
Site Address:	Tournerbury Farm, Tournerbury Lane, Hayling Island, PO11 9DL		
Proposal:	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.		
Application No:	APP/21/00536	Expiry Date:	30/07/2021
Applicant:	A.G Phillips & Son Ltd		
Agent:	Mr Knappett	Case Officer:	Steve Weaver
	BJC Planning		
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 Tournerbury Farm is located at the eastern terminus of Tournerbury Lane within the southern part of Hayling Island. It lies outside the defined urban area and within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The Farm lies adjacent to a golf centre to the north; whilst the Tournerbury Woods Estate lies to the east and south. The Farm comprises a working farmyard with two residential properties adjacent to it, surrounded by a field system extending to the coastline to the east. The adopted highway limit lies immediately to the west of the application site defined in this application.
- 1.2 The application site in this case forms part of the Farm holding, and comprises an open field used for grazing. To the western and southern boundaries of the site 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 adjoining land of the Tournerbury Woods Estate is relevant to this application. It comprises an estate of 300 acres (121.4ha) 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 land based estate features a holiday cottage, and is also presently used for the holding of weddings and events without planning permission (see Planning History below). Access to the Estate is gained via a right of way through the farmyard of Tournerbury Farm, which eventually leads to the eastern terminus of Tournerbury Lane.
- 1.3 The application site lies within Flood Zone 1, and at its southern extremity adjoins part of the Tournerbury Woods Estate which has Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) status. The site also forms part of a wider Low Use Solent Waders & Brent Goose Strategy site.

2 Relevant Planning History

- 2.1 The application proposals in this case follow on from two previous approvals, and one outstanding application, for the construction of a vehicular track across the application site to serve the Tournerbury Woods Estate:

APP/12/01333 - Application to determine whether prior approval will be required for the siting and means of construction of a private way. Prior Approval Required and Granted 18/01/2013.

Officer comment: *This application was submitted on behalf of the Tournerbury Woods Estate as a prior notification in respect of agricultural or forestry operations only. It was not implemented.*

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

Officer comment: *This application was submitted on behalf of the Tournerbury Woods Estate as an application for full planning permission - a letter accompanying the application stating that the business at Tournerbury had evolved since the previous prior approval. Relevant pre-commencement conditions were discharged by the owners of Tournerbury Farm and work on the development commenced by the Farm within the time period set by the permission. However, it subsequently became apparent that the development undertaken had departed from the approved plans in a number of respects, and work has subsequently been halted whilst attempts are made to regularise the work undertaken.*

APP/20/00626 - Variation of conditions 2 and 7 of Planning Permission APP/17/00207 (Construct vehicular track from the public highway to Tournerbury Woods Estates for the purpose of avoiding agricultural operations in Tournerbury Farm) to substitute a new plan "BJC Location and Site Plan (Plan no. H125/2020.07.03L/SP)" in lieu of approved plan "Site Plan and Section DN: A102"; and revised landscaping and tree planting proposals from those previously approved. Not yet determined.

Officer comment: *This application, submitted by Tournerbury Farm in seeking to regularise the development which had been undertaken pursuant to APP/17/00207 but which had departed from the approved plans in a number of respects, has been requested to be held in abeyance by the agent pending the outcome of the current planning application the subject of this report.*

- 2.2 With regards to the Tournerbury Woods Estate, whose activities the access track is intended to serve, an Enforcement Notice was issued in respect of the site on 17th January 2020 regarding the following breach of planning control:

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

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

- 1 Cease the use of the Land for weddings and other commercial events.
- 2 Cease the use of the Land for camping associated with weddings and other commercial events.
- 3 Cease the use of the dwellinghouse for accommodation associated with weddings and other commercial events.

4 Remove from the Land, all buildings (excluding the dwellinghouse), structures, decking and marquees and any other paraphernalia associated with weddings and commercial events.

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

- 2.3 The Tournerbury Woods Estate has also been the subject of the following recent planning applications:

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 and currently the subject of an appeal.

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 25/06/21 and currently the subject of an appeal.

3 Proposal

- 3.1 The application proposals are described on the submitted application form as "*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.*"
- 3.2 As set out above, the implementation of the vehicular track the subject of Planning Permission APP/17/00207 by Tournerbury Farm has not been carried out in accordance with the approved plans; and so the current proposals comprise a retrospective application in many respects. In broad terms, the location of the track remains as originally approved - 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 departs from the previous approval by passing south through a further field in the Farm's ownership before then being proposed to meet the western boundary of the Tournerbury Woods Estate where it could link with a woodland road leading into the estate.
- 3.3 As with Planning Permission APP/17/00207, the width of the access 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.

