



Area West Committee

Wednesday 19th October 2022

5.30 pm

**The Guildhall,
Fore Street, Chard TA20 1PP**

(disabled access and a hearing loop are available at this meeting venue)



The following members are requested to attend this meeting:

Brian Hamilton
Robin Pailthorpe
Jason Baker
Mike Best
Ray Buckler
Dave Bulmer

Martin Carnell
Ben Hodgson
Val Keitch
Jenny Kenton
Paul Maxwell
Tricia O'Brien

Sue Osborne
Oliver Patrick
Garry Shortland
Martin Wale

Consideration of planning applications will commence no earlier than 6.30pm.

For further information on the items to be discussed, please contact
democracy@southsomerset.gov.uk

Please note this meeting will not be available to view on YouTube.

This Agenda was issued on Thursday 6 October 2022.

Jane Portman, *Chief Executive Officer*



This information is also available on our website
www.southsomerset.gov.uk and via the [mod.gov](https://www.mod.gov.uk) app

Information for the Public

The council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by area committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman’s discretion, members of the public are permitted to speak for up to up to three minutes on agenda items; and
- see agenda reports

Meetings of the Area West Committee are usually held monthly, at 5.30pm, on the third Wednesday of the month (unless specified otherwise).

Agendas and minutes of meetings are published on the council’s website

<https://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for ‘mod.gov’ in the app store for your device, install, and select ‘South Somerset’ from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

Public participation at committees

Public question time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

Planning applications

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint)

by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Area West Committee

Wednesday 19 October 2022

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the previous meeting held on 20 July 2022. The draft minutes can be viewed at:

<https://modgov.southsomerset.gov.uk/ieListMeetings.aspx?CId=426&Year=0>

2. Apologies for Absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

Planning Applications Referred to the Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Jason Baker, Paul Maxwell, Sue Osborne and Martin Wale.

Where planning applications are referred by this Committee to the Regulation Committee for determination, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Date and Venue for Next Meeting

Councillors are requested to note that the next Area West Committee meeting is scheduled to be held at The Guildhall, Chard on Wednesday 16th November 2022 at 5.30pm

5. Public Question Time

6. Chairman's Announcements

Items for Discussion

7. **Ilminster Flooding Update** (Pages 6 - 63)
8. **Verbal Update on Chard Regeneration** (Page 64)
9. **Verbal Update on Chard Eastern Development Area Eastern Relief Road** (Page 65)
10. **Area West Committee Forward Plan** (Pages 66 - 67)
11. **Planning Appeals** (Pages 68 - 71)
12. **Schedule of Planning Applications to be Determined by Committee** (Page 72)
13. **Planning Application 22/01623/FUL - The Swan Inn, Lower Street, Merriott, Somerset, TA16 5NN** (Pages 73 - 83)
14. **Planning Application 22/01441/FUL - Lavington, Furnham Road, Chard, Somerset, TA20 1AX** (Pages 84 - 92)

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.

Iminster Flooding Update

Strategic Director:	Nicola Hix, Support, Strategy & Environmental Services
Assistant Director:	James Divall, Support, Strategy & Environmental Services
Service Manager:	Jess Power, Lead Specialist Strategic Planning
Contact Details:	jessica.power@southsomerset.gov.uk or 01935 462300
Lead Local Flooding Authority Contact:	Jon Doyle, Strategic Manager – Somerset County Council jydoyle@somerset.gov.uk

Purpose of the Report

1. This report is to update the Area West Committee on the contents of the **draft** Section 19 Flood Investigation Report produced by the Lead Local Flood Authority (LLFA) at Somerset County Council (SCC) following the extreme weather event in and around Iminster on 20th October 2021. The Strategic Manager at Somerset County Council has provided this report.
2. The provision of this report to this Committee is part of the consultation process to ensure the accuracy of the contents and to provide feedback upon the Recommendations contained therein.

Public Interest

3. Flooding took place in Iminster in October 2021. As a result of the flooding a Section 19 investigation commenced by the Lead Local Flood Authority.
4. A number of agencies are involved in the flood risk management in Somerset and these are listed in the Section 19 report as the Risk Management Authority Responsibilities. The role and responsibility for South Somerset District Council is to assist with the planning of local flood risk management and carry out works on minor watercourses (outside of Internal Drainage Board (IDB) areas).

Recommendations

5. That the Committee note and provide comment upon the **draft** Section 19 investigation report into the flooding in and around the Iminster area during October 2021. In particular drawing Members attention to:-
 - 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.
6. That the public are encouraged to comment on the draft Section 19 report directly to LLFA@somerset.gov.uk by Friday 18th November 2022.

Background

7. Flooding occurred in Ilminster on the 20th October 2021.
8. The function of a Section 19 report is to gather information on the happenings during a particular flood event. They are known as a Section 19 report because they are required under Section 19 of the Flood and Water Management Act 2010.
9. The legislation says:

Section 19: Local authorities: investigations

(1) On becoming aware of a flood in its area, a lead local flood authority must, to the extent that it considers it necessary or appropriate, investigate—

- (a) which risk management authorities have relevant flood risk management functions, and
- (b) whether each of those risk management authorities has exercised, or is proposing to exercise, those functions in response to the flood.

(2) Where an authority carries out an investigation under subsection (1) it must—

- (a) publish the results of its investigation, and
- (b) notify any relevant risk management authorities.

Section 19 Update

10. Severe flooding took place in Ilminster and Sea on the 20th of October 2021. High rainfall on the back of previous wet weather created high river flows and overland surface water flows in the area.
11. The effect on many has been devastating. Homes and businesses have seen property damaged and belongings destroyed. The residential park home developments on the west of town were particularly hard hit. Residents, many elderly, had to be evacuated, and some have lost everything. Some people found themselves in life threatening situations or in fear of personal harm.
12. The overarching problem was a combination of the very high rainfall and the already wet ground conditions following recent rain in the preceding period, making October a very wet month overall. This is combined with a relatively impermeable underlying geology and soils, which would have had very little moisture deficit to absorb more rain. Hence the Isle experienced it's highest water level in 30 years gauge history.



13. The resultant flooding was well beyond what any residents of the area had seen in their lifetimes and flows on the river Isle were the highest recorded. This created two issues – the Isle coming out of its bank and flooding areas to the west of town, and rainwater accumulating in North Street, Ditton Street and Shudrick Lane.
14. This report examines how the infrastructure and stakeholders coped with this very high volume of rainfall, examines the response of the Risk Management Authorities, the sources and causes of the flooding and provides recommendations for what can be done to reduce the effects of extremely high rainfall events in future

Financial Implications

15. There are no direct financial implications as a result of this report.

Council Plan Implications

16. The report supports the Council Plan Priority 1 Environment through proposed collective actions included in the draft Section 19 report as recommendations.

Carbon Emissions and Climate Change Implications

17. The draft Section 19 report aims to help improve flood resilience and reduce flood risk through the various recommendations included across multi-agencies.

Equality and Diversity Implications

18. As this report is for information and no decisions are being asked from Members an equality impact assessment is not required.

Background Papers

19. Section 19 Investigation Report.

Somerset County Council

Lead Local Flood Authority

Section 19 Investigation Report

As the Lead Local Flood Authority for Somerset, we have a duty to investigate flood incidents as outlined within Section 19 of the Flood & Water Management Act 2010.

Date of Incident:	20 th October 2021	Date of Report: 22nd September 2022 Version: 3.8 Status: all amendments received to date added – EA and Darren Duffield. Inc new return period.
Site / Catchment Location:	Ilminster	

Contents

Introduction	3
Area Information	4
Impact and Extent of Flooding - Summary	14
Impact and extent of Flooding	15
Catchment Area:	Error! Bookmark not defined.
Historical Information:.....	24
Drainage Assets:	26
Rainfall Information:.....	35
Surface Water:.....	36
Fluvial:.....	39
Coastal:.....	41
Groundwater:.....	41
Soil Moisture Deficit:.....	41
Probable Causes	42
Risk Management Authority Responsibilities.....	46
Risk Management Authority Actions During and Immediately After the Event	46
Flooding mechanism	Error! Bookmark not defined.
Recommendations.....	49
Development Planning	52
Ongoing Works	52
Planning Policy and Future Development	53
Appendix 1: Figures.....	Error! Bookmark not defined.
Appendix 2: Historical Information	Error! Bookmark not defined.
Appendix 3: Drainage Network in Ilminster.....	Error! Bookmark not defined.
Appendix 4: EA Surface Water Flood Mapping	Error! Bookmark not defined.
Appendix 5: Risk Management Authority Responsibilities	54

Introduction

The function of a Section 19 report is to gather information on the happenings during a particular flood event. They are known as a Section 19 report because they are required under Section 19 of the Flood and Water Management Act 2010. The legislation says:

Section 19: Local authorities: investigations

(1) On becoming aware of a flood in its area, a Lead Local Flood Authority must, to the extent that it considers it necessary or appropriate, investigate—

- (a) which Risk Management Authorities have relevant flood risk management functions, and
- (b) whether each of those Risk Management Authorities has exercised, or is proposing to exercise, those functions in response to the flood.

(2) Where an Authority carries out an investigation under subsection (1) it must—

- (a) publish the results of its investigation, and
- (b) notify any relevant risk management authorities.

In addition, a Section 19 report will often detail any ongoing work with regards to flooding in the area, and will signpost additional work that should be considered, usually in the form of investigations to be undertaken.

It is not the function of a Section 19 to provide concrete solutions for flooding. This requires far more detailed technical work, liaison with landowners, and decision making about schemes in concert with the public and other stakeholders, although the Section 19 report can help in proving the need for this work and securing funding. Also, it is impossible to prevent absolutely *all* flooding – rainfall events vary widely in intensity, and whatever drainage systems or flood mitigation schemes are put in place, there is always the possibility, however remote, that an extreme rainfall event will overwhelm them. We can, however, plan for the vast majority of rainfall events, and in the course of doing so, make extreme events less bad. Even a small difference in the final height or path of flood water can be the difference for some between their homes flooding and not, so even small schemes can have value in an extreme rainfall event.

The usual way to describe the severity of rainfall events is to talk in terms of '1 in X years'. If we take the example of a 1 in 100 year event, this is an event of a size that will be equalled or exceeded *on*

average once every 100 years. This means that over a period of 1,000 years you would expect the one in 100 year event would be equalled or exceeded ten times. But several of those ten times might happen within a few years of each other, and then none for a long time afterwards. This report deals with a rainfall event of 1 in 38 year intensity. Reports of flooding extents from residents suggest that the flooding was not nearly as extensive as that resulting from a 1 in 100 year flooding event, which is what is shown on Environment Agency flood maps.

This report includes selected photographs supplied by residents showing flooding in progress, and maps showing more detail of the area. We are grateful to residents for the information they have provided which has enabled the compilation of this report.

Area Information

Ilminster is a town in South Somerset located west of Yeovil and Southeast of Taunton on the intersection between the A303 and A358. It is a small market town with about 5,800 residents recorded on the 2011 census. The town is positioned within an agricultural landscape. Its form is broadly linear in the valley formed between Beacon Hill, Pretwood Hill and Herne Hill. It is referred to in the Somerset Local Plan as an historic market town of Saxon origin originally centred on the Market Place and church and extending between the Shudrick Stream and lower slopes of Beacon Hill. The town subsequently spread along the route of the watercourse and part way up the surrounding hills. More recent residential development is identified as having expanded north, south and southwest. Industrial and trading areas have been sited predominantly on the western edge of the town. This area is known historically to have been wet and marshy. The parish includes the hamlet of Sea, 1.5 miles to the south west.

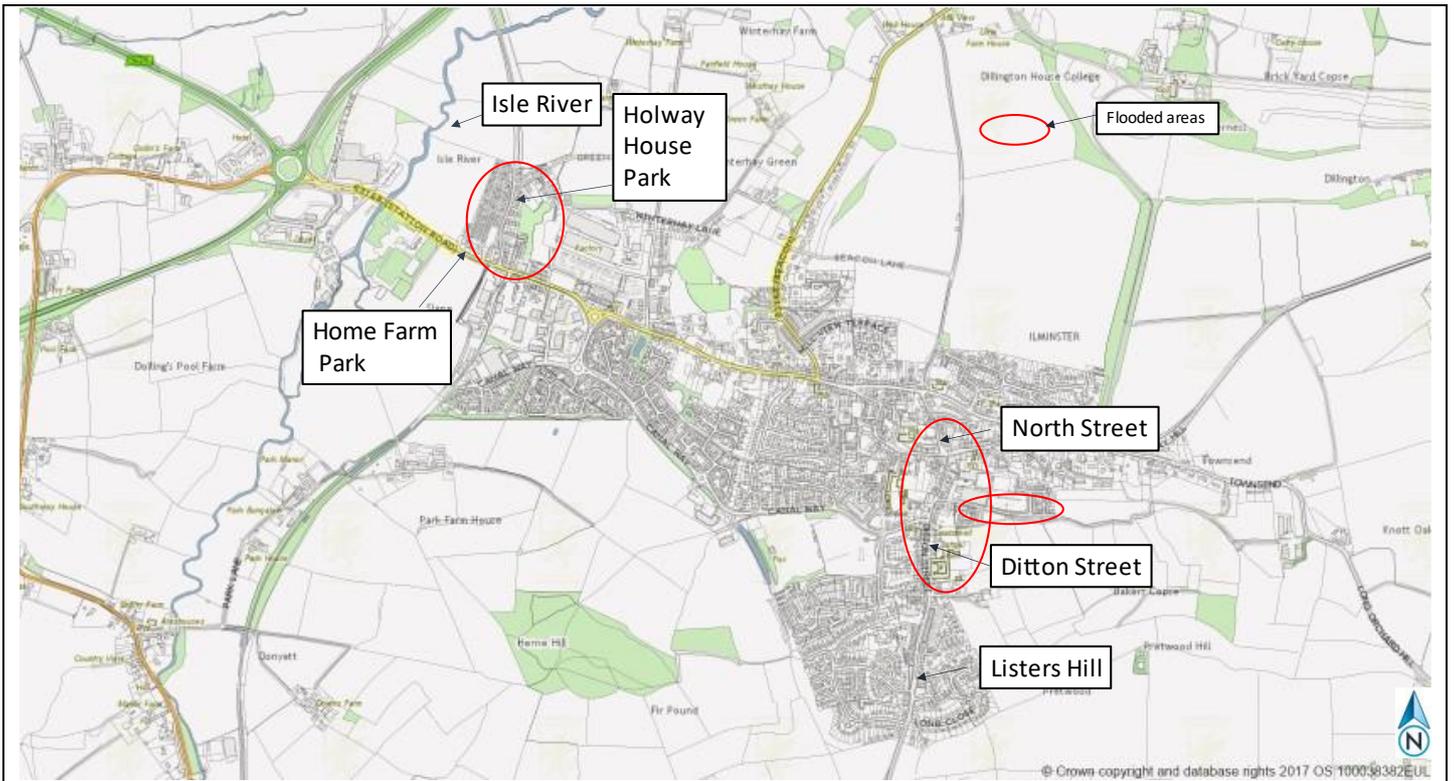


Figure 1: Catchment of this report, Ilminster

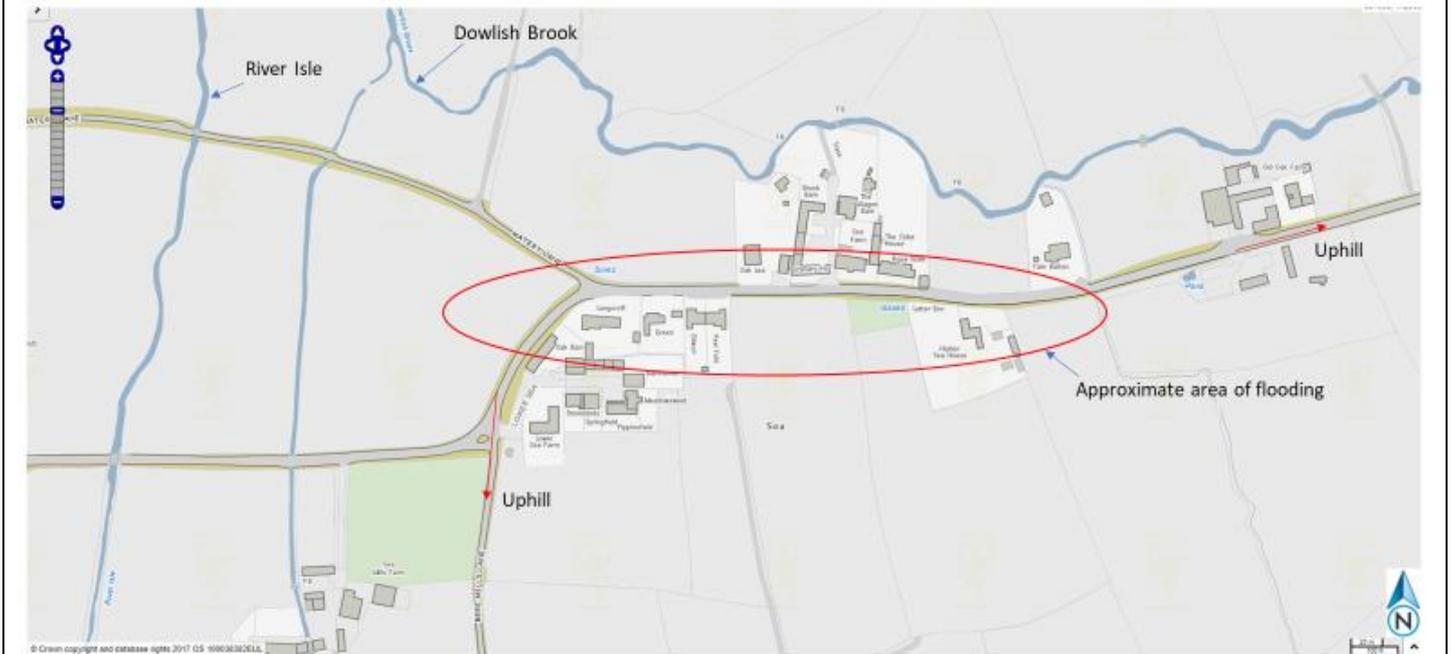
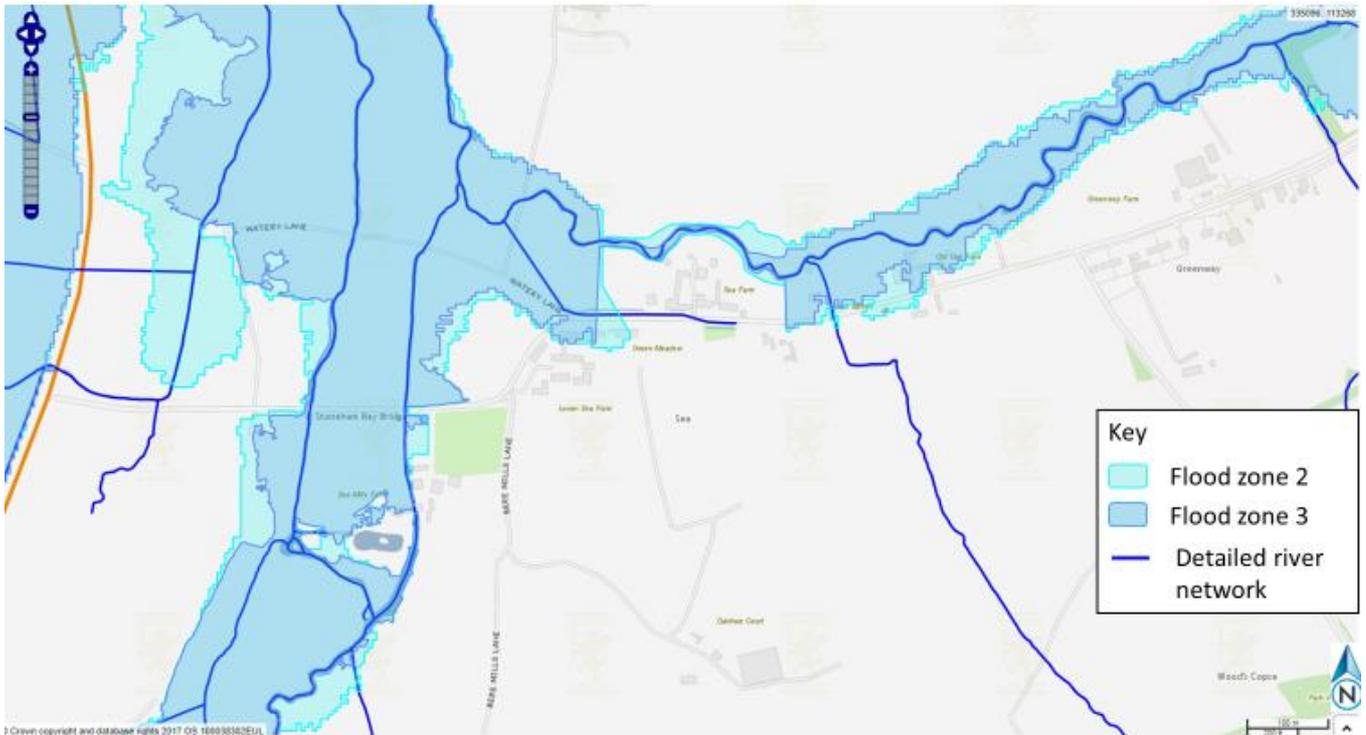
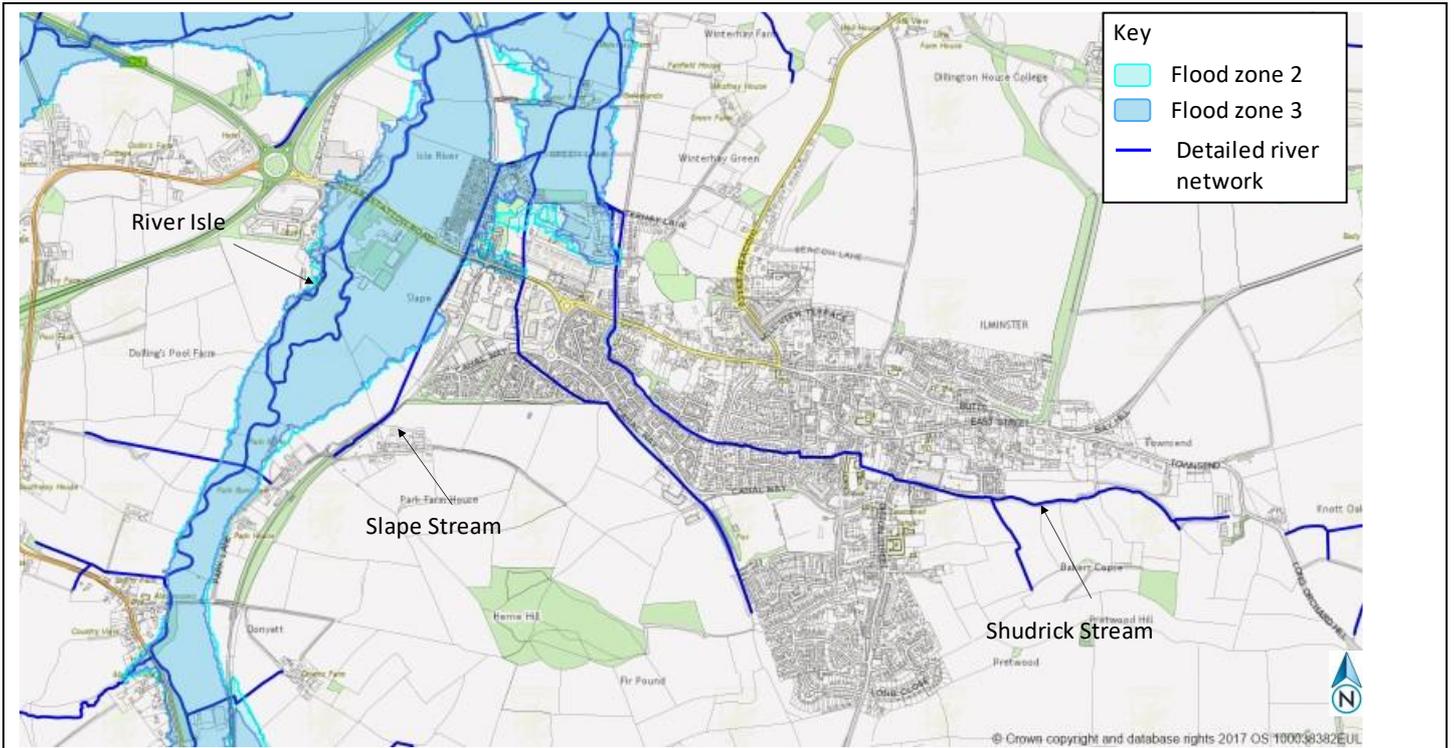


