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**To:** TDP Cllrs; Brittain, Harrison, Kennedy, Makin (Vice Chair), Nicklin (Chair), Stokes-Stephens  
All other recipients for information only.

**02 May 2023**

Dear Councillor

## Summons

You are summoned to a meeting of the Town Development & Planning Committee (TDP) of Shepton Mallet Town Council for the transaction of the business shown on the agenda below. To be held at 7.00pm on **Tuesday, 09 May 2023** in the Committee Room, Somerset Council Offices, BA4 5BT. Members of the public and non-committee members may join via computer, mobile app or room device. [Click here to join the meeting](#). Meeting ID: 357 257 192 123 .  
Passcode: fCyEy8

### Public Participation

Members of the public and press are entitled to be at the following meeting in accordance with the Public Bodies (Admission to Meeting) Act 1960 Section 1 extended by the Local Government Act 1972 Section 100 unless precluded by the Town Council by resolution during the whole or part of the proceedings. Such entitlement does not however include the right to speak on any matter except at the beginning of the meeting providing that prior notice has been given by noon on the day of the meeting on: [info@sheptonmallet-tc.gov.uk](mailto:info@sheptonmallet-tc.gov.uk) or 01749 343984.

Any issues raised during the public session should relate to the remit of the committee. No resolution for action can be taken unless already identified on the agenda. A record of public participation shall not be included in the Minutes, but as an appendix note to the Minutes of the meeting.

The public question time shall not exceed 30 minutes unless by resolution to suspend standing orders or at the discretion of the chairman. If a member of public wishes to share a document with council, these documents must be submitted to [Info@sheptonmallet-tc.gov.uk](mailto:Info@sheptonmallet-tc.gov.uk) by noon on the day of the meeting.

### The 7 principles of public life

Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership. Members are reminded of their duty under the Code of Conduct.

Yours sincerely

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Claire Commons BA Hons, Fellow SLCC, Town Clerk

# TOWN DEVELOPMENT & PLANNING COMMITTEE

## Agenda

TDP1.1	APOLOGIES .....	4
	To receive and consider for acceptance, apologies for absence .....	(1 min)
	<i>(Local Government Act, 1972 s.85)</i>	
TDP1.2	DECLARATIONS OF INTEREST.....	5
	To declare interests relating to the business of the meeting and receive dispensation requests.....	(1 min)
	<i>(Shepton Mallet Town Council Code of Conduct, 2019)</i>	
TDP1.3	MINUTES.....	6
	To receive the minutes of the previous meeting of the Town Development & Planning Committee .....	(1 min)
	<i>(Local Government Act 1972 Sch 12)</i>	
TDP1.4	OFFICER REPORT TO THE COMMITTEE .....	7
	To receive reports pertaining to the Town Development & Planning Committee.....	(5 min)
	<i>(Local Government Act 1972 Sch 12)</i>	
TDP1.5	PLANNING APPLICATIONS FOR CONSIDERATION .....	8
	To consider responses to (but not limited to) the following planning applications: .....	(15 mins)
	<i>(Local Government Act 1972 Sch 12)</i>	
	River Valley House, Pike Hill, Shepton Mallet, BA4 5FB	
	Flat 2, 9 Great Ostry, Shepton Mallet, BA4 5TT	
	5A Commercial Road, Shepton Mallet, BA4 5BU	
	The Old Surgery, Leg Square, Shepton Mallet, BA4 5LL	
	The Old Surgery, Leg Square, Shepton Mallet, BA4 5LL	
	4A Townsend Shopping Park, Townsend, Shepton Mallet, BA4 5EG	
	1 Mendip Avenue, Shepton Mallet, BA4 4PE	
	12 Kings Close, Shepton Mallet, BA4 5DU	
	Judges Court, 3A Waterloo Road, Shepton Mallet, BA4 5HG	
	Public Open Space South of 1 Chi Rho Close/Amulet Way, Shepton Mallet	
	Draycott Road Play Area, Draycott Road, Shepton Mallet	
	Land at 362304 142787 Little Brooks Lane, Shepton Mallet	
	Runaway Hill Recreation Area, Barrington Place, Shepton Mallet, BA4 5GH	
	Queens Road Play Area, Queens Road, Shepton Mallet, BA4 5TF	
	Skateboard Park, West Shepton Recreation Ground, Old Wells Road, Shepton Mallet	
TDP1.6	TO RATIFY PLANNING APPLICATIONS CONSIDERED UNDER DELEGATED AUTHORITY .....	12
	To ratify planning applications considered under delegated authority. ....	(3 min)
	<i>(Town and Country Planning Act, 1990 sch.1 para.8)</i>	
TDP1.7	FORMER COMMERCIAL ROAD CAFE.....	13

