

- 1.7 The site is close to, but outside the Chichester Harbour AONB, Ramsar, SPA and SSSI; it is outside any current day flood zone but within the future flood zone. The field to the east is an identified Secondary Support Area in the Solent Waders & Brent Goose Strategy. There is a Group Tree Preservation Order on trees along the southern boundary and in the field to the east.
- 1.8 The operation of the existing tea rooms is subject to several planning conditions on historic planning permissions, see part 2 below, many of which are alleged to have been breached as the business has grown and expanded. In particular the use of the dedicated “exhibition space” is regularly used for internal tearoom seating. The site has been subject to numerous enforcement enquiries over the last couple of years, largely about noise and indiscriminate parking, and this current application follows Enforcement investigations.
- 1.9 The most relevant and key conditions currently limit the operation of the tea rooms as follows:
- Opening hours – between 10:00 and 17:00 on 7 days a week, with opening until 23:00 on any 3 days Monday to Saturday (i.e. not Sundays)
 - Any use after 18:00 to within the building only
 - Number of Covers – maximum of 80 covers, with only 48 internal and 32 external; with no seating in the original barn area/ dedicated “exhibition space”
 - No sound amplifying equipment, which, when operated, is audible outside the premises.
- 1.10 These conditions were all imposed to protect neighbouring amenity.
- 1.11 In addition, the field opposite the barn is used for overflow parking. This land on the other side of the road, to the west, does not form part of this application site. The Town and Country Planning (General Permitted Development) Order 2015, as amended, allows at Schedule 2, Part 4, Class B for the temporary use of any land for up to 28 days in any calendar year. Therefore, this field can be used for a maximum of 28 days in any calendar year for the parking of cars.

2 Planning History

- 2.1 Previous planning applications of relevance are as follows:

09/74191/000 - Part demolition, repair, rebuilding and extension of Stubbington Barn and Stables to form education centre and exhibition space, tearoom with ancillary kitchen and toilet facilities together with necessary repairs to Meadowsweet Garage and cycle store. PERMITTED 16th September 2010.

09/74191/001 - Listed Building Consent for the part demolition, repair, rebuilding and extension of Stubbington Barn and Stables to form education centre and exhibition space, tearoom with ancillary kitchen and toilet facilities together with necessary repairs to Meadowsweet Garage and cycle store. PERMITTED 16th September 2010.

APP/11/01388 - Variation to Condition No. 12 of Planning Permission 09/74191/000 to allow opening 10am - 5pm throughout the year and up to 3 evenings a week to 11.00pm. PERMITTED 19th March 2012

APP/13/01262 - Extension of car park and associated landscaping. PERMITTED 6th March 2014

APP/17/01071 – Single storey rear extension to Tea Rooms. PERMITTED 26th February 2018

APP/21/01075 – Single storey extension for extended toilet facilities. PERMITTED 2nd December 2021

- 2.2 The scale of the tearoom at the site has gradually increased - the original 2010 permission allowing the rebuild of the barn as an exhibition space with tea room, conditioned the opening hours to between 10:00 and 17:00 on Mondays to Saturdays between April and September with only Saturday and Sunday opening in the winter (October to March). The internal tearoom seating was also conditioned to just a defined area, and the plans approved showed indicatively just 8 tables of 4 ie about 32 customers.
- 2.3 The hours of opening were extended in 2012 and this introduced the ability to open up to 3 evenings a week until 11pm, excluding Sundays. The 2012 permission conditioned that after 6pm the use be restricted to within the building only, with no catering or activity outside. The use of sound amplifying equipment that is audible outside was also restricted by condition. Due to the popularity of the tearoom, in 2013 the car park was extended from 10 spaces to 22 spaces.
- 2.4 Then in 2017 an extension to the tearoom element of the barn was sought, which resulted in an intensification of the use and increase in indoor seating for all year use - APP/17/01071. This application was controversial with both objections and support, and was considered by Members at Committee on 22/2/2018. The layout plans showed the exhibition space excluded from the tearoom seating area, and parking was increased to 25 spaces. Permission was granted with conditions aimed at controlling the impacts of the intensification of use on neighbouring amenity. Specifically, the following conditions were imposed and these remain applicable to the use and should be complied with at all times:

3 *Other than as permitted under condition 4 below the tearoom hereby permitted shall not be open to the public before 10.00 hours or remain open after 17.00 hours on Monday to Sunday.*

Reason: *To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and the National Planning Policy Framework.*

4 *The tearoom may open to the public between the hours of 10.00 and 23:00 hours on Monday to Saturday on a maximum of three days in any week.*

Reason: *To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework 2012*

5 *No sound amplifying equipment shall be installed in the premises, which when operated is audible outside the premises, without the consent of the Local Planning Authority in writing.*

Reason: *To protect the amenities of the area and having due regard to policy DM10 of the Havant Borough Core Strategy 2011 and National Planning Policy Framework 2012.*

7 The amount of covers served at the team room shall not exceed 80 in total with only 48 served internally and 32 externally.

***Reason:** To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Core Strategy 2011 and National Planning Policy Framework 2012*

16 Any use of the tearoom after 18.00 hours shall be restricted to use within the building only, and no activities or catering shall take place outside the building.

***Reason:** To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Core Strategy and the National Planning Policy Framework*

- 2.5 Generally it is understood that the hours conditions 3 and 4 are complied with. However, customer seating is now regularly held in the exhibition space contrary to the approved layout plans, and events held at the site, including weddings, parties, wakes etc, have used sound amplifying equipment that is audible outside in breach of condition 5. Conditions 7 and 16 have also been breached, with the number of covers sometimes exceeding 32 outside and 48 inside, and customers have been present outside after 6pm.
- 2.6 This has allegedly impacted the peace and tranquillity of the area, detrimental to neighbouring amenity, resulting in ongoing complaints about the use of the site. Environmental Health monitored an evening wedding on 22nd September 2023, and as a result of their observations, a Noise Abatement Notice was served on 9th October 2023.

3 Proposal

- 3.1 Retrospective use of barn as mixed-use tearoom and education/exhibition space, change of use of Agricultural Land to extend existing car park, amendment to existing seating arrangements with increase in covers from 80 to 100.
- 3.2 As originally submitted this proposal also included a request to use sound amplifying equipment 15 days per annum. During the course of the consideration of the application this element of the proposal has been withdrawn.
- 3.3 Therefore the application now seeks to regularise some of the breaches occurring at the site, in particular the multi-use of the exhibition area for both tearoom seating and occasional exhibitions. It also seeks to increase the number of covers to 100 at any one time, whilst extending the outdoor seating north of the barn, with only the external areas limited in numbers - seating area 3 (directly outside the cafe entrance) to a maximum of 26 covers, and seating area 4 (to the north of the building) to a maximum of 74 covers. It also seeks an extension to the car park to increase the total number of parking bays on site to 44.
- 3.4 The supporting Design & Access statement states that 100 covers is the maximum that can be serviced by the kitchen and toilets, and numbers would be managed via a pre-booking system and a Meet and Greet Service, turning additional visitors away once maximum numbers have been reached.
- 3.5 No variation to the hours are sought.
- 3.6 During the course of determining this application, a Noise Impact Assessment was prepared and submitted by Impact Acoustics.

