessing the Right of Way) requesting exiting guests / suppliers to drive quietly and considerably.*
 - *During the 'peak' leaving hour at the end of an event, a traffic marshal to be stationed at the exit to the Tournerbury Woods Estate to ensure driver compliance with the signage instructions.*
 - *All Bands and DJ's to exclusively use the installed Zone Array sound ceiling for front of house amplification when performing in the marquee. Bands and DJ's may not use their own front of house Public Address speakers.*

The impact upon Tournerbury Farm

- 7.61 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, and was the key factor in the outcome of the previous Application APP/18/00943. In this regard, detailed representations have continued to be received setting out the impact of the activities which have occurred to date, bearing in mind that the application is a retrospective one.
- 7.62 The assessment of impacts in respect of the Farm is considered to 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.

- 7.63 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 are at risk of being exposed to the noise and activity of venue traffic and pedestrians when accessing and egressing the site. Representations received in respect of the application advise such activity 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. At such times it is considered that the character of the locality, owing to its rural location, will be particularly quiet.
- 7.64 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 the risk of noise and activity associated with visitors to the venue when accessing and egressing the site.
- 7.65 It is recognised that the proposals the subject of the current application put forward a reduced level of activity compared with that refused under APP/18/00943. That earlier application 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. As now proposed the use of the land and structures is proposed to be for no more than 65 weddings/events per year; and within those 65 days it is further proposed that guest numbers will be restricted as follows:
- *Up to 10 weddings / events at no more than the marquee dining capacity (250 persons)*
 - *Up to 10 weddings / events at no more 200 guests*
 - *Up to 30 weddings / events at no more than 150 guests*
 - *Up to 15 weddings / events at no more than 90 guests.*

It should be noted that the representations received in connection with the proposal draw attention to movements taking place over the right of way associated with planning meetings and supplier visits in connection with the wedding and events venue; together with shooting events within the wider Estate (not part of this application) and visitors to Woods Cottage (also not part of this application). Thus visitors to the Estate as a whole can be expected to access the right of way on days in addition to those covered by the proposed wedding and events activity as applied for.

- 7.66 The Design and Access Statement describes the majority of wedding events as taking place on Fridays, Saturdays and Sundays from April through to late October, with occasional mid-week bookings; whilst the majority of corporate events take place on weekdays or Sundays. For the 65 events proposed the implications of this spread of activity is that it can be expected that on average events will take place on 2 or 3 occasions per week. The Transport Statement submitted with the application identifies that the period between 2200 and 2300 hours is likely to be the worst-case hour as regards evening flows of traffic.
- 7.67 With regards the management controls proposed by the applicants, it is proposed that, in addition to signage displayed at the exit from the Tournerbury Woods Estate, a traffic marshal will be stationed at the exit from the Estate during the peak hour of flow to remind exiting guests and suppliers to behave considerately. However this signage and marshalling activity does not extend to the route away from the site beyond the Estate boundary, lying as it does beyond the applicants' ownership, and thus there are no

specific management controls available for guests, visitors and suppliers entering, passing through and exiting the Farmyard area. The direct marshalling activity also does not apply outside of the peak hour of flow, at both earlier and later times of the evening and night – although this could be a matter required by condition in the event that the application were to be recommended for approval.

