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Site Address: Tournerbury Woods, Tournerbury Lane, Hayling Island  
Proposal: 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. Construction of vehicular track from the public highway to the proposed wedding and events venue at Tournerbury Woods.

Application No: APP/21/01310

Expiry Date: 03/05/2023

Applicant: Mr and Mrs Snell

Agent: HMPC Limited

Case Officer: Steve Weaver

Ward: Hayling East

Reason for Committee Consideration: Referral to Committee by the Executive Head of Place

Executive Head of Place Recommendation: **GRANT PERMISSION**

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### **Executive Summary**

This part-retrospective planning application seeks consent for use of part of the Tournerbury Woods Estate on Hayling Island as a wedding & events venue. The proposal includes change of land use and retention of a marquee, a log cabin with deck, and a gazebo. It also includes use of a temporary jetty on the foreshore and other removable structures. The site has been the subject of two previous Planning Applications relating to this use:

- APP/18/00943, which was refused by the Planning Committee in June 2021; and
- APP/21/01310, which was deferred by the Planning Committee in December 2022.

The current application seeks consent for a more limited number of events compared to that refused under APP/18/00943, and includes both a Wedding Guest Visitor Management Strategy and Noise Management Plan in seeking to address the amenity issues affecting the adjoining land holding, concerns over which led to the previous refusal and also the deferral of APP/21/01310. The proposals now make provision for the venue to be accessed via a part-constructed vehicular track through adjacent farmland, which has the benefit of planning permission and which is proposed to be completed and relied upon for future access and egress to the site.

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 revised 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. Representations received in support of the application point to the wedding and event activities at the site as providing a high-quality and unique offering.

At the same time, it must be recognised that the site lies outside the urban area, within the Chichester Harbour Area of Outstanding Natural Beauty, and in a location which is the subject of numerous national and international environmental designations. Following the submission of additional material to address ecological concerns, including that relevant to the new

vehicular track, both Natural England and the Council's Ecologist are satisfied that the development could be controlled and mitigated in such a way as to ensure there would be no harmful impacts to protected habitats and species, and a Habitats Regulations Assessment and Appropriate Assessment has concluded that subject to a legal agreement securing necessary nutrient mitigation, and conditions reflecting the applicant's proposed Visitor Management Strategy, the likely significant effect on the Solent's European Sites can be appropriately mitigated. Chichester Harbour Conservancy retain objections to the application on ecological impact grounds, however the findings of the principal ecological consultees are considered to have addressed these matters. In addition, the visual impact of the built form of the development is considered to be limited, given its woodland setting.

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 on the highway network. However 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; whilst they also consider the proposed access to be acceptable.

The introduction of the new vehicular track to serve the wedding and events venue will directly resolve the concerns expressed in previous Applications APP/18/00943 and APP/21/01310 regarding the impact of the use upon the amenity and operation of Tournbury Farm.

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 introduction of the new vehicular track will ensure that users of the wedding and events venue avoid The Bury Scheduled Ancient Monument, and thus no harm will be caused 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.

Overall, the proposal as now presented is considered to have addressed the previous Officer and Committee concerns regarding the operation of this facility. Having regard to Policy AL1 of the Havant Borough Local Plan (Allocations) 2014 and the NPPF, the development as proposed is considered to constitute sustainable development which will deliver economic and social benefits with appropriate safeguards in place to protect amenity and environmental interests. The application is accordingly recommended for permission.

## **1 Site Description**

- 1.1 The main body of the application site – the wedding and events venue itself - forms part of the Tournbury Woods Estate, a 300 acre (121.4ha) estate lying off Tournbury 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 main body of the application site forms a part of that 50 acres (20ha) – the redline plan submitted with the application shows an area which the overall proposals relate to comprising 5.38ha. The Estate is currently accessed via a right of way which runs through the Tournbury Farm farmyard.
- 1.2 The application also proposes the construction of a vehicular track to the venue across part of the adjacent Tournbury Farm holding, through an open field formerly used for grazing. To the western and southern boundaries of the proposed track are lines of hedgerow interspersed with trees, which are not the subject of Tree Preservation Orders. Further to the west lies a cattery whose access track parallels the line of the hedgerow.

- 1.3 The adopted highway limit in Tournerbury Lane lies immediately to the west of the application site defined in this application.
- 1.4 The wedding and events venue 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). The vehicular track runs through part of a wider Low Use Solent Waders & Brent Goose Strategy site.

## **2 Planning History**

- 2.1 Previous planning applications of relevance are as follows:

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

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

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

**Officer comment:** *This approved track – and its alternative as approved under APP/21/00536 – broadly follows the alignment proposed for the vehicular track in the current proposals which are under consideration in this report, and the approved details have been resubmitted as part of the material accompanying this application.*

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 current applications before the Council.

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.

**Officer comment:** *This approved track – an alternative to APP/17/00207 - follows the alignment proposed for the vehicular track in the current proposals which are under consideration in this report, and the approved details have been resubmitted as part of the material accompanying this application.*

APP/21/01310 - 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.

This application was reported to the Planning Committee on 1<sup>st</sup> December 2022, at which time it was resolved:

**RESOLVED** *that consideration of this application be deferred to enable the officers to discuss with the applicants ways of addressing the issues set out below*

*Issues to be considered:*

- *More positive details on the proposed monitoring and recording of visitors*
- *The feasibility of using an alternative route*
- *A reduction in the volume of traffic likely to be generated by the proposal*

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. Construction of vehicular track from the public highway to the proposed wedding and events venue at Tournerbury Woods.

3.2 This retrospective planning application follows on from the refusal of Planning Application APP/18/00943 and deferral of Planning Application APP/21/01310 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 applications.
- 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 in the south eastern part of the site. 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 refused 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, as with the deferred Application APP/21/01310 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 With regards to the proposed access to the venue, it is intended to utilise the vehicular track previously granted planning permission under Application APP/17/00207, as amended by APP/21/00536 and already part implemented by the adjoining Tournerbury Farm landowner pursuant to that later consent, and relevant details from these previous permissions have been submitted to accompany this application.
- 3.7 As approved, the location of the vehicular track is such that it is accessed from the eastern limit of the adopted highway of Tournerbury Lane, adjacent to the western boundary hedgerow of the site and a short distance east of the access leading to the cattery. It runs southwards along the western edge of the field, then turning east along its southern boundary. At this point the alignment of the track passes south through a further field in the Farm's ownership before then meeting the western boundary of the Tournerbury Woods Estate where it will link with an existing woodland road leading into the estate.
- 3.8 Connecting the field track with the woodland road will require minor works to remove a small area of ditch and earth bank within the Chichester Harbour SSSI.
- 3.9 As with Permissions APP/17/00207 and APP/21/00536, the width of the access within the field is proposed to be 4.5m, widening to 6m at passing places. It would feature a 3.75m verge on its eastern side, planted with Hornbeam trees at 30m centres set within a double row of hawthorn hedging planted at 500mm centres. The track would be lined on its western and southern sides by existing hedgerow - although at its south western corner

where this screening is absent the track would be additionally lined with Hornbeam trees planted at 15m centres set within a double row of hawthorn hedging planted at 500mm centres.

- 3.10 Once within the Tournerbury Woods Estate grounds, the existing woodland road will be used in its current alignment and condition; the application documentation confirming that no works are necessary to upgrade it for the use proposed. A Technical Note accompanying the application from the applicants' ecological consultants advises the following in that regard:  
*".....the track is underlain with brick/hardcore to provide the foundation needed for the purpose of stability and firm surface. This is sufficient to accommodate vehicular traffic to and from the venue. The track has been used historically, and is in current and regular use by Tournerbury Woods Estate vehicles."*
- 3.11 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.

#### **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**

##### **Arboriculturalist, Havant Borough Council**

The Council seeks to protect tree coverage in the Borough, sympathetically incorporating existing features into the overall design of the scheme including

measures taken to ensure their continued survival.

The site has been subject to several previous applications and received approval for works that were subsequently not undertaken in accordance with the approved plans.

The works now applied for should be undertaken in accordance with the submitted details as accepted with application APP/21/00536 and previous conditions (condition 3, 4 and 8) should be repeated with this application and secured by condition.

