

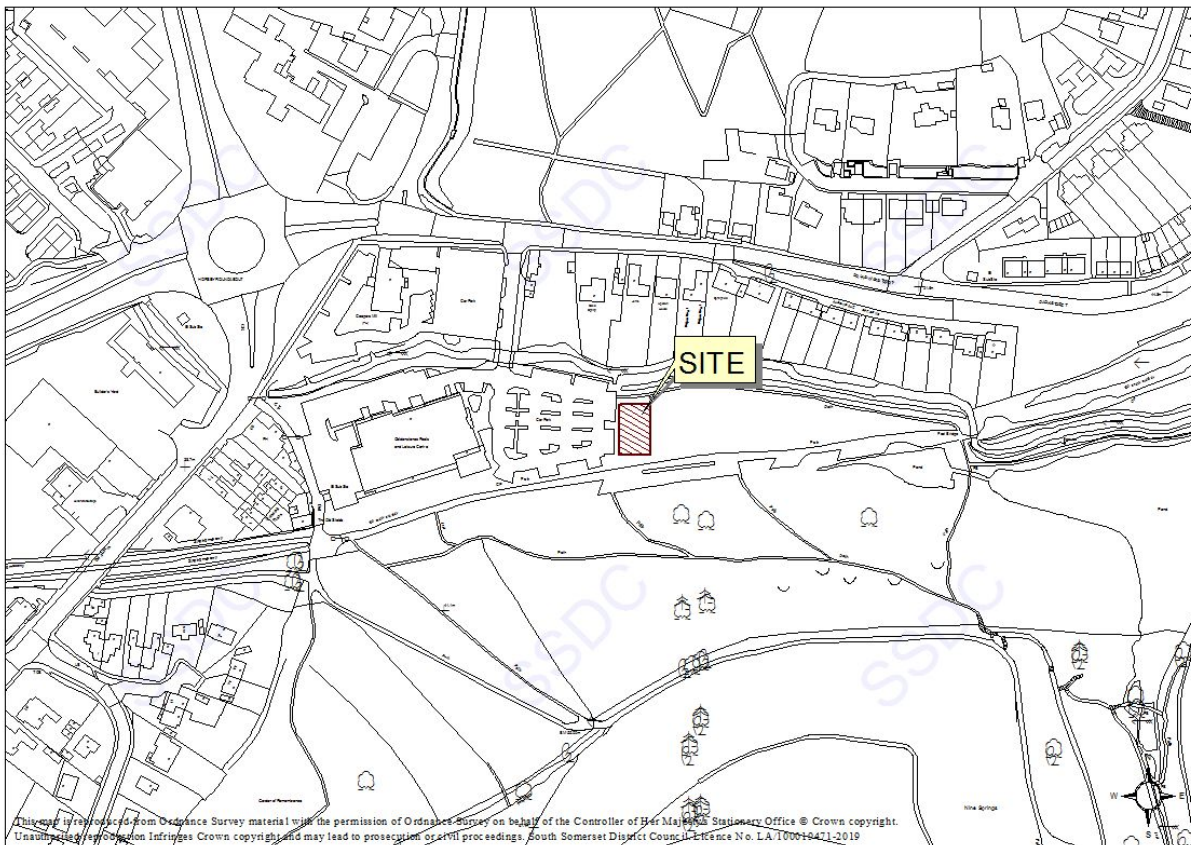
## **Officer Report On Planning Application: 18/03973/R3D**