To consider whether to request Somerset Council to issue a s.215 notice to the owner of the former  
Commercial Road Cafe .....(10 mins)  
*(Local Government Act 1972 Sch 12)*

**TDP1.8 MARKET PLACE PREMISES LICENSE ..... 14**

To consider applying for and managing a premises license for Shepton Mallet Market Place .....(10 mins)  
*(Local Government Act 1972 Sch 12)*

Anticipated meeting end time 8.00pm

Date of next meeting: 30 May 2023

**TDP1.1** Apologies

To receive and consider for acceptance, apologies for absence

(1 min)

*(Local Government Act, 1972 s.85)*

Report Author: Assistant Town Clerk (Planning and Amenities)

**TDP1.1.1** Background

- a The Council (including committees) should approve (or not) the reason for apologies given by absent councillors. If a council member has not attended a meeting of the council (or its committees) or has not tendered apologies which have been accepted by the council (or committee), for six consecutive months, they are disqualified.
- b Councillors are holders of public office and summoned to the meetings of the Council and its committees.

**TDP1.1.2** Apologies received and reason

- a Cllr J Brittain owing to a personal commitment.

**TDP1.1.3** Recommendation

- a That the meeting accepts or rejects each of the apologies presented. A press release is not required for this decision.

**TDP1.1.4** Reason for Recommendation

- a Accepting apologies resets the six-month absence rule.

(End)

**TDP1.2** Declarations of Interest

To declare interests relating to the business of the meeting and receive dispensation requests.

(1 min)

*(Shepton Mallet Town Council Code of Conduct, 2019)*

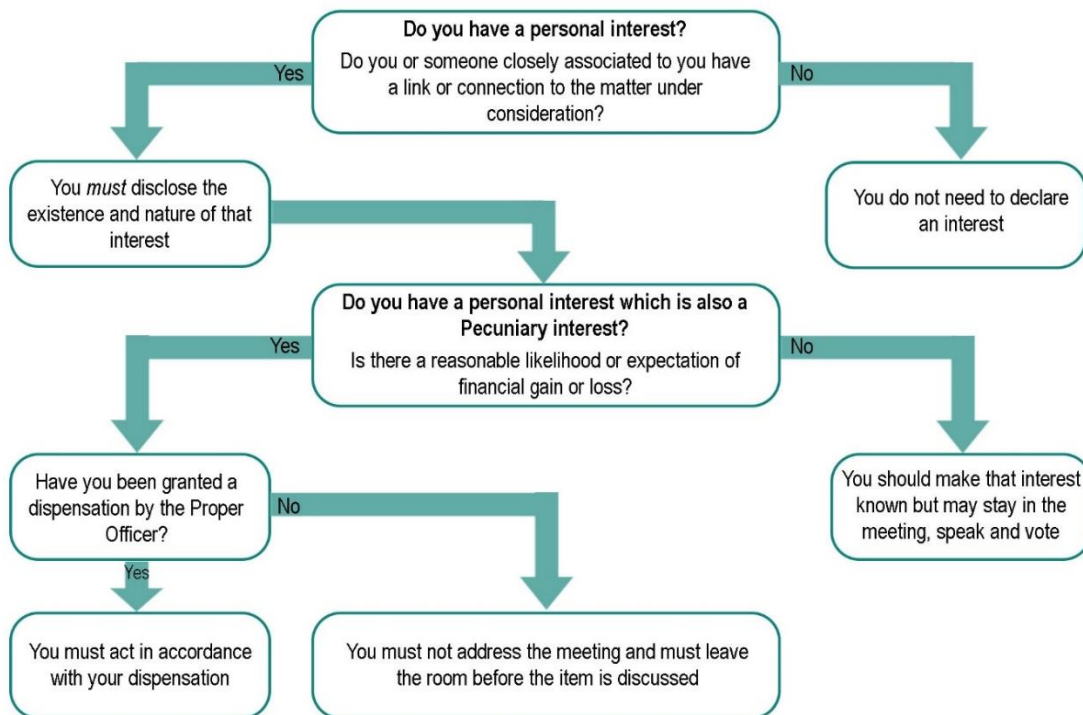
Report Author: Assistant Town Clerk (Planning and Amenities)

