

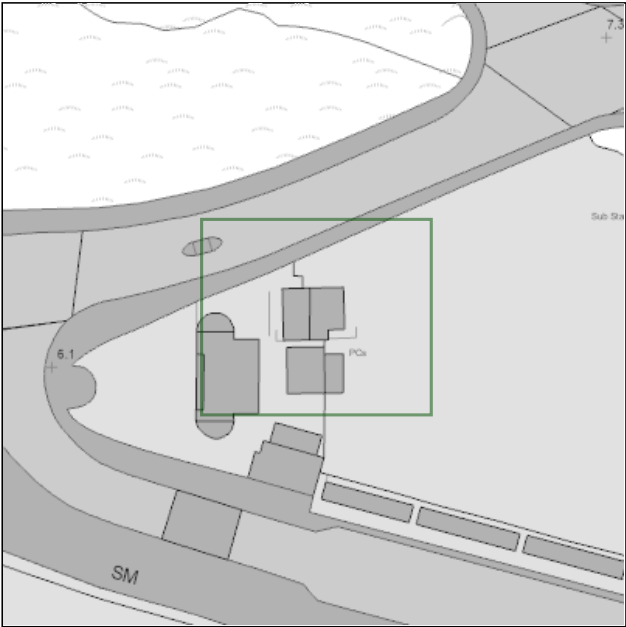
Ward Exmouth Littleham

Reference 23/2624/FUL

Applicant Mr Jorge Pineda-Langford (eddc)

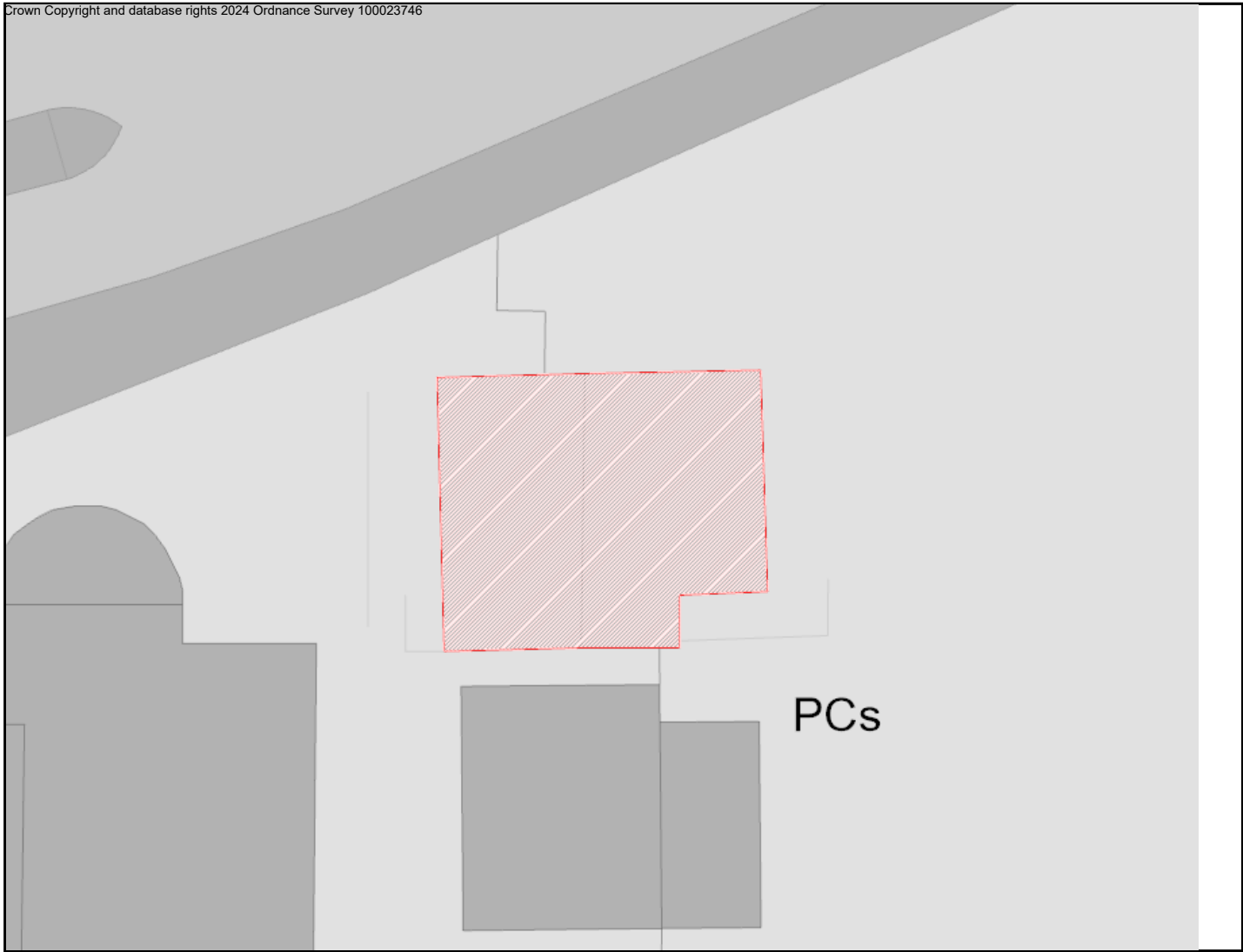
Location Toilets Foxholes Car Park Queens Drive
Exmouth Devon EX8 2AY

