

**Ward** Sidmouth Town

**Reference** 23/1657/FUL

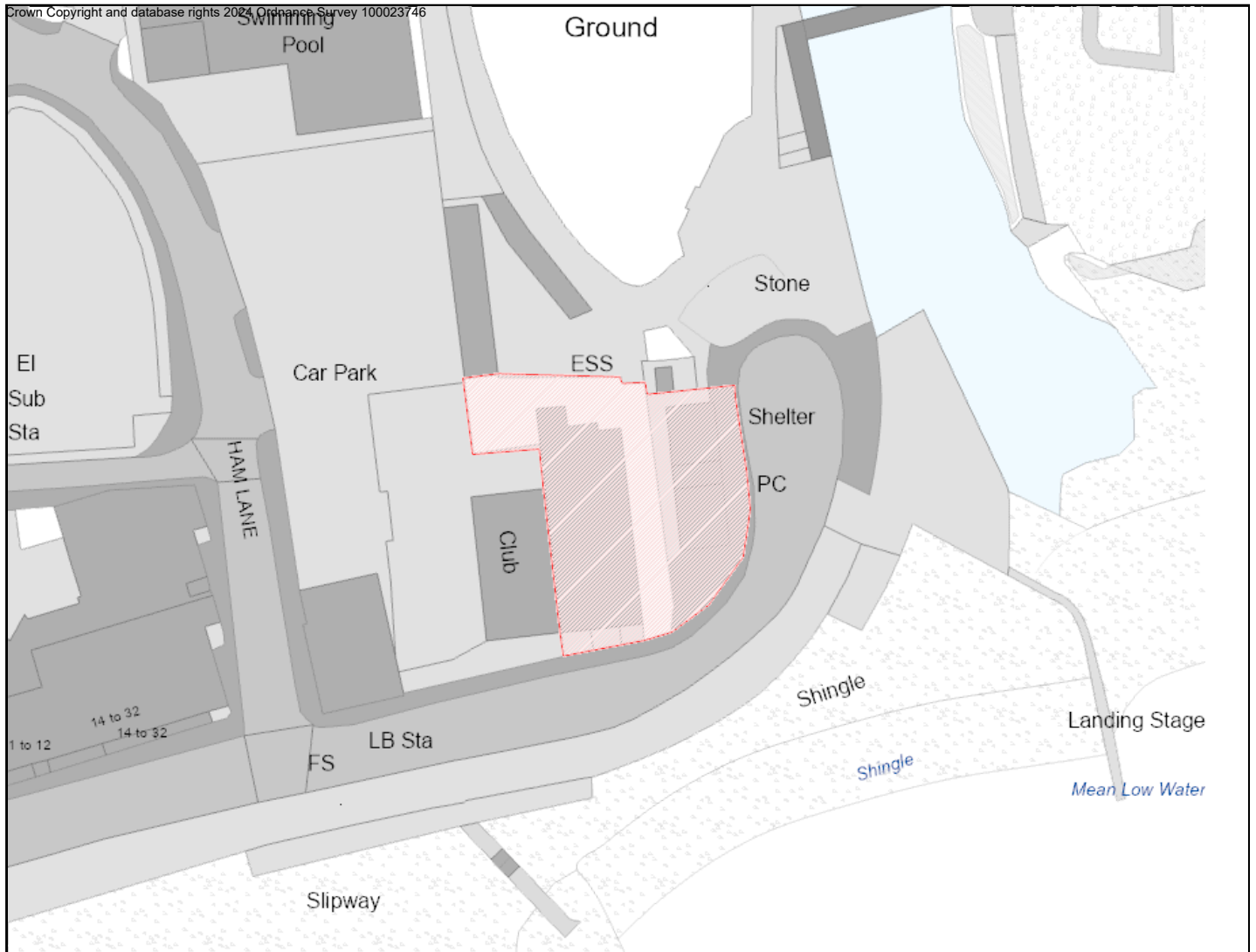
**Applicant** Mr Mitch Tonks

**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**



		<b>Committee Date: 18.06.2024</b>
<b>Sidmouth Town (Sidmouth)</b>	<b>23/1657/FUL</b>	<b>Target Date: 02.10.2023</b>
<b>Applicant:</b>	<b>Mr Mitch Tonks</b>	
<b>Location:</b>	<b>Sidmouth Drill Hall The Esplanade</b>	
<b>Proposal:</b>	<b>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.</b>	

