

# Area South Committee

**Wednesday 1st February 2023**

**2.00 pm**

**Council Chamber, Council Offices,  
Brympton Way, Yeovil BA20 2HT**

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



The following members are requested to attend this meeting:

Barbara Appleby  
John Clark  
Nicola Clark  
Karl Gill  
David Gubbins  
Peter Gubbins  
Kaysar Hussain

Andy Kendall  
Mike Lock  
Pauline Lock  
Tony Lock  
Graham Oakes  
Wes Read  
David Recardo

Gina Seaton  
Peter Seib  
Jeny Snell  
Andy Soughton  
Rob Stickland

Consideration of planning applications will commence no earlier than 2.00pm

Any members of the public wishing to attend, or address the meeting at Public Question Time or regarding a planning application are asked to email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 31<sup>st</sup> January 2023, so that we can advise on the options for accessing the meeting.

For further information on the items to be discussed, please contact [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This meeting will be live streamed and viewable on YouTube by selecting the committee meeting at: [https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

This Agenda was issued on Monday 23 January 2023.

**Jane Portman**, *Chief Executive Officer*



**This information is also available on our website**  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk) and via the mod.gov 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 South Committee are held monthly, usually at 2.00pm, on the first Wednesday of the month at the Council Offices, Brympton Way, Yeovil (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 attend or speak they should contact Democratic Services ([democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)) by 9.00am on the day prior to the meeting and provide their name and whether they have supporting comments or objections, or who they are representing. If this is not possible and 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 South Committee

## Wednesday 1 February 2023

### Agenda

#### *Preliminary Items*

#### 1. Minutes of previous meeting

To approve as a correct record the minutes of the Area South Committee held on 25<sup>th</sup> June 2019, 18<sup>th</sup> Dec 2019, 4<sup>th</sup> March 2020 and 5<sup>th</sup> October 2022. The draft minutes can be viewed at: <https://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

#### 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 District Council's Regulation Committee**

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

Councillors Peter Gubbins, Tony Lock, Peter Seib and Andy Soughton.

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. Public question time

#### 5. Chairman's announcements

#### 6. Reports from representatives on outside organisations

This is an opportunity for Members who represent the Council on outside organisations to report items of interest to the Committee.

*Items for discussion*

7. **Schedule of Planning Applications to be Determined by Committee** (Pages 6 - 7)
8. **Planning Application 22/02486/FUL - Octagon Theatre, Hendford, Yeovil, Somerset, BA20 1UX** (Pages 8 - 23)
9. **Area South Forward Plan** (Pages 24 - 25)
10. **Planning Appeals (For information only)** (Pages 26 - 31)

**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.**

## Schedule of Planning Applications to be determined by Committee

Director: Kirsty Larkins, Service Delivery  
Lead Officer: 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 South Committee at this meeting.

### Recommendations

Members are asked to note the schedule of planning applications.

**Planning Applications will be considered no earlier than 2.00pm.**

The meeting will be live streamed and viewable online by selecting the committee at:  
[https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

Any member of the public wishing to address the meeting regarding a Planning Application need to email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 31<sup>st</sup> January 2023.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
8	YEOVIL WESTLAND	22/02486/FUL	Partial demolition, renovation and extension of Octagon Theatre, Yeovil. Expansion of main auditorium from 622 to 900 seats, construction of 2no. new cinemas, dance studio and expanded foyers. Construction of new theatrical fly-tower and expanded backstage provision.	Octagon Theatre, Hendford, Yeovil, Somerset, BA20 1UX	Property Services Team c/o Dan Bennet



## **South Somerset District Council**

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.

