

Minutes of a Meeting of the Planning Committee - East held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Tuesday, 4 February 2025 at 2.00 pm

Present:

Cllr Nick Cottle (Chair)
Cllr Edric Hobbs (Vice-Chair)

Cllr Adam Boyden
Cllr Dawn Denton
Cllr Susannah Hart
Cllr Martin Lovell
Cllr Tony Robbins
Cllr Philip Ham

Cllr Barry Clarke
Cllr Martin Dimery
Cllr Helen Kay
Cllr Rob Reed
Cllr Claire Sully

1 Apologies for Absence - Agenda Item 1

No apologies were received.

2 Minutes from the Previous Meeting - Agenda Item 2

The Committee were advised that the Minutes of the meeting held on 3 December 2024 at 2pm had been omitted in error from the agenda. These Minutes, along with the Minutes of the meetings held on Tuesday 7 January 2025 will be considered at the next meeting.

3 Declarations of Interest - Agenda Item 3

There were none.

4 Public Question Time - Agenda Item 4

There were none.

5 Planning Application 2021/1675/EOUT - Land South of Frome bounded by Marston Road, B3092/Railway Line and A361, Frome - Agenda Item 5

The Team Leader – Development Management and the Legal Advisor updated the Committee that this application had been the subject of a call in by the Secretary of State, received on 3rd February 2025. This meant that the jurisdiction for determining the planning application no longer rests with Somerset Council but

would be decided by the Secretary of State, who would appoint a Planning Inspector to hold a Local Inquiry in due course.

The Officer Recommendation had therefore changed to be that the Committee NOTE that the application had been called in by the Secretary of State.

After some discussion regarding the reasons for the call-in, where this request had originated and the specific matters raised by the Secretary of State, it was proposed by Councillor Adam Boyden and seconded by Councillor Edric Hobbs to note the amended recommendation.

On being put to the vote the proposal was carried with 12 votes in favour and 1 abstention.

RESOLVED

To **NOTE** that planning application **2021/1675/EOUT** was called in by the Secretary of State on 3 February 2025 and that a further report will be brought back to the Committee (once the Inquiry timetable is published) for Members:

1. to determine the LPA's position and the contents of its Statement of Case/Written Statement to the Local Inquiry; and
2. to address the specific matters referred to in Paragraph 7 of the Call-in Letter that the SoS/Inspector wishes to be informed about for the purposes of her consideration of the application.

Votes – 12 for, 1 abstention

6 Planning Application 2023/1070/FUL - Land North of Styles Close, Frome - Agenda Item 6

The Officer's Report stated that the application had been referred to the Planning Committee as it was recommended for approval. This was contrary to objections raised by a Divisional Member and by Frome Town Council. In addition, a Divisional Member had requested that the application be referred to the Planning Committee. As the application constituted a major development, the scheme of delegation requires the Planning Committee to determine the application.

The report continued that the significant safety concerns raised through public consultation were an important factor to consider in the planning balance. However, Devon and Somerset Fire and Rescue Service had not objected to the application, and there was no reason to conclude the development could not be delivered with acceptable fire, emergency and monitoring plans in place.

The Council has declared a climate emergency, and the development would support the renewable energy sector. Although the development would change the local character, due to the site context and proposed mitigation planting, the harm was considered acceptable when weighed against the benefits of the proposal.

Identified harms included landscape harm and harm to the character and

appearance of the site. However, the application should be considered in the context that the harms would be temporary and reversible (be it for a 40-year timescale). Benefits included energy storage, including renewable energy and biodiversity net gain and construction and operation jobs.

In conclusion, considering all the harms and benefits in the overall planning balance, the benefits were considered by Officers to outweigh the harms and the application was recommended for approval subject to a S106 legal agreement and the imposition of a suite of planning conditions and informatives.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

There were 5 speakers in objection to the application. Their comments included:

- Dangerous location. Very close to residential properties, a stream and an electricity sub-station.
- The guidance provided by the Fire Service has been disregarded.
- Problems with the accessibility of the site.
- Distance between the batteries is insufficient.
- Alternative sites had not been given full consideration.
- A deferral for a site visit should be made.
- The site is outside settlement boundaries.
- High risk of toxic water contamination of Rodden stream.
- Will have a catastrophic impact on the invertebrates, fish and otters in the stream.
- Somerset Council must not set a precedent by ignoring fire safety warnings and allowing battery storage on such a small site so close to residential dwellings.
- Sound pollution is inevitable. The acoustic fence will be ineffectual above the ground level of properties due to the gradient of the field.
- Visual amenity of residents will be affected as the fence will block the view of the meadow.
- Toxic BESS (Battery Energy Storage System) fires cannot be extinguished and will be left to burn out.
- No industrial rated fire hydrants nearby, no access for fire appliances and no toxic water retainment.
- The application is unsafe and should be refused.

Speaking in support of the application were two people who made the following comments:

3. The safety of battery storage is of utmost importance and is designed to ensure a safe and reliable operation.
4. Once operational, the site will be monitored and maintained by trained professionals and there will be regular inspections.
5. The scheme will provide renewable energy with less reliance on fossil fuels.
6. The technology has been developed for the future and is here to stay.
7. The project is a considerable financial investment and there will be substantial benefits to the community.

8. Safety is paramount.

Next to speak was a representative of the Frome Town Council. She commended the Planning Officer on the comprehensive report and advised that Frome Town Council had declared a climate emergency. She acknowledged that battery storage would provide renewable energy, but there were still concerns over safety and noise although the Officer had responded to these concerns in their report. She requested that the Committee take all these details into consideration when making their decision.

The final speaker was the agent on behalf of the applicant. His comments included the following:

- The application is recommended for approval by the Planning Officer.
- BESS is vital to help achieve net zero carbon emissions.
- The site is adjacent to the electricity substation.
- BESS will store excess energy which will allow a better balance of supply and demand.
- Lithium batteries are considered safer. There have never had any fires reported using these.
- The Somerset and Dorset Fire and Rescue Service have no objections, saying that the applicant is aware of, and is compliant with, their requirements.
- The scheme will be a valuable local benefit will contribute to the management of the electricity supply and will be conveniently located near and electricity substation.

In the discussion with followed, Members made a number of points, including:

- Concern about the impact of the commercial traffic to the site for the residents of Styles Close. In response, Members were advised to there would be very little traffic when the site is operational. Most will occur during the construction phase.
- Access concerns as there is only one way into the site and the same way out. Members were advised this was considered by the applicant, but there were no other viable options. Neither the Fire Authority nor the Highway Authority had objected to the access.
- Disagreement that there had never been any fires associated with this new type of battery. A similar battery that caught fire caused local river pollution. Members were advised that the LPA is reliant on the Fire Authority to provide advice, which has been taken in good faith. The potential pollution issue has been consulted on with the Council's Ecology Team and the Environmental Agency and recommended planning conditions have been agreed with the Local Lead Flood Authority.
- A site visit would be beneficial. The view of the meadow would be blocked by the acoustic fence.
- The community are extremely worried about a fire and the environmental consequences.

- There seems to be too many unknowns from the Fire Authority for complete assurance that it is a safe proposal.
- Although the scheme in principle is excellent and will store energy that would otherwise have been wasted, the Fire Authorities in Devon and Somerset and Hereford and Worcester have many concerns.
- The NFCC (National Fire Chiefs Council) state that 2 access points are required for BESS sites as wind directions can change and there could be a risk of having to drive through explosive vapour clouds. The site only has one way in and out.
- Noise pollution would be unacceptable. In response, Members were advised that there was a noise report submitted with the application for a 5m acoustic fence. In consultation with the environmental protection team, this was reduced to 4m. Refusal on this basis would not be justified.

At the conclusion of the debate, it was proposed by Councillor Susannah Hart proposed and seconded by Councillor Edric Hobbs , to refuse the application for reasons of residential amenity and access. Given the close proximity to properties in Styles Close and the limitations of the accessibility of the site the proposal would be contrary to Policies DP1 and DP7. The significant harms arising would outweigh the benefits that the scheme would deliver.

On being put to the vote the proposal was carried with 11 votes in favour and 2 against.

RESOLVED

That planning application **2023/1070/FUL** be **REFUSED** contrary to the Officer's recommendation due to significant harms that would be caused to residential amenity and limitations of the accessibility of the site, which would be contrary to Policies DP1 and DP7. The harms identified outweighed the benefits of the scheme.