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))
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS5	(Tourism)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
DM23	(Sites for Brent Geese and Waders)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Council Borough Design Guide SPD 2011

Havant Borough Council Parking SPD July 2016

and

The Northney & Tye Village Design Statement, 2008

Listed Building Grade: Meadowsweet adjacent - Grade II Listed

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Conservation Officer

The proposal to use the barn as a mixed-use exhibition space and tea room would not require any physical changes to the building. Therefore it is considered that the proposal would not be harmful to the nearby designated heritage assets, including the adjoining part of the barn which falls within the Meadowsweet curtilage. Overall, no objections are raised from a heritage perspective.

County Archaeologist

None received

Ecologist - on original submission

The application is not accompanied by any ecological information, and I have therefore carried out my own non-exhaustive desk-based assessment using the application documents, online sources and GIS mapping. The proposed car parking extension to the east will require the loss of a relatively small area of improved grass pasture. Whilst the grassland is unlikely to be of particular botanical interest, it does feature in the Solent Waders & Brent Goose Strategy (SWBGS) as Site H59B, and Secondary Support Area. SWBGS sites provide critical terrestrial supporting habitat to bird species associated with the nearby Chichester & Langstone Harbours Special Protection Area (SPA). The published SWBGS Mitigation Guidance explains the expected level of compensation for the loss of SWBGS habitat: the application will need to address this issue.

NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected species, which are a material planning consideration. This will enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated, and are acceptable.

The proposed amplifying equipment is not likely to result in ecological issues and no additional information is required in this respect.

Ecologist - on amended proposal following review of Solent Waders & Brent Goose Strategy site H59B boundary

Following a review of bird survey data and habitat suitability, the Solent Waders & Brent Goose Strategy Steering Group recommended a change to the boundaries of SWBGS Site H59B. This review and amendment resulted in the removal of the westernmost portion of H59B from the SWBGS (land to the west of the existing farm track). This was based on the fact that there are no records of SWBGS bird species from this portion of the site, and the fact that the site is enclosed by tall hedging/scrub and abuts the working Northney Farm yard. The larger, eastern portion of H59B remains of very high value to wintering birds, with substantial numbers of Brent Geese recorded each winter. It is the view of the Steering Group - a view that I endorse - that the extension of the car parking area, and the proposed amendments to the seating area and amplified events are not likely to result in impacts to the western portion of H59B. The extended parking area will be screened with new native hedge plantings and will not be visible by birds using the adjacent field (the car park is adjacent to a barn, the old slurry lagoon and the silage clamp).

The proposed new outdoor seating areas will operate during the warmer months, and therefore would be highly unlikely to result in excess noise impacts to the adjacent SWBGS Site H59B. The predicted noise contours show that levels will be essentially negligible within H59B, and not at levels with potential to cause disturbance to bird species. On this basis, I am content that potential impacts to over wintering bird species are negligible.

The proposed native species hedging around the car park extension is acceptable and should be secured by condition:

Development shall proceed in accordance with the Proposed Site Plan drawing revision e (CAD, July 2023) unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological enhancement in accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Environmental Health - initial response when proposal included use of sound amplifying equipment 15 days per annum

Licensing

The Northney Farm Tea Room has a Premises Licence, reference HPR0274, for the supply of alcohol and recorded music 10 am until 23:00 every day but, evening activity after 6pm will only take place on a maximum of 3 days a week.

In addition, the premises can apply for temporary event notices (TEN's). Under the Live Music Act 2012 the premises can have live music between 8 am and 11pm every day.

Noise Complaints

Several responses to the consultation on the Planning application have mentioned noise disturbance.

Environmental Health and Licensing have separate powers to Planning to deal with noise. However, we have only one record of noise complaints against the tea rooms and only one about the dairy from an event in 2012.

Noise Breakout

100 human bodies generate a considerable amount of heat especially when dancing. Opening the windows to allow the heat to escape will also allow the noise of the music and loud voices to escape, possibly causing harm to the amenity of the neighbours. We need to know how the applicant proposes to cool the building.

The Health Act introduced 2005 introduced smoke free making smoking inside illegal. As a result, smokers must smoke outside. This can cause issues with loud voices of smokers outside.

There is only one set of doors. It is usual for a music venue to have a lobby formed by two sets of doors. These act as an air lock reducing the noise when people enter and leave the building. This problem is made worse as patrons must exit the building to use the toilets or smoke.

15 Days

15 days could equate to 1 day a weekend every day of the weekend during the Spring or Summer. This a considerable impact on the neighbouring amenity.

Opportunity to Monitor

Environmental Health and Licensing have only just been made aware of the potential noise issues and would like the opportunity to monitor the venue. Could we please have a calendar of event so we can monitor?

Noisy Waste Collections

I note consultee comments about noisy waste such as emptying glass bins. This has been an issue at other licensed premises, which has been restricted by condition.

Waste and Recycling

To ensure harm to the amenity does not occur from rubbish and litter waste and recycling provision should be agreed.

External Lighting

I note consultee comments about external lighting. If poorly designed this could cause unacceptable harm to the amenity. This can be conditioned by requiring a lighting plan.

Noise Assessments

I have read the Noise Assessment for the Tea Room by Critchley Architecture and Design (CAAD) Ltd, dated February 2023, reference SAR/JHL/17077. I do not believe this has been written by an Acoustician.

A sound limiter is being suggested but, the level at which it will be set at and how this level was calculated is not clear. Sound limiters are triggered when a sound level is exceeded for a set period. I am not clear on the period the sound level be measured over, whether it will be A weighted (to reflect how the human ear hears the sound) and what indices will be used, such as will it be an average (eq) or a maximum (max) level.

I am looking for something like LAeq (30 seconds) 95 dB or LA(max) (10 seconds) 95 dB. The applicant needs to tell me what sound level they are recommending so the limiter can be set correctly, and the limiter can achieve the level agreed and condition can be enforced. I need to know if this level will prevent harm to the amenity of the neighboring property that is joined on to the premises.

I note the building is joined on to the neighbouring property. I understand the part of the building that forms part of the neighbouring property is used as a storeroom currently. However, there is nothing to stop it being used as a habitable room such as an office or summer house. If this were to happen, then the noise of music is likely to harm the amenity unless controlled and could be a nuisance.

Are you able to ask for clarification on what the suggested level is and how this has been calculated and will the suggested noise limiter achieve this level?

WC Provision

For 100 people The Health and Safety Executive (HSE) L24, Workplace health, safety and welfare, approved code of practice and guidance, recommends at least 5 WCs with wash hand basins for up to 100 people the design complies with this requirement.

There is insufficient WC capacity for more than 100 customers. Where there is insufficient WC capacity it is not usual for patrons to relieve themselves in other locations e.g. public urination.

The application is for, "100 covers." The word, "covers," usually refers to dinners so it would be possible for over 100 people the extra made up of customers who are not eating.

If approved I recommend the number of patrons is limited to 100 customers at any one time.

DISCUSSION

Several residents living close to the development have reported disturbance and possible noise nuisance from the venue including loud voices outside the venue. These complaints need to be investigated. We need to know the timetable of future events so Officers can monitor.

The venue is not designed as music venue as there is no lobby, the toilets are external and there is no means of ventilation when the windows are closed to control noise. We also need to know how the applicant will cool the building and prevent the escape of noise.