Figure 2: Catchment of this report, Sea



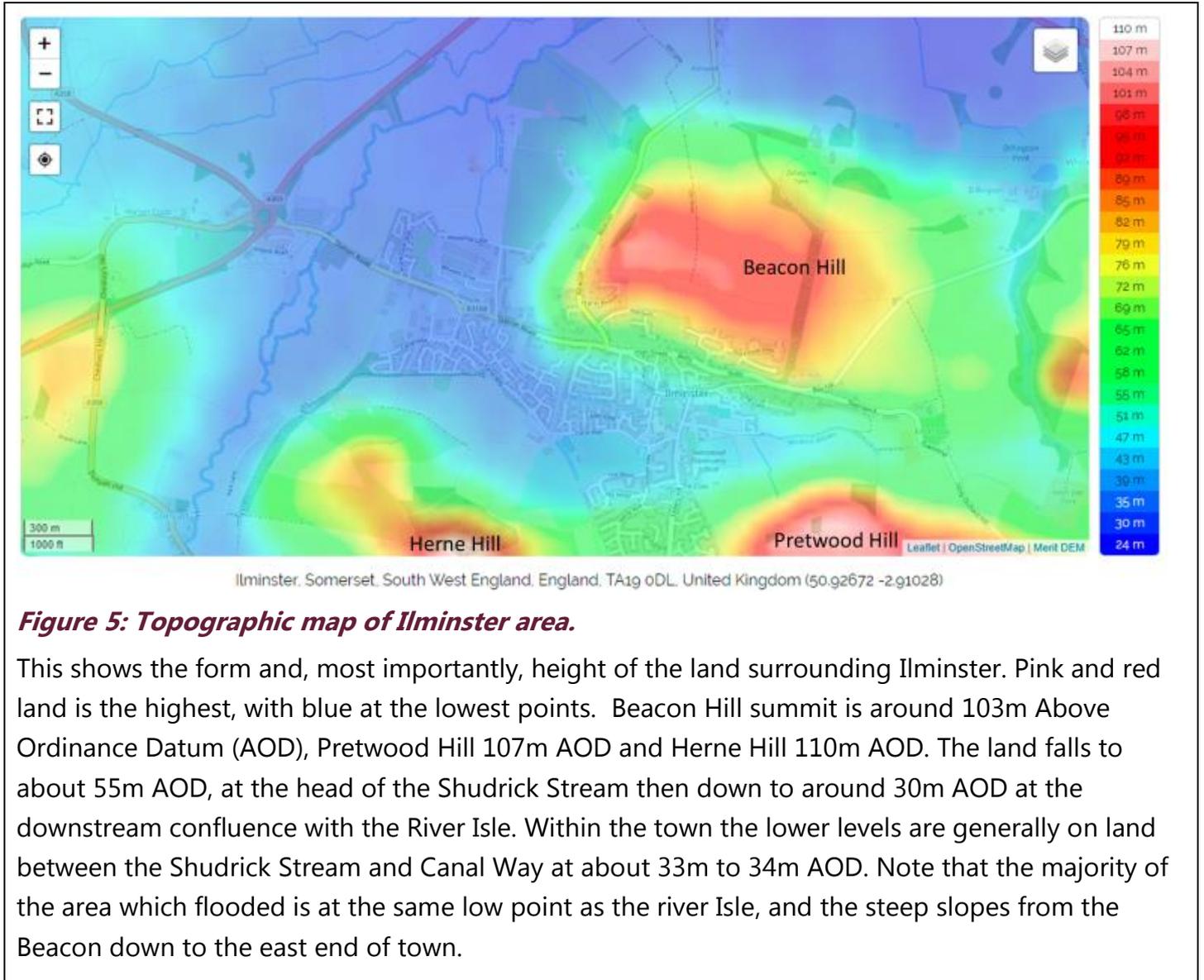
Figures 3 & 4: Flood zones and detailed river network

The above maps also show the risk of fluvial flooding – that is, from the river alone. Flood zone 2 consists of areas that have 0.1-1% chance of flooding from rivers in any year, and Flood zone 3 consists of areas that have a 1% or higher chance of flooding from rivers.

A member of the public has reported that the Figure 3 map above is incorrect, and that the old canal, which runs down the western side of Ilminster town, actually joins with the Shudrick Stream rather than the Snape Stream. This appears to be an issue with the Ordnance Survey map as well as the Environment Agency information from which the above figure derives. The path of this watercourse should be investigated and corrected as necessary.

Ilminster is in the catchment of the River Isle, which discharges into the River Parrett at Midelney in the Somerset Levels. The Isle runs to the west of the town, with a tributary – the Shudrick Stream – running across the town east to west. The Shudrick Stream enters the Isle to the north of Ilminster, near Winterhey Farm. Ilminster is surrounded by high ground to the north, south and east, with further high ground across the river to the southwest. The low points are next to the Isle to the west, and along Old Road, North Street and Ditton Street on the East of town.

Both the River Isle and the Shudrick Stream are main rivers. The EA have overall responsibility for the management of flood risk on main rivers in England and Wales. This means they have powers to oversee, undertake and regulate flood risk management works on Main Rivers. Other risk management authorities and individuals, such as riparian owners, can be authorised by the EA to undertake works on Main Rivers in accordance with the environmental permitting regulations. Flood risk management works, such as projects and maintenance, depend upon the availability of central government funding. The availability of funding from central government (DEFRA) depends on a comprehensive assessment of options, including cost/benefit analysis, and on the environmental impacts. Central government funding might be available to cover part of the cost of the works; in such cases the rest has to be found from other local sources, such as Local Levy, local authorities, other government departments, or the private sector. Where the EA or another risk management authority are not funded for maintenance or development works, responsibility falls to the riparian owner. The EA can provide advice in such cases.



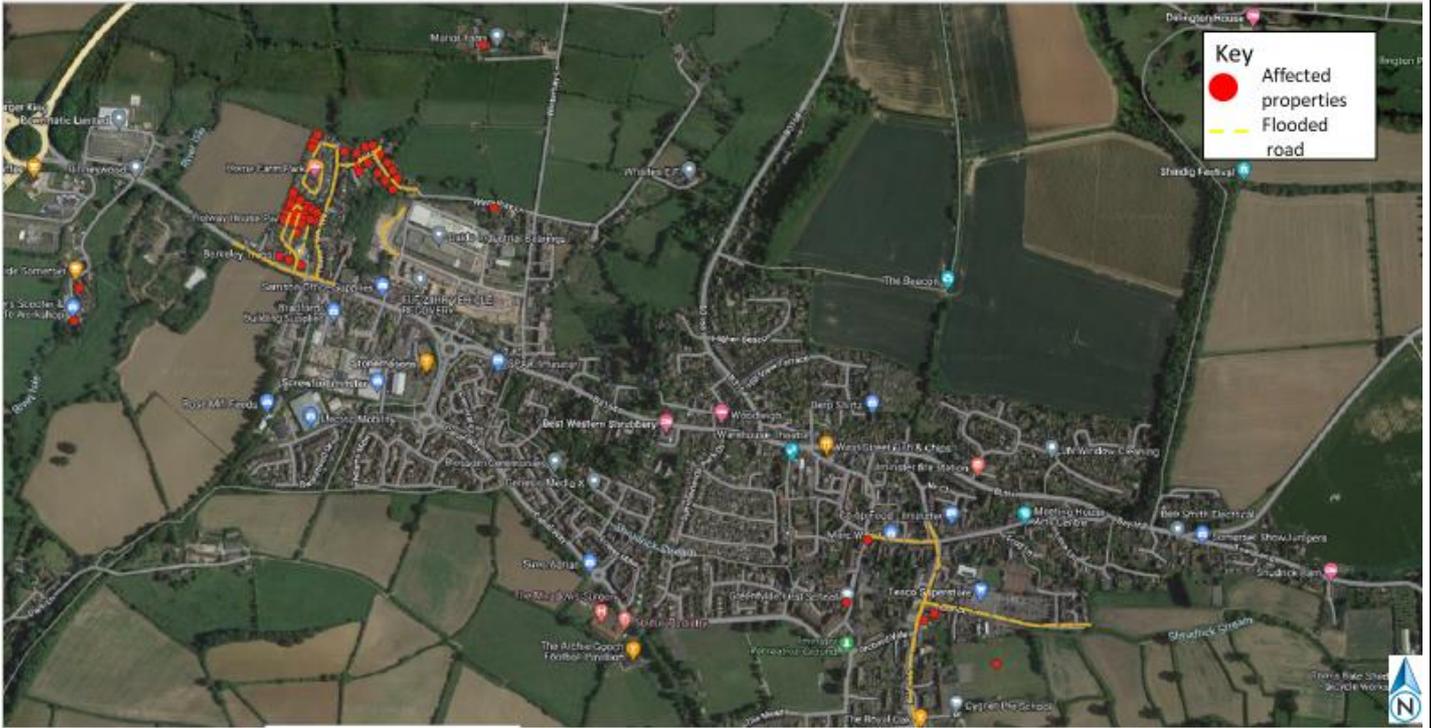


Figure 6: Areas affected in Ilminster

50 properties have been reported as flooding in Ilminster during the event. The actual number affected may be higher, as those affected sometimes do not report having been flooded.

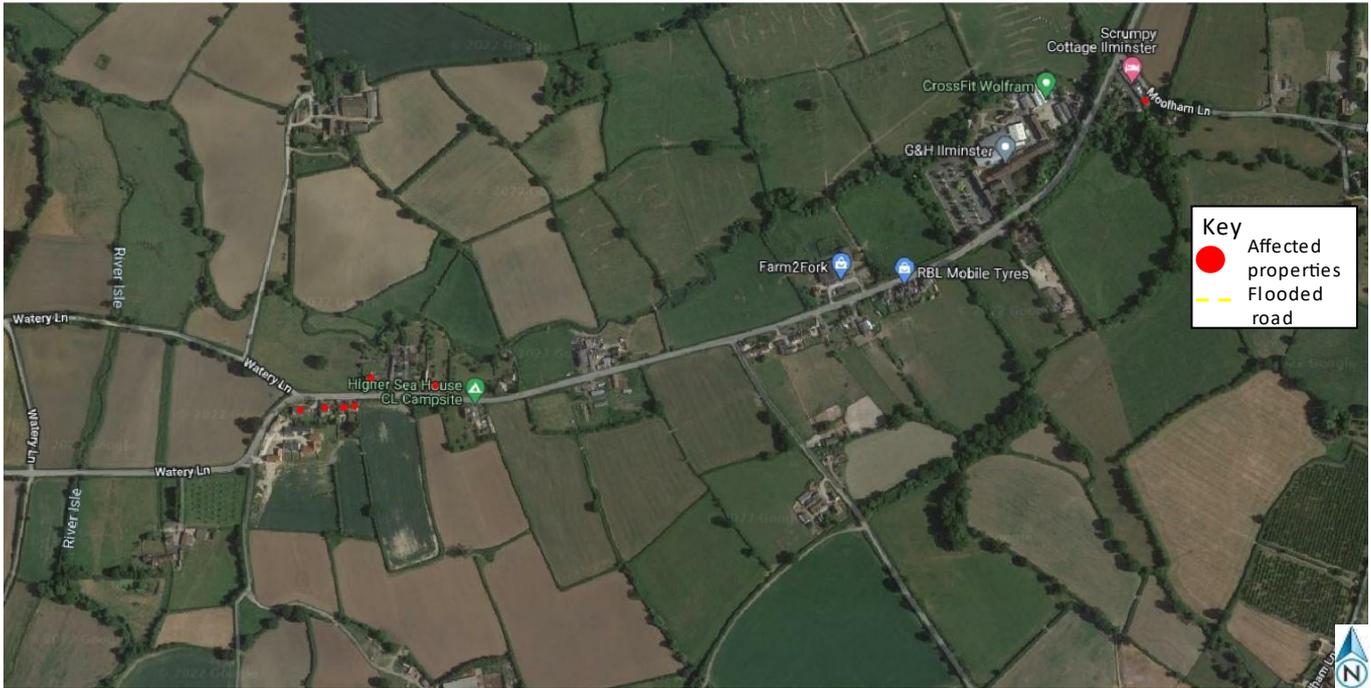


Figure 7: Areas affected in Sea and Dowlish Ford

Six Properties were reported as being affected by flooding in Sea, and one in Dowlish Ford.

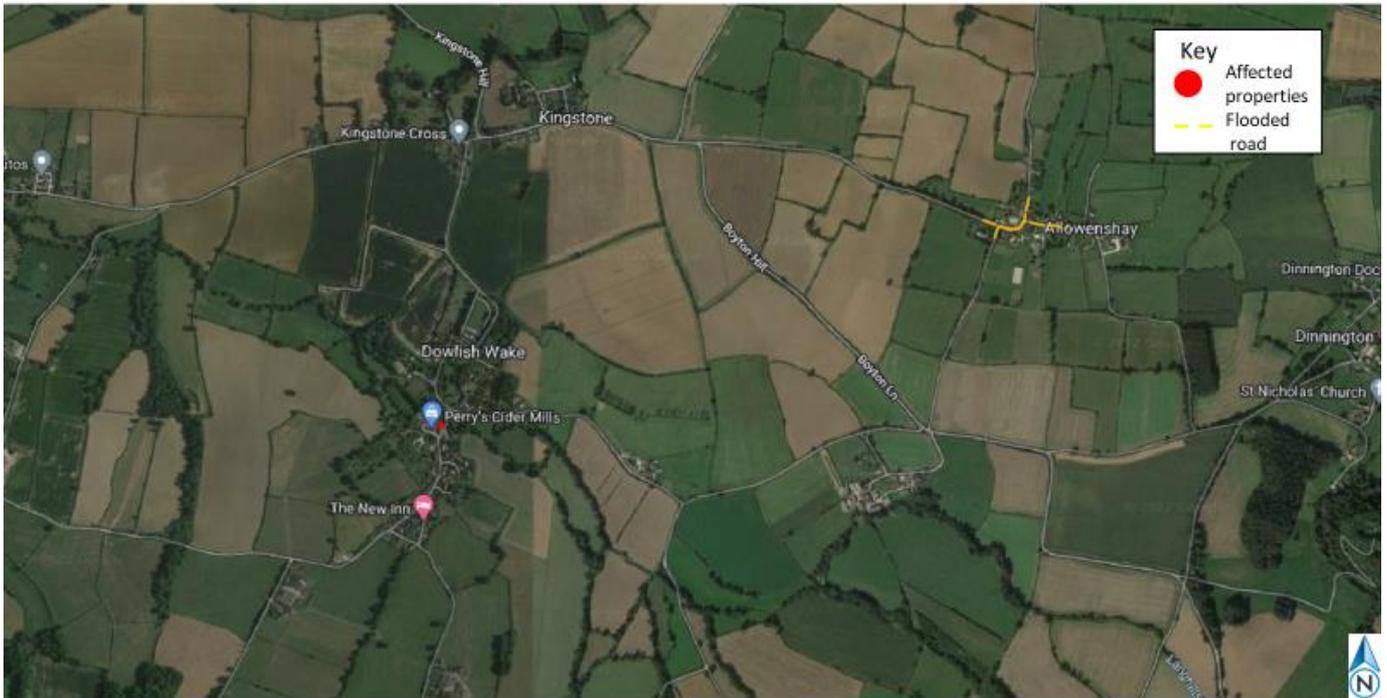


Figure 8: Areas affected in Allowenshay and Dowlish Wake

One property was reported as being affected in Dowlish Wake. Roads were flooded in Allowenshay. Horton Village was also reported as being badly affected, but no details have been received. These are the main areas reported as being affected by flooding in October 2021. Flooded farmland or forestry is not shown.

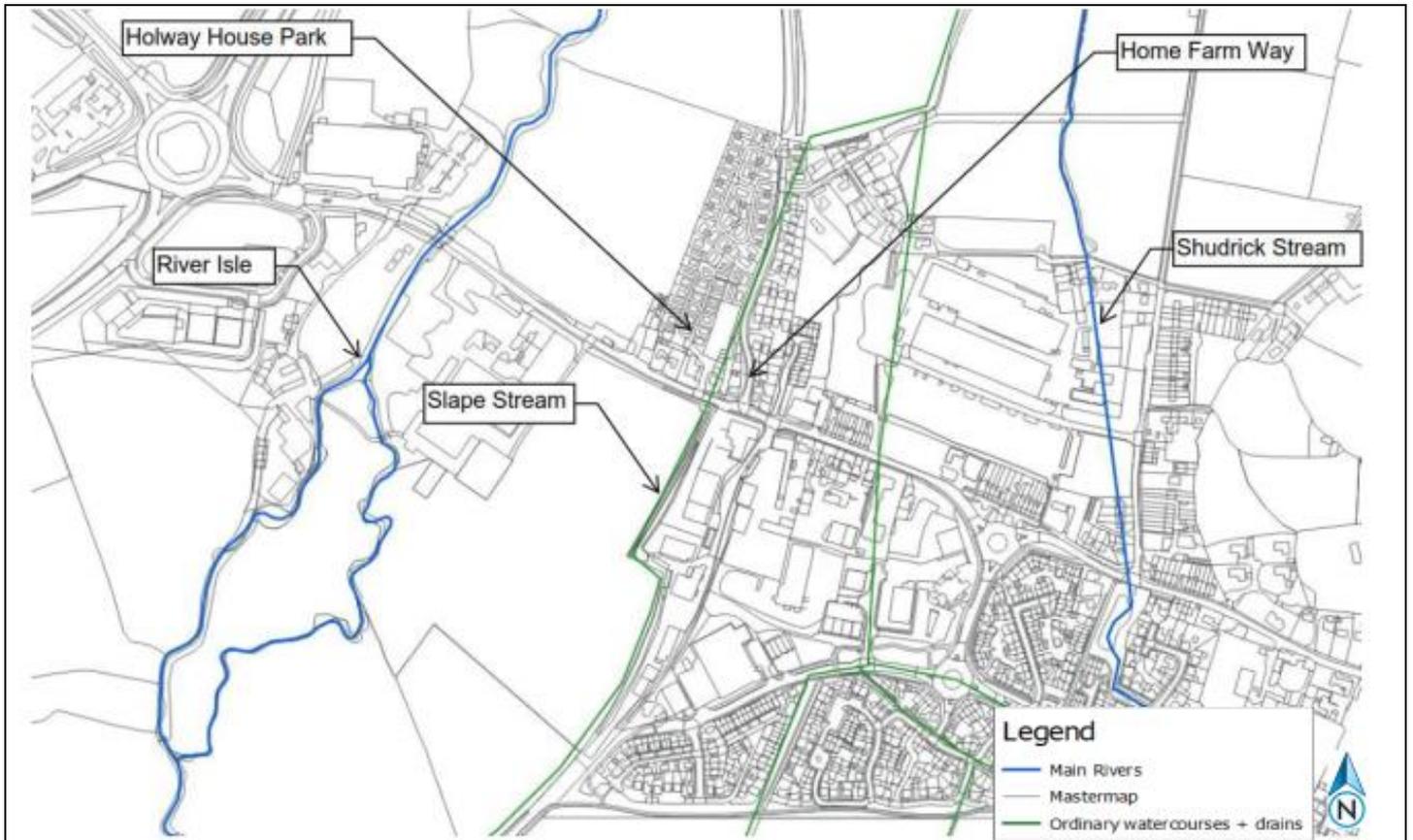


Figure 9: Watercourses around the Park Home sites

The two Park Home sites were particularly badly affected. Houses in Station Road, Green Way and Home Farm Way, and the Rose Mill Industrial Estate also experienced flooding.