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#### **EXECUTIVE SUMMARY**

**This application is before members as the Local Authority is the landowner of the application site.**

**The Drill Hall is located on a prominent position at the eastern end of Sidmouth Esplanade. The front elevation 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 historic OS maps from 1890 annotate the building as a 'Drill Hall'. 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 later transferred to EDDC from Wessex Reserve Forces and Cadet Association in 2012, the Drill Hall itself is believed to have been unused since 2007. 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 with 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. The application site forms part of this mixed-use allocation, which is titled ED03.**

Additionally, there are several policies within the Sid-Valley Neighbourhood Plan that support redevelopment of the Eastern Town. It is considered that use of the site as a seafood restaurant meets underlying objectives of the Neighbourhood Plan which seeks to ensure that development reflects the Town's maritime heritage.

The replacement toilet block shall reduce in the number of toilets on offer at the 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 12<sup>th</sup> May 2021, that it is no longer viable for the Local Authority to retain ownership and operate the existing toilets. As such, in line with existing block's 'Category B' designation, the replacement of the existing toilets, albeit with a reduced number, complies with EDDC's Toilet Strategy and Policy 25 (Eastern Community Assets) of the Sid Valley Neighbourhood Plan.

Owing to its local historic interest, the Drill Hall is deemed worthy of local listing and therefore considered a non-designated heritage asset. The proposals retain key internal features and propose external alterations that are appropriate to the character of the building whilst also securing its long-term maintenance. The subservient scale of the dining room extension and its form, which mimics the Drill Hall, ensure that the works are sympathetic to the setting of the Conservation Area. The proposed re-rendering of the Drill Hall's external walls and the use of slate and timber boarding for the extension are also considered acceptable.

Overall, the works are considered to result in moderate heritage gain through enhancement to 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.

Due to the sites position within Flood Zone 3a a Site Specific Flood Risk Assessment has been submitted to the LPA. After several updates to the FRA the Environment Agency deems the FRA as being acceptable. However, the LPA are required to consider the acceptability of the submitted Flood Warning Evacuation Plan (FWEP). Whilst a FWEP has been submitted further information is required to demonstrate the residual risk to staff and patrons has been reduced as much as possible. This shall be secured via planning condition.

A submitted Ecological Appraisal has identifies the loss of two bat roosts and a birds nest. Recommendations within the report include various ecological enhancements to the basement level and provision of bird and bat boxes to the external walls to mitigate the loss of habitat within the Drill Hall and some scrub to the rear. The works would require obtaining a European Protected Species License (EPSL) from Natural England.

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

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

As discussed, we consider that the Flood Risk Assessment (FRA) has adequately assessed the flood risks in line with the requirements of the National Planning Policy Framework. We acknowledge that the April 2024 FRA did address the UKCP2018 climate change allowances as shown in Appendix D (The Royal Haskoning DHV additional modelling/report) and apologise for our reference to outdated climate change projections in our letter of 2nd May 2024.

What is evident is that the findings of latest Royal Haskoning DHV modelling using the UKCP2018 clearly indicate that the overtopping rates and therefore flood risk, including safety of users of the building, including that to routes 'A' and 'B' in certain conditions, would be greater over time than previous estimates, including those as originally submitted, and should be regarded as up to date for the purpose of helping determine the application and informing an appropriate flood warning and evacuation plan.

We note that the outputs of the UKCP2018 modelling have been used to inform the design implications for the building with/without the Beach Management Plan up to a 2043 scenario, and likewise, up to a 2123 scenario. However, we are not really in a position to provide an absolute formal position regarding the long-term sustainability of the proposal, including safety implications, regarding whether the Beach

Management Plan (BMP) is implemented or otherwise. We do however highlight the likely consequences. What is clear is that the building's environs and access/egress routes are subject to overtopping already and will do so irrespective of implementation of the BMP. How to correlate overtopping rates with safety is not one we could advise on and is a material issue a local authority emergency planner should consider. Our concerns to date are related to insufficient reference in the submissions to historic storm events, in context to the building, its environs and the access/egress routes. For example, Storm Ciaran a storm event of much relevance here which postdated the application.

