

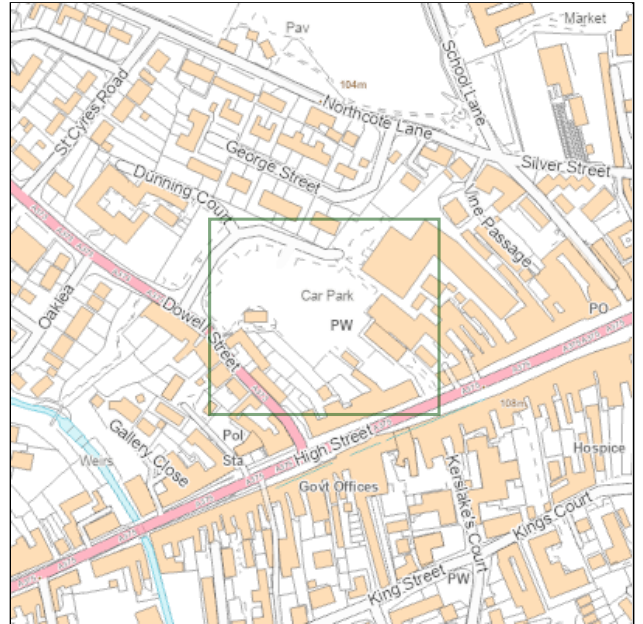
Ward Honiton St Pauls

Reference 23/2536/FUL

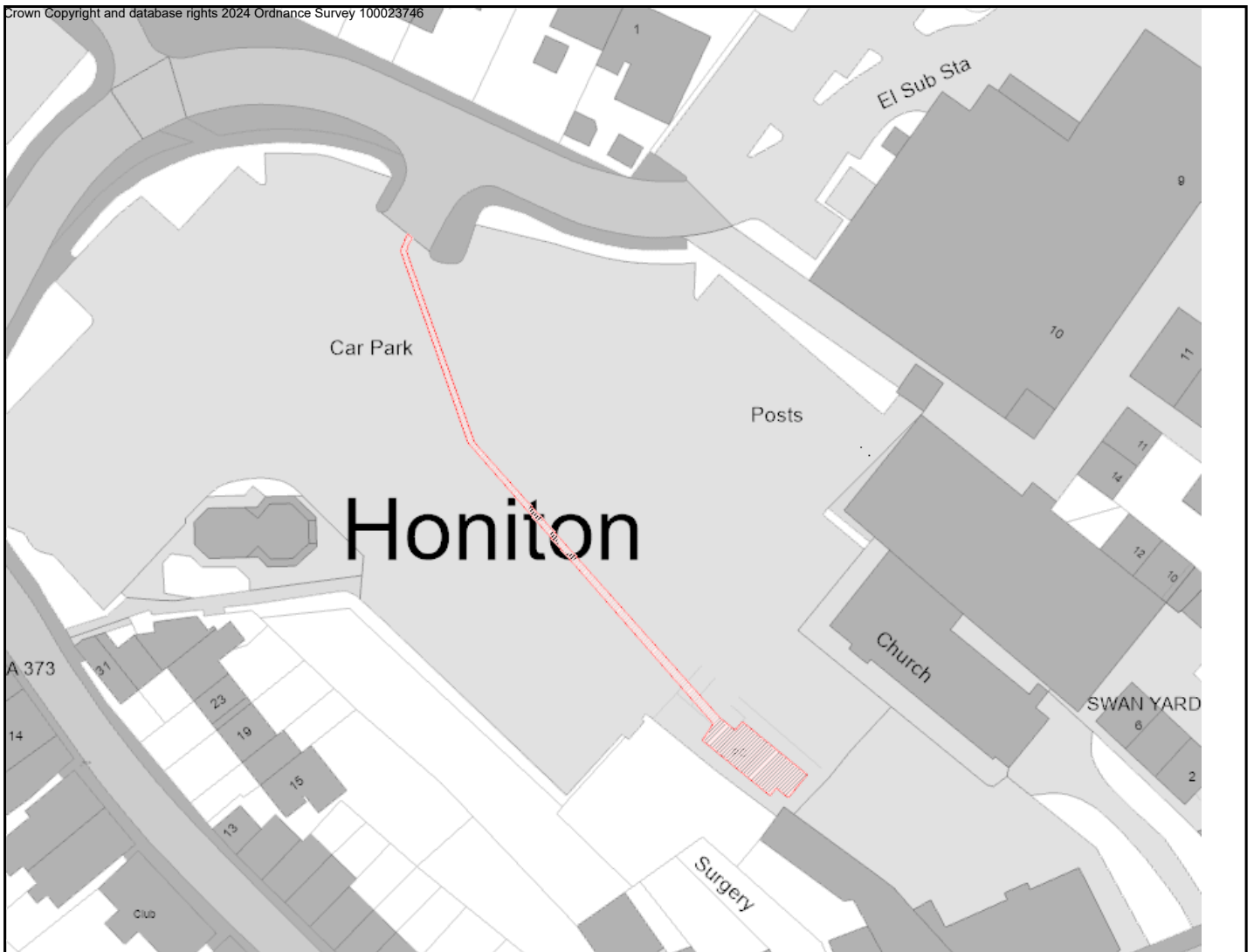
Applicant Mr Jorge Pineda-Langford (EDDC)

Location Toilets Lace Walk Honiton

Proposal Demolish existing public toilets, and replace with a new public toilet building.



