

Site Address: Emsworth Sailing Club 55 Bath Road, Emsworth, PO10
7ES

Proposal: Application for variation of condition 5 of Planning Permission
APP/17/01092 relating to ecological report and use of hand tools.

Application No: APP/18/00650 Expiry Date: 20/08/2018

Applicant: Mr M Geary
Emsworth Sailing Club

Agent: Case Officer: Daphney Haywood

Ward: Emsworth

1 Site Description

2 Planning History

APP/12/00911., PERM,12/02/2013

APP/12/01324 - Application for removal of Condition No. 6 of Planning Permission

APP/12/00911 relating to the provision of a screen on the northside of the extension staircase., PERM,11/02/2013

APP/14/00889 - Demolition of existing shed on the north side of the main club building, and construction of a single storey extension to form part of the 'North Room'. Refurbishment works to repair fire damage. , PERM,28/10/2014

APP/17/01092 - Installation of wooden stakes as part of an erosion plan to protect the main slipway at Emsworth Sailing Club and prevent further erosion of mudland., PERM,21/12/2017

3 Proposal

Application for variation of condition 5 of Planning Permission

APP/17/01092(Installation of wooden stakes as part of an erosion plan to protect the main slipway at Emsworth Sailing Club and prevent further erosion of mudland) relating to ecological report and use of hand tools.

The length of works required is 30 metres, as shown on the plan. The application is supported by a revised ecological report which proposes the use of a long reach excavator & auger to drill the pilot holes and then push the stakes in. The exact working times would be subject to tide times, but will be within daylight working hours, not night time.

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

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)

CS12 (Chichester Harbour Area of Outstanding Natural Beauty (AONB))

DM9 (Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy, The Harbour Office

Recommendation – No objection to this application, but asks that suitably worded conditions be included in any permission granted to ensure that:

- The wooden stakes are only coated (if required) with treatments that are suitable for use in the marine environment;

- The works be carried out in accordance with the recommendations set out at

paragraph 6.1 of the Ecological Report and the annotations to drawing SK – 161231 forming part of the application (including that the timing of the works be carried out outside the overwintering bird period, which is October - March inclusive); and,

- Any equipment, debris or machinery be removed from the site upon completion of the works.

The Conservancy's Ecology Officer has reviewed the additional information notified by letter dated 27.7.2018.

Following a site visit made 14.8.18 and having regard to the Policy framework* below, the following comments are made.

Emsworth Sailing Club is located on the southwest corner of Emsworth Mill Pond. Water from the Mill Pond through the sluice has formed a channel that is causing the gradual erosion of the mud bank next to Emsworth Sailing Club slipway. There is evidence of existing (rotten) wooden stakes in the mud bank. The issue of the erosion was brought to the attention of the Conservancy, Natural England and the Environment Agency in 2016.

We have considered the application in accordance with the Conservancy's Planning Principle PP11 'Intertidal Structures', which states that intertidal structures will be assessed for their impact on the visual land/seascape, nature conservation and navigational safety.

The site lies within the designated SPA/SAC/Ramsar site and therefore any application should demonstrate that there would be no harm to these nature conservation interests through, for example, direct land take or through disturbance during construction.

Applications are normally required to submit an assessment of how the proposed structure would impact on the protected mudland and if there are any direct impacts, how this would be mitigated or compensated for. Furthermore, a method statement is normally required which sets out how the proposed structure will be put in place, the machinery used, the timings, and the methods etc.

The Conservancy is supportive in principle of the proposed reinstatement of stakes to protect the Sailing Club slipway from being undercut and prevent further erosion of the mudland surrounding it, and is satisfied, on the basis of the alternative additional information now made available for viewing, that there would not be any significant harm to the natural beauty of the AONB in this location or to the nature conservation interests of the site.

We would support the comments of Natural England in requesting that suitable conditions be included on any permission granted to ensure that only coatings and treatments that are suitable for use in the marine environment are used, in order to prevent pollution of the Harbour; and that any equipment, debris or machinery be removed from the site upon completion of the works.

We would also ask that a suitable condition be included to ensure that the method of construction if carried out in accordance with the recommendations set out at paragraph 6.1 of the Ecological Report and the annotations to drawing SK – 161231 - 1 forming part of the application, in order to ensure there is no significant disturbance or damage to the designated site.