The proposed works would ensure the protection of the trees on and off site and would be in accordance with Policy CS16 and DM8 of the Havant Core Strategy (2011).

Recommended Conditions:

Approval subject to the following conditions;

- a) The development shall be carried out in strict accordance with the Arboricultural Impact Assessment/Statement and Tree Protection Plans dated 4th October 2021 unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure the protection of trees on and adjacent to the site and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- b) All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Local Planning Authority. Reason: To ensure the continuity of amenity afforded by existing hedges or hedgerows and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- c) All trees and hedgerows proposed along the vehicular track hereby permitted shall be planted during the first planting season following the completion of construction of the base layer of the access road. The trees shall comprise 8-10cm regular standard size trees. Any trees or hedge plants planted which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or hedge plants of similar size and species to those originally required to be planted. Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

***Officer comment:*** *Relevant conditions reflecting the need for compliance with plans, protection of existing features and provision of new landscaping prior to the vehicular track being brought into use are included in the officer recommendation.*

## **Building Control**

No comments received

## **Chichester Harbour Conservancy**



## **OBJECTION**

It is a matter of public record that the Conservancy has assisted Chichester Harbour Trust in its purchase of a neighbouring site, Tournerbury Farm, in the interest of conserving and enhancing the AONB. The Conservancy gave financial assistance and will also be taking a 99-year lease on the land when the Farm Business Tenancy expires in due course. The Planning Committee resolved in January 2022 that it believed that it could consider these matters separately and avoid a conflict of interest.

In the matter of the applications for Tournerbury Woods, the Planning Committee has considered the applications for this site on their own merits over a number of years, in view of the Conservancy's published Management Plan for the AONB area and in line with relevant material planning considerations. The request for a Stop Notice to be served is considered to be proportionate to the harm and continued threat to the Chichester Harbour SSSI.

Chichester Harbour Conservancy raises an objection to the proposed development on ecological impact grounds and considers that a Planning Stop Notice now ought to be served on the applicant by the Council, without delay, requiring the unauthorised use to stop.

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

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 and external lighting.

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.

### **Reasoned Justification:**

Please refer to the separate Committee report considered by Members of The Conservancy's Planning Committee.

***Officer comment:** The separate Conservancy Committee report is available for inspection on the case file on the Council's website.*

### **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 Scheduled Ancient Monument Impact Assessment has been submitted with the application however, this has not been updated to reflect the new access now proposed.

Nonetheless, the use of the newly proposed access would have less impact on the siting of the SAM, as it would be located along the eastern boundary of the site and not extend through Tournerbury Farm as the existing access currently does.

Overall it is concluded that there would be no harm to the SAM as a result of the retrospective use of the site as a wedding venue, nor the use of the new track along the eastern boundary.

### **Countryside Access Team**

The development proposed by this pre-application seeks to, retrospectively, change the use of land and woodland as a wedding and events venue, whilst ensuring the retention of permanent ancillary buildings and structures, as well as the erection of removable structures, including marquees and temporary facilities. Furthermore, the development requests use of the land as a campsite in association with events, accessed via the construction of a vehicular track from the public highway (Tournerbury Lane) to the proposed wedding and events venue at Tournerbury Woods.

We note that footpath Havant 88 is not shown in the plans within this retrospective application. Where Public Rights of Way are close to application sites or are used for access to the development site, applications must show these on the submitted plans and detail how they will be accommodated within the proposals. Government guidance requires that full planning applications should not be validated unless such a plan has been submitted.

The English Coast path, an emerging national trail, is proposed to run around Hayling island, connecting FP 88 to other footpaths on the Public Rights of Way network to the south, whilst using a section of Tournerbury Lane to the west of the site entrance. Therefore, it is reasonably assumed that this promoted route, if approved, will see an increase in pedestrian use, something to be mindful of when with the increase of vehicular movement along Tournerbury Lane when accessing or leaving the site. However, there appears to be suitable walkway infrastructure along both sides of Tournerbury Lane.

Conclusion:

We raise no objection. We attach general informatives for the applicant in regards to the PROW network. We request that these are added to any permission, should it be granted:

1. Nothing connected with the development, or its future use, shall have an adverse effect on the Public Rights of Way, which must always remain available for safe public use at all times.
2. Should the developer identify the need to temporarily close or adjust a PROW, they should follow the guidance on the Hampshire County Council website. This includes further information on the duties as a land owner and/or developer, found at Landowners guide to public rights of way | Hampshire County Council ([hants.gov.uk](https://www.hants.gov.uk)).
3. Granting of planning permission does not grant the applicant access rights to the site via the PROW network and separate consent is required.
4. All vehicles that would be legitimately accessing the site via a Public Right of Way should give way to public users, which could include horse-riders and cyclists, at all times. In cases with legitimate vehicular access a Construction Traffic (or Environmental) Management Plan (CTMP) should be submitted to, and approved by, Hampshire Countryside Service as Highway Authority prior to any approval by the Planning Authority, and prior to commencement, to

ensure the protection of biodiversity and public safety.

### **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**

The application is essentially identical to the previous iteration, albeit that the proposed access has now reverted to a previously agreed location along the western edge of the farm. I am content that the proposals present no additional ecological constraints and that previous ecological submissions are sufficient. The proposed scheme would not, in my view, result in new potential impacts to the ecology of the site or surrounding area parts. The submitted Visitor Management Strategy (December 2021) remains 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 ecologists' instructions. All ecological enhancement measures shall be retained in a location and condition suited to their intended function.

Reason: to protect and enhance biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011. Thank you for consulting me on this revised application.

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

No comments received

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

(1) Initial response:

I have perused the documentation provided, in relation to this application and can advise as follows:

This office raises no objection to the provision of an alternative vehicular track from the public highway to the wedding & events venue at Tournerbury Woods.

On the balance of this application, I refer to my previous comments provided in respect of App/21/01310 in May 2022 and would ask that the same conditions I requested to be imposed, are included in any positive decision notice.

I reiterate those comments and conditions below, for ease of reference:

*Since my comments previously submitted in respect of App/21/01310 in March this*

*year, a Noise Management Plan has now been submitted to the Local Planning Authority. I have read through this NMP submission and studied the attached appendix 4 maps, and can advise that I am satisfied that this plan will meet our requirements. Also as a 'living' document, should any noise related issues arise in the future, these can be discussed with site management and any necessary amendments can be added as required.*

*This office 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 95 dBA LAeq as recommended for the dance floor area.*

*Reason: To ensure the amenity of nearby residential receptors is not impacted upon.*

*Condition 2: The noise management plan submitted by the applicant to the Local Planning authority, which specifies the provisions it will make to ensure the control of noise emanating from this site, shall remain a live document and the measures to control noise advised of there-in, must be adhered to. This document shall be reviewed periodically or as required, to address any noise issues that may arise, or which may arise from any changes to the operation or usage of the facility.*

*Reason: To ensure the amenity of nearby residential receptors is not impacted upon.*

(2) Further response:

As the Council's Acoustic Expert, I have been asked to review the noise control conditions for this application.

On 20 June Mark Moss, Regulatory Officer, and I met with Steve Weaver, Development Manager, to discuss enforceable conditions to control unwanted sound from the Tournerbury Woods Estate application.

I have reviewed:

- Noise Assessment report prepared by Owen Clingan of Aurcale Acoustics dated 17 October 2013
- Soundproof Marquees – Mitigation Strategy produced by Direct Acoustic Solutions Limited dated 12 June 2019
- Tournerbury Wood Estate Wedding Guest Visitor Management Strategy dated September 2022
- Comments made by Rachael Clemson, Sustainable Development Lead Advisor, Natural England dated 27 February 2023.

*Site Visit*

On Thursday 22 June 2023 Mark Moss and I met with Chris Snell on site. Mr Snell demonstrated the sound array speaker system the marquee. The system uses multiple small speakers to achieve an adequate volume of music on the dance floor whilst minimising sound outside the marquee as the sound waves from the speakers outside the target area are out of phase.

Both Mr Moss and I witnessed that this system works. I encourage the Planning Committee to do a site visit and hear this system for themselves.

We are aware of noise complaints about the site. However, many complaints have been identified as being from other sites on Hayling Island or in Portsmouth.