**TDP1.2.1** Background

- a Members and Officers are reminded of their obligations to declare interests in accordance with the Code of Conduct 2019. The Clerk will report any dispensation requests received.
- b Where a matter arises at a meeting which relates to a councillor’s interest, the councillor has the responsibility of declaring that interest in accordance with the adopted code of conduct. (Shepton Mallet Town Council Code of Conduct, 2019)

**TDP1.2.2** Recommendation

- a To note the declarations made during the meeting.



(End)

### TDP1.3 Minutes

To receive the minutes of the previous meeting of the Town Development & Planning Committee. (1 min)

*(Local Government Act 1972 Sch 12)*

Report Author: Assistant Town Clerk (Planning and Amenities)

#### TDP1.3.1 Background

- a When the meeting is approving the draft minutes of a previous meeting as an accurate record, the only issue for the meeting is whether the minutes accurately record the proceedings of the meeting and the resolutions made at them. It is irrelevant if the chairman or other councillors were not present at the meeting to which the draft minutes relate.
- b If it is necessary for the draft minutes of the previous meeting to be corrected because of inaccuracies then the amendments to the draft minutes must be approved by resolution. *(Tharmarajah, 2013, p. 154).*

#### TDP1.3.2 Recommendation

- a That the minutes of [07/03/2023](#) be approved for signing as a true record of the decisions taken. Completion of this resolution to be no later than Tuesday 4 April 2023. A press release is not required for this decision.

(End)

**TDP1.4 Officer Report to the Committee**

To receive reports pertaining to the Town Development &amp; Planning Committee.

(5 min)

*(Local Government Act 1972 Sch 12)*

Report Author: Assistant Town Clerk (Planning and Amenities)

**TDP1.4.1 Summary**

- a Reports provided within this item are to be received, they provide updates on decisions already taken by the Committee and actions taken under the Scheme of Delegation (where not previously reported).

**TDP1.4.2 Planning Applications Decided since last meeting.**

<b>Application No.</b>	<b>Address</b>	<b>Town Council Response</b>	<b>Mendip District Council Decision</b>
2023/0324/TCA	Flat 14, St Sales House, Draycott Road, Shepton Mallet	Supported	Approved 10/03/2023
2023/0267/TCA	78 Cowl Street, Shepton Mallet, BA4 5EP	Not supported	Approved 10/03/2023
2022/2395/FUL	Downside House, Bath Road, Downside, Shepton Mallet	Supported	Approved 11/03/2023
2022/1015/FUL 2022/1016/LBC	Anglo Trading Estate, Commercial Road, Shepton Mallet, BA4 5BY	Supported	Approved 22/03/2023
2022/2507/FUL	Pitch 1 Commercial Road, Shepton Mallet,	Not supported	Refused 24/03/2023
2023/0022/HSE	44 Allyn Saxon Drive, Shepton Mallet, BA4 5QH	Supported	Approved 28/03/2023
2023/0305/TCA	3 Convent Cottages, Draycott Road, Shepton Mallet, BA4 5HR	Supported	Approved 05/04/2023

**TDP1.4.3 Economic Regeneration Working Party**

- a To receive a verbal update from the Chair.

**TDP1.4.4 Recommendation**

- a That the reports are received and noted and any actions arising identified for future meetings of the Council or its Committees

**TDP1.4.5 Reason for Recommendation**

- a To keep members updated on committee actions and information.

