
Site Address:	Mengham Rythe Sailing Club, Marine Walk, Hayling Island, PO11 9PG		
Proposal:	Installation of photovoltaic panels on roof of clubhouse.		
Application Type:	Full Planning Permission		
Application No:	APP/22/00779	Expiry Date:	15/11/2022
Applicant:	Mengham Rythe Sailing Club		
Agent:	Mr de Courcy	Case Officer:	Jenni Price
	de Courcy Town Planning		
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

1.1 The application site is Mengham Rythe Sailing Club, Marine Walk, Hayling Island, PO11 9PG. The site is located in the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and is adjacent to:

- The Chichester Harbour SSSI;
- The Chichester & Langstone Harbour SPA;
- RAMSAR site;
- SAC; and
- The Mengham Salterns SINC.

1.2 The Clubhouse is the subject of this planning application and is located on the southern side of the mouth of Mengham Rythe where it meets the wider Emsworth channel of the Harbour. The Clubhouse is a brick and white clad building with a profiled metal roof and metal windows. As it is set partly on the sea wall / raised embankment, the building is one-storey high on the harbour-facing side, and two-storeys high on the non-harbour facing side. Given its height and profile, the Clubhouse is highly prominent within the AONB as it is visible for significant distances from the water and adjacent public footpath – Marine Walk PROW.

2 Planning History

02/55484/008 - Application in retrospect for demolition of old lean to replace with enlarged area to form Buoy store., PERM,06/12/2002

02/55484/009 - Construction of single storey building with a flat roof for the storage of outboards, fuel, masts and a race store. (Resubmission)., WD,05/11/2002

02/55484/010 - Construction of single storey building with a pitched roof, for the storage of outboards, fuel, masts and a race store (Resubmission)., PERM,22/01/2003

02/55484/007 - Construction of single storey building with a flat roof for storage of outboards, fuel and masts., PERM,06/05/2002

00/55484/006 - Replacement racebox and additional pontoon (for 'coming alongside' only) with access ramp, PERM,19/01/2001

98/55484/005 - Demolition of existing clubhouse and construction of new clubhouse, PERM,24/03/1999

96/55484/003 - Application for determination whether prior approval is required for three 9m high and three 10m high replacement telephone poles alongside Marine Walk, REF,22/05/1996

96/55484/004 - Application for determination whether prior approval is required for three 7.5m high and three 8.4m high replacement telephone poles alongside Marine Walk, RNO,16/07/1996

91/55484/000 - New launching ramps and relocation of pontoon., PERM,

92/55484/001 - New seaward ramp and pontoon and landward ramp for launching., PERM,

04/55484/011 - Single storey race box and extension to existing launching ramp., PERM,21/12/2004

04/55484/012 - Retention of galvanised mesh/ barbed wire fencing and timber posts height 1.4m fronting Marine Walk., PERM,31/03/2005

APP/11/00267 - Siting of 1No. steel container to rear of Boat House., PERM,18/05/2011

APP/11/01027 - New boat store. , PERM,20/09/2011

APP/12/00196 - An extension to an existing landing pontoon and relocation of the access bridge., PERM,17/05/2012

3 Proposal

Installation of photovoltaic panels on roof of clubhouse.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS1	(Protecting and Enhancing the Special Environment and Heritage of
1	Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS16	(High Quality Design)
DM10	(Pollution)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan Post Examination Version 2020

N/A

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

Original Comments

Chichester Harbour Conservancy

NO OBJECTION WITH CONDITIONS Conditions:

- Paint / treat the existing roof in a black or dark colour to blend in with the solar panels;
- Details of the solar panels to be agreed, and to involve a dark finish avoiding the silver surrounds / frameworks;
- Details of plant to determine whether noise restrictions will be necessary as requested by the County Ecologist.

Chichester Harbour Conservancy Additional Comments

As the applicant has confirmed that the solar panels will be matt and all black and the attached details appear to show this, I am happy that this is sufficient information to satisfy our requested condition / stipulation regarding their appearance.

With regards to an AONB Visual Impact Assessment, I am of the view that they should have prepared one given the prominent location of the building within the AONB; a statement including photographs of the building and its landscape setting, ideally with the panels shown on the roof, with an assessment showing that they have considered the impact on the landscape would be suitable from our perspective.