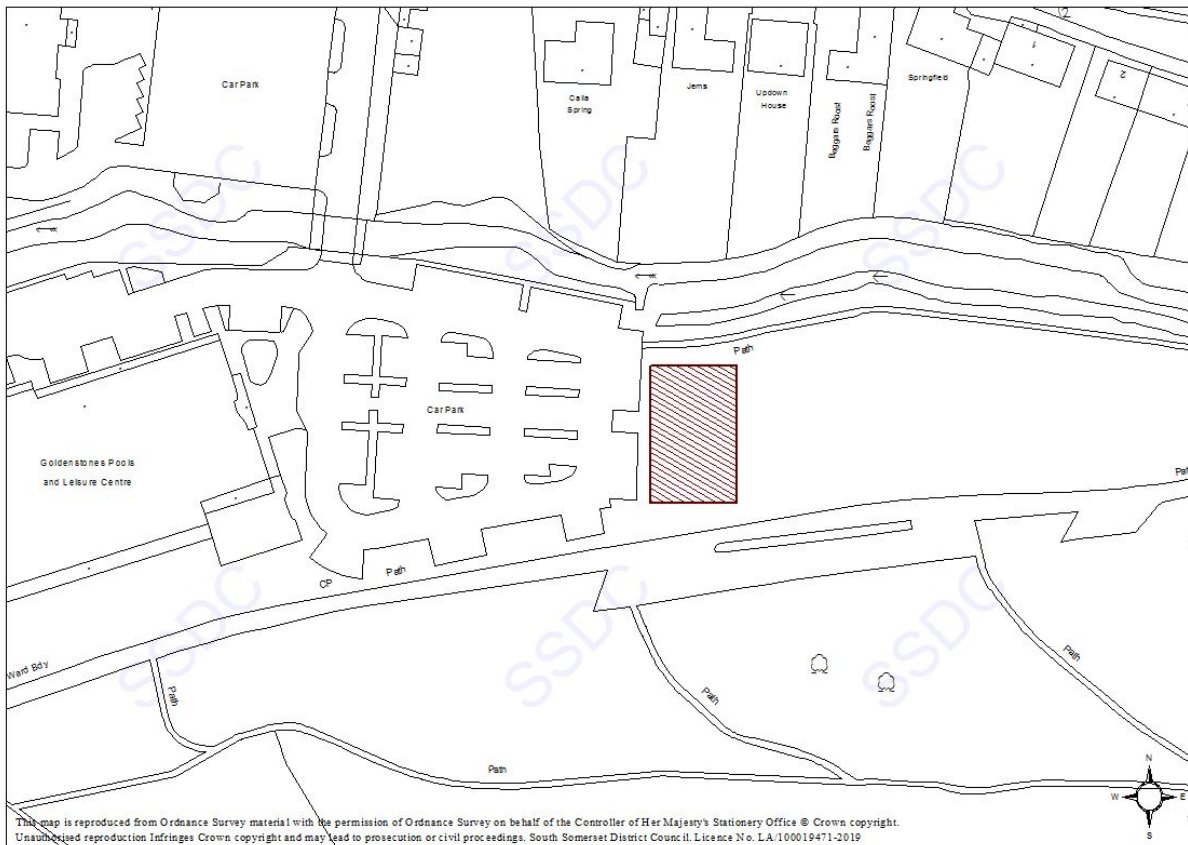
<b>Proposal :</b>	Extension to rear of existing building and provision of PV panels to front elevation
<b>Site Address:</b>	Yeovil Country Park Centre Brunswick Street Yeovil
<b>Parish:</b>	Yeovil
<b>Yeovil (Central) Ward (SSDC Member)</b>	Cllr K Hussain Cllr A Kendall Cllr P Gubbins
<b>Recommending Case Officer:</b>	David Kenyon Tel: 01935 462091 Email: david.kenyon@southsomerset.gov.uk
<b>Target date :</b>	15th February 2019
<b>Applicant :</b>	South Somerset District Council
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### **Reason for Referral to Committee**

This application is referred to Area South Committee for determination because the District Council is the applicant and the landowner and the application has generated two letters/emails of objection from third parties, as well as 20 letters of support from third parties and a recommendation of approval from the Town Council.

### **Site Description and Proposal**





The application seeks full planning permission for the erection of a rear extension to, and provision of PV panels on the front roof slope of, the existing Café, Education & Information Centre at Yeovil Country Park.

The existing building is of a pitched roof design, with external finishing material comprising Marley Eternit roof tiles and the walls being mainly of timber cladding but with some render on the rear elevation. The maximum length of the building is approximately 20.5 metres, its maximum width approximately 10 metres and heights to eaves and ridge being approximately 2.5 metres and 5 metres respectively. The building accommodates a café seating area, workshop, staff area, office, store and public W.C's.