### *Control of Noise*

To protect the amenity and prevent night-time events that could be very disturbing I recommend clear simple conditions restricting the hours of use to 11:00 until midnight mirroring the condition of the Premises Licence with music and the supply of alcohol finishing at 23:00 to allow time for patrons to leave ensure the venue closes on time. Repeated large events will be distributing to neighbouring residents. It has been agreed in the application the number and size of events will be limited. To enforce this requires a condition specifying the number and size of the events plus a requirement that the number and size of events be report every 3 months.

External music will travel especially as the ambient noise reduces in the evening. It has been agreed external music which has been described acoustic will finish at 18:00. There should be a condition, so this is enforceable.

The Noise report by Aurcale Acoustics and the Management Strategy state that in the soundproof enclosure in the marquee the sound system can achieve an average sound level of LAeq (time) 95 dB without harming the amenity. This system has been demonstrated to Mr Moss and me. I recommend the system is engineered, such as with a sound limiter, so the LAeq (time) 95 dB sound level is not exceeded. A condition requiring the technical details of this to be agreed and that all music must be through this agreed system is recommended.

A noise management plan (NMP) has been discussed. A NMP is a live document. It will be updated considering experience and in response to issues raised including during the Planning Process. I recommend a general condition outlining what the NMP will cover, and specific details agreed as a condition.

I recommend conditions that make it clear when the site can be used and for how many times a year, and the size of each event.

### *Premises Licence*

As well as Planning the supply of alcohol and performance of music is also regulated by Licensing. I have checked the Premises Licence for Tournerbury Holdings Ltd reference HPR 0333.

This Premises Licence authorises:  
Premises Open Hours All Week 08:00 until 01:00  
Performance of Live Music (Indoors and Outdoors) All Week 11:00 until midnight  
Playing of Recoded (Indoors and Outdoors) All Week 11:00 until midnight  
Supply of Alcohol All Week 11:00 until 23:45

The Premises Licence authorises the site for use every day of the year.

The Premises Licence is being complied with.

However, the plan attached to the premises licence for Tournerbury Woods Estate requires more details as it does not currently comply with the requirements of the Licensing Act 2003 (Transitional Provisions) Order 2005, and therefore a licensing minor variation application is recommended.

An informative is requested.

### *Protection of Over Wintering Birds*

I have reviewed the suggested sound level condition for the protection of over wintering birds suggested by Natural England. A similarly worded condition on another site is proving difficult to enforce. The suggested wording needed further details to be clearly enforceable. Tristan Norton, Senior Ecologist, Hampshire County Council, and Rachael Clemson, Sustainable Development Lead Adviser Natural England, have agreed this updated wording.

The wording of the suggested condition will ensure the protection of the birds.

From what I have witnessed on the site the venue can operate without breaching this sound level.

#### **RECOMMENDATION**

With the suitable conditions recommended the development can be permitted with limited impact on the amenity

Approve with Conditions and Informative.

#### **CONDITIONS**

##### **1. Hours of Use**

The premises shall only be open to the public between 08:00 and midnight. The supply of alcohol and performances of music, including singing, shall finish by 23:00

##### **2. Number of Event and Reporting**

The number of events per year shall be limited to:

Maximum Number of Patrons	Number Per Year
Insert details	Insert details
Insert details	Insert details
Insert details	Insert details

If there are any events in a 3-month period they shall be reported to the Local Planning Authority in accordance with the following schedule:

Months	Reporting Deadline
January, February, and March	1 May
April, May and June	1 August
July, August, and September	1 November
October, November and December	1 February

The reports shall include the data and number of patrons that attended each event.

##### **3. Music Outside the Marquee Shall end after 18:00**

No music shall be played outside the marquee before 11:00 or after 18:00.

##### **4. Noise Management Plan (NMP)**

Within 3 months of permission hereby given a noise management plan (NMP) shall be submitted in writing to the Local Planning Authority (LPA). The NMP shall be agreed in writing by the LPA.

The NMP shall include, but not be limited to:

- Disturbance to neighbours from performances including from music and singing
- Disturbance to neighbours from access and egress
- Recording and dealing of complaints
- Contact details for staff
- Measurement of sound levels and their recording

The NMP shall reviewed annually. The site shall be operated in accordance with the NMP unless agreed in writing with the LPA.

**5. Marquee Sound System Shall Not Exceed LAeq (time) 95 dB**

Within 3 months of the development hereby permitted a scheme to ensure the sound system cannot exceed LAeq (time) 95 dB in the marquee shall be submitted to and approved in writing by the Local Planning Authority (LPA). The agreed scheme shall not be altered without the written agreement of the LPA.

Amplified music and voices shall only be played through the agreed system.

**6. Protection of Over Wintering Birds**

During the months of October to March (inclusive) noise from development hereby approved in any part the Special Protection Area (SPA) or SPA supporting habitat shall not exceed LA (max) (fast) (1 hour) 69 dB.

Equipment, positioning, calibration, weather parameters and qualification of operators shall be as per BS4142:2014.

Measurements shall always be recorded and available to the Local Planning Authority along with calibration details and details including qualification of the operator taking the readings.

(3) Final response:

Further to the comments submitted by Daniel Bayles, on 4 July 2023, and after further discussions and reflection, I am submitting amended comments below:

On 22 June 2023, D. Bayles and I witnessed the Sound array system utilized in the acoustic enclosure / dance floor area within the marquee, to control the maximum levels at which music, both live and recorded, can be played within this environment. From what we have been advised, the zone array system is used in conjunction with an in-line frequency specific process limiter known as a Symetix Prism. We were both satisfied that this system when in use, should cause no nuisance to any nearby residential receptors.

Following on from the conditions suggested by Mr Bayles, to be applied to any positive decision by the Planning Authority, in regard to this application, I make the following comments:

Conditions:

1. *Hours of use:*

The premises shall only be open to the public, between 08:00 and midnight, on event days. The performances of live and recorded amplified and or acoustic music, within the marquee acoustic enclosure, shall finish by 23:00.

2. *Number of Events and reporting of such:*

The number of events per year shall be limited to:

Maximum number of patrons	Number per year
Insert details	Insert details
Insert details	Insert details
Insert details	Insert details

If there are any events in a 3 month period, they shall be reported to the Local Planning Authority in accordance with the following schedule:

Months	Reporting deadline
January, February & March	1 May
April, May & June	1 August
July, August & September	1 November

October, November & December 1 February

3. *Music outside the marquee shall end before 18:00 (Not required)*  
Already clarified within the Noise Management Plan. Noise from external music should be inaudible at nearest residential receptors (see also Appendix 4 of the NMP)

4. *Noise Management Plan: (Not required)*  
All items listed in the 4 July 2023 document, have already been clarified within the submitted Noise Management Plan.

Also, in relation to the approved NMP document, should any problematic noise issues arise in the future, I would suggest a suitable precursor be added to the condition approving the NMP, to ensure that if any future amendments to this plan are required, that this is a simple task easily carried out once agreement is reached between the relevant parties.

5. *Marquee Sound system shall not exceed LAeq (time) 95dB:*  
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 / dance floor area sited there-in, and the noise level within this enclosure should not exceed the maximum LAeq (time) 95dB as recommended.  
Reason: To ensure the amenity of nearby residential receptors is not impacted upon.

6. *Protection of overwintering birds:*  
During the months of October to March (inclusive), any music noise from the application site, shall not exceed LA(max)(fast)(1 hour) 69 dB, on any part of the foreshore area within the Special Protection Area (SPA)

**Officer comment:** *The conditions as recommended in the final response are reflected in the officer recommendation. With regard to the request for flexibility in the Noise Management Plan, it is considered that by incorporating the precursor 'Unless otherwise agreed in writing by the Local Planning Authority....' in the relevant condition, this will enable revisions to be incorporated in future through a discharge of condition process, where they are necessary to protect amenity and in light of any changed circumstances.*

## **Hampshire Fire & Rescue**

HIWFRS understands that the project involves the change of use of land and woodland as a wedding and events venue, including retention of permanent ancillary buildings and structures, the erection of removable structures and the use of land as a campsite.

I confirm that Hampshire & IOW Fire and Rescue Service (HIWFRS) has received your application, dated 06 February 2023. The inspector named above has considered the information provided and has made the following comments:

### ***Building Regulations: Access for Firefighting***

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

### ***Hampshire Act 1983 Section 12 – Access for Fire Service***

Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations.