- 3.4 The agent's letter accompanying the application describes the principal differences between the current proposals and those granted permission under APP/17/00207 to be:
- Modifications to the entrance off Tournerbury Lane with a reduced size bellmouth in order to enable the retention of a mature Ash tree;
 - Additional landscaping on the eastern side of the track at the entrance, and at its south western corner;
 - No new planting along the western boundary verge in recognition of the existing mature hedgerow on this boundary;
 - Fewer trees overall will be planted than the originally approved plans anticipated;
 - Both passing places for the track would be located on its eastern side; and
 - A revised Arboricultural Impact Assessment and Tree Protection Plan has been submitted in recognition of the fact that the applicant did not adhere to the tree protection measures conditioned as part of the original approval for the track.

4 Policy Considerations

National Planning Policy Framework (NPPF)

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)
CS20	(Transport and Access Strategy)
DM10	(Pollution)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM23	(Sites for Brent Geese and Waders)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

Initial comments:

I note the submission of the Arboricultural Impact Assessment and Tree Protection Plan dated 3rd March 2021 and accompanying drawings indicating areas of tree protection and special measures needed to safeguard the rooting zones of nearby trees. Any works must be undertaken strictly in accordance with these submitted details. However I note that remedial works are proposed to be undertaken but these are not specified - I would expect to see a soil improvement solution suggested - perhaps BIOCHAR - in areas where ground disturbance has occurred. Please condition for a pre-commencement site visit to be undertaken with the Local Authority's Arboricultural Officer.

Updated comments following receipt of revised Arboricultural Impact Assessment and Tree Protection Plan:

Thank you for sending the details regarding mitigation for this scheme, I can confirm that I have no objection subject to works being undertaken strictly in accordance with these submitted details supplied 4th October 2021. I note also the mention of Arboricultural supervision, if this is considered to be a not unreasonable requirement, I would suggest that a condition be imposed for a pre-commencement site meeting to ensure the measures to safeguard the retained trees are clearly understood.

Chichester Harbour Conservancy

Recommendation – No objection, subject to conditions securing –

- Retention of western field boundary hedgerow alongside proposed track, with consideration given to the council making a formal hedgerow order on it, to ensure its retention;
- Specified proposed planting to line to eastern side of track to be planted in this autumn planting season and if any plantings die, become deceased or fail within 5 years of planting, they are to be replanted with similar species, unless an alternative native species is agreed in writing with the local planning authority; and
- 'Stone chippings' finish to the proposed track to be in a muted or darker colour.

I last visited the site on 24.9.2020, which is within the Chichester Harbour AONB, viewing the site from Tournbury Lane, accompanied by the applicant. We walked the entire length of the track that has so far been provided and I made a photographic record of the visit. I have noted the recent photography supporting APP/21/00536. I noted the access track had largely been constructed on top of a geotextile membrane of what appeared to be inert building rubble. The works were not complete and a final surface was still to be applied to the track. The track just stopped short of the Tournbury Woods boundary.

A plastic drainage pipe had been placed across the bellmouth access to allow an existing ditch there to continue to drain. I noted a sign in this private road leading to the golf centre and Tournbury Farm inviting drivers to keep speeds to 5 mph and warning of a concealed entrance.

I previously did not observe any drainage ditches either side of the track, but saw that it would be possible for surface water run-off to easily percolate through the track or drain away naturally to either the hedgerow verge or field to the sides of the track.

The hedgeline to the west of the track is well-established and contains a number of mature trees along its length of various heights. Recent photography confirms that still to be the case. Immediately west of that is another unmade track leading to a cattery. Adjacent fields were laid to pasture and I did not see any arable farmed produce being grown in the fields the track now gives access to. The applicant advised me that crops had been grown in the past, but many years ago. They are currently appear to continue to be just used to graze livestock.

Having regard to the policy framework* below make the following comments.

The Conservancy took no issue with application APP/17/00207, although did query use of land it was intended to serve, which the Council has now serve an Enforcement Notice separately, now subject of an Appeal and public inquiry to be held in March 2022.

