

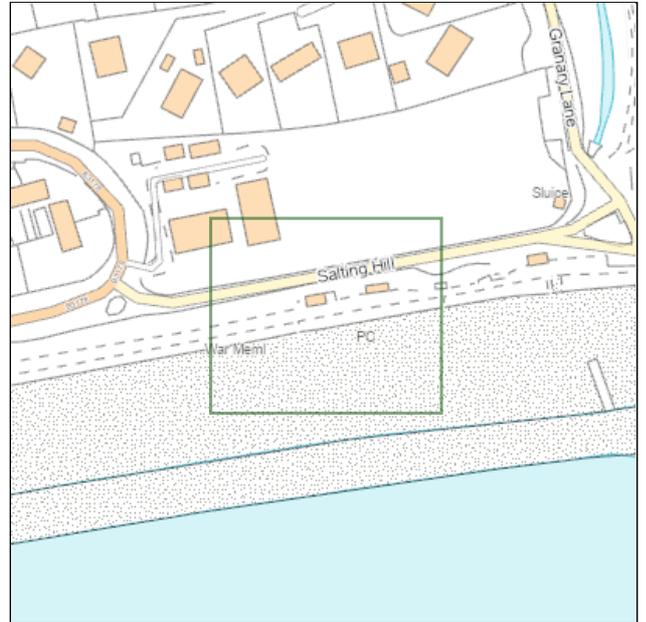
**Ward** Budleigh And Raleigh

**Reference** 23/2626/FUL

**Applicant** Mr Jorge Pineda-Langford (EDDC)

**Location** Toilets Salting Hill Budleigh Salterton Devon  
EX9 6NU

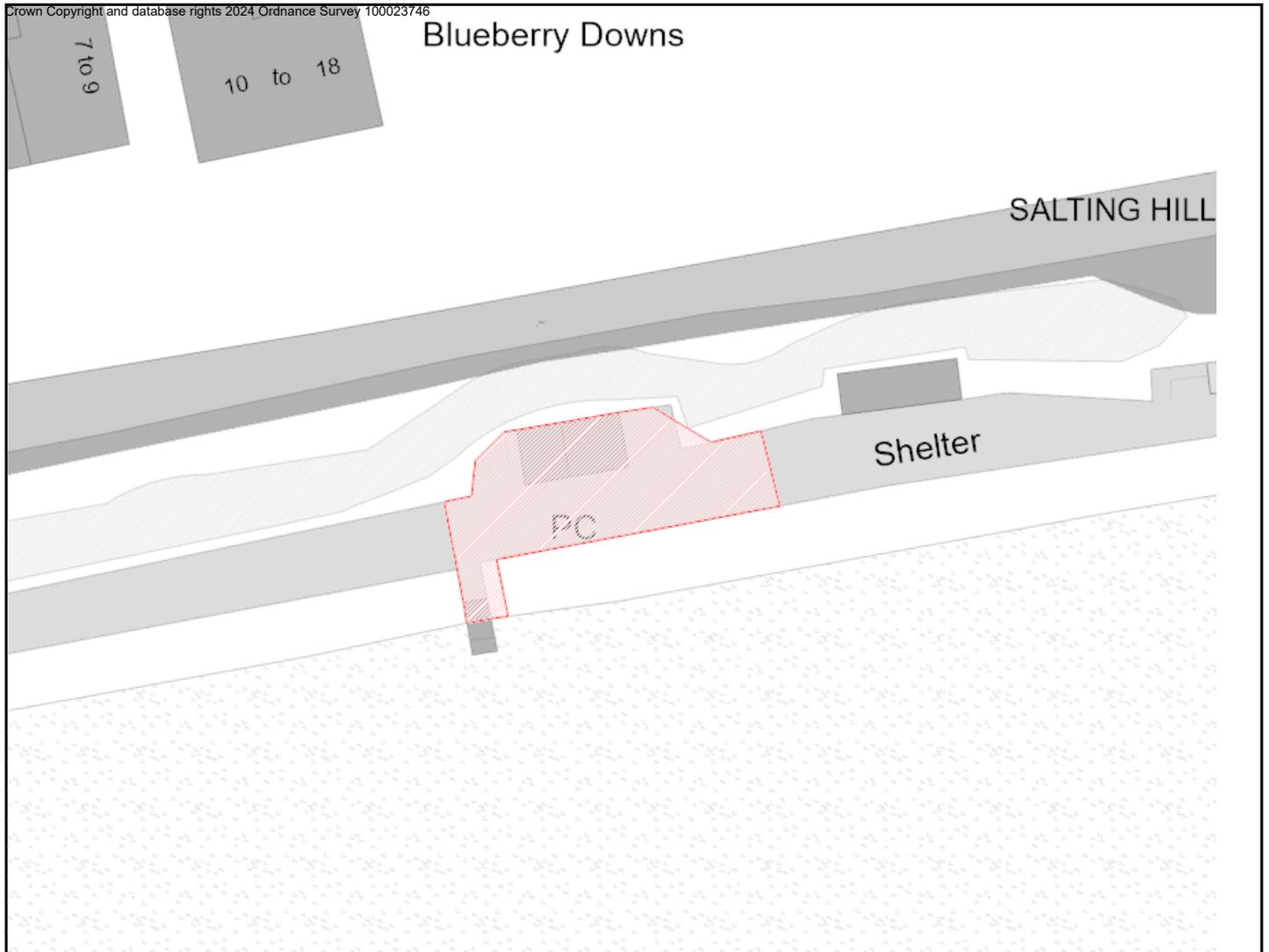
**Proposal** Proposal to demolish existing public toilets, and  
replace with a new public toilet building.