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



RECOMMENDATION: Approval with conditions

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		Committee Date: 30.01.2024
Exmouth Littleham (Exmouth)	23/2624/FUL	Target Date: 30.01.2024
Applicant:	Mr Jorge Pineda-Langford on behalf of EDDC	
Location:	Toilets Foxholes Car Park	
Proposal:	Demolish existing public toilets and replace with a new public toilet building.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is brought before the Planning Committee owing to the scheme being submitted by EDDC to which objections have been received.

The existing site is occupied by a toilet block within a mixed setting close to Exmouth seafront. There are no relevant heritage or other design related considerations.

The proposed development would see the demolition of the existing building and its replacement with a more modern building. The scheme would also include new external showers, a bike rack and public realm improvements.

The objections received primarily related to the design of the proposal, the need to demolish the existing building and the potential use of the site. While these concerns are noted, it is not considered that these would represent grounds for refusal of this application.

When the application was considered against the local policies, it was identified that it complied in multiple regards and approval is recommended subject to conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

Objection: the application is contrary to Exmouth Neighbourhood Plan EB2 in so far as the design does not respect the heritage of Exmouth as a beach resort;

specifically the proposed brightly coloured doors and loss of a pitched roof is out of keeping with the neighbouring RNLI building and Fortes cafe. Councillors also expressed concerns about the carbon emissions associated with the demolition of the existing building which is contrary to the policy intentions of the emerging local plan and expressed a preference for the existing building to be retained and adapted / extended.

Technical Consultations

DCC Flood Risk SuDS Consultation

Comments received from this consultee requesting clarification as to whether SWW have been consulted and whether SUDs planters can be incorporated.

EDDC District Ecologist

No objection subject to the addition of a condition requiring that works are proceeded in accordance with the submitted Ecological Impact Assessment report.

Environmental Health

No objection.

Other Representations

Two Letters of Objection were received which are summarised as follows:

- The proposal misses an opportunity to increase its capacity and provide specialised facilities for the camper van community.
- Concern about why the present building needs to be demolished rather than extended or refurbished.
- The public realm improvements are for a car park and not any existing tourist attraction.
- The toilet facilities budget would be better spent on other projects.
- There is limited capacity available to meet demand for these facilities.
- The scheme seems to lack joined up thinking and would be a poor use of public funds.
- Query about how these toilets can be kept clean given the present state of the current facilities.
- Request that the demolition and reconstruction works should take place outside of the summer season to avoid disruption.

[Officer Comment: These points will be addressed in the following analysis.]

PLANNING HISTORY

Reference	Description	Decision	Date
82/P1050	Erection Of Single Storey Public Conveniences.	Permission Granted	21/09/1982

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 38 (Sustainable Design and Construction)

Strategy 46 (Landscape Conservation and Enhancements and AONB)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

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

RC6 (Local Community Facilities)

TC7 (Adequacy of Road Network and Site Access)

Exmouth Neighbourhood Plan

Policy EB2

Action CFA8

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

National Planning Practice Guidance

Site Location and Description

The application site involves an existing toilet block that forms part of the Foxholes Car Park. This building is single storey in height and forms part of a cluster of buildings facing Queens Drive in proximity to the Exmouth seafront.

