



Regulation Committee

Tuesday 14th February 2023

10.00 am

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

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



Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

Any members of the public wishing to attend, or address the meeting at Public Question Time or regarding a planning application, are asked where possible to email **democracy@southsomerset.gov.uk** by 9.00am on Monday 13 February, 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**

This meeting will be live streamed and viewable on YouTube by selecting the committee meeting at: https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

This Agenda was issued on Monday 6 February 2023.

Jane Portman, Chief Executive Officer



This information is also available on our website www.southsomerset.gov.uk or via the mod.gov app

Regulation Committee Membership

The following members are requested to attend the meeting:

Chairman: Peter Gubbins
Vice-chairman: Andy Soughton

Jason Baker
Tony Capozzoli
Adam Dance
Sarah Dyke

Tony Lock
Paul Maxwell
Sue Osborne
Paul Rowsell

Dean Ruddle
Peter Seib
Martin Wale
William Wallace

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Regulation Committee

Meetings of the Regulation Committee are usually held monthly, at 10.00am, on the third Tuesday of the month (unless advised otherwise), at the Council Offices, Brympton Way, Yeovil.

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Information for the Public

Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 3 of the Council's Constitution.

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

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the Public Question Time session.

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 3 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:

- County Council, Town or Parish Council Representative
- Objectors
- Supporters
- Applicant and/or Agent

Ward members, if not members of the Regulation Committee, will speak after the town/parish representative.

If a member of the public wishes to attend or speak they should contact Democratic Services (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.

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

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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.

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Regulation Committee

Tuesday 14 February 2023

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the Regulation Committee held on 17th January 2023. 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.

4. Public Question Time

5. Planning Application 22/02486/FUL - Octagon Theatre, Hendford, Yeovil, Somerset, BA20 1UX (Pages 6 - 24)

6. Briefing - Somerset Statement of Community Involvement Consultation (Pages 25 - 57)

7. Date of Next Meeting

The next scheduled meeting of the Regulation Committee will be held on Tuesday 21st March 2023.

Agenda Item 5

Officer Report On Planning Application: 22/02486/FUL

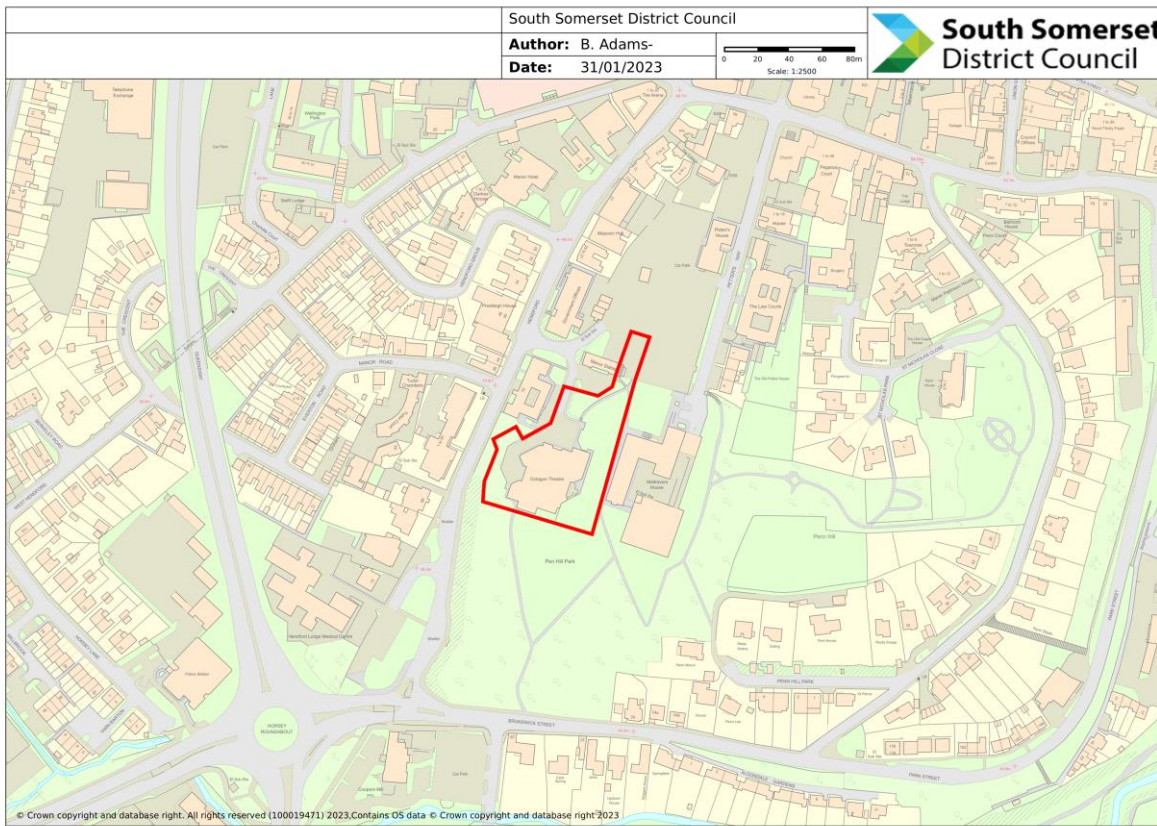
Proposal :	Partial demolition, renovation and extension of Octagon Theatre, Yeovil. Expansion of main auditorium from 622 to 900 seats, construction of 2no. new cinemas, dance studio and expanded foyers. Construction of new theatrical fly-tower and expanded backstage provision.
Site Address:	Octagon Theatre , Hendford, Yeovil, Somerset, BA20 1UX
Parish:	Yeovil
YEOVIL WESTLAND Ward (SSDC Members)	Cllr D Gubbins, Cllr A Soughton, Cllr K Gill.
Recommending Case Officer:	Debbie Redding (Specialist), Tel: 01935 462348 Email: debbie.redding@southsomerset.gov.uk
Target date :	12th January 2023
Applicant :	Property Services Team c/o Dan Bennet
Agent: (no agent if blank)	Mr Colin Cobb, Bath Brewery, Tollbridge Road, Bath BA1 7DE
Application Type :	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 was reported to the Area South Committee on 1st February 2023, and is now referred to the Regulation Committee.

The Area South Committee approved the recommendation as detailed in this report plus amendments to the proposed planning conditions as now included.

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.

CONSULTATIONS

Yeovil Town Council:

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

- inadequate parking provision
- the longevity of the Corten steel cladding in visual and maintenance terms
- the lack of provision for smaller local community groups
- 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:

- Travel patterns associated with the site are outside usual peak flow hours
- 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
- 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: -

- Travel Plan co-ordinator/representative,
- Provision of Electric Vehicle Charging Points,
- Modal share percentages and trip rate targets,
- 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:

- 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
- 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 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:

- 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.

FOLLOWING A FURTHER MEETING WITH THE LLFA AND SUBMISSION OF ADDITIONAL INFORMATION AND A REVISED DRAINAGE STRATEGY: -

The LLFA have received the following documents received 30/1/2023

- Drainage strategy and SuDS assessment P0.3 (Momentum Structural Engineers, 30th January 2023)

The LLFA has the following comments:

1. The LLFA is happy with the discharge levels of 2 l/s from each attenuation tank and there has been justification provided for the removal of blue roofs with the intention to add further SuDS in the form of a terraced rain garden, and potential improvement if conditions are right with further infiltration testing.
2. At detailed design the LLFA would expect to see further details regarding the comments below.