RECOMMENDATION: Approval with conditions



		Committee Date: 26.03.2024
Honiton St Pauls (Honiton)	23/2536/FUL	Target Date: 29.01.2024
Applicant:	Mr Jorge Pineda-Langford (EDDC)	
Location:	Toilets Lace Walk	
Proposal:	Demolish existing public toilets and replace with a new public toilet building.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before committee as it relates to the Council's own development and an objection has been received by a third party.

The proposal is to demolish an existing toilet building and replace it with a new toilet building, occupying a similar footprint but with a more contemporary design and including solar panels on its roof.

The site is within a public car park and lies within the designated Town Centre of Honiton. It also lies within a Conservation area and is in the vicinity of many listed buildings, with one such building being only a few metres away.

Development within the Built Up Area Boundary and the provision of a community facility is supported in principle by Strategy 6 (Development within Built-up Area Boundaries) and Policy LP RC6 (Local Community Facilities).

The objector raises a concern that replacing the building would be wasteful and environmentally unsustainable. The agent has explained that taking into account the whole lifecycle energy and water use of the proposed building and comparing this to that associated with the refurbishment of the existing building, the erection of a new toilet block would be a more environmentally sustainable option.

Honiton Town Council indicate that they do not object to the planning application but raise a concern that there is no need for a new toilet block (in addition to other concerns regarding cost and charging for using the facility, which are not considered to be material planning considerations). There is no need test applied by LP Policy RC 6, but the replacement of the building has nevertheless been justified in the application, indicating it is the most cost effective option.

The Conservation Officer raises no objection in relation to heritage impacts. A minor change to door colours is nevertheless recommended, which can be secured by planning condition, to ensure that the proposal is appropriate within its setting. No objection has been raised in relation to potential crime/antisocial behaviour impacts by the Police Crime Prevention officer.

As demolition is proposed an ecology survey accompanies the application. It is suggested that the recommendations of the ecology survey be secured by planning condition.

With the recommended planning conditions in place, the proposal is considered to be acceptable in all relevant respects, including its impact on the viability of the town centre and heritage interests. As such, the recommendation is for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

15.12.23

Members unanimously RESOLVED to offer no objection to the planning application. However, Members unanimously OBJECT to the principle behind the application for the following reasons:

- o There is no need for a replacement building.
- o The existing toilets could be refurbished at a lesser cost.
- o Members object to users being charged to use the facilities.
- o The cost of the replacement building.

Members also NOTED that the site boundary line on the proposed site plan, drawing number 1002-P04 is incorrect.

Proposed by Cllr Pearsall and seconded by Cllr Maunder.

Technical Consultations

Conservation

12.1.24

On the basis of the information provided through this application for the demolition of the existing public toilets and replace with a new public toilet building would; as a result of its location, result in no harm to the setting of 145 High Street a Grade II heritage asset or the conservation area it is located within.

In this respect conservation do not wish to offer any further comment. Case Officer to assess on planning merit.

Police - Crime Prevention Officer

Consulted, no comment received.

Other Representations

One received raising the following concern:

- demolition and rebuilding of the existing toilets is wasteful and would have a larger environmental impact than renovating the existing toilets

A further point made by an objector is that the toilets should be free to use rather than charged for. It is not considered that this point is a material planning consideration as the development, i.e. the erection of the toilet block, is not inherently linked to whether or not a charge is made to users. In addition, the introduction, alteration or removal of any charge made to users is not itself development in planning terms.

PLANNING HISTORY

None relevant

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies (Local Plan)

Strategy 3 (Sustainable Development)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 23 (Development at Honiton)

Strategy 37 (Community Safety).

Strategy 39 (Renewable and Low Carbon Energy Projects)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

TC2 (Accessibility of New Development)

RC6 (Local Community Facilities)

E9 - Town Centre Vitality and Shopping Areas

Neighbourhood Plan

None available for Honiton

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

Site Location and Description

The site is an existing detached, single storey toilet block and its immediate surroundings, located within a car park in Honiton. It is within the Built Up Area Boundary of the town and within the designated town centre area. It also lies within a Conservation Area and within the vicinity of a number of listed buildings which lie to the south (including Grade II and Grade II* listed buildings), with one Grade II listed building being only a few metres to the south of the proposed building. There are dwellings to the west and south of the site, the closest being approximately 20 m away to the south. There are business premises to the south and southeast and a church to the east, with the main car park area being located to the north of the site. The land within and around the site slopes gently down towards the southwest. The site can be accessed by the public on foot from the west through to the north, east and southeast with vehicular access being available via the adjoining car park.

