

Application Details	
Application Reference Number:	3/21/22/128
Application Type:	Full Planning Permission
Earliest decision date:	21 February 2023
Expiry Date	14 February 2023
Extension of Time Date	14 April 2023
Decision Level	Planning Committee
Description:	Installation of solar panels on roof and rear balcony
Site Address:	The Arkade, Warren Road, Minehead, TA24 5BG
Parish:	Minehead
Conservation Area:	Wellington Square Minehead
Somerset Levels and Moors RAMSAR Catchment Area:	N/A
AONB:	N/A
Case Officer:	Kieran Reeves
Agent:	Mr Elston
Applicant:	Mr Kravis
Committee Date:	30 March 2023
Reason for reporting application to Committee	The applicant is a Somerset West and Taunton District Councillor

1. Recommendation

1.1 That permission be GRANTED subject to conditions

2. Executive Summary of key reasons for recommendation

2.1 The principle of installing the solar panels is supported by the adopted development plan. With the amendment that has been made to the scheme, the proposed development would not have a materially harmful impact on the historic significance of the nearby listed buildings' setting or the Wellington Square Conservation Area. Material harm to neighbouring residential amenity and ecology would also not occur as a result of the proposed development. There are no flood risks associated with the proposed development.

3. Planning Obligations and conditions and informatives

3.1 Conditions

3.1.1 Standard time condition – 3 years

3.1.2 Standard plans condition

3.1.3 Solar panels to be set at certain pitch/angle

3.1.4 Solar panels (including frames) on balcony to be black

3.1.5 Solar panels to be removed upon becoming redundant

3.2 Informatives

3.2.1 Proactive statement

3.3 Obligations

3.3.1 No planning obligations secured

4. Proposed development, site and surroundings

4.1 Details of proposal

4.1.1 Planning permission is sought for the installation of solar panels on the application building. The majority of the panels would be installed on the roof of the building, which is a shallow pitched roof set behind a parapet. A significantly smaller number of the panels would be installed on the rear balcony of the building. These would be behind the balustrade around the balcony and the applicant has agreed to decrease the pitch of them. The applicant has also agreed to the panels on the balcony and their frames being coloured black.

4.2 Sites and surroundings

4.2.1 The Arkade is an amusement arcade located on the seafront at Minehead. The exterior is finished in painted metal sheet cladding under a shallow pitch corrugated sheet roof with parapet wall. To the rear of the building is a balcony deck and stair that provides access to the first-floor storerooms and managers office. The site is within the Wellington Square Conservation Area and the rear of the building is in Flood Zones 2 and 3. The Grade II listed Minehead Railway Station and Good Shed is located behind the building.

5. Planning (and enforcement) history

5.1 No planning history relevant to this application.

6. Environmental Impact Assessment

6.1 No Environmental Impact Assessment submitted in relation to this application as the proposal does not fall within criteria that requires an EIA

7. Habitats Regulations Assessment

7.1 The site is not within the catchment area for the Somerset Moors & Levels Ramsar site.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 31 January 2023

8.2 Date of revised consultation (if applicable): N/A

8.3 Press Date: N/A

8.4 Site Notice Date: 22 January 2023

8.5 Statutory Consultees

Consultee	Comment	Officer Comment
Minehead Town Council	The Committee can see no material planning reason to refuse this application	
Environment Agency	No comments received	
SCC - Ecologist	Having reviewed the above application, I can see the site as having no ecological potential due to the flat roof structure, locale, lighting etc Additionally, although Exmoor heaths are located 1.36km to the west it is not anticipated that the development will impact on this SAC. No further surveys or information would be required.	
Highways Development Control	No observations to make	

8.6 Internal Consultees

Consultee	Comment	Officer Comment
Conservation Officer	<u>Initial Consultation Response:</u> <u>Application Details</u> The application site is located at the north-west end of Warren Road, with the beach immediately to the north and Grade II Listed Minehead	

Railway Station (National Heritage List for England (NHLE) List Entry Ref. 1207950, Sept 1993), located immediately to the south. The railway station complex also contains the Grade II Listed Goods Shed (NHLE 1207005, Sept 1993)

The site is located within the Wellington Square Conservation Area. The Locally Listed Tea rooms (Somerset Historic Environment Record (HER) Ref. 46520) is located immediately to the north-west and the Locally Listed Queen's Hall (concert hall) (HER 46524) to the south-east.

The Wellington Square Conservation Area covers the area of the 'Lower Town', the Medieval commercial and administrative centre of Minehead. Parts were regularised in early C19 reconstruction of the Lower Town, following successive fires in the late C18/early C19. The area was further enhanced by the coming of the railway in 1872.

The late C19 railway station is constructed from local sandstone in an Italianate, Romanesque style, with paired windows. The interior contains original joinery and fireplaces. The contemporary, well-preserved goods shed is of the same construction and forms a group with the station building.