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# Agenda Item 8

## **Officer Report On Planning Application: 22/02486/FUL**

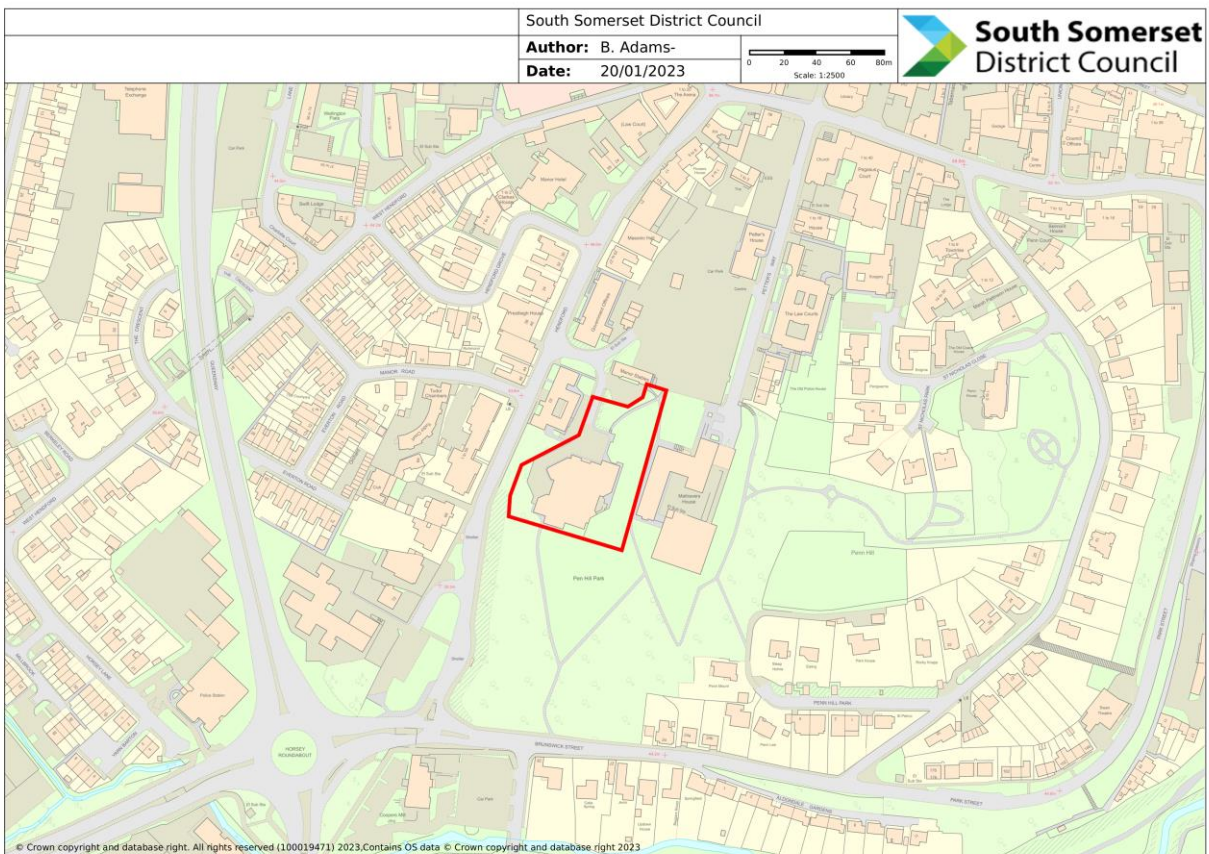
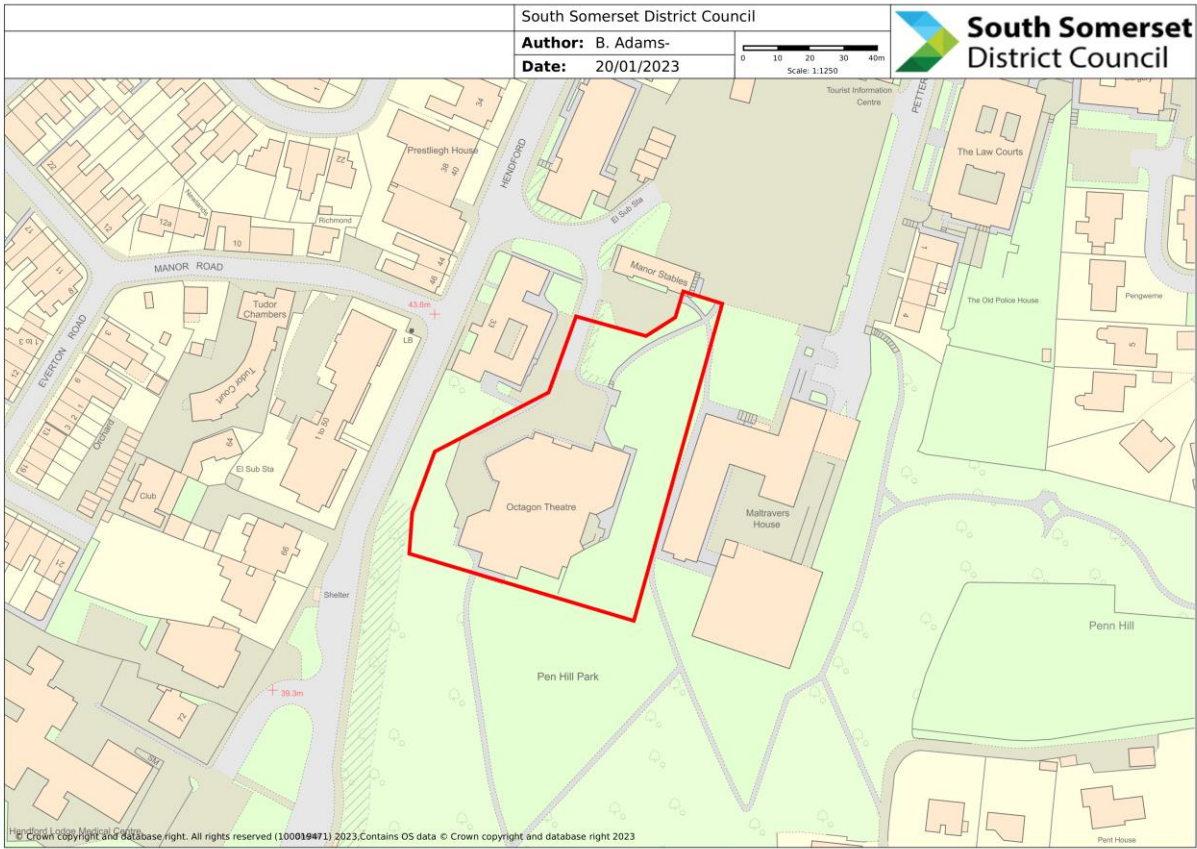
<b>Proposal :</b>	Partial demolition, renovation and extension of Octagon Theatre, Yeovil. Expansion of main auditorium from 622 to 900 seats, construction of 2no. new cinemas, dance studio and expanded foyers. Construction of new theatrical fly-tower and expanded backstage provision.
<b>Site Address:</b>	Octagon Theatre , Hendford, Yeovil, Somerset, BA20 1UX
<b>Parish:</b>	Yeovil
<b>YEOVIL WESTLAND Ward (SSDC Member)</b>	Cllr D Gubbins Cllr A Soughton Cllr K Gill
<b>Recommending Case Officer:</b>	Debbie Redding (Specialist) Tel: 01935 462348 Email: debbie.redding@southsomerset.gov.uk
<b>Target date :</b>	12th January 2023
<b>Applicant :</b>	Property Services Team c/o Dan Bennet
<b>Agent: (no agent if blank)</b>	Mr Colin Cobb Bath Brewery Tollbridge Road Bath BA1 7DE UK
<b>Application Type :</b>	Major Other f/space 1,000 sq.m or 1 ha+

### **REASON FOR REFERRAL TO COMMITTEE**

This is a major application submitted by South Somerset District Council and therefore under the Scheme of Delegation is reported to the Area South Committee before being referred to the Regulation Committee.



# SITE DESCRIPTION AND PROPOSAL



The Octagon Theatre is located to the south of Yeovil town centre, between the town and Yeovil Country Park, close to main road links into Yeovil and within walking distance of a number of public car parks. The application site comprises the existing Octagon Theatre building, its forecourt and an area of grass bank. There is one existing vehicle access point into the site along a secondary road that leads onto Hendford.

To the rear/south of the building is Penn Hill Park, which includes mature trees and open grass areas, which via a footpath and across the road leads to the larger Country Park. The surrounding area of mixed-uses also includes, Hendford Manor (Grade II\* listed) to the west, the associated Hendford Manor Coach House (Grade II listed) and Petters Way carpark to the north and Maltravers House, a multi-storey office block to the east.

The submission of this application follows a public consultation carried out in July 2022 which received general support for the proposals. Stakeholder consultation was also undertaken prior to submission.

The proposal comprises the retention of the existing Octagon theatre auditorium, demolition of the existing foyer and cafe, erection of a new two storey foyer and cafe with additional facilities including two cinema screens and a dance studio, raising the roof of the existing auditorium to enable the construction of a circle for increased audience numbers from 622 to 900 seats and the erection of a flytower over the auditorium stage area. The access onto Hendford will remain as existing and a new service access point is proposed at the upper ground floor level from Petters Way carpark.

The application is supported by the following documents which can be viewed in full on the Council website: -

- Design and Access Statement
- Sustainability Statement
- Noise impact assessment
- Ventilation Statement
- Bat emergence survey report
- Arboricultural Impact assessment
- Arboricultural method statement
- Preliminary Ecological appraisal
- Drainage Strategy

## **PLANNING HISTORY**

The main building was constructed in 1974 with later extension to the flytower, provision of a rehearsal room, erection of a scene dock, plant room extension and new flue.