My previous colleague Mrs Park's comments in 29.3.2017 read –

“Overall, it is considered that subject to the retention of the existing field boundary hedgerow alongside the proposed track, the planting of a native species hedgerow with standard trees to line the proposed track rather than lines of Green Olive trees; and the provision of a muted or darker coloured stone chippings finish for a more restrained appearance appropriate to the rural location, then the proposed access track would not be harmful to the AONB and should reduce disturbance to the SSSI/Ramsar site which is currently used for access into the woods.”

Whereas the applicant is different to that for APP/17/00207, permission of course runs with the land and I note the current applicant successfully applied to the Council to discharge pre-commencement conditions and commenced work prior to that earlier permission lapsing. I note this included native-species tree planting, which is something Mrs Park had asked for in 2017.

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

As I understand it, the only other differences between APP/20/00626 and APP/21/00536, looking at both sets of approved plans relate to –

- a tree report regarding the ash tree near the junction with the continuation of Tournerbury Lane; and,
 - retaining a slight deviation in the track alignment, particularly at its southern end and reduction of the bellmouth dimensions at the northern end to be able to retain the aforementioned ash tree, as well as providing access to a further field.
- It is understood that two brick piers marking the end of the public highway have since been removed and a report by a highways consultant confirmed access by a coach would be possible.

Fully delegated Officer decision from Chichester Harbour Conservancy

I still concur with Mrs Park's comments from 2017, namely

“In terms of landscape impact, the proposed track lies on the boundary of the AONB, and would be sited along a field edge, adjacent to an existing hedgerow. It would not be situated in an exposed position in wider landscape terms, since there would be limited views of the track from Tournerbury Lane itself and from the public footpath to the southwest. On this basis, provided the existing hedgerow boundary is retained, appropriate new planting is provided, and the surface materials are appropriate to this rural location within the AONB, the proposed track should not create an intrusive or urbanising feature within the landscape.”

The site is within an uncertain area for Brent geese and waders and located in the EA Flood Zone 1 (least risk of flooding). I did not see any Brent geese or waders using the adjacent fields during my last visit, but did see what may have been either rooks or crows. I have discussed the last application with Peter Hughes, The Conservancy's Ecology Officer, who did not then consider this and adjacent fields to be significant in terms of past WeBS count data for Brent geese or other waders.

The new access track is still intended to give better access to Tournerbury Farm fields to facilitate efficient farming and as such considered necessary and reasonable development (immediately) outside the Borough's defined urban areas. It could also still provide an alternative access point to Tournerbury Woods, covered by a woodland TPO/S.S.S.I./SPA also covering the 'Tournerbury' (a Scheduled Ancient Monument), allowing for their maintenance and sound management.

Whether the applicant will allow such access rights is still a private matter between the two landowners and outside the determination of this application.

Matters of highway safety in terms of the adequacy of the junction of the access track with the private road which is the continuation of the public highway known as Tournerbury Lane, is still a matter for Hampshire County Council to determine, but did not seem to have been an issue when APP/17/00207 or APP/20/00626 were approved. Pedestrians navigating Tournerbury Lane to reach the AONB would have good visibility of vehicles emerging from the access track and vice versa.

I am aware of an objection on-line, pointing out 'contraventions' in terms of how the track has been constructed so far, in terms of what had been approved for APP/17/00207 & APP/20/00626.

However, the applicant has now asked for the merits of the current revised application to be considered and Conservancy Officers do not consider that any additional significant harm would be likely to occur to the AONB landscape, from what has been and remains to be provided.

Whereas an arboricultural impact assessment is still valid from APP/17/00207, unless the council's tree officer has objections, the porous nature of the track provided and limited weight/frequency of vehicles traversing the track, albeit impinging on the root protection areas of identified trees, would not seem to have – at this stage caused either hedgerow or trees within it to have failed. Whereas the ash tree in the bellmouth was noted to be in poor condition, its retention as a natural feature within the AONB landscape is supported.

Consultant Ecologist

Thank you for consulting me on this application.

The application is required due to works carried out to implement the previous agreed access track route. The part-built track has not been constructed in accordance with permission APP/17/00207.

Overall I would not wish to raise any overriding ecological concerns. The measures proposed for tree protection appear to cover the most likely potential ecological effects. The track as proposed passes between well-established hedgerows before passing into Tournerbury Woods and I consider it unlikely therefore that this would present issues with the surrounding Low Use Solent Waders & Brent Goose Strategy site.

Engineering/Drainage

No comments received.