Coastal Engineering, Havant Borough Council

No comments received

Conservation Officer, Development Control

No comments received

County Ecologist, Strategic Environmental Delivery

As previously, the proposed mitigation measures are acceptable, and therefore if you are minded to grant permission can I suggest that ecological measures are secured by condition.

The development shall be carried out in accordance with the recommendations set out in Para. 6.1 of the Ecological Report including the timing of works to be carried out outside the overwintering bird period of October to March inclusive. Reason: In the interests of the amenities of the locality and having due regard to policies CS11, CS12, CC16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011, the Conservation Regulations 2017 and the National Planning Policy Framework.

Engineering Services, Havant Council

No comments received

Environment Agency, Romsey Depot

No comments received

Hampshire Wildlife Trust, Beechcroft House

No comments received

Natural England, Natural England Consultation Service

Natural England currently has no comment to make on the variation of condition 5. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Royal Society for the Protection of Birds, 1st Floor Pavilion View

No comments received

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: one

Number of site notices: one

Statutory advertisement: 06/07/2018

Number of representations received: 0

Comment	Officer Comment
I would like to know or be reassured on the following: 1. A plan should be requested showing the precise location of the stakes. 2. The use of a digger is proposed to move the mud but there is no information on machinery or method to insert stakes. 3. For the sake of adjacent residents noise should be kept to a minimum and working hours should not be antisocial. 4 Regular and thorough road cleaning is going to be necessary to prevent mud coating the road. I would like to know please that this is acknowledged to be necessary and will happen. 5. Provision for parking vehicles associated with the works should be made in the club's car park or inside the Club's boundary. 6. No blocking of access to adjacent properties is acceptable without prior agreement and no parking on double yellow lines. 7. Running machinery adjacent to houses is also unacceptable.	The submitted plan provides details of the location of the stakes. In respect to machinery additional information has been provided. The other matters relate to disturbance from construction work and this has been forwarded to the applicant.

7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the designated sites and AONB, character and appearance of the area
- (iii) Impact upon residential amenity

(i) Principle of development

Water from the Mill pond through the sluice has formed a channel that is causing the gradual erosion of the mud bank next to Emsworth Club slipway. The existing wooden stakes in this area have rotted and the proposed stakes would be a replacement. There is an extant planning permission for this replacement and, subject to environmental considerations, the principle of development is considered acceptable.

(ii) Impact upon the character and appearance of the area

As the site lies within the designated SPA/SAC/Ramsar site then the proposal is required to demonstrate that there would be no harm to these nature conservation

interests. The application is supported by an Ecological report. The County Ecologist and Chichester Harbour Conservancy been consulted and subject to condition, no objection has been raised.. Natural England in respect to the extant application advised that an Environmental Impact Assessment is not required and that provided the works are carried out in accordance with the submitted details the application will not have a significant effect on the designated sites either individually or in combination and an Appropriate Assessment is not required. In respect to the current application NE advise that they have no comment to make.

(iii) Impact upon residential amenity

Concern has been expressed by a local resident, regarding disturbance from construction work. The applicant has been made aware of this, however, hours of working and noise are an Environmental Health matter. The proposed works which are relatively minor and would replace original features are located some distance from residential properties and the impact is considered limited and acceptable.

8 **Conclusion**

The proposed works are relatively minor and would replace original features. The proposal has been assessed by HCC Ecology, Chichester Harbour Conservancy and Natural England, and subject to appropriate conditions approval is recommended.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00650

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:

OS location plan

Proposed erosion control plan SK16123-1

Reason: - To ensure provision of a satisfactory development.

- 3 All equipment, temporary structures, waste and or debris associated with the development shall be removed upon completion of the works.

Reason: To minimise the impacts to the marine environment and other users

of the sea/seabed and having due regard to policies CS11, CS12, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Only coatings and treatments that are suitable and approved for use in a marine environment shall be used. All reasonable precautions shall be undertaken to ensure that the activity is undertaken in accordance with the approved details.

Reason: To ensure hazardous chemicals that may be toxic, persistent or bio-accumulative are not released into the marine environment and having due regard to policies CS11, CS12, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The development shall be carried out in accordance with the recommendations set out in Para. 6.1 of the Ecological Report June 2018 and the annotations to drawing SK_161231 including the timing of works to be carried out outside the overwintering bird period of October to March inclusive.

Reason: In the interests of the amenities of the locality and having due regard to policies CS11, CS12, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011, the Conservation Regulations 2017 and the National Planning Policy Framework.