In terms of policy designations, this site falls within the Exmouth Built Up Area Boundary (BUAB). Additionally, this site is outside of a flood risk zone and falls just within an AONB.

ANALYSIS

Proposed Development

Planning permission is sought for the demolition and erection of a replacement public toilet block along the seafront in Exmouth. The proposed new block would have a staggered rectangular footprint measuring at its largest some 4.95m by 11.4m. The roof of this building would be flat with a maximum height of some 3.1m. Externally, the proposed building would be finished primarily in hardieplank cladding of an unspecified colour with a grey metal parapet for its roof and its metal doors finished in beach hut colours. Solar panels would be incorporated within the roof of this building.

This proposed building would be similarly positioned to the existing toilet block but would be erected closer to the Foxholes car park and rotated to align to its parking space's layout. As part of the space made available by this repositioning and to supplement its facilities, external showers and a bicycle rack are to be located near to this building. In the area to the west of this building, public plantings and seating is proposed to enhance to public realm of this setting.

In terms of facilities, this toilet block would consist of 6 unisex toilets and two wheelchair accessible W/C's. At the end of the building, a larger changing space incorporating a toilet is proposed to provide more specialised facilities. Each of these individual toilets is accessible via external doors that are indicated to be openable via contactless payment points. When compared to the existing provision, the present block was subdivided into gendered areas containing 3 male WCs, 4 female WCs, 3 male urinals and 1 accessible WC.

This application is an internal scheme submitted by EDDC and is understood to be part of the Public Toilet Investment Programme that seeks to renew facilities of this sort throughout the district. As part of this, it is noted that at least four other planning applications for similar schemes under application references 23/2536/FUL (Honiton), 23/2537/FUL (Sidmouth), 23/2561/FUL (Seaton) and 23/2626/FUL (Budleigh Salterton). However, in line with planning legalisation, each scheme is being considered and determined independently. This application has been brought before planning committee in line with the LPA's scheme of delegation as objections have been received to a scheme submitted by EDDC.

Principle of Development

Strategy 6 of the East Devon Local Plan states that Built-up Area Boundaries, as defined on the Proposals Map, are considered appropriate through strategic policy to accommodate growth and development. This position is mirrored by Strategy 22 relating to Exmouth as well as the adopted Exmouth Neighbourhood Plan.

In the East Devon Local Plan, no specific policy relates to the provision of public toilets or amenities of this sort. However Policy RC6 (Community Facilities) states that proposals for new facilities, extensions and/or alterations to existing facilities to serve the local community will be permitted on sites within or adjoining Built-up Area Boundaries provided they meet the following criteria in full:

1. The proposal would be compatible with the character of the site and its surroundings and in villages with the rural character of the settlement.
2. The proposal will be well related to the built form of the settlement and close to existing development.
3. The site is accessible by a variety of types of transport, including walking and cycling and the amount of traffic generated by the proposal could be accommodated on the local highway network without harming road safety.
4. The proposal would not be detrimental to the amenity of neighbouring residents by reason of undue noise or traffic.

This policy also outlines that Planning Permission will not be granted for developments that would result in the loss or closure of a community facility unless the community facility is no longer needed or is not viable or an alternative facility of equal or higher value is being provided.

While not a policy in itself, Action CFA8 of the Exmouth Neighbourhood Plan states this document supports the identification and development of sites in Exmouth for the provision of public toilets.

The proposed scheme would provide a replacement toilet block following the demolition of the existing facilities. This is located within an BUAB where development is generally considered acceptable in principle.

In terms of the provision made by these new facilities, the new layout would change the way this public amenity would function while also creating new more accessible options. This scheme would also maintain the existing provision and use of the site such that this amenity is not lost. Moreover, the scheme would also include a new bike rack, external showers and public realm works that would provide broader improvements and services to this area that are for the benefit of the community. While it is noted that objections have been received stating that additional facilities should be provided, with the existing level of provision maintained this is not considered to represent a reason for refusal in itself.

The proposal is therefore considered acceptable in principle subject to the following analysis.

