

Application Details	
Application Reference Numbers:	2024/0407/FUL
Application Types:	Outline Application with all matters reserved except Access/Full application
Extension of Time:	
Description:	Installation of 12.12kWp Solar Photovoltaic to the roof.
Site Address:	The Lucky Chance, Portway, Frome
Parish:	FTC
Conservation Area:	Yes
Somerset Levels and Moors RAMSAR Catchment area:	No
AONB:	No
Case Officer:	Carlton Langford
Agent:	Ecovision Asset Management Ltd
Applicant:	Lucky Chance Planning
Reason for reporting application to Members:	Case Officer's recommendation to refuse differs from FTC support.

1. Recommendation

- 1.1 Refusal - The proposal fails to accord with Policies DP1, DP3 and DP7 of the Mendip District Local Plan Part I: Strategy and Policies (December 2014), policy D2 - gateway site improvements of the Frome Neighbourhood Plan (2008-2028) and Policies within the National Planning Policy Framework (NPPF) to include Chapters 14 and 16.

2. Executive Summary of key reasons for recommendation

- 2.1 The proposal by reason of its scale and visual prominence on the southeast roof slope, will have a negative impact to the significance of the non-designated heritage asset (the Chapel) and to the conservation area, and a harmful impact a designated Gateway Site within Frome. Whilst there are private benefits associated with the proposal and modest environmental benefits in reducing carbon emissions and promoting sustainable development, there are no specific public benefits to be gained from the scheme. No evidence has been provided to suggest that the building is capable of supporting the additional weight of the panels and other associated internal elements. On balance the benefits of the scheme do not outweigh the harms identified.

2.2 Informatives:

- 1) In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.
- 2) This decision relates to drawings –

PV06634-INS-DG-GA-0005 ROOF PLAN
BA11-3969-PLN-A-001 PLANS AND ELEVATIONS
PV06634-INS-EL-LA-0004 ELECTRICAL WIRING SCHEMATIC

3. **Proposed development, Site and Surroundings**

Details of proposal

- 3.1 This application seeks full planning permission for the installation of 12.12kWp Solar Photovoltaic array to the roof.

Site and surroundings

- 3.2 This application relates to a Methodist Chapel situated within the Frome Conservation Area.

4. **Relevant Planning History**

- 4.1 None

5. **Consultation and Representations**

Consultees

Consultees	Consultee Comments (and Officer Comment)
Division Members	Cllr Collins - Surprised this PV needs permission Cllr Kay – Support
FTC	Support
Heritage and Conservation	Object to the principle of the introduction of solar panels in this location, due to the negative impact to the building itself and the wider conservation area.

Local consultation and representation

None

6. Relevant planning policies and Guidance

- a. Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- b. Relevant policies of the development plan in the assessment of this application are listed below.

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip Local Plan Part II: Sites and Policies, Post-JR version, 16 December 2022.
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Frome Neighbourhood Plan (2016)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- DP1 – Local Identity and Distinctiveness
- DP3 - Heritage Conservation
- DP7 – Design and Amenity of New Development

The following policies of the Frome Neighbourhood Plan are relevant to the determination of this application:

- Policy D2 - Gateway site improvements: Developments that enhances the built environment of the gateway spaces identified in Figure 35, taking account of guidance in the Frome Town Design Statement (October 2015), will be supported.

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (Dec 2024)
- National Planning Practice Guidance
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- Historic Environment Good Practice Advice in Planning Notes issued by Historic England
- Conservation Area Character Appraisals

- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Frome Design Statement (SPD 2015)

7. Commentary on Development Plan

7.1 The Mendip Local Plan Part II Limited Update was submitted to the Secretary of State for independent examination on 30 September 2024. This has identified additional housing and employment sites and included further detailed policies (for example, development management policies, community space designations) to complement the strategic policies set out in the Local Plan Part I. It is anticipated the examination will take place in January 2025. As this limited update plan has not been examined it currently carries very little weight in the planning balance.

8. Material Planning Considerations

- 8.1 The main planning issues relevant in the assessment of this application are as follows:
- The impact of the solar panels on the character and appearance of the building within the Frome Conservation Area and designated Gateway Site within Frome.

Principle of Development

- 8.2 No issues in principle, the installation of solar arrays on domestic and non-domestic properties are generally seen as being acceptable subject to their visual impacts and impact on the setting of heritage assets.
- 8.3 In many cases PV panes are permitted development but for several reasons, the panels proposed, specifically being located on a prominent roof slope fronting a highway within a conservation are, they are not permitted.
- 8.4 Conditions attached to Class J – installation or alteration etc of solar equipment on non-domestic premises under the Town and Country Planning General Permitted Development Order 2015 requires that - the solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area;”
- 8.5 To this end, whilst the development is acceptable in principle, the success of the application rests on its impact on the building itself within the Conservation Area.

Access and Highway Impacts

- 8.6 No change.

Design

- 8.7 The solar array will be located on a southeast facing roof slope and will be visible from the public realm (highway) and numerous neighbouring properties.
- 8.8 The Chapel is located very near one of the 5 'Gateway Sites' (Top of Vicarage Street) within the Frome Neighbourhood Plan which Policy D2 of the Plan seeks to improve.