Officer Note: The further detail required by the LLFA can be secured by planning condition.

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: -

- The existing Octagon theatre is sufficient size in this location, Westlands should be enlarged,
- Excessive cost at this time, investment should be in the town centre,
- Loss of trees which should be protected,
- Contrary to Local Plan policies and National Planning Policy Framework,
- Corten cladding is not appropriate in relation to Listed Buildings, and long-term maintenance and consistency of appearance would be uncertain,
- The auditorium may be too large for community and amateur groups and too expensive,
- 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,
- Public transport is not available in the evenings or on Sundays,

- 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: -

- It would be great to attract big name bands and shows,
- Would smaller shows use the cinema theatre,
- 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, new trees are proposed within the park behind the building which will improve the setting and screening of the building and increase biodiversity. Overall, a total of 26 new trees are proposed.

The Councils Tree Officer raised initial concern regarding the proposed tree protection measures and landscaping. Additional information and further details regarding the tree protection and planting has been provided, including planting specifications and surfacing materials. The Tree Officer is now content with the tree protection measures and the landscape proposals are considered to be generally acceptable, although the landscape general arrangement plan is intended to be updated. The Tree Officer has suggested these outstanding matters can be covered by planning conditions regarding the submission of details and satisfactory implementation.

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:-

- the completion of a 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.
- 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

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 commencement of the development, site vegetation clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, the pre-commencement requirements of the submitted scheme of tree measures (Ref: AIA, TPP1 & AMS as prepared by Bosky Trees Arboricultural Consultancy) must be installed and made ready for inspection by a suitably experienced and qualified Arboriculturalist who must confirm in-writing to the Council that the approved tree and hedgerow protection measures (in particular, any required fencing, signage and ground-protection installations) have been installed to a satisfactory standard. To comply with this planning condition, you will need to instruct your appointed Arboriculturalist to contact us at: planning@southsomerset.gov.uk - quoting Planning Reference: 22/02486/FUL.

The approved protection requirements (inclusive of the Arboricultural supervision and compliance-monitoring measures) must remain implemented in accordance with the approved scheme throughout the duration of the construction of the development (inclusive of hard and soft landscaping installations) and they may only be moved, removed or dismantled in accordance with the requirements of the approved scheme.

Reason: To preserve existing landscape features (trees and shrubs) and to ensure that trees to be retained are adequately protected from damage to health and stability throughout the construction period.

05. No development works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme of hard and soft landscaping measures. The submitted scheme shall clearly confirm the details, materials, levels and dimensions of any intended tree or shrub planting, tree pit design, earth-moulding, boundary treatments (for example, hedgerows, fences & walls), seeding, turfing and the installation of hard-surfaces, pathways, driveways and parking spaces. All planting stock must be specified as UK-Grown, and details must be provided in relating to the planting locations, planting matrixes, numbers of individual species, sizes, forms, root-types & root-volumes and the intended timing of planting. Installation details to ensure successful establishment, specifically relating to ground-preparation, the use of bio-degradable geo-textiles and other weed-suppression and ground stabilising measures, surface-mulching, strimmer-guarding, staking, supporting and tying must also be included within the submitted scheme. All planting comprised in the approved scheme must be carried out within the dormant planting season (November to February inclusively) upon or prior to the first occupation of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they must be replaced within the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs and to secure a quality scheme of landscaping.

06. Drainage - exact wording to be confirmed.
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:
- 24 hour emergency contact number;
 - Hours of operation;
 - 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);
 - Routes for construction traffic;
 - Locations for loading/unloading and storage of plant, waste and construction materials being off highway and vehicle movements controlled by a banksman;
 - Method of preventing mud being carried onto the highway including a wheel wash facility and regular employment of a road sweeper;
 - Measures to protect vulnerable road users (cyclists and pedestrians)
 - Any necessary temporary traffic management measures;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - 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.

Briefing - Somerset Statement of Community Involvement Consultation

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Purpose of the Report

Between 1st February and 16th March 2023 the Somerset Councils will be consulting on a draft Statement of Community Involvement (SCI) for the new Somerset Council. The purpose of this report is to brief members that this is happening and to capture any comments they may have on the draft SCI.

Public Interest

This is a briefing report to members on the Statement of Community Involvement (SCI) Consultation for the Somerset Council which will be taking place in Feb/March 2023. The SCI sets out how the Local Planning Authority will engage and consult with the community and stakeholders on planning matters. This includes consultation on planning policy (e.g. Local Plans, Neighbourhood Plans) and Development Management (e.g. determination of planning applications).

Recommendations

1. That members note the content of the attached report and draft Statement of Community Involvement and provide any feedback they may have.

Background

The SCI sets out how the Local Planning Authority will engage and consult with the community and stakeholders on planning matters. This includes consultation on planning policy (e.g. Local Plans, Neighbourhood Plans) and the Development Management process (e.g. determination of planning applications).

The Somerset SCI has been produced as part of Local Government Review process, once it is adopted by the new Somerset Council it will replace the South Somerset Statement of Community Involvement, 2018 and Addendum 2020.

The attached report provides more details regarding the up-coming consultation and the draft Somerset SCI is also appended. Members comments on the draft document are welcomed.

Financial Implications

There are no financial implications of this report.

Council Plan Implications

The production of a Somerset Statement of Community Involvements is one of the products coming out of the LGR Growth 2 workstream and links with Council Plan Priority 5: to effect a safe a legal transition to the new Somerset Council on 1 April 2023.

Carbon Emissions and Climate Change Implications

There are no carbon emissions or climate change implications of this report.

Equality and Diversity Implications

No EIA is required as this report is for information only.

Background Papers

- [South Somerset SCI, 2018](#)
 - [South Somerset SCI Addendum, 2020](#)
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Briefing to Somerset Planning Committees - Somerset Statement of Community Involvement Consultation

February 2023

1. Introduction

Between 1st February and 16th March 2023 the Somerset Councils will be consulting on a draft Statement of Community Involvement (SCI) for the new Somerset Council. Following public consultation, the intention is to then finalise the document to be formally adopted as soon as possible following vesting day. The draft SCI is appended to this document.

2. What is the Statement of Community Involvement

The SCI sets out how the Local Planning Authority will engage and consult with the community and stakeholders on planning matters. This includes consultation on planning policy (e.g. Local Plans, Neighbourhood Plans) and the Development Management process (e.g. determination of planning applications). The SCI therefore includes who we will consult through the various stages of Local Plan preparation, and what consultation methods we will use. In relation to Development Management, it includes details of consultees and neighbours who will be notified of planning applications and expectations for developers and agents in terms of pre-application engagement.

Many members of committee will already be aware of existing separate SCIs that are already in place within their separate Councils. These have been prepared at different times and reflect the specific planning functions of the different Councils under the two-tier system. With the formation of the new Somerset Unitary there is therefore a need to prepare a new single SCI for Somerset as a whole. This will ensure a consistent approach to how we engage with our communities on planning matters after vesting day.