- 7.68 Whilst the maximum number of guests proposed to be accommodated at the venue has reduced from the proposals under Application APP/18/00943, it remains the case that the current proposals would allow for large scale (90-250), publicly attended events to be taking place on average 2 or 3 times per week during the period from April to October, late into the evening with no direct supervision as participants make their way through the Farmyard. Such activities would furthermore be taking place during the summer period when residents of the two properties adjoining the route may reasonably expect to enjoy their amenity areas or have windows open.
- 7.69 For both of the residential properties adjoining the right of way, and notwithstanding their locations within an established farmyard setting, a significant loss of amenity is considered likely to arise from these activities.
- 7.70 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 where farm vehicles, and occasionally cattle, are housed. 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.
- 7.71 Representations received on behalf of the applicants question the weight to be given to this issue, and raise concerns that non-farming activities are taking place at the Farm which require the benefit of planning permission and which should be taken into account in weighing both this issue and the matter of residential amenity discussed above. Such concerns regarding alleged unlawful activities are currently under separate investigation by the Council's Enforcement Team. Representations on behalf of the Farm, however, continue to assert that Tournurbury Farm is a working farm and refer to the conflict of vehicles passing through the Farmyard with livestock, farm vehicles and workers.
- 7.72 Whilst the question of the current usage of the Farm is subject to investigation, for the purposes of assessing this application and in land use planning terms it is considered most appropriate to weigh the impacts of the development against the lawful use of the Farm as an agricultural enterprise. In that context there are considered to remain 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 on approach. Whilst the scale of the activities proposed for the wedding and events venue has reduced compared to that considered under Application APP/18/00943, there are likely to remain 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 that route within Tournurbury Farm and the lawful agricultural activities that can be expected to take place within it.
- 7.73 The NPPF sets out that when considering the social objective of the planning system, this includes "...by fostering well-designed, beautiful and safe places...." (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 112). 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.

- 7.74 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 number of participants proposed, which remains high at between 90-250; 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 residential occupiers; and the risk of conflict between visitor movements and the safe and satisfactory functioning of the farmyard activities as a whole. The representations received in respect of these concerns on behalf of the Farm are considered to be relevant, credible and probative in that regard.

The residential properties opposite the main wedding and events venue area

- 7.75 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, as could music external to the marquee.
- 7.76 The representations received from third parties were considered by the Environmental Health team when considering APP/18/00943, and an updated Noise Management Plan has been submitted in the context of the current proposals. The Plan sets out a range of site management proposals as regards a point of contact for complaints; complaint logging arrangements; staffing arrangements (see Paragraph 7.59 above); hire documentation details; and timings (see Paragraph 7.58 above). The Plan also makes provision for any amplified or recorded music within the marquee to take place within an acoustic enclosure to mitigate its impact, with external acoustic music and general guest activity being subject to monitoring by the venue management.
- 7.77 Following consideration of the latest version of the Noise Management Plan, and having regard to the Environmental Health officer's consultation response in Section 4 above, 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 not proposed to be subject to direct supervision and are considered likely to give rise to an unacceptable level of noise and disturbance to residential 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

- 7.78 From a heritage point of view, the existing track leading to the venue area passes through the western edge of the Tournurbury 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.

7.79 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.

7.80 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

7.81 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. This remains the case when future flood risk is taken into account. A Flood Risk Assessment has been submitted with the application which sets out a number of mitigation measures to deal with the risks arising:

- 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.
- Camping can be accommodated in areas outside of the existing Flood Zones.
- Staff are also in place during events to evacuate the flood risk area in the event of a flood event.

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

(viii) Fallback position and conditions

7.83 The 'fallback position' is capable of being a material consideration in the decision making process, of which the permitted development rights given by the Town and Country Planning (General Permitted Development) Order 1995 as amended comprise an element. Thus, when making a decision on a planning application it may be argued that a development of similar nature could be implemented using permitted development rights; or that a present lawful use could intensify. The weight to be given to such a material consideration will vary according to whether what could be undertaken would have a broadly similar or worse impact to what is proposed; and the reasonable likelihood or possibility that, if permission were refused, permitted development rights or an intensification of use would in fact be resorted to.

7.84 The submitted Design and Access Statement makes express reference to the fallback position, and describes it as taking a number of possible forms:

- (i) A scenario whereby the outstanding Certificate of Lawfulness appeal in respect of Application APP/19/01262 is allowed – in which the use of the site as a wedding and events venue could continue without restriction;
- (ii) Continued and intensified use of the land for its lawful agricultural and forestry uses and holiday lettings, with larger and more frequent movements expected over the access road to the site; and
- (iii) Implementation of permitted development rights which would allow events to be undertaken for up to 28 days in the calendar year without other controls.

7.85 Officers have given consideration to these possible scenarios. With regards to the first, it is not accepted that the use of the site as a wedding and events venue is lawful – the Council has refused Application APP/19/01262 and would continue to defend that decision in respect of the current appeal which is being held in abeyance.