**RECOMMENDATION: Approval with conditions**

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Blueberry Downs



		<b>Committee Date: 26.03.2024</b>
<b>Budleigh And Raleigh (Budleigh Salterton)</b>	<b>23/2626/FUL</b>	<b>Target Date: 30.01.2024</b>
<b>Applicant:</b>	<b>Mr Jorge Pineda-Langford (EDDC)</b>	
<b>Location:</b>	<b>Toilets Salting Hill</b>	
<b>Proposal:</b>	<b>Proposal to demolish existing public toilets, and replace with a new public toilet building.</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application is brought before the Planning Committee owing to the scheme being submitted by EDDC, and the officer recommendation being in conflict with comments received from a member of the public.**

**The application site is the existing toilet block to the east of the town, which sits on the south west coast path, adjacent to the beach at the base of the cliff face. The site is within the East Devon AONB, and the Jurassic Coast World Heritage Site. The cliffs behind the development are a nationally designated Site of Special Scientific Interest. The site is also within flood zone 3.**

**The proposal involves the demolition of the existing building, which contains 4 unisex WC's and 1 accessible WC, and its replacement with a modular building containing 4 unisex WC's, 1 accessible WC and 1 changing places WC. The scheme would also include new external showers, cycle parking stands and landscaping improvements.**

**The Parish Council and the Jurassic Coast Trust are in support of the scheme and no objections to the scheme have been received from any statutory consultees or neighbours. The third party objection relates to the construction period of the proposed scheme and the potential disruption should the scheme be constructed between April and October. Given the site's position in a very exposed coastal location, the current programme would envisage the works being carried out during the summer months, however the proposed modular construction means any disruption would be kept to the absolute minimum necessary.**

**The proposal will conserve and enhance the character of the area, and complies with policies contained within the East Devon Local Plan and the Budleigh**

**Salterton Neighbourhood Plan. On this basis the scheme is recommended for approval, subject to conditions.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

This Council supports the application.

### **Technical Consultations**

Historic England – do not wish to comment.

Natural England – no objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

World Heritage Site / Jurassic Coast – in support of the development. The proposal represents a welcome improvement to the infrastructure that underpins the presentation of the Dorset and East Devon Coast World Heritage Site.

