

## South Somerset District Council

**Draft Minutes** of a meeting of the **Area West Committee** held in **The Guildhall, Chard** on **Wednesday 19 October 2022**.

(5.30 - 8.20 pm)

**Present:**

**Members:** Councillor Jason Baker (Chairman)

Brian Hamilton	Val Keitch
Robin Pailthorpe	Paul Maxwell
Mike Best	Sue Osborne
Ray Buckler	Garry Shortland
Dave Bulmer	Martin Wale



**Officers:**

Angela Cox	Specialist (Democratic Services)
Peter Paddon	Acting Director (Place and Recovery)
Oliver Jones	Specialist – Planning
Jon Doyle	Strategic Manager, Somerset County Council

*NB: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.*

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### 368. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the meeting held on 20 July 2022 were approved as a correct record and were signed by the Chairman.

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### 369. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Martin Carnell, Jenny Kenton, Tricia O'Brien and Oliver Patrick.

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### 370. Declarations of Interest (Agenda Item 3)

Councillor Val Keitch declared a personal interest in Agenda Item 7 – Ilminster Flooding Update, as a member of Ilminster Town Council.

Councillors Jason Baker and Dave Bulmer declared personal interests in Agenda Item 8 - Verbal Update on Chard Regeneration and Agenda Item 9 – Verbal Update on Chard Eastern Development Eastern Relief Road, as members of Chard Town Council.

### **371. Date and Venue for Next Meeting (Agenda Item 4)**

Members noted that the next meeting of the Area West Committee was scheduled to be held on Wednesday 16<sup>th</sup> November 2022 at 5.30pm at The Guildhall, Chard.

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### **372. Public Question Time (Agenda Item 5)**

The Committee was addressed by a member of the public in relation to the Chard Future Development Strategy which he believed was not fit for purpose. He had written a report on the findings of the plan which he felt contained no future strategy and was entirely retrospective. Subsequently, he had met with the Chairman of Area West and the Acting Director – Place and Recovery to discuss his concerns. He wanted Chard to grow and develop and have a variety of amenities it didn't currently have such as a sports facility. He asked for an update on how the Chard Future Development Strategy had evolved in the last seven months.

In response, the Acting Director – Place and Recovery explained that different parts of the Strategy were being progressed at different speeds depending on priorities, but work was being undertaken in all the key areas. He was intending to provide an update on the progress made in the first year of the Action Plan, dependent upon priorities and that some actions would be for the new Somerset Council to progress. As the plan covered the short term and the longer term, some of the items and actions would be done in months and some would take years and be handed over to the new authority to take forward.

In response to a further question, the Acting Director – Place and Recovery confirmed that the Action Plan would be monitored and updated.

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### **373. Chairman's Announcements (Agenda Item 6)**

The Chairman made no announcements.

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### **374. Ilminster Flooding Update (Agenda Item 7)**

The Strategic Manager – Somerset County Council introduced himself to the Committee and outlined his role at Somerset County Council. He explained that the Section 19 Flood Investigation report produced following the extreme weather event in and around Ilminster on 20th October 2021 was being presented to the Committee as part of the consultation process.

The Strategic Manager gave a powerpoint presentation which covered the following areas:

- What is a Section 19?
- Section 19 at Somerset County Council
- Purpose of the report
- The Event and impacted areas in Ilminster
- Impacted areas in Sea and Dowlish Ford
- Ilminster and Sea – Information Gathering

- Integrated Catchment Study completed in 21/22 and awaiting sign off
- 10 November – multi agency meeting held
- Community drop-in event 17<sup>th</sup> November – multi agency
- Multi agency debrief 29<sup>th</sup> November
- Working Group established - weekly meetings (now monthly) – led by EA with LLFA attendance
- Recommendations
  - Local Resilience Group and Local Resilience Plan
  - Liaison with local landowners
  - Potential for NFM schemes
  - Education of Riparian Responsibilities
  - Modelling to include fluvial and surface water and the interaction between the two
  - Auditing of gulley clearing regime
- Next Steps
  - Finalise consultation and publish S19
  - Continue to develop Ilminster Flood Action Plan with Town Council and EA
  - Liaise with stakeholders on delivering recommendations incl. funding
  - Work with EA on Integrated Catchment Study
- Comments and feedback on the draft S19 report required by Friday 18<sup>th</sup> November