### *Fire and Rescue Services Act 2004*

The following recommendations are advisory only and do not form part of any current legal requirement of this Authority.

#### *Access for High-reach Appliances*

High reach appliances currently operated by the HIWFRS exceed the maximum requirements given in Section 17 of the Approved Document B. When considering high rise buildings these variations should be considered as additions and incorporated as follows. Structures such as bridges, which a high-reach appliance may need to cross should have a maximum carrying capacity of 26 tonnes. Where the operation of a high reach vehicle is envisaged, a road or hard standing is required 6m wide. In addition, the road or hard standing needs to be positioned so that its nearer edge is not less than 3m from the face of the building.

#### *Water Supplies*

Additional water supplies for fire fighting may be necessary. You should contact the Water Management Team, Hampshire & IOW Fire and Rescue Headquarters, Leigh Road, Eastleigh, SO50 9SJ (hydrants@hantsfire.gov.uk) to discuss your proposals.

#### *Fire Protection*

HIWFRS would strongly recommend that consideration is given to the installation of an Automatic Water Fire Suppression System (AWFSS) to promote life safety and property protection within the premises.

HIWFRS is fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community.

#### *Testing of Fire Safety Systems*

HIWFRS strongly recommends that, upon commissioning, all fire safety systems are fully justified, fully tested and shown to be working as designed. Thereafter, their effectiveness should be reconfirmed periodically throughout their working lifecycles.

### **Hampshire Highways**

The Highway Authority have previously responded to a number of applications pertaining to this site. It is noted that the current application is an amalgamation of previous planning proposals to utilise a new access track to serve the wedding and events venue at Tournerbury Woods.

The Highway Authority have reviewed the information submitted as part of the latest planning application and wish to make the following comments.

#### Access Track

Planning permission was previously granted under planning reference APP/17/00207 for the provision of a new access track for agricultural purposes served from Tournerbury Lane. Subsequent planning applications (reference APP/20/00626 and APP/21/00536) were made to demonstrate the appropriateness of the access track for accommodating larger vehicles, such as a coach, which required access to the wedding venue. The Highway Authority previously recommended no objection to the revised proposal, acknowledging that the widened access onto Tournerbury Lane was suitable for accommodating the tracking for a coach coming in and out of the track. The access track also provided a straight north-south alignment towards the venue, with two passing places provided to allow vehicles to pass concurrently. Due to the alignment, good forward visibility is available along the access track, which the Highway Authority also considered acceptable.

## Vehicular Movements

The Highway Authority also provided comments on planning reference APP/21/01310 in a response dated 25th January 2022.

The response acknowledged that the application was for no more than 65 weddings or events a year, representing a reduction in the total vehicular trips previously considered acceptable by the Highway Authority under planning reference APP/18/00943. On this basis, no objection was raised to the application.

The amalgamation between the applications falls in allowing the approved vehicular trips along the new access track approved under planning reference APP/21/00536. As noted previously within this response, the access track provides good forward visibility and passing places to allow two cars to pass. The Highway Authority previously considered that the additional trips arising from the wedding and events venue could also be accommodated on the local highway network. Therefore, the proposal to combine the two elements is considered acceptable by the Highway Authority.

## Recommendation

For the reasons noted within this response, the Highway Authority raises no objection to the proposal to provide access to the wedding and events venue via the new access track from Tournerbury Lane.

## **Historic England**

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers.

## **Landscape Team**

From a landscape perspective we have the following comments:

- This application is pretty much identical to APP/17/00207 to which we raised no landscape objection.
- The avenue tree planting within the access road shows rows of tree on both side of the access track, which is the same as previously submitted. However this was reduced to one side of the track only during the discharge of conditions. The planting will have an impact on the character and as such clarity on what is actually going to be provided should be submitted. This should include proposed species, size and tree pit details.

***Officer comment:*** *The intention is that the vehicular track will be completed in accordance with the details previously approved under Application APP/21/00536, which included full details of proposed landscaping. The need for this application to accord with those details will be reflected in the recommended conditions.*

## **Local Lead Flood Authority HCC**

The County Council has reviewed the following documents relating to the

above application:

- IJ Murray Associates/ Flood Risk Assessment for Tournerbury Woods Estate Hayling Island PO11 9DL
- Drainage, Foul Sewage and Utilities assessment – Tournerbury wedding venue.

This application is a change of use to wedding/events venue and campsite. The only physical change is the extension of the access road which is being made out of chipped stone and crushed hardcore. As such the impact on the site drainage is expected to be negligible.

We note however the intention to extend the existing surface water runoff drainage towards the ditch at the northern end of the site. Please note that the connection into the ditch is likely to require Ordinary Watercourse Consent. This is separate from planning permission and will need to be obtained from Hampshire County Council before the connection is made.

We consider that the information provided is sufficient to address our comments and as such we have no objection to this application.

## **Natural England**

### (1) Initial response

#### ***Chichester & Langstone Harbours SPA – no objection subject to mitigation***

We note the application is accompanied by the Appropriate Assessment for the previously submitted application. We advise your authority completes an Appropriate Assessment for the current application, but on the basis that this will not materially change, 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).

#### ***SPA functionally linked land***

The proposed track is located within an area identified as functionally linked land of Chichester Harbour SPA. The site H40E is identified in the Solent Waders and Brent Goose Strategy as a Low Use site. It is also adjacent to H40F which identified as Secondary Support Area. The Solent Waders and Brent Goose Strategy (SWBGS) aims to protect the network of non-designated terrestrial wader and brent goose sites that support the Solent Special Protection Areas (SPA) from land take and recreational pressure associated with new development. All Low Use sites have the potential to be used by waders or brent geese and these sites have the potential to support the existing network and provide alternative options and resilience for the future network.

The proposals will result in a small loss of functional land associated with the construction of the vehicular track. However, Natural England considers that the nature and scale of the proposals would be unlikely to have a significant effect on the integrity of the European sites, in addition the track is screened by hedgerow.

To be precautionary we suggest the following condition is appended to the planning permission:

“No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) to be undertaken during the bird overwintering period (i.e. October to March inclusive).”

Provided that the applicant is compliant with this condition, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

### ***Disturbance to overwintering SPA birds***

In relation to disturbance impacts to overwintering birds as a qualifying feature of the SPA, we are satisfied impacts can be addressed through various mitigation measures as set out in the visitor management strategy (VMS) dated December 2021. Comments on relevant aspects of the application and VMS which have informed our advice are included below. Should this application be granted, we advise that the relevant details and the measures set out in the VMS are secured by planning conditions.

We understand that noise disturbance associated with events would be infrequent (a maximum of 3-4 times across the month of October and restricted from November to March), of short duration (max. 1-2 hours) and extremely localised in nature. The marquee is located where it is screened by vegetation from the harbour itself. In addition, there are measures requiring dogs to be kept on leads at all times and no fireworks are allowed. Music is proposed to be provided using an attenuated directional sound system.

When the temporary jetty is not in use, the foreshore will be roped off with signs to restrict access, but in any case the foreshore is unlikely to be attractive to guests in wedding attire because of the muddy and rocky terrain underfoot. Proposed barriers and signage will further discourage access. Subject to the proposed measures in the VMS being implemented, and on the basis that the limited events do not fall within the coldest overwintering months, we do not consider that the proposal will result in significant disturbance impacts to overwintering birds and is therefore unlikely to result in an adverse effect on the integrity of the SPA. This should be assessed through your authority's HRA.

### ***Chichester Harbour Site of Special Scientific Interest – Further Information Required***

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.

We note this application differs to the previous application with a different access route proposed through the SSSI. The proposals include construction of a new track which joins the SSSI in the north western corner meeting an existing track which is located within the SSSI along the northern boundary. The existing track is described as 5m wide however no survey of this section is included within the supporting ecological appraisal. It is our understanding that the surface of the existing track is a soft woodland floor bordered by woodland bank. It is also not certain how this track is proposed to be used, e.g. is it intended for vehicle use or pedestrian only. We have concerns about the use of this track for use by coaches and other vehicles, potential impacts from vehicle use include; tree root damage, soil compaction, damage to the tree canopy and vegetation. Clarity is required as to how this existing track is to be used and if any works required to upgrade this track to make it passable for vehicles. Also if any vegetation or tree canopy along the track will be removed. Natural England would not support importation of materials into the SSSI to upgrade the track.