Therefore, this key issue is now a matter for your authority to consider and assess whether it is an acceptable risk. Whilst the EA are a category 1 responder and has a role to forecast flooding and issue flood alerts and warnings, it is the responsibility of the local authority to form an overall view of the adequacy of emergency plans, and be satisfied that such an emergency plan (or flood warning and evacuation plan) can be safely and reasonably achieved before determining a planning application.

In terms of lifetime of proposal. In a previous letter, we suggested a lifetime restricted to 20 years due to the detail and confidence in climate change data in the shorter-terms epoch. It is quite clear that the development (and users) would be at a greater risk should the BMP not be implemented. However, this balance is for the local authority to undertake and with recognition to the various other material considerations.

As a result, we recommend that the application is not determined until your decision can be informed by your authority's consideration of the Emergency Planning related issues. As discussed at the meeting we would not pursue an objection should you be content with regard to emergency planning considerations and are minded to approve the 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

At the time of preparing the report 24 comments had been received, consisting of 21 objections, 11 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)

E20 (Provision of Visitor Attractions)

TC10 (Rear Servicing of Shopping/Commercial Development)

### Government Planning Documents

NPPF (National Planning Policy Framework 2023)

### 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 consist of 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 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 to convert and extend the Drill Hall to a restaurant and bar. In order to facilitate construction of the extension, demolition and replacement of the public toilets is proposed. External dining space is proposed on external decking 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 with forward and rear projecting gable ends, 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 within a standalone building to the rear of the extension. This shall have a single ply membrane mono-pitch roof and dark clad walls. The outside dining area is to 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, requiring marketing of the premises for at least 12 months.

Evidence available to the LPA indicate that The Drill Hall has been unused since 2007. The building was marketed in 2018, no community uses came forward. However, a number of commercial uses expressed interest which included proposals to demolish the building.

The current proposal retains the Drill Hall and allows for public commercial use of the building, bringing public and economic benefits by way of generating employment, enhancing the vitality of the Eastern Town. The proposals are therefore considered to meet 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 local historic significance, the proposal complies with Strategy 26 in terms of proposing a community/commercial facility at the site.

With regards to the Sid Valley Neighbourhood Plan, there are several 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.

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. However, the existing toilet block or sheltered seated area 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 and extension of an existing building, it will continue to benefit from the nearby public transport links and shall not impact the existing Sustrans cycle network.

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 or replace existing community assets the public toilets, swimming pool and Ham recreation ground. The policy also states that redevelopment of the Eastern Town should include the provision of catering or bar/restaurant facilities. As the proposals seek to replace the Port Royal Toilets and introduce a restaurant use the proposal is considered to meet this policy.

In summary, the proposal is considered to be acceptable in principle as the proposals seek retain an existing building in community/commercial use with a seafood 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.

Due to budget constraints the Local Authority has had to reconsider its public toilet provision. East Devon District Council put forward proposals about the future of public toilet services within the Public Toilet Review. This 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 1<sup>st</sup> December 2021, and the resulting strategy has been published on the Local Authority's website and categorises the Sidmouth Port Royal toilets as 'Category B'. As a result, EDDC would no longer be providing public toilets at the site and shall be looking for an alternative party to occupy and lease the site. 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, 8am and 10pm between the dates 3<sup>rd</sup> April - 30<sup>th</sup> September and 8am and 7pm between 1<sup>st</sup> October - 2<sup>nd</sup> April unless alternative hours are previously agreed in writing by the Local Planning Authority.

Whilst it is accepted that the replacement toilet block would lead to a reduction in the number of toilets on offer, it is clear from the findings of the Public Toilet Review that it is no longer financially viable for the Local Authority to provide and operate the toilets. From 1<sup>st</sup> April 2024 no budget has been allocated to running the Port Royal toilets and therefore, regardless of the outcome of this planning application, EDDC shall not be providing toilets at the site past this date. As such, in line with existing block's 'Category B' designation, the replacement of the existing toilets and their future operation by Rockfish complies with EDDC's Toilet Strategy.