12/00416/FUL - The installation of a new flue to west elevation.  
Permitted with conditions 03/04/2012

10/04058/ADV - The display of 2 No. non illuminated wall mounted banner advertisements.  
Permitted with conditions 19/09/2011

08/00764/R3D - The erection of a scene dock and replacement plant room extension.  
Permitted with conditions 15/04/2008

02/02883/R3D - Alterations and the erection of an extension, comprising new rehearsal room and extension to the flytower. Permitted with Conditions 16/12/2002

92/02422/R13 - The demolition of 1.2 metre high wall adjoining rear car parking area (regulation 13 - conservation area proposal). Permitted with conditions 21/05/1992

91/02644/R4D - The erection of an extension on rear (south) elevation (regulation 4).  
Permitted with conditions 27/11/1991

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are 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).

- SD1 Sustainable Development
- SS1 Settlement Strategy
- EP8 New and Enhanced Tourist Facilities
- EP11 Location of Main Town Centre Uses (the sequential approach)
- TA1 Low Carbon Travel
- TA3 Sustainable Travel at Chard and Yeovil
- TA5 Transport Impact of New Development
- TA6 Parking Standards
- 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 6 Building a strong, competitive economy.
- Chapter 7 Ensuring the vitality of town centres
- Chapter 9 Promoting sustainable transport.
- Chapter 11 Making effective use of land.
- 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.
- Chapter 16 Conserving and enhancing the historic environment.

### Planning Policy Guidance

Somerset County Council Parking Strategy (March 2012)

## **CONSULTATIONS**

### Yeovil Town Council:

The principle of the development is welcomed, but a number of concerns were raised:

- o inadequate parking provision
- o the longevity of the Corten steel cladding in visual and maintenance terms
- o the lack of provision for smaller local community groups
- o request that the eating area is increased.

### Highway Authority:

No Objection subject to conditions and/or S106 obligations

In assessing the proposal, the Highway Authority considers the following matters are salient:

- o Travel patterns associated with the site are outside usual peak flow hours
- o Due to parking facilities being dispersed across the local area, the increase in trips will not subject any one road or junction to a severe increase in movements
- o The need for additional parking spaces will not increase conflict with other users to a severe level due to the fact that other shops and services will be closed during the evening performance times.

#### COMMENTS ON TRAVEL PLAN

Most aspects are considered to be acceptable with some minor amendments needed.

Revision needed regarding: -

- o Travel Plan co-ordinator/representative,
- o Provision of Electric Vehicle Charging Points,
- o Modal share percentages and trip rate targets,
- o Implementation and safeguarding sum.

Following submission of an updated Travel Plan - Minor amendment is needed to the Action Plan and Monitoring, and the Travel Plan must be secured by a legal agreement

#### Historic England:

##### Significance

The proposals are for a substantial extension to the 1970s Octagon Theatre, in order to secure its future and make it more viable. The theatre is situated close to two listed buildings, Hendford Manor (Grade II\*), and the former coach house to Hendford Manor (Grade II), both of which are within the Yeovil town centre conservation area (though the theatre itself is just outside it).

Hendford Manor was built circa 1720 as a town house, with large grounds behind. In the early eighteenth century a coach house was built. In the mid C19 extensions were added to north and south, as well as a front porch circa 1900. The railings which once surrounded the forecourt of the house were presumably removed during the second world war. In the early 1970s the setting of the Manor and coach house were badly damaged by the construction of Maltravers House and the theatre, and the associated service roads. In 1975 the front balustrade was removed, disfiguring the principal elevation. Soon after all the interiors were stripped-out due to dry rot, and the chimneystacks were also removed. Significant alterations were made to the rear of the building at this time, and a car park was provided.

What remains of the significance of Hendford Manor lies principally in the views of its front elevation from Hendford, where the handsome materials and architecture are still evident, despite the loss of the balustrade and chimneystacks.

##### Impact

The principal impact would be on views of Hendford Manor from the north on Hendford, and from Manor Road. The new fly tower extension would be significantly higher than the existing theatre and would loom up close behind Hendford Manor in these very important views (views 1-4 in the Heritage Impact Assessment). While Maltravers House already causes harm in some views, it is significantly further away, and does not appear in some important views, such as views 3&4. The alien and distracting form and massing and materials would compete with the views of the building, designed to be seen against the sky, and would harm its setting, causing damage to its significance. For similar reasons, the proposed extension would cause a degree of harm to the conservation area by means of damage to its setting, given the landmark status of Hendford Manor as the key building of one of the conservation area's four character areas.

The coach house to Hendford Manor (Grade II) was designed with an impressive symmetrical classical

facade on its long southern elevation, overlooking the manor gardens. The extension would approach significantly closer to the coach house than the existing theatre, and its form, with both the major elevation and landscaping being at 45 degrees to the coach house, would probably not relate particularly successfully to the formal, axial, symmetrical character of the coach house, causing a degree of harm. It is particularly disappointing that the opportunity to improve the landscaping around the southern side of the coach house (currently blighted by car parking and roads on all four sides) is not being taken as part of this application.

#### Position

It is clear that the proposals would result in a less than substantial degree of harm to the Grade II\*-listed Hendford Manor, to the Grade II-listed coach house, and to the Yeovil conservation area, by means of damage to their setting. This harm would be significant, because it would harm the principal views of the principal elevations of Hendford Manor.

It may be that your authority ultimately concludes that the public interest in giving the theatre a secure future outweighs this harm. In this scenario the harm to the setting of Hendford Manor and its coach house should be resolved by means of mitigation. This should mean two things:

- o a landscaping plan that includes the car parking area to the south of the coach house that resolves the relationship between coach house and theatre
- o restoration of the missing historic features of the front elevation and roofscape of Hendford Manor, with the balustrade being the first priority

#### Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 199 & 200 of the NPPF.

#### Theatres Trust:

We welcome these proposals and the investment that is being made to further develop the Octagon. This will improve its social and cultural offer for local people and enhance and diversify the cultural provision within Yeovil as well as support greater inclusivity. For example, the cinema offer would complement that of the existing multiplex and will help bring additional visitors to the Octagon and optimise usage of the building outside of existing performance times. Better energy efficiency will minimise operating costs and environmental impact. Collectively these plans would help support the venue's longer-term financial sustainability. Policy EP15 of the South Somerset Local Plan (2015) supports provision of new facilities, which this scheme would deliver. Paragraph 93 of the NPPF (2021) seeks planning decisions to plan positively for facilities of this nature.

We do not consider the existing building to be architecturally significant. Environmental impacts of demolition notwithstanding, we do not object to the principle of significant alteration or loss. We consider the external design of this scheme to respond positively to its setting, potentially becoming more of a landmark with greater prominence and better reflective of the Octagon's importance within Yeovil.

