

		Committee Date: 21.05.2024
Sidmouth Town (Sidmouth)	23/2537/FUL	Target Date: 22.01.2024
Applicant:	Mr Jorge Pineda-Langford (EDDC)	
Location:	Sidmouth Swimming Pool Ham Lane	
Proposal:	Erection of a new public toilet building.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is brought before the Planning Committee owing to the scheme being submitted by EDDC, and the officer recommendation being in conflict with comments received from the Town Council and the Ward Councillor.

The application site is within an existing public square outside Sidmouth Swimming Pool. The site is not within the town centre conservation area but is visible in views from the conservation area. The site is also within flood zone 3.

The proposal is for the construction of a new building containing public toilets. The proposed building will contain 1 unisex WC, 1 accessible WC and 1 changing places WC. The scheme would also include the replacement of the existing secure cycle parking and landscaping improvements.

The objections received primarily relate to the design of the proposal, and concerns that the proposal would obscure views of the Tourist Information Centre and Swimming Pool and would harm the setting of a listed building close to the site. Planning officers have worked with the applicant during the determination period to address the concerns. The applicant has also demonstrated that there are no alternative sites for the provision of these facilities. The provision of a changing places facility within Sidmouth, alongside toilet provision for the wider community, are considered to outweigh the potential harms and on this basis it is not considered that the concerns regarding design and the harm to the listed building would represent grounds for refusal of this application.

The proposal complies with policies contained within the East Devon Local Plan and the Sidmouth Neighbourhood Plan therefore the scheme is recommended for approval, subject to conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council (original scheme)

DO NOT SUPPORT:

Members strongly objected to the application.

Reasons:

Members considered that the location and design was unacceptable and incongruous and the number of units was completely unacceptable. The utilitarian block like building, would obscure and spoil the visibility and view of the Tourist Information Centre and Swimming Pool, key facilities and requirements for visitors to Sidmouth and would result in congestion in this busy and already restricted area. The unattractive design of the proposed building was also completely unacceptable in such a sensitive and important area. It did not complement or enhance the local distinctiveness of the character of its immediate locality contrary to Policy 7 of the Sid Valley Neighbourhood Plan.

The small number of toilets proposed was also considered to be inadequate to meet the considerable demand from visitors, festival-goers and local residents particularly in view of the proposed closure of the nearby public toilets.

Note: Sidmouth Town Council fully supported the need for additional toilets being pursued by the District Council and was anxious to enter into discussions with EDDC as soon as possible about a more appropriate location due in the important area where considerable investment is taking place by both Councils.

Clerk To Sidmouth Town Council (amended scheme)

OBJECT: The utilitarian block like building, would obscure and spoil the visibility and view of the Tourist Information Centre and Swimming Pool, key facilities, and requirements for visitors to Sidmouth and would result in congestion in this busy and already restricted area. The proposal would not preserve the conservation area by being a purely functional building and does not pay attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Whilst also contradicting Policy 7 of the Sid Valley Neighbourhood Plan. It did not complement or enhance the local distinctiveness of the character of its immediate locality. The amendments did not provide Members with sufficient reasons to overcome previous concerns.

NOTE: Members wished to draw to the attention of the applicants, that some of the pictures submitted with the application were contradictory and misleading.

Sidmouth Town - Ian Barlow (original scheme)

I tried to put in my objection on this application which Tim is aware I do not like with the information I have at present, however I cannot get into the system so can you please be aware that at this time with the information I have I agree with the views of the town council . Although they are fairly robust I am still of an open mind and should further information be provided I may change my mind should this application come before council planning committee.

Sidmouth Town - Ian Barlow (amended scheme)

I support the views of Sidmouth town council planning working group at the present time however I am still of an open mind until I have heard all information for or against and will not make a decision until I have.

I would also like to question the pictures that have been presented as alternate views by our professional experts they appear misleading/confusing and not helpful as they are incorrect and could be viewed as intentionally trying to mislead public opinion . I am sure this is an honest mistake but action should be taken to correct it as soon as possible .

Thanks

Ian

Sidmouth Rural - Cllr Loudon (original scheme)

Below are my neighbouring Ward Member comments on planning application 23/2537/FUL -

The proposal to locate a new toilet/changing places facility in the Ham area of Sidmouth is welcome. Providing upgraded facilities in this part of town is required.