Although the Slape Stream is marked on this map as running down Home Farm Way, alongside the residential parks, there is no sign of it on the ground until you get across Station Road, where it appears as a ditch running alongside the small industrial area on the old station site. It is not known whether this is a winterbourne, only appearing during periods of high rainfall, or whether the stream has been culverted under the park homes developments, and re-appears at the surface during high rainfall. The true situation may be a combination of the two.

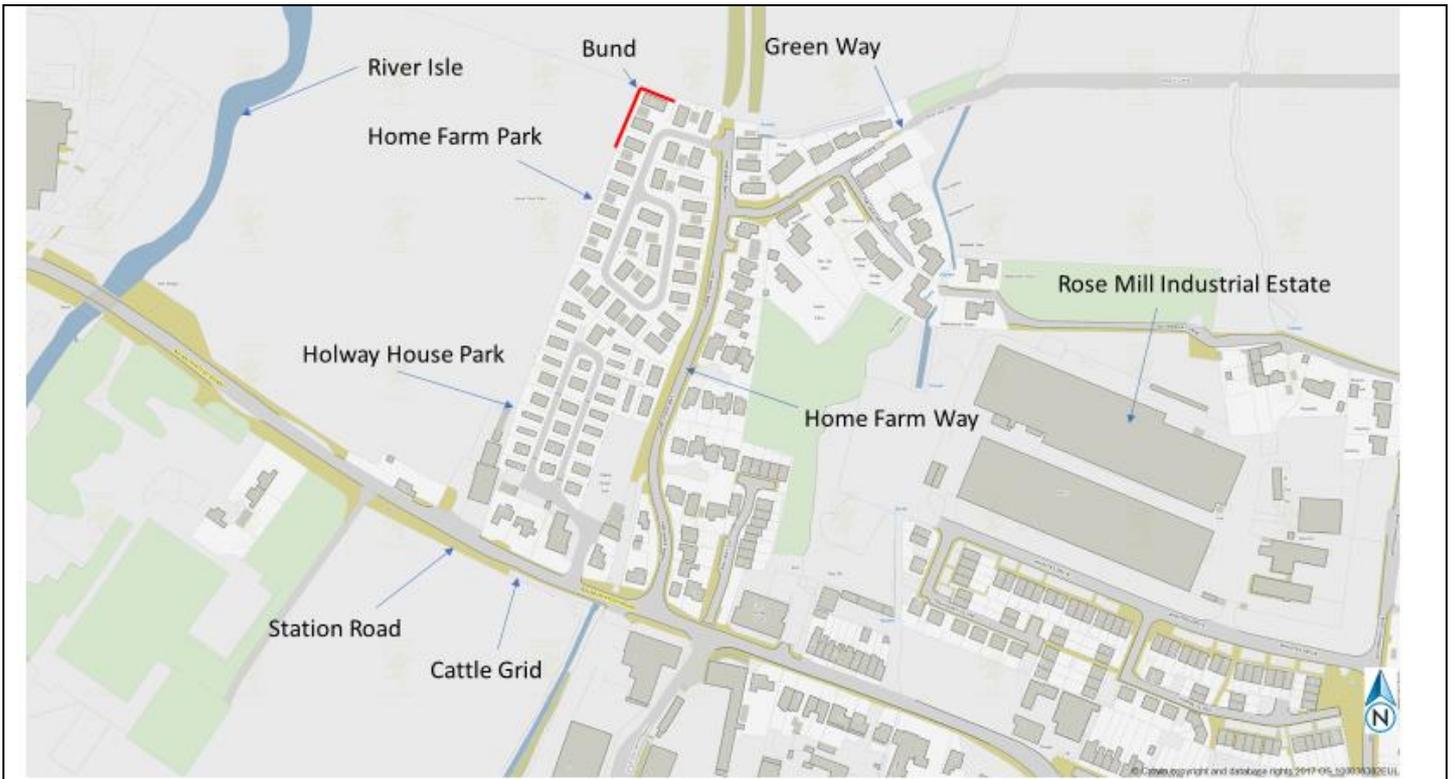


Figure 10: Detail of Park Home sites

The history and placement of the bund shown in Figure 10 will be discussed in a later chapter.

<p>Impact and Extent of Flooding - Summary</p>	<p>Severe flooding took place in Ilminster and Sea on the 20th of October 2021. High rainfall on the back of previous wet weather created high river flows and overland surface water flows in the area. Further information on rainfall is given later in the report.</p> <p>The effect on many has been devastating. Homes and businesses have seen property damaged and belongings destroyed. The residential park home developments on the west of town were particularly hard hit. Residents, many elderly, had to be evacuated, and some have lost everything. Some people found themselves in life threatening situations or in fear of personal harm.</p> <p>The overarching problem was a combination of the very high rainfall and the already wet ground conditions following recent rain in the preceding period, making October a very wet month overall. This is combined with a relatively impermeable underlying geology and soils, which would have had very little moisture deficit to absorb more rain. Hence the Isle experienced its highest water level in 30 years gauge history. The resultant flooding was well beyond what any residents of the area had seen in their lifetimes, and flows on the river Isle were the highest recorded. This created two issues – the Isle coming out of its bank and flooding areas to the west of town, and rainwater accumulating in North Street, Ditton Street and Shudrick Lane. This report will examine how the infrastructure and stakeholders coped with this very high volume of rainfall, and question whether anything can be done to reduce the effects of extremely high rainfall events in future.</p>
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<p>Impact and extent of Flooding</p>	<p>Over the 20th and 21st October 2021, flooding was extremely severe in Ilminster and Sea. In an incident of this nature it is difficult to collate exact numbers of properties affected, and whether flooding was internal, or external. From reports, we know that at least 50 properties were affected.</p> <p>The main cause of flooding in Ilminster and Sea was the high volume of rain and already wet ground conditions. This caused the Isle to burst its banks, and there was a resultant overland flow of water. The bursting of the Isle caused severe flooding at the western edge of Ilminster, causing residents to be evacuated, while the accumulated rainfall running down from the Beacon caused surface water flooding at the eastern end of town. In Sea, surface water ran down the main road and entered properties mostly via the front doors. This water could have come from rainfall, or from local drains and streams, or a combination of the two.</p> <p>A variety of agencies were present on the night of the event, fulfilling their statutory duties. This flooding incident was wider than the Ilminster area, so many agencies were having to prioritise across the county. The Fire Brigade were attending life threatening emergencies, and in Ilminster they evacuated residents. The Police were out assisting with emergencies across the county. The Civil Contingencies Unit had two duty officers out who opened a flood relief centre and organised the distribution of sandbags. They were also active securing alternative emergency accommodation for evacuated residents, and trying to find transport to get them there. They worked in concert with Fire and Rescue, and other District Council, County Council and Parish Council officers. Members of Ilminster Town council were out helping residents to protect their homes and handing out sandbags. The Highways Authority had no statutory duties on the night, and were not required to be called out. Over the following days they visited various sites where debris has been washed into the road, to clear up and identify road areas which needed repair. The Environment Agency fulfilled their statutory duty on the night by issuing flood warnings on main rivers. There were no reports of sewer flooding, so Wessex Water were not involved.</p> <p>Timeline of events: 21st October 2021</p> <ul style="list-style-type: none"> • 19:00 - Following heavy rainfall on Wednesday 20th October 2021, levels on the River Isle began to rise. • 22:00 - Civil Contingency Officer (CCO) called to action.
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- 22:36 - CCO called Fire & Rescue who confirmed that they were dealing with multiple incidents.
- 22:42 - Flood Warning for this area was issued; River Isle from Chard Reservoir to Hambridge, 112FWFISL10A. Levels continued to rise, peaking at Donyatt at approximately 23:30 and at Hort Bridge at 23:45. The level at Donyatt was the highest ever recorded at this gauge. Over the course of the event, 61.8mm of rain fell on the nearby Snowdon Hill in 24 hours (71% monthly average). 52.4mm of that fell during a 7 hour window, which equates to 60% of the average monthly rainfall for the area.
- 24:00 – Peak rainfall predicted for now.
- 01:00-01:30 – Flooding started in the areas of Station Road, Holway House Park, Green Lane and the Old Orchard. All reports are consistent that the onset and rate of rise was very rapid, with peak depths being reached within 20-25 mins.
- 02:00 – Fire & Rescue began rescuing people from park home development. River Isle reported to have burst its banks.
- The time when the Ditton Street end of Ilminster and Sea began to flood are unknown.

Ditton Street:

According to the reports of agencies out on the night, the flooding at Ditton Street was believed to be due to a combination of urban surface water, surface water coming off of land at the end of Shudrick Lane and the top of Listers Hill, and water spilling from the Shudrick Stream. Drains were reported by residents as being blocked. There have also been reports that ditches have not been cleared by land owners. The Shudrick stream runs along Shudrick Lane, and at one point enters a culvert, which feeds into a large drain running under the Tesco petrol station, and emerges in Abbots Close. The culvert appears to have been overwhelmed by the volume of water coming down the Shudrick Stream. If it had been blocked, we would expect to see more debris attached to the grate in front of the culvert in the photograph below. The overwhelming effect was supported by the testimony of a local resident, who said that he had never seen so much water coming down the Shudrick catchment into the culvert by Tesco, and that it appeared to overwhelm the stream and culvert, which then compounded the subsequent surface water flooding on Ditton Street. The culvert, at 600mm diameter, is quite small for the size of catchment.



Figure 11: Culvert in Shudrick Lane, taken some time after the incident.

This stretch of the Shudrick Stream, including the culverted reach in question, is Main River and as such the EA is the flood risk management authority for this stretch. Under their permissive powers, they undertake periodic inspections of the culvert and channel. If there are significant concerns, and if they are able to, they exercise their powers to mitigate the situation. Ultimately the responsibility falls to the riparian owner. The EA's last culvert survey was undertaken in February 2017. This survey found no problems in the majority of the culvert from the inlet on down, but in the lower section (where it becomes an old masonry arch structure), there are two service pipes passing across the culvert, which pose a potential blockage risk. The pipes would be very difficult to remove, and at least one is currently in use for conveying sewage.



Figure 12: Storage area near Station Road. (Taken after flood waters had subsided)

Within the culvert, the Shudrick Stream then flows to the west under Ditton Street and Wharf Lane. Further downstream on the Shudrick the watercourse passes through a housing development in an open channel before flowing into a storage feature upstream of Station Road (as seen in Figure 12).



Figure 13: East end of Shudrick Lane at Walnut Close.

This photograph was taken close to where the road ends and the fields begin; the surface water floods down the road and into Ditton Street (which is half a metre lower than the top of the town culvert in Shudrick Lane) where it floods homes and shop premises. This roadway leads into fields where the area is in Flood Zone 2-3. On the right, on the other side of the wooden fence, is the Shudrick Stream.



Figure 14: Looking west down Shudrick Lane.

Tesco car park is on the right, just outside of the photograph, and there is a small car park on left. Further to the left is the Swanmead school playing field, part of which also flooded. The entrance to the small car park, where the wooden fence ends, is the start of the town culvert on the Shudrick Stream.

North Street:

Flow down North Street was not a problem early in the event, but flow down Listers Hill was. Drains on Listers Hill and High Street were reported by residents as having been blocked for some time.

Residents reported runoff coming straight down from the fields to the north of Ilminster, from the beacon, coming right down the Old Road past the allotments, crossing the road and going straight down into North Street. The first obstacle it comes to is the shops at the bottom of the Market Square. A Local long-term

resident observed that problems on the night were due to the overwhelming volume of water.

Station Road, Home Farm Park, and Holway House Park:

The River Isle overflowed into the park homes developments, Rose Mill Industrial Estate, and the Station Road area. Flooding started in the areas of Station Road, Holway House Park, Green Lane, and the Old Orchard area around about 1:30am. Water levels rose rapidly. Flood water was reported as flowing towards the north east, from the field to the South of Station Road, crossing Station Road and entering Holway House Park. It then flowed down Home Farm Way and, according to resident reports, it was increased by flood water flowing from the Isle downstream of Hort bridge. The water then crossed the field to the West of Home Farm Park and over topped the informal bank around Home Farm Park, continuing through the park to Home Farm Way. The combined flow then carried on down Green Lane and the Old Orchard area, reaching significant depth.

Four residential properties were reported as being flooded on Station Rd, with water flowing with sufficient force to destroy a masonry garden wall. There is a ditch going past the old station which has flooded on several occasions, and another that seems to go through a culvert by the Stonemasons pub and comes out in the industrial area. Residents expressed a belief that that these were not properly maintained, and they feel that this has contributed to the flooding.

Holway House Park was one of the worst affected areas with depths of water being described as up to 1.25 meters. Around 19 of the park homes were flooded internally, with nine being damaged beyond repair. A further 13 properties along Green Lane flooded with depths to around a metre. Thanks to its elevated ground level, none of the park homes in Home Farm Park were flooded internally, although there was external damage to garages and vehicles. There were an additional three commercial properties flooded in the Rose Mills Industrial Estate, which is on the left bank of the Isle upstream of Hort Bridge. From the damage witnessed in the buildings it was evident that there were water depths of up to 10 centimetres.

There are defences on the river Isle upstream of Hort Bridge which are maintained by the Environment Agency. It is believed that there was some outflanking of those defences at the very upstream end, and that this is the first time that has happened since they were built in the 1970s. On the night, park residents were lifting manholes

to get water to drain away – but these are thought to have been sewage manholes so doing this would have caused/added to surcharging elsewhere.

There is a network of small drainage ditches around the park homes, Home Farm, and the old station, which overflowed on the night. Ownership and responsibility for these assets is not definitively known, but is probably riparian. Residents feel that the flooding would have been contributed to because they have not been maintained. There is also a cattle grid which was installed to catch field runoff. Residents said that water was emanating from the cattle grid and contributing to flooding.



Figure 15: Holway House Park

Lamplighters:

There is a new development called Lamplighters, just off Wharf Lane to the South of the town centre. Water is reported as coming off of the development and flowing into the middle of town.

Sea:

In Sea, surface water ran down the main road and entered properties mostly via the front doors. Six properties were flooded internally, some to over 1/2m in depth. One property had a flood door fitted, which failed. Residents said they believed that road drains were blocked. There is also concern that a pond along Watery Lane is adding to the risk by not being properly maintained or managed, and that a ditch near the corner in the road is overgrown.

<p>Historical Information:</p>	<p>District Council records are likely incomplete, but they show the following previous flooding episodes:</p>
---------------------------------------	--

Date	Location	Receptor
23/07/2017	Ditton St /Wharf Lane/ Silver St.	x10 properties, Highway
31/01/2014	Greenway	Highway
16/01/2014	Station Road	Highway
24/12/2013	Station Road	x3 properties
22/02/2013	Herne Rise	Highway
12/01/2013	Ditton Street	Highway
24/11/2012	Ditton Street	x5 properties
21/11/2012	Winterhay Lane	Highway
21/11/2012	Station Road	Highway x2 properties
21/11/2012	Green Lane	Highway 1x property
21/11/2012	Horton Cross	Highway
21/11/2012	Townsend	Highway
29/04/2012	Listers Hill	Highway
16/01/2012	Shudrick Lane	Highway
13/12/2011	Station Road	Layby
11/01/2011	Greenway	Highway
01/10/2010	B3168 Beacon	Highway
13/12/2008	Ditton Street	x6 properties
29/05/2008	Shudrick Lane	Highway
16/04/1998	High Street	Highway
1947	Ditton Street	Highway

**Drainage
Assets:**

The drainage assets in question are the gulleys in the road and their connecting drainage pipes, plus any culverts and connections to the sewerage system or surface water bodies. The local authority keeps records of drainage under their care, mostly belonging to the Highways Department. Private drainage is not generally recorded. The drainage network around the affected areas is extensive, as Figures 15 to 18 show. However, significant problems with draining the accumulated rainfall during the incident have been noted by many parties.

For the most part, this is due to the severity and intensity of the rainfall – during a flooding incident, it is very difficult to tell if a gully is blocked, or if it just being overwhelmed by the sheer volume of water. Some gullies reported as blocked by residents could be due to this overwhelming effect. Further investigation of the drainage system would be required to ascertain the exact problem in each location, and clean as required.

Current design standards for highways drainage require drains to cope with a 1 in 5 year event plus 20% allowance for climate change, and that a 1 in 100 year event not exceed the bounds of the highway. This event was a 1 in 38 year rainfall event. Drainage meeting the current design standard would not have coped with the intensity of rainfall during the flood event, and would have overflowed onto the highway or failed to drain all the water away even without any obstruction.

When a new housing estate is built, planning policy states that the outflow from any surface water collection system should not be greater than the volumes of water which flowed from that site as a green field.

However, these standards only apply to modern sites. Previously, housing and highways drainage were built on principles of coping with average rainfall, and were designed for the rainfall levels and groundwater levels of the time. With the effect of climate change over the years, many of these installations are no longer adequate for even average rainfall, let alone the 1 in 38 year event that occurred on 20th October.

Many of the sewers in Ilminster are combined foul and surface water systems. The modelling undertaken for the Integrated Catchment Report indicates that they often do not have sufficient hydraulic capacity to contain flows during a 1 in 5 year (20% annual probability) event. The model indicates flooding to the highway from sewers

during the 1 in 5 year event and by the 1 in 20 year event, the model shows that combined flows contribute to property flooding.

Lister Hill, North Street, and the High Street saw large amounts of surface water emanating from the fields uphill of the eastern end of town. This water is likely to have carried large amounts of soil and debris, and could well have caused gullies and drains to become impaired on the night. Residents felt that gullies and drains were blocked in any case before the event.

The Shudrick Stream was the eventual recipient of large amounts of this runoff water, which caused it to also flood. The Shudrick Stream runs through a culvert underneath the Tesco filling station, and there are reports that this became partially blinded with debris during the night, adding to the flooding issues, although this is not supported by photographs. There are varying reports of the size and extent of this drain, ranging all the way up to 'big enough to stand up in', although EA records show it is only 600mm in diameter. Ownership is also uncertain, but the EA would have flood-related responsibility as this is a main river.

In Sea, there were reports that highways drains in Green Meadows were blocked.