#### Other Representations

1 third party representation has been received, in support of the proposal.

The representation does however express concern about the timing of the construction work and that the summer period should be avoided, and about the potential for the water supply to the two businesses along the sea front to be cut off during the works.

## **PLANNING HISTORY**

There is no relevant planning history for the site. Building Control records indicate that the building was last refurbished / reconfigured in 2011.

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## **POLICIES**

#### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 21 (Budleigh Salterton)

Strategy 45 (Coastal Erosion)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)

EN5 (Wildlife Habitats and Features)

EN10 (Conservation Areas)  
EN14 (Control of Pollution)  
E20 (Provision of Visitor Attractions)  
EN21 (River and Coastal Flooding)  
RC6 (Local Community Facilities)  
TC2 - Accessibility of New Development

#### Budleigh Salterton Neighbourhood Plan (Made)

POLICY B1: Identity of town and seafront  
POLICY B2: Protection of key views and vistas  
POLICY B3: Heritage Assets  
POLICY NE1: Conservation of the Natural Environment

#### Government Planning Documents

NPPF (National Planning Policy Framework 2023)

### ANALYSIS

#### Site location and Description

The town of Budleigh Salterton sits on the south coast, with the red sandstone cliffs rising up to both the west and the east of the town. The existing public conveniences building sits to the east of the town, on the south west coast path which runs along the edge of Budleigh Salterton beach, with the beach to the south of the path and the cliffs to the north of the path. The existing building nestles into the base of the predominantly vegetation covered cliff. At the top of the cliff is Salting Hill, which rises up to the west, with Budleigh Salterton War Memorial sitting at the highest point of the clifftop.

During the summer months the grassed area to the beach edge is occupied by beach huts which obscure the views of the toilet building. During the winter months these are stored way from the beach and the toilet block therefore becomes a lot more visually prominent.

The site is within the East Devon AONB, and the Jurassic Coast World Heritage Site. The cliffs behind the development are a nationally designated Site of Special Scientific Interest. The site is not within the Budleigh Salterton Conservation Area but is visible from within the area. The site is also within flood zone 3.

#### Proposed Development

The proposals involve the demolition of the existing public toilet building, with the exception of the retaining wall to its rear, and its replacement with a new modular building. The existing building provides 4 standard and 1 accessible WCs, with the existing building measuring approximately 9 metres wide, 4.2m deep and 5.0m to the ridge. The existing building also provides external showers.

The proposed building will provide 4 standard WCs, 1 accessible WC and 1 'changing place' WC, which will provide an accessible toilet alongside a changing bench and a hoist. The proposed building measures 12.8 metres wide, 3.5 metres

deep and 3.05 metres to the tallest point of the roof. Two external showers will also be provided.

Alongside the building, a number of landscape improvements are proposed in the form of raised planters and bench seating, and bicycle parking stands.

The proposed building is a single storey structure with a slightly overhanging parapet flat roof. Concealed behind the parapets will be a series of solar panels to reduce the energy demands of the building. The elevations will be finished in cement cladding boards, reflecting the surrounding beach huts, with painted metal doors in a range of bright colours.

### Principle of Development

The site lies within the Built-Up Area Boundary of Budleigh Salterton, therefore the principle of development will be acceptable as long as it is compatible with the character of the site. In addition to this, proposed development must also not lead to unacceptable pressure on services or adversely affect risk of flooding or coastal erosion, it must support promotion of wildlife, and landscape interests, it would not involve the loss of land of local amenity importance or of recreational value, it would not impair highway safety or traffic flows, and would not prejudice the development potential of an adjacent site.

Given that the proposals involve the replacement of an existing building with a building that is only slightly larger than the current building footprint, subject to the impacts on the character of the site, the risk of flooding and the promotion of landscape and wildlife interests, the principle of development is considered to be acceptable.