The noise report within the application is insufficient further details are required. We need to know:

- The timetable of future events so Officers can monitor
- The noise report within the application is insufficient further details are required
- How the building will be cooled, and the escape of noise prevented

RECOMMENDATION

REFUSE - insufficient information

Environmental Health - following submission of Noise Assessment & after monitoring one evening event

Recommend that the application be refused on noise grounds.

The Council's Pollution Team have over several months had to responded to residents' complaints concerning loud amplified sound and behavioural noise from patrons. I am not satisfied that it the applicant has sufficiently demonstrated that retaining the current and expanding the outdoor sitting area would not result to unacceptable level of noise and disturbance to the residential properties within the locality. The applicant has not been able to satisfactorily demonstrate that any amplified sound can be contained within the building structure to prevent subsequent complaint. It is considered more likely than not that noise would be audible outside and customers would remain outside causing noise and disturbance at a time when neighbours should be able to enjoy the peace of their own properties and outdoor amenity areas.

The Site and surroundings

The locality benefits from a significant low level of background noise, with great peace and tranquillity. Residential properties are situated to the South of the Northney Farm Tea Room , along Clovelly Road and Meadowsweet by St Peter's Road. These properties are within very close proximity to the venue and are most likely to be exposed to amplified sound and noise from the proposed outdoor siting area. The actual build comprises substantially of wooded construction, and the sound insulation performance of such construction is wholly unacceptable for use in the long term for any form of amplification. Consequently, noise breakout during events will always be a common feature during subsequent functions and use of the expanded car park for sitting area when in full capacity. The outdoor has previously been a source of noise disturbance from patron congregating, screaming, and shouting by patrons to the residents' detriment. Historically, there has been no sustained measures put in place by the applicant to control the noise during events or indeed taking proactive measures to control patron noise outdoors or actively minimise crowd spillage or encourage patrons to come inside in accordance with their existing planning conditions.

Acoustics Report

We note the current application excluded the use of amplified music which seems a clear departure from the previous proposal. However, it does not seem to have completely excluded the possibility of adverse impact upon the amenity of residents, from other forms of amplification such as PA systems or flying drones. Accordingly, this application is not supported due to our concerns regarding noise from patron and inability of the applicant to put in place realistic and achievable measures that will ensure that the amenity of the neighbouring residents is not adversely affected due to excessive noise.

The applicant submitted a noise report in support of the current application. The report being prepared by Impact Acoustics is referenced as IMP7385-1 and dated 3rd July 2023. Having reviewed the report in the context of the entirety of the site, it is noted that the report made no reference to other forms of amplification, such as PA systems, flying drones including vehicle noise, and car door slams. I can advise that the report failed to address our concerns regarding noise from the premises, especially those highlighted above and indeed, patron noise in the outdoor sitting area. The report has modelled a typical noisy behaviour of 100 patrons talking and has concluded that with a 2m barrier the noise from people would not have any significant adverse effect. We disagree with this conclusion as there are other noise sources that has not been considered. The report fails to consider noise components such as screaming, shouting, and including vehicle noise including car door slamming.

Furthermore, the report predicted a +5dB to the background noise for the external area with the existing 2m acoustic barrier. In my opinion, this is very marginal as can be seen in the noise contours which shows patron noise may still be perceptible at the nearest residential receptor. It is minded that the newly proposed sitting area is proposed to expand, and the neighbours will have a hard time enjoying their outdoor gardens, especially during the warmer months and the assessment has demonstrated this virtually. Nonetheless, the tearoom has previously struggled to comply with Condition 16 (restriction times for outdoor activities) of the planning decision notice APP/17/01071. Therefore, we are asserting that the applicant failed to show they are able to control the noise effectively and it is not considered that the noise impact assessment is sufficiently robust for the Pollution Team to support the application.

Noise abatement Notice

A wedding event was carried out on Friday 22nd September 2023 on the premises. Despite previous warnings and notification confirming that monitoring will be made during the event by the Pollution Team, the applicant displayed total defiance, in that we witnessed very loud amplified music and unreasonable behaviour of patrons which constituted a statutory nuisance. Accordingly, a Noise Abatement Notice ref: COMP/23/01096 dated 9th October 2023 was served upon the applicant prohibiting further noise nuisance. A breach of the abatement notice may result in further enforcement action.

Conclusion

There is ambiguity concerning the potential for noise impact causing a significant adverse harm to the quality of life /amenity of the residents identified as living within proximity to the premises.

There is insufficient information and inadequate noise assessment of potential impact from proposed use to allow for an informed decision to be made as to the suitability of the site for its proposed use. It has not been demonstrated that any adverse impact on the neighbouring residents can be avoided or minimised to a level that will prevent complaints. Accordingly, this application is not supported.

Hampshire Highways - initial response

The Highway Authority note that the applicant is proposing to increase covers for the tea room from 80 to 100. The Highway Authority are satisfied that this will not lead to a significant increase in trip generation and will therefore not have a detrimental impact on the highway network.

It is Havant Borough Council's responsibility as Local Parking Authority to confirm whether the proposed parking arrangements are acceptable considering the increase in covers for the tearoom. The Highway Authority will be satisfied subject to written confirmation from Havant Borough Council that this is acceptable.

Hampshire Highways - following discussions re parking levels and layout:

Since the previous formal response dated 12th April 2023, the Highway Authority have been in direct discussions with the Planning Authority regarding the parking provision for the site and a revised parking arrangement has been submitted as shown within drawing 17077-120 Rev E.

The Highway Authority have considered the increase in parking (19 spaces) in conjunction with the increase of 20 covers and are satisfied that the revised parking quantum of 44 spaces will not lead to a detrimental impact on the operation of the highway network. It is understood that a maximum of 100 covers will be conditioned as part of any future planning consent. The parking quantum based on the parking standards utilising the internal floor space equates to 36 spaces. Alternatively, creating a ratio of covers to parking space requirements (3 covers to 1 parking space) utilising that approved under the extent planning permission requires 33 spaces. Therefore, the proposed parking provides an excess of parking when taking both scenarios into consideration.

The Highway Authority have been made aware of concerns regarding errant parking along Clovelly Road, however it is considered that the retrospective nature of this planning application has meant that an increased operation has occurred with inadequate on site parking to accommodate the demand. Additionally, the existing use of the car park is not subject to marked bays and therefore does not currently operate at a full efficient capacity potentially leading to this overspill parking on Clovelly Road. It is therefore recommended that it is suitably conditioned that details regarding formalising the parking arrangement for the car park should be agreed with the Highway Authority post any planning consent. This could be done utilising appropriate posts, utilisation of block paving, or stud type markings within the gravel.

Having regard to the above, the Highway Authority provide no objections to this planning application subject to an appropriate condition being placed by the Local Planning Authority on any future planning consent for the marking of the parking arrangement to be agreed by the Highway Authority.

Natural England - initial response

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Chichester Harbour Special Protection Area.

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- An Appropriate Assessment
- Details of mitigation for the partial loss of Secondary Support Area H59B identified in the Solent Wader and Brent Goose Strategy

Without this information, Natural England may need to object to the proposal.

SPA functionally linked land

The proposals have the potential to affect SPA functionally linked land, which forms part of a network of terrestrial sites located outside of the Solent SPAs boundaries used by SPA species (including qualifying features and assemblage species) as alternative areas for roosting and foraging. These sites support the functionality of the designated sites and are therefore protected in this context.

