

Ward Sidmouth Town

Reference 23/1657/FUL

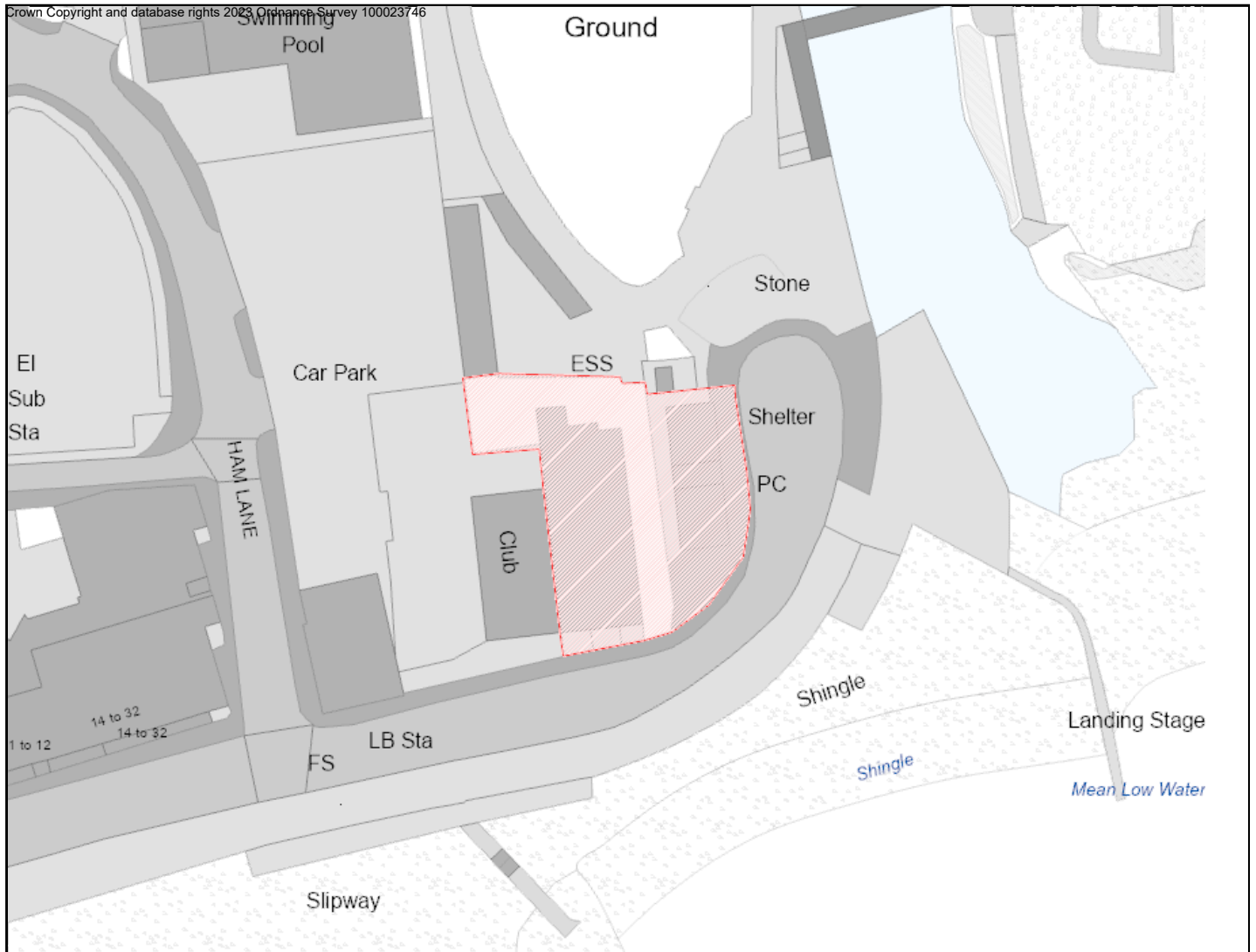
Applicant Mr Mitch Tonks

Location Sidmouth Drill Hall The Esplanade Sidmouth EX10 8BE

Proposal Conversion of hall to restaurant and bar (Use class E and sui generis, previously A3/A4), demolition of rear elevation and public toilet block and replacement with restaurant/ bar extension and a new public toilet block, external terrace to form seating area and addition of new flue.



