

## South Somerset District Council

**Minutes** of a meeting of the **Regulation Committee** held in the **Council Chamber, Council Offices, Brympton Way, Yeovil on Tuesday 14 February 2023.**

(10.00 - 11.45 am)

**Present:**

**Members:** Councillor Peter Gubbins (Chairman)

Tony Capozzoli	Peter Seib
Sarah Dyke	Andy Soughton
Tony Lock	Martin Wale
Paul Rowsell	Mike Stanton
Dean Ruddle	Mike Lewis

**Officers**

Jo Boucher	Case Officer (Strategy & Support Services)
Dan Bennett	Property and Development Project Manager
Natalie Fortt	Regeneration Programme Manager
Adam Burgan	Arts & Entertainment Manager
John Hammond	Lead Specialist (Built Environment)
Debbie Redding	Specialist, Planning
Jan Gamon	Director of Place, Recovery and Arts and Entertainment (via zoom)

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### 148. Minutes (Agenda Item 1)

The minutes of the Regulation Committee meeting held on 17<sup>th</sup> January 2023, copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

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

Apologies for absence were received from Councillor Adam Dance who was substituted by Councillor Mike Stanton and Councillor Sue Osbourne who was substituted by Councillor Mike Lewis.

Apologies for absence were also received from Councillor Jason Baker and Councillor Paul Maxwell.

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

There were no declarations of interest.

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## 151. Public Question Time (Agenda Item 4)

There were no questions from members of the public.

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## 152. Planning Application 22/02486/FUL - Octagon Theatre, Hendford, Yeovil, Somerset, BA20 1UX (Agenda Item 5)

***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.***

The Planning Specialist presented the application and with the aid of slides, she proceeded to highlight the site and proposed plans including:

- Levels and access to the building including rear service entrance.
- Various elevations.
- Highlighted the fly tower extension.
- Location of trees, tree removal plans and those trees to be retained.
- Proposed landscape plan.
- Heritage impact on the listed buildings of Hendford Manor and the Coach House along with the conservation area.
- Other nearby listed buildings located on Hendford and nearby modern developments highlighting the impact of the new proposal to the area where visible.
- Illustrative plans of the proposed building and outside areas.
- Proposed plan of the vehicle tracking – articulated lorries
- Proposed drainage plans including surface water drainage, location of proposed attenuation tanks, rain garden and proposed permeable and impermeable surfaces.

The Planning Specialist presented the key considerations and comments in summarised form were:

- Principle of Development – Located with the town centre and identified as development for leisure and culture with benefit to both the local people and visitors to the area.
- Landscape and Trees – Initial concerns were raised regarding the detail of tree protection and landscaping scheme, however following further discussion and additional information the council's tree officer is now satisfied subject to the relevant conditions.
- Heritage Impact – Acknowledge there is some impact but consider it to be less than substantial harm and with considerable public benefit is acceptable and therefore outweighs the harm. She noted the improved landscaping and the removal of parking and that the proposed mitigation suggested by Historic England could not be provided where this was not in the control or ownership of the applicant.
- Access and Parking – No objections have been raised by the Highways Authority with the adjacent Petters Way car park and with several other car parks in close proximity and provision of disabled parking to be acceptable. As requested by

the Highway Authority a travel plan will be implemented and controlled with a legal agreement if required.

- Drainage – Updated the comments from the LLFA who are satisfied with the revised drainage strategy. These details can be controlled with by condition with the wording to be confirmed with the LLFA.

Referring to the slides she proceeded to clarify that her recommendation was to approve the application subject to:

- The completion of suitable legal agreement 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.

And with the conditions as set out in the agenda report with the wording of Condition 6 to be confirmed with the LLFA.