Accompanying the application is a Design and Access Statement which sets out the history of the country park; local context and landscape features; the current use of the building; the physical, social and economic characteristics of the site and surroundings and clarifies the benefits of the proposed development. The existing building is almost equally split between the 'front of house' Café and the operational Ranger Workshop and Office. The Café space is multi-disciplinary, as it includes Country Park information and free literature for visitors, and therefore acts as an information point for the wider greenspace. The Café seating area can be sub-divided by a movable screen to enable the Rangers to use the space for school groups or talks. Therefore, visitors to the Country Park can make good use of the facility and the entire building is a benefit to the area as a whole.

The proposed development relates to the erection of an extension on part of the rear (east) elevation of the building to accommodate an additional seating area. Covers within the café would increase from 40 to 55 which, according to the submitted Design and Access Statement, would allow "greater community use of the flexible classroom space and provide extra space for local heritage displays, a TIC function and local and bespoke products for sale." The extension would be of a pitched roof design, the heights of its eaves and ridge being the same as the existing main building. It would protrude from the rear wall of the building by approximately 5.1 metres and would be of a length of approximately 9.8 metres.

External finishing materials would match existing, namely external timber cladding for the walls and roof tiles. Windows and doors would be installed in the south and east elevations only (no windows or doors in the north elevation) and would be of painted timber to match existing. PV panels would be installed on the southern roof slope of the extension and three rooflights on the northern roof slope.

In addition, it is proposed to install PV panels along the entire length of the western roof slope of the existing building fronting onto the car park.

The site lies within Flood Zones 2 and 3. A submitted Flood Risk Assessment states that there is earth banking alongside Dodham Brook, which runs to the north of the proposed extension, which provides protection from flooding. The floor level of the proposed extension will be the same as the existing. Rainwater from the roof and hard surfaces being provided to the rear will connect into the existing stormwater drains which were installed when the existing building was constructed in 2014.

The nearest residential properties lies some 50 to 60 metres to the north and north east on the opposite side of the watercourse at a higher level than the building and the country park.

The site does not lie within a Conservation Area nor are there any nearby Listed Buildings that would be affected by the proposal.

The proposals do not include the felling or removal of any trees within the vicinity of the existing building.

## **RELEVANT HISTORY**

10/01760/R3D. The erection of a single storey ranger centre to include office, kitchen, workshop, storage, education, meeting room, tea room and public toilet.  
Approved with conditions 29.07.2010.

13/01873/R3D. Application for a new planning permission to replace extant permission 10/01760/R3D for the erection of a single storey ranger centre to include office, kitchen, workshop, storage, education, meeting room, tea room and public toilet.  
Approved with conditions 04.07.2013.

In addition, there have been several advertisement consents granted relating to fascia signage and flagpoles.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF 2018 state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 - 2028 (adopted March 2015).

The policies of most relevance to the proposal are:

### **Policies of the South Somerset Local Plan (2006-2028)**

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy EP8 - New and Enhanced Tourist Facilities

Policy EP15 - Protection and Provision of Local Shops, Community Facilities and Services

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards  
Policy EQ1 - Addressing Climate Change in South Somerset  
Policy EQ2 - General Development  
Policy EQ4 - Biodiversity

### **National Planning Policy Framework**

Chapter 6 - Building a strong, competitive economy  
Chapter 7 - Ensuring the vitality of town centres  
Chapter 9 - Promoting sustainable transport  
Chapter 12 - Achieving well-designed places  
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 - Conserving and enhancing the natural environment

### **Other Material Considerations**

None

## **CONSULTATIONS**

### **Yeovil Town Council**

Approval

### **County Highway Authority**

Refers to standing advice.

### **SSDC Highway Consultant**

It is unlikely that the development proposal would have any significant highways or transport implications.

### **SSDC Environmental Health Officer**

No comments raised.

### **Lead Local Flood Authority**

Minor development proposal. No need for the LLFA to be consulted.

### **County Ecologist**

No bat potential in the building. No further ecological concerns.