Votes – 11 for, 2 against

7 Planning Application 2024/0750/FUL - Farrington Golf Club, Marsh Lane, Ston Easton, Wells - Agenda Item 7

The Officer's Report stated that the application had been referred to the Planning Committee as it was a major development and the recommendation to approve differed to the conclusions of Ston Easton Parish Council, which did not support the application.

The report continued that the application proposed the expansion and diversification of the existing golf course, to introduce holiday accommodation, new sports courts and a new maintenance facility. The proposal aligned with the relevant local plan policies and national planning policies. It would bring economic and sporting and recreational benefits, and the adverse impacts were considered limited and could be mitigated. The Officer recommendation was therefore for approval.

The Planning Officer explained the application to the Committee with the aid of a

PowerPoint presentation.

There were 2 speakers in objection to the application. Their comments included:

- Being an immediate neighbour of the golf course, the scheme would cause significant detrimental harm to my property and life.
- Inappropriate location for a holiday park.
- Noise disturbance from increased traffic and events.
- Light pollution.
- Currently there are well utilised footpaths across the site.
- Eco pods and lodges will not fit in and will change the openness of the landscape.
- Actions of Farrington Park have had little respect for local residents.
- If approved, footpaths should be retained, lighting on the site reduced and access should not be via the existing farm track.

There were 4 speakers in support of the application. Their comments included:

9. A full habitat assessment has been carried out by a leading UK Ecological specialist contractor.
10. The habitat is generally low value with some higher value areas.
11. Early discussions with the applicant identified areas that required improved landscape design.
12. The lighting design was given very careful consideration.
13. Only a low number of protected species use the site.
14. The golf club is an important part of the village and wider area.
15. The scheme represents an investment in the area that will support it for many years to come.
16. The facilities protect areas of natural beauty and countryside.
17. The scheme will provide approximately 100 extra jobs and work opportunities.
18. Increased tourism and will boost the local economy.
19. It will provide sports and activities for the whole family to enjoy together.
20. Local business owners will benefit from this scheme as the contractors and suppliers will commit to sourcing local products.
21. It will encourage people to spend time with family and friends in a beautiful outdoor environment.

Next to speak was the Chair of Ston Easton Parish Council. He said the economic benefits were recognised and would be a boost to tourism, but it would be a significant new form of development with harms that should be considered including light spillage. The use of column lighting should be restricted and the site should not be intrusive. There will be an impact on North Lawn and the proposed height of the bund at 3m would be insufficient. He commented that the concerns of local residents had not been fully considered. Finally, he requested that access be directly from the A37 rather than the single-track lane.

A Councillor from Farrington Parish Council then spoke. He was concerned about

the increased traffic on Marsh Lane which was a single-track country lane which would not be suitable for the increased traffic. He was also concerned about the position of the mower shed, requesting that it should be situated further away from residential dwellings due to potential noise disturbance. He also commented that flooding was a major concern as Marsh Lane has significant water runoff, causing flooding on the lane.

The final speaker was the applicant. His comments included:

- Objectors' concerns have been listened to and noted.
- A pre-app was submitted and the current application is fully compliant.
- No objections received from statutory consultees.
- Flooding and drainage issues have been addressed and concerns have now been alleviated.
- Concerns of immediate neighbours that adjoin the site have been noted and addressed.

In the discussion which followed, Members made a number of points, including:

- Existing footpaths should be protected. Members were advised that there were a few that crossed the site but that the proposal did not involve any footpath diversions. Also, there was a proposed condition for a wayfinding scheme.
- The bund should have a minimum prescribed height. Members were advised that the landscape plan states the bund will be a minimum height of 3.5m and therefore will need to be built as per the plan. The Planning Officer then suggested that a pre-commencement condition be added requiring that the details of the bund and additional landscaping features are submitted for approval.
- Could access be directly from the A37 to avoid the use of the narrow Marsh Lane? Members were advised that this would be problematic as access would then be onto a hill with a climbing lane and a layby where lorries park. It would not be a safe or suitable access point. The Travel Plan would be controlled by S106 planning obligations. Officers will negotiate its content following the grant of permission.
- Concern that the maintenance hub would cause disturbance for neighbouring properties. Members were advised that the distance would be 95m which was considered sufficient.
- The business wants to integrate into the community.
- There is more support than objection for the scheme, which is worth noting.
- Flooding is still of concern. Members were advised that there was a pre-commencement condition regarding the surface water drainage scheme and Officers were satisfied that the flooding issue had been fully scrutinised.
- Concern over the additional traffic movements. Members were advised that there was a recognised industry level that suggests the scheme would only attract 4 vehicle movements each day. In addition, a condition was in place to cover bike storage and an electric bikes for loan hire scheme so that visitors would be encouraged to access the locality by bicycle.