3. How to feedback

As part of the consultation we are keen to hear the views of members of existing planning committees, so these can be taken into account in taking the document forward. Please therefore provide any feedback you have through discussion at committee. Alternatively members can email any comments to their respective planning policy contacts, or comment directly via the online consultation portal.

Appendix A to Report to Executive on 18 January 2023

Statement of Community Involvement – Draft for public consultation

Draft Statement of Community Involvement in Planning Somerset Council

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1. Introduction

This Statement of Community Involvement (SCI) sets out how and when the new Somerset Council will engage the community and stakeholders in planning policy documents and planning proposals. It outlines how and at what stages consultation will be carried out.

Somerset Council is responsible for determining and consulting on planning matters within the authority area, including applications for new development, prior approvals, works to listed buildings and trees, mineral and waste development, and planning enforcement.

This is the first SCI for Somerset Council. It replaces the SCIs for the former districts of Mendip, Sedgemoor, Somerset West and Taunton and South Somerset, and for Somerset County Council. Part of Exmoor National Park lies within the Council's area but Exmoor National Park Authority is responsible for planning matters within their area and so they produce their own separate SCI.

There are two main areas of planning that you can be involved in:

- **Planning Policy** (including Local Plan and Minerals and Waste Plan preparation and preparation of other planning policy documents) – these documents set out the policies or guidance that development proposals will be assessed against.
- **Planning Proposals** (Development Management) – some types of development require a planning application to be submitted and approved. Planning applications can be commented on by the public. Some applications are 'permitted development' and are not required to be advertised.

Consultation will occur in the preparation of policy documents and when planning applications are validated (the process undertaken by the Council to check that new planning applications are complete and include all relevant supporting information). The Council aims to give consultees, stakeholders, and the general public the opportunity to respond to consultations and influence decisions within their area.

The intention of the guidelines set out in this document is to ensure that the process for responding to consultations or influencing decisions is understood and accessible so everyone will be able to give their views on proposals quickly and easily.

Local communities often have a good understanding and detailed knowledge of the issues in their area. The views of both local communities and stakeholders should be considered through plan-making and the planning application processes to ensure the best decisions for the community.

2. Legislative Requirements

Regulation 18(1) of the Planning and Compulsory Purchase Act 2004¹ requires authorities to produce a Statement of Community Involvement (SCI).

The Council has a legal duty to consult in the preparation of Local Plans and on relevant planning applications. These requirements are set out in several pieces of legislation set out below:

- Town and Country Planning Act (1990)² (as amended)
- Planning and Compulsory Purchase Act (2004)³ (as amended)
- Town and Country Planning (Development Management Procedure) (England) Order (2010)⁴ (as amended)
- Localism Act (2011)⁵ (as amended)
- Neighbourhood Planning (General) Regulations (2012)⁶ (as amended)
- Town and Country Planning (Local Planning) (England) Regulations 2012⁷ (as amended)
- Levelling Up and Regeneration Bill (emerging)⁸

3. Equalities and Diversity

This SCI has been prepared in line with equalities legislation and has been completed with an Equalities Impact Assessment.

The Equality Act (2010)⁹ defines nine “protected characteristics”: age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

The Council will work to ensure that these characteristics do not affect people’s ability to respond to our consultation or have their views heard, and impact on these characteristics will be considered in the determination and adoption processes.

Some groups are harder to engage than others and traditional consultation methods may not be effective and, in some cases, further support may be necessary. The Council will endeavour to take account of barriers faced by groups or individuals.

¹ <https://www.legislation.gov.uk/ukpga/2004/5/contents>

² <https://www.legislation.gov.uk/ukpga/1990/8/contents>

³ <https://www.legislation.gov.uk/ukpga/2004/5/contents>

⁴ <https://www.legislation.gov.uk/uksi/2010/2184/contents/made>

⁵ <https://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

⁶ <https://www.legislation.gov.uk/uksi/2012/637/contents/made>

⁷ <https://www.legislation.gov.uk/uksi/2012/767/contents/made>

⁸ <https://bills.parliament.uk/bills/3155>

⁹ <https://www.gov.uk/guidance/equality-act-2010-guidance>

All plan making documents are proposed to be written clearly and concisely with any technical terms or language explained. A translation facilities box will be included on all consultation and adopted DPDs and SPDs, and follow accessibility guidelines. We will also offer a clear and appropriate timescale for comments to be received to allow everyone the opportunity to participate.

As part of the Public Sector Equality Duty¹⁰ the Council will consider all individuals when carrying out day-to-day work. We will have due regard to:

- Eliminating discrimination
- Advancing equality of opportunity

For those who are unable to access information digitally, alternative arrangements can be made such as supported digital viewing, paper copies which could be made available on request or telephone support. Letters of comment can be received online, by email or by post and can be made on behalf of other individuals. They may also be signposted to suitable support such as Planning Aid.

4. Planning Policy

4.1 The Local Plan and Minerals and Waste Plans (“Local Plans”)

This section sets out how the Council will engage the public in any review of policies and future policy making. The minimum requirements for public engagement in planning policy making is set out in various legislation and regulations including the Town and Country Planning Act, the Planning and Compulsory Purchase Act, The Environmental Assessment of Plans and Programmes Regulations 2004, the Conservation of Habitats and Species Regulations, as well as relevant requirements set out under EU Directives. The Council will always meet these requirements and seek to go beyond them where appropriate.

Alongside the National Planning Policy Framework, Local Plans and any made Neighbourhood Plans form the statutory policy framework within which all decisions on planning applications are made. Development Consent Orders follow a different process as set out in Section 5 below.

Within Somerset, the former district level Local Plans will apply to their specific district geographical areas until superseded by a Somerset-wide Local Plan. Somerset Council are required to adopt a new Local Plan by 1 April 2028. Exmoor National Park Authority is the planning authority for the National Park area and has its own Local Plan.

The Local Plans set out the principal policies and proposals for land use and development, contains overall vision and objectives, the development strategy,

¹⁰ <https://www.gov.uk/government/publications/public-sector-equality-duty>

allocate sites for development and present a suite of policies used in decisions on planning applications. Once a Local Plan is adopted, it must be reviewed every five years to establish whether it requires updating.

Supplementary Planning Documents (SPDs) that provide guidance based on the Local Plan policies may be produced from time to time. The arrangements for consultation on SPDs are set out in paragraph 4.2 below.

Who we will notify, consult and involve in plan making

In respect of plan making, the Council is required to engage with some groups to meet the regulations. These are set out below:

Duty to Co-operate Bodies - The Localism Act 2011 places a 'duty to co-operate' on local planning authorities and neighbouring authorities and various public bodies for any strategic cross boundary issues. These bodies play a key role in delivering local aspirations, and cooperation between them and local planning authorities is vital in order to make Plans as effective as possible. These bodies include:

- The Environment Agency
- Historic England
- Natural England
- Civil Aviation Authority
- Homes England
- NHS Somerset Integrated Care Board
- National Health Service
- Office of Rail Regulation
- National Highways
- Marine Management Organisation
- Adjoining Principal Authorities
- Local Enterprise Partnership
- Local Nature Partnership

Specific consultation bodies – are agencies that must be consulted if they are affected by the proposals because they have an interest in the matter. These include organisations such as the Environment Agency and Wessex Water. The full list is at **Appendix 1**.