This proposal would create a courtyard space alongside new planters and cycle rack provision. These too are welcome as they would enhance any area around a new toilet/changing places block.

This all said, I am of the opinion that the location of this block immediately outside of the swimming pool/Tourist Information Centre (TIC) is inappropriate. I believe that there could be several other near at hand locations that would be more appropriate.

It would seem that one of the key determinants for choosing this location, as well as it conveniently being EDDC land, is its very immediate proximity to the swimming pool. It appears that the block's location is to allow for enhanced accessible changing facilities for swimming pool users, despite there already being changing facilities for disabled users within the swimming pool.

I would have thought it would be more appropriate to provide additional such facilities within the swimming pool site rather than inviting users to get changed in the block and then having to publicly walk through into the swimming pool. This is analogic to expecting disabled people to use a back door to say a retail shop, rather than investing in making the front door entrance accessible.

The design and access statement indicates that there are no toilets on site. This is inaccurate as the swimming pool provides toilets for its users and there are currently public toilets at Port Royal and in the Market Square. The former are planned to be taken out of service with several new public toilets included in the Port Royal Rockfish development. I see no reason why these new toilets could not be created to incorporate changing places designs.

The courtyard area where the proposed block would be sited, along with the planters and cycle rack would intrude into a space that is well used and central to the annual Folk Festival's administration facilities that are sited here. These would need to be relocated elsewhere as a result.

The block would effectively hide the swimming pool and TIC entrance and the latter's location as it will sit immediately in front of these. This would be particularly detrimental to the well-used TIC which is crucial to supporting and fronting the town's heavily invested in, and recently re-launched, tourism offer and facilities. This would be hugely detrimental to the financial wellbeing of the town, its residents and businesses.

One only has to look from the seafront down towards the TIC to see how the block would mean that one could not see the TIC's location.

The site is within a conservation area and the proposed design would not complement the existing buildings that it would sit alongside. The block would be obtrusive if located as proposed.

In summary the area would benefit from new toilet/changing places facilities, however its location is not appropriate for all the reasons set out above. I therefore would object to this application.

John Loudoun
Ward Member
Sidmouth Rural

Technical Consultations

Conservation

9/1/24 – Initial scheme – proposal unacceptable.

26/2/24 - The design has improved since the first application with the new roof shape but will be detrimental to the setting of No's 4 and 5 East Street. Proposal not acceptable.

Contaminated Land Officer – condition recommended should contaminated soil be encountered during development.

Other Representations

Seven third party representations have been received, one in support of the proposal and six objections to the proposal.

The summary of grounds for objection are as follows:

- Reduction in number of parking spaces, particularly the reduction in accessible parking spaces adjacent to the swimming pool
- Adverse impacts upon appearance of swimming pool and tourist information office
- A strategic masterplan could explore the wider potential for the site alongside other sites at Port Royal
- The loss of 15 existing cycle parking spaces and the replacement of just 5 of these.
- The proposed cycle parking stands are contrary to Department for Transport Guidance and Sheffield stands would be far preferable to allow the frame to be secured.
- Expense of a standalone building providing just three WCs
- Design is incongruous with surrounding architecture
- Negative impacts of paying to use facilities

The summary of grounds for support are as follows:

- A good location for the facilities with less potential for anti-social behaviour than the WC / shelter which the building will replace.

PLANNING HISTORY

Reference	Description	Decision	Date
90/P1324	Indoor Swimming Pool With Ancillary Accommodation And Extension To Car Park.	Deemed consent	29.08.1990

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN8 (Significance of Heritage Assets and their setting)

EN10 (Conservation Areas)

EN16 (Contaminated Land)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)
RC6 (Local Community Facilities)
TC2 (Accessibility of New Development)

Sid Valley Neighbourhood Plan (Made)

Policy 1 Sid Valley Development Principles
Policy 7 Local Distinctiveness
Policy 22 Eastern Town Redevelopment
Policy 23 Eastern Town Access

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

Site Location and Description

ANALYSIS

Site Location and Description

The proposed development site is on York Street adjacent to Sidmouth swimming pool, within a currently hard paved area that forms an entrance courtyard leading to the main swimming pool entrance. The site is approximately 90 metres away from the main beach and promenade, with York Street rising gently from the proposed site towards the promenade. There are two large car parks adjacent to the proposed site, Ham West car park on the opposite side of York Street and Ham East car park directly to the south of the site.