### ***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 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.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

(2) Response following receipt of Appropriate Assessment and clarification of proposals to connect farm track to existing track within SSSI

***Chichester Harbour SSSI – Further information required***

The current proposal for works to connect the track outside of the SSSI to the existing track within the SSSI would require removal of a section of woodland bank, infilling of ditch within the SSSI boundary and removal of vegetation outside the SSSI boundary. This is contradictory to the previously provided report (Technical Note, Holbury Consultancy, 2nd March 2023) and Natural England's recommended condition response dated 27th March 2023) which stated that no works would be required within the SSSI to make the track passable to vehicles.

The latest Technical note (dated 14th June 2023) relies on the SSSI Site Management Statement (SMS) giving permission for these types of works. While the SMS does state that limited infilling of ruts with rubble in order to allow continued vehicular access is permitted, it does not include provision for removal of woodland bank and it specifically states that the earthen/unimproved character of the tracks should be retained as far as possible.

The Technical note also relies on previously submitted ecological surveys (Hampshire Ecological Service June 2020) which covered the whole of the Tournembury Woods Estate, this report however did not include a specific target notes nor information on the ecological or historical context of the woodland bank at this location. We recommend that further ecological assessment is undertaken to assess the bank, including any historical context of the bank if applicable. It should be clarified if this is a long standing

historical hedgerow bank or it has more recent origins.

A detailed ecological assessment of this area of the SSSI, in relation to the works proposed, should support an informed conclusion as to whether the works would impact the integrity of the designated site. If so, compensatory measure(s) would be required and details of such measures should be provided. Natural England would be pleased to review the assessment conclusions and any compensatory measures proposed in due course.

Havant Borough Council should be satisfied that the evidence provided that removal of the bank will not result in loss of priority habitat, which may require compensatory measures. You should also be satisfied that there are no alternative options for routing of the track or a variation in construction methods that would avoid or minimise removal of the woodland bank.

We recommend a Construction Environmental Management Plan is submitted to and approved in writing by the district ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on the SSSI. The CEMP should address the following impacts:

- Storage of construction materials/chemicals and equipment;
- Dust suppression
- Chemical and/or fuel run-off from construction into nearby watercourse(s)
- Waste disposal
- Noise/visual/vibrational impacts

The approved CEMP should be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

***Chichester Harbour Special Protection Area – 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 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.

Natural England previously commented on potential impacts to the SPA in our previous response dated (27th February 2023) where we advised that 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 equally applies to the updated Appropriate Assessment dated 4th May 2023.

- (3) Response following further clarification of proposals to connect farm track to existing track within SSSI

### **No Objection Subject to mitigation**

In our previous response we requested further information on the nature and context of the earth bank for which a section is proposed to be removed in order to connect the two tracks. This has now been provided in the submitted Technical note (Holbury Consultancy). Based on the information provided, Natural England are satisfied that the section of bank in question is not an ancient woodland boundary feature and that removal of this section will not damage or destroy interest features for which the SSSI has been designated.

The Technical note dated 14th June 2023 (Holbury Consultancy) confirms that materials to infill the ditch are already stored on the Tournebury Woods Estate and no importation of further materials will be required. It also stipulates that no removal of trees or shrubs within the SSSI boundary will be required, the 4 shrubs to be removed fall outside the SSSI boundary.

A Construction Environmental Management Plan (CEMP) has also been submitted (Mayer Brown July 2023), The CEMP sets out a number of steps of measures including that work will be completed using hand held machinery, no refuelling will be required and that material from the bank removal will be spread on the adjacent field which is outside of the SSSI. Provided this is secured with any permission and adhered to at all times then Natural England are satisfied that the applicant has mitigated against potential impacts during works to remove the section of bank and infill the remainder of the disused ditch. Havant Borough Council, should be satisfied that this can be secured, monitored and enforced.

### **Open Space Society**

No comments received

### **Planning Policy – Nutrient Team**

I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals.

The applicant should be advised that the Council's strategic mitigation scheme is to be charged at £3,000 per kilogram of nitrogen (as at 18/11/22) which is to be increased annually at the start of the financial year in line with the Cost Price Index. In addition, it should be noted that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm. There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development. The details of other schemes have been published on the Partnership for South Hampshire's website at:

<https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>

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

No comments received

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

As an Integrated Care Board, we have a specific interest in new residential developments and how the increased population would directly affect local healthcare provision.

Thank you for informing us of the proposed redevelopment. However, South Eastern Hampshire Integrated Care Board does not wish to make any further comments at this time.

### **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.

**Officer comment:** *It should be noted that the application does not propose the use of a cesspit for the wedding venue; instead stating that waste from mobile toilet facilities 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: 288

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

Statutory advertisement: 10<sup>th</sup> February 2023

Number of representations received (as at 22<sup>nd</sup> August 2023): 41

(28 in favour; 13 against)

***Councillors are reminded that all representations are available to view in full on the Council's website.***

### **Summary of representations**

#### **Support**

##### Economic/visitor considerations:

- The Council should support businesses which contribute to its regeneration strategy.
- The use brings income, local jobs and visitors to the Island, adding to the local economy.
- Support for local suppliers which employ local residents and enable other local businesses to employ and support others.
- A beautiful wedding venue, well supported by the organisers.
- This is the only such facility in Havant Borough.



#### Environmental considerations:

- The business is sustainable and has the backing of Natural England
- The marquee and surrounding areas have been undertaken tastefully.
- Noise and light provisions mean the impact on wildlife has been adequately addressed.
- The business helps maintain the woodland setting and the viability of the place.
- The site is the subject of good management and care, with environmental improvements during the applicants' ownership of the site.
- No evidence of litter or disturbance arising from the venue.
- Making access available to Tournurbury should be supported.
- The venue is one of only two SSSI units in the Borough in good condition.

#### Amenity considerations:

- The social benefits of an events venue which bring families and friends together should not be underestimated.
- The sound system in place means noise from the venue is very limited.
- The noise and light provisions mean the impact on local residents has been adequately addressed.
- The owners are strict on rules around noise and finishing times, unlike many other venues on Hayling.
- The venue is well run and managed.

#### Transport and access considerations:

- Assurance given that the negotiation of the terms of the agreement necessary to grant access over land leading to the application site are ongoing and continue to make positive progress – the fact they are not yet settled should not be taken as a failure of that intention.
- Access to the Tournurbury Woods Estate via the alternative track under construction pursuant to Permission APP/21/00536 is fully supported.
- The Visitor Management Strategy submitted pursuant to APP/21/01310 should be amended to suit current proposals and explicitly refer to access controls along the alternative track.
- A S106 Agreement may be required to secure completion of the alternative track.

### **Objection**

#### Environmental considerations:

- The use of the site is incompatible with its SSSI status.
- The area was designated as open countryside and a natural habitat for wildlife.
- Application fails to comply with national and international environmental designations on the site, and any permission will give rise to a Judicial Review.
- The Council should reconsider the degree of serious harm attributable to unauthorised development within the SSSI.
- Enforcement action should be taken against the unauthorised development whilst awaiting the outcome of the application, and no further applications should be considered until the Enforcement Notice has been complied with.
- The marquee is visible from My Lords Pond and contravenes the AONB.
- The venue has been set up in a manner which has resulted in unconsented damage to the SSSI.
- Natural England are reviewing the Management Agreement relating to the site at national level.

- The recent 'favourable status' report from Natural England is the subject of a formal complaint.
- The Site Management Agreement existing between the owners of the site and Natural England does not provide for the current activities and operations at the site.
- Use not in keeping with countryside setting.
- Impact on setting of AONB and Chichester Harbour.
- Fire risk associated with camping activities is such that camping should either be banned or the site needs monitoring overnight by a minimum of two staff.
- Camping use cannot be monitored overnight.
- Use of site is incompatible with SSSI status of site and would lead to its declassification.
- Acceptance of use of part of the site for business purposes by Natural England is unlawful in relation to SSSI legislation.
- Alleged breaches of Conditions of Planning Permission 01/62340/001 in implementing the wedding and events venue.
- If Council allow application they will be publicly condoning breaches of planning legislation and set a precedent for further breaches of environmental protection.
- Disturbance to wildlife and migratory birds.
- Noise from venue has damaged roosting areas for herons.