During the discussion, various comments were made by members which included the following:

- What actions had been taken forward following the Section 19 report produced in 2017? There were still issues with the bund around the park homes and gulley clearing.
- There was a lack of faith in the actions being taken forward.
- It was likely that significant engineering works were required to address a lot of the problems. Positive action needed to happen as time was of the essence as a similar event could happen again soon.
- The Lead Local Flood Authority should be liaising with stakeholders and riparian land owners.
- Cllr. Sue Osborne was a member of the Ilminster Flooding Group and had recently attended a meeting. The SSDC Scrutiny Task and Finish Group would be providing comments on the S19 report.
- When would the results of the bid for a Feasibility Study be known?
- Assurances were sought that the bund would be investigated and that funding would be released to carry out maintenance.
- The reason for flooding in Horton in 2012 was due to unattended gullies. The Action Plan should maximise the existing drainage channels. Liaising with town and parish councils was suggested as they were more aware of issues. A request was made for monthly updates on what work is intended and the work being undertaken.
- As a result of the flooding in Chard and Ilminster local communities have come together to look after themselves and have done a lot of work that needs to be done in preparation for any future flooding.

The Strategic Manager responded to members comments and queries. Responses given included the following:

- He would provide a written response on the recommendations taken forward following the Section 19 report produced in 2017.
- Maintenance and responsibility of the bund around the park homes site was part of the investigation being undertaken by the Action Group

- Major schemes and structures did take time to come to fruition and were costly to implement. Partnership working with the Somerset Rivers Authority and the Environment Agency was important in seeking additional funding.
- Resource and capacity were an issue. Raparian engagement was incumbent on the LFA to ensure that the information was gathered. SRA funding had been secured for a Raparian Responsibility Officer but unfortunately this had not worked out. He assured members that it would be taken forward.
- The two bids for FDGI funding had been submitted.
- An announcement on the Frequent and Flooded Homes Allowance was expected imminently.
- He would take the comments regarding gully clearance back to the Highway Authority.

At the conclusion of the item, members agreed the recommendations of the report.

- RESOLVED:**
1. That the Committee noted and provided comment upon the draft Section 19 investigation report into the flooding in and around the Ilminster area during October 2021. In particular Members noted:-
    - a. The recommendations as set out on page 47; and
    - b. That South Somerset District Council will continue to provide support to the LLFA regarding on-going investigations and any associated actions not mentioned above.
  2. That the public are encouraged to comment on the draft Section 19 report directly to LLFA@somerset.gov.uk by Friday 18th November 2022.

### **375. Verbal Update on Chard Regeneration (Agenda Item 8)**

The Committee was addressed by a representative of Chard Area Resilience Group, Residents for a Better Chard and Stop Flooding Chard. He noted that the Forward Plan stated that verbal updates on Chard Regeneration would be given and asked for written reports to be provided in order for the Council to be seen to be open, accountable and transparent. He said that CARG a constituted group of residents had access to significant expertise in regeneration and were willing to be involved in aspirations, community engagement and supportive of appropriate measures in Chard to address economic and social decline. He asked for a future written report to include details of the budget, project brief and list of works outstanding together with timescales for completion as well as how the project would be developed and whether or not the Council was willing to engage in constructive debate with the local community to reflect on the projects so far and identify ways forward.

The Acting Director – Place and Recovery referred to his update focussing on the public realm works and the centre of Chard works. He informed members of the following:

- The Fore Street pavement build out had been removed.
- Final snagging works were currently being undertaken and would be completed by the end of October.
- The decorative plate at the Eastern Gateway was awaiting delivery and would be fitted in the coming weeks.
- 12 business properties in the centre of Chard had expressed an interest in grants to improve their shopfronts.

- Early discussions were being held with an interested party over the future of Boden Mill which may include the future of Building 11.

During the discussion, some of the Chard members felt that it was important for officers to engage with the local community.