At the conclusion of the debate, it was proposed by Councillor Martin Dimery and seconded by Councillor Susannah Hart to approve the application with an additional condition relating to the submission of details of the bund and additional landscaping.

On being put to the vote the proposal was carried with 8 votes in favour and 4 against.

RESOLVED

That planning application **2024/0750/FUL** be **APPROVED** in accordance with the Officer's recommendation with an additional pre-commencement condition for details of the bund and additional landscaping features to be submitted to the Council for approval and thereafter implemented in full.

Votes – 8 for, 4 against

8 Planning Application 2024/0407/FUL - The Lucky Chance, Portway, Frome - Agenda Item 8

The Officer's Report stated that the application had been referred to the Planning Committee as the recommendation to refuse differed to that of Frome Town Council, which supported the application.

The report continued that the proposal, by reason of its scale and visual prominence on the southeast roof slope, would have a negative impact to the significance of the non-designated heritage asset (the Chapel) and to the Conservation Area, and would have a harmful impact to the designated Gateway Site within Frome. Whilst there were private benefits associated with the proposal and modest environmental benefits in reducing carbon emissions and promoting sustainable development, there were no specific public benefits to be gained from the scheme. No evidence had been provided to confirm that the building would be capable of supporting the additional weight of the panels and other associated internal elements. On balance, Officers had concluded that the benefits of the scheme did not outweigh the harms identified. The recommendation was therefore for refusal.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The first speaker was from Frome Town Council who was generally supportive and made the comment that the townscape had already been greatly improved by the work done to the building and the surrounding garden by the applicants.

The Divisional Member also spoke in support of the application. He said that a structural survey had been carried out which showed the roof could take the extra weight of the solar panels. He said that Members should take into account the benefits of solar energy in this climate emergency and approve anything that would lead to environmental improvements.

The applicant was then invited to speak. She made the following comments:

- The building is used to run a charity for children in Frome.
- The building has been brought back to life from a previously unkempt eyesore.
- The desire is to power the building using solar energy.
- Frome Town Council support the application.
- The concerns of the environmental officer are unfounded as the structural survey has shown the roof is strong enough for the panels. The PV converters will not be located on the roof.
- The building is not listed, and the panels will only be visible from the residential street.
- Everything has been done to minimise the visual impact and have coloured the panels to match the roof tiles.

In the discussion which followed, Members commended the charity on the work done to improve the building and site. They noted that this was a heritage building that had been brought back to life and would be preserved. There were important environmental benefits in reducing carbon and greenhouse gas emissions. As the benefits would outweigh the harms, Members were in agreement that, subject to evidence being provided that the building would be capable of supporting the weight of the panels, approval should be granted.

At the conclusion of the debate, it was proposed by Councillor Adam Boyden and seconded by Councillor Martin Lovell to approve the application, contrary to the Officer's Recommendation, subject to proof that the roof could withstand the extra weight of the panels being submitted to the Council.

On being put to the vote, the proposal was carried unanimously.

RESOLVED

That Officers be given delegated authority to **GRANT** planning application **2024/0407/FUL** contrary to the Officer's recommendation, subject to evidence being provided by the applicant to demonstrate that the building would be capable of supporting the weight of the panels and associated elements. The benefits of the scheme outweighed the harms identified to heritage assets.

Votes – Unanimous

9 Appeals Report - Agenda Item 9

The appeals decisions made by the Planning Inspectorate between 20 December and 17 January were explained by the Team Leader – Development Management and **NOTED** by Members.

(The meeting ended at 6.00 pm)

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CHAIR