The site affected (H59B) is classed as a Secondary Support Area. It is advised that the impact is properly assessed and any identified impacts are addressed in line with the SWBGS Guidance on Mitigation and Offsetting Requirements.

Natural England - following review of site H59B and provision of a HRA AA

No Objection

6 Community Involvement

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

Number of neighbour notification letters sent: 7

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received (as at 7th November 2023): 132

(73 in favour; 58 against; 1 neutral)

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

Summary of representations

Support

Economic/visitor considerations:

- Lovely family-owned business with beautiful views, nice atmosphere and fantastic staff, good for locals and visitors.
- Good local business that needs more parking spaces.
- A successful farm diversification.
- Asset to the village and a community hub; brings a sense of community to the Island.
- Existing BBQ, Quiz nights etc are a big part of Hayling Community.
- Provides local employment & helps economy of the Island.
- Tourism generates revenue for the Island.
- Large space that can accommodate many people.
- Good to see a local business doing well and wanting to expand; should support local independent businesses.
- Staff all given full Baritsa training and offer workplace placements for youngsters wishing to progress into hospitality and events.

- Business been lucky to remain open and operational after pandemic and stretch tent helped with social distance seating and cover in poor weather.
- Without this planning unable to operate at full potential and risk possibility of reducing regular staff or even closure.
- Businesses need to pull together, especially as hospitality struggled so much in wake of Covid.
- With Meadow Farm nursery closed nowhere else to go.
- Ability to have bigger events a good idea to keep revenue for family run business.
- Preschools, nurseries and schools use education centre and its continued use for young people an asset.
- Family also raise money for charities.
- High quality food served at good prices.
- Evidence of their success that so well patronised.

Environmental considerations:

- Preferable to more houses.
- Live locally and not been disturbed by music noise or traffic.
- Changes to the tearoom always been sympathetic to the environment and in keeping with the village.
- Beautiful place and outlook over fields for a tearoom or event.

Amenity considerations:

- Popular place to meet and socially interact.
- Attended a function recently that was well planned, no external noise, all guests left by 11pm and noise levels were monitored by staff.
- Tent area vital during Covid for social distancing and is further away from any neighbouring properties so should be reinstated.
- With a time cut off and noise equipment there should be a solution to noise issues that would enable business to remain open.
- Business respectful of their neighbours.
- Theatre nights or comic nights would require amplified music so not all about discos.

Transport and access considerations:

- Over the years the tearooms have got busier and more parking spaces needed as outgrown their car park.
- Support car park extension so won't need to use the overflow field which gets muddy in winter.
- Car park extension will prevent parking on the narrow road.
- Speeding through village not from tearoom visitors but from locals using road to bypass main road in peak hours.

Other

- Tea room been operating in breach of conditions for a long time - but conditions could be legally challenged as very restrictive; most capacities are controlled through licensing.
- No direct link between capacity and complaints
- Should look at the benefits and mitigations that can be put in place to assist in alleged disturbance.
- Events could take place in field for 28 days a year unrestricted by planning.

- Many rural villages of this size have pubs and shops.
- 15 nights of a sound system is what already happens.
- Tea rooms always support local community.

Objection

Environmental considerations:

- Should preserve the character of this tranquil village and part of Hayling and not let it become a commercial venture.
- Venue too large for small tranquil village.
- Discos inappropriate in peaceful area; wrong development in the wrong place.
- Business profit should not be at the expense of the environment or local residents.
- Increased noisy events will disrupt & affect birds, bats, wildlife and their habitat - see amber listed shelducks, and tawny owls, barn owls, bats, deer, hedgehogs and brent geese.
- Proposal for amplified music not in keeping with activities of a tearoom, education centre in a rural area.
- Policy CS11 requires protection of the environment.
- Car park expansion impacts Site H59B of the SWBGS with no mitigation proposal.
- Increased light pollution from evening and night-time use - 8 species of bats recorded within 1km and additional light & noise pollution detrimental to these species.
- Planting condition required for edging of car park that could help screen noise and pollution; existing hedges should be improved.

Amenity considerations:

- Noise pollution of tearoom already unacceptable in otherwise very quiet area; peace and quiet blighted by loud music and additional traffic.
- Already evening events with loud disco music and fireworks.
- Intensification from original quiet 16 cover tearoom to 100 cover venue hosting functions inc weddings, causing noise and disturbance, especially in summer.
- When just a 10am to 5pm tearoom okay, but cars, people and noise late into the evenings unacceptable.
- Outside shouting, laughing and drinking late into the night with no control from management.
- Antisocial behaviour: party behaviour unlikely to be sedate; alcohol consumption and party atmosphere gets very rowdy; drunken singing at parties and shouting as leave site.
- Location of use adjacent other residential properties inconsiderate and shows repeated disregard to neighbours.
- Even indoors with windows closed the excessive noise and thudding bass of amplified music seeps in until 23:00.
- Tearoom abuts gardens of local residents making impossible for residents to enjoy their gardens and invades privacy.
- Noise intrusive and impacts enjoyment of time in adjacent gardens and wellbeing.
- Amplified music 15 nights a year would breach policy DM10.
- 15 nights could become 15 summer weekends i.e., every weekend from June to September.
- Sound limiter ineffective.
- Noise of people going to and from venue, as well as traffic noise, car doors slamming, arguments all contributes to aggravation.

- Unrealistic to suggest guests will stay inside the barn which is not soundproofed, smokers and customers and children naturally gravitate to garden on a summers evening causing noise and disturbance to residents; existing disregard for no customers outside after 18:00.
- People come outside for toilets and smoking - and not stopped/no control from management.
- Windows and doors open for ventilation causes noise to escape.
- Disruption to local residents extends after 11pm when guests leave the event/wedding/party.
- Increase from 32 covers outside to 100 would result in massive increase in noise pollution to our homes and gardens.
- Impacts ability to sleep, especially when on night shifts.
- Average noise volume at a music event is 100 decibels and will travel a distance of 300m and music an anti-social sound not appropriate to a rural area.
- Should remain welcome peaceful contrast to crowded and noisy seafront.
- Only sounds want to hear in the evenings are bird songs.
- Essential that condition 16 restricting use to within building only is continued.
- No consideration of staff safety working in noise levels of 95db.
- Preparation and clearing up on days before and after events also disruptive including glass bottle waste handling.
- Potential for future events to include fireworks, helicopter arrivals etc.
- Barn was not designed to hold events or contain amplified music, noise assessment does not deal with leakage from fabric of building.
- Justification for last application enlarging barn was 'less people outside results in less noise' - but clearly not the case.
- Increase in number of tables will result in overcrowding, loud conversation, children screaming & running around, making unbearable for visitors and neighbours.

Transport and access considerations:

- Ever increasing number of cars; village not suitable for heavy traffic
- Lane already used as a rat run endangering users, cyclists, horse riders and pedestrians; any increase in capacity will increase traffic.
- Sam's sunflowers caused additional traffic through village with 5000 visitors in one day and visitors don't respect speed limits.
- Parking overflows into Clovelly Road with inconsiderate parking across drives causing difficulties for residents and emergency vehicles - increased numbers will exacerbate this.
- Field opposite used almost permanently and continually signed for over a year, way beyond 28 days; how is this monitored.
- When overflow parking field wet and muddy people use adjacent roads.
- Extending the car park surface removes soakaway land exacerbating flooding and urbanise appearance.
- Roads have few pavements and walking dangerous - will jeopardise people's safety.
- Road narrow with difficulty for larger vehicles to pass, any increase in traffic will impact pedestrian safety - farm should build a pavement.
- Cyclists use this route and their safety being compromised by mud being dragged out onto the road when overflow car park saturated.
- Northney village unspoilt with no bus stops, shops, public hoses etc and any addition to the number of vehicles, and in particular goods vehicles, to service an extended tearoom would be detrimental to both tranquillity and safety.