Furthermore, 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. This aim is reflected within the provisions of Policy 25 (Eastern Town Community Assets) that encourages the retention and replacement of community

assets, however, no exact threshold as to the number of replacement toilets is provided. It is the position of the LPA that the conclusions of the Toilet Strategy are clear that future provision of toilets at Port Royal are dependent on a private body leasing the site. Discussions between EDDC and Rockfish determined that two toilets would be provided to ensure the proposals were viable.

As such, the proposed replacement of the existing toilet block with two accessible unisex toilets is considered to comply with Neighbourhood Plan Policy 25 (Eastern Town Community Assets) and the overarching aims of the Local Plan regarding regeneration of the Eastern Town/ Port Royal area. Whilst concerns raised by third parties and the Town Council are understandable, the level of toilet provision proposed is considered policy compliant and therefore the reduction in toilets at the site cannot be attributed harm in the overall planning balance.

### **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, several 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 few 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 therefore contributes to the historic interest of the conservation area. However, owing to a lack of maintenance over the years and its seafront location, the building's appearance has weathered poorly and 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 development would have minimal impact on the integral features and historic fabric of the building. The submitted drawings seek to respect the form of the existing building whilst preserving key internal features, including the scissor trusses within the principal hall. The external envelope of the Drill Hall shall be wrapped in a layer of thermal insulation with

a render coating to help 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 due to its prominent position on the eastern end of the Esplanade. Notwithstanding this, the proposed extension is subservient in scale 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 shall be retained albeit painted in Rockfish's colours of off-white and light blue for their logo. A new wall shall enclose the external dining area and, subsequent to discussions between the Environment Agency and applicant, has been raised within the latest schedule of drawings 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 and therefore the anticipated heritage gain weighs in favour of the scheme.

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 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 point along the seafront, the Ham Recreation area to the north, Alma Bridge and Salcombe Hill Cliff. Therefore, the demolition and replacement of the toilet block, shall inevitably have a degree of visual impact on the immediate area.

However, the proposed scale and form of the extension is subservient to the Drill Hall and to be constructed of materials appropriate to its seafront location. Additionally, the proposed conversion and change of use of the site to a seafood restaurant is also considered appropriate and a nod to Town's maritime heritage. The existing toilet block, whilst of modest proportions, 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 addressed, the proposed restaurant use of the building shall 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 when 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 shall require 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 shall 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, within the Local Plan which is the preamble for Strategy 26 (Development at Sidmouth). 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 mixed use development and has already been subject to the sequential test at the plan making stage it does not need to be applied again as per paragraph 027 of the Planning Practice Guidance (PPG).

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

With regards to ensuring the development shall 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. In the event of a flooding event, 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 shall be elevated above the highest flood levels and the basement shall be kept vacant and built out with ecological enhancement measures. The Site Specific Flood Risk Assessment has been updated with the latest UK Climate Change Projections (UKCP18) which has addressed previous concerns from the Environment Agency with regards to the contents of the FRA.

However, despite the FRA being considered acceptable, and that the associated risks to the building have been adequately considered, the EA has emphasised that the anticipated increase in overtopping rates in the future caused by tidal flooding requires the LPA to consider a Flood Warning Evacuation Plan.

The flood risk and coastal change section of the planning practice guidance (PPG) adds that where risks are unavoidable through location and design options, applicants will need to demonstrate that safe evacuation procedures and flood response infrastructure are in place to manage the risk. Applicants should do this through their FRA and, where relevant, through an agreed emergency plan.

A Flood Warning Evacuation Plan has been submitted at appendix F of the Flood Risk Assessment. Such contingency measures contained within the document shall only be required in exceptional circumstances where the Environment Agency's Flood Warning or Met Office weather warnings have not been received and the restaurant

has not already been closed as per 'Actions' in Table 2. The two points of refuge during a flood event are The Health Centre (Route A) and the Manor Pavilion (Route B). Depending on the type of flooding event, whether coastal or fluvial, and its severity, shall dictate the chosen route or whether containment should be considered. The FWEP shall be reviewed in order to monitor and update if circumstances change.