## **REPRESENTATIONS**

33 neighbouring and other properties have been notified and two site notices have been displayed.

20 letters/emails of support and 2 letters/emails of objection have been received from third parties. These representations are available for public inspection in full on the website but the support and objections can be summarised as follows, and in no particular order:

### **Support**

- Invaluable asset to the country park and the various users of the park. The proposal will have a positive impact on the local community.
- The café is too small to keep up with demand. Approving the extension will allow not only more capacity as a café but the hosting of more events and use as a TIC.
- Will allow more school children to visit the centre.
- Will enable the incorporation of items from the closed museum.
- The proposed extension will be in keeping with the area. It will be tasteful, proportionate and

have minimal environmental and ecological impacts.

- The proposal will help cater well for increasing visitor numbers in a way which is considerate of the local environment.

#### Objection

- Further piecemeal development and further loss of open space which runs contrary to the prime objective of the country park - reference made to various historical issues.
- The building was supposed to be a badly needed facility for the Park Rangers to carry out their work. Instead what has been constructed is a commercial café with the rangers only inhabiting a small part of the completed building. This proposal is further development which does not meet the original aims of accommodating the Park Rangers.
- Proposal will add to the dominating impact of a modern building on the landscape.
- No trees have been planted to replace those that have been removed.
- No approved landscaping scheme has been carried out.

## CONSIDERATIONS

### Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11 and 12 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

When considering development proposals, the Council takes a proactive approach to reflect the presumption in favour of sustainable development and seeks to secure development that improves the economic, social and environmental conditions within the District. Planning applications that accord with the policies in the Local Plan shall be approved without delay, unless material considerations indicate otherwise. This reflects Local Plan Policy SD1 and the general thrust of policy guidance within the NPPF.

Policy SS1 of the Local Plan identifies Yeovil as a Strategically Significant Town and the prime focus for development in the District.

When considering the merits of the principle of the current application, the most relevant Local Plan policies are: (i) Policy EQ2: 'General Development'; (ii) Policy EP8: 'New and Enhanced Tourist Facilities'; and (iii) Policy EP15: 'Protection and Provision of Local Shops, Community Facilities and Services'.

Policy EQ2, as the title suggests, sets out policy criteria for development in general. Development needs to preserve or enhance the character and appearance of the district. Development proposals, extensions and alterations to existing buildings will be considered against various criteria, including conserving and enhancing the landscape character of the area, reinforcing local distinctiveness and addressing local context. In addition, infrastructure, service availability and accessibility are material considerations to be taken into account, together with the protection of the residential amenity of neighbouring properties.

Policy EP8 sets out the policy criteria for new and enhanced tourist facilities. New facilities will be supported where, amongst other criteria, they are of a scale appropriate to the size and function of the settlement; they will ensure that tourist assets and facilities are accessible through sustainable modes of travel; and they do not harm environmental, cultural and heritage assets. Policy EP15 seeks to protect community or cultural facilities or other services that contribute towards the sustainability of a settlement.

The NPPF advises that significant weight should be given to supporting economic growth and productivity.

In addition both the NPPF and the Local Plan contain guidance and policies relating to maximising energy efficiency measures.

There is clear policy support within the Local Plan and the NPPF for the principle of extensions to new buildings and for new energy efficiency measures. As such, the principle of the proposed development, which would help cater towards visitors and tourists to the Country Park as well as providing educational and cultural experiences, is considered to be acceptable and to accord with Policies SD1, SS1, EQ1, EQ2, EP8 and EP15 of the Local Plan and the aims and provisions of the NPPF.

Nevertheless, detailed considerations relating to such matters as impacts on the character and appearance of the locality and landscape setting and residential amenities of occupiers of nearby properties, together with resultant impact on highway safety, drainage issues and ecology will be addressed elsewhere within this report.

### **Visual Amenity**

The existing building occupies a prominent position within the country park being sited at the edge of the car park and alongside footpaths well used by visitors to the country park. The proposed extension and the various solar PV panels being proposed will equally be noticeable within the public domain. However, the design, appearance and external finishing materials of the proposed extension would not be out of keeping with the general functional character of the main building and would retain a subservient feel, albeit the ridge height would be of the same height as existing. The PV panels would be a new design feature on the existing building but would not appear so incongruous in this location as to justify a refusal of planning permission.