- Daily deliveries to tearoom off loaded directly outside kitchen on narrowest part of the road; increased numbers and events will increase traffic risk and inconvenience; deliveries should be via car park removing hazard.
- Surface of car park not specified, will it meet drainage and environmental requirements.
- Hard surface of car park extension will reduce green space and attract more customers, spiralling the situation.
- Wheelchair access from car park concerning.

Other

- Grant given for restoration of the barn to be used as a museum and child education centre - over time original prime use for community lost to a private events venue and now rarely used as an education facility, contrary to policy CS1; goes against initial concept of a quiet rural tearoom in which to relax; would establish the tea rooms as a destination in its own right to the detriment of the educational opportunities.
- Applicant does not explain how this is an education centre - should detail educational visits over last year.
- Lack of business case for proposal.
- What started as a small tearoom and education centre is growing into a huge business disturbing local residents; but owners live far enough away to not be impacted.
- Tea Rooms do not comply with conditions on their permissions already, and breaches likely to continue.
- Instead of expansion solely for farm owners benefit should plant oak saplings and create nature reserve, or hold wildlife talks.
- To be greener & environmentally friendly should offer discount to walkers and cyclists.
- Langstone hotel and Village Hall both close and better sound proofed with adequate parking for events.
- Acknowledge that when operating solely as a daytime tearoom with maximum of 32 covers outside, then noise reaching adjacent homes and gardens generally acceptable; this does get louder during weekends and school holidays.
- Despite numerous complaints to the Council no Enforcement action has been taken; tearoom already used beyond permitted hours and use and disregard planning restrictions.
- Northfest charity event exceeds permitted numbers, how are such events handled by planning?
- Don't need a dedicated "wedding planner" for a tearoom.
- Litter left behind.
- Support the annual BBQ and hope it continues but object to use of amplified music.
- Understand need to diversify, tourism and employment benefits, but progression to wedding event has noise, traffic and antisocial behaviour problems that would negatively impact village life.
- Who is going to check noise doesn't happen? not likely to be adhered to or enforced.
- No site management plan
- Question adequacy of toilet provision.
- Contravenes The Conservation of Habitats and Species Regulations 2017; the Wildlife and Countryside Act 1981, NPPF, NERC Act 2006 and policies CS16 & DM10.

- Historic England guidance sets out that the 'Setting' of a Grade II Listed building can be affected by noise, vibration, busyness, activity, smells etc and D&A does not address this.
- Property prices affected by noise and disturbance issues (*Officer Note – property prices not a material planning consideration*)
- Size of tearoom adequate for this rural environment.

And comments on amended proposal:

- Most comments on the amended proposal welcome the removal of the sound amplification request.
- Concern about 100 covers outside when existing restriction is just 32.
- 74 of the 100 covers would be visible adjacent to St Peter's Lane.
- Sad that revision to planning application will mean the end to charitable events such as quiz nights as they use small PA system - a compromise for these occasional but valued activities should be found.
- Sound deflection on the boundary should be considered.
- Cafe and terraces already operate beyond their maximum capacity and raising by a further 25% will be noisier and difficult to control.
- Number of people/heads vs covers needs clarifying.
- Parking bays should be marked to prevent large gaps between cars.
- During lockdown a TPO was felled to make car park bigger without permission
- Good that tent not replaced - this space between the cafe and car park was meant to be left open, keeping harbour views.
- Can speed humps be installed to restrict speed to 20mph.
- Comments received on the noise report noting wrong positioning of the existing soundwall affecting results and mapping errors; limited difference between daytime and night time ambient noise levels appears wrong; noise report does not address narrow noise band or loud transient noises such as children's screams, dogs barking.
- Use of exhibition space for 100 guests would make noise of voices closer to internal dividing wall and result in constant hum of voices in adjacent barn.
- Zone 3 extended east to become closer to boundaries.
- Zone 4 will become an overflow zone for zone 3.
- Acoustic wall about 3m from boundary, not 6m as shown on site plan which increases the effect of noise.

7 Planning Considerations

7.1 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) Existing breaches at the site
- (iii) Impact on residential and neighbouring amenity
- (iv) Impact upon the character and appearance of the area, including the adjacent Listed Building
- (v) Parking and Highway implications
- (vi) Impact upon ecology

(i) Principle of development

- 7.2 The application site is located beyond any defined built-up area and therefore within the non-urban area. Policies AL2 and CS17 require development in such non-urban areas to be consistent with policies for the countryside as set out in national policy.
- 7.3 The NPPF 2023 sets out a presumption in favour of sustainable development with a need to balance the three overarching objectives of economic, social and environmental roles. The NPPF supports the principle of a prosperous rural economy with agricultural diversification and sustainable rural tourism that respects the character of the countryside (para 84) and is sensitive to its surroundings (para 85). The NPPF also supports healthy and safe communities with sustainable recreational and cultural facilities a community needs such as local shops and meeting places. (paras 92 and 93). In addition, the NPPF seeks to achieve well designed places of high quality that function well, are sympathetic to local character and provide a high standard of amenity for existing and future users (paras 126, 130). With respect to pollution the NPPF at para 185 states:

"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation

- 7.4 In this case there is an existing business operating at the site, originally granted planning permission in 2010, as a small-scale farm diversification scheme. The tea rooms have expanded over the years but undoubtedly provide economic and social benefits to the area in terms of employment, tourism and community benefits. However, the environmental impacts in terms of noise and disturbance from the continued intensification of the use, and in particular increased covers and evening events, must be weighed up against these benefits. In addition, regard must be had to the existing breaches of planning control at the site, ongoing enforcement enquiries and parking arrangements. These issues will be discussed as follows:

(ii) Existing breaches at the site

- 7.5 As set out in section 2 above, the existing tearoom operation is contrary to the approved plans and regularly uses the exhibition space for customer seating and is in breach of conditions 5, 7 and 16 of APP/17/01071. Under these conditions there should only be a maximum of 48 covers inside, with a further 32 outside covers when the weather allows. Those 32 outside seats should be limited to the southwestern area only and previous use of the area for seating to the north of the barn was also in breach of the layout plans.