In terms of internal layout and function, we welcome provision of additional WCs including further accessible WCs across different areas of the building as well as a Changing Places facility. Similarly having two front of house lifts will better enable users with additional mobility needs to move around the building and gives better resilience should one be out of operation. Back of house we welcome that an accessible dressing room is provided at stage level, along with further accessible WCs and showers serving further dressing room blocks at both basement and first floor levels. There is good storage and servicing provision to both front and back of house.

We would note the location of the box office lacks prominence as it is does not appear visible from the

main entrances, these may merit further consideration or for sufficient wayfinding. The Design & Access Statement references usage of the two cinema screens for Yeovil's Literary Festival and potentially these and the studios could also be utilised for other small-scale performances and events. There may be merit in providing a dressing room to serve these for additional flexibility and to provide separation from back of house facilities in use for shows in the main auditorium.

The points we have noted for further consideration are minor and can be addressed at a subsequent phase of design if deemed necessary. They do not impact our overall advice which is to welcome these proposals and the investment being made into the Octagon.

We are supportive of the granting of planning permission.

Lead Local Flood Authority (LLFA):

1.The strategy proposes to restrict surface water discharge to 4 l/s (2 l/s from the roofs and 2 l/s from the positively drained hardworks). Ideally, this should be further reduced to achieve the QBAR greenfield runoff rate. However, considering the risk of blockages and other maintenance issues this rate will be accepted subject to approval from the relevant sewer authority (Wessex Water).

2.The strategy proposes to discharge into a surface water sewer. This is accepted subject to infiltration testing being done to BRE 365 digest standard (to be secured by an appropriately worded condition). If infiltration is found feasible, it should be proposed, in line with the SuDS hierarchy.

3.In terms of SuDS, the strategy proposes blue roofs and permeable paving, which is welcomed. Most of the attenuation is provided with a below ground tank. This is not supported. It is understood that there are space constraints, however the strategy should be revisited to incorporate further above ground small-scale SuDS to target the required water quantity, quality, amenity and biodiversity benefits. There seems to be potential to incorporate green roofs, raingardens and rainwater harvesting. The LLFA would expect to see appropriate justification if these are not included. Furthermore, the location and dimensions of any SuDS proposed should be clearly shown on the drainage plan (currently the proposed permeable paving extents are not shown).

4.The key for the drainage plan provided includes a surface water pumping chamber but this is not shown on the plan. Can the Applicant please confirm that the proposed surface water drainage strategy will use a gravity system, and amend the drainage plan accordingly?

5.Confirmation of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas needs to be provided.

6.An outline maintenance plan of all the components of the drainage strategy (including access) should be provided at this stage. A more detailed plan can be secured by a condition.

7.Detailed calculations and drawings should be provided for the full strategy and a full explanation provided in the report to include:

- o Details that the proposed surface water drainage system has been designed to prevent surcharging in all events up to and including the 1 in 2 annual probability storm event, prevent any flooding of the site in all events up to and including the 1 in 30 annual probability storm event. This report should also demonstrate that surface water runoff up to the 1 in 100 year event plus climate change will be controlled without causing harm to people or properties.

8.Design calculations should use FEH rainfall and the system should be designed with climate change

allowances of 45% based on current government requirements.

In summary, the LLFA requirements for a Full Planning Application have not yet been satisfied and the above matters need to be addressed/clarified before an appropriate planning condition can be set.

**FOLLOWING SUBMISSION OF ADDITIONAL INFORMATION AND REVISED DRAINAGE STRATEGY AND SUDS ASSESSMENT AND MANAGEMENT AND MAINTENANCE PLAN: -**

1. Can the Applicant please provide justification for the increase in the proposed discharge rate from 4 (in the Drainage strategy report reviewed for the previous LLFA response) to 5 l/s? It appears that the blue roofs have been removed from the proposal (and now only permeable paving and filter strips are proposed in terms of SuDS? Appropriate justification should be given to why these changes have been proposed.
2. No information/response has been provided regarding our previous comment on SuDS (point 3 of our previous response 16/11/22).

In summary, the LLFA requirements for a Full Planning Application have not been addressed and the above issues need to be addressed/clarified before an appropriate planning condition can be set.

Officer Note: Discussions and negotiations are on-going with the Applicant and LLFA and further details and clarification is to be submitted. It is anticipated that the drainage strategy for the site will be agreed in due course and thereafter detailed specifications and implementation can be the subject of planning conditions.

Environmental Health:

From a noise impact point of view - no comments.

Conditions regarding a Construction Environmental Management Plan suggested.

South West Heritage Trust:

It does not appear that this proposal is likely to impact on any significant archaeological remains and we therefore have no objection to the application on archaeological grounds.

**REPRESENTATIONS**

6 Objections have been received that raise the following concerns: -

- o The existing Octagon theatre is sufficient size in this location, Westlands should be enlarged,
- o Excessive cost at this time, investment should be in the town centre,
- o Loss of trees which should be protected,
- o Contrary to Local Plan policies and National Planning Policy Framework,
- o Corten cladding is not appropriate in relation to Listed Buildings, and long-term maintenance and consistency of appearance would be uncertain,
- o The auditorium may be too large for community and amateur groups and too expensive,
- o Additional cinema screens are not necessary, could have a detrimental effect on other venues and a negative impact on the vitality of the town centre,
- o Public transport is not available in the evenings or on Sundays,
- o Insufficient parking at Petters Way which is poorly designed with significant gradients, car parks in the town are used by others and are often full at peak times. Tesco's could provide overflow parking.

1 representation does not object but makes the following comments: -

- o It would be great to attract big name bands and shows,
- o Would smaller shows use the cinema theatre,
- o Is another cinema needed.

## **CONSIDERATIONS**

### **PRINCIPLE OF DEVELOPMENT**

Yeovil is designated as a strategically significant town within the settlement strategy of the Local Plan and as such, in accordance with Policy SS1, is the prime focus for new development. Yeovil is a focal point for economic activity in the district including education, health, employment, retail, leisure and culture. The site is in an accessible, sustainable location and the expansion and improvement to the Octagon Theatre is therefore appropriate and in accordance with Policy SS1.

Policy EP8 relates to new and enhanced tourist facilities which would include The Octagon as a venue that attracts visitors from outside the district as well as local residents within South Somerset. Therefore, extension and improvements to accommodate larger shows and increased audiences, provision of new cinemas and a larger, improved cafe and bar is supported in principle. This is subject to more detailed criteria which are considered below.

The Octagon is also a facility for the local community and as such Policy EP15 is applicable which seeks to protect existing facilities and supports new facilities. In particular, the proposals include a new dance and community studio and will continue to provide for community productions.

In principle the proposed development is acceptable and in accordance with Policies SS1, EP8 and EP15 of the Local Plan.