Proposal

It is proposed to demolish the existing block of public toilets and replace this with a new toilet block, largely overlapping the footprint of the demolished building. The new block would be a similar size to the existing block. Similarly to the existing block, an enclosed area would be created to the southwest side of the block (which would be open above) for storage. The new block would incorporate solar panels on its roof. It would be of a contemporary design, with red brick slip walls, coloured doors and a flat roof. A raised planting bed and a bicycle rack would be provided alongside the building at its northwest and southeast ends respectively, and a water bottle refill point would be provided within the eastern elevation of the building.

ANALYSIS

The main issues for consideration are the principle of the development, visual impact and impact on the conservation area, impact on the town centre.

Principle

Given that the site is located within the Built-Up Area Boundary of Honiton the development is acceptable in principle, in accordance with LP Strategy 6 (Development within Built Up Area Boundaries). As a community facility, the proposal is also supported in principle by LP RC6 (Local Community Facilities). It is noted that the Parish Council suggest that there is a lack of need for the development, however LP Policy RC6 does not require that proposals meet a test of need to be acceptable. Nevertheless it is noted that the application indicates that a replacement building is required, rather than refurbishment of the existing building, as this is more cost effective in the long term, easier to run and maintain and would bring about environmental benefits, which are discussed under the heading below. The proposed building incorporates solar panels on its roof and this is supported in principle through LP Strategy 39 (Renewable and Low Carbon Energy Projects). Overall, the proposal is considered to be acceptable in principle.

Sustainability

An objector raises the concern that the proposal would be wasteful and have a greater environmental impact than refurbishing the existing building. This view is understood and it is noted that LP Strategy 3 Sustainable Development indicates that the prudent use of natural resources, minimising resource consumption and reducing carbon dioxide emissions should be taken into account when considering development proposals. In response to the objector's concerns, the agent has indicated that the environmental impact of the proposal has been considered, both in terms of the embodied carbon/energy associated with the proposed demolition and construction (including that connected with the use of new materials) and the operational carbon/energy associated with the lifetime of the facility. It has been explained that the existing toilets are in disrepair and that a comparison of refurbishment vs replacement indicated that refurbishment to modern standards would require almost as much time, money, materials and construction as a new modular toilet building. In addition, it is indicated that the proposed building's modular design would reduce wastage of materials and allows for a more efficient process of construction. With regard to operational energy, it is stated that the carbon footprint of the existing building arising through wasted water and electricity is a larger issue than that of the embodied energy associated with the new building materials. The proposed new building would make use of sanitary ware which reduces water consumption and as it would produce electricity from the solar panels, the building would hardly need to draw energy from the grid. Therefore considering the lifetime impacts of the existing and proposed building, the agent has explained that replacing the existing building with a new building is considered to be justified in terms of environmental sustainability. There is no reason to doubt this conclusion and it is therefore considered that the proposal does not represent a conflict with LP Strategy 3.

Visual Impact and Impact on Conservation Area

The proposed replacement toilet block would be of a similar scale to the existing block. It's design would, however, be different from that existing block in that it would have a flat roof with solar panels on top, brightly coloured doors and high level port-hole windows, giving it a contemporary appearance, although it would have brick external wall surfaces similar to the existing building. The existing block, with its pitched roof, plain and recessed doors and high level angular windows has a slightly more traditional appearance. The existing block is not, however, considered to be of any particular architectural merit and its demolition is not considered likely to adversely impact on the character and appearance of the area. The new toilet block would look different to the block which it would replace, however, given it's small scale and red brick walls it is considered that it would relate well to nearby built forms, in terms of its form and general design. The Conservation Officer has been consulted on the proposals and does not raise any concerns with regard to impacts on the character and appearance of the Conservation Area or the settings of nearby Listed Buildings, the consideration of which is given great weight in this assessment. Notwithstanding that the Conservation Officer raises no concerns, it is considered that the brightly coloured doors would potentially appear incongruous, given the building's particular context within the Conservation Area and in the vicinity of listed buildings. It is understood that green doors are proposed to denote disabled toilet facilities in new toilets which are being provided throughout the district, and no

objection is raised to the use of this colour for the disabled cubicles in this building. However it is recommended that a revised colour palette be required for the remaining doors, to enable the building to blend more acceptably with its setting and to this end a condition is recommended. With the condition imposed it is considered that the visual impact of the proposal would be acceptable and that no adverse impacts on heritage assets would be likely to arise. The proposal is therefore considered to accord with the requirements of LP Strategy 39 (Renewable and Low Carbon Energy Projects) and LP Policies D1 (Design and Local Distinctiveness), RC6 (Local Community Facilities) and EN9 (Development Affecting a Designated Heritage Asset).