The existing swimming pool building is a single storey red brick building with contrasting buff stone banding and pitched slate roofs. The area in front of the main entrance is currently delineated by a low-level brick wall which separates the area from the pavement and surrounding car park. The majority of the buildings to the north and west of the site are two storeys with pitched roofs. To the south west of the site are the rear of the promenade facing buildings, which are considerably taller at four storeys with an additional storey within the pitched roof. Several of these buildings are listed, as are several of the buildings to the west of the site along the rear of Fore Street. No's 4 & 5 East Street, 35 metres to the north west of the proposed development, site are a pair of Grade II listed thatched cottages.

The site falls outside of the Sidmouth Town Centre and seafront conservation area but is visible in views from within the conservation area. The site is also within flood zone 3.

Proposed Development

The proposal is for a small single storey building within the current courtyard adjacent to the existing Sidmouth swimming pool building. The building will contain a single unisex WC, an accessible WC, a cleaners / service room and a 'Changing Place' WC. All WCs will be accessed directly from the courtyard.

The Changing Places toilet provides enhanced facilities over and above those provided by a standard accessible toilet, with an adult size changing bench, hoist and additional circulation space, and the proposed location means the changing place facility will be accessible to visitors to the beach, the swimming pool and visitors to nearby Ham Play Area.

The proposed building will sit parallel to Ham Lane, on the edge of the current courtyard entrance to the existing swimming pool building. The entrance doors to the WCs will face towards the courtyard and swimming pool.

The proposal shows the existing dividing wall between the courtyard and Ham East car park being partially removed, with the proposed building footprint extending slightly further south into the existing car park. This allows for a larger entrance courtyard area between the existing swimming pool building and the proposed toilet block. One standard sized parking space will be lost to facilitate this, but the number of accessible parking spaces will remain unchanged, at two spaces. Access to the entrance courtyard and swimming pool building will be as per the present arrangement, either through Ham East car park or directly off Ham Lane.

The proposed building is a small single storey structure approximately 3.6 metres wide and 7.5 metres long, with a pitched roof with eaves height of 2.2 metres and a ridge height of 3.4 metres. The proposed building has red brick walls, and a natural slate roof fitted with solar panels. The toilet doors incorporate translucent glazed portholes to allow natural light into the facility and the door colours match the colour coding for all East Devon District Council public toilet improvement sites.

The proposal also includes new planter bench seating, secure cycle parking to replace the existing cycle stands that will be lost in the course of the development, and a drinking water dispenser for public use.

Principle of Development

The site lies within the Built-Up Area Boundary (BUAB) of Sidmouth, therefore the principle of development is considered acceptable subject to the proposal being compatible with the character of the site, amongst other considerations. Local Plan Policy RC6 - Local Community Facilities, states that within the BUAB proposals for facilities that are intended to serve the local community, should be permitted provided they are in keeping with the character of the site and its surroundings, are well related to the built form of the settlement, are accessible by a variety of types of transport and would not be detrimental to the amenity of neighbouring residents by reason of undue noise or traffic. The proposed toilets are also intended to serve visitors to Sidmouth as well as locals.

Subject to considerations of design, impact on residential amenity and accessibility, the principle of development is considered to be acceptable and in accordance with Strategy 6 and policy RC6 of the local plan and Policy 26 of the Neighbourhood Plan.

Design and impact upon character of area

Following adverse comments received from statutory consultees and neighbours to the original scheme submitted to the local planning authority, the siting and appearance of the proposal has changed since the original submission to enhance the appearance of the building and to improve its relationship to the surrounding context. The original proposal had a flat roof which did not respond well to the surrounding architectural context and the building was positioned with its longest blank rear elevation facing towards the seafront, which would not have enhanced views of the area when seen from the conservation area.

Other locations have been considered for the proposed sanitary block. A potential alternative was under the boat parking deck at Sidmouth Watersports Hub. This was excluded as there was not sufficient headroom for the necessary hoisting equipment. A second alternative location that was considered was to the east of the swimming pool within Ham Gardens. This would have necessitated the removal of existing planting and the lack of visibility of the site was more likely to have given rise to anti-social behaviour. By comparison, the proposed site is open and overlooked, and accessible from nearby car parks, the seafront and the Ham Gardens and therefore identified as the preferred site for the facilities.