General consultation bodies – these include local community or amenity groups, residents' associations, businesses, developers, landowners, and other agencies. In particular, the Council will seek to engage with hard-to-reach groups and vulnerable groups. The types of groups are at **Appendix 1**.

Residents and others with an interest – those who live in, or carry out business in, the area.

The Duty to Co-operate bodies, specific and general consultation bodies are contacted formally by letter or email. Members of the public and/or other interested

parties who have registered to be on the online Consultation Portal are also notified of any consultation. Members of the public are informed through general publicity, including the local newspaper, social media, and the Council website.

When and how we will notify, consult, and involve people in plan making

Plan making is undertaken in stages with the opportunity for the community and relevant stakeholders to engage during the process. This includes the partial update of a plan following the required five yearly review. Whilst engagement is an ongoing process throughout plan making, there are specific periods of consultation that are held.

The Council updates its Local Development Scheme, which is the programme for Plan production and review, from time to time. It will be published on the Council's website.

Evidence gathering and identification of issues for the Local Plans:

- The Council researches and gathers evidence to guide the content of the Local Plan. In this early stage of plan production, informal engagement can continue throughout this period and using a variety of formats.
- The Council may use methods such as workshops or surveys to ensure that the Council receives the relevant specialist and local opinions at an early stage. Where appropriate, individuals and parties on the Council's consultee database will be notified.
- It may also involve activities such as the 'Call for Sites' in which interested landowners and their agents are invited to identify their land for future development.
- Dedicated briefings and workshops may be held for specific evidence base studies. Invitations to attend will depend upon the subject matter and targeted consultation may be undertaken with specific interest groups to check the findings or look at information in more detail.

The evidence gathering stage is informed by the findings of studies that can give rise to the need for further investigation. When a degree of understanding has been reached regarding the issues that the Plan should address, the work proceeds to the next stage.

Production of the Draft Local Plan (Regulation 18):

- The Council develops a draft Local Plan (or partial review of the plan) containing proposed policy approaches. The Draft Local Plan undergoes a formal consultation period under Regulation 18 of the Town and County Planning (Local Planning) (England) Regulations 2012. This will last for a minimum of 6 weeks.
- At this stage the Council will make people aware of the consultation primarily through the website, social media coverage, the consultation portal, and the press.
- Other methods that may be used to involve people in the consultation include videos, quick polls, workshops, presentations, surveys, newsletters, forums, or drop-in events.
- The Draft Local Plan will be made available in a range of formats including electronic and hard copies placed at inspection points which may include some libraries and Council offices.
- Due to the large number of responses that we receive, we do not provide individual responses to comments received.

The methods for making comments and the deadline for submission will be set out clearly as part of the consultation to ensure that people who want to comment can do so.

It is recognised that some methods may not suit everybody. However, a variety of methods will be used to enable a greater range of people to be involved in the consultation. The Council will make every reasonable effort to encourage under-represented groups to participate.

Planning policy often includes acronyms and technical language so the Council will do its best to simplify language where possible and may provide 'easy read' summaries. Council officers are always willing to offer advice and explanations if required and can provide documents in a variety of formats, such as Braille or in foreign languages, on request. Further information can be found in the Equalities section of this document.

Following the consultation on the draft Local Plan, the Council will process the comments received. A statement of consultation will be produced containing an overview of the consultation activities undertaken, summary of comments received and how or what the Council will do to take these into account as part of the Local Plan.

The Council will consider the issues raised, and may undertake further work on the Local Plan, which may include further evidence gathering, before it finalises the Local Plan for the 'publication' stage under Regulation 19.

Publication of the Submission Local Plan (Regulation 19):

- Having considered issues raised during the Regulation 18 stage, the Council publishes the Submission Local Plan (or partial review of the plan). This is the version of the Local Plan that it intends to submit to the Secretary of State for examination.
- The Council publicises the Submission Local Plan for formal representations (comments) under Regulation 19 of the Town and County Planning (Local Planning) (England) Regulations 2012. This will last for a minimum of 6 weeks.
- This allows respondents to make representations to explain in writing on a specific electronic form (available in a paper format if required) why they consider that the plan meets (or does not meet) the governments requirements for Local Plans and whether they seek to appear at an examination public hearing session. There will be a guidance note to help fill in the form.
- Any representations (comments) made at this stage cannot remain confidential as the examination is a public process.
- The Submission Local Plan will be made available in a range of formats including electronic and hard copies places at inspection points which may include some libraries and Council offices.

Following the Regulation 19 publication (consultation) period, the Council will process the representations received. Each response is logged and given a unique reference number.

Each response will be posted on the Council's website. Comments and the name of the respondent will be published but any further personal details redacted in line with the General Data Protection Regulation (GDPR). This is to ensure an open and fair examination process as required by the Planning Inspectorate¹¹. A Consultation Statement including a summary of the main issues raised in the responses, and who was informed, will be submitted to the examiner as part of the process.

¹¹ Paragraph 1.21 <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice/procedure-guide-for-local-plan-examinations>

Examination of the Local Plan:

- The Council is required to submit the Submission Local Plan and all of the evidence upon which it is based for examination. This also includes the representations made on the Regulation 19 Plan. All of these documents will be included and updated on the Council's website.
- The government requires that the Submission Local Plan (or partial review) will be examined to assess whether it has been prepared in accordance with legal and procedural requirements set down by Government and whether it is 'sound'. The tests of soundness are set out in the National Planning Policy Framework paragraph 35 (or as updated).
- The examination of the Local Plan involves an Inspector(s) considering all of the written material submitted and holding public hearing sessions.
- The Council will dedicate a section of the website to the Local Plan Examination where all the material and information about the examination will be posted.
- As soon as the Council knows when the public hearing sessions will be held it will publicise these on the website and via social media.
- Those who have indicated a wish to be heard at the public hearing sessions will be contacted by the independent Programme Officer responsible for the administration of the examination.

The Council will publicise the outcome of the examination on the website, social media and in the local press.

Register online to ensure that you are consulted

The Council has an online consultation portal enabling individuals and organisations to register an interest in Council consultations, including planning policy consultations.

The online consultation portal is the council's preferred method for consultation as it enables interested people to manage their own involvement, keep their contact details up-to-date and withdraw consent if they no longer wish to be contacted.

Groups are often under-represented in the consultation process and are therefore encouraged to sign up to the consultation portal so that views can be gathered through the consultation process to appropriately reflect people within our society.

The Council will maintain a database of postal addresses of individuals and organisations who are not able to use or access the online consultation portal to ensure that they can still be involved with the development of local plans and other policy documents. Anyone on a Local Plans postal database with one of the former District or County Councils in Somerset will need to re-provide us with postal details due to the General Data Protection Regulation (GDPR).

GDPR requirements will be followed to ensure that personal data is only required and retained where proportionate and necessary, is only gathered where explicit consent has been provided, is kept securely, and is not disclosed to others.

