

**WELWYN HATFIELD BOROUGH COUNCIL
ASSISTANT DIRECTOR (PLANNING)**

DELEGATED APPLICATION

Application No: 6/2023/1070/FULL
Location: Queenswood School Shepherds Way Hatfield AL9 6NS
Proposal: Installation of roof mounted grid connected solar on the existing Sport Hall and Kenney and Essame Hall totalling 894 m2
Officer: Ms Kirsty Shirley

Recommendation: Granted

6/2023/1070/FULL

Context	
Site and Application description	<p>The application site is comprised of the Sports Hall and Kennedy and Essame Hall which are contained within the Queenswood School.</p> <p>The proposal is for the installation of 894sqm of solar panels which would be positioned across the part of the roofslopes of the Sports Hall and Kennedy and Essame Hall.</p>
Constraints (as defined within WHDP 2005)	<p>SAG - 0 - Distance: 0 GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Northaw Common Parkland) - Distance: 0 PAR - PARISH (NORTH MYMMS) - Distance: 0 Wards - Brookmans Park & Little Heath - Distance: 0 FM10 - Flood Zone Surface Water 100mm (2744386) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7625985) - Distance: 0 HEN - No known habitats present (high priority for habitat creation) - Distance: 0 HEN - Existing habitat not currently qualifying under S41 NERC Act - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0</p>
Relevant planning history	<p>Application Number: E6/1951/0310/ Decision: Granted Decision Date: 22 June 1951 Proposal: Two timber huts at school for use as Arts & Crafts workshop & library</p> <p>Application Number: E6/1962/0800/ Decision: Granted Decision Date: 16 May 1962 Proposal: Kitchen</p> <p>Application Number: E6/1963/0475/ Decision: Granted Decision Date: 09 April 1963 Proposal: Resiting of store building.</p> <p>Application Number: E6/1963/0476/ Decision: Granted Decision Date: 09 April 1963</p>