In response to members' questions the Planning Specialist and Lead Specialist, Planning clarified:

- The procedure regarding consultation of airfield safeguarding.
- 13 trees would be lost, and 26 replacement trees proposed within the scheme.
- Encouragement of alternative forms of transport would be included within the travel plan with proposed cycle parking alongside the existing building.
- Confirmed that EV charging points were already located within the Petters Way car park but did not believe any E bike parking points were proposed as this was not a specific requirement.
- Showed the comparative heights of the proposal against the adjacent Maltravers house building.
- The proposed turning area for lorries and that this is considered acceptable by the highway's authority and as an existing theatre is already serviced by articulated lorries.
- Nearby car parks and their future use or development is not part of this application and that any change of use would be subject to a separate planning application.
- Hendford Manor is a Grade II\* Listed Building and explained the process of identifying the significance of the heritage asset with particular regard to the front façade of the building.
- The total seating capacity as proposed is 1090 split between the main auditorium and two cinemas.
- The current car parking provision and other public transport services within the area is considered acceptable.
- Confirmed the location of the roof terrace, and although acknowledged the concern regarding potential bird strike, explained the government guidelines and what they perceive as risk. It is considered that this application provides similar arrangements to many current town centre sites with no more outside dining areas than some local pubs.
- The proposed disabled parking and that the main entry level was to be located on the first floor and on a level with the Petters Way car park.

A member of the public addressed the committee and spoke in objection to the application. His comments included:

- The project would transform the building into a 'rust box' which is in the conservation area and was a superb venue as it stands.
- Raised concern regarding the escalating costs reaching over £28 million.
- Felt the increase in seating was unnecessary as believed the current facility was never at full capacity and that additional costs would equate to over £96k per seat.
- Questioned the lack of public transport to the venue including the absence of bus services and how people were expected to visit the venue at the evening and weekends.
- Did not consider it a good use of public money when it could be spent on other local facilities such as the Crematorium.

The applicant and Project Manager for the Octagon redevelopment then addressed the committee. Referring to the slides he clarified the vehicle access and turning area for articulated lorries, how this will be improved under the application and explained the reasoning why preserving the current access was the best option.

He confirmed there were already a significant number of EV charging points located within the scheme but noted the comments raised regarding lack of bicycle E charging points and would also look to incorporate these within the scheme. He confirmed the proposed cinemas would be a commercial venture showing a mixed programme of films and host various spoken word events.

Following members discussion, several comments were made including:

- Considered the original setting of the heritage assets had long since been eroded and believed this proposal to have very little impact on the main focus of the adjacent listed building and is less than substantial harm which is outweighed by the public benefit.
- Felt the current car parks located within the area offered sufficient car parking provision and far more than other larger venues within the southwest.
- Appreciated the improvement to the vehicle access for lorries to service the theatre.
- Project will be a transformation of the whole service that will play a huge role in the cultural offer to the town and enable more opportunity and engagement to the wider area attracting many more people into the county and local areas.
- Believe this to be a huge improvement on what is already an outstanding facility and an excellent opportunity for the whole of Somerset and of strategic importance to the area.
- Need to ensure maximum tree planting and biodiversity enhancements are undertaken and the need to encourage people to enjoy the outside space this project provides.
- Need to encourage people to use alternative transport including public transport and other modes of transport that do not rely on fossil fuel.
- This will be an investment for many years to come which will attract bigger productions which subsequently will attract bigger audiences to the theatre and local area.
- Need to be 'bold' and although raised some concern regarding the proposed cladding felt this to be of modern heritage design and was a fantastic opportunity for Yeovil and surrounding areas.

There being no further debate it was then proposed and seconded to approve the application as per the officer's recommendation and with the conditions as set out in the agenda report with the wording of Condition 6 to be confirmed with the LLFA. On being put to the vote this was carried by 8 votes in favour, 2 against and 1 abstention.

**RESOLVED:**

That application **22/02486/FUL** be approved for the following reason:

Delegate for approval subject to:-

- o 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.
- o agreement of the drainage strategy and suitable conditions in agreement with the LLFA.