Whilst the LPA are satisfied that the chosen refuge points are appropriate, further details are required to ensure that the residual risk is reduced as much as possible. Further information regarding additional trigger points beyond just the Environment Agency alerts and Met Office weather warnings should be sought. During a flooding alert it should also be demonstrated that the external dining furniture shall be stored or anchored and how hazards during a flood event shall be assessed and managed.

Additionally, further clarity with regards to how the details of FWEP shall be communicated and implemented between Site Managers, employees and patrons should be demonstrated. Notwithstanding this, it is the position of officers that this information can be secured via an appropriately worded condition if consent is to be forthcoming.

Overall, having regard to the provisions of Policy EN21 (River and Coastal Flooding), the sequential test has been satisfied and therefore the provisions of sub paragraphs must be considered. In this case, as already detailed within the report, the development has demonstrated that the proposals would result in wider sustainability benefits in terms of heritage gain, employment and enhancements to the viability and vitality to the eastern end of the esplanade. The development concerns previously developed land and the submitted FRA has been deemed acceptable by the EA. The development therefore meets the provisions of Policy EN21.

### **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. The submitted FRA details that the use of soakaways would not be appropriate in this location.

The proposed extension and toilet block would marginally increase the extent of built form at the site by approximately 32 square metres. However, this is considered minimal and considering the site is brownfield land, categorised as being at a 'low risk' from surface water flooding and would utilise an existing system to attenuate surface water run off, the LPA does not object on these grounds.

### **Ecology**

The application is supported by an Ecological Appraisal prepared by Richard Green Ecology. Emergence surveys have been conducted in June 2019 and again in May and June of 2023. The site lies 8km south east of the Beer Quarry and Caves SSI and SAC.

The appraisal concludes that, whilst demolition of the toilet block would not harm protected species, 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 several key enhancement features are identified.

- Retaining access to the basement via gaps above doors on the northern elevation.
- Additional woodcrete bat boxes should be installed within the eaves on the western elevation to increase roosting opportunities.
- 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.

Despite the submitted ecological appraisal stating that there is little evidence to suggest that the Drill Hall is used as a commuting habitat and little foraging habitat, no lighting details have been submitted with the proposals. As the proposals could potentially increase the level of light spill from the site and disrupt nearby flight paths, a condition securing the details of any external lighting shall be required and agreed upon prior to first use of the restaurant.

The proposed works to the Drill Hall would require a European Protected Species License (EPSL) from Natural England and the construction phase shall need to be supervised by a licensed ecologist.

National Planning Practice Guidance (PPG) requires that the Local Planning Authority is satisfied that a licence is likely to be granted before it grants planning permission. The LPA is required to consider the proposals against three licensing tests for European protected species. If these are not satisfied, a licence cannot be issued and the developer may not be able to implement a grant of planning permission. The three tests are considered below:

#### 1. Consider Alternative Solutions

The submitted Ecological Appraisal highlights the poor state of the roof due to it being damaged with large gaps in the ridge, missing slates, ripped roof lining, openings in the eaves and gaps in the walls. In order to secure the long-term future of the Drill Hill, which is considered a building of local significance, the building shall need to be repaired to bring it back into use.



## 2. Consider Imperative Reasons of Overriding Public Interest

As already detailed within the report, the development would secure the long-term future use of a non-designated heritage and enhance the appearance and setting of the conservation area. Additionally, the anticipated enhancement to the vitality of the eastern end of the esplanade and economic benefits through providing local jobs would provide public benefits that outweigh the risk of harm.

## 3. Secure Compensatory Measures

The submitted Ecological Appraisal has listed mitigation measures to provide alternative roosting provision for bats. Most notably the retention and enhancement of the Drill Hall's basement to provide features that provide a range of roosting features. Native planting in raised planters is also proposed within the service area to the north to provide foraging opportunities. The proposals also include the provision of replacement nesting opportunities for birds.

Given the above, the LPA is satisfied that the derogation tests are met and that a EPSL would be granted by Natural England.