RECOMMENDATION: Approval with conditions



		Committee Date: 21.11.2023
Sidmouth Town (Sidmouth)	23/1657/FUL	Target Date: 02.10.2023
Applicant:	Mr Mitch Tonks	
Location:	Sidmouth Drill Hall The Esplanade	
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EXECUTIVE SUMMARY

The Drill Hall is located on a prominent position at the eastern end of Sidmouth Esplanade. The front elevation is a gable end and retains a rendered finish with the side elevations constructed in brick with a cement render coat.

The application site is located entirely within the Sidmouth Town Centre Conservation Area and the historic OS maps from 1890 annotate the building as a 'Drill Hall'. Subsequent to its construction in 1895 the building was predominantly used as a drilling hall until 1959 when the Sidmouth Branch of the Territorial Army adopted the site as their headquarters.

The freehold of the Drill Hall was transferred to EDDC from Wessex Reserve Forces and Cadet Association in 2012. The adjacent toilet block is also currently owned by the Local Authority.

The application seeks consent for the change of use of the Drill Hall to a restaurant and the demolition and replacement of the public toilets with additional dining space. A pair of replacement toilets are proposed within a standalone building to the rear of the extension. This would have a single ply membrane mono-pitch roof and dark clad walls.

With regards to the principle of development, the Eastern Town and Port Royal area of Sidmouth is identified for redevelopment as a mixed Use Allocation through the provisions of Strategy 26 (Development at Sidmouth) for residential use incorporating community, commercial, recreation and other uses.

There are also a number of policies within the Sid-Valley Neighbourhood Plan

that support redevelopment of the Eastern Town. Use of the site as a seafood restaurant also meets underlying objectives of the Neighbourhood Plan to ensure that development reflects the Town's maritime heritage.

The replacement toilet block would reduce the number of toilets on offer at the application site and this has prompted concerns from a number of third parties. However, it is clear from the findings of the Public Toilet Review which went before Cabinet 12th May 2021 that it is not viable for the Local Authority to retain ownership and operate the existing toilets. As such, in line with the existing block's 'Category B' designation, the replacement of the existing toilets, albeit with a reduced number, complies with EDDC's Toilet Strategy.

Owing to its historic interest, the Drill Hall is considered to be a non-designated heritage asset. With regards to the overall impact of the proposals on the significance of the Drill Hall and Wider Conservation Area, the works are considered to enhance the appearance of the building and the setting of the surrounding conservation area. This position is reflected in comments from the LPA's Conservation Officer.

Subject to compliance with conditions suggested by the LPA's Environmental Health Team, the application would have an acceptable impact on the amenity of adjacent land uses.

Due to the sites position within Flood Zone 3a a Site Specific Flood Risk Assessment has been submitted to the LPA and Environment Agency and found acceptable.

A submitted Ecological Appraisal has identified the loss of two night roosts and a birds nest. Recommendations within the report include various enhancements to the existing bat roost within the basement and provision of bird boxes to mitigate the loss of habitat.

The application has also been reviewed by the County Highway Authority who raise no objections.

Overall, removal of the public seating adjacent to the existing toilet block is attributed some harm within the planning balance. However, having regard to all the material planning issues raised, it is considered that the heritage and economic benefits of the proposal significantly outweigh this harm. It is therefore the position of officers that the application is acceptable subject to conditions listed below.

CONSULTATIONS

Technical Consultations

Environmental Health

Approval subject to conditions regarding noise and cooking odours.

Police Architectural Liaison Officer - Kris Calderhead

No objections. Advice given with regards to how CCTV and external lighting should be installed at the site to prevent crime and anti-social behaviour.

Conservation

In summary the works as proposed go towards retaining the special interest of the non-designated heritage asset, whilst enhancing the character and appearance of the conservation area, satisfying para.203 and 206 of NPPF and Policies EN8 and EN9 of the New East Devon Local Plan (2013-2031).