	<p>Proposal: New classroom.</p> <p>Application Number: E6/1963/0682/ Decision: Granted Decision Date: 15 May 1963 Proposal: Alteration to dining hall roof.</p> <p>Application Number: E6/1964/1335/ Decision: Granted Decision Date: 10 July 1964 Proposal: Waiting-room.</p> <p>Application Number: E6/1968/0328/ Decision: Granted Decision Date: 14 March 1968 Proposal: Erection of new milking parlour and covered feeding.</p> <p>Application Number: E6/1969/0913/ Decision: Granted Decision Date: 27 May 1969 Proposal: Erection of staff rooms.</p> <p>Application Number: E6/1969/1323/ Decision: Granted Decision Date: 28 July 1969 Proposal: Well Road - Erection of house, garage & provision of drainage.</p> <p>Application Number: E6/1970/0978/ Decision: Granted Decision Date: 27 July 1970 Proposal: Construction of car park.</p> <p>Application Number: E6/1970/2555/ Decision: Granted Decision Date: 19 January 1971 Proposal: Erection of garage.</p> <p>Application Number: E6/1971/0372/ Decision: Granted Decision Date: 22 March 1971 Proposal: Two covered tennis courts.</p> <p>Application Number: E6/1972/2626/ Decision: Granted Decision Date: 22 August 1972 Proposal: Bursars office.</p> <p>Application Number: S6/1975/0508/ Decision: Granted Decision Date: 24 October 1975 Proposal: Fire escape</p> <p>Application Number: S6/1976/0307/ Decision: Granted Decision Date: 23 June 1976</p>
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	<p>Proposal: Fire escape</p> <p>Application Number: S6/1977/0494/ Decision: Granted Decision Date: 01 December 1977 Proposal: New school sanatorium</p> <p>Application Number: S6/1977/0550/ Decision: Granted Decision Date: 01 December 1977 Proposal: Fire escape staircase</p> <p>Application Number: S6/1978/0544/ Decision: Granted Decision Date: 02 November 1978 Proposal: New sanatorium</p> <p>Application Number: S6/1979/0021/ Decision: Granted Decision Date: 22 February 1979 Proposal: Conversion of staff house into three flats</p> <p>Application Number: S6/1983/0574/ Decision: Granted Decision Date: 27 October 1983 Proposal: Alterations to old sanatorium including a first floor flat and erection of a 6th form centre</p> <p>Application Number: S6/1988/0921/FP Decision: Granted Decision Date: 22 November 1988 Proposal: Erection of new educational building</p> <p>Application Number: S6/1989/0219/FP Decision: Granted Decision Date: 26 May 1989 Proposal: Erection of temporary classroom</p> <p>Application Number: S6/1989/0454/FP Decision: Refused Decision Date: 08 December 1989 Proposal: Erection of seven 4 bedroom houses with garages and eight 2 bedroom flats with garages for staff accommodation</p> <p>Application Number: S6/2005/0863/FP Decision: Granted Decision Date: 07 October 2005 Proposal: ERECTION OF NEW TENNIS CENTRE AND SPORTS HALL, AFTER DEMOLITION OF EXISTING BUILDINGS</p> <p>Application Number: S6/2006/0470/FP Decision: Refused Decision Date: 06 June 2006 Proposal: DEMOLITION OF EXISTING RESIDENTIAL PROPERTIES AND ERECTION OF 3 NO. 3 BEDROOM RESIDENTIAL UNITS FOR STAFF</p>
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	<p>ACCOMMODATION</p> <p>Application Number: S6/2006/1562/FP Decision: Granted Decision Date: 12 January 2007 Proposal: DEMOLITION OF EXISTING RESIDENTIAL PROPERTIES AND ERECTION OF 3 NO. 3 BEDROOM RESIDENTIAL UNITS FOR STAFF ACCOMMODATION</p> <p>Application Number: S6/2009/0481/MA Decision: Granted Decision Date: 06 May 2009 Proposal: DEMOLITION OF EXISTING TENNIS BUILDING AND DEMOUNTABLE CLASSROOMS AND CONSTRUCTION OF NEW MULTI-PURPOSE SPORTS HALL WITH ANCILLARY ACCOMMODATION</p> <p>Application Number: S6/2011/0743/FP Decision: Granted Decision Date: 08 June 2011 Proposal: Demolition of existing modular classroom and replacement modular classrooms for a temporary five year period</p> <p>Application Number: S6/2012/0547/S73B Decision: Granted Decision Date: 14 June 2012 Proposal: Variation of condition 1 (Time Limit) from planning application S6/2009/0481/MA (Demolition of existing tennis building and demountable classrooms and construction of new multi-purpose sports hall with ancillary accommodation)</p> <p>Application Number: 6/2016/2675/MAJ Decision: Granted Decision Date: 20 July 2017 Proposal: Erection of extension to existing sports hall, re cladding of existing roof and wall, following removal of existing mobile classrooms and increase parking provision from 85 to 102 approximately</p> <p>Application Number: 6/2017/2385/COND Decision: Granted Decision Date: 12 December 2017 Proposal: Submission of details pursuant to conditions 1 (Material samples), 2 (tree protection plan), 3 (soft landscape plan) and 5 (surface water drainage scheme) on planning permission 6/2016/2675/MAJ dated 20/07/2017</p> <p>Application Number: 6/2018/2957/COND Decision: Granted Decision Date: 15 April 2019 Proposal: Submission of details pursuant to condition 6 (SuDS Management and Maintenance Plan) on planning permission 6/2016/2675/MAJ</p>		
Consultations			
Neighbour representations	Support: 1	Object: 0	Other: 0