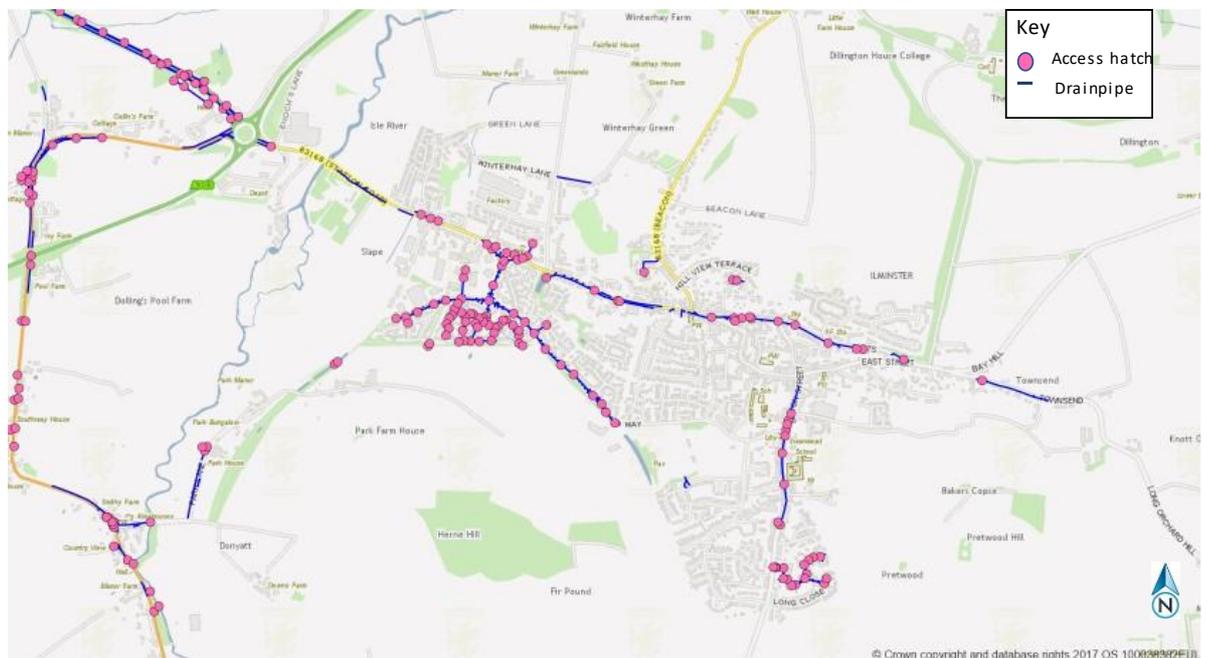


Figure 16: Highways surface water drainage pipes in town



Figure 17: Highways surface water drainage pipes in Sea

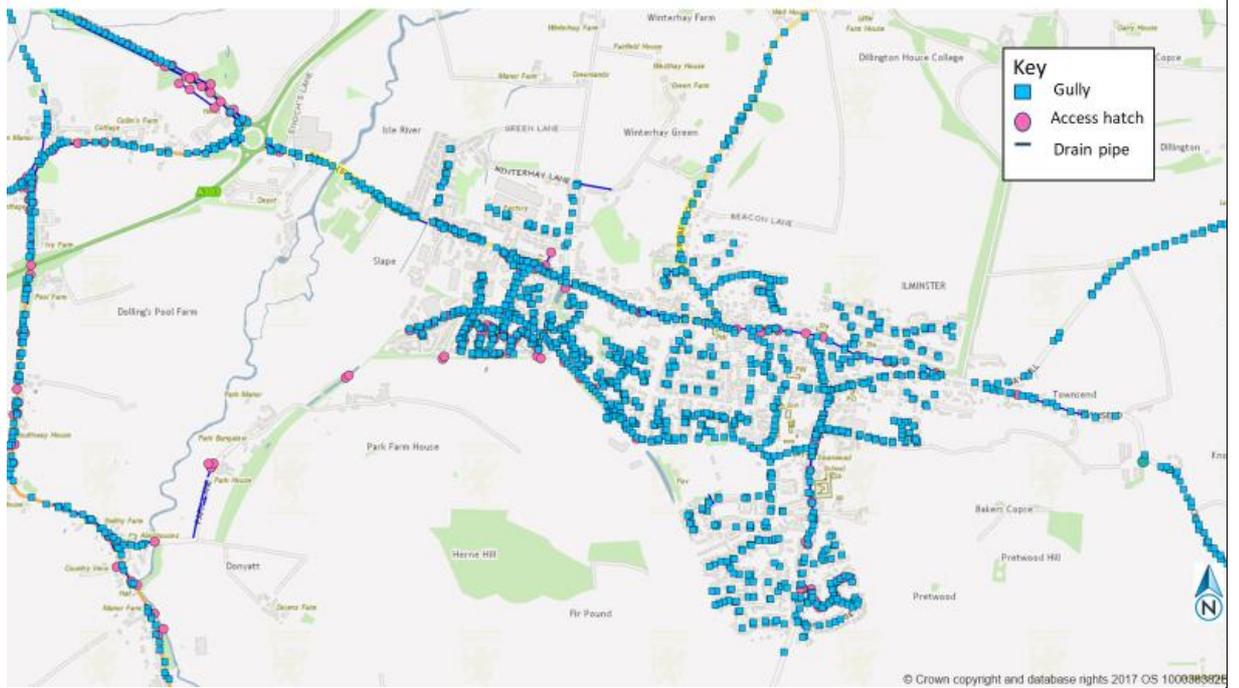


Figure 18: Highways gullies in Ilminster

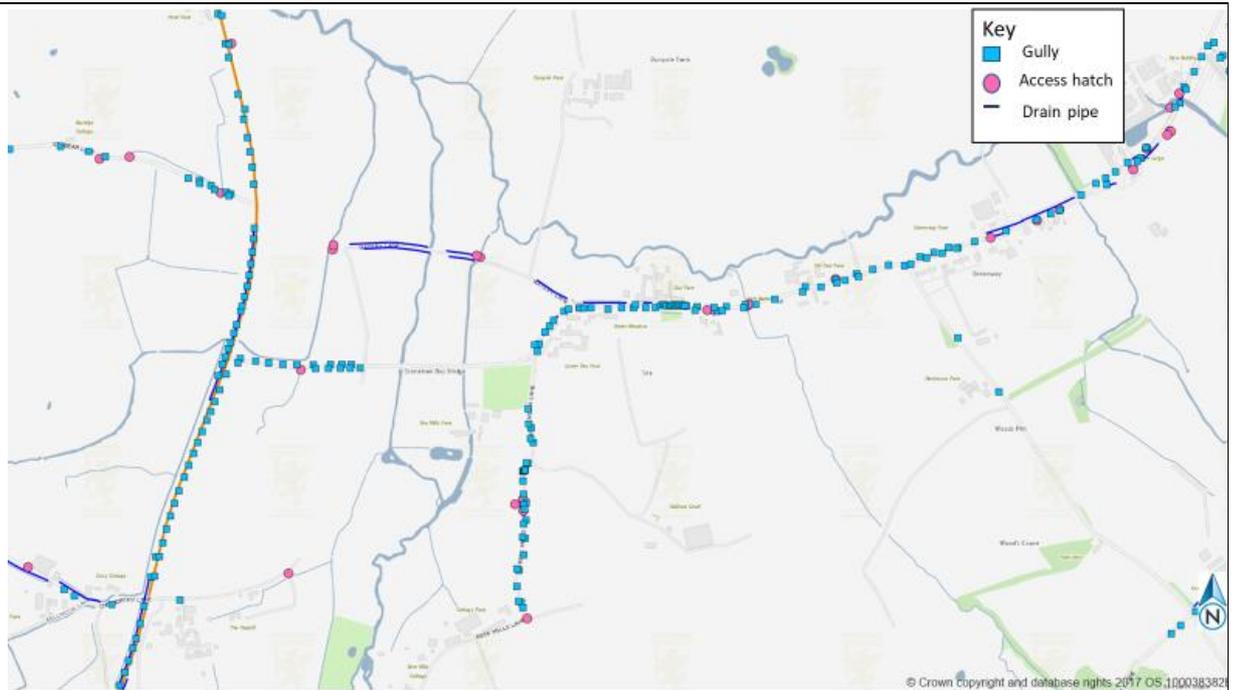


Figure 19: Highways gullies in Sea

The drainage network around the affected areas is extensive, as the figures show. However, residents and others have noted some significant problems with draining the accumulated rainfall during the incident.

In part, this could just be due to the severity of the rainfall – during a flooding incident, it is very difficult to tell if a gully is blocked, or if it just being overwhelmed by the sheer volume of water. Many gullies reported as blocked by residents could be due to this overwhelming effect.

Current design standards for highways drainage require drains to cope with a 1 in 5 year event plus 20% allowance for climate change, and that a 1 in 100 year event not exceed the bounds of the highway. Drainage meeting the current standard would not have coped with the intensity of rainfall during the flood event, and would have overflowed onto the highway or failed to drain all the water away even without any obstruction.

When a new housing estate is built, planning policy states that the outflow from any surface water collection system should not be greater than the volumes of water which flowed from that site as a green field.

	<p>However, these standards only apply to modern sites. Previously housing and highways drainage were built on principles of coping with average rainfall, and were designed for the rainfall levels and groundwater levels of the time. With the action of climate change over the years, many of these installations are no longer adequate for even average rainfall, let alone the more intense events we have seen in recent years.</p>
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Within the residents' testimony of the flooding to Home Farm Park and Holway Park there were many references to 'the bund behind Home Farm Park'. Investigation has revealed some of the history and detail of this bund, and a cattle grid installed around the same time on Station Road.

A copy form has been found, dated 26th June 2013, which details the application by Ilminster Town Council and the West Ilminster Flood Mitigation Group (made up mostly of residents of Holway House Park and Station Road). This form details the proposed construction of a bund, at the back of the north most corner of Home Farm Park, and a cattle grid and ditch along Station Road, as shown in the following maps:

Bunds
Around
Station Road
and Home
Parks

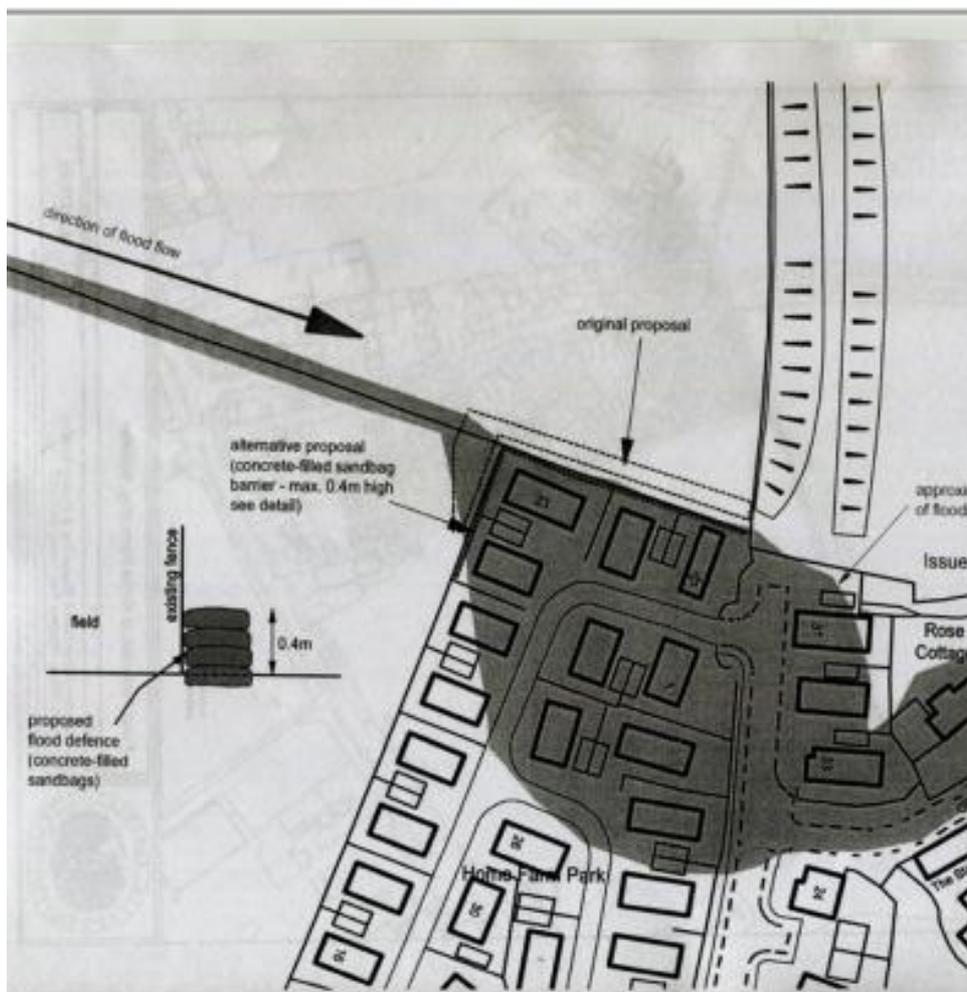
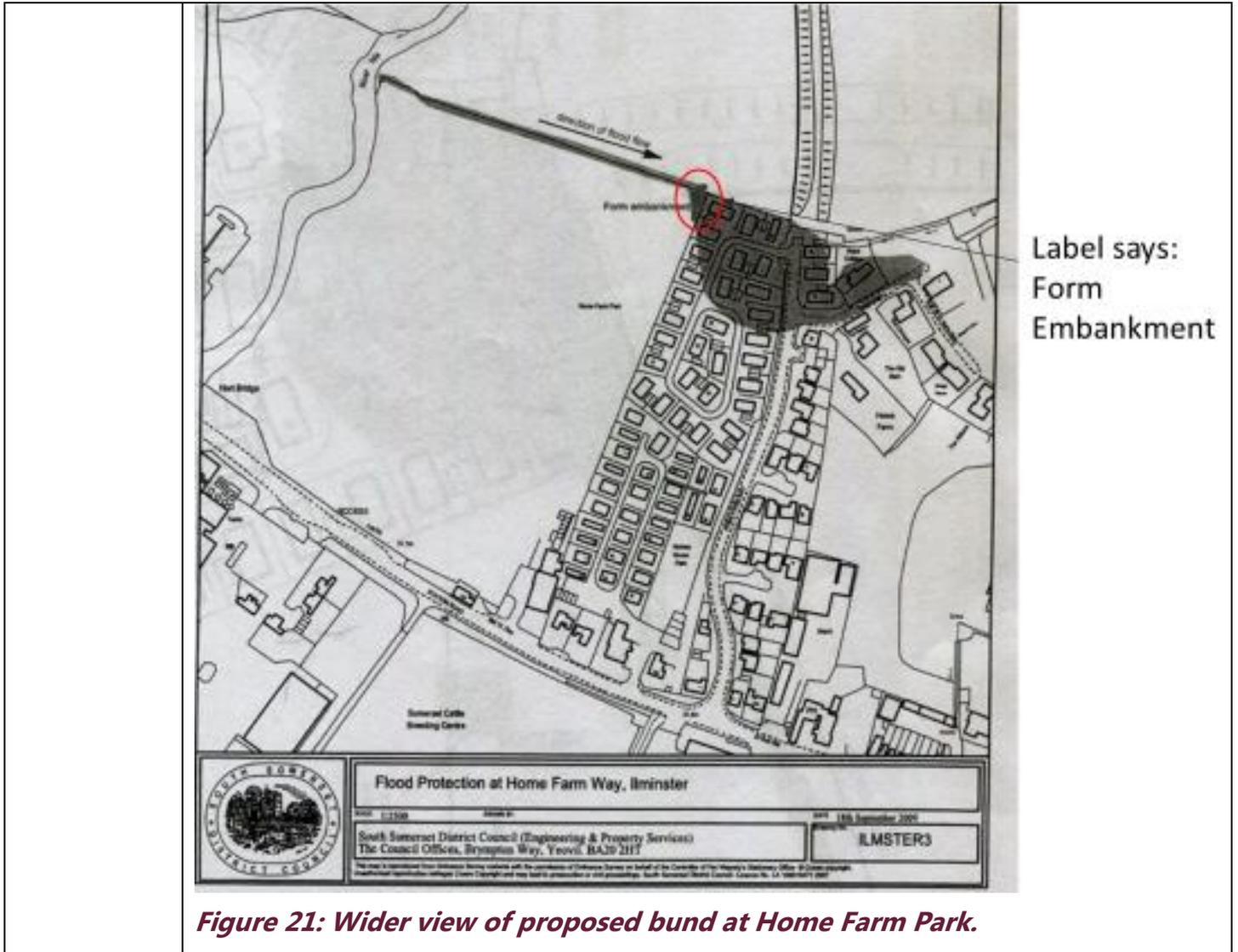


Figure 20: Proposed bunds at the back of Home Farm Park.

The deep grey area shows the area flooded in 2008.



Label says:
Form
Embankment



Cattle grid to be located at gate, and ditch along Station Road

Figure 22: Proposed cattle grid and ditch on Station Road.

Further works were proposed to install a cattle grid structure next to the drainage ditch on Station Road, designed to divert water coming across the field away from the main Station Road surface, and down the ditch that runs alongside the old station area.

SCC records show that the funds were granted to Ilminster Town Council as requested. However, there are other records which suggest (but don't state explicitly) that this funding was used only to build the cattle grid and drainage system on the south of Station Road, and that the bund was provided by another method. In short, ownership of this bund is still not certain, although the EA are certain that they were not involved. The bund, ditch and cattle grid are visible on site. Furthermore, the bund is visible on Lidar data¹, and the cattle grid has been referred to during residents' testimony of the October 2021 event. Details of the construction of the cattle grid were included with the application, but unfortunately not of the bund. It is also not known what the design parameters of the bund were;

it appears to have been constructed in response to floods in the area in 2008, but it is not known whether it was designed to withstand, for instance, a 1 in 100 year rainfall event, or another parameter.

A resident has reported that “When viewed in person from the field to the North of the Park homes it’s clear to see how the Park home gardens have increased slightly in size over many years flattening the Bund, filling the adjoining ditch and removing any usefulness of the original built bund.”. This should be looked at in concert with further work on the ownership and condition of the bund.

¹ [LiDAR terrain map of \(archiuk.com\)](http://archiuk.com)

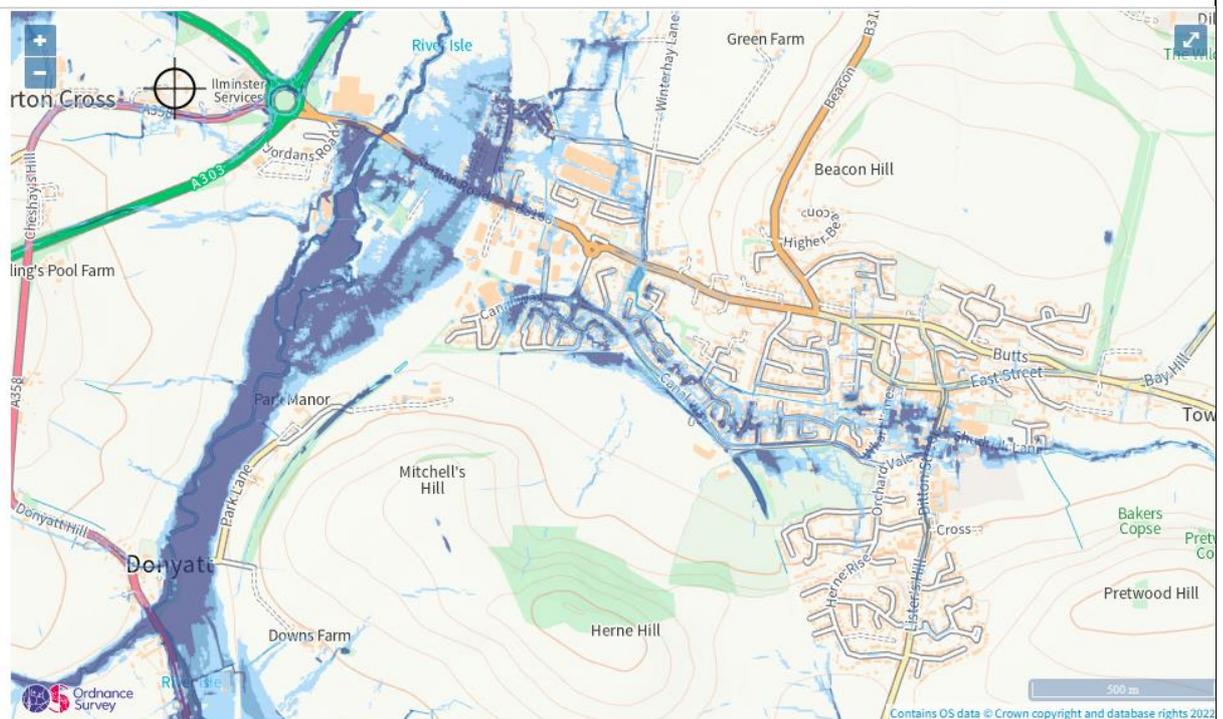
<p>Rainfall Information:</p>	<p>There was very heavy rain on the 20th and 21st of October, on the back of previous heavy rain saturating the catchment.</p> <p>The amount of rain, which the Environment Agency estimate at around 62 millimetres in 24 hours, was 71% of the monthly average, just in that 24-hour period.</p> <p>The nearest river gauge is at Donyatt, which is just upstream of Ilminster. This gauge is used by the Environment Agency to predict flooding and issue flood warnings for the main river Isle. On the 20th of October, this gauge returned the record highest level for the river Isle, over the gauges 30-year history.</p> <p>Below is an excerpt from EA Monthly water situation report for Wessex:</p> <p>“October was a wet month for Wessex, with ‘above normal’ rainfall at 187% of the LTA (149 mm). There was light rain at times throughout the month, but the main rainfall events occurred on 1 – 4, 19 – 20 and 28 – 31 October which combined produced around 90% of the month’s total rain. The highest accumulation was on 19 and 20 October when 33% of the month’s rain fell, distributed across most of Wessex.”</p>
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Most of the flooding witnessed around eastern Ilminster during the event was apparently due to heavy rainfall accumulating and moving across the land – this is usually referred to as a pluvial or surface water flooding.

The basic mechanism appeared to be the movement of overland flow downhill, and as the east of Ilminster is in a valley, heavy flooding was experienced in these topographical low areas around Ditton Street and the Shudrick Stream.

Flows in transit also caused significant flooding and damage to roads and property, and carried the debris from this along, blocking drains in the process.