Evidence base documents

As part of the plan making process, the Council produces (or will commission external consultants on their behalf) an evidence base of documents that inform the Local Plans. Where appropriate, the Council will consult relevant “specific” or “general” consultation bodies on the contents (see Appendix 1).

Strategic Environmental Assessment and Sustainability Appraisal

A Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) Scoping Report is produced when starting the process of Local Plan preparation. This provides a basis for assessing the economic, environmental, and social impact of policies and proposals. In accordance with government guidelines, the Council will ensure that any sustainability appraisal developed is compliant with the Strategic Environmental Assessment Regulations.

A SA/SEA is an iterative process undertaken when preparing each stage of the Local Plan. It informs decisions taken on policy options in relation to strategies, policies, and allocations. The report is consulted on at key points throughout the plan-making process, at the same time as the Local Plan.

4.2 Supplementary Planning Documents

Supplementary Planning Documents (SPD) are non-statutory planning policy documents. They provide additional information or detail on how particular policies in the Local Plan should be applied. The process for the preparation of SPDs is simpler than the more formal requirements of a Local Plan. There is no requirement to undergo independent examination prior to adoption.

Legislation¹² requires the following with respect of public participation when preparing an SPD.

¹² <https://www.legislation.gov.uk/ukxi/2012/767/contents/made>

- Depending upon the subject of the Supplementary Planning Document the Council may invite specific groups or organisations with specialist interest in the subject matter to engage in workshops or provide specific evidence to support production of the Supplementary Planning Document or Guidance.
- When the Council has produced its draft Supplementary Planning Document it will undertake press, Council website and social media coverage of the draft and contact those on its consultation portal inviting comments on the draft. There will be a minimum period of 4 weeks to make representations.
- The comments on the Supplementary Planning Document will all be published on the Council website (with personal contact details redacted).
- A summary of the issues raised and how they are addressed will also be posted on the website.
- The Council will publicise the adoption of the Supplementary Planning Document in the local press, social media and on the Council website. It will inform those who have requested notification of adoption.

From time to time other guidance may be produced that is agreed by the Council to be a material planning consideration in making decisions on planning proposals or documents. The arrangements for consultation will broadly follow that for Supplementary Planning Documents but may vary according to the guidance.

4.3 Neighbourhood Development Plans

Neighbourhood Planning was introduced by the Localism Act 2011. Legislation¹³ sets out the regulatory requirements for making a Neighbourhood Plan.

A Neighbourhood Plan is a community led and prepared document. It guides the future development, regeneration and conservation of the parish or neighbourhood area it covers. The Plan may contain a vision, aims, planning policies, proposals for improving the area or new facilities and site allocations. It can deal with a range of social, economic, and environmental issues, for example housing, employment, heritage, transport.

The production of a Neighbourhood Development Plan is the responsibility of a Parish, Town Council or Neighbourhood Forum. However, the Council has some responsibilities with respect to the process.

¹³ <https://www.legislation.gov.uk/ukxi/2012/637/contents/made>

The Council has a responsibility to advise and assist groups undertaking all forms of Neighbourhood Planning. The Council's policy in this respect is set out below:

In line with its statutory duties the Council will publish on its website:

- The designation of a neighbourhood area including a map showing the extent.
- Draft proposals and supporting documents produced by the Parish, Town Council or Neighbourhood Forum provided they comply with the regulatory requirements and representations will be invited including details of how to respond (under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012). Comments and the name of the respondent will be published but any further personal details redacted in line with the General Data Protection Regulation (GDPR).
- Details of the examination of the Neighbourhood Plan.
- The results of the examination of the Neighbourhood Plan.
- Details of a referendum on a Neighbourhood Plan and the result.
- The making of a Neighbourhood Plan which is the point at which it becomes part of the Development Plan for the Council.

Legislation requires the Parish Council, Town Council or Neighbourhood Forum preparing the Plan to consult with stakeholders during the Neighbourhood Planning process and outlines at which stage consultation should happen. Due to the individual nature of each Neighbourhood Plan, the scope and form of consultation necessary will vary. The Council expects the relevant qualifying body to undertake appropriate and effective consultation with the community and stakeholders. This will identify issues that will shape the form and content of the Neighbourhood Plan.

The Council expects the Parish Council, Town Council or Neighbourhood Forum preparing the Plan to provide details of the engagement undertaken through their consultation statement. This should include a list of organisations, associations and bodies who were consulted, a summary of their input, how any relevant issues have been taken into account and how the draft Neighbourhood Plan has been shaped to take account of them.

The adoption of a Neighbourhood Plan requires a referendum which is organised by Somerset Council, the rules for which can be found in the Neighbourhood Planning (Referendum) Regulations 2012 (as amended by the Neighbourhood Planning (Referendum) (Amendment) Regulations 2013 and 2014) and the Neighbourhood Planning (Prescribed Dates) Regulations 2012. In order to progress to this stage, the Plan must meet basic conditions concerning accordance with national planning policies, general conformity to the adopted Local Plan(s) for the area and contribution to the achievement of sustainable development.

Once the Plan is “made”, it becomes part of the development plan for the area, carrying statutory weight and policy consideration along with the Local Plan for the area when determining planning applications.

Advising and Assisting Neighbourhood Plan Groups

In line with its statutory duties to advise and assist in neighbourhood planning the Council will either undertake these duties itself, or use the services of another organisation, to:

- Maintain the neighbourhood planning pages of the Council website, providing updates on the progress of designated neighbourhood planning areas and the production of any subsequent draft plans or orders.
- Signpost to useful information and sources of funding provided by other organisations.
- Share information on planning issues including information and published evidence relating to the Council’s Local Plan.
- Provide advice on key assessments such as the Strategic Environmental Assessment (SEA) and other supporting evidence.
- Advise on national and local plan policy which any Neighbourhood Development Plan or Order produced would need to have regard to.
- Advise Neighbourhood Planning groups on the process, providing advice on the drafting of a project plan in understanding the milestones and work involved.

4.4 Neighbourhood Development Orders and Community Right to Build (NDO and CRtBO)

NDOs and CRtBOs grant planning permission for specific types of development in a particular area.

Whilst NDO and CRtBO proposals are subject to formal consultation, it is really important to engage with communities and stakeholders from the beginning of the process. This helps to ensure that the community is aware of emerging proposals, well before the formal consultation stage.

Importantly, early engagement means that the knowledge and views of a wider range of people inform the content of the NDO or CRtBO. This means that people can influence the fundamentals of NDOs or CRtBO, rather than being limited to tweaking matters of detail. For CRtBOs, the outcomes of early engagement can inform the development brief.

As with Neighbourhood Plans, close liaison with the Council is important.

If you are submitting either of the above for consideration it will need to be subject to a six-week period of consultation (Regulation 14). This will include consulting

national bodies, which are set out in Schedule 1 of the Neighbourhood Planning (General) Regulations 2012.

Following the consultation period, representations must be considered, and any amendments thought to be necessary must be made to the NDO or CRtBO.

The Council's role

The NDO or CRtBO proposal must be submitted to the Council. We will check that proper procedures and consultation has been carried out in the preparation of the order. The Council will then publicise the order to bring it to the attention of people in the area and consult certain national bodies.