Councillor Leah Turner - Hayling East

No comment

Councillor M Wilson - Hayling East

No comment

Councillor R Raines - Hayling East

No comment

Countryside Access Team

No comment

County Ecologist, Strategic Environmental Delivery

The proposal is relatively minor, and the only potential ecological impacts would arise from the effects of noise and visual disturbance to overwintering bird species associated with the adjacent Chichester & Langstone Harbours Special Protection Area (SPA) and Ramsar: the application form is incorrect in stating that there are no designated sites in close proximity and given the proximity of the site to the adjacent intertidal habitats there is clearly a risk of disturbance. I am generally content that the proposed works are unlikely to result in noise levels or visual disturbance sufficient to result in impacts to wintering bird species. However, this is based on an assumption that the installation will be of relatively short duration and not require the use of large plant or other equipment likely to generate significant noise emissions. I would suggest that this requires confirmation from the applicant ? a statement detailing proposed installation methods would allow the LPA to ascertain whether any restrictions on noise will be required.

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 habitats and 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.

Officer Comment:

The County Ecologist has confirmed that suggested condition wording is appropriate to avoid impacts to protected species. Comment received:

Yes, your condition wording is fine with me. The risk of impact is relatively minor but this will assist in ensuring that impacts within the wintering season are avoided.

Environment Agency

No comment

Forestry Commission

No comment

Hampshire Wildlife Trust

No comment

Natural England

Natural England

The application is close proximity to Chichester Harbour SPA & SSSI. The works involving installation of photovoltaic panels are likely to be relatively minor however there is a potential risk of noise and visual disturbance to wintering birds.

We recommend that your authority confirms with the applicant proposed installation methods in order to ascertain whether a condition restricting noise levels is required.

Royal Society for the Protection of Birds

No comment

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: 1

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

7.1 In having due regard to the policies in the development plan, it is considered that the main issues arising from this application are:

- (i) Principle of Development
- (ii) Adaptation to, and Mitigation of, Climate Change
- (iii) Impact on Chichester Harbour AONB & Ecology
- (iv) Impact on Neighbouring Properties & Public Amenity
- (v) Flood Issues

(i) Principle of Development

7.2 The application is outside of the defined “urban area” as set out in Policies CS17 and AL2. However, the proposed development relates to the installation of solar PV panels on an existing building. Therefore, development is considered acceptable in principle subject to the usual development management criteria.

(ii) Adaptation to, and Mitigation of, Climate Change

7.3 The proposed development would comprise the installation of 56no. solar photovoltaic (PV) panels on the Clubhouse of the Mengham Rythe Sailing Club. The above would comprise the installation of; 30no. solar PV panels on the harbour-side, north-east, roof slope; and 26no. solar PV panels on the non-harbour-side, south-west, roof slope of the existing Clubhouse.

7.4 The **Climate Change Act 2008 (2050 Target Amendment) Order 2019** is the first legally binding target by a major economy and commits the UK to decreasing its greenhouse gas (GHG) emissions to “Net Zero” by 2050. Moreover, the Havant Borough Design Guide SPD, Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy D6 of the Emsworth Neighbourhood Plan, set out the Council’s support in promoting domestic microgeneration technologies (where appropriate) to help reduce Havant Borough’s GHG emissions. More specifically, the SPD also identifies the utilisation of building roofs for collecting solar energy for conversion into electricity and/or to heat water for a building’s occupants.

(iii) Impact on Chichester Harbour AONB & Ecology

- 7.5 The site is in the Chichester Harbour Area of Outstanding Natural Beauty (AONB) which was designated as an AONB in 1964. The primary purpose of the AONB designation is to conserve and enhance the natural beauty of Chichester Harbour.
- 7.6 The Chichester Harbour Conservancy (CHC) supports the principle of micro-renewable energy – see Planning Principle PP16 (Renewable Energy) and acknowledges that even small-scale projects can provide a valuable contribution to cutting greenhouse gas (GHG) emissions. The proposed installation of 56no. solar PV panels on the Clubhouse would be clearly visible from the Harbour and nearby public footpath, and so would not satisfy the first criteria of PP16 which states that micro-renewable energy installations should be sited discreetly or out of view from public vantage points. However, the existing profiled metal roof is quite reflective and draws the eye to the building from the wider landscape views. With this in mind, it is not considered that the proposed solar PV panels would make the Clubhouse any more prominent or visually intrusive within the landscape than the current situation. Indeed, the proposed solar panels provide an opportunity to reduce the impacts of the existing roof.
- 7.7 The CHC has requested that a planning condition is included to ensure that the existing roof is painted / treated in a black or dark colour to blend in with the solar panels, and so to reduce the prominence of the existing roof in the wider AONB landscape. In this instance, it is considered that the imposition of such a condition would not be “reasonable”. This is because the profiled metal roof is an existing feature of the Clubhouse and has been so since Planning Permission was granted in March 1999 under ref. **98/55484/5**.
- 7.8 The proposed development would comprise the installation of 56no. solar photovoltaic (PV) panels on the existing Clubhouse of the Mengham Rythe Sailing Club. The above would comprise the installation of; 30no. solar PV panels on the harbour-side, north-east, roof slope; and 26no. solar PV panels on the non-harbour-side, south-west, roof slope of the existing Clubhouse. The Agent has confirmed that the solar PV panels would comprise Trina 395Wp all black matt panels as per the “Vertex S Solar Panel Product Sheet” (Received 04 November 2022; Published 07 November 2022).
- 7.9 The CHC, County Ecologist, and Natural England, have all raised concerns regarding the installation process of the solar panels. The agent has provided further details regarding the installation, and it is proposed that a condition will be included in any grant of planning permission.
The proposed solar PV panels will be installed to the Clubhouse using the fastening equipment set out in “S-5-E Clamp Product Sheet” (Received 04 November 2022; Published 07 November 2022). The installation method would not require drilling through the existing roof material, but instead only fastening clips which be done using power tools or by hand. However, the cable would have to be secured safely to the building using power tools.

