

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, 5 September 2023 at 2.00 pm

**Present:**

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

Cllr Barry Clarke	Cllr Dawn Denton
Cllr Martin Dimery	Cllr Bente Height
Cllr Martin Lovell	Cllr Tony Robbins
Cllr Claire Sully	Cllr Alex Wiltshire

**44 Apologies for Absence** - Agenda Item 1

Apologies were received from Councillors Helen Kay and Adam Boyden. Councillor Shane Collins substituted for Helen Kay and Councillor Heather Shearer for Adam Boyden.

**45 Minutes from the Previous Meeting** - Agenda Item 2

The Minutes of the meeting held on 01.08.23 will be considered at the next meeting of the Planning Committee.

**46 Declarations of Interest** - Agenda Item 3

Councillor Martin Lovell declared a personal and prejudicial interest in Planning Applications 2023/0540/FUL and 2023/0541/LBC as he was a trustee of the Alfred Gillett Trust and said he would leave the meeting for the duration of the debate and vote on these applications.

He also declared a personal and non-prejudicial interest in Planning Applications 2021/2805/FUL and 2023/0338/FUL as he was a member of the Shepton Mallet Town Council's Town Development and Planning Committee at the time these were considered by them. He said he did not consider himself pre-determined in either of these applications and would take part in the discussion and vote.

Councillor Bente Height declared a personal and non-prejudicial interest in planning application 2023/0338/FUL due to being on Shepton Mallet Town Council when it was discussed by them. At the time she was not on the Planning Committee for Somerset Council. She stated she was not pre-determined.

**47 Public Question Time - Agenda Item 4**

There were none.

Before the next agenda item, Councillor Susannah Hart left the meeting due to feeling unwell.

**48 Planning Applications 2023/0540/FUL & 2023/0541/LBC - The Grange, Farm Road, Street, Somerset - Agenda Item 5**

**Application for part demolition and replacement of existing buildings with a new two-storey building to connect the Grange and the Barn and alterations to existing buildings and landscaping across the site to create a new museum with a cafe and shop, whilst retaining offices and archive storage.**

The Officer's Report stated that these applications had been referred to the Planning Committee as the Officer's Recommendation for refusal was contrary to that of the Parish Council and Divisional Member.

The Report continued that the site had vehicular access via a private road off Farm Road and lay to the north and west of Clarks Village retail outlet with pedestrian entrances to the retail outlet and associated car park. Beyond the car park, to the north was the A39 main road and to the east of the site was a close of residential properties. The site was within in the development limits of Street.

The Divisional Member fully supported the applications and Street Parish Council had recommended approval. No comments were made by local residents. The Highway Authority had initially objected to the application as had the Local Flood Authority. Both objected due to lack of information. The Conservation Team had objected to the application and there were comments from The Georgian Group, The Victorian Society and The Society for the Protection of Ancient Buildings for the LBC (Listed Building Consent) application only.

In conclusion, the Officer's Report said that with regards to Planning Application 2023/0540/FUL the Recommendation was for refusal for two reasons:

- The loss of existing fabric resulting from the reduction in the courtyard wall and potential impact of the extraction system (due to a lack of information) for the café would fail to preserve and enhance the grade II listed host building, The Grange, and thus result in less than substantial harm to this heritage asset. Furthermore, no clear and convincing justification for this work had been provided and it was not considered that there were any public benefits arising from the development that would sufficiently outweigh the harm that had been identified. Additionally, the extract equipment had the potential to be out of character and appearance of the local area.
- In the absence of proof of access rights to the highway the application would be unacceptable in highway terms due to a lack of access and insufficient parking arrangements, which would have a knock-on effect for adverse impacts on highway safety.

Additionally, the Recommendation for the Listed Building Consent application 2023/0541/LBC was also for refusal as the proposal would result in “less than substantial harm” to the significance of The Grange and that it was considered that the harm the development would have on the significance of the Listing Building was not justified.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation. She also reported some updating on the application that had occurred since the Report had been published.