#### Amenity considerations:

- Night and daytime disturbance from noise from the venue, including after hours.
- Music causes noise pollution to nearby residents.
- Light pollution across Mengham Creek/My Lords Pond.

#### Transport and access considerations:

- Highway safety objection.
- Excessive traffic generation.
- Hayling Island already has access issues exacerbated by congestion and poor infrastructure; the proposal will add to this.
- New access through Tournerbury Woods will need to be widened and surfaced, and a ditch infilled, which is prohibited in the Site Management Agreement with Natural England.
- Lack of engineering drawings for proposed road along northern edge of site.
- Track through Tournerbury Woods is much narrower than approved route leading to the site.
- Risk of flooding of proposed northern access track.
- Use of the access through the Farm by many vehicles including lorries and coaches is not suitable.
- Proposed access to the site is not suitable.
- No evidence has been supplied by the applicants that the alternative access road is subject to a binding legal agreement with the owners of the land.
- The Flood Authority will require consent for drainage from the track to be connected to the ditch.

#### Other

- Piecemeal development of site requiring retrospective applications, which may continue.
- Application does not make safe provision for guests and support staff in respect of flood risk and woodland fire risk.

- No rights exist to significantly improve the surface of the existing right of way through Tournerbury Farm over and above the condition that existed when the right of way was granted.

## **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 Wedding Guest 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 with 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 are set out in the submitted Wedding Guest Visitor Management Strategy, and 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 Wedding Guest 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 £7,283.00.
- 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 by condition to that assumed in the calculator in any given year – i.e. equivalent to no more than 11 nights per year and no more than 8 pitches on any one night. 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 appropriate condition 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. Subject to this being secured, it can be concluded that the proposal will not result in adverse effects on the integrity of the Solent European sites.
- 7.16 In other respects, having regard to the relevant policies of the development plan and all other material considerations 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 Applications APP/18/00943 and APP/21/01310 that the particular wedding and event 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 at (iii) 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 at (ii) below; the impact on ecology at (iii) 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 5.38ha of the 20ha land-based estate (albeit the 5.38ha figure includes the vehicular track which lies outside the estate boundary), 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. Wedding and event activity is currently accessed through the farmyard of Tournerbury Farm to reach the site, but in this application it is proposed that all such movements are routed through the vehicular track instead.

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. The visual impact of the development was also not cited as a reason for refusal in respect of Application APP/18/00943, which dealt with the same permanent buildings/structures, and it is not considered that the circumstances pertaining to the site have altered since that time such as would warrant a different view being taken by the Local Planning Authority.
- 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 ecological impact grounds. Such impacts are described as not only applying to the venue areas, but also areas adjoining them by reason of noise and external lighting impact. Third party representations have also raised 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 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 and relevant planning conditions. 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 Wedding Guest 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 will be used where necessary to control or restrict the area to be lit. Any new wide-angle lighting will be avoided. Lighting will be monitored during operation and modified if necessary.*

*Security lighting: lighting of greater than 2000 lumens will not be employed.*

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 the need for compliance with the details set out in the Wedding Guest Visitor Management Strategy be the subject of a condition.

7.36 With regard to the vehicular track proposed to serve the wedding and events venue use, the track (which is part constructed) is located on part of an existing agricultural field and has created a new access from Tournerbury Lane. It does not entail the removal of any significant vegetation or trees and the entrance layout enables the retention of an existing Ash tree.

7.37 The proposals retain the existing hedgerow on the western boundary of the application site, which forms a strong boundary feature visually 'containing' the development from wider public views. On its eastern side the track would be lined with native species of trees and hedgerow which is considered appropriate to the rural setting of the development within the AONB and reflective of the species agreed under Permission APP/21/00536.

7.38 In terms of the materials to be used in the construction of the track, these are intended to be in accordance with the materials approved pursuant to Condition 4 of Permission APP/17/00207, with dark planings as the finished surface material. These muted tones are considered appropriate for the rural setting of the development.

7.39 The Council's Landscape Officer has not raised objection to the proposal, and it is considered that the completion of the track would not have a harmful impact on the character of the area or the AONB and therefore accords with Policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

7.40 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

7.41 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. 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 governing activities at the site. In addition, the south eastern limit of the site lies adjacent to the Solent Maritime Special Area for Conservation.

7.42 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.

7.43 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 Wedding Guest Visitor Management Strategy proposed for the site.

7.44 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.

7.45 With regard the vehicular track which also forms part of this application, the main body of the track will run through a field which constitutes functionally linked land of the SPA. This part of the track has been granted planning permission on two previous occasions, and Natural England considers that the nature and scale of the proposals would be unlikely to have a significant effect on the integrity of the European sites; in addition the track is screened by hedgerow. Connecting the field track with the woodland road will require minor works to remove a small area of ditch and earth bank within the Chichester Harbour SSSI, with no further works proposed to the woodland road beyond that point. Following requests for further analysis of the potential impact of this work on the SSSI, the application has been supported by an ecological assessment of the works and a Construction Environmental Management Plan (CEMP), which have been reviewed by Natural England and in respect of which it has been concluded that removal of the section of ditch and bank will not damage or destroy the interest features for which the SSSI has been designated.

7.46 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 7.34 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.

- 7.47 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.
- 7.48 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.
- 7.49 The use of the vehicular track as proposed in this application will ensure that access to the site will avoid this woodland. In addition, the Wedding Guest Visitor Management Strategy advises that signs will be placed at the northern edge of the application site directing guests to use the new access route at all times and avoid the heronry area.
- 7.50 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.
- 7.51 The Ecological Assessment Report and Wedding Guest Visitor Management Strategy submitted on behalf of the applicant have been reviewed by both Natural England and the Council's Ecologist. Following the receipt of the Technical Note and CEMP in respect of the ditch/bank works described at paragraph 7.45 above, Natural England advise that they have no objection to the proposals subject to mitigation. In that regard it will be necessary to secure the need for compliance with the various documents by condition.
- 7.52 The Council's Ecologist advises that they are content that the proposals present no additional ecological constraints from those considered under previous applications, and that previous ecological submissions are therefore sufficient. The proposed scheme would not, in their view, result in new potential impacts to the ecology of the site or surrounding area impacts. The submitted Visitor Management Strategy is also confirmed to be acceptable.
- 7.53 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.
- 7.54 In that regard, the applicant has forwarded with their application documentation the Natural England report 'A review of the condition of Tournbury Woods, part of Chichester Harbour SSSI' dated November 2022. The review undertaken in 2022 was the first time this part of the SSSI had been formally assessed since 2010, and therefore can

be expected to have identified any adverse consequences for the SSSI arising from the wedding and events venue activity which has arisen during that time.

7.55 The report concludes that the features of special nature conservation interest within this part of the SSSI remain in a favourable condition, and includes the following passage which is considered of relevance to the current application:

*“There is no evidence of damage to the ground layer due to excessive trampling or vehicle movements, no unconsented tree or shrub planting, no dumping of waste or evidence of pollution or litter. There is no evidence that the activity associated with the business amenity area is resulting in direct or indirect adverse impacts on the special interest of this part of the SSSI, nor is there evidence of adverse impacts on the integrity of the adjacent Solent Maritime SAC.”*

7.56 Furthermore, in the Wedding Guest Visitor Management Strategy the applicants commit to commissioning an ecological survey of the woodland on a four yearly cycle in order to monitor its condition and identify any trends in condition over time. The findings are to be shared with Natural England and the Local Planning Authority, and will allow for the impact of the ongoing business activity to be monitored and appropriate management measures to be put in place.

7.57 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, Wedding Guest Visitor Management Strategy, Noise Management Plan, Technical Note and CEMP. At the time of drafting this report, an updated version of the Wedding Guest Visitor Management Strategy is awaited which does not alter the subject matter of the controls proposed, but which ensures there is suitable clarity on their delivery. Subject to the receipt of this updated Strategy it is considered that the development would meet the objectives of Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

(iv) Access and Highway implications

7.58 The access arrangements for the wedding and events venue proposals involve utilising a new vehicular track, which has previously been approved under Permissions APP/17/00207 and APP/21/00536 and will facilitate access to the Tournerbury Woods Estate without going through the working farmyard of Tournerbury Farm with its associated dwellings. It has been part implemented on the basis of the previous approvals.