Publicity	Site Notice Display Date: 20 July 2023 Site Notice Expiry Date: 10 August 2023 Neighbour notification letter
Summary of neighbour responses	2 Chapel Close – Support: <i>The proposal would reduce the carbon footprint of the site which benefits the wider community.</i>
Consultees and responses	WHBC Public Health and Protection – Comment: <i>Recommend application is permitted but with conditions.</i> North Mymms Parish Council – Comment: <i>The height of the units on the Kennedy and Essame Hall should not exceed 266mm from the finished roof level. It is noted that the gap between the units, which is only 140mm, would suggest that maintenance, ie cleaning, will be very difficult. At the end of the life of the solar panels and associated equipment, should be disposed of safely and in an environmentally appropriate manner.</i>
Relevant Policies	
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input checked="" type="checkbox"/> GBSP1 <input type="checkbox"/> GBSP2 <input type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input type="checkbox"/> Supplementary Parking Guidance <input type="checkbox"/> Interim Policy for car parking and garage sizes Others: R4 Renewable Energy Sources	
The Welwyn Hatfield Draft Local Plan Proposed Submission (August 2016) Incorporating The Proposed Main Modifications (January 2023) (Draft Local Plan) Policies: SP1 Delivering Sustainable Development SP9 Place Making and High Quality Design SP10 Sustainable Design and Construction SADM11 Amenity and Layout SADM34 Development in the Green Belt	
Main Issues	
Green Belt	
<p>The application site is washed over by the Metropolitan Green Belt as defined by Local Plan Policy GBSP1. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The National Planning Policy Framework (NPPF), states, in paragraph 147 that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 then states that substantial weight should be given to any harm in the Green Belt and that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.</p> <p><i>Appropriateness</i></p> <p>Paragraphs 149 and 150 define different types of development that would not be inappropriate within the Green Belt. Paragraph 151 of the NPPF advises that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development and very special circumstances need to be demonstrated. Paragraph 151 states very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.</p>	

District Plan Policy R4 advises proposals for renewable energy sources will be granted subject to meeting an outlined criterion, however Policy R4 does not include Green Belt considerations of renewable energy proposals.

Policy SP10 of the Emerging Local Plan reiterates that proposals using renewable and low carbon energy infrastructure will be supported provided they are in appropriate locations and consistent with other policies.

The proposal is for the installation of roof mounted solar panels partially across the roofslopes of two buildings within the site – the Sports Hall with 758m² of solar panels, and the Kennedy and Essame Hall with 136m² of solar panels.

The development does not comply with any of the exceptions outlined in paragraphs 149 and 150 and would therefore be inappropriate development within the Green Belt.

Openness

The NPPF identifies the essential characteristics of Green Belts are their openness and their permanence. There is no definition of openness in the NPPF but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. However, assessing the impact of a proposal on the openness of the Green Belt requires a judgment based on the circumstances of the case.

Openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant. The specific characteristics of the proposal and its setting are also relevant in this case when making an assessment.

The solar panels would be located on roofslopes and would not project further than 300mm from the roof. While there would be limited views of the solar panels given their siting, the development would introduce new features of a considerable scale in an area of open space and would ultimately impact the openness of the Green Belt.

Purposes of including land in the Green Belt.

Paragraph 138 of the NPPF states the Green Belt serves five purposes:

- a) To check the unrestricted sprawl of large built up areas
- b) To prevent neighbouring towns merging into one another
- c) To assist in safeguarding the countryside from encroachment
- d) To preserve the setting and special character of the historic towns
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The development would not conflict with the five purposes of the Green Belt.

The proposal however would constitute inappropriate development, which by definition harm the Green Belt. The development would also result in a loss of openness of the Green Belt.

Would the development reflect the character of the area?

Yes No

Comment (if applicable): The proposed development would be situated within the Queenswood school, and the solar panels would be positioned partially across the roofslopes of the Sports Hall and the Kennedy and Essame Sports Hall.

The Sports Hall has a dual gable pitch, and the solar panels would be positioned on the south facing roofslopes of the Sports Hall. The solar panels would not exceed 200mm from the roof and the solar

panels would be black cells within a black frame and clamped with aluminium rails on the grey roof of the Sports Hall.

The Kennedy and Essame Hall has a flat roof with slight parapet. The solar panels would occupy the majority of the roofslope and would not exceed 300mm above the roof of the Kennedy and Essame Hall.

There would be limited views of the development given the positioning and projection of the solar panels and the design of the solar panels would not appear out of keeping within the context of their location.

Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)

Yes No N/A

Comment (if applicable): A representation has been received in support of this application for its move to a low carbon future.

The nature of the development would not result in adjoining neighbours to experience a detrimental loss of privacy.

The scale and positioning of the development would not result in adjoining neighbours to experience a detrimental loss of light or appear overbearing or unduly dominant.

Would the development provide / retain sufficient parking?