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

**SUBJECT TO THE FOLLOWING:**

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

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

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

- OCT-2063-FCBS-ZZ-ZZ-DR-A-1050\_Location Plan-P02
- OCT-2063-FCBS-ZZ-ZZ-DR-A-1051\_Block Plan - Proposed-P01
- OCT-2063-FCBS-ZZ-0A-DR-A-0600\_GA-Plan-1-200-Level-0A-P01
- OCT-2063-FCBS-ZZ-1A-DR-A-0601\_GA-Plan-1-200-Level-1A-P01
- OCT-2063-FCBS-ZZ-2A-DR-A-0602\_GA-Plan-1-200-Level-2A-P01
- OCT-2063-FCBS-ZZ-ZZ-DR-A-0604\_GA-Plan-Technical and Gallery Levels- P01
- OCT-2063-FCBS-ZZ-B1-DR-A-0605\_GA-Plan-1-200-Level-B1-P01
- OCT-2063-FCBS-ZZ-R3-DR-A-0606\_GA-Plan-1-200-Level-R3-P01
- OCT-2063-FCBS-ZZ-ZZ-DR-A-1920\_Demolition-Plan-Level-0A-B1-P01
- OCT-2063-FCBS-ZZ-ZZ-DR-A-1921\_Demolition-Plan-Level-1A-P01
- CCT-2063-FCBS-ZZ-ZZ-DR-A-0700\_GA-Section-AA-Stage-P01
- OCT-2063-FCBS-ZZ-ZZ-DR-A-0701\_GA-Section-BB-Auditorium-Long-P01
- OCT-2063-FCBS-ZZ-ZZ-DR-A-0702\_GA-Section-CC-Extension-P01
- OCT-2063-FCBS-ZZ-ZZ-DR-A-0703\_GA-Section-DD-Extension-P01
- OCT-2063-FCBS-ZZ-ZZ-DR-A-0704\_GA-Section-EE-Auditorium-Cross-P01

OCT-2063-FCBS-ZZ-ZZ-DR-A-0800\_GA-Elevation-North-P01  
OCT-2063-FCBS-ZZ-ZZ-DR-A-0801\_GA-Elevation-East-P01  
OCT-2063-FCBS-ZZ-ZZ-DR-A-0802\_GA-Elevation-South-P01  
OCT-2063-FCBS-ZZ-ZZ-DR-A-0803\_GA-Elevation-West-P01  
OCT-2063-FCBS-ZZ-ZZ-DR-A-0804\_GA-Elevation-North West-P01

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

Reason: In the interests of sustainable development.

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

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

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

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

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

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

11. Prior to first use of the development hereby permitted the on-site parking spaces for blue badge holders and a properly consolidated and surfaced turning space for vehicles shall be provided and constructed within the site as detailed on the approved plans. Such parking and turning spaces shall be kept clear of

obstruction in perpetuity and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

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

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

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

13. No development shall take place, including any demolition works, until a construction Environment management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include:

- o 24 hour emergency contact number;
- o Hours of operation;
- o Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- o Routes for construction traffic;
- o Locations for loading/unloading and storage of plant, waste and construction materials being off highway and vehicle movements controlled by a banksman;
- o Method of preventing mud being carried onto the highway including a wheel wash facility and regular employment of a road sweeper;
- o Measures to protect vulnerable road users (cyclists and pedestrians)
- o Any necessary temporary traffic management measures;
- o Arrangements for turning vehicles;
- o Arrangements to receive abnormal loads or unusually large vehicles;
- o Methods of communicating the CEMP to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of highway safety and amenity.

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

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

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

Reason: To enhance or protect biodiversity.



## **Informatives:**

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

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

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

*(voting: 8 in favour, 2 against, 1 abstention)*

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## **153. Briefing - Somerset Statement of Community Involvement Consultation (Agenda Item 6)**

The Chairman explained to members the purpose of the report and invited comments from members on the draft Statement of Community Involvement (SCI) for the new Somerset Council.

Following a short discussion, members comments included:

- Did not consider the document to be well structured, as it does not contain all matters that should be included within a Statement of Community Involvement.
- Felt the document was not set out in a user-friendly way so confusing for the public.
- No mention of the weekly list and the ability to subscribe to the validation phase of planning applications. This is valued highly by town and parish councils and should be secured.
- Document should noticeably contain airfield safeguarding guidelines and that the military airfield list should be part of the safeguarding process.
- Felt the new authority should consider the way SSSC operates, as the new proposed constitution does not meet the needs of local community engagement.

In conclusion the Chairman felt that members should look to provide individual comments direct to the new Somerset Council as he believed this would be a much better way to provide a more detailed response.

The Lead Specialist, Planning noted the comments raised and would deliver this feedback to the Somerset Councils.

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**154. Date of Next Meeting (Agenda Item 7)**

Members noted the date of the next meeting scheduled for 10.00am Tuesday 21<sup>st</sup> March 2023.

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Chairman

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Date