Impact on Town Centre

LP Policy E9 (Town Centre Vitality and Shopping Areas) seeks to ensure that town centres are viable through resisting development which undermines shopping character, visual amenity or their vitality. The policy resists new non-retail uses unless these qualities would be unlikely to be undermined. As this proposal relates to the replacement of one a non-retail use with another of a similar scale it is not considered that it would have any impact on town centre vitality or the character of the shopping area. Moreover, the continued provision of public toilets close to the main shopping area of the town is likely to support its attractiveness as a shopping area and thus in turn support town centre viability. The proposal therefore is considered to accord with the above Policy.

Accessibility and travel

The proposed facility could be readily accessed via a variety of transport modes and it caters for wheelchair users. As it would replace an existing facility it is not considered that the proposal would generate an increase in traffic. The proposal is therefore considered to accord with the accessibility and travel requirements of LP Policies D1 (Design and Local Distinctiveness) and TC2 (Accessibility of New Development) RC6 (Local Community Facilities) and LP Policy E9 (Town Centre Vitality and Shopping Areas).

Other issues

Impact on Wildlife

The proposal involves the demolition of a building which potentially could harm wildlife/wildlife habitat and therefore the application is supported by an ecological survey. The survey indicates that the development would have no impact on statutory designated sites, that there is no evidence of bats using the building and that it has limited bat roosting potential. Precautionary measures relating to bats and other species are nevertheless recommended in the survey report. It is recommended that a condition be imposed to require these measures to be adhered to. With the condition in place the proposal would accord with LP Policy EN5 (Wildlife Habitats and Features.)

Amenity

No harmful impact on the amenity of the area or surrounding dwellings is considered likely to arise from the proposed development and as such the proposal would accord with the relevant requirements of LP E9 (Town Centre Vitality and Shopping Areas) and D1 (Design and Local Distinctiveness).

Crime Prevention

Whilst in a publicly accessible area the proposed building would not benefit from a continual high level of natural surveillance, i.e. overlooking from surrounding occupied dwellings, due to its particular location. As such it would be potentially subject to vandalism/antisocial behaviour. The proposal intends to enhance the immediate area of the site to provide a pleasant space and in turn discourage anti-social behaviour. In addition, various elements of the building have been designed to discourage vandalism e.g. high ceilings. The Crime Prevention officer has been consulted on the proposal, however no concerns have been raised by this consultee. It is considered, on balance, that the proposal would be acceptable with regard to the requirements of LP Strategy 37 (Community Safety).

Plan error noted by Honiton Town Council

Honiton Town Council indicate that the site boundary line is incorrect on the proposed site plan 1002 REV P04, however there is not, strictly speaking a requirement for a site plan to include a site boundary anyway (the development site being indicated by the red outline on the location plan). In addition, the position of the site boundary as shown on the proposed site plan does not affect the assessment of the proposed development, nor would it affect any planning permission that may be granted.

CONCLUSION

The proposal would provide a replacement community facility which would support the viability of the town centre. With the recommended conditions imposed it would not harm heritage interests and it would be environmentally sustainable. The proposal being acceptable in all other relevant respects it is considered to represent sustainable development.

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. Notwithstanding the colours of the doors indicated on the approved plans, the doors of the toilet block hereby permitted shall not be installed until details of alternative external door colour(s) (with the exception of the doors of the disabled cubicles), reflecting the context of the site and ensuring that the development conserves and enhances the character and appearance of the Conservation Area, have first been submitted to the Local Planning authority and agreed by them in writing. The development shall be carried out in accordance with the details so approved. (Reason: In the interests of the

conservation of the character and appearance of the conservation area and in accordance with Policies D1 Design and Local Distinctiveness, EN9 Development Affecting a Designated Heritage Asset and EN10 Conservation Areas of the East Devon Local Plan).

4. The recommended avoidance and mitigation measures set out at section 5 of the Ecological Impact Assessment dated November 2023 by ge consulting shall be adhered to in accordance with the timescales set out in that document. (Reason – In the interests of the protection of protected species and in accordance with Policy EN5 Wildlife Habitats and Features of the East Devon Local Plan).

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 listed building concerns have been appropriately resolved.

Informative: Confirmation - No CIL Liability. This Informative confirms that this development is not liable to a CIL charge.

Plans relating to this application:

	Location Plan	04.12.23
1001 REV P05	Proposed Combined Plans	27.11.23
1002 REV P04	Proposed Site Plan	27.11.23

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.