### **SUSTAINABILITY**

The location of the Octagon has access to sustainable modes of transport and the building itself has been assessed to minimise energy consumption and carbon emissions. The proposal includes an energy and sustainability statement, which includes the use of electricity and no fossil fuels, a PV array on the roof of the flytower and possible future expansion to other roofs, air source heat pumps for heating and cooling and sustainable drainage. Electric Vehicle charging points are also to be provided. These climate change mitigation and sustainability measures are in line with Policy EQ1 of the Local Plan.

### **SCALE AND DESIGN**

The proposal retains the existing auditorium of the Octagon with the roof raised to provide additional seating and a flytower extension added. The existing foyer and café are to be demolished and a new 2 storey extension added to provide a new foyer, cafes, cinemas and dance studio.

The design approach is modern and although the extensions are relatively large the building is set in an urban location with space to accommodate the scale of the proposal. The foyer and café extension would be on the east side of the existing building adjacent to the modern offices of Maltravers House which currently dominate this part of the site. The flytower extension is by necessity a considerable height and bulk but does provide a vertical feature to the Octagon complex.

The main material for the building is metal cladding with large areas of glazing to the foyer area. The proposed steel cladding is known as COR-TEN which weathers to give an oxidised finish which is long lasting and low maintenance. This cladding has been chosen as the colour will blend with the surroundings of the natural stone of existing buildings, and the trees and park.

The proposed building is a distinctive design and will become a new landmark feature, which is considered to be an improvement to the now dated 1970s Octagon building. It is appropriate that a public building of this nature is prominent, but as proposed will also integrate successfully into its surroundings and relate well to its setting. As such the proposed development is considered to be in accordance with Policy EQ2 of the Local Plan.



## HERITAGE

In determining this application particular attention should be paid to the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

The NPPF makes clear at paras 199 and 200 that all harm to designated heritage assets requires 'clear and convincing justification', and that harm should be avoided if possible and minimised if not. At paragraph 202 it explains that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The heritage assets in the proximity of the application site are listed buildings - Hendford Manor (Grade II\* 1970), Wyndham Museum, former Coach House to Hendford Manor (Grade II 1951) and Nos 66-72 even Hendford Grade II; plus, Yeovil Conservation Area that extends to the north of the application site, although the Octagon building itself is not within the conservation area. The surrounding area to the Manor and Coach House was historically green landscape but is now dominated by more modern buildings and car parks, and Hendford road rerouted; these more recent developments have had a negative impact on the setting of the Manor with the original front elevation facing Hendford now being most significant. Hendford Manor is now in use as private offices. The Wyndham Museum, as it is listed, was formerly the Coach House/stables to Hendford Manor but is now in private commercial use. The south elevation of the Coach House facing the Octagon is of significance but is set within an area of car parking which is detrimental to the setting. The proposed development does not have any direct impact on the listed buildings themselves, but the setting of these buildings must be considered.

In addition to the listed buildings the character of this part of the conservation area is notable for the green space of Penn Hill Park and important trees. The Conservation Area Character Appraisal notes this and although the modern offices and car parks are negative factors Hendford retains considerable character and interest as a historic suburb of Yeovil.

The proposed development, although increasing the mass of the building, has sought to improve the appearance of the Octagon with a more coherent façade, and improve the setting and relationship with Hendford Manor and the Coach House. The increased massing is kept away from the Listed buildings as much as possible and car parking to the front of The Octagon avoided. The unavoidable loss of some trees is mitigated by new planting and the important Cedar to the front of The Octagon is retained.

The comments of Historic England are particularly noted, and that the development is judged to result in "Less than Significant Harm" to the significance of the designated heritage assets. As such this harm must be weighed against the public benefits.

There are several negative features that have a detrimental impact on the setting of the listed buildings and conservation area. These have been addressed as much as possible with this proposal including additional planting around the building and in Penn Hill Park, improved hard landscaping, and opportunity for public art and improved public realm. Historic England have suggested mitigation measures to offset the less than significant harm, however these are difficult to achieve as Hendford Manor and The Coach House are outside the application site. Although landscaping to the car park in front of the Coach House cannot be achieved new tree planting is proposed to the forecourt area between the Octagon and the Coach House that will improve this relationship. Hendford Manor is in separate ownership and therefore the restoration of chimneys and the balustrade to the front elevation is not achievable through this application.

The extension and improvements to The Octagon include improved accessibility and circulation to the building, catering facilities with larger areas of seating both inside and out, provision for community

groups and productions, new tree planting and protection of important trees. Overall, the public benefit of the proposal in providing improved facilities at The Octagon for the benefit of visitors, local residents and the economy are considered to outweigh the harm to the setting of heritage assets and as such is in accordance with Policy EQ3 of the Local Plan and the NPPF.

## LANDSCAPE AND TREES

The upper-level terrace will provide space for seating and public art, and the lower level a small area for outside performances. Most of the hard landscaping will use permeable surfacing except for steps between the terraces and the service yard area. A terracotta colour is proposed to compliment the materials of the building and surrounding area.

Existing trees are kept where possible and in particular the large important trees that frame the front entrance will remain. The high-quality (Grade A) trees on the site are an Oak (T1), Cedar (T10) and Beech (T14) which are all retained. 13 trees are needed to be removed and of these 7 are Grade C (low quality) and 6 are Grade B (moderate quality). Protection to the roots of existing trees is incorporated in the landscape proposals including no-dig, low impact methods of construction where required with arboricultural supervision provided. Temporary fencing and barriers would be used during construction to protect existing trees. All these issues are covered in the submitted Arboricultural Impact Assessment and Tree Protection Plan and Method Statement and can be secured by planning conditions.

A landscape general arrangement plan forms part of the application submission which indicates areas of hard landscaping, removed and retained trees, new planting and tree protection. New trees and understorey planting is proposed alongside Maltravers House and new trees are also proposed on the upper level leading from the Petters way car park to the main entrance, this planting provides a visual and ecological link to the park. In addition, many new trees are proposed within the park behind the building which will improve the setting of the building and increase biodiversity. Overall, a total of 26 new trees are proposed. The landscape proposals are considered to be generally acceptable. The Councils Tree Officer has requested some additional information and further details regarding the tree protection and planting, these details including planting specifications and surfacing materials can be required by condition.

## ECOLOGY

The Preliminary Ecological Appraisal submitted with this application states - "it is not anticipated that there will be any significant adverse impacts on habitats beyond the red line boundary of the site" and "impacts on nearby designated sites identified during the desk study and as a result of the proposal are considered to be negligible".

An emergence survey has been carried out which concluded that no bats were recorded emerging from the building and bat activity was limited to foraging in the trees to the rear of the building. Care should be taken during the works to ensure that if any bats are encountered, they are not harmed, and any additional external lighting should be minimal for safety and security purposes only.

Trees on the site provide opportunity for nesting birds and felling should not take place within the nesting season (typically March - August, inclusive) unless a nesting bird check is first undertaken by a suitably qualified person and the installation of bird nesting boxes would provide mitigation.