Surface
Water:

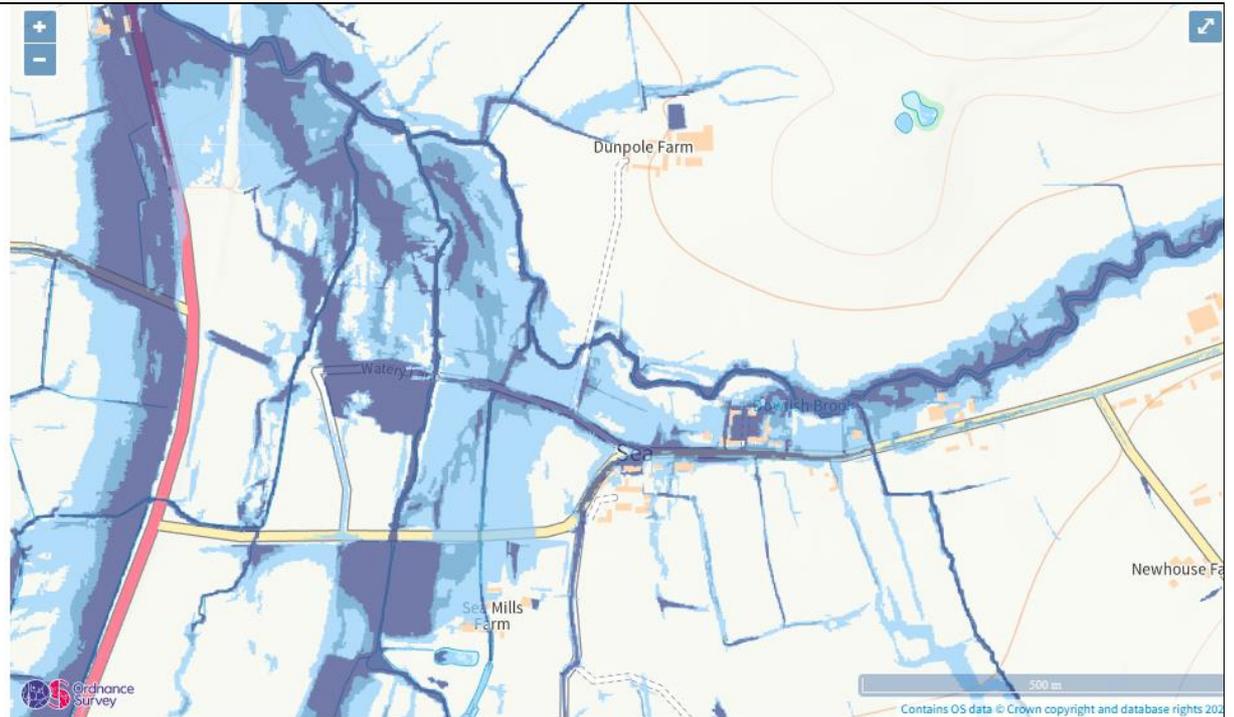


Extent of flooding from surface water

● High ● Medium ● Low ○ Very Low ⊕ Location you selected

Figure 23: Surface water flood risk map for the Ilminster

Maps later in this report will show the estimated flow paths of flood water through Ilminster.



Extent of flooding from surface water

High
 Medium
 Low
 Very low
 Location you selected

Figure 24: Surface water flood risk for Sea.

Surface water flood risk maps show the risk of flooding from pluvial sources – from rainfall accumulating and forming an overland flow. It considers the drainage systems in the area. It does not show predicted fluvial flooding – that is, flooding resulting from rising levels in rivers and streams. However, the two effects often occur together, as both pluvial flow and rivers and streams will naturally locate in the lowest topographical points.

The maps show four different grades or frequencies of flooding – dark blue areas (high risk) will flood most frequently, with an average 3.3% chance of flooding in each year.

Mid blue areas (medium risk) will flood only after heavier rainfall – in these areas there is an average chance of flooding between 1% and 3.3% each year.

Light blue areas (low risk) only flood after very heavy rain – here there is an average chance of flooding of between 0.1% and 1% per year.

	<p>Areas with no colouration have an average chance of flooding each year of less than 0.1%.</p> <p>To put this in context, the rainfall event that fell on Ilminster and Sea in October 2021 has a 2.6% chance of occurring every year.</p>
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The western side of Ilminster was particularly badly affected by fluvial flooding from the River Isle. The river appears to have bypassed the Environment Agency flood defences upstream of the Hort bridge and spread out over the old Dairy Gold site and fields next to the river. It then entered the two park homes sites and surrounding roads, both from the east and from the south, as water ran across station road, as shown in figure 27. It also affected the Rose Mill Industrial estate on the Horton Cross side of the river.

Fluvial:

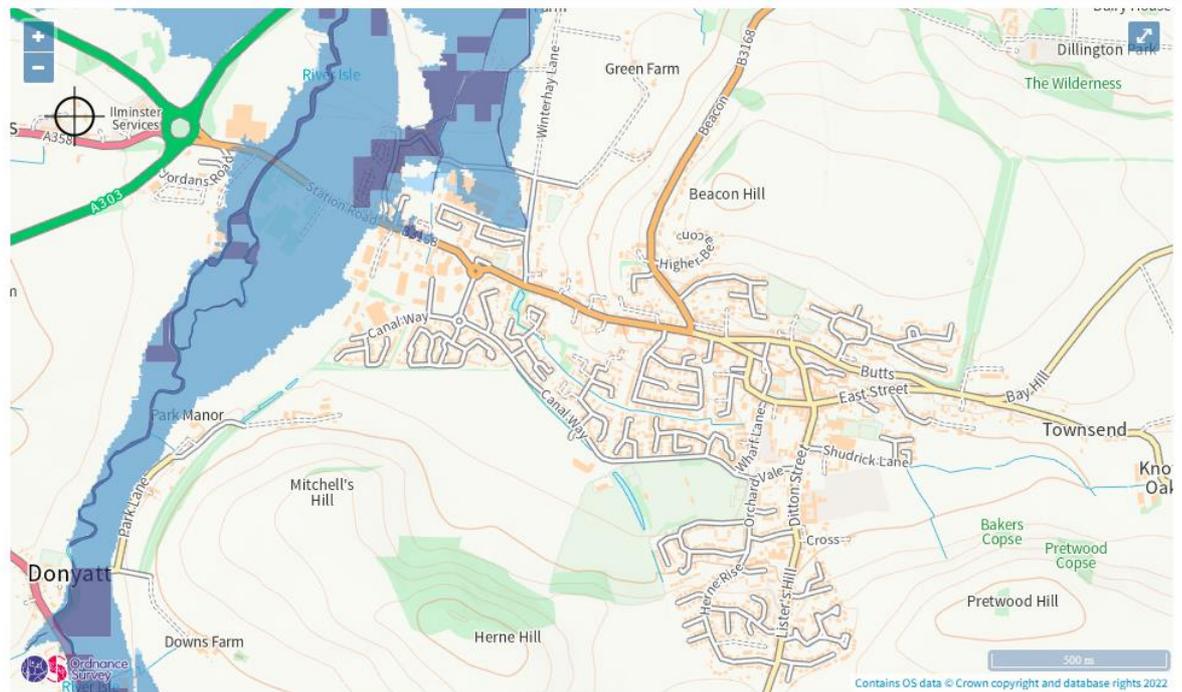
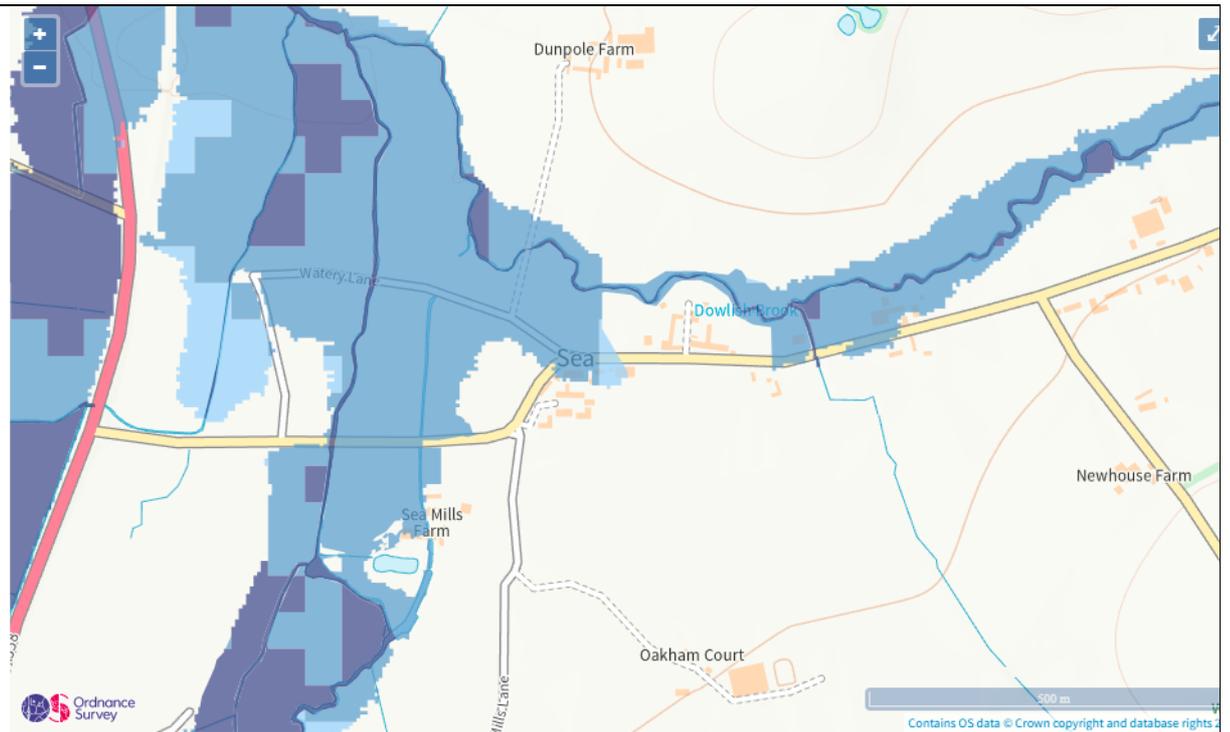


Figure 25: Fluvial flood risk Ilminster



Extent of flooding from rivers or the sea

● High
 ● Medium
 ● Low
 ● Very low
 ⊕ Location you selected

Figure 26: Fluvial flood risk Sea

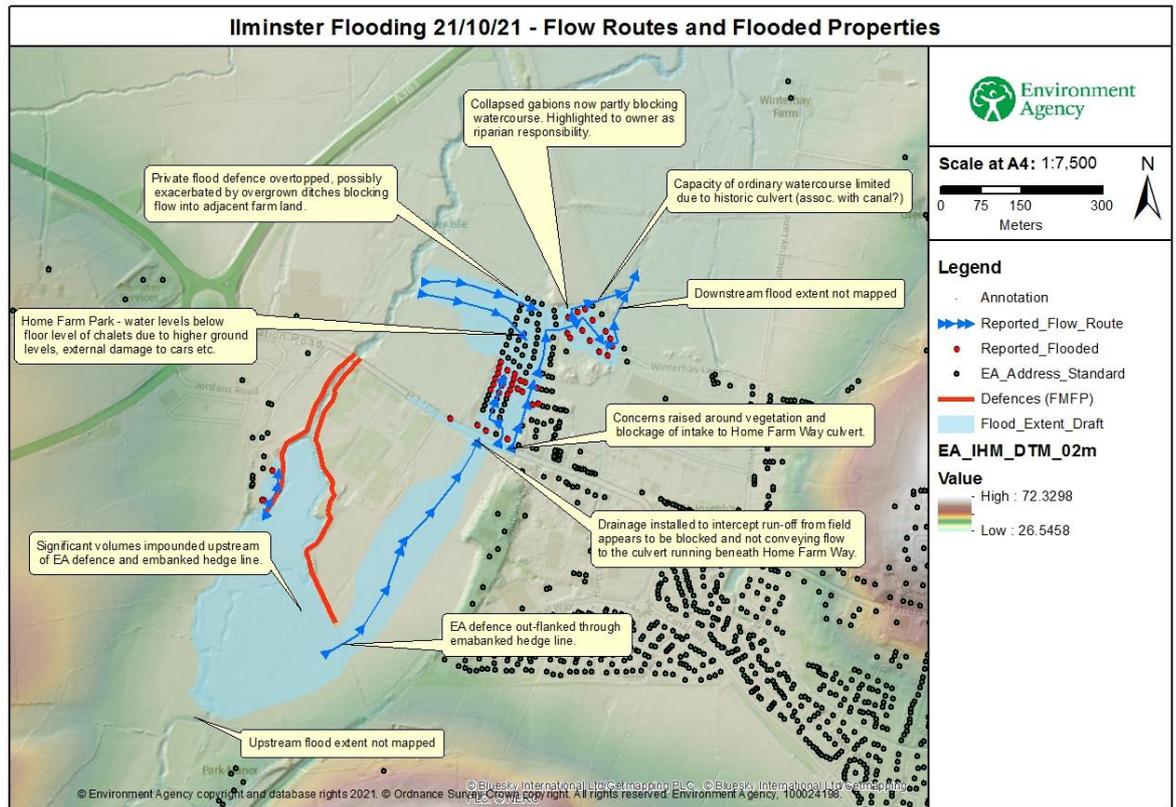
The EA defences in Iminster undergo routine maintenance inspections three times a year. During these inspections, the embankments are subject to hand paring to maintain conveyance and debris is removed from the weir at Hort Bridge. As part of recovery works of the 2013/14 flood, the raised embankment on the right bank upstream of Hort Bridge was extended to tie into high ground. During the latest inspection of these assets, they were all deemed to be up to the standard to which they had been designed in the 1970's. One of the reasons the EA is bidding for funds for a flood alleviation study, is to bring flood protection in this area up to a more modern standard.

The study area, particularly around the residential home parks, has a network of smaller streams and drainage ditches, aside from main rivers. The ownership of many of these watercourses is unclear but is assumed to be riparian. In several areas these watercourses were directly implicated by residents in contributing to the flooding, either because they felt they had not been kept clear, or they were simply overwhelmed by the volume of water.

Coastal:	There is no risk of coastal flooding in this area.
Groundwater :	<p>Most of Ilminster is underlain by loam and clay soils with impeded drainage. This is seen in the centre of the town and through Herne Hill to the south. To the north, the slopes of Beacon Hill, are generally freely draining loamy soils, while Pretwood Hill is overlain with shallow soils over chalk/ limestone.</p> <p>The available mapping indicates that the ground around Ilminster has poor infiltration, which indicates that runoff from rural areas is likely to be high. Historically the land on which Ilminster has been developed was low lying land known to be water meadows and marsh land.</p> <p>The eastern parts of Ilminster, and the catchment to the east, are underlain by a Principal Aquifer (able to yield significant quantities of groundwater). Central Ilminster and western Ilminster are underlain by Secondary A and Secondary undifferentiated aquifers (small amounts of groundwater stored in cracks and fissures in the rock). The EA also identifies the catchment as being in an area of Ground Water Vulnerability.</p> <p>In summary; the geology underneath Ilminster makes it more likely to flood. Once rain falls it takes a long time to drain away.</p>
Soil Moisture Deficit:	<p>The Soil Moisture Deficit generally decreased throughout October, interspersed with a slight increase due to a relatively drier spell towards the middle of the month. The heavy rainfall on the 19th and 20th October decreased deficit to 12 mm by the end of October which is 40% less than the LTA (40 mm) but similar to this time last year (15 mm).</p> <p>When the rain fell during the storm event, the ground was already close to being saturated. This increased the severity of flooding as water could not be absorbed into the soil, and instead ran over the top to form surface water flooding.</p>

West end of Iminster:

The Environment Agency compiled the following map of flow paths at the west end of Iminster during the event:



Probable Causes

Figure 27: Flow paths at the west end of Iminster. Source: Environment Agency, November 2021.

The information in this map represents an outline estimate of the flood mechanisms and flooded properties during the flood of 20/21 October 2021 on the west side of Iminster. It is based on information gathered in the aftermath of the flood and may not be a complete and accurate summary, but is based on the best data and resource available at the time.

Data collected from residents of the area during the drop-in session at The Shrubbery, Iminster, on 17th November 2021, suggest the following additional mechanisms:

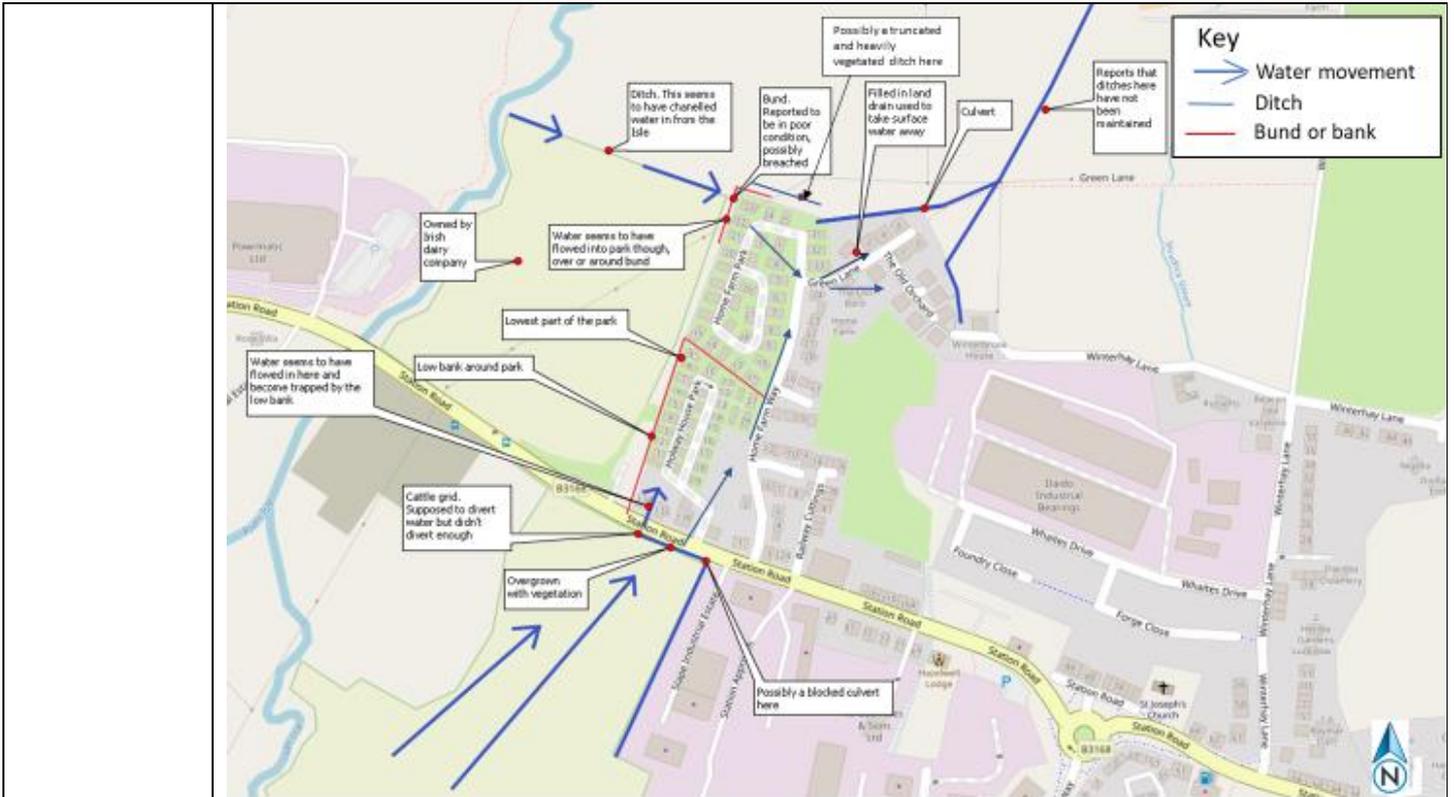


Figure 28: Further detail of west Ilminster

Most of the volume of water seems to have come from the river Isle. The river spilled over its banks both to the north of the Hort bridge, and around the flood defences to the south of the bridge. Water from the northern spill flowed up a ditch to the edge of Home Farm Park. From here it flowed through, around and/or over the bund into Home Farm Park, and across Green Lane. Water coming up from the south combined with pluvial flow across the fields, flowed into and over the cattle grid, and across Station Road into Holway House Park and the houses next to it. This water was trapped in situ by the low bank around the park. Another portion of the water that came up from the south flowed across Station Road and across into Home Farm Way. This flowed down Home Farm Way to join up with the water from the north in Green Lane and the Old Orchard.

A resident has reported that, during development of Green Lane in 2018/19, changes were made to the culverting system and ground levels, which has negatively affected the passage of water away from the area. This should be considered within future modelling and flood mitigation planning. The ditches downstream of Green Lane are

also reported as being overgrown, and the owner (assumed to be riparian) should be encouraged to clear the excess.

A lot of work has been done previously to try and protect this area from flooding. Not all elements of the scheme seem to be functioning as intended, and they may not have been correctly specified for an event of this size. The EA defences were built in the 1970's. The EA is bidding for money to undertake a flood risk management study for Ilminster over the next couple of years, subject to gaining central government funding. If successful, this will review the current and future flood risks, including the current defences, as well as considering potential future partnership options to better mitigate flood risk, taking account of any developments in the area.