There were a number of speakers in support of the applications who made the following points:

- The project would bring together 3 eras of Street’s history in a fabulous building never previously open to the public.
- Being located next to the Clarks Village shopping outlet, it would bring more visitors to the town.
- The proposal was to reduce the height of the wall, not to remove it, so it would only be a negligible impact on the heritage asset.
- By reducing the height of the wall, it would enable connection to the Grange and improve the viability of the museum and café.
- The height of the wall is too high and prevents a clear view of the museum entrance.
- The proposal is in line with the Councils corporate plan and would contribute to a flourishing Somerset and offer an educational experience.
- The scheme would be a benefit to the Somerset Leisure and Tourism strategies.

In the discussion which followed, many Members were in support of the applications, and felt that the height of the wall should be reduced to enable the scheme to be as viable as possible. There were also suggestions that the problems with the vent for the café could be overcome with conditions. It was felt by many that the benefit of the scheme would outweigh the harms to the heritage asset. On the other hand, some Members said that the wall was a heritage asset that should not be touched. They did not see the benefit of reducing the height of the wall and they did not feel it was too high. The viability of the museum would not be compromised due to the height of the wall.

The Planning Officer said that she had tried to negotiate with the applicants regarding the proposed ventilation but that they were unable to agree on a solution.

The Heritage Officer stated that there was no public benefit from the part demolition of the wall and that Members would need to demonstrate clear and convincing justification for the harm if they chose to approve the applications.

The Legal Adviser advised that Members must decide if the benefits would outweigh the harms and that they could decide to delegate conditions of the café ventilation to Planning Officers and the Chair and Vice-Chair.

Councillor Heather Shearer proposed that both the applications be approved, contrary to the Officer's Recommendation with the details of the extractor for the café to be negotiated with the applicants. Also, the harm from the reduction of the height of the heritage wall did not outweigh the benefits of the scheme. This was seconded by Councillor Shane Collins.

A counterproposal was made by Councillor Edric Hobbs, who proposed to refuse the applications, in accordance with the Officer's recommendation. This was seconded by Councillor Bente Height.

The substantive proposal for application 2023/0540/FUL was put to the vote. It was carried with 6 votes in favour and 5 votes against.

The substantive proposal for application 2023/0541/FUL was put to the vote. It was carried with 8 votes in favour and 3 votes against.

**2023/0540/FUL**

## **RESOLVED**

That planning application 2023/0540/FUL be APPROVED contrary to Officer's recommendation as the harm to the reduction of the listed wall would not outweigh the benefits of the scheme. Delegation was made to Planning Officers to negotiate details of the café extractor with the applicants and delegation of conditions was made to Planning Officers, Chair and Vice-Chair.

**Votes – 6 in favour, 5 against**

## **2023/0541/FUL**

### **RESOLVED**

That planning application 2023/0541/FUL be APPROVED contrary to Officer's recommendation as the harm to the reduction of the listed wall would not outweigh the benefits of the scheme. Delegation was made to Planning Officers to negotiate details of the café extractor with the applicants and delegation of conditions was made to Planning Officers, Chair and Vice-Chair.

**Votes – 8 in favour, 3 against**

#### **49 Planning Application 2021/2805/FUL - Multi-User Path, Shepton Mallet, Somerset - Agenda Item 6**

##### **Application for Construction of a multi-user path along disused railway from Hamwood Viaduct through Windsor Hill tunnel and across Bath Road Viaduct to link to Shepton Mallet.**

The Officer's Report stated that this application had been referred to the Planning Committee by the Vice Chair of the Committee as there was a great deal of interest in the application and a number of objections to the scheme.