As such, it is considered that the proposal would not have a significant adverse impact on the character and appearance of the area that would justify a refusal of permission, and would therefore accord with Policy EQ2 of the Local Plan and reflect the relevant national guidance within the NPPF.

### **Residential Amenity**

It is considered that the proposed extension and PV panels would be of sufficient distance from the residential properties to the north and north east, which are some 50 to 60 metres distant and on higher ground overlooking the site, so as to have no unacceptable significant impact on residential amenity in terms of dominance, overshadowing, overlooking, loss of privacy and loss of outlook. No third party representations have been received raising objections on grounds of direct adverse impact on residential amenity.

As such, the development is in accordance with Policy EQ2 of the Local Plan and the aims and provisions of the NPPF

### **Highways**

The County Highway Authority was consulted and referred to their standing advice. The SSDC Highway Consultant considered the scheme and raised no objections.

Paragraph 109 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed development would not by itself generate any additional unacceptable traffic movements to and from the site. In addition, the building lies in very close proximity to existing car parks. As such, it is considered that the impacts on highway safety are acceptable in accordance with Policies TA5 and TA6 of the South Somerset Local Plan and guidance within the NPPF.

### **Flood Risk and Drainage**

The site lies within Flood Zones 2 and 3. Certain development proposals for operational development

in Flood Zone 3 (high risk) are required to pass a Sequential Test as required by the NPPF and the associated Planning Practise Guidance, the aim being to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, helps ensure that development can be safely and sustainably delivered and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds. Nevertheless, when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.

The NPPF and the associated Planning Practise Guidance clarify the differences between major and minor developments. 'Minor development' includes minor non-residential extensions with a footprint less than 250 square metres. The current proposal falls within this definition. Minor developments are unlikely to raise significant flood risk issues unless they would have an adverse effect on a watercourse, floodplain or its flood defences; or they would impede access to flood defence and management facilities; or where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows. The proposed extension would have no such impacts or effects and would thus raise no significant flood risk issues.

As such, the proposed development is not contrary to Policy EQ1 of the Local Plan and the aims and provisions of the NPPF.

### **Biodiversity**

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). Policy EQ4 of the Local Plan also requires proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

Mindful the site is occupied by an existing building with various hardstanding surrounds, the land on which the extension would be constructed site is considered to be of a low ecological value and unlikely to impact on any protected species or their habitat. In addition there is no evidence of any protected species within the roof spaces of the building. The County Ecologist has raised no ecological concerns and has noted the intention to provide some bat boxes to the gable end of the proposed extension. A condition is recommended requiring submission of details of the bat boxes to be provided.

The proposal does not conflict with Policy EQ4 of the Local Plan or relevant guidance within the NPPF.

### **Other Issues**

#### **History**

Whilst not an overriding material planning consideration, nevertheless having reviewed the objections lodged in response to this application, the Council's Leisure and Recreation Manager has carried out research into the claim that SSDC gave an undertaking not to build anything further on the Ninesprings green space subsequent to the construction of Goldenstones Leisure centre in the early 1990's.

The Council's records include reference to Goldenstones in an SSDC committee meeting minute of May 1990 which records members requested "That a copy of the recent South Somerset District Council agreement/declaration safeguarding surrounding open space from development be supplied to the Yeovil Town Council for retention."

In turn, and at SSDC's request, Yeovil Town Council have searched their records and found the following

from details of a Planning meeting dated 30 July 1990;

"a letter dated 13.07.90 from South Somerset District Council in response to the request of the Committee at the meeting on 18.06.90 for a copy of the District Council's declaration safeguarding open space from development. The following Resolution had been made by the District Council and a copy would be retained on file:

The Council in pursuance of an undertaking given at the meeting on 26th May 1988, appropriate the land at Penn Hill, Hendford and south of Hendford Brook, the subject of the undertaking, so that it will be held as public trust land as detailed in section 122 of the Local Government Act 1972. (Plan indicating the land referred is not with the note)."