The Council may decline to consider a CRtBO if it considers the development specified in the order is likely to have significant effects on the environment by virtue of its nature, size, or location.

Once the Council has confirmed that the order proposal has followed the required process and includes the necessary documents, it will arrange for it be assessed by an independent examiner. If successful at the examination stage, the Council will arrange for a referendum to take place.

The public will have the opportunity to vote in the referendum which will confirm if the order should be made (agreed). Once the order is made, development that is permitted under an NDO can take place without having to apply for planning permission. However, if the order is subject to conditions or limitations, then an 'approvals application' may have to be made to the Council to confirm that each development proposal satisfies the relevant conditions or limitations.

4.5 Conservation Area Appraisals

Conservation Area Appraisals and boundary reviews

It is a duty¹⁴ of the Council to, from time to time, review whether any parts or any further parts of their area should be designated as conservation areas and designate those parts accordingly. There is no legal requirement to consult on Conservation Area Appraisals or new Conservation Area boundaries or boundary reviews.

However, the Council may engage with local groups such as the Parish/ Town Council to undertake a 'fact checking' exercise prior to adopting the appraisal or boundary review.

Aligning with Historic England's advice, the Council will consider how to best inform local people about a new appraisal or boundary review to ensure that everybody is aware of the designation, its benefits, and implications.

Conservation Area Management Plans

¹⁴ <https://www.legislation.gov.uk/ukpga/1990/9/contents>

The Council has a duty to, from time to time, formulate and publish proposals for the preservation and enhancement of any of our conservation areas, also known as a Conservation Area Management Plan. There is a legal requirement for the Council to arrange a public meeting in the area to which the management plan relates.

The Council will collate responses and have regard to any views expressed at the meeting.

5. Planning Proposals (Development Management)

5.1 Introduction

The Planning System enables Local Authorities to determine applications for development and change of use of land or buildings. National planning legislation, regulations and guidance set out what should be included in an application and the process of making decisions on their acceptability.

Development Management decisions shape the character of the area. A range of applications are determined by the Council, including householder development, extensions to domestic or commercial sites, fences, listed building and tree applications, changes of use, advertisements, major housing development, commercial development, mineral applications, waste applications, planning enforcement, major highway schemes and the Council's own development. Nationally Significant Infrastructure Projects (NSIPs) follow a different process that are set out in The Planning Act 2008. Development Consent Orders (DCOs) are submitted to the Planning Inspectorate and a 6 stage process is followed involving pre-application, acceptance, pre-examination, examination, recommendation and decision, and post decision. The Planning Inspectorate must prepare a report on the application to the relevant Secretary of State, including a recommendation, within three months of the close of a six month Examination stage. The relevant Secretary of State then has a further three months to make the decision on whether to grant or refuse development consent. Once a decision has been issued by the relevant Secretary of State, there is a six week period in which the decision may be challenged in the High Court. This process of legal challenge is known as Judicial Review.

The National Planning Policy Framework (NPPF)¹⁵ expects Councils to have a positive approach to decision-taking in order to deliver sustainable development. Councils are expected to proactively work with applicants to secure development aiming to improve the economic, environmental, and social conditions of an area.

There are four stages during the planning application process where the local community and stakeholders are consulted and/or notified about the proposals:

¹⁵ <https://www.gov.uk/guidance/national-planning-policy-framework>

1. Pre-application stage: undertaken **by the applicant** once or a number of times. The scale and extent of consultation is dependent on scope and scale of proposal and whilst encouraged is not a requirement prior to submission of a planning application for the majority of applications.
2. Application stage: formal consultation on the application undertaken **by the Council**.
3. Appeal consideration: consultation is undertaken **by the Council** on behalf of the Planning Inspectorate (PINS); additional formal comments may be submitted to the Inspector prior to the determination of the appeal.

Government legislation, including Planning Acts, Orders and Regulations, set out the approach to consultation, publicity, and community involvement that the Council and applicants are required to undertake in regard to planning applications.

This SCI will be utilised by the Council to set expectations for applicant led consultation and guide the approach taken to consultation in the planning application process.

5.2 Pre-Application stage

Pre-application consultation is the responsibility of the applicant. This section of the SCI focuses primarily on setting the standards the applicant is encouraged to follow prior to making an application for planning permission.

Councils cannot require that a developer submits a pre-application proposal or engages with them before submitting a planning application, but the take-up of any pre-application services they offer is strongly encouraged. Pre-application advice is subject to payment of an appropriate fee based on the size and scale of the development.

Applicants are also encouraged to undertake appropriate and effective pre-application consultation with the local community and, where relevant, with statutory and non-statutory consultees, prior to submitting an application. There is an expectation that applicants that are promoting rural exception sites to meet a specific community need should engage with the local community prior to submitting an application. The applicant is encouraged to seek the views through early engagement to highlight issues, and potential amendments to address comments or concerns of both the Council and the local community which can then influence and shape the design of the development. Additional information requirements can also be highlighted at this stage. The Council does not consult neighbours or parish councils on applications for Pre-application advice and advice given is not publicly available.

The Council also offers Planning Performance Agreements to applicants and developers, for an additional fee, for an enhanced service with respect to their proposal. A planning performance agreement is a project management tool which

the Council and applicants can use to agree timescales, actions, and resources for handling particular applications.

5.3 Application stage

Once an application has been submitted to the Council it is checked to ensure it is valid and, if so, it is registered and allocated to a Case Officer. The application, and all accompanying documents are then published on the Council's website.

Who can comment?

Anyone is allowed to comment on planning applications whether or not they have been consulted. Consultees on applications include the following groups:

- Statutory consultees (those that we must consult to fulfil our statutory duty)
- Non-statutory consultees (those we consult to inform the application)
- Adjoining owners or occupiers (where required as set out below)

Who is consulted?

It is required under Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Council carries out consultation on applications.

For certain types of application, the Council is also obliged to consult with statutory consultees. Appendix 1 provides an extract of from Government guidance that confirms the up-to-date list of statutory requirements to consult particular bodies or persons on applications for planning permission in prescribed circumstances. This is not a definitive list. It does not necessarily include, for example, all the bodies which must be consulted as a consequence of a consultation direction.

Consultation will be proportionate to the application being considered.

Other, non-statutory consultees may be consulted on an application if the Council considers that their professional advice is required. The requirement for this type of consultation is determined on a case-by-case basis and could occur after validation if the case officer considers it necessary.

Adjoining owners or occupiers will also be notified where required as set out below.

How do we consult?

Publicity

The Council has a duty¹⁶ to ensure applications and decisions are properly publicised to ensure that everyone can meaningfully engage with the process. The

¹⁶ Regulation 15 <https://www.legislation.gov.uk/uksi/2015/595/article/15/made>

way in which a particular application is publicised will depend upon the nature, scale and location of the development proposed.

The Council is required to publicise an application either by serving a written notice to neighbours or by displaying a site notice, depending on the type of application. Where neighbours are to be notified, as a minimum the Council will notify any adjoining owner or occupier. If a site notice is required, it will be displayed in a prominent position on or near to the site. Appendix 3 provides an extract from Government Guidance summarising these requirements.