The agent has agreed the following condition as part of any approval of planning permission. "Works with machinery/drills/plant or equipment (i.e. installation works resulting in a noise level in excess of 69dbA max – measured at the sensitive receptor) shall be avoided during the bird overwintering period (i.e. October to March inclusive) unless otherwise agreed in writing with the Local Planning Authority in advance".

Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

Reason: In order to control the installation phase to prevent harm to internationally and nationally protected sites and protected species together with the character and amenities of the area and neighbouring residents having due regard to policies CS11, DM8 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, the Wildlife and Countryside Act, the Habitat Regulations and the National Planning Policy Framework.

(iv) Impact on Neighbouring Properties & Public Amenity

- 7.10 The site is surrounded to the north and east by Marine Walk which is a Public Right of Way (PROW), and the nearest properties are over 88m away to the south-west. The Countryside Access Team has not provided any comments on this planning application. Nevertheless, it is considered that the proposed development would not impact the nearby PROW, and nor would it be overbearing and/or lead to any overlooking, loss of light, overlooking and/or loss of privacy to walkers and surrounding buildings. As such, it is considered that the proposed development would have a limited and acceptable impact on the PROW and neighbouring buildings and, therefore, it would meet the requirements of Policy CS16 in the Havant Borough Local Plan (Core Strategy). Notwithstanding the above, it is noted that no letters of objection have been received in relation to the proposed development.

(v) Flood Issues

- 7.11 The site is in Flood Zones 2 and 3, and climate change modelling has predicted that the site will remain in a future flood zone. Despite the above, the proposed development is for the installation of 56no. solar PV panels on the existing roof space. It is, therefore, considered that the proposed development would not put occupiers or employees of the emergency services at any additional risk in the event of a flood. As such, the proposed development would not be contrary to Policies CS15 and DM9 in the Havant Borough Local Plan (Core Strategy) 2011.

8 Conclusion

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the neighbours. In addition a detailed assessment of the proposed impacts on protected sites and the AONB has been carried out and the details are now considered acceptable. It is therefore considered to be appropriate to recommend approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00779 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Site location plan 01
Site and block plan 02
Existing roof plan 03
Existing elevations (NE & SE) 04
Existing elevations (NE & SW) 05
Proposed roof plan 06
Proposed elevations (NW & SE) 07 Rev A
Proposed Elevations (NE & SW) 08 Rev A
Visual assessment submitted 19/12/22
S5E Clamp Production Sheet submitted 4/11/22
Vertex S DE09.05.2021_B submitted 4/11/22
Email answers to questions raised by the County Ecologist/Natural England
Dated 4/11/22

Reason: To ensure provision of a satisfactory development.

- 3 Works with machinery/drills/plant or equipment (i.e. installation works resulting in a noise level in excess of 69dbA max – measured at the sensitive receptor) shall be avoided during the bird overwintering period (i.e. October to March inclusive) unless otherwise agreed in writing with the Local Planning Authority in advance.

Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

Reason: In order to control the installation phase to prevent harm to internationally and nationally protected sites and protected species together with the character and amenities of the area and neighbouring residents having due regard to policies CS11, DM8 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, the Wildlife and Countryside Act, the Habitat Regulations and the National Planning Policy Framework.