East end of Ilminster:

Pluvial flow from the hills to the north and south of Ilminster flowed down into the centre of town and gathered in the low spot at the junction of Ditton Street and Shudrick lane. Flow from the north came from Beacon hill, down the track past the allotments, along Old Road and into North Street. Water heading into town from the south flowed down Listers Hill and into Ditton Street. Rainwater also flowed in from the fields to the east of Ilminster and down Shudrick Lane, where it again collected at the low point. This was added to by water from the Shudrick Stream itself, which came out of bank, possibly due to the culvert that leads under Ditton Street becoming blinded with debris or overwhelmed by the large quantity of water.

EA, local residents and Councillors observed these flow paths, and also that the pluvial flow comes off fields, carrying soil, stones, and debris with it. This will tend to collect in and possibly block drains during an event. Long term local residents also observed the massive amount of water coming from these sources, and said that they felt even free running drains would not have coped with all of it.



Figure 29: Pluvial flows around east Ilminster

Residents have raised the issue of the crops being grown around the periphery of Ilminster and the surrounding villages. Maize has recently started to be grown, and this particular crop is associated with high levels of runoff. This could be exacerbating the surface water and pluvial flow element of the flooding experienced.

Sea:

Residents reported that water entered their properties from the highway, via the front and back doors. One resident further reported that highways drains outside their property were and are blocked. Sea is at a low point in the landscape, and it's entirely possible that the surface water running down Watery Lane originated on

	<p>Herne Hill or Pretwood Hill as rainfall. There is also a stream just to the north of the main road through Sea, which also crosses the road near the dairy farm. There are no records of flow in this stream at the time, but it is possible that the water running through the centre of Sea originated, in whole or in part, from this watercourse. More detailed data and/or modelling will be required to determine the origin of this water.</p>	
<p>Risk Management Authority Responsibilities</p>	<p>See Appendix (link)</p>	
<p>Risk Management Authority Actions During and Immediately After the Event</p>	<p>Somerset County Council (in their roles as LLFA and Highways Authority)</p>	<p>Highways Authority: Were not called out on the night. Began clear up work the following day.</p> <p>LLFA: No emergency role. After the event commissioned the Section 19 report and began to gather information from residents and RMAs about their activities, and when and how flooding happened.</p>
	<p>Environment Agency</p>	<p>Issued flood warnings. Flood warning was issued at about 10:20pm for the river Isle from Chard Reservoir to Hambridge. Levels continued to rise, peaking around about 11:30pm.</p>
	<p>Wessex Water</p>	<p>No emergency role.</p>
	<p>Devon and Somerset Fire and Rescue Service</p>	<p>Fielded 33 calls from Home Park Farm, Holway House Park, and Station Road. Some were to rescue people from vehicles in water. Undertook specialist rescue by boat from the caravan park for 10 people.</p>
	<p>South Somerset</p>	<p>The duty Civil contingency officer (CCO) was called at 10pm. They called Fire and Rescue at 22:36 who confirmed that they were dealing</p>

	<p>District Council</p>	<p>with multiple incidents and were only attending where life was at risk. Peak rainfall was predicted for midnight, at around 60mm/hour. The CCO was called again by Police at 2am, and informed that Fire and Rescue were deploying boats to rescue people from the park homes development. It appeared that the river had burst its banks and mixed in with sewage from a septic tank. At 2:30am the CCO identified a rest centre nearby in case it was needed. At 2:45am Fire and Rescue confirmed that 8 people were being rescued, and the CCO purchased rooms at a nearby hotel for them. The CCO was also trying to sort out taxis who could get there without going through flood water, when Fire and Rescue reported they had found a volunteer with a Land Rover to shuttle people to the hotel. The first evacuees arrived at the hotel at 4am.</p> <p>Lines of communication became confused early in the event because some information was going directly between SSDC and others, rather than via the central control system.</p> <p>There also seems to be an emergency duty team that was available but not used. This could have helped to make things run more smoothly. There were also some issues on the night with CCOs not being able to get through to the police control centre because all lines were busy, and with confusion over payment for the hotel rooms.</p> <p>SSDC Councillor Sherman took calls from the public about Ditton Street flooding as he lives near there. He communicated on to other (town) councillors, SSDC, SCC and emergency services. Town councillors were out delivering sandbags around Ditton Street area, but the water was already in some houses. No-one contacted their office about the problems at Station Road end, even by a couple of days later.</p> <p>After the event they have been talking to other agencies and community members about community resilience arrangements, supporting Parish Councils with the development of community</p>
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		resilience plans, and developing grant applications for resilience equipment.
	Avon and Somerset Police	No recorded actions in Ilminster on the night.
	Parish Council	No report from Sea Parish Council.

<p>Recommendations</p>	<p>Ilminster Town Council are keen to develop a resilience plan and a local resilience group – this should be progressed in concert with the SRA, and possibly the EA.</p> <p>The Ilminster Town Council should liaise with FWAG and local landowners to discuss the issue of maize growing in the area, ascertain if it is a problem, and see if more benign crops or growing methods can be found.</p> <p>The Shudrick Valley and the area around the River Isle have the potential for Natural Flood Management (NFM) schemes. These should be investigated as part of further work to model flood flows in the area and evaluate mitigation schemes.</p> <p>Anecdotal evidence suggests that many residents and landowners have an incomplete understanding of riparian responsibilities. Communities should be educated on riparian rights and responsibilities. SRA may be best placed to do this.</p> <p>There was some confusion during the incident as to communication between parties and the use of the Emergency Duty Team. In particular, this should include the Town Council and the SSDC Homelessness Team, who were unaware of the problems at Station Road and the residential parks until late the following day. Emergency plans should be reviewed to ensure that all parties involved with flooding incidents to have a method statement setting out line of communication, contact details, and full information about who can be called upon to do what during an emergency.</p> <p>Audit gully cleaning contractors to ensure the job is being done correctly, and see if improvements can be made – e.g. informing residents in advance of gully clearing so cars can be moved to facilitate access. The frequency of gully cleaning has already been increased from around every 4 years to an annual round.</p> <p>It took a long while to get the electricity back on at the residential parks, and this delayed people getting back into their homes and being able to start getting dried out. In future Western Power Distribution need to prioritise getting vulnerable people reconnected so they can get back into their homes.</p> <p>Information needs to be distributed more widely about how to prepare yourself and your property for flooding.</p> <p>Information needs to be distributed more widely about who to contact with different concerns e.g. to whom should people report a blocked culvert, or an overgrown ditch?</p>
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There should be a review of post incident support to residents, to ensure that it is adequate and correctly targeted. Those most at risk are mainly elderly and often uninsured. They can find it hard to access help and services, due to mobility problems or lack of internet access. People often need help 4 or 5 days after an incident when they can no longer stay with relatives or in a hotel. Some people have nothing but the clothes they stand up in. This package also needs to include mental health care, as many are completely shocked and bewildered by what has happened.

The modelling that has been done for the integrated catchment study to be extended to include fluvial and surface water movement around Ilminster. The EA are hoping to start a flood alleviation study next year (23/24), subject to a funding bid (previously mentioned), which they hope to link to the previous integrated catchment study.

As a separate piece of work on their modelling programme, they are updating the catchment fluvial model for the River Isle and adding in the Shudrick Stream for the first time. This model will be at a catchment scale (going from head of main river down to Isle Brewers near the Somerset Levels), so it will cover a much larger area than just Ilminster. A greater local focus in Ilminster will come from the flood alleviation study. The catchment fluvial model will likely not complete until 2025 at the earliest.

Changes in local planning policy should be considered. Currently the standard requirement for drainage in a housing development is to cope with a 1 in 5 year event for highways drains, and to cope with greenfield runoff rates for surface water drainage. Consideration should be given to adopting a higher standard, and/or specifying a policy of betterment.

The path of the old canal in Ilminster should be investigated, and it should be ascertained which other waterbody it joins into and where. Any changes required should be communicated to the Environment Agency and Ordnance Survey as appropriate.

Further work needs to be done on the ownership of, and responsibility for, the bund around the Park Homes. The condition of the bund needs to be examined and improved or repaired as required.

	<p>The culverting of Green Lane should be looked at to see if changes have been made without the proper permissions, and the arrangement should be taken into account in flood modelling and mitigation strategies.</p>
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<p>Development Planning</p>	<p>The most recent local plan for Ilminster (adopted 2015) mentions fluvial flooding as a constraint to development in Ilminster, but surface water flooding is not considered.</p> <p>Previous local plans have identified an area in the Shudrick Valley as being allocated for housing. This area was rejected by the Planning Inspector prior to adoption of the latest Local Plan.</p> <p>The Plan also brings forward allocations of employment land with an enabling development of housing for sites around the River Isle, in the vicinity of Hort Bridge, and between the isle and the static home parks. Flooding is considered as a significant issue for the sites around the River Isle, and the improvement of flood defences or other suitable mitigation solutions along the river should be a core consideration by any developer. The issues of surface water flooding need to be taken into account here too, and again any developer should be required to provide betterment on this issue.</p>
<p>Ongoing Works</p>	<p>The modelling that has been done for the integrated catchment study is to be extended to include fluvial and surface water movement around Ilminster. The EA is hoping to start a flood alleviation study next year (2023/24), subject to a funding bid, which they hope to link to the aforementioned integrated catchment study, previously completed by SCC and Wessex Water. This will require the input and collaboration of all other authorities, communities, and stakeholders.</p>

<p>Planning Policy and Future Development</p>	<p>In order for a planning application to be granted, they must have conditions applied to them or a design detailed within them which ensure that surface water runoff from the development is attenuated on site and leaves the development at no more than greenfield runoff rates. This should ensure that no development makes flooding in the area around it worse. This is in accordance with National planning policy and the Government standards for SUDS, published on the .gov.uk website. These documents deal with rainfall intensity of a 1 in 1 year and 1 in 100 year event – much more common than the event covered in this report.</p> <p>In order for the Local Authority to require any stricter standards to be applied (such as accounting for events at greater than 1 in 100 years return period, or requiring runoff at less than greenfield rates, or if development is proposed within Flood Zone 3, it should also seek to provide flood mitigation to existing properties, as well as those proposed in the new development), this needs to be stated in local planning policy.</p> <p>It is recommended that further work be undertaken with a view to requiring stricter standards to be applied to surface water management by developers in affected areas in and around Ilminster.</p>
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Appendix: Risk Management Authority Responsibilities

<p>Risk Management Authority Responsibilities</p>	<p>Somerset County Council (in their roles as LLFA and Highways Authority)</p>	<p>As the LLFA they are required to develop a strategy to tackle local flood risks, involving flooding from surface water, 'ordinary watercourses', for example ditches, dykes, and streams, groundwater, canals, lakes and small reservoirs. Along with all LLFAs, they are required to:</p> <ul style="list-style-type: none"> • investigate all significant flooding incidents; • maintain a register of flood defence assets; • act as a statutory consultee in the planning process on surface water for major developments; and • build partnerships and ensure effective working between authorities that have control over flood risk. <p>They also have to undertake specific tasks associated with the Flood Risk Regulations, and this includes completing a Preliminary Flood Risk Assessment and identifying flood risk areas.</p> <p>As the highways authority they have the lead responsibility for providing and managing highway drainage and roadside ditches under the Highways Act 1980. The owners of land adjoining a highway also have a common-law duty to maintain ditches to prevent them causing a nuisance to road users.</p>
	<p>Environment Agency</p>	<p>The Environment Agency has a strategic overview of all sources of flooding and coastal erosion (as defined in the Flood and Water Management Act 2010). It is also responsible for flood and coastal erosion risk management activities on main rivers and the coast, regulating reservoir safety, and working in partnership with the Met Office to provide flood forecasts and warnings.</p>
	<p>Wessex Water</p>	<p>They manage the risk of flooding to water supply and sewerage facilities and flood risks from the failure of their infrastructure.</p>

	Somerset Rivers Authority (SRA)	<p>Somerset Rivers Authority's main aim is to give Somerset greater flood protection and resilience.</p> <p>Somerset Rivers Authority focuses heavily on providing additional maintenance and improvements to rivers and their catchments, roads prone to flooding, and structures such as culverts and drains.</p>
	Devon and Somerset Fire and Rescue Service	<p>The Fire Brigade is typically the lead responder for a flooding incident. The Fire Brigade role includes saving life and carrying out rescue of casualties or persons stranded by flooding, including by boat. They may pump out floodwater.</p>
	Avon and Somerset Police	<p>The police co-ordinate the emergency services during a major flood and help with evacuation of people from their homes where necessary. They also close roads and take other actions to ensure public safety.</p>
	South Somerset District Council	<p>They are key partners in planning local flood risk management. They can carry out flood risk management works on minor watercourses (outside of IDB areas).</p>
	<p>All bodies are required to work in partnership to support the local flood risk strategy, to ensure flood management activities are well co-ordinated, and work in partnership to reduce the severity and impact of flooding.</p>	



Verbal Update on Chard Regeneration

Strategic Director: Peter Paddon, Acting Director Place & Recovery
Contact Details: peter.paddon@southsomerset.gov.uk or 01935 462445

The Acting Director Place & Recovery will be attending Area West Committee to give a verbal update on Chard Regeneration.



Verbal Update on Chard Eastern Development Area Eastern Relief Road

Strategic Director: Peter Paddon, Acting Director Place & Recovery
Contact Details: peter.paddon@southsomerset.gov.uk or 01935 462445

The Acting Director Place & Recovery will be attending Area West Committee to give a verbal update on Chard Eastern Development Area Eastern Relief Road.



Area West Committee Forward Plan

Strategic Director: Nicola Hix, Strategy & Support Services
Agenda Coordinator: Jo Morris, Case Officer (Strategy & Support Services)
Contact Details: jo.morris@southsomerset.gov.uk

Purpose of the Report

This report informs Members of the agreed Area West Committee Forward Plan.

Recommendations

Members are asked to:

- a. Comment upon and note the proposed Area West Forward Plan as attached;
- b. Identify priorities for further reports to be added to the Area West Forward Plan.

Area West Committee Forward Plan

The Forward Plan sets out items and issues to be discussed by the Area West Committee over the coming few months.

The Forward Plan will be reviewed and updated each month in consultation with the Chairman. It is included each month on the Area West Committee agenda and members may endorse or request amendments.

To make the best use of the Area Committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC corporate aims and objectives.

Councillors, service managers, partners and members of the public may request that an item is placed within the forward plan for a future meeting by contacting the agenda co-ordinator.

Background Papers

None.

Notes

- (1) Items marked in italics are not yet confirmed.
- (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Jo Morris, 01935 462055 or e-mail jo.morris@southsomerset.gov.uk

Meeting Date	Agenda Item	Lead Officer(s) SSDC unless stated otherwise
<i>TBC</i>	<i>Chard Flood Report</i>	<i>Jess Power, Lead Specialist – Strategic Planning</i>
<i>TBC</i>	<i>S106 Obligations</i>	<i>Tim Cook, Locality Team Manager</i>
<i>TBC</i>	<i>Community Grants – to consider any requests for funding</i>	<i>Nathan Turnbull, Locality Officer</i>
<i>TBC</i>	<i>Parrett Trail Tunnel</i>	<i>TBC</i>
Monthly – ongoing	Verbal update on Chard Regeneration	<i>Peter Paddon, Acting Director Place & Recovery</i>



Planning Appeals

Strategic Director: Kirsty Larkins, Service Delivery
Lead Specialist: John Hammond, Lead Specialist – Built Environment
Contact Details: john.hammond@southsomerset.gov.uk

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Recommendation

That members note the report.

Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Appeals Received

21/03447/S73A - The erection of dwelling and associated formation of access. (Section 73 application to vary Condition 2 (approved plans) of 18/00467/FUL and 21/01234/S73A) by the addition of balcony with 1.8m high obscure privacy screen for the master bedroom.
Land Adjoining Three Corners, Stoopers Hill Combe St Nicholas Chard TA20 3LT
(Officer delegated decision)

Appeals Dismissed

21/02841/PAMB - Notification of prior approval for conversion of an agricultural barn into two dwellings.
Barn At Mill Farm Mill Lane Dinnington Hinton St George Somerset
(Officer delegated decision)

Appeals Allowed

None

Background Papers

Decision notice attached.



Appeal Decision

Site visit made on 26 July 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st August 2022

Appeal Ref: APP/R3325/W/22/3292505

Barn at Mill Farm, Mill Lane, Dinnington, Somerset TA17 8SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs Lane against the decision of South Somerset District Council.
 - The application Ref 21/02841/PAMB, dated 14 September 2021, was refused by notice dated 10 November 2021.
 - The development proposed is prior approval for the conversion of an agricultural building into two dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address of the site from the Appeal Form, which more clearly describes the site than that used on the Application Form.
3. Planning permission reference 18/00421/FUL (the previous permission) was granted in September 2018 for alterations, extension and conversion of a barn adjacent to the appeal barn, to form a dwelling. It also permitted the erection of a garage and new agricultural building partly on the site of the appeal barn. Amongst other things, condition 4 of the previous permission states that existing buildings shown on approved drawing P-101B, including the appeal barn, shall be demolished prior to the dwelling it approved being first occupied.
4. The appellant seeks to convert the appeal barn into two dwellings under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). The application includes details of both the change of use and the building operations proposed.

Main Issues

5. The Council's Officer Report describes the design and external appearance of the building as being acceptable. However, the Council has subsequently acknowledged that this was an error, and the Decision Notice refers to the design of the proposal as being out of keeping with the character of the area.
6. Therefore, the main issues are:

- Whether the previous permission precludes the appellant from exercising permitted development rights under Schedule 2, Part 3, Class Q of the GPDO in respect of the appeal barn, or would be undesirable under Part 3 Class Q, Paragraph Q.2.(1)(e) and
- The effect of the design of the proposal on the character and appearance of the area.

Reasons

Whether permitted development rights can be exercised

7. Some demolition of the buildings shown on drawing P-101B has already taken place, excluding the appeal barn which remains in situ. The time limit for commencement of the previous permission has lapsed but, as a result of the demolition, the appellants believe that the previous permission has been implemented, and I see no reason to disagree.
8. The previous permission does not remove permitted development rights under Schedule 2, Part 3, Class Q of the GPDO and condition 4 only requires demolition of the appeal barn before occupation of the dwelling it approved. Few, if any, works to the building approved for residential use have taken place, and occupation of the dwelling has not occurred. As a result, the requirements of condition 4 have not been engaged.
9. The appeal proposal and the previous permission, as approved, cannot be both undertaken together because they partially cover the same land. However, were I to give prior approval for the appeal proposal, it would be open to the appellant to decide which permission to progress, or to seek to amend the previous permission to allow both schemes to take place.
10. It would be for the Council to determine any future application, but I consider that, of itself, the previous permission does not preclude the appellant from exercising permitted development rights under Schedule 2, Part 3, Class Q of the GPDO in respect of the appeal barn. For the same reasons, the proposal would not be undesirable under Part 3 Class Q, Paragraph Q.2.(1)(e).

Character and Appearance

11. The barn is located in remote countryside, with an attractive rural, agricultural character. It consists of a modern, utilitarian agricultural structure and the intended design is for a building with a contemporary, simple design reflecting its existing form. To some extent, a changed domestic appearance is inherent to the residential use of such buildings envisaged by the GPDO.
12. However, the proposal includes a great amount of glazing, covering much of the long eastern elevation, together with part of the side elevations. The large extent of the glazing, together with its uniform form, means that it would appear excessive and monolithic. This aspect of its design would jar with the agricultural appearance of the building and of the wider area. Moreover, the effect of the glazing on the eastern elevation in particular would be prominent from both Mill Lane itself and from a public footpath leading from Mill Lane.
13. I therefore consider that the design of the proposal would have a harmful effect on the character and appearance of the area.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

O Marigold

INSPECTOR

Schedule of Planning Applications to be determined by Committee

Director: Kirsty Larkins (Service Delivery)
 Lead Specialist: John Hammond, Lead Specialist Built Environment
 Contact Details: john.hammond@southsomerset.gov.uk

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area West Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 6.30pm

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
13	EGGWOOD	22/01623/FUL	Change of use of public house (Sui Generis use) to dwelling (Use Class C3)	The Swan Inn, Lower Street, Merriott, Somerset, TA16 5NN	Twose
14	CHARD AVISHAYES	22/01441/FUL	Change of use from a dwellinghouse (Use Class C3) to a chiropractic and manual therapy clinic (Use Class E(e))	Lavington, Furnham Road, Chard, Somerset, TA20 1AX	Mr P Jones

Further information about planning applications is shown on the following page and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda has been prepared.