Recommend approval subject to conditions

Environment Agency

In the absence of an acceptable flood risk assessment (FRA) we object to this application. The reason for this position and advice is provided below.

As this proposal appears to not constitute a 'true' change of use, it is our view that the application would be subject to the flood risk Sequential Test. Before you determine the application, your Authority will also need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

County Highway Authority

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Local Consultations

Parish/Town Council

DEFER: To allow interested parties to attend the next meeting in person at Woolcombe House.

SUPPORT:

Note: Although Members supported the application on the basis that the proposals were an improvement on what currently existed on site, they were disappointed at the design. As per comments in The Sid Valley Neighbourhood Plan for Eastern Town 'Any development should be designed and constructed to a high standard and needs to take account of views to and from the surrounding hills'. Members felt that this was a missed opportunity to provide an exceptional building which would take

advantage of the views of the World Heritage Site and be a credit to Sidmouth whilst acknowledging the restrictions of retaining the older building. They regretted the lack of a balcony and supported the views of the public who felt that two unisex toilets were not sufficient or desirable. Like the public, they were sorry that there was no provision of a public shelter and warned that the Beach Management Plan might result in the loss of views of the sea from the restaurant because of raising the sea wall.

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Other Representations

24 comments have been received, consisting of 15 objections, 7 in support and 2 neutral.

Those objecting have expressed concerns over the following;

- Negative impact on views to Port Royal.
- Loss of the shelters and seating.
- Replacement of toilet block with two cubicles is insufficient.
- Loss of recreation land.
- Lack of cycle storage.

Those in support have made the following points;

- Re-development of the site is much needed.
- Recognise the importance of the hospitality sector.
- Creation of jobs.
- Development shall enhance the eastern end of the Esplanade.
- Shall help decrease anti-social behaviour at the shelters.

PLANNING HISTORY

19/1775/FUL – Conversion of hall to restaurant (A3 use), creation of new balcony, replacement of rear extension with new rear extension, external terrace to form seating area. APPROVED with conditions at Planning Committee 04.02.20

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 38 (Sustainable Design and Construction)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

EN10 (Conservation Areas)

EN21 (River and Coastal Flooding) 19/1775/FUL

E20 (Provision of Visitor Attractions)

TC10 (Rear Servicing of Shopping/Commercial Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Sid Valley Neighbourhood Plan

Policy 1 (Sid Valley Development Principles)

Policy 2 (Views)

Policy 7 (Local Distinctiveness)

Policy 16 (New Retail and Commercial Development)

Policy 20 (Protection and Enhancement of Community Facilities and Assets)

Policy 22 (Eastern Town Redevelopment)

Policy 23 (Eastern Town access)

Policy 24 (Eastern Town Maritime Heritage)

Policy 25 (Eastern Town Community Assets)

Site Location and Description

The Drill Hall is located on a prominent position at the eastern end of Sidmouth Esplanade. The front elevation has a distinctive gable end and retains a rendered finish with the side elevations constructed in brick and a cement render coat. The roof is natural slate on timber rafters and purlins supported by hammerhead trusses with metal tie rods with some clay ridge tiles remaining.

To the east are the public toilets, a single storey building constructed of render and slate. The eastern roof pitch is supported by a series of brick piers which subdivide areas of public seating with outlook towards Salcombe Hill Cliff.

The application site is located entirely within the Sidmouth Town Centre Conservation Area and the historic OS maps dating back to 1890 annotate the building as a 'Drill Hall'. Subsequent to its construction in 1895 the building was predominantly used as a drilling hall until 1959 when the Sidmouth Branch of the Territorial Army adopted the site as their headquarters.

The freehold of the Drill Hall was transferred to EDDC from Wessex Reserve Forces and Cadet Association in 2012. The adjacent toilet block is also currently owned by the Local Authority.

Proposed Development

The application seeks consent for the change of use of the Drill Hall to a restaurant and the demolition and replacement of the public toilets with additional dining space. External dining space is proposed forward of the dining room extension.

The exterior of the Drill Hall would be finished in off-white painted render and repairs made to the slate roof. All existing openings are to be retained and replaced with aluminium frames, ground floor windows on the principal elevation shall have side hung timber shutters.