Additional biodiversity enhancement could be achieved with the provision of bat boxes on trees to the rear of the building. These provisions can be required by conditions and as such the proposal would be in accordance with policy EQ4 of the Local Plan.

## ACCESS AND PARKING

The main vehicle access would use the existing route from Hendford to the lower level, providing for large vehicles delivering stage sets etc. to the service yard and scene dock. This access also serves disabled parking close to the building, staff parking and refuse and recycling collections and is adequate to serve refuse vehicles and articulated lorries. Vehicle access is also provided to the upper level of the site from Petters Way car park for small delivery vehicles to the main entrance and café/bar. Both accesses would also be available for emergency vehicles.

The extension of the building and layout of the site provides a new upper-level entrance and pedestrian link to Petters Way car park. The existing pedestrian entrance is retained at the lower level.

Petters Way car park has 211 spaces and currently is the main parking provision serving the existing Octagon capacity of 622 seats. The enlarged auditorium and cinemas will result in a capacity of 1090 seats. The other nearest car parks at Goldenstones and Ninesprings provide a further 208 spaces which would meet the increased demand with some allowance for other uses. There are also other car parks available within a reasonable walking distance.

The site is within the town centre and as such is served by bus and rail, and cycle parking will be provided at the site. Therefore, alternative modes of transport are available for users of the Octagon which are encouraged with the provision of a Travel Plan.

The accessible parking close to the building is suggested to be bookable and this area would also be available as a dropping off point. Further accessible spaces would be available in Petters Way car park closest to the entrance. Within the building fully inclusive access is provided including 2 passenger lifts, extra wheelchair accessible seating, accessible WCs and a Changing places WC. A back of house lift and accessible en-suite dressing room is also provided.

It is noted that the Highway Authority have not raised objection to the proposal subject to highway conditions and securing the implementation of the travel plan by legal agreement. Therefore, the proposal is considered to be in accordance with Local Plan policies TA1, TA3, TA5 and acceptable on highway grounds.

#### **RESIDENTIAL AMENITY**

The layout and design of the proposed development will not have any adverse impact on existing neighbouring properties through loss of light or overlooking and no concerns have been raised by Environmental Health regarding noise impact. The proposal is therefore considered to be acceptable with regard to residential amenity and in accordance with policy EQ2 of the Local Plan.

#### **CONCLUSION**

The general principle to improve, update and extend the existing Octagon theatre is supported by both National and Local Planning Policy. The scheme would be a positive benefit for the economy and local community, and the location is sustainable. Although the design includes relatively large extensions to the building, the site is within an urban location with sufficient space to accommodate the scale of the proposal. There is less than substantial harm to heritage assets which is outweighed by the public benefits of the scheme, and landscaping and planting will help to mitigate this harm and enhance the area around the building. Access and parking are acceptable and there are no objections on highways grounds subject to securing the implementation of the Travel Plan.

Subject to conditions to control details of the development including landscaping, materials, drainage, access and parking, lighting and biodiversity enhancement, the proposal is acceptable in planning terms and in accordance with the relevant planning policies as referred to above. The proposed development is therefore recommended for approval.

## RECOMMENDATION

Delegate for approval subject to:-

- o the completion of suitable legal agreement between the applicant and Highway Authority to secure the detail and implementation of the Travel Plan for the site, unless this proves to be unnecessary within the forthcoming Unitary Authority.
- o agreement of the drainage strategy and suitable conditions in agreement with the LLFA.

01. The general principle to improve, update and extend the existing Octagon theatre is supported by both National and Local Planning Policy. The scheme would be a positive benefit for the economy and local community, and the location is sustainable. Although the design includes relatively large extensions to the building, the site is within an urban location with sufficient space to accommodate the scale of the proposal. There is less than substantial harm to heritage assets which is outweighed by the public benefits of the scheme, landscaping and planting will help to mitigate this harm and enhance the area around the building, and access and parking are acceptable. The scheme is therefore in accordance with relevant policies of the South Somerset Local Plan and the NPPF.

### 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 plans reference:

OCT-2063-FCBS-ZZ-ZZ-DR-A-1050\_Location Plan-P02  
OCT-2063-FCBS-ZZ-ZZ-DR-A-1051\_Block Plan - Proposed-P01  
OCT-2063-FCBS-ZZ-0A-DR-A-0600\_GA-Plan-1-200-Level-0A-P01  
OCT-2063-FCBS-ZZ-1A-DR-A-0601\_GA-Plan-1-200-Level-1A-P01  
OCT-2063-FCBS-ZZ-2A-DR-A-0602\_GA-Plan-1-200-Level-2A-P01  
OCT-2063-FCBS-ZZ-ZZ-DR-A-0604\_GA-Plan-Technical and Gallery Levels- P01  
OCT-2063-FCBS-ZZ-B1-DR-A-0605\_GA-Plan-1-200-Level-B1-P01  
OCT-2063-FCBS-ZZ-R3-DR-A-0606\_GA-Plan-1-200-Level-R3-P01  
OCT-2063-FCBS-ZZ-ZZ-DR-A-1920\_Demolition-Plan-Level-0A-B1-P01  
OCT-2063-FCBS-ZZ-ZZ-DR-A-1921\_Demolition-Plan-Level-1A-P01  
CCT-2063-FCBS-ZZ-ZZ-DR-A-0700\_GA-Section-AA-Stage-P01  
OCT-2063-FCBS-ZZ-ZZ-DR-A-0701\_GA-Section-BB-Auditorium-Long-P01  
OCT-2063-FCBS-ZZ-ZZ-DR-A-0702\_GA-Section-CC-Extension-P01  
OCT-2063-FCBS-ZZ-ZZ-DR-A-0703\_GA-Section-DD-Extension-P01  
OCT-2063-FCBS-ZZ-ZZ-DR-A-0704\_GA-Section-EE-Auditorium-Cross-P01  
OCT-2063-FCBS-ZZ-ZZ-DR-A-0800\_GA-Elevation-North-P01  
OCT-2063-FCBS-ZZ-ZZ-DR-A-0801\_GA-Elevation-East-P01  
OCT-2063-FCBS-ZZ-ZZ-DR-A-0802\_GA-Elevation-South-P01  
OCT-2063-FCBS-ZZ-ZZ-DR-A-0803\_GA-Elevation-West-P01  
OCT-2063-FCBS-ZZ-ZZ-DR-A-0804\_GA-Elevation-North West-P01  
LTS\_131(01)101 REV T1 - Landscape General Arrangement Plan

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

03. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the walls and roofs shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

REASON: To ensure a satisfactory visual appearance of the development.