Agenda Item 13

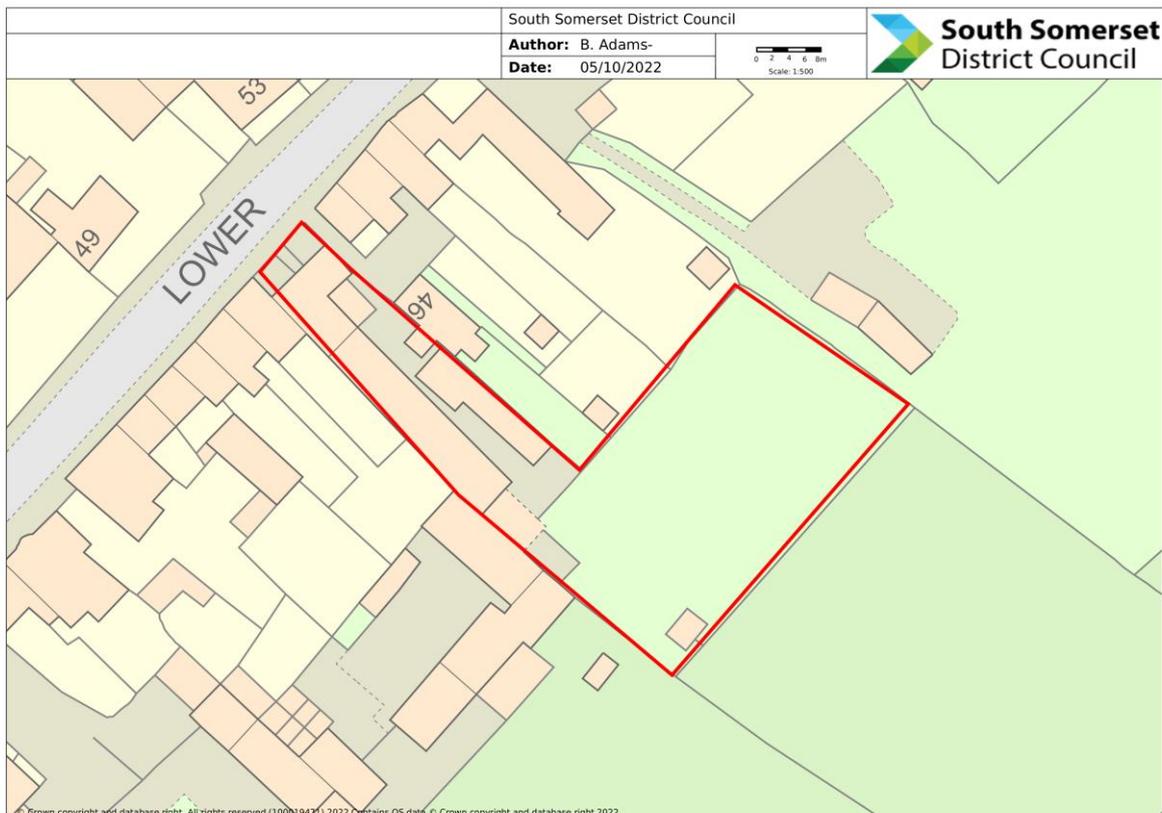
Officer Report On Planning Application: 22/01623/FUL

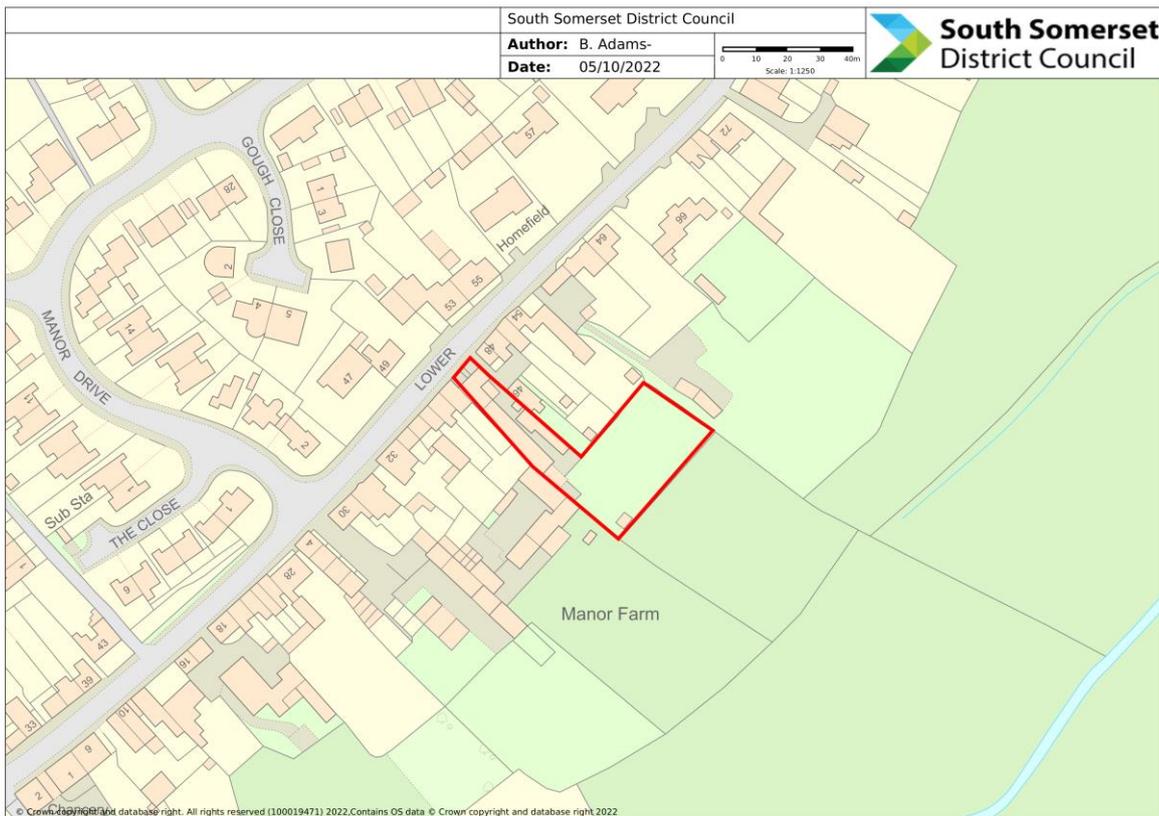
Proposal:	Change of use of public house (Sui Generis use) to dwelling (Use Class C3)
Site Address:	The Swan Inn, Lower Street, Merriott, Somerset, TA16 5NN
Parish:	Merriott
EGGWOOD Ward (SSDC Member)	Cllr P Maxwell
Recommending Case Officer:	Oliver Jones (Specialist) Tel: 01935 462350 Email: oliver.jones@southsomerset.gov.uk
Target date:	22nd August 2022
Applicant:	Twose
Agent: (no agent if blank)	Mrs Lydia Dunne The Hollies Cabbage Lane, Horsington, Templecombe, BA8 0DA
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Committee at the request of the Ward Member, and the subsequent agreement of the Chair, as it was felt that the change of use would mean a loss of a cherished local facility and as such this does not accord with the following policies of this Council EP15, EQ4 and EQ5.

SITE DESCRIPTION





The application site relates to the Swan Inn, a Grade-II listed public house located on the western side of Lower Street, within the village of Merriott and its Conservation Area. The Swan Inn has been closed since 2016. The public house lies between two other dwellings and occupies a narrow burgage plot extending to the rear which includes a beer garden and a skittle-alley with annexed living accommodation above. Living accommodation is provided at the first floor of the main building itself. There is no formal dedicated parking serving the public house; a small concrete area lies to the front of the building, slightly set back from Lower Street and the neighbouring dwellings.

PROPOSAL

This 'full' application seeks planning permission for the change of use of the public house (sui-generis) to a C3 private dwelling. No external alterations or other operational development is proposed.

PLANNING HISTORY

17/02607/DPO - Application to discharge a Section 52 agreement between Yeovil District Council and Jeffrey Nelson Kilborn and Catherine Kilborn dates 25th March 1985 providing ancillary accommodation to the Public House. Refused.

11/04742/FUL - External alterations including new stairwell extension to rear, change of use of part of first floor to 3 bed and breakfast rooms, and the change of use of function room to landlord's accommodation. Approved.

11/04743/LBC - Internal and external alterations including new stairwell extension to rear, change. Approved.

92/01456/FUL - The carrying out of alterations and the erection of a single storey extension. Refused.

POLICY

South Somerset Local Plan 2006 - 2028

SD1 Sustainable development

SS1 Settlement strategy

SS2 Development in rural settlements

SS4 District wide housing provision

SS5 Delivering new housing growth

EP15 Protection and provision of local shops, community facilities and services

TA1 Low carbon travel

TA5 Transport impact of new development

EQ1 Addressing climate change in South Somerset

EQ2 General development

EQ3 Historic environment

EQ4 Biodiversity

EQ5 Green infrastructure

National Planning Policy Framework (2021)

Chapter 2 Achieving sustainable development

Chapter 4 Decision-making

Chapter 5 Delivering a sufficient supply of homes

Chapter 6 Building a strong, competitive economy

Chapter 9 Promoting sustainable transport

Chapter 12 Achieving well designed places

Chapter 15 Conserving and enhancing the natural environment

Chapter 16 Conserving and enhancing the historic environment

Planning Practice Guidance

National Design Guide - 2021

CONSULTATIONS

Merriott Parish Council - No objection

Subject to the assumption that Planning Officers will complete due diligence regarding the redacted financial business viability statement and are able to conclude that the evidence provided demonstrates that the Applicant's position can be confirmed, then Merriott Parish Council offers No Objection to the application, in part due to the lack of objections from Merriott residents.

Highways Authority - Standing advice applies.

Highways Consultant - No objection

There can be no transport, traffic or access issues with this development scheme as the proposed use (a single family dwelling house) would generate less traffic and demand for off-road parking than the extant use as a public inn. I have assumed that the front concrete area would NOT be used for the parking of vehicles.

CAMRA - No response.

Ecology - No response

Neighbour Comments - 14 letters of objection, 10 letters of support and 1 general comment have been received. The comments can be summarised as follows; -

Object;

- The historic pub has previously been successful
- Would be a great loss to the community to which it means a lot.
- The village is growing (150 new homes expected) and therefore has potential to serve as a business/social hub going forward.
- Village is of a sufficient size for all establishments to be sustainable.
- Noise should not be an issue as provided it is well-managed, a degree of noise should be expected within close proximity to a public house.
- Noise complaint was the only issue for the pub closing, not a lack of business.
- Loss of shops and public houses has detrimental impact on local communities
- Sale price of pub in 2016 considered totally unrealistic
- Clear intention that the public house would never re-open
- The site should be re-valued and noting that the current owners have struggle with the up-keep, may attract interest at a more realistic price.
- The loss of the public house would be at the detriment to (older) residents who can access on foot - it is the only public house which is within walking distance to many local residents.
- Parking and traffic issues have been any worse than the arrangement at the Co-op next to the roundabout.
- Poor management and inexperience led to the closure of the public house.
- Skittle alley and letting rooms have not been offered for use since the public house has been closed - these also provide other revenue streams
- Poor business model - being closed for a period of time does not render it never viable again (it was closed during periods in the 1990s and thereafter thriving)
- The Kings Arms and the Feed Station (licensed café) are very busy.
- Owner upset many people.

Support;

- Parking is restricted when used as a pub / no off-street parking.
- The Kings Head is a thriving public house which serves the village.
- The Social Club also serves a social facility for Merriott
- Noise from the public house was horrendous

- It's small size renders it impractical as a viable business in the context of changed habits and culture
- Re-opening would be impractical
- South Somerset District Council have viewed the Swan Inn as the 'lesser' public house within the village.
- 'Save our Swan' campaign in 2016 was met with dissent and apathy by local community
- Other, larger facilities (Kings Head and Social Club) offer expanded facilities including car-parking and have still had to operate reduced opening hours, indicative of the lack of business locally. The opening of the Swan could further detriment the existing community assets.
- Rising energy costs poses too much uncertainty with respect to re-opening a viable public house.
- Pub was only viable through holding special events
- Notice served on the owners with respect to noise was not correctly investigated by the Council and led to the opening of the public house being unviable at the risk of being in breach of the notice.
- Impact of the Coronavirus pandemic - behavioural changes means people are going out less/drinking at home.
- General comments;
- Ambiguity relating to what 'estimated building line' and 'annex' infers on submitted plans.

ASSESSMENT

PRICIPLE

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In this instance the adopted development plan is the South Somerset Local Plan (2006 - 2028). The National Planning Policy Framework (NPPF) is also a significant material consideration.

Policy SD1 of the South Somerset Local Plan sets out that the Council will take a proactive approach which reflects the presumption in favour of sustainable development as set out within the NPPF. It goes on to confirm that proposals which accord with the policies of the Local Plan will be approved, unless material considerations indicate otherwise

The presumption in favour of sustainable development and how this should be applied to planning decisions is discussed in more detail at paragraph 11 of the NPPF. At 11 (d), the framework states that where the policies most important for determining the application are 'out-of-date' planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of the policies in the framework provides a clear reason for refusing the proposal. At footnote 7, it is confirmed that a failure to demonstrate a five-year supply of housing and requisite buffer in accordance with paragraph 73 will render policies relevant to delivering housing out-of-date.

The matter of housing land supply has been the subject of scrutiny and it has been consistently concluded that the Council is not able to demonstrate a 5-year supply of housing land. The most recent confirmation is that the supply position in South Somerset stands at 4.4 years. The presumption in favour of sustainable development as set out at Paragraph 11 d) of the Framework is therefore fully engaged.

In this case, Merriott is considered a broadly sustainable settlement when having regard to the requirements of policy SS2 of the South Somerset Local Plan, by virtue of the level of services and amenities it benefits from. Nevertheless, on this occasion the proposal seeks planning permission for the change of use of an existing, established, and lawful public house.

As a starting point, therefore, the NPPF sets out a strong presumption against the loss of community facilities. Most relevant, paragraph 84(d) states that planning decisions should enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. Paragraph 93(c) also seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

With respect to the adopted development plan, policy EP15 of the South Somerset Local Plan sets out that the loss of a public house that contributes towards the sustainability of a local settlement will not be permitted except where the either or both of the following are satisfied;

- alternative provision of equivalent or better quality, that is accessible to that local community is available within the settlement or will be provided and made available prior to commencement of redevelopment;
- there is no reasonable prospect of retention of the existing use as it is unviable as demonstrated by a viability assessment, and all reasonable efforts to secure suitable alternative business or community re-use or social enterprise have been made for a maximum of 18 months or a period agreed by the Local Planning Authority prior to application submission.

In this case, officers have given regard to the Kings Head, an existing lawful and well-established public house which is located ½ mile to the north and within the village. It is indisputably the principal public house within the settlement by virtue of its scale, commensurate level of car-parking provision and outdoor area. It is therefore considered that this constitutes alternative provision which is of better quality. Although it is noted that the Kings Arms is the opposite side of the village, Merriott does not have a typical nucleated centre where services and facilities are focussed. It is still within reasonable (15 - 20mins) walking distance of the entirety of the village. Although some representation has been made with respect to anticipated growth of the village and therefore no justification for the loss of the 'second' public-house within the village, there is no guarantee that any housing growth will be delivered and, that it would secure increased trade. Likewise, there is no policy requirement for a specific level of public-house provision per population/housing. Housing in Merriott can be supported as the settlement is broadly sustainable by virtue of the existing level of service provision. Given equivalent provision would remain should the Swan Inn be subject to a change of use to a dwelling, the overall sustainability of the settlement should not be compromised.

With regards to the second requirement of the above policy, it appears that a series of unfortunate incidents relating to noise complaints led to the eventual closure of the business in 2016. Officers have reviewed the supporting financial information but in the absence of up-to-date marketing details undertaken by a reputable commercial enterprise, it is not strictly possible to conclude that the public house is no longer in the longer-term. It is not possible to insist on the re-marketing of the property to view this application favourably in cases where the first criteria of policy EP15 is considered to be satisfied. Nevertheless, some weight is attached to the logistical restrictions which may impede its longer-term viability, i.e size, lack of parking etc, and the comments from letters of support with respect to changed consumer habits following the Coronavirus pandemic and cost of living crisis are noted.

Additionally, it is felt that some weight can be given to:

- the desirability of keeping the listed buildings in viable long-term use consistent with their conservation; and
- Local need for smaller and therefore more affordable housing

Policy EP15 does not require both criteria to be met to demonstrate overall policy accord. Therefore, on balance, given that there is existing provision which is indisputably of better overall quality, in the round, the application is considered to accord with the requirements of policy EP15 of the South Somerset Local Plan, along with the principles as set out within the NPPF. The principle of the change of use is therefore considered acceptable.

SITING, DESIGN AND VISUAL IMPACT

The application site lies within the Merriott Conservation Area and therefore notwithstanding the policy requirements of South Somerset Local Plan policies EQ2 and EQ3, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar duties are placed on the LPA through Section 66 of the same Act based on the building being Grade II-listed.

In this case, no operational development proposed. It is purely the change of the use of the building in which planning permission is sought. With this in mind, an informative is recommended advising such, and the potential requirement for further planning and/or listed building consent applications should internal or external works or development be proposed in connection with the re-use of the building as a C3 dwelling.

With the above in mind, the proposal is not considered to be such which would detract from the character and appearance of the Merriott Conservation Area or cause harm to the listed building. Therefore, the proposal is considered to accord with the requirements of policy EQ2 and EQ3 of the South Somerset Local Plan, the principles of the NPPF and the statutory duties placed upon the LPA by Section 66 & 72 of the Act is therefore discharged.

LANDSCAPE IMPACT

Similarly to the above, because of the absence of any proposed operational development,

officers do not identify any conflict with policy EQ2 of the South Somerset Local Plan.

IMPACT ON RESIDENTIAL AMENITY

Policy EQ2 of the South Somerset Local Plan seeks to ensure that the proposal does not cause harm to the amenity of neighbouring properties through overlooking, loss of light / overshadowing, or any overbearing effect.

It is noted that No. 79 Lower Street which sits immediately north of the site lies perpendicular to the road and its principal elevation faces south and therefore, addressing the northern boundary of the application site. Concerns have been raised by this neighbour relating to overlooking through the introduction of additional windows and specifically, a dormer window.

With no operational development / external changes proposed such as introduction of windows, consideration must be given to what impact the use of the site for a residential (C3) use would have, compared to the existing lawful use of the site as a public house.

It is noted that many comments in support of the application are predicated on concerns of the Swan Inn re-opening, and potentially re-introducing previous amenity issues with respect to noise. Officers do not have the specific details of previous complaints which are an Environmental Health and/or licensing matter, rather than a planning/land-use material consideration, where it does not breach an extant permission, i.e conditions controlling level/hours of use. Therefore, given the existing lawful use of the site, officers cannot attribute such concerns to weigh against the proposal as it could re-open without any recourse with the LPA.

Notwithstanding the above, it is considered that the use of the site to form one single residential dwelling, would not result in any harmful residential amenity issues, given the context of the area. Furthermore, the upper levels of the building(s) are already purposed for living accommodation in associated with the public house use of the site. With no operational development or internal works indicated, any adverse change in the existing relationship is not envisaged.

Therefore, overall, it is not considered that there would be any unacceptable residential relationship created between the site and the neighbouring residential properties. It is therefore considered to accord with policy EQ2 of the South Somerset Local Plan.

ACCESS AND HIGHWAYS SAFETY

Policy TA5 of the South Somerset Local Plan seeks to ensure safe access and highway safety and that the local highway network can absorb the traffic impacts of developments. Chapter 9 of the NPPF at paragraph 111 explains that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Similar to above, although comments have been received raising concerns about the re-use of the public house and the impact on the local highway network through parking on-street given there being no dedicated off-site parking, the premises could re-open without recourse with the LPA and therefore such concerns in their own right do not substantiate approval of this

application.

With the above notwithstanding, as indicated by the Council's Highways Consultant, the proposal would lead to a notable reduction vehicle trips and therefore a betterment effect is likely. The proposal, therefore, would not have any adverse impact on the local highway network.

As such, the proposal is not considered to result in any conflict with the requirements of policy TA5 and TA6 of the South Somerset Local Plan, or the principles as set out within the NPPF, namely paragraph 111.

ECOLOGY AND HABITAT REGULATIONS

Policy EQ4 of the South Somerset Local Plan sets out that all proposals should protect the biodiversity value of land and minimise the fragmentation of habitats, promoting coherent ecological networks. It goes onto state that proposals should maximise opportunities for restoration and enhancement and incorporate biodiversity conservation features where it is considered appropriate.

The application is supported by an up-to-date Ecology Survey which appears relevant and appropriate to the site and the proposed development. Appropriate biodiversity net-gain measures are secured by way of suitably worded planning conditions, and the applicant is reminded of their own legal duty of care towards protected species in the United Kingdom.

The applications site is situated within the hydrological catchment of the Somerset Levels and Moors Ramsar site, a Special Protection Area (SPA) under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations')).

At present the levels of phosphates in the Somerset Levels and Moors exceed the water quality objectives and the designated site is therefore in unfavourable condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment (HRA) process.

The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach. In this case, the existing foul connection to the mains would be maintained, as required by Building Regulations in any case.

The proposal is the replacing of an existing public-house within one open-market dwelling. In this case, the existing public house benefits from living accommodation above. Natural England's advice recommends that as a starting point in determining expected nutrient output for a plan or project, LPAs should consider using the average national occupancy rate of 2.4 persons per dwelling. Therefore, given the existing arrangement indicates the living accommodation having capacity for greater than 2.4 persons per dwelling (noting additional overnight accommodation was provided through the letting rooms and flows from these occupiers cannot likely be considered being already accommodated within catchment by nature

of it being holiday accommodation) together with the additional non-residential phosphate flows of the use of the site as a public-house, the application can be screened-out from having any likely significant effect on the integrity of the Ramsar site.