The application sought permission for a multi-user path along the former Somerset and Dorset Railway. The section of path, 2.4km long, will go over the Ham Wood viaduct, through the Windsor Hill tunnel, across Forum Lane and over the Bath Road viaduct to meet the A37 (Kilver Street Hill). The construction of the path will unlock further land either side and is a key component of the wider 'Somerset Circle' project.

Shepton Mallet Town Council was in support of the application as were many local groups and organisations. There had been 109 comments of support from local residents and 28 comments of objection. Comments in support included:

- Form an essential part of the 'Somerset Circle'.

- Be a valuable amenity asset for residents and visitors.
- Improve mental and physical health.
- Encourage sustainable travel.
- Restore and repurpose derelict heritage assets (viaducts and tunnels).
- Be sensitive to biodiversity.
- Boost the local economy through tourism.
- Provide a soft surface, which is preferred by runners, walkers and dogs (it is also cheaper so more deliverable).

Comments in objection included:

- Application is not inclusive for all – it discriminates against equestrians and disabled users (so is not a multi-user path).
- Equestrians should not be forced to dismount on the viaducts or subjected to a trial basis through the tunnels
- The path should not be segregated, and equestrians should not be forced onto a separate grass verge on the side of the path.
- The surface should be made of a resilient, weatherproof material suitable for horses as well as wheelchairs and prams (a dust surface is unsuitable).
- The central seating / viewing platforms on the viaduct will push users to the outside which is dangerous.
- Signage should encourage safe passing and harmony amongst users.

In conclusion the Officer's Report said that the scheme would help deliver the wider 'Somerset Circle' project and is supported by policy DP18 (Safeguarding Corridors for Sustainable Travel) in the Local Plan. In terms of benefits, the project offered access to the countryside for a range of users, including horse riders, cyclists and pedestrians. Whilst there would be some landscape impact through the loss of trees, this harm is not considered to be significant given the context of the site and the surrounding built form. Overall, the development was sustainable development, and the application was therefore recommended for approval, subject to conditions.

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

There was one speaker in support of the application. She spoke on behalf of Shepton Mallet Town council and said they strongly supported the scheme and it would be a useful addition to the town. It would benefit the community and connect villages. There had been many positive comments from local residents and hoped that the application would be approved as recommended by the Planning Officer.

In the discussion which followed, there was some debate as to whether the path was

an integrated path suitable for all users such as horse-riders or the disabled. The Planning Officer said it was available to all to use, it would be up to the individuals if they chose to use it.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Claire Sully to approve the application in accordance with the Officer's Recommendation. On being put to the vote the proposal was carried with 10 votes in favour and 1 abstention.

## **RESOLVED**

That planning application 2021/2805/FUL be APPROVED in accordance with the Officer's recommendation.

**Votes – 10 in favour, 1 abstention**

### **50 Planning Application 2023/0338/FUL - Land at Paul Street, Shepton Mallet, Somerset - Agenda Item 7**

#### **Application for the Change of use of land from agriculture to use class E (f) and erection of Nursery and Pre-School building and associated access and parking.**

The Officer's Report stated that this application had been referred to the Planning Committee as the recommendation was for refusal but there had been overwhelming support including from the Town Council and Division Councillor.

The application related to land to the north of the A361 (Paul Street) situated within the development limits of Shepton Mallet but within part of a larger area designated as Open Area of Local Significance under policy DP2 of the Local Plan.

The site had boundaries with an Open Area of Local Significance to the east and north and predominantly residential properties to the south. The application site was also situated within the Shepton Mallet Conservation Area, an Area of High Archaeological Potential and within the Somerset Levels and Moors Ramsar Catchment.

Shepton Mallet Town Council supported the application as had Somerset Education. The Conversation Officer objected due to less than substantial harm to the heritage asset (Shepton Mallet Conservation Area). There had been 8 letters of objection for reasons such as poor design and the impact on wildlife and the conservation area. There had also been 10 letters of support to the proposal to relocate and continue the nursery school use.