At the conclusion of the item, members were content to note the update provided by the Acting Director - Place & Recovery.

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### **376. Verbal Update on Chard Eastern Development Area Eastern Relief Road (Agenda Item 9)**

The Committee was addressed by a representative of Chard Area Resilience Group, Residents for a Better Chard and Stop Flooding Chard. He commented that it would have been useful to receive a written report. He said that local residents were extremely concerned that the public impact of the relief road still blighted properties and threatened to devalue, not improve, residential amenity and have a large environmental impact. Tatworth and Forton Parish Council had raised concerns about the proposed layout, lack of independent traffic evaluation, insufficient health and education provision and community resources. Chard Town Council recommended a full evaluation of the traffic assessment be carried out and brought up to date. The Lead Local Flood Authority had stated that the layout towards the A358 was likely to be overwhelmed by stormwater. There was also evidence that recent planning approvals were exacerbating flooding in the area and the proposals were over green areas that currently flooded. The Police had also queried the design strategy at the A358 end and the Highway Authority had issues with the current form. He suggested that meetings be held with the public and local groups and said that Chard Area Resilience Group, Residents for a Better Chard and Stop Flooding Chard were willing to engage and be involved. He also questioned whether Chard still needed a relief road and felt traffic problems could be resolved in another way.

The Acting Director – Place and Recovery explained that the South Somerset Local Plan identified the need for an eastern relief road to relieve town centre traffic as more houses were built up to 2028 in Chard. The indicative route around the reservoir was shown to the south of the nature reserve in the Touches Lane vicinity. He acknowledged that the environment and community views were very important and was the reason further work was being undertaken. He said that before any construction could occur, the necessary planning applications and permissions were required including any necessary environmental works. There would also need to be specific public consultation on any planning applications. The Acting Director – Place and Recovery advised that the potential alignment options work being undertaken, which was work in progress at the current time would inform those future planning application decisions and the Local Plan Review which would both be carried forward to the new Somerset Council from April 2023. Some environmental assessment work had been commissioned and this would be carried out over the coming months to allow a better understanding of the potential environmental impacts and concerns around the alignment of the eastern relief road including sections around the reservoir.

The Acting Director – Place & Recovery responded to comments and questions made by members which included the following:

- It would be for the new Somerset Council to decide how to progress forward with a new Local Plan for Somerset within a timescale of five years. In the meantime, the existing Local Plans would still operate.
- South Somerset District Council had five months remaining until vesting day and this was not enough time to put a new Local Plan in place. The existing plan was still fit for purpose and in place and totally valid until 2028. The Local Plan was not the only planning consideration and there were other key material factors that a planning authority took into consideration in making a planning application decision such as environmental impact assessments and community public consultation.
- Any report on the options for a Chard Eastern Development Eastern Relief Road would be misleading and unhelpful at the current time. Further work was being undertaken which was in progress and not yet finished. When it was beneficial and would add value rather than causing confusion, a written update would be provided.

At the conclusion of the item, members noted the verbal update given by the Acting Director – Place and Recovery.

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### **377. Area West Committee Forward Plan (Agenda Item 10)**

Members were disappointed to see the Section 106 report as being listed on the Forward Plan as a report to be confirmed and said that the Town & Parish Councils had been notified of what funding they would be receiving/have received but the Area Committees had not seen any reports or figures. A request was also made for an update on CIL funding.

Members also made a request for a Listed Buildings at Risk report for key buildings located in Area West. Members commented that the report submitted to Full Council did not contain the level of detail that was normally included in previous reports to Area West Committee.

At the conclusion of the item, members were content to note the Forward Plan.

**RESOLVED:** That the Area West Committee Forward Plan be noted.

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### **378. Planning Appeals (Agenda Item 11)**

Members were content to note the report that detailed the planning appeals which had been lodged, dismissed or allowed.

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### **379. Schedule of Planning Applications to be Determined by Committee (Agenda Item 12)**

Members noted the Schedule of Planning Applications.