- 7.6 This means that in good weather when the outdoor and indoor seating is in use, the maximum number of covers can be 80. But in bad weather, or 6pm, when the outdoor seating is not able to be used, the maximum number of covers at the site should only be 48. The evening hours condition allows use up until 11pm three times a week, but only for the 48 inside covers because after 6pm any use of the site must be inside. So any evening events that are held at the site should not have more than 48 covers and they should all be inside. There should be no sound amplifying equipment used that is audible outside.
- 7.7 Environmental Health have advised that "covers" normally refers to "diners" but it is noted that the previous layout plans represented the numbers as seats. So the literal interpretation of the conditions is that "covers" equals "seats" at the site and to comply with the current conditions there should only be 48 inside seats and 32 outside seats available on site. But over time the number of seats at the site has significantly increased, and the numbers of covers have been assumed to relate to numbers of customers instead. Since a table with 4 seats may in fact only have 1, 2 or 3 diners or customers at any one time, then the management decision to increase the number of seats available but limit the number of customers on site is understandable. For clarity, and to make any enforcement monitoring easier, it is suggested that any future permission and conditions should substitute the word "covers" for "customer".
- 7.8 The site has been subject to ongoing complaint from neighbours for several years about, in particular alleged noise disturbance from evening events using amplified music, with numbers exceeding that permitted and customers outside after 6pm. In light of these complaints officers from the Environmental Health and Planning Teams have undertaken a site visit to a neighbouring property and the wider Clovelly Road and St Peters Road whilst an event was ongoing.
- 7.9 Officers witnessed amplified music being played which was clearly audible in the garden of a neighbouring property with the bass thud felt. The music could also be heard up and down both Clovelly Road and St Peters Road, and during this time there were a few guests outside on benches which added to the noise disturbance. As a result of witnessing the event, Environmental Health have since served a Noise Abatement Notice.
- 7.10 Other breaches of planning control relevant to this case relate to parking, both in the field opposite and the extension of the car park to the north without permission. The field opposite, should only be used for 28 days a year, but as third-party comments state this field has been open and available as overflow parking almost permanently for about the last year. The reason given for its continued use is to provide alternative parking provision that prevents customer overflow parking on Clovelly Road.
- 7.11 In terms of the official customer car park north of the tea rooms, APP/17/01071 approved a layout with 25 spaces and this should remain the position on site now. It is however alleged that a tree within the adjacent field was felled, and the car park extended during the Covid pandemic. The tree was not protected by a TPO and so its removal did not require any form of consent. As part of this application a 21m extension of the car park into the adjacent field is sought, to give a total of 44 spaces, and it is noteworthy that the works to facilitate the parking of cars in this extended car park have already been done, despite this application not yet being determined. So strictly these works are unauthorised and a breach of planning control - but it is not expedient for the LPA to take any potential enforcement action pending the outcome of the current application.

- 7.12 This application seeks to regularise some of the current breaches including the regularisation of the use of the exhibition space for customer seating, and changing and increasing the inside/outside cover limit to a total of 100 covers, spread anywhere within 4 zones, with the only limit being just 26 covers in zone 3, which is the outside area in the southwest corner of the site, adjacent Meadowsweet's garden. The application does not seek to amend the hours conditions at the site which would remain, including condition 16 requiring any use after 6pm to be restricted to inside the building only. Neither does it seek to authorise the use of the field opposite for 28 days parking, as this field is not within the red lined application site.

(iii) Impact on residential and neighbouring amenity

- 7.13 The key consideration in the determination of this application relates to noise and disturbance from the intensification of the use of the site. In essence, instead of the permitted 48 covers inside, the proposal is seeking up to 100 covers inside at any one time - so inside evening use would be for a maximum of 100 customers. And during the day, instead of 32 covers outside, the proposal is seeking a maximum of 100 covers, spread over two zones - zone 3 having up to 26 covers zone 4 having up to 74 covers. Previously the maximum of 80 covers could only occur during good weather in the daytime with a combination of 32 outside and 48 inside. So, the proposed increase to 100 customers either inside or outside or spread across both, is a significant increase on the permitted use.
- 7.14 Due to the ongoing breaches at the site it is likely that numbers have been approaching that now sought. Third party comments have noted that when operating as just a daytime tearoom then the noise experienced from customers outside, including voices, laughter, children, dogs, the clanking of cutlery on crockery etc, whilst evident as background noise, is not so intrusive as to cause material harm. The closest neighbours have got used to this daytime background noise from the tearoom. However, what has caused the complaints is when the tearoom hosts events with large groups outside with increased noise from customer behaviour, often fuelled by alcohol, and the use of amplified music. When these events extend into the evenings then allegedly the noise and disturbance is so great that it affects sleeping.
- 7.15 It would appear that when the tearoom does fully comply with all their current conditions, then generally the noise and disturbance levels to neighbours is acceptable. This would imply that the correct decision was made in supporting the growth and expansion of the tea rooms in 2017 and the conditions imposed are essential to mitigate any adverse impacts of the use. Anecdotal evidence suggests that it is when the conditions are breached and the use intensified beyond that approved, that the noise nuisance occurs.
- 7.16 Based on occurrences at the site it would therefore follow that a further intensification of use of the site to allow up to 100 customers outside, instead of the 32 approved, would result in increased noise and disturbance levels, harmful to the amenity of neighbours. Policy DM10 seeks to protect the health and safety of nearby occupiers and residents from noise, vibration, smells, light and other pollutants. Policy CS16 similarly only allows development that does not cause unacceptable harm to the amenity of neighbours from smell, privacy, outlook, noise and overlooking. It is considered that the proposed increase in covers or customers at the site beyond that approved in 2017 would be harmful to both policies DM10 and CS16 in that neighbours would suffer from increased noise levels.

- 7.17 In support of the application a Noise Impact Assessment has been submitted which attempts to justify the proposal. Continuous background noise levels were recorded at one point, adjacent the shared boundary with Meadowsweet, between Wednesday 28th June and Monday 3rd July 2023. The arithmetic average LAeq was found to be 46.1 dB during the day, and 42.0 dB during the night. Whilst night time levels were recorded the report only assesses the impact on the day time levels from 10am to 5pm, using the modal background level of 38 dB LAeq. The report notes the site context as an *"urban a road that has a steady flow of traffic"*, but this is disputed as the site is considered to be within an essentially rural area.
- 7.18 To predict the impact of the proposed use, a worst-case scenario of 100 patrons speaking at 60 dB(A) each at exactly the same time was used. Calculations and adjustments are made, including for the existing 2m high noise barrier close to the boundary between the site and Meadowsweet. A noise map of the predicted noise was produced, based on just 26 patrons in the southwestern zone, and 74 in the northern zone, which shows that noise levels of 43 dB externally could reach the nearest dwellings. This represents a +5 dB above external background noise which equates to an Adverse Impact. This was further calculated for the predicted internal levels inside the nearest dwellings and shows a result of -4 dB below internal levels, which equates to a Low Impact.
- 7.19 It is noted however that the noise assessment does not provide any predicted noise information of 100 patrons being inside the building, and only predicts noise from patrons being outside. Whilst this would normally be the worst-case scenario, because the 100 patrons inside would be in the evening, when the background levels are lower, then this missing information is considered critical.
- 7.20 Since the site could operate until 11pm and is seeking permission to have 100 customers on site until 11pm, then the omission of the assessment of predicted noise in these evening hours is critical. Since the noise report confirms background noise levels are lower overnight, and presumably the predicted noise of 100 customers would remain the same, then the difference and excess over background would also likely increase, potentially having either an adverse or significant adverse effect. Whilst it is acknowledged that after 6pm those 100 customers should be inside by virtue of condition 16, the wooden structure of the existing historic barn is not noise tight or insulated, and the potential for noise breakout is significant, especially noise transmission through the internal wall to the section that is Meadowsweet's store. During the summer doors and windows in the barn would be open for ventilation, allowing noise to escape, and customers have to go outside to access the toilets and to smoke outside. Past failures to keep customers inside after 6pm are noted, and with external toilets it is likely that customers would continue to move about outside after 6pm. The noise report does not address any of these evening issues, ventilation or the internal noise breakout to Meadowsweet's part of the barn.
- 7.21 The Environmental Health team note the noise report only considers voices as a noise source and fails to take into account other components such as screaming, shouting, group singing, vehicle noise and car doors slamming. It is considered that whilst noise from car doors slamming is a material consideration, the location of the car park at the northern end of the site, is such that noise from this particular noise source is unlikely to have any adverse material impact. It is also noted that the noise report does not mention noise from clanking cutlery and crockery.