In conclusion, the Officer's Report said that although the proposed development would not adversely affect amenity, highway or pedestrian safety, and would modestly benefit local economy, it recognised that the current nursery was still operating and was meeting the existing demand and therefore the proposal would provide little public benefit. The harms identified to loss of a part of an OALS (Open Area of Local Significance) and the less than significant harm to the character of the Conservation Area carried significant weight and, in this case, outweighed the modest economic benefits brought by the proposed development. The application was recommended for refusal.

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

The Committee was then addressed by an objector to the application from the Shepton Mallet Neighbourhood Plan Steering Group His comments included:

- He disagreed that there was "overwhelming support" from the Town Council as the Steering Group, which was a part of the Town Council, had not taken the views of the Steering Group into consideration.
- The site is an area of green space in an otherwise heavily developed area.;
- The site frames the views of one of the oldest prisons on the country and still contains the Prison's crypt.
- The site should continue to be protected by its DP2 status as an OALS.

A statement in support of the application from Sarah Love, Service Manager for Education and Childcare Places at Somerset Council was read out by the Chair of the Planning Committee.

There were an additional 3 speakers in support of the application including a Councillor from Shepton Mallet Town Council. They made the following points:

- The quality of a child's early learning experience is critical as children will develop most during the first 5 years of their lives.
- The existing buildings are not up to standard and if the application is not approved it may mean the nursery will have to close, thus affecting children, families and staff.
- Closure of the nursery would impact on the local economy.
- Children should be allowed to learn in an environment that will nurture them and expose them to a natural environment.
- The Town Council was aware of the Green Space but there was a need to balance this with the needs of the local community and there are not enough



nursery spaces.

- The building is well designed, low level and takes into account the slope of the land.

The final speaker was the applicant's agent who made the following points:

- There would be an impact on the open space in a conservation area but the scheme attempted to minimise this.
- The site is perfect for the forest scheme ethos of the nursery.
- The benefits of the scheme do outweigh the harms identified.
- If not approved, there will be a loss of jobs and it would be very hard to provide all the childcare required.

During the discussion which followed, Members made a number of comments including the following:

- Would not want to see the nursery close down.
- The need for early years provision would outweigh the conservation issues.
- There always needs to be a compromise between green spaces and development but we should be looking at urban infill and not building out of town on green spaces.
- The proposed building is modular and has inadequate insulation. There was no sustainability information submitted with the application.
- The longevity of the building is not certain.
- The proposal does not include solar panels. These should be installed if approved.
- It would be a great space for the children to learn but as it would be built on a green space, it would need to be protected for the future.
- Childrens needs should be put first and this amenity is greatly needed.
- The site is overgrown with brambles and it would not be a loss to the town.

The Legal Advisor reminded Members that they must determine the application in accordance with the development plan and consider the planning balance. There were 2 reasons for refusal given by the Planning Officer and Members must consider the harms and whether the benefits of the scheme outweighed the harms. The Planning Officer added that if Members were minded to approve the application, the conditions including sustainable drainage and oil traps would be included in the terms of the approval which should be delegated to Planning Officers, the Chair and the Vice-Chair.

At the conclusion of the debate, it was proposed by Councillor Claire Sully and seconded by Councillor Edric Hobbs to approve the application as a departure,

contrary to the Officer's Recommendation, as the benefits of the scheme outweighed the harms.

On being put to the vote the proposal was carried with 9 votes in favour and 2 against.

## **RESOLVED**

That planning application 2023/0338/FUL be APPROVED contrary to the Officer's recommendation as a departure, as the benefits of the scheme outweighed the harms to the conservation area. Delegation of conditions was made to Planning Officers, Chair and Vice-Chair.

**Votes – 9 in favour, 2 against**

### **51 Planning Application 2023/0959/FUL - Tadhill Farm Cottage, Leigh on Mendip, Somerset - Agenda Item 8**

#### **Alteration to an existing access and installation of a new access track (extension to residential curtilage)**

The Officer's Report stated that this application had been referred to the Planning Committee because the proposal represented a change of use of land within the open countryside which could not be supported in policy terms and therefore represented a departure from the development plan.