Hampshire Highways

Thank you for consulting the Highway Authority on the above planning application. Under planning reference APP/20/00626, the Highway Authority previously raised no objection to the variation of Conditions 2 and 7 of APP/17/00207 which looked to amend the eastern radii of the junction.

The latest application provides tracking for the revised accessed alignment shown in drawing number 097.0006.001 Rev B. The tracking shows that a coach can enter and egress the site in a forward gear within the proposed access width. As such, the Highway Authority raise no objection to the proposed alignment.

Landscape Team

From a landscape perspective we have no adverse comments in relation to this application.

Natural England Government Team

No objection

The application is for works to implement a previously agreed access track route. Based on the information submitted we are satisfied that the proposals will not impact on designated sites. In addition, the track is screened by mature hedgerows, and therefore is unlikely to result in any significant impacts to the surrounding Low Use Solent Waders and Brent Goose Strategy Site.

Traffic Management, East Hampshire District Council

The Traffic Team have no adverse comment to make.

6 Community Involvement

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

Number of neighbour notification letters sent: 10

Number of site notices: One.

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan and all other material considerations, including the planning history of the site, 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 (AONB)
- (iii) Arboricultural and Ecological considerations
- (iv) Access and Highway considerations
- (v) Impact upon amenity of adjoining occupiers

(i) Principle of development

7.2 The application site is situated outside the defined urban area. Policy AL2 of the Local Plan sets out that in such locations planning permission will be granted for development which, amongst other criteria, *"Meets the policies for exceptional development in 'rural areas', set out in the NPPF"*.

7.3 In this regard, Paragraph 84 of the NPPF is considered to be of 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."

7.4 This application seeks a revised form of vehicular track from that previously approved which is intended to serve the operation of the Tournerbury Woods Estate, whilst avoiding agricultural operations within the Tournerbury Farm itself. The planning history of the Estate demonstrates that the acceptability of current uses within the Estate is the subject of a number of planning appeals. However, having regard to the current lawful uses to which the Estate could nonetheless be put in agricultural/forestry terms, it is not considered that the principal policy considerations pertaining to the site have altered since the previous Permission under APP/17/00207. Furthermore, APP/17/00207 has been implemented and remains extant.

7.5 The principle of the construction of a vehicular track to serve the lawful operations associated with the Tournerbury Woods Estate is therefore considered to be acceptable in principle subject to other development management considerations.

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

7.6 The track is located on part of an existing agricultural field and creates a new access from Tournerbury Lane. It does not entail the removal of any significant vegetation or trees and the revised entrance layout enables the retention of an existing Ash tree which the previous Permission APP/17/00207 would have required to be removed.

7.7 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 the conditions discharged following the granting of Permission APP/17/00207.

- 7.8 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 in accordance with the consultation response received from Chichester Harbour Conservancy and are considered appropriate for the rural setting of the development.
- 7.9 Neither the Council's Landscape Officer nor Chichester Harbour Conservancy have raised objection to the proposal, and it is considered that subject to the development proceeding in accordance with the submitted application details and, where relevant, information provided pursuant to the discharge of conditions associated with Permission APP/17/00207, that the development 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.

(iii) Arboricultural and Ecological considerations

- 7.10 In ecological terms, the southern extremity of the application site adjoins part of the Tournbury Woods Estate which has Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) status. The site also forms part of a Low Use Solent Waders & Brent Goose Strategy site. Accordingly, consultations have taken place with Natural England and the Council's Ecologist regarding the proposals.
- 7.11 Natural England have advised that *"The application is for works to implement a previously agreed access track route. Based on the information submitted we are satisfied that the proposals will not impact on designated sites. In addition, the track is screened by mature hedgerows, and therefore is unlikely to result in any significant impacts to the surrounding Low Use Solent Waders and Brent Goose Strategy Site."*
- 7.12 This conclusion is shared by the Council's Ecologist who has advised that *".....I would not wish to raise any overriding ecological concerns. The measures proposed for tree protection appear to cover the most likely potential ecological effects. The track as proposed passes between well-established hedgerows before passing into Tournbury Woods and I consider it unlikely therefore that this would present issues with the surrounding Low Use Solent Waders & Brent Goose Strategy site."*
- 7.13 It is therefore considered that the development would not prejudice the designated ecological interests lying within the vicinity of the site and would accord with Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy DM23 of the Havant Borough Local Plan (Allocations) 2014.
- 7.14 With regard to arboricultural considerations, it has been established that the development undertaken to implement Permission APP/17/00207 was carried out without complying with the Tree Report and Tree Protection Plan conditioned as part of that approval, and which set out a number of protective measures to limit the impact on trees adjoining the route of the vehicular track - these including the use of 'No dig' cellular confinement systems in root protection areas. The application site has since been inspected by the Council's Arboricultural Officer and a revised Arboricultural Impact Assessment and Tree Protection Plan has been submitted setting out both ongoing protective measures and also remedial soil improvement proposals to remedy any damage caused to the root systems of adjoining trees. The Arboricultural Officer has confirmed that they are satisfied with the revised information, subject to appropriate conditions.