The proposed building has been turned through ninety degrees in comparison to the original proposal, which reduces the impact of the building when seen from the seafront conservation area. The entrance to the existing swimming pool building will not be obscured in views from the sea front, and the building is sited so as to leave a reasonable sized public space of approximately 10 metres by 8 metres between the existing swimming pool building and proposed toilet building.

The proposed red brick elevations respond to the adjacent swimming pool building as well as other buildings within the historic core of Sidmouth and the proposed natural slate gabled duo pitched roof reflects the predominately pitched roofs seen around the site.

The proposal indicates a low red brick wall around the west and south elevations of the building, matching the height of the existing brick walls enclosing Ham East car parking, forming a raised planting bed around the proposed building, which would soften the elevations and add visual interest to the street scene.

The location of the proposed building makes the proposal very prominent, but the proposal will be subservient to the adjacent swimming pool building with the proposed ridge line of the sanitary block being level with the eaves of the swimming pool building. A condition would be imposed upon any approval requiring details of the materials, to ensure the use of locally distinctive brick and slate to reflect the surrounding architecture.

With a condition imposed to ensure the use of locally distinctive materials, the proposal is considered to be acceptable and in accordance with Policy D1 of the Local Plan and Policy 7 of the Sid Valley Neighbourhood Plan.

Heritage

There are a number of listed buildings around the perimeter of the site which have the potential to be impacted by the proposed development. No.s 4 & 5 East Street, 35 metres to the north west of the proposed development site are a pair of Grade II listed thatched cottages. There are several other listed buildings within the Sidmouth Town Centre and Seafront conservation area that have potential to be affected by the proposals. There are a number of listed buildings along Fore Street and The Esplanade, the rear elevations of which are approximately 100 metres from the proposed sanitary block, but it is the front of these buildings which provide the conservation area with its unique resort character. The Sidmouth town centre conservation area appraisal recognises that the setting of the Ham West and Ham East car parks require enhancement and that they currently detract from the setting of the adjacent conservation area.

The Planning (Listed Buildings and Conservation Areas) Act 1990 places special regard to the desirability of preserving the setting of the listed buildings. Given the sensitive location of the site, the quality of the execution of the proposed building will be critical in ensuring that the proposal preserves the setting of the nearby listed buildings. The setting of these buildings has been harmed by the construction of the three nearby car parks, but the proposal must not detract from the setting even further.

The conservation officer considers that because of the visibility and prominence of the proposal it will lead to harm to the setting of Grade II listed No's 4 and 5 East Street. The harm has been quantified as being 'less than substantial'. A heritage statement has been submitted with the application which states that the proposal is a thoughtfully crafted response which will provide a visually appealing addition to the townscape.

The conservation officer has made recommendations in respect of the proposed materials. The proposed roof should be in natural slate with a mortared clay ridge, and the slates should be traditionally fixed using copper nails. The fascias should also be painted timber and not upvc, with good quality aluminium rain water goods. A more muted heritage palette of colours for the toilet doors would also be more appropriate than the bright colours indicated given the site's sensitivities.

The side elevation of the proposed building would be seen from the Esplanade from within the conservation area. From this vantage point the building will be relatively discreet and will be softened by the proposed landscaping therefore it is considered that the proposal would preserve the character and appearance of the conservation area.

The highly prominent location of the proposed building will lead to less than substantial harm to the adjacent listed buildings. The harm needs to be weighed against the public benefits of the proposal and the provision of the changing places toilet, and on balance it is considered that the benefits of the scheme will outweigh the less than substantial harm to the setting of No's 4 and 5 East Street.

As such, and with a condition imposed upon any approval to ensure the quality of the proposed building, the proposal complies with Policy EN8 and EN10 of the Local Plan and Policy 8 of the Sid Valley Neighbourhood Plan.

Residential / Neighbour Amenity

Other than the impact to the setting of the nearby listed buildings already discussed, the proposal would not lead to any adverse effects upon the amenity of occupiers of nearby residential properties.

Highways, access and parking

Sid Valley Neighbourhood Plan Policy 23 Eastern Town Access states that *'Any development of Eastern Town will be expected to demonstrate via an access strategy how the scheme will maintain, and where possible improve the cycle pathway linkages with the town centre and the wider area. The existing levels of car parking spaces will be retained unless alternative parking is provided which is equally accessible to the town centre'*.