The Queen's Hall Concert Hall was designed by Tamlyn and built and donated to the town by Marley and opened in 1914. The tea rooms are broadly contemporary but little information is available about them.

Proposed works _

This application seeks consent to erect solar panels to the main roof structure and balcony areas to the rear. The proposed solar panels would be laid flat on the existing shallow pitch roof which is concealed behind a parapet wall.

Justification _

This application seeks to install solar panels that would provide sufficient energy to power the arcade and ultimately reduce the ever-increasing energy cost for the business.

Significance _

The Wellington Square Conservation Area, focused on the Medieval core of the town, and the buildings within it have a significance focused on their illustrative historic interest, in the information that they provide about past activity and ways of life in this area. Its setting, in the form of the experience and appreciation of the historic core of the town, also contributes to the significance of the conservation area, to some degree.

The railway station and goods shed have significance based on their setting, as parts of the Minehead station complex and its association with the Taunton to Minehead branch line.

The railway buildings also have a degree of architectural interest, in the form of the evidential and aesthetic values provided by the physical remains of the extant building. The conscious design, construction and craftsmanship

demonstrates its inception and historic development. Architectural details which contribute to its significance are outlined above.

The locally listed tea rooms and concert hall have significance based on their setting, with the intension of serving the passengers, alighting at the adjacent railway station, to enjoy the delights of seaside resort that Minehead became during the late C19. They also have a degree of architectural interest, in the form of the evidential and aesthetic values provided by the physical remains of the extant buildings.

Assessment of harm -

The proposed panels for the flat roof of the main element of the building would not be intervisible with any of the heritage assets or the surrounding conservation area, due to their flat position, the shallow form of the roof pitch and the position of the parapet wall.

However, the panels proposed for the balcony on the rear of the building would be in the direct visual setting of the railway station and the associated structures. They would cause harm in the form of a visual intrusion to the setting of these buildings.

Recommendations -

For the scheme to be acceptable, it is recommended that the panels proposed for the balcony at the rear of the building are removed from the scheme, to preserve the setting of the adjacent listed buildings and conservation area.

	<p><u>Revised Consultation Response</u></p> <p><u>Assessment of harm</u></p> <p>The proposal is supported.</p> <p>The proposed panels for the flat roof of the main element of the building would not be intervisible with any of the heritage assets or the surrounding conservation area, due to their flat position, the shallow form of the roof pitch and the position of the parapet wall.</p> <p>The low pitch of the panels proposed for the balcony on the rear of the building would position them largely behind the barrier that surrounds the balcony. Therefore, there would be a barely distinguishable visual change to the setting of the listed buildings in the station complex.</p> <p>Recommend approved</p>	
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8.7 Local Representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

The Minehead Conservation Society have objected to the application. They consider that the solar panels on the rear balcony would have a detrimental visual impact on the setting of the listed station buildings and also on the Station Cottages and Beach Hotel, both of which are intrinsically linked to the evolution of the West Somerset Railway. They also consider that the solar panels on the rear balcony would harm the Wellington Square Conservation Area.

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications 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. The site lies in the former West Somerset area. The Development Plan comprises the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

Relevant policies of the development plan in the assessment of this application are listed below:

West Somerset Local Plan to 2032

SD1 - Presumption in favour of sustainable development

CC1 - Carbon reduction: non-wind energy generating schemes

CC2 - Flood risk management

NH1 - Historic environment

NH2 - Management of heritage assets

NH6 - Nature conservation and the protection and enhancement of biodiversity

NH13 - Securing high standards of design

Neighbourhood Plans:

No neighbourhood plan in force in this area

Supplementary Planning Documents:

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022)

National Planning Policy Framework

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1 The principle of development

10.1.1 The proposal is for the installation of solar panels and Policy CC1 of the

West Somerset Local Plan to 2032 states that *energy generating development proposals (other than those for wind turbines) will be supported where:*

- *they respect the local natural environment in which they are located;*
- *they respect the local historic environment and the significance of any designated and identified potential heritage assets within and neighbouring it; and,*
- *they respect the positive economic and social characteristics of communities affected especially those neighbouring them; and,*
- *adequate measures are taken to mitigate the cultural, economic, environmental and social impact of any related development on the communities affected, both in the short and the longer term.*

10.1.2 The proposed development is therefore supported in principle under Policy CC1 as it is a renewable energy scheme. The application complies in principle with the adopted development plan, subject to other material planning considerations being satisfied.