(End)

## TDP1.5 Planning Applications For Consideration

To consider responses to (but not limited to) the following planning applications:

(15 mins)

*(Local Government Act 1972 Sch 12)*

Report Author: Assistant Town Clerk (Planning and Amenities)

### TDP1.5.1 Summary and Background information

- a Planning applications listed below have been received and require comments to be submitted to the Local Planning Authority. Prior to the meeting, members are urged to view the planning application using the link below and to visit the site to understand local context.
- b As part of the town council's response to planning proposals it should provide material planning reasons for its comments, be they of support or objection. Simply stating 'no objection' is insufficient as there is a requirement to give reasons for that decision.

#### Material Planning Reasons

Biodiversity	Design
Economic Benefits	Effect on the Appearance of the Area
Flooding Issues	Height
Heritage	Impact on Access
Impact on Light	Landscape
Local or Government Policy	Noise/Disturbance
Other	Overlooking/Loss of Privacy
Parking	Residential Amenity
Road Safety	Traffic or Highways

- c To assist, here are a few examples as to how you might word something to give material planning reason for your thoughts.

#### Examples

House Extension No Objection as limited impact on amenity of neighbouring property  
 Or  
 Objection as will have detrimental impact on neighbouring property

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New dwelling Support, design is in keeping with locality  
 Or  
 Objection as design is not in keeping with local area

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Vehicular Access Support, will have no impact on road safety given proposed visibility splays  
 Or  
 Objection as visibility is poor in this location and traffic speeds are high.



<p><a href="#">2022/2105/FUL</a> Carlton Langford</p>	<p>Erection of a new dwellinghouse and associated works.</p> <p>River Valley House, Pike Hill, Shepton Mallet, BA4 5FB</p>	<p>14/04/2023</p>
<p><a href="#">2023/0323/LBC</a> Zoe Maclennan</p>	<p>Replacement of front door like for like.</p> <p>Flat 2, 9 Great Ostry, Shepton Mallet, BA4 5TT</p>	<p>14/04/2023</p>
<p><a href="#">2023/0651/TCA</a> Bo Walsh</p>	<p>T1 – Himalayan Birch – Reduce the end weight by 20%. Install 2t Cobra bracing between primary stem and competitive leader. Halo prune 1m around phone-line. Light overall crown-thinning (10%) T2 – Wild Cherry (Prunus avium) – Reduce by 2-2.5m and thin by 20% the lower and mid-crown laterals. T3 – Bay Laurel (Laurus nobilis) – Section-fell to a 2.5m monolith and retain lower foliar growth.</p> <p>5A Commercial Road, Shepton Mallet, BA4 5BU</p>	<p>17/04/2023</p>
<p><a href="#">2023/0718/TCA</a> Bo Walsh</p>	<p>A&amp;B – Yew trim branches that are overhanging along the boundary line.</p> <p>The Old Surgery, Leg Square, Shepton Mallet, BA4 5LL</p>	<p>24/04/2023</p>
<p><a href="#">2023/0717/TCA</a> Bo Walsh</p>	<p>G1 – Western Red Cedar – Reduce the sail area and end weight of the three main stems by one third.</p> <p>The Old Surgery, Leg Square, Shepton Mallet, BA4 5LL</p>	<p>24/04/2023</p>
<p><a href="#">2023/0725/ADV</a> Jane Thomas</p>	<p>Installation of 3no. illuminated fascia signs and 1no. glazing vinyl.</p> <p>4A Townsend Shopping Park, Townsend, Shepton Mallet, BA4 5EG</p>	<p>27/04/2023</p>
<p><a href="#">2023/0678/TPO</a> Bo Walsh</p>	<p>Cedar – Prune away from footpath by 0.5m-1m. Birch – Prune and reshape upper canopy. Reduce by 1m. Willow – Remove stem rubbing on cedar stem. Alder, Birch &amp; Maple group – 2.5m reduction of lateral branches growing towards highway.</p> <p>1 Mendip Avenue, Shepton Mallet, BA4 4PE</p>	<p>28/04/2023</p>