New developments on these sites, or in close proximity to them, should ensure that they either take the opportunity to improve these areas in line with the principles in the Town Design Statement, or at the very least, do not frustrate any future opportunities to improve them."

- 8.9 The Chapel, is also, described as a 'positive building' within the Frome Conservation Area (boundary Character Area 3). The impact of the proposal on heritage assets are assessed in detail below.
- 8.10 The proposed equipment will impact on the external appearance of the building and the amenity of the area, an area which the Frome Neighbourhood Plan is seeking to improve first impressions for visitors visiting the Town.
- 8.11 No other practical solutions have been explored such as a ground mounted scheme within the curtilage of the building which would have a negligible impact on the setting of the area and the building itself.
- 8.12 The proposal by reason of its scale and prominent visual impact is unacceptable within context and fails to contribute positively to the area contrary to the provisions of Policies DP1 and DP7 of the LP and Policy D2 - Gateway site improvements of the Frome Neighbourhood Plan.

Ecology

- 8.13 None

Impact on Heritage Assets

- 8.14 There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.
- 8.15 It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at paragraph 201 sets out that the local planning authority should identify and assess the particular significance of any

heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

- 8.16 Paragraphs 200 -210 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.
- 8.17 The building was built in 1910 to be used as a Methodist chapel, by United Methodists. The building and its grounds have been intentionally included within the Conservation Area, with the boundary of character area 3 extending around its curtilage. It has also been highlighted as a positive building within the conservation area appraisal, as it makes a positive contribution to the character of the Conservation Area. This categorisation therefore means, this building is a non-designated heritage asset.
- 8.18 The Chapel sits in a prominent position on raised grounds along Portway Road (A362) in Frome. The front gardens located to the east of the site, in front of the row of terrace houses have been identified as a positive open space within the conservation area. As such the chapel, and the roof slope for which the panels are proposed is highly visible within the surrounding area.
- 8.19 An excessive number of panels are proposed here, that will cover the majority of this roof slope. Black panels are being proposed which will be clearly visible on the current slates and will be incongruous with the character of the building and the wider conservation area. Although the principle of increasing energy efficiency and the sustainability of historic buildings is supported, careful consideration is needed to ensure the measures do not negatively impact the significance of the heritage assets. Not every intervention is suitable for every building. Historic England advocates the Whole Building Approach where an understanding of the building within its context is used to inform and find a balanced solution that saves energy, sustains heritage significance, and maintains a comfortable and healthy indoor environment. More information can be found on their website - <https://historicengland.org.uk/images-books/publications/eehb-how-to-improve-energy-efficiency/>
- 8.20 No evidence has been provided within the application to show this approach has been taken, and other less impactful and harmful solutions have been thoroughly investigated, before solar panels have been proposed.
- 8.21 Furthermore, given the age of the building, no evidence has been provided to suggest the roof structure is capable of taking the weight of panels. Or if the loft void could maintain the weight of the inverter. The addition of a large number of panels without prior investigation could have a significant negative impact to the long-term condition of the historic building.
- 8.22 Paragraph 216 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or

indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 8.23 When taken as a whole, the addition of the solar panels will have a negative impact to the significance of the non-designated heritage asset and to the conservation area. There is no public benefit to be gained from the scheme, as the solar panels will only benefit the current occupier, this is a private benefit. No evidence has been provided to suggest other less impactful or harmful solutions have been investigated, and the building is capable of holding the additional weight of the panels and other associated internal elements. As such, when taken as a balance the benefits of the scheme do not outweigh the harm caused and the application should be refused.

Residential Amenity - Impacts on Existing and Future Residents

- 8.24 Unlikely to be any direct impact on neighbouring amenity such as glare from the panels.

9. Environmental Impact Assessment

- 9.1 This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

10. Equalities Act

- 10.1 In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

11. Planning Balance and Conclusion

- 11.1 Having regard for the above, the proposal will have a negative impact to the significance of the non-designated heritage asset and to the conservation area. Whilst there are private benefits for the applicant, there is no public benefit to be gained from the scheme, no evidence has been provided to suggest other less impactful or harmful solutions have been investigated, and the building is capable of supporting the additional weight of the panels and other associated internal elements. As such, when taken as a balance the benefits of the scheme do not outweigh the harm caused and the application is recommended for refusal.

12. RECOMMENDATIONS

Recommendation:

12.1 The proposal by reason of its scale and visual prominence on the southeast roof slope, will have a negative impact to the significance of the non-designated heritage asset (the Chapel) and to the conservation area, and a harmful impact a designated Gateway Site within Frome. Whilst there are private benefits associated with the proposal and modest environmental benefits in reducing carbon emissions and promoting sustainable development, there are no specific public benefits to be gained from the scheme. No evidence has been provided to confirm that the building is capable of supporting the additional weight of the panels and other associated internal elements. On balance the benefits of the scheme do not outweigh the harms identified. The proposal fails to accord with Policies DP1, DP3 and DP7 of the Mendip District Local Plan Part I: Strategy and Policies (December 2014), policy D2 - gateway site improvements of the Frome Neighbourhood Plan (2008-2028) and Policies within the National Planning Policy Framework (NPPF) to include Chapters 14 and 16.

Informatives

12.2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

This decision relates to drawings –

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