The extension would utilise a slate pitched roof, similar to the form of the Drill Hall. The exterior walls shall be clad in dark vertical boarding with openings encased in dark aluminium. A single storey linking structure would connect the extension to the Drill Hall. This would have a single ply membrane roof and also clad to match the extension.

A pair of replacement toilets are proposed within a standalone building to the rear of the extension. This would have a single ply membrane mono-pitch roof and dark clad walls. The outside dining area would be decked and enclosed with a low brick wall and a series of flowerbeds.

Principle of Development

The building lies within the built up area boundary of Sidmouth and the Town Centre Conservation Area. Strategy 32 of the Local Plan states that changes of use from community uses should be fully explored, for at least 12 months, with a requirement that there should firstly be marketing of other community uses.

The Drill Hall has been empty for a number of years. The Hall was marketed extensively in 2018, with a tender process being undertaken. No community uses came forward, however a number of commercial uses expressed interest. These included proposals to demolish the building.

It is considered that the current proposal, which retains the structure of the building and allows for public commercial use of the building, bringing public benefits including employment and reopening the building to be enjoyed by the public, meets the criteria of Strategy 32.

The site also forms part of a Mixed Use Allocation under Strategy 26 (Development at Sidmouth) and footnote 14.3, d) of the Local Plan for residential use incorporating community, commercial, recreation and other uses.

As the application proposes the re-use of an existing building of historic note (see below) the proposal complies with Strategy 26 in terms of proposing a community/commercial facility on the site.

With regards to the Sid Valley Neighbourhood Plan, there are a number of relevant Policies including the following:

Policy 16 (New Retail and Commercial Development) which supports new retail and commercial facilities with the Town Centre where of a suitable design, accessible by a variety of transport types and would not harm the amenity of neighbours. Whilst the site is not within the Town Centre, the proposal has support through Local Plan policy 26 that the Neighbourhood Plan does not seek to depart from. In addition, the proposal is accessible by a range of transport types .

Policy 20 (Protection and Enhancement of Community Facilities and Assets) is similar to Strategy 32 of the Local Plan in terms of seeking their protection unless there is no reasonable prospect and subject to acceptable other impacts. As the building has been vacant and marketed, the proposal is considered to comply with this policy. The existing toilet block is not listed as a community facility.

Policy 22 (Eastern Town Redevelopment) covers the application site stating that proposals should comply with all Neighbourhood Plan Policies and have regard to its location within Flood Zone 3. The justification to the Policy states that survey results for the application site showed that most respondents wanted sailing and fishing based activities to reflect Sidmouth's coastal heritage. The proposal is considered to achieve this despite forming only part of the wider allocation for a mix of uses.

Policy 23 (Eastern Town Access) states that any development of the Eastern Town will be expected to demonstrate via an access strategy linkages with the town centre. As the proposal is for a change of use/conversion of an existing building, it will continue to benefit from the existing linkages and no new linkages are necessary.

Policy 24 (Eastern Town Maritime Heritage) encourages sea-based activities in this area. The proposal complies with this through provision of a fish-based restaurant.

Policy 25 (Eastern Town Community Assets) states that redevelopment of the Eastern part of the town should retain the public toilets, swimming pool, and Ham recreation ground and provide catering space. As the existing toilet block is being replaced rather than retained, the proposal is broadly compliant with this policy.

In summary therefore, the proposal is considered to be acceptable in principle in accordance with relevant Local Plan and Neighbourhood Plan Policies as it is proposing to retain an existing building in community/commercial use with a fish restaurant that reflects the Neighbourhood Plan policies for proposals to reflect the area's coastal and fishing heritage.

Replacement of the Public Toilets

Removal of the existing toilet block has prompted a number of comments from members of the public who have expressed concern over the reduced number of toilets and removal of the covered seating area.

East Devon District Council put forward proposals about the future of public toilet services. A Public Toilet Review was put forward to residents, town and parish councils, businesses and others in July 2021 until October 2021.