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**380. Planning Application 22/01623/FUL - The Swan Inn, Lower Street, Merriott, Somerset, TA16 5NN (Agenda Item 13)**

***Application Proposal: Change of use of Public House (Sui Generis use) to dwelling (Use Class C3)***

The Planning Specialist corrected an error in the report and advised that the site was located to the eastern side of Lower Street and not the west as stated in the report. He also advised that there was a paragraph in the report that related to the provision of an ecology survey and that this should be discounted and was not relevant to this planning application.

The Planning Specialist advised that the application was solely to consider the change of use and no external alterations or other operational development was proposed as part of the application. With the aid of a powerpoint presentation, he outlined the application site and the surrounding area, the existing plans and proposed plans. Photographs of the site were also shown. He highlighted to members the key considerations which were principle of development, siting, design and visual/landscape impact, impact on residential amenity, access and highways safety and Ecology and Habitat Regulations.

In conclusion, the Planning Specialist advised that the loss of the existing public house and accommodation was considered to be acceptable as it should not affect the village's vitality and viability, or community vibrancy given there was alternative provision of equal or better quality. The proposal would make a limited contribution to housing supply in a broadly sustainable location. The proposal would not harm the significance of the listed building and the character and appearance of the conservation area, there were no undue concerns regarding residential amenity, highway safety and ecology or designated sites, therefore the application was recommended for approval subject to conditions.

In response to questions from members, the Planning Specialist advised that:

- The Swan Inn had been closed since 2016.
- The landlords were currently living at the premises.
- If the Committee were minded to grant permission and this was implemented, planning permission would be required for the premises to operate as a public house again.
- Local Plan Policy EP15 set out the criteria that needed to be met. Both did not need to be satisfied it was either or both. The claim from the applicant that the business was unviable was acknowledged but the information provided was out of date, therefore it could only be given limited weight.
- A material change of use still constituted development.
- The lawful use of the site was a public house so it could not be sold on the open market as a dwelling. The living accommodation above was ancillary to the use of the public house.

The Committee was addressed by the applicant. He advised that The Swan Inn was an historic and cherished building and referred to there being no recent evidence of re-investment, upkeep or profitability. He said that the village was notified of his intention to sell the lease of the premises in June 2016 due to the business no longer being viable and explained the circumstances which led to the closure of the public house in September 2016 due to an unsubstantiated noise notice being served and the reasons for the public house being taken off the market in 2017. He referred to the

social club and other public house operating within Merriott, both being better sited with superior capacity and accessibility.

The agent referred to Local Plan Policy EP15 and reiterated that applications were required to satisfy one or both of the criteria. In this case, she said that the proposal complied fully with the first requirement and detailed information had been provided in respect of the second requirement regarding viability. She said that since purchasing The Swan in 2011, the applicants had always been committed to running The Swan as a viable local pub, had undertaken extensive renovation and made improvements to the building and in their time had worked hard to try and revitalise the business. The applicants' efforts in trying to restore the fortunes of The Swan were well documented in the business and marketing statement. Despite the applicants' best efforts, the pub remained unviable and was forced to close in 2016. Since that time the applicants had continued to live in the flat upstairs but were not living in the rest of the pub which was closed and empty. She concluded that the application complied fully with the relevant policy but also noted that there were no adverse impacts associated with the change of use of the building as a single dwelling and the proposal also complied with other local and national planning policies.

Ward Member, Councillor Paul Maxwell said that he had lived in Merriott for over 25 years and during most of that time The Swan was a cherished local pub frequented and enjoyed by the village which also provided good food. He believed that the application did not accord with Policy E15 and disputed that the alternative provision was better. The Swan when open was by far the most superior pub in the village in terms of its ambience, food and general welcoming feeling. He felt that the village should be able to sustain two pubs. He was unable to support the officer's recommendation and was of the view that The Swan should remain. He proposed that the application be refused, however the proposal was not seconded.