7.59 The application has been accompanied by tracking drawings demonstrating that a coach can access and egress the track at its northern junction with Tournerbury Lane, and no objection has been raised to the entrance design by the Highways Authority. The detailed layout also provides two passing places for vehicles on the route, as previously approved, and at its southern end offers a straight approach to the boundary with the Tournerbury Woods Estate. The Highways Authority have raised no objections to the new access.

7.60 On entering the Estate, the new track will be connected with an existing track which runs eastwards, before turning southeast towards the venue area. On the approach to the marquee the land to the south of the existing 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.

7.61 The Transport Statement submitted with the application considers the technical matters associated with the proposals 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.

- 7.62 The Transport Statement has been reviewed by the Highways Authority, who have advised that they consider that the additional trips arising from the wedding and events venue could be accommodated on the local highway network.
- 7.63 No objection is therefore raised to the application by the Highways Authority, and in providing an access route which avoids the Tournerbury Farm farmyard the development is considered to have addressed the principal grounds for refusal of the earlier Application APP/18/00943.
- 7.64 It is acknowledged that the completion of the new vehicular track and its use for the wedding and events venue activities can only be secured once appropriate legal agreements have been put in place covering these issues between the applicants (Tournerbury Woods Estate) and the landowners of the track, Tournerbury Farm. This is a private matter between the parties, however it appears clear from the representations received in connection with the application that both parties are actively working towards securing the necessary access rights. It is therefore considered reasonable to proceed to determine the application on that basis.

(v) Impact upon residential and neighbouring amenity

- 7.65 The Officer reports in respect of the previous Applications APP/18/00943 and APP/21/01310 assessed the impacts of the wedding and events venue on the amenities of occupiers of nearby properties in two main categories – the occupiers and workers of the Tournerbury Farm complex, the farmyard of which the application site was proposed to be accessed and egressed through in those applications; and the residential properties opposite the main wedding and events venue area, which face the site across My Lords Pond.
- 7.66 The current application proposes that all wedding and events venue traffic will be directed down the new vehicular track, and thus guests, visitors and suppliers will no longer pass through the farmyard. This is considered to resolve the concerns previously held regarding issues of unacceptable noise and disturbance to residential occupiers of the Farm, and the prejudicing of the safe and satisfactory operation of the Farm for workers and visitors to the wedding/events venue. It also directly addresses one of the grounds on which Application APP/21/01310 was previously deferred by the Planning Committee, in order to assess “.....*The feasibility of using an alternative route.....*”.
- 7.67 In terms of the impact on wider residential amenity, it is useful 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.
- 7.68 As with Application APP/21/01310 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.*

- 7.69 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.
- 7.70 The applicants' Design and Access Statement accompanying 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*
- 7.71 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*
- 7.72 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.*
- 7.73 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 track through the fields) requesting exiting guests / suppliers to drive quietly and considerably.*
  - *For events where guest numbers exceed 150, during the peak leaving times 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.*
  - *During each event the Venue manager will take regular readings to ensure hirers and contractors comply with the thresholds of music noise set within the marquee.*
- 7.74 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.

- 7.75 The representations received from third parties were considered by the Environmental Health team when considering Applications APP/18/00943 and APP/21/01310, 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 7.72 above); hire documentation details; and timings (see Paragraph 7.71 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. At the time of drafting this report, an updated version of the Noise Management Plan is awaited which does not alter the subject matter of the controls proposed, but which ensures there is suitable clarity on their delivery.
- 7.76 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). 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.
- 7.77 With the development now proposed to benefit from a vehicular access which avoids any conflict with the amenity or operation of Tournurbury Farm, following consideration of the Noise Management Plan and having regard to the Environmental Health officer’s final 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, or elsewhere.

(vi) Impact on archaeology

- 7.78 From a heritage point of view, the existing track leading to the Estate 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 As described at Paragraphs 3.6 – 3.9 above, this application proposes the construction of a new vehicular access which will ensure that all traffic to the wedding and events venue will avoid the SAM. In addition, the Wedding Guest Visitor Management Strategy advises that signs will be placed at the northern edge of the application site directing guests to use the new access route at all times and avoid this area.
- 7.80 Both the County Archaeologist and the Council’s Conservation Officer have advised that they consider that the development will have no significant impact upon the setting of the Tournurbury 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 for the nature and frequency of the uses being applied for.

## **8 Conclusion**

- 8.1 In weighing the planning considerations relating to this case, a careful and 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 Wedding Guest Visitor Management Strategy and Noise Management Plan, 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 on the highway network. However 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. The Highways Authority also consider the proposed access, which allows for a coach coming in and out of the track, to be acceptable.
- 8.4 The introduction of the new vehicular track to serve the wedding and events venue will directly resolve the concerns expressed in previous Applications APP/18/00943 and APP/21/01310 regarding the impact of the use upon the amenity and operation of Tournerbury Farm.
- 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 noisy activities (the marquee), and with a Noise Management Plan and Wedding Guest Visitor Management Strategy 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 introduction of the new vehicular track will ensure that users of the wedding and events venue avoid The Bury Scheduled Ancient Monument,



and thus no harm will be caused 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 from the uses proposed.

- 8.7 Overall, the proposal as now presented is considered to have addressed the previous Officer and Committee concerns regarding the operation of this facility. Having regard to Policy AL1 of the Havant Borough Local Plan (Allocations) 2014 and the NPPF, the development as proposed is considered to constitute sustainable development which will deliver economic and social benefits with appropriate safeguards in place to protect amenity and environmental interests.
- 8.8 The application is therefore recommended for permission; this being subject to:  
(i) the receipt of updated versions of the Wedding Guest Visitor Management Strategy and Noise Management Plan as set out at Paragraphs 7.57 and 7.75 above; (ii) completion of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act to secure the avoidance and mitigation package of £7,283.00 as set out at Paragraph 7.11 above; and (iii) appropriate conditions.
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## 9 RECOMMENDATION:

That the Executive Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00076 subject to:

- (A) the receipt of updated versions of the Wedding Guest Visitor Management Strategy and Noise Management Plan as set out at Paragraphs 7.57 and 7.75 above;
- (B) completion of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act to secure the avoidance and mitigation package of £7,283.00 as set out at Paragraph 7.11 above; and
- (C) the following conditions (subject to such changes and/or additions that the Head of Planning considers necessary to impose prior to the issuing of the decision):
  - (1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

### *Plans*

Location Plan with access to Public Highway and camping area (green outline) dated 20/01/2023

Topographic Survey with Parking Annotated – Job No. 05918\_TPOP\_500\_REV\_D published 01 February 2023

Topographic Survey – Link of Proposed Access to Existing Right of Way – Drawing No. 9048/01 published 01 February 2023

BJC Planning Location and Site Plan no.: H125/2021.04.23/SPRr published 01 February 2023

Gifford Tree Service Arboricultural Impact Assessment/Statement and Tree Protection Plans dated 4th October 2021

Paul Basham Associates Coach Vehicle Tracking PBA Drawing No. 097.0006.001 Revision B

Elevations File 1 – Job No. 05918\_ELEVS1\_PRE published 01 February 2023

Marquee Floor Plan published 01 February 2023

Elevations File 2 – Job No. 05918\_ELEVS2\_PRE published 01 February 2023

Deck Area Floor Plan published 01 February 2023

#### *Documents*

Shadow Habitats Regulations Assessment (Holbury Consultancy Service, November 2021)

Ecological Impact Assessment (HES, December 2020)

Bat Survey report (HES, December 2020)

Noise Management Plan (*updated as (A) above*)

Tournerbury Woods Estate Wedding Guest Visitor Management Strategy (*updated as (A) above*)

Holbury Consultancy Service Technical Note dated 5th July 2023

Holbury Consultancy Service Technical Note dated 14th June 2023

Holbury Consultancy Service Technical Note dated 2nd March 2023

Mayer Brown 'Connection To Existing Estate Track' document dated July 2023

Noise Assessment report prepared by Owen Clingan of Aurcale Acoustics dated 17 October 2013

Soundproof Marquees – Mitigation Strategy produced by Direct Acoustic Solutions Limited dated 12 June 2019

Flood Risk Assessment December 2021 published 01 February 2023

Drainage, Foul Sewage and Utilities assessment published 01 February 2023

Transport Statement dated November 2021

Nitrogen budget (Holbury Consultancy Service, June 2022)

**Reason:** - To ensure provision of a satisfactory development.

- (2) The use of the site as a wedding and events venue shall not commence until the access route to the venue from Tournerbury Lane, as shown on the approved 'Location Plan with access to Public Highway and camping area (green outline)' dated 20/01/2023 has been completed and made available for such use.