CONCLUSION

Despite some possibility of the business proving more successful under new management and claims that it should have been re-marketed at a lower price, the loss of the existing pub and accommodation is considered acceptable on balance as it should not significantly affect the village's vitality and viability, or community vibrancy. The proposed new residential use is also acceptable in principle given the location adjacent to established housing within the village of Merriott, a sustainable settlement. The scheme would not harm the intrinsic significance of the listed buildings or the character and appearance of the conservation area, and there are no undue concerns regarding residential amenity, highway safety, ecology or designated sites. Overall, therefore, the application is judged to accord with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions.

RECOMMENDATION

APPROVE

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 Planning Authority.

Agenda Item 14

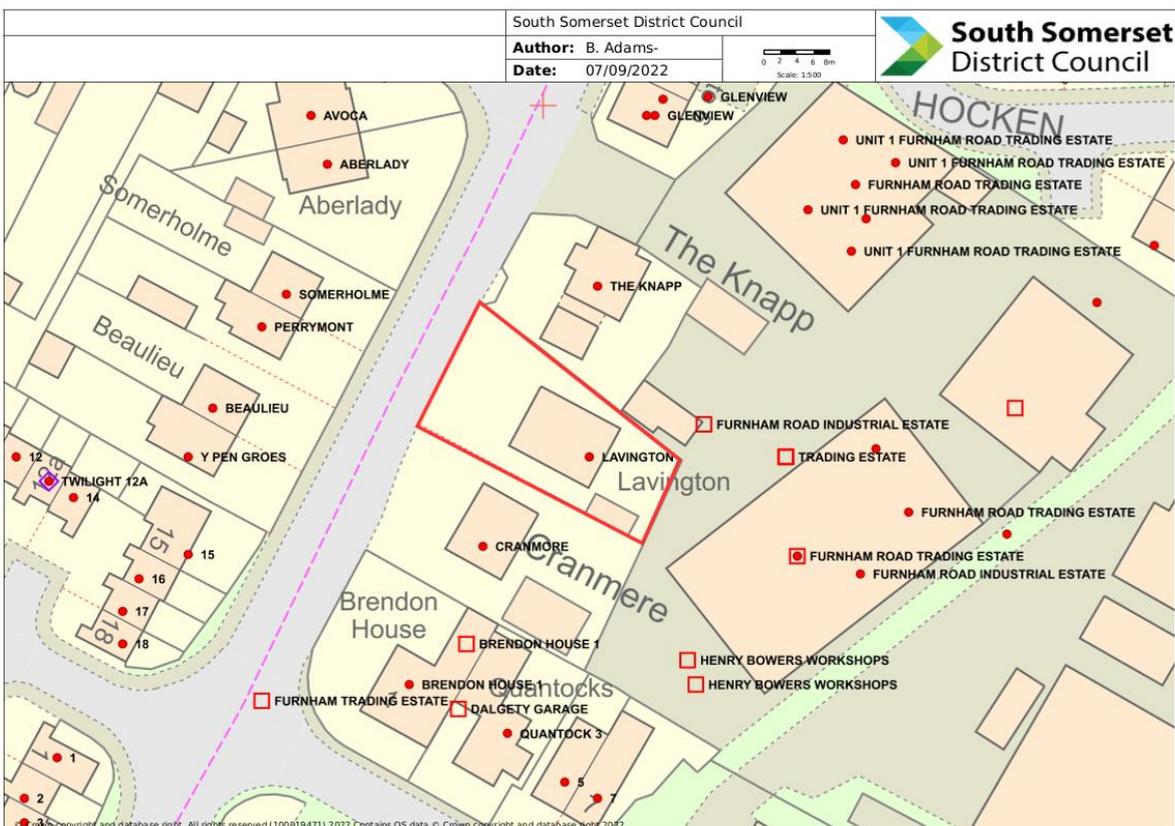
Officer Report On Planning Application: 22/01441/FUL

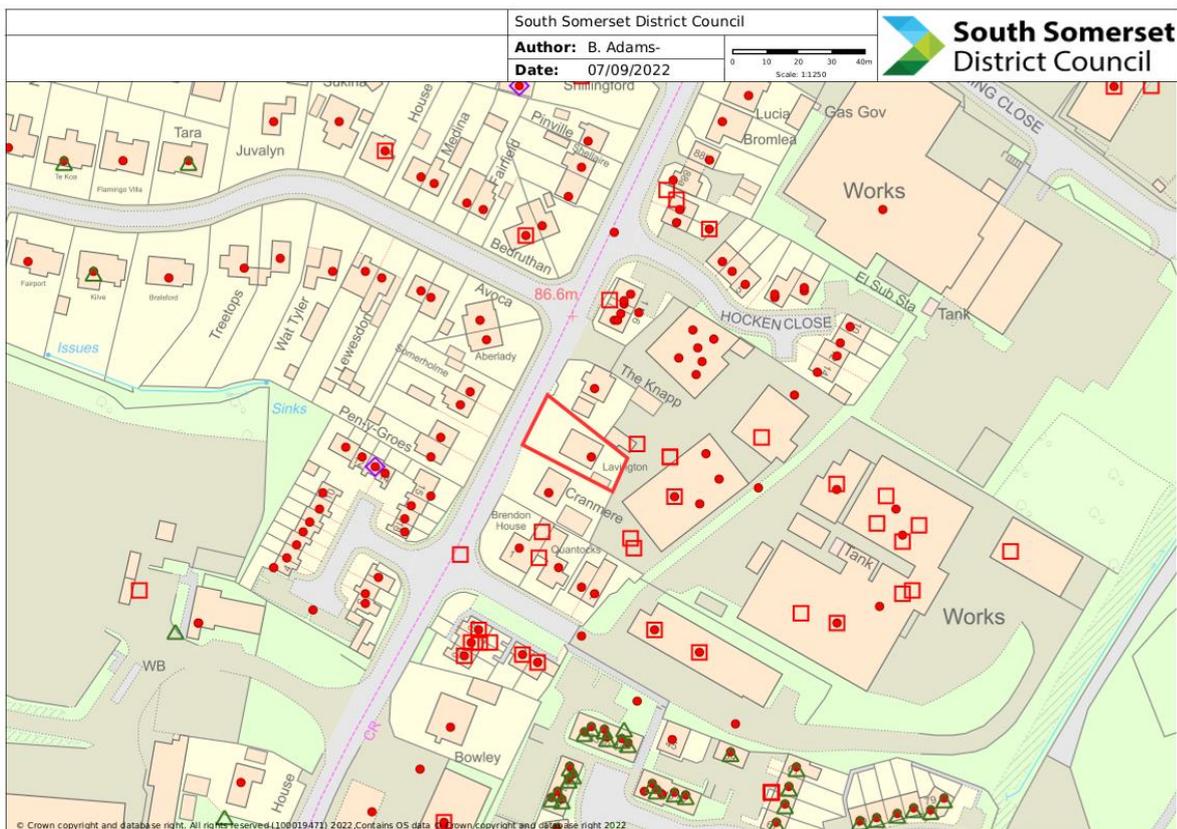
Proposal:	Change of use from a dwellinghouse (Use Class C3) to a chiropractic and manual therapy clinic (Use Class E(e))
Site Address:	Lavington, Furnham Road, Chard, Somerset, TA20 1AX
Parish:	Chard
CHARD AVISHAYES Ward (SSDC Member)	Cllr G Shortland
Recommending Case Officer:	Oliver Jones (Specialist) Tel: 01935 462350 Email: oliver.jones@southsomerset.gov.uk
Target date :	7th July 2022
Applicant :	Mr P Jones
Agent: (no agent if blank)	Collier Planning 2nd Floor, Unit 2 Chartfield House, Castle Street, Taunton, TA1 4AS
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Committee at the request of the Ward Member, and with the subsequent agreement of the Chair, as it is considered the applicant has demonstrated improved access to a standard commensurate or improved relative to that found serving the light industrial units in close proximity. The Ward Member also considers the loss of 1 dwelling is off set by the improved health benefit to the community of Chard and enabling disabled people to access the proposed service.

SITE DESCRIPTION





The application site relates to 'Lavington', a detached, two-bedroom bungalow situated to the eastern side of Furnham Road (A358 Axminster - Taunton), approximately ½ mile to the north of Chard town centre. The surrounding area is predominantly residential in character and includes dwellings of varying typologies however there are some industrial/commercial uses off Furnham Road to the north and east. The site benefits from a spacious front garden which is set well back from the road. The site lies within the catchment of the River Axe SAC.

PROPOSAL

This 'full' application seeks planning permission for the change of use of the dwelling to form a chiropractic clinic (Use Class E). Minor changes to the building are proposed to facilitate the commercial use with internal alterations providing two treatments rooms, a reception area and staff room. Five parking spaces would be provided including three visitor spaces and two staff spaces. New boundary fencing would be positioned to the southern and western boundary with the north and eastern boundaries remaining unaltered.

PLANNING HISTORY

21/02288/FUL - Change of use from Dwellinghouse (Use Class C3) to a chiropractic and manual therapy clinic (Use Class E(e)). Alterations to access, replacement fenestration and formation of hardstanding for parking (Refused - 3 September 2021)

POLICY

South Somerset Local Plan 2006-28

Policy SD1 Sustainable development
Policy SS5 District wide housing provision
Policy SS5 Delivering new housing growth
Policy TA5 Transport impact of new development
Policy TA6 Parking standards
Policy EQ2 General development
Policy EP2 Office development

National Planning Policy Framework (2021)

Chapter 2 Achieving sustainable development
Chapter 4 Decision-making
Chapter 5 Delivering a sufficient supply of homes
Chapter 6 Building a strong, competitive economy
Chapter 9 Promoting sustainable transport
Chapter 12 Achieving well designed places
Chapter 15 Conserving and enhancing the natural environment

National Planning Practice Guidance

National Design Guide - 2021

CONSULTATIONS

Chard Town Council - Recommend that a decision of this planning application be subject to the views and recommendations of the Highways Officer.

Environmental Health - No response.

Highways Authority -

29 July - Standing advice applies.

8 June - Standing advice applies.

Highways Consultant -

5 August - I note that the agent has responded to my initial comments on this planning application. The likely travel patterns associated with both staff and patients and the corresponding demand for on-site parking is noted. It would seem that there would only ever be two members of staff on-site at any one time, and provided the methodology for treating patients is carried out in the way described in the agent's email, it is likely that the proposed car parking provision would be sufficient, although I am not sure if both staff movements and the way in which patients are treated can be conditioned?

With regards to the issue relating to visibility splays, the agent has stated that the owner of the

property to the north of the site would 'keep the visibility splays free of obstruction above a specified height.' However, this may not be sufficient due to the fact that the driveway to the subject property (Lavington) slopes down into the site, and that there is a vertical alignment issue on Furnham Road to the north of the site entrance to consider. The photograph I previously submitted (DSCN0930) is taken from the driver position when exiting the site. It is apparent that the walls located either side of the access of the adjoining property to the north would have to be lowered (national guidance set out in Manual for Streets states that from a driver height of 1.05m it is necessary to be able to see down to a height of 600mm at the end of the splay). For the northerly splay to be acceptable, it would have to be demonstrated on detailed plans that a minimum visibility splay of 2.4m x 43m can be provided in both the VERTICAL and HORIZONTAL planes, complying with the above standards.

I also sent you a photograph of the existing visibility splay when looking in the southerly direction exiting the property (DSCN0933). This sightline is already deficient as well as cutting across third party land to the south of the site - this is demonstrated on the Proposed Site Plan that was submitted with the original planning application. Without the necessary control or ownership of the frontage of the property to the south of the site, the existing substandard visibility could be exacerbated in the future. Having experienced the exiting movement myself, unless the visibility splays in both directions can be substantially improved in accordance with national guidance, including for the red line to be extended around the requisite visibility splays, with the appropriate notices being served and with legal agreements being put in place with both neighbours, I would still have very genuine concerns with the increase in use of this substandard entrance onto what is a busy road.

So as the application stands, I would still have no alternative than to recommend the refusal of the planning submission.

9 June - The planning officer will be aware of the comments I made in response to the previous planning application on this site. With regards to traffic generation, I note the statement made that only one patient would be treated at any one time yet I note that two treatment rooms would be provided within the building, and six part time staff would be employed. I do not agree that the traffic movements generated by the scheme would be akin to that of an existing residential dwelling. TRICS indicates that residences in this location are likely to generate no more than six movements a day (three out and three in). With up to eight patient appointments a day and the movements of at least two staff on site, this could equate to 20 movements a day (10 in and 10 out), assuming that only two staff enter in the morning and then the same staff exit late afternoon. In terms of the site layout, and specifically the parking and turning layout, provided there would just be two staff on-site at any one time (although I am not sure how this can be enforced) then that part of the layout could be accepted but if two treatment rooms lead to the possibility of four patients being on site at any one time (two being treated and two waiting), then the provision of three car spaces is unlikely to be sufficient. Of most concern still is the fact that the visibility splays extending from the site access in both directions cross third party land with no apparent control over those sightlines. It is evident to me that the use of the access would significantly increase as a consequence of this scheme, and without the necessary land-ownership or control of the full visibility splays, it has to be a concern that any existing sightlines may already be insufficient but could also be significantly restricted in the future, potentially leading to hazardous exiting movements onto the busy A358. Unless the above matters can be satisfactorily addressed, I would have to consider

Neighbour Comments - Two representations have been received, one in support and one objecting. The comments can be summarised as follows; -

- Concerns with respect to the proposals impact on highway safety
- Benefits of the service and facility being located locally, and that it would not a prejudicial impact on residential amenity.

The full comments are available to view on the South Somerset District Council website via searching the planning reference number.

ASSESSMENT

PRINCIPLE

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In this instance the adopted development plan is the South Somerset Local Plan (2006 - 2028). The National Planning Policy Framework (NPPF) is also a significant material consideration.

In the first instance, regard must be had to the recently refused application which sought planning permission for essentially the same use. The first reason for refusal related to the loss of residential accommodation and that such a change of use was not justified in that submission. Officers have reviewed this since and would note that there are no defined policy tests within the development plan relating to the loss of residential accommodation for new uses. Paragraph 60 of the NPPF as referred to in the reason for refusal is a more strategic level principle for plan-making with respect to bringing forward enough land for new housing, rather than a specific policy or test relating to the consideration of new applications which would result in the loss of existing housing.

The proposal would result in the loss of dwelling, in the context of the Council being unable to demonstrate a 5 year supply of housing land. However, the loss must be weighed against the benefits of the proposal. In this case, the loss would amount to a single dwelling. Paragraph 81 of the NPPF sets out that planning policies and decisions should create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth and productivity. Paragraph 83 of the NPPF goes on to state that planning decisions should recognise and address the specific locational requirements for different sectors. It is also worth noting that Paragraph 123 of the NPPF states that LPAs should take a positive and proactive approach to applications for alternative uses of land which is currently development but not allocated for a specific purpose in plans.

With this, it is considered in principle that a Class E use can be considered acceptable in this location, given that it is broadly sustainable, located within the northern extent of Chard and would involve the re-use of an existing building. Furthermore, it is accessed off the A358 and is within close proximity to other commercial and light-industrial uses, namely those to the immediate east accessed off Furnham Close. Whilst it would provide a private treatment

solution for patients, it would nevertheless arguably make better use of the site than at present. Additionally, it is noted that it would help to support an existing local business through expanding into a more suitable building - the applicant asserts that the existing first floor accommodation in Essex House on Fore Street is not suitable for disabled persons, meaning that some patients have to travel to Taunton for treatment. It would also provide some limited small scale local employment.

The overall acceptability of the proposed use in principle is subject to ensuring that that the proposed use would not give rise to any prejudicial residential relationship between the site and neighbouring dwellings and furthermore, would not result in an unacceptable impact on the local highway network through any intensification (i.e increased number of visitors etc).

SITING, DESIGN AND VISUAL IMPACT

Some minor changes are proposed to the building (replacement windows / doors etc) however these are judged to be such which would not have any discernible visual impact. Certainly, noting that the immediate area is not of any notable architectural value and there is a range of style and design types, the proposal would not result in any harm to visual amenity, the street-scene, or in any way detract from the character of the townscape. The proposal is therefore considered to accord with South Somerset Local Plan policy EQ2 in this regard.

IMPACT ON RESIDENTIAL AMENITY

Policy EQ2 of the South Somerset Local Plan (2006 - 2028) states that development should protect the amenity of neighbouring properties. Paragraph 130 of the NPPF requires, inter alia, that developments create places that are safe, inclusive, and accessible with a high standard of amenity for both existing and future occupiers.

The proposal may result in some increase noise through a general intensification of the use of the property through additional coming and goings associated with the use of the building as a clinic. However, given the nature of the proposed use, it is not anticipated to be particularly intrusive, especially when having regard to the context of the area which features a busy road (A358) and a range of larger, commercial and industrial uses interspersed within an otherwise largely residential area of the town.

With the above in mind, whilst noting there is likely to be some change in the residential relationship between the site and neighbouring properties, it is not anticipated to be such which would be out of character in the context of this specific area, or otherwise such which would warrant refusal of the application through an identified discordance with South Somerset Local Plan policy EQ2.

ACCESS AND HIGHWAYS SAFETY

Policy TA5 of the South Somerset Local Plan requires that all new development should be required to address its own transport implications and shall be designed to maximise the potential for sustainable transport. Specifically relevant to this proposal, it goes on to state that the expected nature and volume of traffic and parked vehicles generated by the development would not have a detrimental impact on the character or amenity of the area and would not compromise the safety and/or function of the local road networks in terms of both volume and

type of traffic generated.

The proposal would make alterations to the layout of the site, providing two staff parking spaces to the southern side of the building, along with three visitor (other) parking spaces to the west of the dwelling. The Council's Highways Consultant has raised concerns with respect to the intensification of the use of the site and disagrees with the claim that the proposed movements would be tantamount to that of its existing, lawful use. This is because of their being two treatment rooms proposed with the potential for up to 6 staff being employed. Although the Highways Consultant reviewed further information supplied from the applicant which argues there would only ever be two members of staff on-site at any one time and notes that there should therefore be enough parking provided the methodology for treating patients is carried out in the way described, officers have concerns about securing this in an enforceable manner perpetuity. Factors outside of the applicant's control could result in a greater number of vehicle trips/visitors overlapping (i.e road traffic incidents) and this restricts the ability for the LPA to control this adequately.

Coupled with this is the inability to achieve the requisite visibility splays within land that is controlled by the applicant or forms part of the highway's extent. Both the northern and southern splays are restricted because of the alignment of the access with Furnham Road, the adjoining site levels and boundary treatments. The existing access arrangements are below standard and the Highways Consultant notes that the increased use of the access onto such a busy road has the potential to prejudice highway safety.

As such, it has not been adequately demonstrated that the proposal would ensure safe access and not prejudice highway safety, resulting in an unacceptable impact on the local highway network - contrary to the requirements of South Somerset Local Plan policy TA5 and the principles as set out within Chapter 9 of the NPPF, namely paragraph 111.

ECOLOGY AND HABITAT REGULATIONS

Policy EQ4 of the South Somerset Local Plan sets out that all proposals should protect the biodiversity value of land and minimise the fragmentation of habitats, promoting coherent ecological networks. It goes on to state that proposals should maximise opportunities for restoration and enhancement and incorporate biodiversity conservation features where it is considered appropriate. The proposal relates solely to the change of use of the building and therefore does not have the potential to impact on protected species, should they be present.

The application site lies within the catchment of the River Axe Special Area of Conservation (SAC), a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations')) as being of international importance of waterbird communities

At present the levels of phosphates exceed the water quality objectives and it is therefore in unfavourable condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations

Assessment process.

The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.

The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach.

In this case the proposal is for one new Class E use to be created with additional daytime foul water flows. The proposal would result in the net loss of one dwelling and the proposal would make no alterations to the existing internal layout, nor would it change existing drainage arrangements whereby as required by the General Binding Rules, foul water is dealt with by way of mains sewerage. No additional overnight accommodation is proposed as part of the application and no catering facilities are proposed to support staff on the site. There would also be no significant additional 'out of catchment' staffing or visitors associated with the development.

Therefore, with the above in mind which involves the loss of a single unit of residential accommodation which would be replaced with a single commercial class E use, the application can be screened out of any further Habitat Regulations Assessment process on the basis it can demonstrate at worst, nutrient neutrality.

CONCLUSION

The proposed use is considered acceptable from a locational perspective as it is considered that the sustainable location within Chard would be suitable for a Class E use and that the loss of one dwelling would be outweighed by the benefits of the use and small gains to the local economy. The proposal would not give rise to any discernible harm to visual amenity, nor would it impact adversely on residential amenity, given the context of the area. However, the proposal would give rise to a degree of intensification through the required staffing and visiting clients. The existing access is substandard and therefore the intensification of such, without adequate demonstration or ability to improve, has the potential to result in a severe impact on the local highway network, prejudicing highway safety. The proposal in the round is therefore representative of an unsustainable form of development which is accordingly recommended for refusal for the reason as set out as below.

RECOMMENDATION

Refuse

SUBJECT TO THE FOLLOWING:

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.