The current car park adjacent the swimming pool contains two accessible parking spaces next to the swimming pool entrance. One of these has been relocated as a result of the proposal, which has resulted in the loss of two standard sized parking spaces, contrary to the Neighbourhood Plan Policy. No alternative parking provision has been proposed as part of this proposal.

The application site sits on the route of the National Cycle Network. Local Plan Policy RC6 - Local Community Facilities, states that proposals for facilities to serve the local community will be acceptable, provided amongst other criteria that the site is accessible by a variety of types of transport, including walking and cycling. The proposal indicates 15 cycle parking stands being fitted to replace the 15 existing stands that would be lost as a result of the proposal. A comment has been made in respect of the type of cycle stands proposed, but the replacement stands are the same as those currently on the site.

Given that the proposed building is accessible by a variety of types of transport, including on foot and by bicycle, and would not lead to any detrimental impacts to residents as a result of increased traffic levels, the proposal complies with policy TC2 of the local plan. The proposed cycle parking complies with Neighbourhood Plan Policy 23 however the loss of two parking spaces means the proposal is in conflict with this policy.

Landscape Impact

The proposal shows new wooden bench seating and a raised planter containing a tree within the square adjacent to the proposed building. This is considered to be an appropriate and welcome addition to the existing square. Further details will be requested by way of condition to ensure that the proposed planting will enhance the local distinctiveness of the site.

Subject to the necessary details being provided by way of condition, the proposal complies with Policy D2 of the local plan and Policy 7 of the Sid Vale Neighbourhood Plan.

Flood risk assessment

A flood risk assessment was submitted with the application, confirming that the proposed toilet block is within flood zone 3, and is at risk from tidal flooding.

The report confirms that the sequential test considered alternative sites, but these did not achieve the requirement to have the public toilets close to the main visitor areas at the coast. On this basis the sequential approach has been satisfied.

Within the flood risk vulnerability guidelines contained within National Planning Policy Guidance on 'Flood Risk and Coastal Change', public toilets would be classified as 'Less Vulnerable' development. The guidance confirms that the exception test is not required for 'less vulnerable' development within flood zone 3.

The proposal will incorporate flood resistant and resilient materials to minimise any loss of use of the building following a flood event, and main electrical and mechanical appliances will be elevated 0.75 metres above floor level.

As such, given the sustainability benefits to the community and that the flood risk assessment has demonstrated that the development will be safe, the proposal complies with Policy EN21 of the Local Plan and Policy 22 of the Sid Vale Neighbourhood Plan.

Other matters

It is proposed that foul water from the building will connect into the existing mains sewer and surface water will be dealt with via the existing storm drain. A drainage report submitted with the application confirms that a more sustainable form of drainage is not possible because of the constricted site and the proximity to the waterfront. In terms of ecology, the existing site is a hard paved area therefore there will not be any adverse impacts to any wildlife habitats or features as a result of the proposal. The proposal therefore complies with policy EN22 and EN5 of the local plan.

Conclusion

In conclusion, having regard to the balance of the material considerations set out above, it is considered that the submitted proposal would be acceptable.

Whilst the proposal would lead to less than substantial harm to the setting of Nos 4 and 5 East Street, the public benefits that would result through the provision of a changing places WC in this convenient location would on balance, outweigh the resulting harm.

As such, the proposal complies with policies contained within the local plan and the Sid Valley Neighbourhood Plan and is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.
Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.
4. Prior to their installation details of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. This should include details of the proposed bricks and mortar colour, natural slates, ridge tiles, fascia boards, rainwater goods and external doors. Details of the method of fixing of the slates and solar panels 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.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
5. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, shrubs and herbaceous plants. The scheme shall also give details of any proposed raised planter areas including the proposed facing brickwork and wall capping details. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other

plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

	Location Plan	27.11.23
1001-P05	Proposed Combined Plans	21.02.24
1002-P05	Proposed Site Plan	21.02.24
1003	Proposed Elevation	28.03.24

List of Background Papers

Application file, consultations and policy documents referred to in the report.

Conservation

CONSULTATION REPLY TO CENTRAL TEAM
LISTED BUILDING CONSENT/CONSERVATION AREA
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Sidmouth Swimming Pool Ham Lane Sidmouth EX10 8XR

GRADE: not listed APPLICATION NO: 23/2537/FUL

CONSERVATION AREA: Sidmouth

PROPOSAL: Planning permission is sought for the erection of a new public toilet building.