Yes No N/A

Comment (if applicable): The development would not impact the current car parking within the site.

Very Special Circumstances

For the reasons discussed above, the proposal fails to meet the exceptions set out in paragraph 149 of the NPPF. The development proposal therefore represents inappropriate development in the Green Belt. Paragraph 147 of the NPPF outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC). Paragraph 148 outlines that '*very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*'. In accordance with the NPPF, substantial weight is afforded to this harm.

It is accepted in case law that there is no prescribed list of what might constitute very special circumstances. It may be that a single aspect of a proposal may itself be a very special circumstance (VSC) sufficient to justify development or it may be that a number of circumstances may cumulatively amount to very special circumstances. As Lord Justice Pill said in *South Bucks District Council v Secretary of State for Transport, Local Government and the Regions* [2003] EWCA Civ 687, [2003] All ER (D) 250 (May): "*It is of the essence of very special circumstances that the applicant establishing them is in a very special category.*" However, by their nature the existence of very special circumstances must relate to a particular site.

The VSC in this case relates to the wider environmental benefits of the scheme.

The submitted Design and Access statement states that the development will generate approximately 194,000 kWh a year and would save 37.5 tonnes of carbon. Further details and evidence of the amount of energy supply or savings from the proposed development have not been submitted with this application. However, provision of renewable and low carbon energy is central to the economic, social and environmental dimensions of sustainable development outlined in the NPPF. The NPPF is clear that renewable and low carbon energy supply make a valuable contribution to cutting greenhouse emissions. The development would make a valuable contribution to reducing greenhouse gas emissions and this attracts substantial weight.

There is clear support, in Section 14 of the Framework, to increase the use and supply of renewable and low-cost energy and to maximise the potential for suitable such development. The delivery of suitable renewable energy projects, and those that would support them, is fundamental to facilitate the country's transition to a low carbon future in a changing climate.

National policy advises that renewable energy projects should be located where impacts are, or can be made, acceptable. The positioning of the solar panels on roofslopes and limited projection of the solar panels would have an acceptable impact within their location.

The environmental benefits of the proposal and acceptability of the impact of the development are sufficient to outweigh the harm to the Green Belt. The Very Special Circumstances required in this case do exist.

Conclusion

The proposed development would conflict with the development plan and the National Planning Policy Framework in relation to Green Belt. However, in this instance it is considered that there are very special circumstance that outweigh the identified harm to the Green Belt.

DRAWING NUMBERS

The development/works shall not be started and completed other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
I2018-100-10		Location Plan	19 May 2023
I2018-100-12		Proposed Solar PV Panels on Sports hall	19 May 2023
I2018-100-13		Ex. Sports Hall West & North Elevations	19 May 2023
I2018-100-15		Ex. Sports Hall East & South Elevations	19 May 2023
I2018-100-16		Existing Arts Building (Kennedy Hall and Essame Studios) Elevations	19 May 2023
I2018-100-17		Proposed Solar PV on Arts Building Kennedy Hall & Essame Studios) Elevs.	19 May 2023
I2018-100-18	A	Kennedy & Essame Hall Existing Roof Plan	19 May 2023
I2018-100-19		Existing Sports hall roof plan	19 May 2023
I2018-100-20		Proposed Sports hall roof plan	19 May 2023
I2018-100-22		Section drawing PV panel	19 May 2023

		sports hall	
		Site Plan	19 May 2023
I2018-100-21	A	Section drawing PV panel Kennedy & Essame Hall	30 May 2023

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

Informatives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
2. Noise Control:
 1. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 8.00am and 6.00pm on Mondays to Fridays 8.00am and 1.00pm Saturdays and at no time on Sundays and Bank Holidays
 2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times
 3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions
 4. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufacturers.
 5. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
 6. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
 7. All pile driving shall be carried out by a recognised noise reducing system.
 8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material

9. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.

10. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.

11. Any emergency deviation from these conditions shall be notified to the Council without delay

12. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.

13. Permissible noise levels are not specified at this stage.

Dust control:

1. All efforts shall be made to reduce dust generation to a minimum.

2. Stock piles of materials for use on the site or disposal, that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.

3. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.

Determined By:

Mr Mark Peacock
17 August 2023