The Report continued that the application related to scrub land and agricultural land adjacent to Tadhill Farm cottage.

The Parish Council had recommended approval and the ecologist had no objections subject to conditions to ensure the protection of wildlife throughout the construction stage and to ensure the implementation of the proposed new hedgerow.

There had been no comments from local residents.

In conclusion, the Officer's Report stated that whilst the development was contrary to Planning Policies C1 and CP4, which restricted development in the open countryside, there were material considerations which justified a departure from the constraints of these policies, and where, as in this case, the benefits of the development outweighed the harm. The development was therefore recommended for approval.

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

PowerPoint presentation.

The applicant spoke briefly to the Committee. He said he aimed to create a safe entrance to the farm which would improve safety for the children. There would be a small change of use for a small area of land which would improve its appearance. He pointed out that the Parish Council had recommended approval.

There were no comments or debate among the Committee Members and it was proposed by Councillor Heather Shearer and seconded by Councillor Alex Wiltshire to approve the application in accordance with the Officer Recommendation set out in the Report. On being put to the vote it was carried unanimously.

### **RESOLVED**

That planning application 2023/0959/FUL be APPROVED in accordance with the Officer's recommendation.

**Votes - Unanimous in favour**

## **52 Planning Application 2022/2076/OUT - Land at Tynning Hill, Faulkland, Somerset - Agenda Item 9**

### **Outline Planning Permission for 5no. residential dwellings with details of access and all other matters reserved.**

The Officer's Report stated that this application had been referred to the Planning Committee as the application site lay outside any development limits and the recommendation was for approval as a departure from the development plan.

The Report continued that the application sought outline planning permission for the principal of developing the site for 5 residential dwellings with all matters reserved, except for access. The application included an indicative site layout suggesting 3 x 4-bedroom detached dwellings and 2 x 3-bedroom detached dwellings, each with its own detached garage. Access was proposed to the five dwellings from the Greenway via four driveways. Two dwellings would have a shared driveway.

The Parish Council had recommended refusal for the following reasons:

- Highway is unsuitable for additional traffic resulting in safety concerns
- The junction of Tynning Hill and the A366 has poor visibility and high speeds
- Visual impact on the existing properties

There were no objections from Environmental Protection Agency, Highways, Ecology, or the Tree Officer. However, Land Drainage had objected due to insufficient details regarding infiltration testing. There had also been 2 letters of objection from local residents and 1 neutral letter raising various points.

In conclusion, the Officer's Report stated that whilst it was acknowledged that the development would be beyond the edge of the village, the application site could not be described as being in isolated open countryside. As the Council did not have a five-year housing land supply, the tilted balance of the NPPF applies – the houses would make a modest contribution to the housing in the district, there would be limited economic benefit during the construction period and the new residents may use local services and facilities. Any impacts arising from the application were not considered significant and would not outweigh the benefits. The recommendation was therefore for approval.

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

There were no one registered to speak about the application so the Chair opened up the debate to the Committee Members. The comments included:

- The houses were too large and were not in keeping with the village.
- The replacement hedgerow would take many years to establish so will affect the bat run.
- The scheme was outside the development area.
- Individual access for 3 of the 5 dwellings seemed too much.
- There would be overshadowing of the houses behind the application site.
- Preference would be for smaller, social housing on the site.

In response to Members comments, the Highways Officer stated that in this scenario with a small number of dwellings, the access arrangements were in keeping and were a feasible solution.

The Legal Advisor reminded Members about the tilted balance and that the scheme being outside the development limit was not a sustainable reason for refusal on its own.