04. Prior to the commencement of any development hereby approved, all existing trees shown on the approved plans to be retained, shall be fully safeguarded in accordance with the Arboricultural Impact Assessment and Tree Protection Plan, and Arboricultural Method Statement (19 July 2022) submitted in support of this application. These safeguarding measures shall be retained for the duration of construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zones.

Reason: To ensure that trees to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity.

05. Prior to the commencement of any development hereby approved, above damp course level, full details of hard landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure satisfactory landscaping of the site and to enhance the visual amenity and character of the area.

06. Prior to the commencement of any development hereby approved, above damp course level, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include detail of retained trees and new planting, planting specifications and provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: To ensure satisfactory landscaping of the site and to enhance the visual amenity and character of the area.

07. The development hereby permitted shall not be occupied until the network of cycleway and footway connections shown on the approved plans has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

08. Prior to first use of the development hereby permitted, no fewer than 40 spaces for staff and visitors' bicycles shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority and retained as such thereafter.

Reason: To ensure provision of adequate cycle parking to support sustainable transport.

09. Prior to first use of the development hereby permitted a scheme showing full details of the number and location of charging points for plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development or nearby car parking facilities along with a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and timetable and retained as such thereafter.

Reason: To promote the use of more sustainable transport modes.

10. Prior to the first use of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Implementation and monitoring of the Travel Plan shall be carried out as agreed and secured by an appropriate legal agreement between the applicant and the Highway Authority unless such an agreement is deemed to be unnecessary by the Local Planning Authority.

Reason: To promote the use of more sustainable transport modes.

11. Prior to first use of the development hereby permitted the on-site parking spaces for blue badge holders and a properly consolidated and surfaced turning space for vehicles shall be provided and constructed within the site as detailed on the approved plans. Such parking and turning spaces shall be kept clear of obstruction in perpetuity and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure the proper and appropriate development of the site in the interest of highway safety.

12. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. Such provision shall be installed prior to first use of the development and thereafter maintained in perpetuity.

Reason: To ensure the site is properly drained and that surface water does not flow onto the highway in the interests of highway safety.

13. No development shall take place, including any demolition works, until a construction Environment management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include:
- o 24 hour emergency contact number;
  - o Hours of operation;
  - o Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - o Routes for construction traffic;
  - o Locations for loading/unloading and storage of plant, waste and construction materials being off highway and vehicle movements controlled by a banksman;
  - o Method of preventing mud being carried onto the highway including a wheel wash facility and regular employment of a road sweeper;

- o Measures to protect vulnerable road users (cyclists and pedestrians)
- o Any necessary temporary traffic management measures;
- o Arrangements for turning vehicles;
- o Arrangements to receive abnormal loads or unusually large vehicles;
- o Methods of communicating the CEMP to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of highway safety and amenity.

14. No external lighting shall be installed within the site or in association with the development until details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed, operated and retained in accordance with the agreed details.

Reason: To protect visual amenities and avoid disturbance or nuisance to the surrounding area.

15. Details of the type and location of 2 bat boxes and 2 bird boxes to be erected on trees within Pen Hill Park shall be submitted to and agreed in writing by the Local Planning Authority which shall be erected as agreed prior to first use of the development hereby approved.

Reason: To enhance or protect biodiversity.

**Informatives:**

01. The developer/applicant is reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity. In the event that vegetation removal will be taking place then further consultation must be sought prior to this.

The developer/applicant is reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981. Therefore, should birds or bats be present in the trees concerned, felling/surgery should be deferred until late Summer/Autumn. .



## Area South Forward Plan

Director: Nicola Hix, Strategy & Support Services  
Lead Officer: Jo Boucher, Case Officer (Strategy & Commissioning)  
Contact Details: Jo.boucher@southsomerset.gov.uk or (01935) 462011

## Purpose of the Report

This report informs Members of the agreed Area South Forward Plan.

## Recommendations

Members are asked to:

- a. Comment upon and note the proposed Area South Forward Plan as attached;

## Area South Committee Forward Plan

The forward plan sets out items and issues to be discussed by the Area Committee over the coming months.

The forward plan will be reviewed and updated each month, by the joint lead officers from SSDC, in consultation with the Area Committee Chairman. It is included each month with the Area Committee agenda, where members of the Area Committee may endorse or request amendments.

## Background Papers

None

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Note: Items marked in *italics* are not yet confirmed, due to the attendance of additional representatives.

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Lead Officer</b>
<b>1<sup>st</sup> March 2023</b>	Update Report Yeovil Markets & Yeovil Refresh	Natalie Fortt, Regeneration Programme Manager



## Planning Appeals

Director: Kirsty Larkins, Service Delivery  
Lead Officer: John Hammond, Lead Specialist Planning  
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.

## Recommendations

That the report be noted.

## 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.

## Report Detail

### Appeals Allowed

Ward: Yeovil Without  
Proposal: Demolition of existing garage and conservatory. Erection of single storey extension and detached double garage.  
Appellant: Mr and Mrs Duckworth  
Site: 49 Combe Park Yeovil Somerset BA21 3BE

### Appeals Dismissed

Ward: Brympton  
Proposal: Proposed new double garage to front of property  
Appellant: Mr & Mrs Josh Stagg  
Site: 43 Poplar Drive Yeovil BA21 3UL

## Background Papers

Decision Notices attached.

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# Appeal Decision

Site visit made on 4 January 2023

**by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 January 2023**

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**Appeal Ref: APP/R3325/D/22/3308106**

**49 Combe Park, Yeovil, Somerset, BA21 3BE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Duckworth against the decision of South Somerset District Council.
  - The application Ref 22/01336/HOU, dated 29 April 2022, was refused by notice dated 22 July 2022.
  - The development proposed is demolition of existing garage and conservatory, erection of single storey extension and detached double garage.
- 

## Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and conservatory, erection of single storey extension and detached double garage at 49 Combe Park, Yeovil, Somerset, BA21 3BE, in accordance with the terms of the application Ref 22/01336/HOU, dated 29 April 2022, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 7240-01 survey plans, elevations and photos, 7240-02 proposed plans and elevations and 7240-03 proposed elevations and sections.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

## Main issue

2. I consider that the main issue in this case is its effect on the character and appearance of the area.

## Reasons

3. 49 Combe Park is a detached two storey house on a corner plot in an established residential area. It has an attached single garage on the west side and a large area of hardstanding in the northwest corner of the garden with access to Combe Park. Houses along Combe Park are mainly two storey houses and bungalows of brick, similar in style to No. 49, sited along a more or