The findings of the consultation went before Cabinet for debate on 1st December 2021. The strategy has been published on the Local Authority's website and categorises the Sidmouth Port Royal toilets as 'Category B', and as a result, EDDC would no longer provide the public toilets. The definition of what constitutes Category B toilets is provided below;

'Still important locally, but less well used or where there are multiple toilets in close proximity (according to proximity maps and 4/8 minute walking zones). If a toilet has been listed as suggested category B it means we would look at other options for the use of the site. At sites identified as category B, we could consider marketing a lease opportunity for a different offer such as a café, to include a publicly accessible toilet, or market the asset for sale, depending on the options for each particular site. Town or parish councils wouldn't be precluded from bidding for these sites, but we believe category B sites offer good potential for an alternative use and therefore would attract a commercial value. These uses may in some instances still include a publicly accessible toilet operated by a third party.'

Rockfish have come forward to lease the site and within a draft tenancy agreement with EDDC it is stated that two units of publicly accessible toilets shall be provided and maintained at the site. The tenancy agreement stipulates that opening hours of the toilets shall reflect EDDC's own provision in the locality, being: open 7 days per week from 8am until at least 10pm in the summer and 8am until 7pm in the winter.

Whilst it is accepted that the replacement toilet block reduces the number of toilets on offer, it is clear from the findings of the Public Toilet Review that went to Cabinet 12th May 2021 that it is not viable for the Local Authority to retain ownership and operate the existing toilets. As such, in line with the existing block's 'Category B' designation, the replacement of the existing toilets complies with EDDC's Toilet Strategy.

The Sid-Valley Neighbourhood Plan lists a number of aims for the Eastern Town on page 56 and Aim No.7 states that facilities for public toilets should be retained. However the existing block is not protected by any special designation nor is their replacement explicitly prevented through planning policy. As such, the proposed replacement of the toilets in context of the redevelopment of this part of the Eastern Town is considered to comply with Neighbourhood Plan Policy 25 (Eastern Town Community Assets) and the overarching aim with regards to the Eastern Town/ Port Royal Regeneration.

Impact on Significance of Heritage Assets

Despite the Drill Hall's cultural importance to Sidmouth Town, the building has been significantly altered overtime which has eroded various original internal and external features. Previous correspondence with Heritage England, regarding the heritage value that can be attributed to the Drill Hall state that the building '*cannot be said to possess special architectural or historical interest in the national context*' and therefore is not listed. This position is also reflected within comments received on the current application by the Local Authority's Conservation Officer.

However, whilst the Drill Hall is not deemed worthy of listing, its historic value warrants local listing and is therefore classified as a non-designated heritage asset. As a result, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset, in accordance with paragraph 203 of the National Planning Policy Framework.

It is evident from third party comments, a number of which have been submitted by local residents, that the Drill Hall has a level of emotional value for those with fond memories of the building during days along the Esplanade. A number of comments, who have sought to highlight the heritage significance of the hall, have expressed concerns with regards to the design of the proposals visual impact on the Drill Hall.

Firstly, it is acknowledged that the Drill Hall is a prominent building at the end of The Esplanade and contributes to the historic interest of the conservation area. However, owing to a lack of maintenance over the years and weathering as a result of its seafront location, the building's appearance has declined overtime which has impacted its contribution to the setting of the Conservation Area.

With regards to the impact of the proposals on the Drill Hall, the scale of harm on the integral features of the building is considered low. The submitted drawings seek to respect the form of the existing building and key internal features, including the significant scissor trusses within the principal hall. The external envelope of the Drill Hall would be wrapped in a layer of thermal insulation with a render coating to protect the historic fabric of the building from further erosion and decay.

The single storey dining room extension poses some potential harm to the significance of the conservation area. Notwithstanding this, the additional dining space will be accommodated in a subservient extension with a steep pitched roof to mimic the form of the Drill Hall. A single storey linking structure is also proposed between the two. Whilst the majority of the existing openings are to be replaced with aluminium casements, the three windows along the Drill Hall's eastern elevation are to be replaced with five aluminium openings and a door, all with side hung shutters.