7.22 Pragmatically considering the submitted noise report it is considered that it does not adequately demonstrate that there will be no adverse impact from noise on the nearest neighbours from 100 customers on site until 11pm at night. Paragraph 185 of the NPPF states that planning decisions should take into account the likely effects of pollution and they should:

"a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation"

7.23 Overall, based on ongoing noise complaints about the site and failure of the noise report to adequately demonstrate all internal and external noise sources would have no adverse impacts until 11pm at night, then the proposal to increase to 100 covers is not considered supportable, and would likely result in harm to the amenity of neighbours, contrary to the NPPF and policies DM10 and CS16.

(iv) Impact upon the character and appearance of the area, including the adjacent Listed Building

7.24 The site is located beyond the identified urban area and within one of the more rural areas of the Borough. Northney Village is generally characterised by ribbon development set along a country lane, that has little pavement, with fields beyond. It is a quiet and peaceful area, known for its tranquillity. It is acknowledged that St Peters Road and Copse Lane do get used by locals to avoid the main Havant Road traffic, but nonetheless the overall character is one of a peaceful country village. The surrounding agricultural uses are evident with the hub of the working farm and more modern barns located immediately north of the application site. The Northney & Tye Village Design Statement, 2008, recognises the area as a character area that needs respecting and aims to guide change and to conserve and enhance the historic and natural legacy of North East Hayling. The document notes that changes can have a cumulative effect and alter the appearance of an area considerably.

7.25 As a farm diversification scheme the gradual conversion of the barns to an education/exhibition space and small tea rooms has been supported by the Council as an appropriate community use for the location. Previous applications to build on the success of the tea rooms and exhibition space have been supported. Rather than being a dedicated education centre the current proposal would mean the exhibition space would become a mixed-use space for both customers and an education centre. In reality, the majority of the time the space would be used as part of the tearoom, as it has done for some years. The supporting information indicates that education visits only occur in the summer months, and usually in the afternoons, and displays of old farm implements and old photographs remain on the walls throughout the year.

7.26 The principle of the mixed-use space is considered appropriate and would make better use of the original barn when education visits are not occurring. The character of the old barn is evident for customers and part of the attraction of the tearooms. The space, its function and character would not be lost from becoming a mixed-use space – after all the table and chairs forming the seats for customers can be readily cleared and stored elsewhere.

- 7.27 Third party comments though note the gradual loss of a public community facility to a private business. If this application was to be supported, then some further reassurances and guarantees that the space would continue to offer regular school visits etc and a community exhibition space should be sought and conditioned in order to continue to provide an agricultural diversification scheme that supports rural tourism and the community, in accordance with paragraph 84 of the NPPF.
- 7.28 In terms of the increase in covers however, this intensification of use aspect of the proposal is not considered appropriate to the character of the area. What started as a small-scale farm diversification as an ancillary use, has become a destination in its own right and far exceeds the scale first envisaged. The site has become so successful that it now attracts many locals and visitors, evidenced by the fact that the authorised 25 space car park is insufficient to meet demand. This in turn leads to overflow parking demand, whether that be in Clovelly Road or the field opposite, but all demonstrates that the scale of the use has intensified.
- 7.29 This intensification of use has consequences, including increased noise and disturbance from customers, both on site and leaving and departing, increased deliveries and traffic, increased pressure for better lighting and parking etc. Should the venue become authorised for 100 customers in the evening, then larger evening events would likely be held, with associated pressure for amplified music or PA systems to accompany those events. To date the applicant has on occasion allowed events with amplified music in breach of condition 5 and there are no guarantees offered that this will not be repeated.
- 7.30 Environmental Health have experience of issues with wedding venues and the escalation of demands associated with becoming an event venue e.g., pressure for fireworks and lanterns, drone photography, external lighting, outside caterers for specialised foods etc. and the adverse impacts these can have on nearby residents. Whilst none of these associated requests are development requiring planning permission, they are all potential consequences of allowing the site to become a large evening venue destination and must therefore be taken into account.
- 7.31 It is considered that the additional noise and comings and goings to the site to service a 100 customer venue is likely to have a harmful effect on the peace and tranquillity of the village. Policy CS16 requires development to respect its local context and reduce opportunity for antisocial behaviour, and policy CS11 seeks protection for the Borough's environment and landscapes. This quiet rural location set immediately adjacent to residential properties, is not considered appropriate for a large-scale events venue and would be out of character with the setting of the site.
- 7.32 In terms of appearance, it is acknowledged that there are no physical changes to the barn proposed, but the increased seating and provision of up to 74 customers in the area to the north of the building would spread the benches and associated paraphernalia across the entire site, filling this otherwise open gap area. The benches may require sun umbrellas in the summer which adds height to block the view across to Chichester Harbour. Given the site is close to Chichester Harbour AONB, Ramsar, SPA and SSSI then these long-distance views need protecting. The site falls within the 'Central Area' of The Northney & Tye Village Design Statement, where the open fields with views are specifically noted on page 37: *"From Northney Farm St Peter's Road has a short stretch with open fields on both sides giving clear views east and west before entering the main part of the village"* It is considered that the sight of customers and benches with umbrellas would bring about a change that would be visually inappropriate to the rural setting of the site. The seating area to the southwest

is screened by the barn itself, but the encroachment of customers and seating into this area to the north of the barn would be out of character with the area and contrary to policies CS11 and CS16.

- 7.33 The proposal also includes the change of use of part of the adjacent agricultural field to enlarge the car park, and this would clearly urbanise and change the character of this parcel of land. This change of use of land was also affected by the site's designation as a Secondary Support Area in the Solent Waders & Brent Goose Strategy, site H59B, which will be discussed below in the ecology section, but has now been resolved with a boundary change to site H59B.
- 7.34 The proposed car park extension would align with the adjacent barn and not encroach beyond this backdrop of building mass into the more open countryside. A post and rail fence is proposed to match the existing, with native hedge planting also proposed as screening around the car park extension. The car park surface would be hardcore as existing, maintaining permeability. It is considered that the amount of land taken out of agricultural use relative to the size of the field and farm, would be minimal, and the layout proposed adjacent to existing buildings is appropriate. The proposed native hedging would further screen the parking area and associated headlights etc, and overall, this aspect of the proposal would not be visually harmful to the rural character of the site.
- 7.35 Meadowsweet adjacent is a Grade II Listed building and the barn is divided internally with the southerly section currently forming a garden store. Therefore, the part of the barn within Meadowsweets curtilage is 'curtilage listed' and as such Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting. 'Setting' can be influenced by noise and activity, and tranquillity etc, and not just physical development. In this case the tearoom is an existing use and currently 32 outside covers are permitted in the southwestern area closest to the Listed Building. The proposal would reduce this particular seating area to 26 and as such it is considered that there would be no additional harm to the designated heritage asset.
- 7.36 Overall it is considered that the proposed intensification of use of the site to a 100 customer venue with associated increase in noise and disturbance, visitors, trips, servicing etc, and the use of the area to the north of the barn for outside seating for up to 74 customers, would be harmful to the rural character of the site and be visually intrusive in this countryside location, contrary to policies CS11 and CS16.