<p><a href="#">2023/0688/VRC</a> Lorna Elstob</p>	<p>Variation of condition 2 (plans list) on consent 2019/2102/FUL (Erection of a detached 3-bedroom dwelling following demolition of single storey side extension and garage).</p> <p>12 Kings Close, Shepton Mallet, BA4 5DU</p>	<p>02/05/2023</p>
<p><a href="#">2023/0740/TCA</a> Bo Walsh</p>	<p>T1 – Single Leylandii – Fell. Replace with fruit trees.</p> <p>Judges Court, 3A Waterloo Road, Shepton Mallet, BA4 5HG</p>	<p>02/05/2023</p>
<p>2023/0589/ADV Charlotte Rogers</p>	<p>Erection of a wooden, open-faced community noticeboard to allow the advertisement of community events and activities.</p> <p>Public Open Space South of 1 Chi Rho Close/Amulet Way, Shepton Mallet</p>	<p>02/05/2023</p>
<p>2023/0590/ADV Charlotte Rogers</p>	<p>Erection of a wooden, open-faced community noticeboard to allow the advertisement of community events and activities.</p> <p>Draycott Road Play Area, Draycott Road, Shepton Mallet</p>	<p>02/05/2023</p>
<p>2023/0591/ADV Charlotte Rogers</p>	<p>Erection of a wooden, open-faced community noticeboard to allow the advertisement of community events and activities.</p> <p>Land at 362304 142787 Little Brooks Lane, Shepton Mallet</p>	<p>02/05/2023</p>
<p>2023/0592/ADV Charlotte Rogers</p>	<p>Erection of a wooden, open-faced community noticeboard to allow the advertisement of community events and activities.</p> <p>Runaway Hill Recreation Area, Barrington Place, Shepton Mallet, BA4 5GH</p>	<p>02/05/2023</p>
<p>2023/0593/ADV Charlotte Rogers</p>	<p>Erection of a wooden, open-faced community noticeboard to allow the advertisement of community events and activities.</p> <p>Queens Road Play Area, Queens Road, Shepton Mallet, BA4 5TF</p>	<p>02/05/2023</p>
<p>2023/0594/ADV Charlotte Rogers</p>	<p>Erection of a wooden, open-faced community noticeboard to allow the advertisement of community events and activities.</p> <p>Skateboard Park, West Shepton Recreation Ground, Old Wells Road, Shepton Mallet</p>	<p>02/05/2023</p>

- a The Town Development and Planning Committee has delegation to submit observations on behalf of the Council.

**TDP1.5.3 Legal Authority and Implication**

- a The Town Council is a consultee but does not have the authority to determine planning applications. The Council has the power to be notified of planning applications affecting the Council's area and to comment.  
*(Town and Country Planning Act, 1990 sch 1 para8)*

**TDP1.5.4 Recommendation**

- a That the committee provides its response on the listed planning applications and considers responses to applications received without notice, in the form Support or Objection with supporting reasons. Delegate to the Town Clerk all details in discharging this decision. Completion of this resolution to be no later than Wednesday, 13 July 2022. A press release is not required for this decision.

**TDP1.5.5 Reason for Recommendation**

- a To fulfil the Council's responsibility and exercise its views as a statutory consultee.
- (End)

**TDP1.6 To Ratify Planning Applications Considered under Delegated Authority**

To ratify planning applications considered under delegated authority.

(3 min)

*(Town and Country Planning Act, 1990 sch.1 para.8)*

Report Author: Assistant Town Clerk (Planning and Amenities)

**TDP1.6.1 Summary**

- a The TD&P Committee meeting which was due to be held on 18th April 2023 was cancelled owing to the lack of business. The committee were asked to give consideration under delegated authority via email.

**TDP1.6.2 Planning Applications Received and Committee Decision**

<p>2023/0479/FUL Carlton Langford</p>	<p>Conversion of care home into five flats, including demolition of conservatory and lean to boiler room, provision of bicycle and refuse storage and other associated alterations.</p> <p>70 Charlton Road, Shepton Mallet, BA4 5PD</p>	<p>Split decision.</p>
<p>2023/0531/TCA Bo Walsh</p>	<p>T1 – Katsuri- remove epicormic growth, crown reduce to allow light to the solar panels.</p> <p>Church View, Princes Road, Shepton Mallet, BA4 5HL</p>	<p>Members supported this application.</p>
<p>2023/0525/HDG Bo Walsh</p>	<p>Removal of 2no. hedgerow to facilitate the construction of new water mains to reinforce the network around Shepton Mallet.</p> <p>Land at Back Lane and Windsor Hill, Downside, Shepton Mallet</p>	<p>Members supported this application.</p>