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The site is currently a car park with limited planting and no existing public toilets building. The public toilets building is close to the sea front alongside the drill hall. To the north is the modern red brick swimming pool with tourist information included. The site lies within the Sidmouth conservation area and is visible from the sea front to the south. Nos 4 and 5 East Street grade II listed lie to the west side of the swimming pool and north side of the car park. Across the car park on the west side are a number of listed terrace properties that face onto Fore Street with rear facades facing onto the car park.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

The new toilet and changing block will provide an enhanced changing place accessible WC's for Streetscene aimed at assisting disabled users to the swimming pool. Although the design and heritage statement states there are no public WC's on the site there are public Wc's on the sea front in close proximity. The swimming pool building has disabled changing rooms and WC's for its users. It also has tourist information space that could be relocated.

The proposed building will be flat roofed with multi coloured doors and would be visible from the sea front. It will be detached and at an angle to the swimming pool building with solar panels concealed by a parapet.

The building will be an obtrusive building in the conservation area; it will not coordinate with the swimming pool building in any other way than brick walls and is not even set on the same angle as the footprint of the swimming pool. Users of the changing room would have to change to swimwear and then travel across the courtyard to enter the pool building. The new building will be a small flat roofed detached building and is a functional building only in a sensitive location. By being detached it will be more obtrusive and will be seen on longer views from the sea front. There is undoubted public benefit to providing disabled changing and WC facilities, however the application is not supported by information to say what the existing facilities are and why these facilities it cannot be incorporated in other areas. Other sites should be considered such as within the swimming pool building or as an extension to the swimming pool building. An option appraisal should be prepared to show other more conducive sites.

The proposal would not preserve the conservation area by being a purely functional building and there would be less than substantial harm to 4 and 5 East Street. There is public benefit however without proper supporting information it is not concluded that this harm is unavoidable.

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant consent for any works to have special regard to the desirability of preserving the setting of the listed buildings. Here taking account of the above this has been taken into consideration.

With respect to any buildings or other land in a conservation area there is a duty placed on the Council under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Here taking account of the above this has been taken into consideration

POLICIES

Listed Buildings and Conservation Areas Act 1990, section 66 and 72
NPPF section 16
East Devon District Council, EN9
Sidmouth Conservation Area Appraisal.

PROVISIONAL RECOMMENDATION - PROPOSAL

Refuse

DATE: 9/1/24

INITIALS: M. Pearce
Conservation Officer

Contaminated Land Officer

Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

Conservation

CONSULTATION REPLY TO CENTRAL TEAM
LISTED BUILDING CONSENT/CONSERVATION AREA
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Sidmouth Swimming Pool Ham Lane Sidmouth EX10 8XR

GRADE: APPLICATION NO: 23/2537/FUL

CONSERVATION AREA: setting of Sidmouth Conservation Area.

PROPOSAL: Planning permission is sought Erection of a new public toilet building.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

Further to comments of 9 January 2024. The site is in a sensitive location just outside the Sidmouth conservation area and close to Nos 4 and 5 East Street (grade II designated assets).

The design has improved since the first application with the new roof shape. It is considered that due to its location at the entrance to the swimming pool which is, though modern, a large and dominant structure in this location, its orientation to the swimming pool and use of solar panels that are very visible, it will be detrimental and harmful to the setting of the conservation area and Nos 4 and 5 East Street. The level of harm would be less than substantial and public benefits need to be considered to decide whether this outweighs the harm.

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant consent for any works to have special regard to the desirability of preserving the setting of the listed buildings. Here taking account of the above this has been taken into consideration.

With respect to any buildings or other land in a conservation area there is a duty placed on the Council under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Here taking account of the above this has been taken into consideration.

POLICIES

Listed Buildings and Conservation Areas Act 1990, section 66 and 72
NPPF section 16
East Devon District Council, EN9
Conservation Area Appraisal.

PROVISIONAL RECOMMENDATION - PROPOSAL

Not acceptable

DATE: 26/3/24
INITIALS: M. Pearce
Conservation Officer

Contaminated Land Officer
As per my previous comments

EDDC Trees
No arb concerns.

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been

balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.