- 7.86 With regards the second scenario, under the present application the majority of the land-based Tournerbury Woods Estate remains in forestry or agricultural use in any event, and so the use of the access road to the site through the farmyard arises in addition to, and not instead of, the movements associated with the wedding and events venue proposal. It is also considered unlikely that the number of vehicular and pedestrian movements associated with any intensification of a forestry or agricultural use would approach those arising from the wedding and events venue, nor would they be likely to occur late into the evening and night.
- 7.87 With regards to the third scenario, it is accepted that the use of land within the Estate would benefit from permitted development rights allowing for temporary uses for up to 28 days in a calendar year, subject to the land in question not being within the curtilage of a building and providing it was consistent with the Habitats Regulations. However, these exercisable permitted development rights would relate to a significantly reduced scale of activity compared to that applied for (28 days instead of 65) and therefore the degree of impact and harm caused to the Farm and its occupiers would be significantly reduced.
- 7.88 Consideration must also be given to whether there are conditions which could reasonably be imposed on the application which would overcome the harm identified. In that regard, the application submission sets out that following the reduction in proposed events compared with that refused under APP/18/00943, any further reduction in the number of events would be likely to bring into question the business's sustainability. On that basis any conditions seeking to limit the amount of activity at the site below that applied for are unlikely to be reasonable. With regard to the issue of late night activity, it is considered that the very nature of the proposal – as evidenced by its licencing arrangements - is to cater for evening functions, and to restrict hours of activity (for example to daytime events only) would again be likely to undermine its sustainability and not be reasonable.
- 7.89 With regards to the right of way access approach to the site, and controls over its management, alignment or signing, any alterations to the right of way would necessarily relate to land which is not in the control of the applicant. Government advice is clear that *“Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability.”*
- 7.90 It is therefore concluded that the use of conditions in this case would not be an appropriate means of trying to mitigate the harm caused by the development proposed.

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. Notwithstanding the objections raised to the application by the Chichester Harbour Conservancy and third parties on ecological grounds, 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, including the site's SSSI status. A Habitats Regulations Assessment and Appropriate Assessment has concluded that subject to a S106 Agreement covering nutrient neutrality, and 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 Tournerbury 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 and timings of events, 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 lawful agricultural activities within the farmyard.
 - 8.5 In terms of other amenity considerations, the key concerns raised by third parties relate to noise generation, including amplified music. With noise attenuation measures in place to the principal focus of activities (the marquee), and with a Noise Management Plan addressing other potential sources of noise and disturbance the Environmental Health officer has 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 the scale of commercial activity is reduced compared with that considered and refused under Application APP/18/00943, the 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. Relevant fallback options presented by the applicant have been assessed but are not considered to provide sufficient justification for the development proposed. Nor could the use of conditions mitigate the harm identified.
 - 8.8 Having regard to Policy AL1 of the Havant Borough Local Plan (Allocations) 2014 and the NPPF, the adverse impacts of the development 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. That being the case, the absence of a completed S106 Agreement to secure the necessary nutrient mitigation referred to at Paragraph 8.2 above must also be referenced in the refusal, although this is a matter likely to be resolved in the event that the matter progresses to appeal.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/21/01310 for the following reasons:

1. Having regard to the nature of the activities being applied for, which include celebratory and social gatherings into the late evening; the high number of participants proposed; and the limitations of the access track which do not allow for two-way flow over all of its length through the adjoining Tournerbury Farm holding, the Local Planning Authority considers that it is not appropriate in planning terms for the wedding and events venue to rely on this route. To do so would bring an ongoing risk of noise and disturbance to occupiers of the Farm dwellings; and the risk of conflict between visitor movements and the safe and satisfactory functioning of the farmyard activities as a whole, none of which could be satisfactorily mitigated by condition.

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.

2. In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent European Sites as specified in the Habitats Regulations Assessment that has been undertaken on this planning application. As such, it is contrary to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, paragraph 180(a) of the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2017 (as amended).

Appendices

- (A) Location Plan
- (B) Annotated Site Plan
- (C) Marquee Elevations
- (D) Marquee Floor Plan
- (E) Gazebo Elevation
- (F) Log Cabin and Decking Elevation
- (G) Log Cabin and Decking Floor Plan
- (H) Guest Visitor Management Strategy
- (I) Summary of Representations (under separate cover)