### **TDP1.7** Former Commercial Road Cafe

To consider whether to request Somerset Council to issue a s.215 notice to the owner of the former Commercial Road Cafe (10 mins)

*(Local Government Act 1972 Sch 12)*

**Report Author:** Assistant Town Clerk (Planning and Amenities)

#### **TDP1.7.1** Summary and Background Information

- a To consider whether to request Somerset Council to issue a Section 215 notice (Town and County Planning Act) to the owner of the former Commercial Road Café for the area to be tidied up as it is currently an eyesore and gives a poor visible amenity as an entrance to the town.

#### **TDP1.7.2** Councillor Recommendation

To request that Somerset Council issue a Section 215 notice (Town and Country Planning Act) to the owner of the former Commercial Road Café.

#### **TDP1.7.3** Officer Recommendation

- a An approach to the owner if known should be made in the first instance to request that it is tidied up. An advance warning ought to be given that the committee will be considering a request to the planning authority to issue a notice and if nothing is done then the third stage would be that that notice is issued and that the notice can include that if the clear up isn't done, the planning authority can make the arrangements and recover the costs from the landowner.

## **TDP1.8** Market Place Premises License

To consider applying for and managing a premises license for Shepton Mallet Market Place

(10 mins)

*(Local Government Act 1972 Sch 12)*

Report Author: Cllr Berkeley

This item is recommended from the Economic Regeneration working party and submitted by Cllr Berkeley in the form of a members motion.

### **TDP1.8.1** Summary and Background Information

- a The Town Council has requested to run the Friday market and seeks to support the Sunday market and the holding of periodic events in the town centre. Increased activity will promote footfall and encourage economic regeneration.
- b Currently, to sell alcohol, each market trader must apply for a temporary events license for every market they attend. These are limited to 15 per year per trader at any one location.
- c This proposal is for the Town Council to apply for a premises license for the market place and to allow market traders and even organisers to use this instead of applying for their own temporary events notice.
- d The proposed premises license would cover the following activity:
  - Sale of alcohol to take away
  - Sale of alcohol to drink on site
  - Playing of live or recorded music
  - Showing of film
  - Live performance, such as dance, theatre, tight-rope, fire etc.
- e Licensed area to be:
  - Pedestrianised area surrounded by the Amulet, the Post Office and Library plus
  - Area of High Street surrounded by Art Bank, Post Office and Cheeky Bean café.
- f 'Designated Responsible Person' to be either a member of staff or a town councillor (Councillor Berkeley currently provides this role for the Collett Park premises license and would volunteer in this case also).
- g Responsibility to be assigned to traders (who must be personal license holders) using the procedures that are currently in use by Somerset Council for Wells market place.

### **TDP1.8.2** Town Plan Reference

- a Promotion: Support the market and events
- b Promotion: Promote and encourage Tourism
- c Promotion: Advance Culture, the Arts, and Education
- d People: Encourage and facilitate family based activities
- e People: Support and promote clubs and societies, to encourage participation and growth
- f Play: Promote sports and leisure facilities

### **TDP1.8.3** Financial Implication provided by the proposer

- a Application fee: £100 plus cost of newspaper advert (expected £200-£300)
- b Annual fee: £70
- c Annual income: £5 per trader per use (minimum 40 markets @ £5 = £200)

### **TDP1.8.4** Impact Assessment provided by the proposer

- a Equalities – none

- b Environmental – none
- c Crime and Disorder – none
- d Resources – one-off application forms to be completed by office staff and regular assignment forms to be processed by office staff
- e Economic – positive impact to town’s economy
- f Risk Management – none

**TDP1.8.5** Recommendation by the proposer

- a That the Town Council applies for a premises license for the market place, with an application budget of £500 followed by £70 per annum. Delegate to the Town Clerk all details in discharging this decision. Completion of this resolution to be no later than 1st June 2023.

**TC1.1.1** Reason for Recommendation by the proposer

- a To improve the trader offering at the Friday and Sunday markets and facilitate holding of events in the market place.