Character and Appearance

Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan, requires that proposals will only be permitted where they:

1. *Respect the key characteristics and special qualities of the area in which the development is proposed.*
2. *Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.*

Policy EB2 of the Exmouth Neighbourhood Plan states that new development should be mindful of surrounding building styles and ensure a high level of design as exemplified in the Avenues Design Statement (2005).

These policies are consistent with the National Planning Policy Framework (NPPF) stating in paragraph 130 that planning decisions should ensure that developments should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 134 also makes clear that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

The site under consideration is presently occupied by the existing toilet block, a detached brick-built single storey building with a pitched roof that is considered to demonstrate limited architectural merit. Within its immediate setting, this building forms part of several similarly single storey detached buildings characterised by primarily pitched roof forms and differing material finishes. To its east is Foxholes car park, an open space often filled by vehicles of varying sizes and positions. The existing toilet block is the tallest and most prominent of these buildings making it appear particularly visible within its surroundings, including from the roads to its north and east.

The proposed works would see the demolition of this existing block and its replacement with a flat roofed building finished in more contemporary materials. Owing to this reduced height, this would reduce the prominence of this building from its surroundings. With the variety of roof forms and materials found nearby and no heritage designation of its surroundings, this change of form is not considered to materially harm the wider streetscene. Furthermore, the introduction of a flat roof would mirror the functional use of this building, demarking this within the surrounding views. The associated improvements to the public realm are also considered to enhance this setting, adding interest to both pedestrians and vehicle users alike.

The proposal is therefore considered to have an acceptable impact on the character and appearance of the existing site, its setting and the wider streetscene.

Impact on Neighbouring Amenity

Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan, requires that proposals do not adversely affect the amenity of occupiers of adjoining residential properties.

The application site is located away from any nearby residential dwellings in an area frequented by visitors to Exmouth Seafront. With the proposed development matching the existing use and location, it is not considered that the scheme would result in greater amenity impacts than what is presently found.

The proposal is therefore acceptable and policy compliant in the above regards.

Highway Impacts

Policy TC7 (Adequacy of Road Network and Site Access) of the Adopted Local Plan states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

The proposed development would not impact the parking provision or access of the existing Foxholes in any regards. More broadly, the provision of a bicycle rack would benefit the surrounding area by providing secure bike storage for cyclists.

The proposal is therefore considered to be acceptable in highways regards.

Drainage and Flood Risk

The application site sits inside Flood Zone 1, the lowest designation of flood risk, so it is not considered that there would be any impacts in these regards.

Included in the submitted scheme was a drainage strategy outlining how foul and storm water would be drained from this site. This indicated that the existing drains of the present toilet block would be reused for a similar purpose with any redundant drainage removed.

With reference to the comments made by the DCC flood risk and SUDs consultee, owing to the building footprint not being increased and a similar usage retained, it is considered reasonable to assume that the existing SWW connection can be used. In addition, with the planters and soft planters positioned away from the building and to ensure clear access to its doors, this is not considered practical.

Drainage related matters are therefore considered to be acceptable.

Ecology

In their consultation response, no objection was raised to the proposal subject to the imposition of a condition to ensure no adverse impacts on bats. This is considered proportionate and will be included in the officer's recommendation.

Environmental Health

No objection was raised by environmental health nor were any conditions recommended to control the timing or management of construction works.

Representations Received

As referenced in the Parish Council and public responses objections, a number of concerns were raised about the proposed development. These however, were not considered to represent material grounds for refusal.

Conclusion

Although the objections to the scheme have been acknowledged, it is considered that the compliance of the proposal with the relevant national and local policies would weigh in favour of the development. The proposal is therefore considered to be acceptable and the scheme is represented for approval.

RECOMMENDATION

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. Works shall proceed strictly in accordance with the Ecological Impact Assessment report (GE Consulting, December 2023), in particular the ecological mitigation measures detailed in Section 5, including supervised demolition by a licenced bat ecologist. A written record shall be submitted to the local planning authority within 2weeks following the works to ensure compliance with the recommendations prior to first use.

(Reason - To ensure that the development has no adverse effect on protected species in accordance with Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)

4. No development above foundation level shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. This should include the colour and finish of the hardieplank cladding and the doors. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

	Location Plan	05.12.23
1001 REV P04	Proposed Combined Plans	05.12.23

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.