A Public Notice will also be placed in the local newspaper if required, for example for major developments, applications contrary to the Local Plan and some statutory applications (e.g. those within Conservation Areas).

The letter, notice or advert will contain details of the planning application and a link to the Council's website where the plans and supporting documents can be viewed. Additionally, it will provide a link for comments to be made online.

Although most applications are subject to a 21 day consultation period, this can vary depending on the type of application and can range from 14 to 30 days. The consultation deadline for each specific application will be clearly stated in the letter, notice, advert and online. Information on statutory publicity requirements is available on the Government's website.

Other Consultation Methods

Other than the statutory consultation methods discussed above, the Council may decide to utilise some optional methods of consultation for planning applications depending on the size and scale of the proposal.

How to comment on planning applications

All comments should be submitted online within the consultation period set out in the consultation letter, notice, or advert you may have seen. You can still comment online after the consultation period has expired and until a decision is made, however, we recommend you do so as soon as possible because a decision can be made at any time after the expiry of the consultation period.

To track progress of an application, search the online application database. Using the application reference number is the easiest way to find the application.

What do we do with comments received?

Comments received will be published on the Council's website. Comments will not be viewable to the public until the content has been checked and we endeavour to upload comments within 5 working days of receipt.

Personal information such as the name and address of the respondent will be published but phone numbers, email addresses and signatures will be

removed/redacted. Anonymous representations will not be accepted. Please ensure that you only provide information belonging to you and that you are happy will be made available to others.

The Council can only consider comments which relate to material planning issues and planning applications. Examples of these matters include, but are not limited to:

- Loss of light or overshadowing
- Overlooking or loss of privacy
- Transport problems
- Noise and disturbance resulting from use
- Hazardous materials
- Smells
- Loss of trees
- Effect on listed buildings and Conservation Areas
- Layout and density of buildings
- Design, appearance, and materials
- Planning policy
- Previous planning decisions
- Nature conservation
- Archaeology

Examples of what is not considered a material consideration include loss of value to a property, background of the applicant, or the loss of a person's private view. We would not publish photographs of certain protected species and habitats where this could give rise to their subsequent disturbance.

Some applications are limited in terms of what can be considered as part of the determination. Prior Approvals are a form of permitted development with considerations for any Prior Approval application set out in legislation. If comments raise issues outside of the listed considerations, they cannot be taken into account.

Comments will not be accepted that are offensive, obscene, racist, or malicious. Content will be redacted to remove any comments that are considered inappropriate and could be returned. We may pass such material on to the Police.

Please do not include hyperlinks in your representations as you will be asked to remove them because the Council is unable to control information on other websites. All comments will be taken into account but will not be acknowledged. Please note that the Council does not normally respond to individual representations given the volume received.

Decisions

After a decision has been made, a copy of the decision notice will be made available to view on the Council's website by searching for the specific planning application.

5.4 Planning Appeals

An applicant has the right to appeal if they disagree with the Council's decision to refuse the application. They also have the right to appeal against non-determination if a decision is not made within the required time period. Applicants must lodge an appeal with the Planning Inspectorate (PINS) who will confirm it is valid before initiating proceedings and issuing a start date.

In most cases appeals must be made within 6 months of the date on the decision notice from the Council. The right of appeal is only available to the applicant and not to any third parties.

There are three types of appeal: Written Representations, Hearing, or Inquiry. There are also fast track householder appeals which are considered and determined based on the officer's report.

Most appeals are considered via written representations. More complex or controversial appeals are usually considered via a Hearing or Inquiry. Irrespective of the type of appeal, members of the public and other interested parties are notified by the Council on behalf of PINS and have the opportunity to forward any additional comments to the Planning Inspectorate. Comments originally submitted on the application that was refused planning permission are forwarded to PINS for consideration when the appeal is registered. Unless a new issue has emerged, there is no need for members of the public and interested parties to re-submit their original comments.

The Council will write to those who were originally consulted informing them of the appeal and outlining the appeal process. A time limit of six weeks is allowed in which comments can be forward to the Inspector. Applicants, agents and third parties can register to attend and are given an opportunity to address the Inspector during an Informal Hearing and Public Inquiry to expand on or discuss their concerns on the application.

Further information can be found on the Planning Inspectorate website¹⁷

5.5 What we will do if you feel unfairly treated

The level of service you can expect from the Council is set out in our Service Standards. If a person is not happy with the service they have received they should contact the service manager in the first instance. If they are dissatisfied with the response, they can make a formal complaint through the Council's complaints procedure.

If you have gone through the Council's complaints procedure and remain unsatisfied with the service you have received, the Local Government Ombudsman investigates

¹⁷ <https://www.gov.uk/topic/planning-development/planning-permission-appeals>

complaints of injustice arising from misadministration by Local Government and certain other bodies. The Ombudsman can investigate complaints about process and whether the appropriate procedures were followed, they cannot overrule planning decisions on applications.

6. Monitoring and Review

Legislation requires the SCI to be updated every five years. It will be reviewed to ensure it meets any national regulations, the needs of the community and our corporate objectives.

Appendix 1 – Consultations bodies for Local Plans

“**Specific Consultation Bodies**” to be consulted as the local planning authority consider may have an interest in the subject of the proposed local plan as set out in Regulation 2(1) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)¹⁸.

National Agencies and organisations	Environment Agency National Highways Homes England Historic England Natural England Sport England The Coal Authority Network Rail Marine Management Organisation Civil Aviation Authority* Officer for Road and Rail*
Regional Agencies and Strategic Bodies	Heart of South West Local Enterprise Partnership Local Nature Partnership Avon and Somerset Constabulary NHS Somerset Integrated Care Board NHS England
Other planning authorities relevant to Somerset	Exmoor National Park Authority Bath and North East Somerset Council North Somerset Council Wiltshire Council Dorset Council Devon County Council East Devon District Council Mid Devon District Council North Devon District Council Mendip Hills Area of Outstanding Natural Beauty (AONB) Cranbourne Chase AONB Blackdown Hills AONB Quantock Hills AONB East Devon AONB Dorset AONB
Town, City and Parish Councils	Town and Parish Councils in and adjacent to the Local Planning Authority area.

¹⁸ <https://www.legislation.gov.uk/ukxi/2012/767/regulation/2/made>

Infrastructure Providers	National Grid Western Power Distribution Wales and West Utilities RWE npower renewables EDF Energy Office for Nuclear Regulation (for matters relating to Hinkley A and B) South West Water Wessex Water Parrett Internal Drainage Board British Telecom PLC Commpro Telecommunications Mobile Operators Association (MOA) Mono Consultants Ltd. T-Mobile (UK) Ltd O2 (UK) Ltd Orange Personal Communications Vodafone Ltd
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* Relates solely to Duty to Cooperate

“General Consultation Bodies” to be consulted as the local planning authority consider appropriate as set out in Regulation 2(1) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended):

- (a) voluntary bodies some or all of whose activities benefit any part of the local planning authority's area,
- (b) bodies which represent the interests of different racial, ethnic, or national groups in the local planning authority's area,
- (c) bodies which represent the interests of different religious groups in the local planning authority's area,
- (d) bodies which represent the interests of disabled persons in the local planning authority's area,
- (e) bodies which represent the interests of persons carrying on business in the local planning authority's area.