Councillor Edric Hopps proposed to refuse, against the Officer's Recommendation for reasons of overshadowing of the neighbouring properties and the scheme being outside the development limits. This was seconded by Councillor Bente Height. On reflection, Councillor Hobbs withdrew his proposal to refuse.

On being put to the vote, there were 4 votes in favour of refusal and 8 votes against. The proposal was not carried.

Councillor Heather Shearer then proposed to approve the application in accordance with Officer's Recommendation. This was seconded by Councillor Shane Collins. On being put to the vote the proposal was carried with 8 votes in favour, 3 votes against and 1 abstention.

## **RESOLVED**

That planning application 2022/2076/OUT be APPROVED in accordance with the Officer's recommendation.

**Votes - 8 in favour, 3 against, 1 abstention**

### **53 Planning Application 2023/0693/FUL - Ivy Cottage, Quarry Lane, Leigh on Mendip, Shepton Mallet, Somerset - Agenda Item 10**

#### **Application for the creation of new access and driveway.**

The Officer's Report stated that this application had been referred to the Planning Committee as it was a departure from the Local Plan and the Officer's Recommendation was for approval, whereas the Parish Council had raised objections.

The Report continued that the application site was a section of an agricultural field with existing field access on an unclassified road. It was outside of designated development limits and fell within the Mells Valley Special Area of Conservation (SAC), a Bat Consultation Zone, a SSSI Impact Risk Zone and a Coal Development Low Risk Area. Additionally, the site was close to Halecombe Quarry and Barn Close Quarry and hence was within the mineral safeguarding area in the Somerset Minerals Plan (2015).

The Parish Council had objected to the application for the following reasons:

- Proposed materials and street lighting results in a suburbanising impact on the character of the area.
- Impact on the landscape character given excessive excavation works required.
- Loss of historic wall.
- The fields proposed for the access were highlighted as making a positive contribution to the setting of the Grade I listed church in the appeal for 2020/1877/OTS.
- The existing access was previously found acceptable under 2017/3266/PAA.

- Highways safety concerns.
- The barn conversion can be accommodated without this harm using the existing access.

The Highways Development Officer had raised not objections to the proposal, however there had been 4 letters of objection. Some of the reasons given were:

- Impact on landscape - urbanisation
- A formal roadway would include lighting which is not acceptable in this rural area
- Loss of hedge, trees and wall
- Impact on the setting of the listed building
- Inspector highlighted the importance of the rural nature of this field on the setting of the church in their determination of 2020/1877/OTS

There were also 5 letters of support received. Some of the reasons given were:

- Will take pressure of the existing access
- Relocation of the 30mph limit is welcome
- Existing access gets obstructed during school drop off and pick up times
- Safer for school children
- Increased visibility

In conclusion, the Officer's report stated that whilst it was acknowledged that the development would be beyond the edge of the village and therefore would represent a departure from local plan, it was only proposed in association with the proposal for 3 terraced dwellings (ref: 2023/1084/FUL). The proposed use was not considered to have a detrimental impact on the adjoining land uses, landscape and visual impact, impact on heritage assets and/or highway safety. Therefore, on balance the application represented a sustainable form of development and was recommended for approval as a departure from the development plan.

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

The Committee was addressed by the Chair of the Leigh-on-Mendip Parish Council. She made a number of points including:

- Concerned that proper consideration had not been given to access.
- There would be a roadway into an agricultural field.
- The proposal to move the 30mph limit is not assured and is subject to a TRO.
- There is no Conservation Officer Report so the bats in the area will not be

protected.

- The Inspectors opinion of the impact on the setting of the Grade 1 listed church had been ignored.

The final speaker was the applicant's agent who had already spoken about the access in his earlier speech for the application for the actual dwellings (2023/1084/FUL). He added that the proposal was so much safer than the existing access, particularly when school children are leaving school. The visibility splays would stay the same and Highways Officers had not raised any objections.

