

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

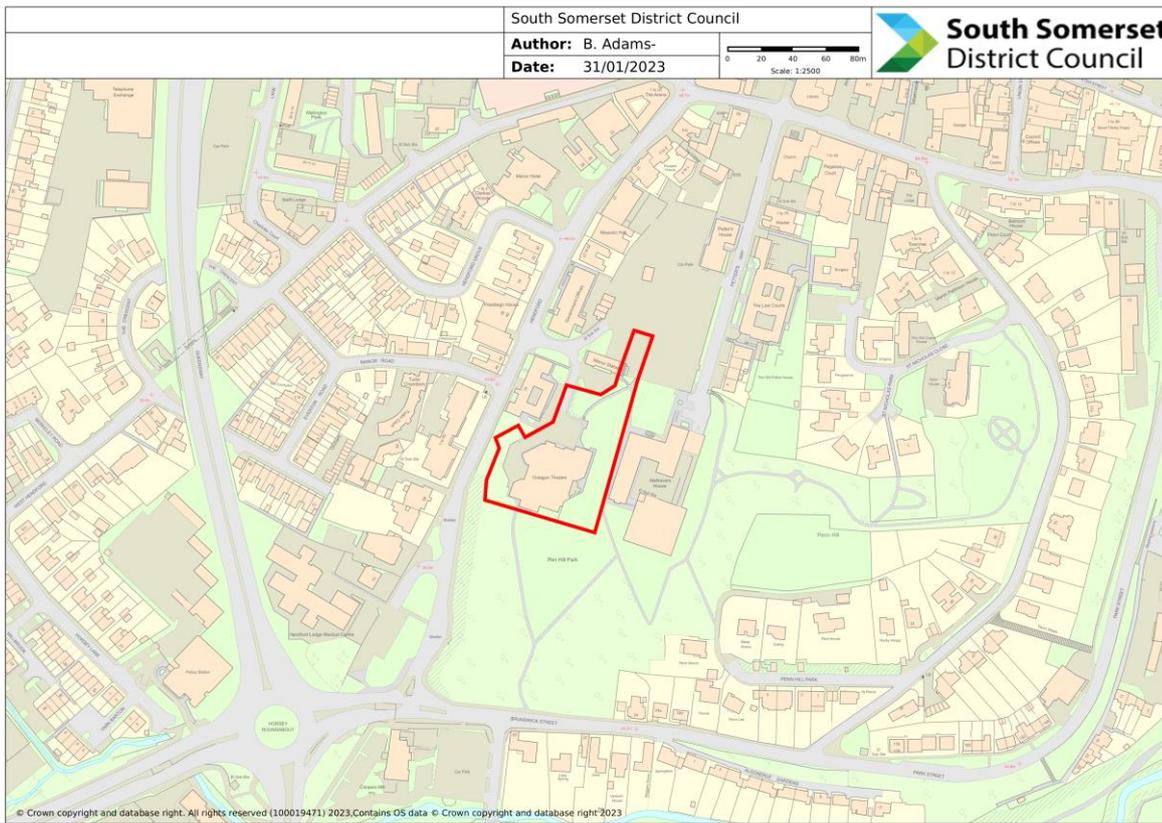
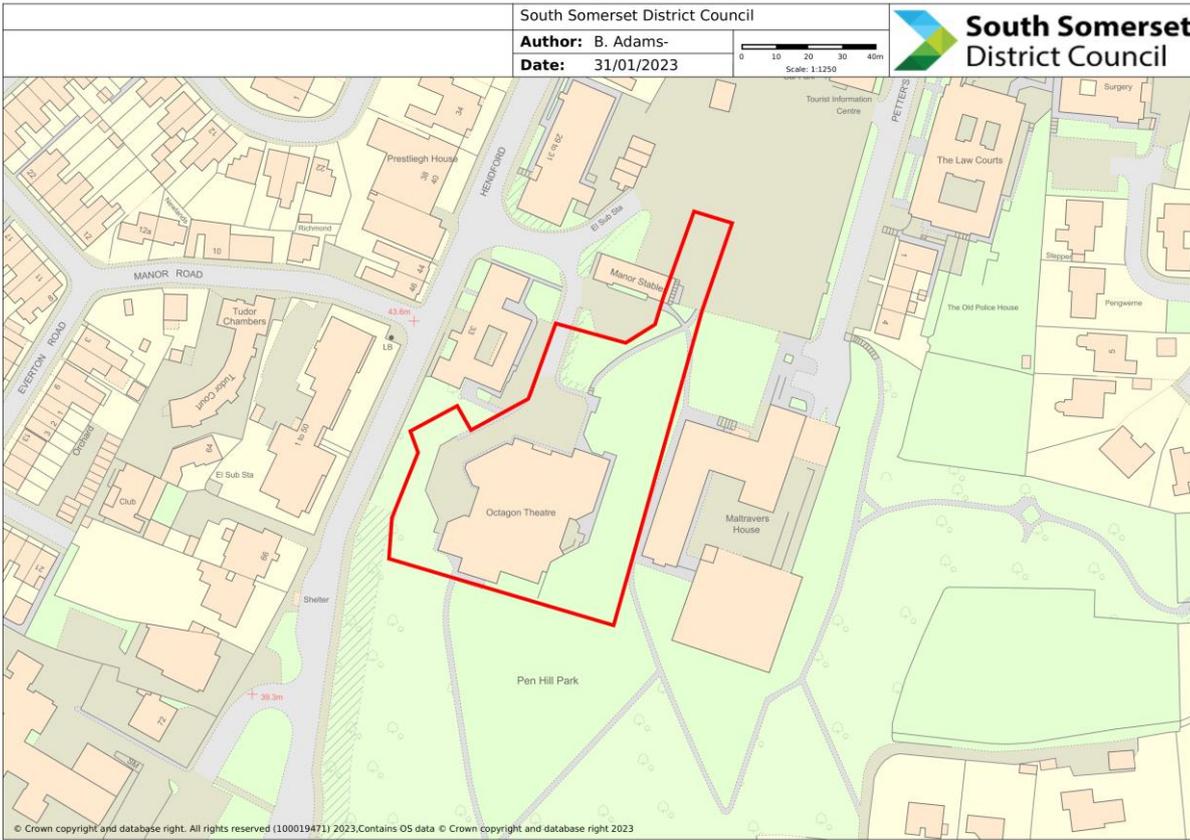
<b>Proposal :</b>	Partial demolition, renovation and extension of Octagon Theatre, Yeovil. Expansion of main auditorium from 622 to 900 seats, construction of 2no. new cinemas, dance studio and expanded foyers. Construction of new theatrical fly-tower and expanded backstage provision.
<b>Site Address: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

### REASON FOR REFERRAL TO COMMITTEE

This is a major application submitted by South Somerset District Council and therefore under the Scheme of Delegation 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](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. 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.

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