During the discussion on the item, members made several comments which included the following:

- It was always sad to see a village pub close but the pub had been shut since 2016 so the only thing that was cherished was a memory.
- If the pub was so cherished surely its customers would have rallied round to help and support the landlord to defeat the noise complaint.
- The trade had gone elsewhere and with the current climate would it come back again.
- The situation in 2016 should have been investigated including the trading position of the pub at that point and what attempts had been made to market it.
- The pub had been closed for six years. Since this time there had been covid and there were already a number of pubs up for sale in Somerset.
- In the current economic climate, it was felt that people would not be considering opening a pub.
- The application was supported by the Parish Council.

At the conclusion of the debate, it was proposed and seconded to approve the application as per the officer's recommendation outlined in the agenda report. On being put to the vote the application was approved by 9 votes in favour and 1 against.

**RESOLVED:** That Planning Application 22/01623/FUL be **APPROVED** as per the Planning Officer's recommendation for the following reason:



01. The proposal, would not have any adverse affect on the village's vitality and viability, or community vibrancy. No adverse impact on visual amenity, the historic environment, residential amenity, highway safety, along with designated ecological sites is identified. As such, the proposal accord with policy SD1, SS1, TA5, EQ1, EQ2, EQ3 and EP15 of the South Somerset Local Plan and the National Planning Policy Framework (2021).

**SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

02. The development shall be carried out in strict accordance with the approved drawings (unnumbered site location plan, P100, unnumbered floorplans identifying existing use, unnumbered floorplans identifying proposed use - received 27 June 2022) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the consent and ensure a satisfactory development in accordance with Policies EQ2 and EP15 of the South Somerset Local Plan and the National Planning Policy Framework.

03. Notwithstanding the provisions of Schedule 2, Parts 1 and 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order modifying, revoking or re-enacting that Order), no external alterations, extension, garage, car port, other building/structure, fence, wall, gate or hardstanding shall be erected, installed or provided on or around the site without a further express planning permission having first been obtained from the Local Planning Authority.

Reason: To help safeguard the settings of the listed buildings and the character and appearance of the Merriott Conservation Area, in accordance with Policies EQ2 and EQ3 of the South Somerset Local Plan and the National Planning Policy Framework.

**Informatives:**

01. This planning permission is for the change of use of the building to one residential dwelling. It does not authorise any external works or development (operational development) or internal works to the building. Separate planning permission or listed building consent may be required to facilitate any forthcoming residential use of the site. You are advised to discuss any future proposals or submissions with the Local

**381. Planning Application 22/01441/FUL - Lavington, Furnham Road, Chard, Somerset, TA20 1AX (Agenda Item 14)**

***Application Proposal: Change of use from a dwellinghouse (Use Class C3) to a chiropractic and manual therapy clinic (Use Class E(e))***

The Planning Specialist updated members that the site was located within the Somerset Levels and Moors Catchment and not the River Axe as stated in the report although this did not have any bearing on the recommendation outlined in the report.

The Planning Specialist presented the application as outlined in the agenda report and with the aid of a powerpoint presentation proceeded to show the application site and the surrounding area, the existing and proposed floor plans and elevations. The proposal included provision of additional parking spaces to accommodate the proposed use. There would also be minor changes to windows and doors and replacement fascia and guttering. Members were asked to note that there was some advertising proposed to the western gable end and should planning permission be granted this would require advertisement consent and an informative would be imposed to advise the applicant. The Planning Specialist showed a number of photographs illustrating the change in levels on the site and the access. He outlined the key considerations which were principle of development, siting, design and visual impact, impact on residential amenity, access and highway safety and ecology and habitat regulations. He advised that the access was considered to be sub-standard and the application had not demonstrated an ability to achieve the requisite visibility splays on land within the control of the applicant or highways land to allow safe access and egress. The proposal would result in an intensification of a wholly substandard access and would prejudice the safe flow of vehicle traffic along the A358. He therefore recommended that the application be refused.