- 7.15 In other respects the development will see the introduction of approximately 14 new Hornbeam trees and a double row of hawthorn hedging along the route, in addition to the retention of the mature Ash tree at the entrance to the site, which will add to the verdant character of the site's surroundings. Overall the proposed development is considered to accord with Policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011.

(iv) Access and Highway considerations

- 7.16 The proposals the subject of this application do not seek to alter the use of the vehicular track, which remains as approved under Permission APP/17/00207 and is intended to facilitate access to the Tournerbury Woods Estate without going through the working farmyard of Tournerbury Farm with its associated dwellings. The impact of the development on the highway network is therefore no different from that approved under Permission APP/17/00207 and the Highways Authority have raised no objections to the new access.
- 7.17 At a more detailed level, the revised layout of the development proposed under this application alters the previously approved bellmouth arrangement to enable the retention of a mature Ash tree at the entrance to the track. The application has been accompanied by tracking drawings demonstrating that a coach could still access and egress the revised access arrangements, and again no objection has been raised to the revised entrance design by the Highways Authority. The detailed layout also retains two passing places for vehicles on the route, as previously approved, and at its southern end offers a straighter approach to the boundary with the Tournerbury Woods Estate.
- 7.18 It is therefore concluded that the proposed development would not prejudice the operation of the highway network, and would provide safe and satisfactory access arrangements for users of the vehicular track. The proposed development is considered to accord with Policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011.

(v) Impact upon amenity of adjoining occupiers

- 7.19 The context of the application site in relation to adjoining uses has not significantly altered since Permission APP/17/00207 was granted. To the west of the site, the track is separated from a cattery use by a mature hedgerow; whilst to the north lies the Tournerbury Golf Centre. Neither of these uses are considered to be prejudiced by the operation of the track. To the east lies the land associated with Tournerbury Farm, and the provision of the track as an alternative route to access the Tournerbury Woods Estate is considered to have clear amenity benefits for the working of the Farm and the residential properties it contains, as well as the Estate; these being benefits highlighted in the submissions made on behalf of the Estate when submitting Application APP/17/00207.
- 7.20 No objections have been received to the current application, and the development as now proposed is considered acceptable in amenity terms subject to appropriate conditions, as imposed on Permission APP/17/00207 and subsequently discharged, securing the provision of appropriate drainage infrastructure for the track to ensure that surface water runoff is contained within the application site. The proposed development is considered to accord with Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

8 Conclusion

- 8.1 This application proposes a revised scheme for the delivery of a vehicular track across Tournerbury Farm to serve the Tournerbury Woods Estate. An earlier Permission APP/17/00207 for substantially the same development remains extant, and the proposed development is not considered to raise any significant issues which would indicate that a different decision should be made. The principle of the development, its impact upon the character and appearance of the area, its arboricultural and ecological considerations, access and highway considerations, and impact upon the amenity of adjoining occupiers are all found to be acceptable and in accordance with relevant development plan policies.
- 8.2 It is therefore recommended that permission be granted, subject to appropriate conditions as recommended by consultees and reflective of those imposed on the decision granted for the original scheme under APP/17/00207. The statutory time limit condition does not, however, need to be imposed in this case as the application is in part a retrospective one.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00536 subject to the following conditions:

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

BJC Planning Location and Site Plan no.: H125/2021.06.04/SPRr
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
BJC Planning Statement Reference H/125/MK dated 30th April 2021

Reason: To ensure provision of a satisfactory development.

- 2 No work associated with the development hereby approved shall continue until such time as a pre-commencement site visit has been undertaken with the Local Authority's Arboricultural Officer.

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.

- 3 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.

- 4 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.

- 5 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) shall be undertaken 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 The track 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
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- 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 development 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 Tournurbury 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 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.