Furthermore, the existing pair of brick walls that border the southern boundary would be retained albeit painted in Rockfish's colours of off-white and light blue for their logo. A new wall would enclose the external dining area and, subsequent to discussions between the Environment Agency and applicant, has been raised for flood mitigation purposes. A new flue is proposed on the western roof pitch.

With regards to the overall impact of the proposals on the significance of the Drill Hall and Wider Conservation Area, the works are considered to enhance the appearance of the non-designated heritage asset and in turn the historic and architectural interest of the surrounding conservation area. This position is reflected in comments from the LPA's Conservation Officer.

As a result, whilst comments from third parties are duly acknowledged, it is the position of officers that the proposals meet the provisions of Policies EN8 (Significance of Heritage Assets and their Setting) and EN10 (Conservation Areas) of the New East Devon Local Plan (2013-2031) whilst satisfying paragraphs 203 and 206 of the NPPF.

Impact on Character and Appearance of the Area

The visual impact of the development on the character of the Drill Hall and wider Conservation area has already been addressed in the previous section of the report. As such, the various conclusions drawn shall not be repeated.

Notwithstanding this, the application site is located at the end of the Esplanade in a prominent location. The Drill Hall is visible from public vantage points along the seafront, the Ham Recreation area to the north, Alma Bridge and Salcombe Hill Cliff and therefore the proposals, most notably the demolition and replacement of the toilet block, would have a degree of visual impact on the immediate area.

However, the proposed scale and form of the extension would be subservient to the Drill Hall and be constructed of materials appropriate to its seafront location and converted to a use which would reflect the Town's maritime heritage. The existing toilet block is of limited architectural merit and therefore its removal and replacement with the proposed extension and smaller toilet block is of little concern.

Whilst the enhancement to the setting and long term maintenance of the Drill Hall has already been covered, the proposed restaurant use of the building would also provide benefits to the character of the area. Occupation of the site by Rockfish presents an opportunity to enhance the vitality of the Port Royal Area. This would be particularly evident during summer months where the external decking area is likely to be occupied by diners, making a positive contribution to the ambiance of the area whilst providing natural surveillance of the seafront.

Overall, the proposals are considered to meet the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONB) and Policy D1 (Design and Local Distinctiveness) of the Local Plan. The Neighbourhood Plan identifies the eastern end of the Esplanade as a Key View from York Terrace along the seafront towards Salcombe Hill Cliff. Notwithstanding this, for the reasons already given above, the visual impact of the alterations to the Drill Hall and the proposed would not obscure or cause any harm to this key view.

Impact on Neighbouring Amenity

Use of the site as a restaurant requires the installation of extraction and ventilation systems. Both elements have the potential to impact adjacent land uses. The immediate area is characterised by commercial uses with the nearest residential properties being located at Trinity Court.

The application is supported by manufacturer details of an Electrostatic Precipitator (ESP) Filter Unit, an extraction air filtration unit to serve the restaurants kitchen. However, further details are required in order to demonstrate that the treatment of cooking odours would be satisfactory. Further details regarding a mitigation strategy regarding noise emitted from any fixed plant and the extraction system would need to be submitted. The LPA's Environmental Health Team are satisfied that such information can be secured via planning condition. The proposals are therefore considered to meet the provisions of Policy D1 (Design and Local Distinctiveness) and Policy (Control of Pollution) of the East Devon Local Plan.

Flooding

The application site is located within Flood Zone 3a and therefore has a high probability (1% or greater annual probability) of river flooding from the River Sid. The application is supported by a Site Specific Flood Risk Assessment prepared by AWP.

The National Planning Policy Framework and Planning Practice Guidance states that the Sequential Test must be satisfied in order for development to be considered acceptable. The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding.

Footnote 56 of the NPPF states that certain minor development is exempt from the Sequential Test. However, none of the exemptions are considered to apply to the development proposals. Notwithstanding this, the East End and the Drill Hall site are earmarked for mixed use redevelopment at paragraph 14.3 d), as depicted at ED03, which is the preamble for Strategy 26 (Development at Sidmouth) of the East Devon Local Plan. Additionally, redevelopment of the Eastern Town is also addressed within the Sid-Valley Neighbourhood Plan at Policy 22 (Eastern Town Redevelopment).

