

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2012/0453/FP
APPLICATION Site:	Hatfield Nursing Home, Tamblin Way, Hatfield

NOTATION:

The site lies within the Hatfield Aerodrome and Hatfield Business Park Employment Area as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF PROPOSAL:

The proposal is to install 131 solar panels upon the existing flat roof.

PLANNING HISTORY:

S6/2005/1103/FP – Erection of five storey, 118 bedroom elderly persons care home.
Granted 5 December 2005

SUMMARY OF POLICIES:

National Planning Policy Framework, March 2012

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

ENV7: Quality in the Built Environment

Welwyn Hatfield District Plan, 2005:

SD1: Sustainable Development

GBSP2: Towns and Specified Settlements

R3: Energy Efficiency

R4: Renewable Energy Sources

D1: Quality of Design

D2: Character and Context

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

CONSULTATIONS:

None received

TOWN/PARISH COUNCIL COMMENTS:

None received

REPRESENTATIONS:

This application has been advertised by site notices around the application site and no representations have been received. Period expired 20 April 2012

DISCUSSION:

The main issues are:

- 1. The impact on the character and appearance of the property and surrounding area**
- 2. The impact on the amenity of adjoining neighbours.**
- 3. Other material planning considerations**

1. The impact on the character and appearance of the property and surrounding area

Policies GBSP2, D1 and D2 of the adopted Welwyn Hatfield District Plan apply which seek to provide a good standard of design in all new development and require that all new development respects and relates to the character and context of the area in which it is to be sited. These policies are expanded upon in the Council's Supplementary Design Guidance which requires that residential extensions should be complementary in design and be subordinate in size and scale to the existing dwelling. The impact of a development is assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area.

Policy R4 states that planning permission will be granted for proposals for the development of renewable energy sources subject to all of the following criteria:

- (i) It would not have a significant visual impact,
- (ii) It would not generate an unacceptable level of traffic,
- (iii) It would not result in an unacceptably high level of atmospheric emissions,
- (iv) It would not have a significant adverse impact upon features or areas of ecological, architectural, landscape or conservation importance,
- (v) It would not have a detrimental impact upon adjoining properties and land holdings; and
- (vi) It would not generate an unacceptable level of noise

The proposed solar panels will be located on a flat roof, five storeys high and are no more than approximately 23cm in height. The proposal is therefore not considered to result in a significant visual impact as they will not be viewable from the streetscene in accordance with criteria (i). The proposal will not result in an unacceptable level of traffic, high level of atmospheric emissions or level of noise to warrant refusal in accordance with criteria (ii), (iii) and (vi).

In relation to criteria (iv), the proposal is located adjacent to the (David Lloyd) Listed Hanger. The proposal is considered sufficient distance to not impact upon the listed status of the adjacent building. Furthermore, the solar panels are located to the south east of the building upon a flat roof and therefore the viewpoints of the solar panels would be extremely limited from the west. The residential flats to the south east are six storeys in height and are therefore one storey taller than the application

building. The proposal will be viewable from the residential flats however the nearest neighbouring property is located approximately 20 metres away and the height of the proposal is no more than approximately 23cm. It is therefore considered that the proposal is not considered to detrimentally impact upon the residential amenity of neighbouring properties in terms of outlook to warrant refusal in accordance with criteria (v).

Due to the location of the proposal upon a flat roof, the solar panels will not be viewable from the streetscene and therefore will not impact upon the existing design and character of the streetscene. The proposal therefore complies with policy GBSP2, D1, D2 and R4 of the Welwyn Hatfield District Plan, 2005.

2. Other Material Planning Considerations

Protected Species The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.

Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare plants are protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981).

The existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would a EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 further.

East of England Plan 2008: On 10th November 2010, The High Court quashed the decision of the Secretary of State for Communities and Local Government to unilaterally revoke Regional Spatial Strategies in England on two grounds:

That he acted outside his statutory powers in circumventing the need for parliamentary scrutiny of such a fundamental change to the national planning system; and

He failed to consider the likely environmental effects of revoking Regional Strategies

However, the Government is still committed to the abolition of Regional Spatial Strategies through the Localism Act. In the meantime, the policies in the East of England Plan are re-established and form part of the development plan again and are therefore a material consideration which can be taken into account in reaching a decision. However, the Government's intention to abolish Regional Spatial Strategies is also a material consideration that could be considered to reduce the weight to be attached to policies in Regional Spatial Strategies.

The application has been considered against policies in the East of England Plan, which at the time of this decision forms part of the development plan for the Borough but that the weight accorded to these policies, in light of the above circumstances, has been carefully considered in reaching a decision.

CONCLUSION:

The proposed solar panels will not be viewable from the streetscene and therefore will not impact upon the existing design and character of the streetscene. The proposal therefore complies with policy GBSP2, D1, D2 and R4 of the Welwyn Hatfield District Plan, 2005.

RECOMMENDATION: APPROVAL WITH CONDITIONS

Application S6/2012/0453/FP should be **APPROVED** subject to the following conditions

1. C.2.1 Time limit for commencement of development
2. C.13.1 Development in accordance with approved plans/details: Site Location Plan (1:1250) & Hatfield Nursing Home – with Panels & Side view of solar panels received and dated 9 March 2012

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against the National Planning Policy Framework, East of England Plan 2008 policies SS1, ENV7 and development plan policies SD1, GBSP2, R3, R4, D1 and D2 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which, at the time of this decision indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the development plan (see Officer’s report which can be inspected at these offices).

Signature of author..... Date.....