The Highways Officer was invited to speak by the Chair. She said that it was deemed to be safe and suitable access and a betterment to what exists currently. It was an acceptable improvement. There would need to be a change to the TRO but it was considered safe with the conditions specified.

Members debated the safety of the access and some felt it was not acceptable, whereas others felt the access could not be refused for the 3 houses proposed if it had been previously accepted for a scheme of 40 houses.

Councillor Alex Wiltshire proposed to approve the application in accordance with Officer's Recommendation. This was seconded by Councillor Tony Robbins. On being put to the vote the proposal was carried with 7 votes in favour, 4 votes against and 1 abstention.

## **RESOLVED**

That planning application 2023/0693/FUL be APPROVED in accordance with the Officer's recommendation.

**Votes – 7 in favour, 4 against, 1 abstention**

### **54 Planning Application 2023/1084/FUL - Land at Quarry Lane, Leigh on Mendip, Shepton Mallet, Somerset - Agenda Item 11**

#### **Demolition of existing barn to form terrace of 3no. single storey dwellings.**

This was presented before agenda item 10.

The Officer's Report stated that this application had been referred to the Planning Committee as it was a departure from the Local Plan and the Officer's Recommendation was for approval, whereas the Parish Council had recommended refusal of the application.

The Report continued that the application was part retrospective as a section of the barn had already been demolished and new build construction had commenced.

Leigh-on-Mendip Parish Council had recommended refusal for the following reasons:

- Within the mineral safeguarding area for nearby quarries
- Unsustainable location
- Impact on the setting of the Grade I listed church
- Impact on the landscape character of the area
- Proximity to Mells Valley Special Area of Conservation and impact on bats
- Highway safety concerns from increase in traffic

There had been one letter of objection from local residents and two letters in support. The following objections were raised by the Parochial Church Council:

- Not a conversion as the original barn isn't being reused
- No longer retains the character of the original barn
- The application site is within the minerals safeguarding distance of Halecombe Quarry and objections were raised by Minerals and Waste Policy on a similar application nearby
- Barn was previously found to be suitable for conversion as per the structural survey submitted with the Class Q application, why was this not fulfilled?
- Impact on the setting of the Grade I Listed church

In conclusion, the Officer's report stated that whilst it was acknowledged that the development would be beyond the edge of the village and therefore would represent a departure from local plan, it could not be described as being in isolated open countryside.

As the Council did not have a five-year housing land supply, the tilted balance of the NPPF would apply – the houses would make a modest contribution to the housing in the district, there would be limited economic benefit during the construction period and the new residents may use local services and facilities.

As the assessment of the application had not identified any harm in terms of landscape and visual impact, impact on the heritage asset or any highway safety concerns, any impacts arising from the application were not considered significant and would not outweigh the benefits. The recommendation was therefore for approval.

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



PowerPoint presentation.

The Committee was addressed by the Chair of the Leigh-on-Mendip Parish Council. She made a number of points including:

- The village is not sustainable
- The original application for a barn conversion was refused, so why is this recommended for approval?
- It is now a new build rather than a conversion which a planning inspector said he would not support. The barn should be recognised.
- Impact on the setting of the Grade 1 listed church.
- There is no need for additional housing within the village as there are still properties on the market.

Next to speak was the applicant's agent. He said that having read the Officer's Report there was little to add as the Report covered all aspects of the application. He wanted to clarify why the barn could not be converted and had to be demolished. This was because the existing ceiling height did not comply with building regulations.. The conversion to 3 dwellings had previously been approved by Mendip District Council and local residents were in support. He added that the infill of the existing access would be planted with hedging.

The Team Leader – Development Management explained that the landowner had secured prior approval to convert the existing barn into dwellings. However, the barn has now been demolished so they have applied for retrospective permission to demolish the barn. The Council would need to take necessary steps should the Committee choose to refuse this application.