As the site has been allocated for development and has therefore already been subject to the sequential test at the plan making stage and therefore does not need to be applied again as per paragraph 027 of the PPG.

Having applied the Sequential Test, the Exception Test must also be considered. However, the site falls within Flood Zone 3a and therefore classified as 'less vulnerable' as per Table 2 at paragraph 079 of the PPG, the development is exempt from the Exception Test.

With regards to ensuring the development would be safe with regards to flood risk, the perimeter wall has been extended to span between the existing wall and external dining area to provide a consistent level of protection across the front edge of the development. All access doors and access points onto the decking shall be fitted with flood gates of equivalent height to the wall. Further flood resilience measures shall be incorporated internally, including waterproof plasterboard and raised electrics.

The internal ground floor level would be elevated above the highest flood levels, however, potential flooding via wave action require the implementation of a Flood Warning Evacuation Plan to ensure that the restaurant is vacated and closed in advance of any wave action overtopping the Esplanade.

The amended Site Specific Flood Risk Assessment and Numerical Modelling Report are considered to have addressed the Environment Agency's objection. The development is therefore considered to meet the provisions of Policy EN21 (River and Coastal Flooding) of the Local Plan.

Drainage

Currently runoff is captured within an existing underground drainage network. The private system discharges into the South West Water combined sewer system just north of the Drill Hall.

Ecology

The application is supported by an Ecological Appraisal prepared by Richard Green Ecology. The conversion of the Drill Hall would result in the loss of two lesser horseshoe night roosts located within the upstairs eaves cupboards and under stairs cupboard. Mitigation for the loss of the night roost is suggested via retaining and enhancing the Drill Hall Basement. At Paragraph 4.2.3 of the Ecological Appraisal a number of key features are identified;

- Retaining access to the basement via gaps above doors on the northern elevation.
- Internal doors within the basement that allow access and additional alcoves to provide additional roosting conditions.
- Baffles suspended from the ceiling to reduce air flow.
- Additional crevices in the form of squeeze boxes to increase roosting opportunities for crevice dwelling bats.

Removal of the toilet block would have no impact on nesting birds. However, conversion of the Drill Hall would result in the loss of a bird nesting site. As such, it is recommended that four woodcrete bird boxes be installed at eaves level on the northern elevation of the Drill Hall.

The recommendations within the Ecological Appraisal would be secured via planning condition to ensure that development meets the provisions of Policy EN5 (Wildlife and Habitats) of the Local Plan.

Highways

In terms of parking provision, the application site is located near the town centre and 50 metres away from East Street car park and slightly further afield, Russell Street Car Park and Riverside Car Park. There are also Bus stops at Station Road, Cypress Terrace and Salcombe Road. As such, the absence of dedicated parking is not a concern for the LPA, and this position is reflected in comments received from the County Highway Authority.

A third Party comment has been received expressing concerns that the pavement immediately south of the Drill Hall, on the northern side of the Esplanade, is being reduced in width. Whilst it is accepted that the footprint of the proposed extension and the wall enclosing the external dining area would exceed the width of the existing toilet block, it is considered that the footpath would remain at an acceptable width and continue to exceed the width of the footpath immediately south of the application site. In the absence of an objection from the County Highway Authority, the application should not be refused on highway safety grounds.

Conclusions

It is the position of officers that the proposed conversion and extension of the Drill Hall is in accordance with many of the key objectives of the Sid-Valley Neighbourhood Plan that seek redevelopment and regeneration of the Eastern Town. Occupation of the site by Rockfish and their offering of seasonal and sustainable seafood is considered appropriate to Sidmouth's seafront heritage.

Furthermore, the anticipated increase in footfall to the site is considered to enhance the vitality of the eastern end of the Esplanade. In turn, the development would enhance the viability of the immediate area for existing and future businesses. The application form also indicates that 30 full-time and 20 part-time would be created. The anticipated economic benefits are considered to weigh in favour of the scheme.