10.2 Design of the proposal & the impact on heritage assets

10.2.1 The application is located next to the Grade II Minehead Railway Station and Goods Shed. The site is also within the Wellington Square Conservation Area. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 therefore apply. Section 66 requires that *in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.* Section 72 requires that *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

10.2.2 The majority of the solar panels would be installed on the roof of the building. The roof of the building is a shallow pitched structure that is set behind a parapet wall that goes around the entire building. Given the hidden nature of the roof, the solar panels on the roof would also not be visible from the public realm. A smaller number of solar panels would be installed on a balcony at the rear of the building. The balcony has a balustrade that would help to partially screen the solar panels. However, the Conservation Officer advised that these would be in the direct visual setting of the Grade II listed railway station and the associated structures and, as such, they would cause harm in the form of a visual intrusion to the setting of these buildings. The Conservation Officer stated that there were no issues with the solar panels on the roof, but the solar panels on the balcony should be omitted to preserve the setting of the adjacent listed buildings and the Conservation Area. The Minehead Conservation Society have also objected to the solar panels on the rear balcony for the same reasons as the Conservation Officer

10.2.3 The applicant responded to the request made by the Conservation Officer to omit the solar panels on the balcony by providing photographs taken from around the site showing the solar panels on the rear balcony but at a lower pitch than shown on the originally submitted plans. The photographs indicate that the solar

panels at a shallower pitch would protrude above the balustrade of the balcony by 25 centimetres. The Conservation Officer has considered this amendment and commented that *the low pitch of the panels proposed for the balcony on the rear of the building would position them largely behind the barrier that surrounds the balcony and, therefore, there would be a barely distinguishable visual change to the setting of the listed buildings in the station complex.* The Conservation Officer recommends approval of the application. Officers consider it appropriate to condition that the panels on the balcony are black with black frames to avoid the glint that can be associated with the untreated metal frame. This would help to prevent the panels from standing out within the street scene.

10.2.4 With the attachment of a condition restricting the solar panels to the pitch shown on the submitted plans and another condition requiring the panels and their frames to be black, it is considered that material harm to the historic significance of the listed buildings' settings or the Wellington Square Conservation Area area would not occur as a result of the proposed development. The application therefore complies with Policies NH1, NH2 and NH13 of the adopted Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10.3 The impact on neighbouring residential amenity

10.3.1 The majority of the solar panels being on a shallow pitched roof set behind a parapet wall means that they would not impact on neighbouring residential amenity. The solar panels on the rear balcony would be sited away from residential properties and they would not result in an overbearing impact or loss of light. The applicant has agreed to them being coloured black with black frames and therefore there should be no issues with glint. It is considered that the proposed development would not cause material harm to neighbouring residential amenity.

10.4 The impact on ecology

10.4.1 The Somerset County Council ecologist has reviewed the application and they have advised that the site does not have any ecological potential due to the relatively flat roof structure, locale and lighting. The ecologist also advises that the proposal would not impact on the Exmoor Heaths Special Area of Conservation. Taking the comments of the ecologist, it is concluded that the proposal does not conflict with Policy NH6 of the adopted Local Plan.

10.5 Flood risk

10.5.1 The rear section of the building and site are within Flood Zones 2 and 3. The front section of the building is within Flood Zone 1. As mentioned above, the solar panels would be installed on the roof of the building and the balcony at the rear of the building. The proposal would not alter the use of the site and there would be no increase in the massing of the building itself. The proposal would not increase flood risk to the occupiers and users of the application building or displace flood waters to another site. The application therefore complies with Policy CC2 of the adopted Local Plan.

11 Local Finance Considerations

11.1 Community Infrastructure Levy - N/A

12 Planning balance and conclusion

12.1 The general effect of Paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "clear reason for refusing the development proposed" or where the benefits of the proposed development are "significantly and demonstrably" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning Conditions and Informatives

Recommended Conditions

- 1 The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 2707/200B Proposed Roof & Site Plans
(A1) DrNo 2707/201A Proposed Elevations

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The solar panels hereby permitted shall be set at the exact pitch/angle shown on drawing number 2707/201A and they shall be retained at this exact pitch/angle thereafter. Any subsequent replacement solar panels shall also accord with the requirements of this condition.

Reason: For the avoidance of doubt and to ensure conservation of the the character and appearance of the Wellington Square Conservation Area and the setting of the Grade II listed Minehead Railway Station and Goods Shed.

- 4 The solar panels hereby permitted (including their frames) on the rear balcony of the application building shall be coloured matt black and they shall be retained in this colour for the lifetime of the development. Any replacement solar panels on the rear balcony shall accord with the requirements of this condition.

Reason: In the interests of conserving the character and appearance of the Wellington Square Conservation Area and the setting of the Grade II listed Minehead Railway Station and Goods Shed.

- 5 If the solar panels cease to be used for the purposes of generating electricity for a continuous period in excess of 6 months, then the solar panels shall be removed from the roof of the building within three months of the date that the aforementioned 12 months period elapses.

Reason: To ensure the removal of redundant equipment in the interests of conserving the character and appearance of the Wellington Square Conservation Area and the setting of the Grade II listed Minehead Railway Station and Goods Shed.

Recommended Informative

- 1 In accordance with Paragraph 38 of the National Planning Policy Framework 2021, the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.