(v) Parking and Highway implications

- 7.37 The proposal includes the change of use of part of the adjacent field to enlarge the car park, to provide 44 spaces. In terms of trip generation, the Highway Authority note the overall increase from existing maximum of 80 covers to 100 covers and are satisfied that this increase will not lead to a significant increase and will therefore not have a detrimental impact on the highway network affecting highway safety.

- 7.38 In terms of quantum of spaces to serve the development proposed, the Highway Authority have considered various ways to assess the proposed 44 spaces against the existing floorspace or covers proposed, and under either approach the proposal provides an appropriate level of parking. It is clear from third party comments and the fact that the field opposite is regularly used for overflow parking, that the existing 25 space car park is inadequate to meet demand. The increase of 19 spaces should be sufficient to stop using the field opposite on a regular basis and enable compliance with just 28 days a calendar year for the use of the field for parking.
- 7.39 To maximise the efficient use of the car park to ensure all 44 spaces are available without cars parked across 2 spaces, the Highway Authority recommended that a condition be imposed requiring submission of details of how the bays are to be marked out, with options including use of posts, block paving or stud type markings in the gravel. With such a condition the Highway Authority have no objection to the proposal.
- 7.40 It is however noted that the applicant has already implemented this car park extension, without planning permission. Whilst the LPA have no objection to this element of the proposal, nevertheless in light of the recommendation to refuse on other matters, this car park extension will also become refused. The LPA cannot issue a split decision and allow one aspect of a proposal and refuse another, so the car park extension will remain unauthorised if this recommendation is agreed.

(vi) Impact upon ecology and Habitats Regulations

- 7.41 The proposed development lies in close proximity to Chichester Harbour SPA and functionally linked land, namely site H59B of the Solent Waders and Brent Goose Strategy (SWBGS) which is classed as a Secondary Support Area. The proposed change of use of land to form the car park and intensification of use of the site for an additional 20 covers in largely unrestricted seating areas could impact the integrity of that sites through loss of habitat and from increased human activity, and noise and disturbance at the site.
- 7.42 Since the submission of this application, the Solent Waders & Brent Goose Strategy Steering Group have reviewed bird survey data and habitat suitability for site H59B. As a result, the westernmost portion of H59B has been removed from the SWBGS (land to the west of the existing farm track) and the site boundary reduced accordingly. This was based on the fact that there are no records of SWBGS bird species from this portion of the site, and the fact that the site is enclosed by tall hedging/scrub and abuts the working Northney Farm yard. The larger, eastern portion of H59B remains of very high value to wintering birds, with substantial numbers of Brent Geese recorded each winter.
- 7.43 As a result the boundary of Site H59B is now further away from any potential source of noise and visual disturbance. The extension of the car parking area, and the proposed amendments to the seating area are not likely to result in impacts to Site H59B. The extended parking area will be screened with new native hedge plantings and will not be visible by birds using the adjacent field (the car park is adjacent to a barn, the old slurry lagoon and the silage clamp). Therefore, there would no longer be any direct loss of habitat as a result of the proposed car park extension.

- 7.44 Generally the proposed outdoor seating areas will operate during the warmer months, and therefore would be highly unlikely to result in excess noise impacts to the adjacent SWBGS Site H59B during the sensitive overwintering period. The predicted noise contours show that levels will be essentially negligible within H59B, and not at levels with potential to cause disturbance to bird species.
- 7.45 The Council's Ecologist considers that it is unlikely that there would be any impacts to the remaining larger eastern portion of H59B and the proposed development will not affect the status and distribution of key bird species and therefore the development will not act against the stated conservation objectives of the European sites.
- 7.46 In light of Natural England's initial objection to the proposal before this boundary review, a Habitats Regulations Assessment and Screening Appropriate Assessment has been undertaken that concludes, in light of the boundary review, the proposal will have no adverse effect on the integrity of the designated sites. Natural England's further consultation response is awaited and will be reported at Committee.
- 7.47 It is noted that third party comments raise awareness of the presence of other wildlife such as bats, hedgehogs, owls and deer and fear that the intensification of use could lead to additional outdoor lighting and noise affecting these species. These concerns are noted and should the recommendation have been for permission then conditions controlling any outdoor lighting would be considered necessary.

8 Conclusion

- 8.1 It is acknowledged that the existing tearooms is a farm diversification scheme that provides economic and social benefits to the area in terms of employment, tourism and community benefits. The NPPF supports the principle of a prosperous rural economy with agricultural diversification and sustainable rural tourism that respects the character of the countryside (para 84) and is sensitive to its surroundings (para 85). These benefits must be balanced against the potential harm arising from the proposed intensification of use of the site.
- 8.2 It is considered that the scale of the proposal, seeking to allow up to 100 customers at the site at any one time, including until 11pm at night, would not be sensitive to the surroundings of the site or the character of the countryside in which it is located.
- 8.3 The noise assessment has not adequately demonstrated that 100 customers could be accommodated on site, either inside or outside, until 11pm at night, without causing an adverse impact on the quality of neighbour's lives. The level of noise and disturbance associated with 100 customers on site would be harmful to the amenity of neighbours, contrary to policies DM10 and CS16 and paragraph 185 of the NPPF, and as such the proposal is recommended for refusal.
- 8.4 In addition the visual intrusion of seating for up to 74 customers in the area to the north of the existing barn would be an alien feature in the countryside, detrimental to the views of Chichester Harbour and the rural character of the area, contrary to policies CS11 and CS16.

8.5 Since the site has a long record of complaint and evidence of non-compliance with elements of the previously imposed planning conditions, then there is limited confidence that any new conditions would be fully complied with. It is considered that the LPA have supported the farm in its diversification on previous occasions but that the current proposal would expand the business to a scale that would be inappropriate to Northney Village and have a harmful effect on neighbouring amenity.

9 RECOMMENDATION:

That the Head of Place be authorised to **REFUSE PERMISSION** for application APP/23/00102 for the following reasons

- 1 The proposed intensification of use of the tearoom to accommodate 100 customers at the site would result in noise and disturbance that would adversely affect the quality of the living environment for neighbouring residents, detrimental to their amenity. The submitted Noise Impact Assessment by Impact Acoustics does not adequately demonstrate that all noise sources would have no adverse impact on the nearest neighbours until 11pm at night. The proposal is therefore considered contrary to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and paragraph 185 of the National Planning Policy Framework, 2023.
- 2 The proposed intensification of use of the tearoom to accommodate 100 customers at the site would result in a scale of business with associated noise, comings and goings, servicing and pressure for events that would be harmful to the peace and tranquillity of Northney Village, and be out of character with the rural setting of the site. The proposal would therefore be contrary to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and paragraphs 84 and 85 of the National Planning Policy Framework, 2023.
- 3 The proposed extension of the outdoor seating area to provide seating for up to 74 customers north of the existing barn in zone 4 as shown on drawing No 17077-120 Rev E, would be visually intrusive and harmful to the rural setting and character of the site. This would be detrimental to the views of Chichester Harbour and the rural character of the area, contrary to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the paragraph 30 of the National Planning Policy Framework, 2023.