Consideration has been given to the legislation cited in the above extract, namely section 122 of the Local Government Act and, by reference, section 10 of the Open Spaces Act section 10, and it is noted these describe authorities' power to appropriate land and, while not overtly restricting development, set out a requirement for land acquired as open space to be kept as such. The Open Spaces Act defines open space as "any land, whether enclosed or not, on which there are no buildings or of which not more than one-twentieth part is covered with buildings, and the whole or the remainder of which is laid out as a garden or is used for purposes of recreation, or lies waste and Unoccupied." Building on the greenspaces of Penn Hill (10 acres) and Ninesprings (49 acres), as now designated as Country Park, does not exceed 1/20th of the area. Accordingly, the current application does not appear to be at odds with the original undertaking given by SSDC in the 1990's.

As both the 2014 and the currently proposed extension are buildings designed to help in the practical site and visitor management of the Country Park they are considered to be appropriate development.

#### Loss of Trees and Landscaping

In response to third party objections raising the issues of loss of trees and no replacement planting, and lack of landscaping, the Leisure and Recreation Manager has confirmed that two standard trees have been removed from the greenspace immediately east of the building. Both trees (ash) were identified through the Council's annual tree safety surveys, as being either "dead, diseased or dying" and having deteriorated to such an extent that leaving them in situ, so close to the outside seating, was not safe. Standard trees were not replaced at this location as it is not a suitable site to plant a mature tree. With regards the removal of further trees it is assumed that this comment refers to the false acacias from the banks to the south of the building and a further ash tree in the flat greenspace to the east. All these trees were identified as diseased and in need of removal by the qualified Rangers on the annual inspection rounds. To mitigate for these removals throughout Ninesprings, 350 trees were planted in 2018.

With regards plantings and landscaping to screen the original building from Brunswick Street, shrubs have indeed not been planted to date. The Rangers and volunteers used the spoil from the development to create a series of banks adjoining the Dodham Brook which were seeded and tended as wildflower banks. Subsequently wildlife cameras and bird feeding stations have been installed to create appropriate interest. The shrubs to create screening will be planted this winter season, by mid-March and will comprise a mix of hazel, holly and some thorn species.

#### Summary

It is considered that the issues raised by the third party objectors have been responded to in a satisfactory manner and there are no overriding material planning reasons why permission should be withheld for this current development proposal.

#### Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where 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.

The scheme would cause no demonstrable harm to (i) visual amenity; (ii) residential amenity; and (iii) highway safety. In addition, there would be no material exacerbation of flood risk as a consequence of this development and there is no evidence that any harm would be caused to interests of biodiversity. As such, the proposal accords with Policies SD1, SS1, EP8, EP15, EQ1, EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF and its associated Planning Practise Guidance and is recommended for approval.

## **RECOMMENDATION**

Permission be granted for the following reason:

01. The scheme would cause no demonstrable harm to (i) visual amenity; (ii) residential amenity; and (iii) highway safety. In addition, there would be no material exacerbation of flood risk as a consequence of this development and there is no evidence that any harm would be caused to interests of biodiversity. As such, the proposal accords with Policies SD1, SS1, EP8, EP15, EQ1, EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF and its associated Planning Practise Guidance.

## **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 accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved drawings:

Site Location Plan - scale 1:1250;  
Drawing no. 1381-03A "Proposed floor plan and elevations; and  
Drawing no. 1381-11B "proposed site layout plan"

and the external surfaces of the new extension shall be of materials to match the existing building, as indicated on the submitted application form and the Design and Access Statement. No other external finishing materials shall be used without the prior written approval of the Local Planning Authority.

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

03. Prior to any use of the development for the purposes hereby permitted, provision for access for bats shall have been made in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Such details shall include the number, location, design, appearance and size of bat boxes to be installed either on the new extension hereby permitted and/or the existing building. The approved bat boxes shall be maintained and retained thereafter in perpetuity, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of protecting biodiversity throughout construction and thereafter, having regard to Policy EQ4 of the Local Plan and relevant guidance within the NPPF.