The appraisal concludes that, given the scale of development, the proposals are unlikely to have a significant effect on the integrity of the Sidmouth to West Bay or Beer Quarry and Caves SAC. The recommendations within the Ecological Appraisal shall be secured via planning condition to ensure that development meets the provisions of Policy EN5 (Wildlife and Habitats) of the Local Plan and that an EPSL is likely to be granted by Natural England.

## **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 east of the existing toilet block is being reduced in width. Whilst it is accepted that the footprint of the proposed extension and the wall enclosing the external dining area shall exceed the width of the existing toilet block, it is considered that the remaining footpath shall still be an acceptable width. In the absence of an objection from the County Highway Authority, the application cannot 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 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 seafood is also considered appropriate in this seaside location and reflects Sidmouth's maritime heritage, although it should be noted that any operator could benefit from this permission if granted.

Furthermore, the anticipated increase in footfall to the site generated by the proposal would enhance the vitality of the eastern end of the Esplanade. In turn, the development shall enhance the viability of the immediate area for existing and future businesses and also provide 30 full-time and 20 part-time jobs. The anticipated economic benefits are considered to significantly weigh in favour of the scheme.

The proposed physical alterations to the Drill Hall are deemed acceptable and sympathetic to the building's local historical significance and secures its long-term maintenance. The proposed single storey extension is also considered acceptable with regards to its impact on the character of the principal building and appearance of the wider area including the setting of the Conservation 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 require a larger extension which have implications with regards to its impact on the setting of the Drill Hall and wider character of the area.

Several third parties and the Town Council 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 observations made during 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 being 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 immediate area nor are they explicitly 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 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. Notwithstanding the approved drawings, the vertical dark cladding for the proposed extension shall be constructed of natural timber only. 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 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 16.04.24.  
Notwithstanding this, prior to commencement of the development, excluding demolition, a revised Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the site occupied and operated in accordance with the Flood Warning and Evacuation Plan for its lifetime.  
  
(Reason: To reduce the risk of flooding to the proposed development and future occupants and in the interests of public safety in accordance with policy EN21 (River and Coastal Flooding) of the East Devon Local Plan and the National Planning Policy Framework 2023).
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. Prior to first use of the restaurant hereby approved by members of the public, 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) and In the interests of wildlife protection in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Local Plan 2013-2031)

7. The use hereby permitted shall not commence until a detailed proposal for the treatment of cooking odours 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.)

9. Prior to any demolition works to the existing Port Royal toilet block, details of temporary toilet provision shall be submitted to and approved in writing by the Local Planning Authority. The temporary toilets shall be provided in accordance with the approved details and be made available for public use prior to commencement of any demolition work and shall remain until the new toilets, as indicated on Drawing 1446-PL230 Rev C are constructed in full. The new toilets shall be made available for public use prior to first use of the Drill Hall as a restaurant and shall be retained and maintained as toilets for public use for the

lifetime of the development. The public toilets shall be available for use every day of the week and as a minimum between the hours of 8am and 10pm between the dates 3<sup>rd</sup> April - 30<sup>th</sup> September and 8am and 7pm between 1<sup>st</sup> October - 2<sup>nd</sup> April unless alternative hours are previously agreed in writing by the Local Planning Authority.

(Reason: To ensure adequate toilet provision at the site in accordance with Policy 25 - Eastern Town Community Assets of the Sid Valley Neighbourhood Plan 2018 - 2032.)

10. Prior to first use of the restaurant and bar hereby approved, the Splash Wall that encloses the external dining area, as shown on Drwg 1446 – PL223 REV C shall be constructed in full and shall be retained and maintained as such for the lifetime of the development.

(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 Adopted East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

Not CIL Liable

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.

Please note that any adverts, including the indicated wording 'Rockfish' shown on the splash wall may require separate advertisement consent before being installed.

#### 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
1446-PL219 Rev B	Block Plan	28.07.23
1446-PL220 Rev A: Basement	Proposed Floor Plans	28.07.23
1446-PL222 Rev C: First	Proposed Floor Plans	28.07.23
1446-PL230 Rev C: Public Toilets	Proposed Elevation	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.