In the debate which followed Members discussed the issue of the proximity of the development to Halecombe Quarry and that it was within the minerals safeguarding distance of the quarry. They were concerned that future residents of the houses could impact on the work and future development and expansion of the Quarry if they put in a complaint. The effect on the setting of the Grade 1 listed Church was also a concern, as was light spill and the removal of hedges and walls. The suggestion of a deferral was not supported among the Members as the application had been deferred previously.

At the conclusion of the debate, it was proposed by Councillor Heather Shearer and seconded by Councillor Alex Wiltshire to approve the application in accordance with the Officer's Recommendation. On being put to the vote the proposal was carried with 9 votes in favour, 4 against and 1 abstention.

## **RESOLVED**

That planning application 2023/1084/FUL be APPROVED in accordance with the Officer's recommendation.

**Votes – 7 in favour, 4 against, 1 abstention**

### **55 Planning Application 2023/0516/ADV - Land on the South Side of Station Approach, Frome, Somerset - Agenda Item 12**

#### **Application for the Erection of 1 No.48 Sheet Externally Illuminated Paper and Paste Advertising Display.**

The Officer's Report stated that this application had been referred to the Planning Committee at the request of the Divisional Member. The Chair decided that the application should go to the Committee, due to the amount of public interest and concerns raised by the local Members.

The Report continued that the proposal sought advertisement consent to erect a 6m x 3m illuminated paper and paste advertising display. A previous application had been approved that allowed a digital board to be erected. This proposal was for a revised scheme following residents' concerns regarding the digital board.

The Divisional Member objected to the revised scheme due to amenity, effect on the Conservation Area and highway safety. Frome Town Council appreciated the steps that the applicant had taken after listened to residents' concerns and had no objection to the revised proposal of a paper and paste display. However, Frome Civic Society objected to the "gigantic, intrusive advertising board "for the following reasons:

- Vehicle, cyclist and pedestrian safety.
- Harm to the character of the Conservation area which extends along the opposite side of the road.

There had been 5 letters of opposition from local residents for reasons of being detrimental to the character of the area, a distraction to highways users and an unnecessary use of energy.

After assessing the application, the Officer recommended approval with the standard advertisement conditions.

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

The Committee was addressed by a local resident who opposed the application. He made the following points:

- There had been a lot of public opposition to the digital billboard that had been approved by Mendip District Council in January 2023 due to safety and amenity concerns.
- This revised design would likely be vandalised and would become an eyesore and the first thing visitors to Frome would see when arriving by train.
- The billboard would be a distraction to road users and therefore the number of accidents would rise.
- The large billboard was not in keeping with the area which is currently trees and small directional signage.
- Encouraged Members to refuse the application based on the objections from a vast majority of Frome residents.

Divisional Member Shane Collins then spoke to the Committee. He opposed the application and made the following points:

- The location of the billboard would spoil the visual amenity of the entry point to Frome.
- The size of the billboard was far too large and inappropriate for its location.
- The unnecessary illumination would use too much valuable energy.
- The billboard is designed to attract attention therefore it is a danger to road users.

In the debate which followed, Members made the following points:

- Why is the billboard needed in that position?
- It may get vandalized and become an eyesore.
- Even if Members refused this application, the previous digital application had already been approved.
- The digital application had been approved by Planning Officer, not the Planning Committee. Local residents were infuriated and there was a petition of over 300 signatures.
- If approved there should be time limits applied to the illumination period.

At the conclusion of the debate, it was proposed by Councillor Martin Dimmery and seconded by Councillor Dawn Denton to refuse the application, contrary to the Officer's Recommendation, due to the impact on highway safety and visual amenity. On being put to the vote the proposal was carried with 6 votes in favour, 5 against and 1 abstention.

**RESOLVED**

That planning application 2023/0516/ADV be REFUSED contrary to Officer's recommendation due to the impact of the scheme on highway safety and visual amenity.

**Votes - 6 in favour, 5 against, 1 abstention**

**(The meeting ended at 6.00 pm)**

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**CHAIR**