In response to questions from members, the Planning Specialist advised that:

- The previous application that was refused was for the same proposal as the current application. The reasons for refusal related to the loss of housing and not being able to demonstrate safe and efficient access onto the A358.
- The grassland was in the control of the applicant.
- Vehicles not being able to exit the site in forward gear had not been raised as an issue by Highways however, the Planning Specialist was of the view that vehicles would be able to exit the site in forward gear. The only issue was the inability to achieve requisite visibility splays.
- Officers had come to the view that providing the new use would outweigh the loss of a single dwelling.
- Parking arrangements was not considered to be an issue.
- The applicants operated an existing business in Chard.
- The application was for change of use only. There was no operational development proposed that would increase the risk of flooding.
- A condition could be added to mitigate surface water run-off in the car park.
- The garage would be removed.
- The current property had two bedrooms.

- At the present time there were no restrictions on parking at the property.

The Committee was addressed by an objector. Concerns related to the following:

- The entrance and exit onto the A358 from Lavington was extremely difficult to negotiate due to poor visibility on both north and south directions, the cross roads, speed of traffic and rise in the level of the road.
- There had been numerous accidents along the A358.
- Lack of visibility exiting and entering the property to the north and south because the property was below the level of the road.
- Lack of adequate parking and space to manoeuvre around.
- Increased volume of vehicles accessing the property.
- Risk of flooding to neighbouring property.

The Committee was then addressed by a representative on behalf of the applicant and owner of the application site. She advised that there would only be one patient treated at a time with potentially one waiting. This would ensure that there would only be two patients at the clinic at any given time. It also meant that the clinic could run with a maximum of two staff members on site. Adequate parking would be provided, and cars would be able to access the site in forward gear. The proposed opening hours were 8.30am-6.30pm Monday to Friday. This equated to an average of 8 visitors and 2 staff per day. The current use of the site was residential, if the site were to be occupied by a family, the vehicles movements would not be dissimilar to the use associated with the clinic. With regard to comments concerning visibility, there was a written agreement with the neighbours to the right, to lower the wall to increase visibility. Visibility to the left was only affected by an unmaintained grass verge and unmaintained tree overhanging the highway but this would be maintained by a gardener to increase visibility. The proposed change of use would enable the relocation of the business to a better setting, with better access for all whilst staying within the town which meant that people would not have to drive to the clinic located in Taunton.

Ward member, Councillor Garry Shortland referred to the light industrial unit located further up the road which had the same visibility splay that this application was being refused upon. He also commented that the house on the right of Lavington was prepared to lower the wall which would give a far greater visibility splay than the one coming out of the industrial unit. He was of the view that the health provision to Chard provided by the application far outweighed the loss of the residential accommodation.

During the discussion, members made the following comments:

- As the property was a bungalow, the assumption of a family living there was unlikely.
- Queried whether the applicants had looked at alternative accommodation as there must be quite a lot of ground floor business premises available in the area.
- Concerns over road safety.
- Whilst there were health benefits of such a facility and it would stop people driving to Taunton, access to the site was difficult and road safety was a concern.
- The location was not the right place for the business.
- Concerned a similar application was only considered last year and since this time planning policies had not changed.
- Highway safety was paramount.

The Chairman advised that he had spoken to the Planning Officer regarding the lowering of the neighbouring wall and increasing the visibility splay. He had been advised that the

works would need to be submitted as a separate application to see if it did fall within the visibility splays recommended by Highways.

A proposal was made to approve the application against the Planning Officer's recommendation however the proposal did not receive a seconder.

It was subsequently proposed and seconded to refuse the application as per the Planning Officer's recommendation. On being put to the vote, the application was refused by 8 votes in favour and 1 against.

**RESOLVED:** That Planning Application No. 22/01441/FUL be **REFUSED** as per the Planning Officer's recommendation for the following reason:

01. The proposed commercial use of the site would give rise to a degree of intensification, for which the nature of such cannot be adequately or suitably controlled for it to be tantamount to the existing lawful residential use. The site has a substandard access off the A358 and without demonstrating an ability to achieve the requisite visibility splays on land within the control of the applicant or highways land and an overall improvement to the access arrangements, the proposal would compromise highway safety, resulting in an identified severe impact on the local highway network. The application therefore runs contrary to the requirements of South Somerset Local Plan (2006 - 2028) Policy TA5, along with the overarching aims and objectives of the National Planning Policy Framework, namely Paragraph 111.

*(Voting: 8 in favour, 1 against)*

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Chairman