These could include:

Community Support and Hard to Reach Community	<ul style="list-style-type: none"> • Older persons groups • Youth groups • Mental health and well-being Disability groups • Churches and Faith groups
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	<ul style="list-style-type: none"> • Cultural Organisations • Individuals and Groups representing Gypsies, Travellers & Showpeople
Housing	<ul style="list-style-type: none"> • Housing Associations/Registered Providers • Tenants Groups & Housing Initiatives • Residents and Neighbourhood Groups
Environmental Organisations & Groups	<ul style="list-style-type: none"> • Environmental organisations • Local amenity societies and Trusts • Wildlife groups • Local food initiatives
Sport & Recreation	<ul style="list-style-type: none"> • National/local sports organisations • Sport clubs • Cultural organisations
Heritage & Culture	<ul style="list-style-type: none"> • Historical/Archaeological organisations • Town and village societies and associations • Arts organisations
Transport & Accessibility	<ul style="list-style-type: none"> • Rail and bus groups • Groups supporting cycling and walking • Community sustainable transport initiatives
Education & Health	<ul style="list-style-type: none"> • Schools, colleges, and other education/training providers • Health organisations
Development Industry	<ul style="list-style-type: none"> • Housebuilders/developers • Professional interest (agents, promoters, architects, consultants) • Significant Landowners • Other landowners promoting sites for development
Businesses	<ul style="list-style-type: none"> • Chambers of trade and commerce • Key Employers • Town centre strategy groups • Business groups • Farming organisations
Individuals & Others	<ul style="list-style-type: none"> • Individuals and organisations requesting to be on planning policy mailing list and those added to the list through making a response to a planning document (and have not opted out)

Appendix 2 – Statutory consultees on applications

Extract from Planning Practice Guidance [Consultation and pre-decision matters - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/consultation-and-pre-decision-matters)

Table 2 – Statutory consultees on applications for planning permission

The table below contains a list of statutory requirements to consult particular bodies or persons on applications for planning permission in prescribed circumstances. The table also includes links to planning guidance that encourages consultation with those bodies in other circumstances. This is not a definitive list. It does not necessarily include, for example, all the bodies which must be consulted as a consequence of a consultation direction.

Statutory consultee	Type of development
Canal and River Trust	Schedule 4(za) Development Management Procedure Order
Coal Authority	Article 26 and Schedule 4(o) Development Management Procedure Order
Control of major-accident hazards competent authority (COMAH)	Schedule 4(zb) Development Management Procedure Order
County Planning Authorities	Paragraph 7 of Schedule 1 to the Town and Country Planning Act 1990, Article 21 Development Management Procedure Order and Schedule 4(b)(c) Development Management Procedure Order
Crown Estates Commissioners	Article 26 Development Management Procedure Order
Department for Business, Energy and Industrial Strategy	Article 26 Development Management Procedure Order

Designated Neighbourhood Forum	Paragraph 8A inserted into Schedule 1 of the Town and Country Planning Act 1990 and Article 25A and paragraph (d) of Schedule 4 of the Development Management Procedure Order 2015
Environment Agency	Schedule 4(p)(t)(u)(v)(zc)(zd) Development Management Procedure Order
Forestry Commission	Paragraph 4 of Schedule 5 of Town and Country Planning Act 1990
The Gardens Trust	Schedule 4(s) Development Management Procedure Order and see also guidance on conserving and enhancing the historic environment
Greater London Authority	Mayor of London Order 2008 (as amended)
Health and Safety Executive	Schedule 4(e) and (in relation to applications for planning permission made on or after 1 August 2020 (zg) Development Management Procedure Order, see also guidance on hazardous substances and advice for local planning authorities on consulting Health and Safety Executive on planning applications; and paragraph 113 of guidance on minerals
[Relevant] Highways Authority (including Highways England)	Schedule 4(g)(h)(i) Development Management Procedure Order
Historic England	Schedule 4(g)(r)(s) Development Management Procedure Order and see also guidance on conserving and enhancing the historic environment

Lead local flood authority	Schedule 4(ze) Development Management Procedure Order
Local Planning Authorities	Schedule 4(b)(c), Article 19 and Article 24 Development Management Procedure Order, Paragraph 4(2) Schedule 1 and Paragraph 7 of Schedule 1 of the Town and Country Planning Act 1990 and Paragraph 3(b) of Schedule 4 to the Planning (Listed Buildings and Conservation Areas) Act 1990
National Parks Authorities	Schedule 4(a) Development Management Procedure Order
Natural England	Schedule 4(w)(y)(zb) Development Management Procedure Order and Paragraph 4 of Schedule 5 of the Town and Country Planning Act 1990
Office for Nuclear Regulation	Schedule 4(f) Development Management Procedure Order and see also deciding planning applications around hazardous installations guidance
Oil and Gas Authority	Article 26 Development Management Procedure Order
Parish Councils	Article 25 Development Management Procedure Order and Schedule 4(d) Development Management Procedure Order
Rail Infrastructure Managers	Article 16 Development Management Procedure Order
Rail Network Operators	Schedule 4(j) Development Management Procedure Order and see also guidance on transport

<u>Sport England</u>	<u>Schedule 4(z) Development Management Procedure Order</u> and see also <u>guidance on open space, sports and recreation facilities</u>
<u>Theatres Trust</u>	<u>Schedule 4(x) Development Management Procedure Order</u>
<u>Toll Road Concessionaries</u>	<u>Schedule 4(m) Development Management Procedure Order</u>
<u>Water and sewerage undertakers</u>	<u>Schedule 4(zf) Development Management Procedure Order</u>

Paragraph: 030 Reference ID: 15-030-20190722

Appendix 3 – Statutory publicity requirements

Extract from Planning Practice Guidance [Consultation and pre-decision matters - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/consultation-and-pre-decision-matters)

Table 1 – Statutory publicity requirements for applications for planning permission and listed building consent

Type of development	Site notice	Site notice or neighbour notification letter	Newspaper advertisement	Website
Applications for major development as defined in Article 2 of the Development Management Procedure Order (which are not covered in any other entry) (including an application for public service infrastructure development made on or after 1 August 2021)	-	X	X	X
Applications subject to Environmental Impact Assessment which are accompanied by an environmental statement	X	-	X	X
Applications which do not accord with the development plan in force in the area (including an application for public service infrastructure development made on or after 1 August 2021)	X	-	X	X

Applications which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies (including an application for public service infrastructure development made on or after 1 August 2021)	X	-	X	X
Applications for planning permission not covered in the entries above eg non-major development	-	X	-	X
Applications for listed building consent where works to the exterior of the building are proposed	X	-	X	X
Applications to vary or discharge conditions attached to a listed building consent or involving exterior works to a listed building.	X	-	X	X
Applications for development which would affect the setting of a listed building, or affect the character or appearance of a conservation area.	X	-	X	X

Note: the [Environment Impact Assessment guidance](#) sets out further publicity and consultation requirements for applicants where this is relevant.

Paragraph: 029 Reference ID: 15-029-20170728