The proposed physical alterations to the Drill Hall are deemed acceptable and sympathetic to the building's architectural and historical significance and ensure its long term maintenance. The proposed single storey extension is also considered acceptable with regards to its impact on the principal building and wider character and appearance of the area.

Whilst comments from the Town Council with regards to the design of the build and lack of an easterly facing balcony are acknowledged, it is the position of officers that the submitted design is acceptable. Owing to the site's position on the seafront, easterly views are available of Salcombe Cliff which potentially haven't been made full advantage of in the current scheme. However, there are a number of easterly

facing windows and outdoor tables that would have an outlook towards the east. Furthermore, the provision of a balcony could likely require a larger extension which could potentially pose issues with regards to impact on the setting of the Drill Hall and wider character of the area.

A number of third parties have also expressed concern and disappointment over the loss of the public benches that face Alma Bridge and Salcombe Hill Cliff. It is evident from third party comments and from observations noted on multiple officer site visits, that these are a popular feature of the eastern end of the Esplanade and are frequently used by locals and tourists. However, owing to other public seating available along the seafront and at the Ham Recreation Ground, their removal would not cause undue harm to the provision of public seating within the area nor are they protected through planning policy.

Notwithstanding this, removal of the seating is attributed some harm within the planning balance. However, having regard to all the material planning issues raised it is considered that the heritage and economic benefits of the proposal significantly outweigh this harm. It is therefore the position of officers that the application is acceptable subject to the conditions listed below.

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. Samples of the proposed external materials and details regarding the colour of the render and paint to be used on the external walls of the Drill Hall and enclosure of the decking areas shall be submitted to and be approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the historic character of the building and appearance of the Budleigh Salterton Conservation Area in accordance with Policy EN10 - Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)

4. The development hereby approved shall be carried out in accordance with the recommendations of the Flood Risk Assessment prepared by Awcock Ward Partnership submitted to the Local Planning Authority on 25.10.23.

(Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policy EN21 (River and Coastal Flooding) of the East Devon Local Plan).

5. Development shall be carried out in accordance with the recommendations and mitigation measures in the Ecological Impact Assessment prepared by Richard Green Ecology dated 13.07.23.

(Reason - In the interests of wildlife protection in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.)

6. A lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable.

(Reason - To comply with Policy EN15 (Control of Pollution) of the East Local Plan 2013-2031 for the avoidance of light pollution.)

7. The use hereby permitted shall not commence until a detailed proposal for the treatment of cooking odours (more than just the ESP) has been submitted to and approved in writing by the Local Planning Authority. Details shall include any prefilters, grease traps, mesh or fabric filters and/or activated carbon units intended to be installed, and the proposed method of dispersing residual odours, flue specifications and discharge heights. The development shall be carried out in accordance with the approved details. There shall be no restrictions to the flue at the point of exit. The equipment shall be installed prior to the use commencing, maintained in accordance with the manufacturer's instructions and operated at all times when the kitchen is in use.

(Reason: To avoid odours detrimental to the amenities of local residents in accordance with Policy EN14 - Control of Pollution of the East Devon Local Plan.)

8. The specific noise level of any fixed plant or equipment installed and operated on the site including the extraction system must be designed as part of a sound mitigation scheme to operate at a level of 5dB below daytime (07:00 - 23:00 expressed as LA90 (1hr)) and night-time (23:00 - 07:00 expressed as LA90 (15min)) background sound levels when measured or predicted at the boundary of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

(Reason: To avoid odours detrimental to the amenities of local residents in accordance with Policy EN14 - Control of Pollution of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative: Confirmation - CIL Liable

This Informative confirms that this development is liable to a CIL charge.

Any queries regarding CIL please email cil@eastdevon.gov.uk.

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:

1446-PL221 Rev D	Proposed Floor Plans	25.10.23
1446-PL223 Rev C: South	Proposed Elevation	25.10.23
1446-PL224 Rev D: North	Proposed Elevation	25.10.23
1446-PL225 Rev D: East	Proposed Elevation	25.10.23
1446-PL226 Rev D: East/West	Proposed Elevation	25.10.23
1446-PL201 Rev B: & Block Plan	Location Plan	28.07.23

List of Background Papers

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

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.