**Reason:** In order to prevent unacceptable levels of noise and disturbance to occupiers of the adjacent Tournerbury Farm dwellings; and to avoid conflict between visitor movements and the safe and satisfactory functioning of the farmyard activities as a whole; and having due regard 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.

- (3) The site shall not be used as a wedding and events venue at any time unless the access route to the venue from Tournerbury Lane, as shown on the

approved 'Location Plan with access to Public Highway and camping area (green outline)' dated 20/01/2023 is available and used for access to the venue for all purposes.

**Reason:** In order to prevent unacceptable levels of noise and disturbance to occupiers of the adjacent Tournerbury Farm dwellings; and to avoid conflict between visitor movements and the safe and satisfactory functioning of the farmyard activities as a whole; and having due regard 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.

- (4) Construction of the vehicular track to the site, as shown on the approved 'Location Plan with access to Public Highway and camping area (green outline)' dated 20/01/2023 shall be carried out in full accordance with the following approved documents:

*Track from Tournerbury Lane to western boundary of Estate (lying within Tournerbury Farm):*

- BJC Planning Location and Site Plan no.: H125/2021.04.23/SPRr published 01 February 2023
- Gifford Tree Service Arboricultural Impact Assessment/Statement and Tree Protection Plans dated 4th October 2021
- Paul Basham Associates Coach Vehicle Tracking PBA Drawing No. 097.0006.001 Revision B

*Connection of track to existing northern boundary track within Estate*

- Holbury Consultancy Service Technical Note dated 5<sup>th</sup> July 2023
- Holbury Consultancy Service Technical Note dated 14<sup>th</sup> June 2023
- Holbury Consultancy Service Technical Note dated 2<sup>nd</sup> March 2023
- Mayer Brown 'Connection To Existing Estate Track' document dated July 2023

**Reason:** In the interests of the amenities of the locality and the nearby and on-site environmentally sensitive areas, and having due regard to policies CS11, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- (5) No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of LA(max)(fast)(1 hour) 69 dB – measured at the sensitive receptor) shall be undertaken in the construction of the vehicular track hereby approved during the bird overwintering period (i.e. October to March inclusive).

**Reason:** In the interests of the nearby environmentally sensitive areas and having due regard for Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- (6) Unless otherwise agreed in writing by the Local Planning Authority, the length of track running from Tournerbury Lane to its connection with the existing northern boundary track within the Estate hereby permitted shall not be brought into use prior to the completion of the implementation of all hardsurfacing in full accordance with the plans and particulars approved in the Local Planning Authority's Discharge of Condition Notice dated 01 May 2020 in respect of Condition 4 of Planning Permission APP/17/00207; viz:

- Mr & Mrs G Phillips letter dated 2 December 2019, as supplemented by Grahame Phillips letter dated 2 February 2020
- Web links document received 5 February 2020
- County Highways Laboratory aggregate specifications for 6F5 Sub Base and Type 1 Recycled received 5 February 2020
- Compliment slip and sample of planings received 5 February 2020

**Reason:** In the interests of the amenities of the locality and having due regard to policies CS11, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- (7) Unless otherwise agreed in writing by the Local Planning Authority, the length of track running from Tournerbury Lane to its connection with the existing northern boundary track within the Estate hereby permitted shall not be brought into use prior to the completion of the implementation of all drainage provision in full accordance with the plans and particulars approved in the Local Planning Authority's Discharge of Condition Notice dated 01 May 2020 in respect of Condition 3 of Planning Permission APP/17/00207; viz:

- Mr & Mrs G Phillips letter dated 2 December 2019, as amended by Grahame Phillips letter dated 2 February 2020
- Plan of new track at Tournerbury Farm received 5 February 2020
- Web links document received 5 February 2020

**Reason:** To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- (8) All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Local Planning Authority.

**Reason:** To ensure the continuity of amenity afforded by existing hedges or hedgerows and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- (9) All trees and hedgerows proposed along the vehicular track hereby permitted shall be planted during the first planting season following the bringing into use of the track. The trees shall comprise 8-10cm regular standard size trees. Any trees or hedge plants planted which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or hedge plants of similar size and species to those originally required to be planted.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- (10) The premises shall only be open to the public between 08:00hrs and midnight on event days. Any performances of live, recorded, amplified or acoustic music within the marquee acoustic enclosure shall finish by 23:00hrs.  
**Reason:** In the interests of the amenities of the locality and having due regard to policies CS16, and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- (11) (i) The number of events per year shall be limited to 65, and guest numbers shall be limited as follows:

Maximum Number of Patrons	Maximum Number of Events Per Year
250	10
200	10
150	30
90	15

- (ii) The number of camping pitches in any year shall not exceed 88.

**Reason:** In order to secure appropriate control of the uses hereby approved, in the interests of the amenities of the locality and the nearby and on-site environmentally sensitive areas, and having due regard to policies CS11, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- (12) The events in each 3-month period shall be reported to the Local Planning Authority in accordance with the following schedule:

Months	Reporting Deadline
January, February, and March	1 May of that same year
April, May and June	1 August of that same year
July, August, and September	1 November of that same year
October, November and December	1 February of the following year

The reports shall include the date and number of patrons that attended each event; and the number of camping pitches.

**Reason:** In order to secure appropriate monitoring of the uses hereby approved, in the interests of the amenities of the locality and the nearby and on-site environmentally sensitive areas, and having due regard to policies CS11, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- (13) All recorded or live music to be provided within the marquee area for the entertainment of wedding or function guests shall only be employed within the designated acoustic enclosure / dance floor area sited there-in, and the noise level within this enclosure shall not exceed the maximum LAeq (time) 95dB as recommended.

**Reason:** In the interests of the amenities of the locality and having due regard to policies CS16, and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

(14) During the months of October to March (inclusive), any music noise from the application site shall not exceed LA(max)(fast)(1 hour) 69 dB on any part of the foreshore area within the Special Protection Area (SPA).

**Reason:** In the interests of the nearby environmentally sensitive areas and having due regard for Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

(15) Unless otherwise agreed in writing by the Local Planning Authority, the use of the application site for wedding and event venue purposes shall at all times be carried out strictly in accordance with the provisions set out in the following documents:

- Noise Management Plan (*updated as (A) above*)
- Tournerbury Woods Estate Wedding Guest Visitor Management Strategy (*updated as (A) above*)

**Reason:** In order to manage the impact of the uses hereby approved, in the interests of the amenities of the locality and the nearby and on-site environmentally sensitive areas, and having due regard to policies CS11, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

(16) Development shall proceed strictly 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 the ecologists' instructions. All ecological enhancement measures shall be retained in a location and condition suited to their intended function.

**Reason:** To protect and enhance biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NERC Act 2006, NPPF and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

(17) On the fourth anniversary of the planning permission hereby granted, and for every four years thereafter, a report of an ecological survey of the Estate woodland shall be submitted to the Local Planning Authority. The physical extent of each survey shall accord with that contained in the submitted Natural England document 'A review of the condition of Tournerbury Woods, part of Chichester Harbour SSSI' dated November 2022, and each survey shall address the condition of the woodland in relation to the objectives set out in that document, and set out management measures in the event that any of those objectives fall below favourable condition.

**Reason:** In order to secure appropriate monitoring of the impact of the uses hereby approved, in the interests of the amenities of the locality and the nearby and on-site environmentally sensitive areas, and having due regard to policies CS11, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

## **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) Proposed Vehicular Access
- (I) Wedding Guest Visitor Management Strategy
- (J) Noise Management Plan