- less regular building line. A Public Right of Way runs to the west of the site adjacent to the boundary.
4. I consider that the policy relevant to this case is EQ2 of the South Somerset Local Plan (2009-2028) (the local plan), which among other things, expects development to be of a high quality of design which respects the local context.
  5. The proposal includes the demolition of the existing garage and conservatory and the erection of a single storey extension on the southwest side of the house and a detached double garage on the hardstanding in the northwest corner of the plot.
  6. The Council raises no objection to the single storey extension and I see no reason to disagree with that.
  7. The proposed garage would stand forward of the north elevation of the house and of the front building line of the properties to the west along the south side of this part of Combe Park. It would be readily visible for a short distance on turning the corner looking west, but would be less so in views from the west towards the corner, where it would be partially obscured by existing vegetation in the neighbouring property and seen against the background of the houses at the end of the road.
  8. The house is on a corner plot, which might be expected to be relatively large. However, I understand that the building was originally a shop. It is set back from the main building line along the eastern section of Combe Park, and the hardstanding to the northwest was originally the parking area for the shop. This has resulted in a cramped and relatively restricted area of private amenity land to the rear of the house.
  9. The proposed garage would improve the appearance of the site by enabling the replacement of the existing poor quality attached garage and hardstanding. Its location in the corner would facilitate the optimisation of the limited amount of private amenity space. It would have no adverse effect on the amenities of the occupiers of neighbouring properties.
  10. Although the garage would be clearly visible, it would be constructed of materials to match the house and I consider that it would not cause undue harm to the appearance of the street scene.
  11. I conclude that the proposal would not harm the character and appearance of the house itself or the wider area and that it is consistent with policy EQ2.
  12. For the reasons given above, the appeal is allowed.

### **Conditions**

13. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A condition relating to the materials is necessary in order to ensure the satisfactory appearance of the development.

*PAG Metcalfe*

INSPECTOR



## Appeal Decision

Site visit made on 11 October 2022

by **J White BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 15 November 2022**

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**Appeal Ref: APP/R3325/D/22/3301946**

**43 Poplar Drive, Yeovil BA21 3UL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Josh Stagg against the decision of South Somerset District Council.
  - The application Ref 22/00160/HOU, dated 18 January 2022, was refused by notice dated 4 April 2022.
  - The development proposed is "proposed new double garage to front of property".
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Whilst two applicants are shown on the planning application, the appeal has been made in Mr Josh Stagg's name and it proceeds on that basis.
3. During my site visit I observed that an extension has been provided to the front of the property, situated between the two forward facing gables. This extension is not shown on the plans submitted with the application upon which the Council dealt with the proposed development. Since this extension is not shown on the plans, I cannot be convinced that the proposed garage would not conflict with the extension. In any case, as the appeal is dismissed, this matter is of no consequence, and I have considered the proposal presented upon the plans that are the subject of the appeal.

### Main Issues

4. The main issues are the effect of the proposed development upon (i) the character and appearance of the existing building and the surrounding area; and (ii) the living conditions of the occupiers of Thorne Gardens and of the host property, with particular regard to outlook.

### Reasons

#### *Character and appearance*

5. The appeal site is a two-storey detached dwelling positioned within a predominantly residential area. The property has vehicular access from the street, with a driveway in front of an integral garage. The site and its immediate neighbours within the housing estate have open frontages with a lawn area adjacent to a driveway. A public pathway lies to one side and separates the appeal site from the residential development at Thorne Gardens.

6. The proposed garage would sit forward of the principal elevation, adjacent to the existing driveway and over part of the lawn, which has a gentle slope across it. Despite the use of sympathetic materials and a hip roof design, the proposal would appear contrived and dominant due to its scale and position forward of and very close to the principal elevation of the house, particularly when viewed from the street or from the adjacent pathway. Furthermore, the proposal would interfere with the legibility of the dwelling, jar with its presentation within the street scene and appear at odds with the character of the open frontages, causing harm to the character and appearance of the property and the surrounding area.
7. My attention has been brought to cases where garages have been built in positions forward of the principal elevation of a dwelling house. I have not had full details of these cases put before me, including the addresses of such properties. However, I did observe some examples, including that to the north of the site at the end of Poplar Drive. From my observations such designs were complementary in terms of form, design and layout relevant to host buildings, and are set further away from or oblique to the principal elevation of buildings. In any case, I have determined this appeal on its merits based on the evidence provided in the submissions.
8. Accordingly, I conclude that the proposed development would harm the character and appearance of the existing building and the surrounding area. As such, regarding this issue, the proposal would fail the requirements of Policy EQ2 of the South Somerset Local Plan (the LP), which amongst other things seeks to ensure development is designed to achieve a high quality and respects local context. There would also be conflict with Paragraph 130 of the National Planning Policy Framework (the Framework) which, amongst other things, requires the decision maker to ensure that proposals will add to the overall quality of an area and are sympathetic to local character.

#### *Living conditions*

9. Paragraph 130 of the Framework also seeks schemes to create places that promote health and well-being, with a high standard of amenity for existing and future users.
10. The appeal property lies at the end of a row of detached houses. Residential development at Thorne Gardens lies to the east. Those properties, whilst occupying a slightly lower ground level, are set a reasonable distance away and on the opposite side of a public pathway, which has grass verges either side. The properties at Thorne Gardens also have enclosed boundaries to the pathway.
11. Given the distance between the appeal site and the neighbours at Thorne Gardens, the nature of intervening boundary treatments and having regard to the design and height of the proposed garage, I am satisfied that the proposal would not cause unacceptable harm to the outlook of the residential neighbours.
12. Notwithstanding that, as already acknowledged, the garage would lie close to the host dwelling and forward of windows on its principal elevation. Due to its proximity and its scale, the garage would significantly obscure the outlook from the ground floor windows with the likely consequence of harm to living

conditions of the occupiers of the host dwelling, with particular regard to outlook.

13. Whilst the appellant may be prepared to live with the harm, planning is concerned with land use in the public interest. The proposal would be a permanent building and it would have a harmful impact in perpetuity. I have already acknowledged that examples of garages forward of principal elevations have been drawn to my attention. However, these appear to be generally set further from or at an angle to the elevation, such that they would be unlikely to cause the same level of impact on living conditions as that proposed. Furthermore, as also referenced above, I have determined this appeal on its merits based on the evidence provided in the submissions.
14. Consequently, on this issue, although the proposed development would not unacceptably harm the living conditions of the occupiers of Thorne Gardens, there would be harm to the living conditions of the occupiers of the host property, with particular regard to outlook. As such, in respect of this issue, the proposal would not comply with Policy EQ2 of the LP, which amongst other things requires that development be designed to achieve a high quality, nor would it comply with Paragraph 130 of the Framework.

#### **Other Matters**

15. I acknowledge that the appellant requires a garage to accommodate the needs of a growing family and that the proposal could provide some additional off road vehicle parking. However, these matters do not outweigh my overriding concerns outlined above.

#### **Conclusion**

16. The proposal would conflict with the development plan as a whole and there are no material considerations, including the provisions of the Framework, which outweigh this finding. As such, for the reasons given above, I conclude that the appeal should be dismissed.

*J White*

INSPECTOR