### Design impact on character of site

The building sits inside the Built-Up Area Boundary but is at the edge of the town in an area with few buildings. The building forms one of several single storey structures along the south west coast path between the beach and the cliffs behind. There are a couple of cafes, a shelter with bench seating and the public conveniences building which is the subject of this application. The current building has a hipped pitched roof covered in plain tiles which is very characteristic of the town centre. The current elevations are painted roughcast render. The building faces the full force of the elements during the winter due to its position practically on the beach, and the current timber doors are in a poor state of repair and detracts from the character of the site.

The proposed building is designed to be as low maintenance as possible, with robust fibre cement cladding to the elevations, which will reflect the surrounding beach huts and timber cladding to the adjacent shelter. The proposed flat roof with aluminium cladding to the parapet is not entirely characteristic of the area, but there are examples of flat roofed buildings nearby such as the apartments on Salting Hill and the cafe at the eastern end of the esplanade nearby so the proposed design is not entirely out of context. The flat roof does mean that the building will have a lower profile than the existing building and will be relatively unobtrusive. The toilet doors

are proposed to be finished in a range of bright colours to reflect the colours used for the beach huts.

As such, the proposed design and scale of the building is considered to be acceptable and in accordance with Policy D1 of the Local Plan and Policy B1 of the Budleigh Salterton Neighbourhood Plan.

### Heritage

The neighbourhood plan discusses the two major growth periods for the town, the late Georgian and Regency Period and the Edwardian and Inter War period. According to historic mapping of the site, the current WC block is pre-1933, from the interwar period. The existing building has a pleasing character to it in terms of its form and materiality, but it is appreciated that the proposed building will be much more robust and energy efficient and will provide enhanced facilities compared to the existing facilities.

The existing building is just visible in longer views looking east towards the site from the conservation area. The scale of the building is very similar to the building being replaced. The overall colour of the elevations is similar, and the flat roof form means the building will be less visible overall against the backdrop of the cliffs than the current building. The application site is not within the conservation area but is visible in views from within the conservation area. It is considered that the proposals would preserve the character of the conservation area, in line with Policy EN10 of the Local Plan and Policy B2 of the Budleigh Salterton Neighbourhood Plan.

Historic England were consulted during the determination period as the proposal is within the Jurassic Coast World Heritage Site, but they did not wish to comment on the scheme.

### Landscape Impact

The site sits entirely within the East Devon Area of Outstanding Natural Beauty, therefore as per Strategy 46 of the East Devon Local Plan, development will only be permitted where it conserves and enhances the landscape character of the area. The site also sits within the Jurassic Coast World Heritage Site, who were consulted during the determination period. The Jurassic Coast World Heritage Site are in support of this development, which represents a welcome improvement to the infrastructure of the Dorset and East Devon Coast World Heritage Site.

In terms of the views along the coast, the building will sit slightly further out from the cliff than the existing building, but the flat roof will mean more of the ridge of the land beyond will be visible.

The proposals include a planter bench next to the building, and a second circular bench planter between the rows of beach huts, which will be planted up using coastal grasses and shrubs.

It is therefore considered that the proposal will conserve and enhance the landscape character of the area, in line with Strategy 46 of the Local Plan.

### Residential / Neighbour Amenity

The only nearby residential properties are at the top of the cliff along Saltings Hill. Given the difference in the topographical height between the nearby apartments and the proposed development, the proposals will not have any impact upon any neighbours.

The proposal will be in accordance with Policy D1 of the Local Plan.

### Highways, access and parking

The development will not lead to any changes in respect of vehicular movements. 5 bicycle parking stands are proposed alongside the new building. The proposed location of the building on a level site adjacent to the existing wide, level footpath means in the building will be highly accessible to pedestrians, including those with reduced mobility, in line with Policy TC2 - Accessibility of New Development of the Local Plan.

### Ecology / biodiversity

The Preliminary Ecological Assessment found no evidence of bats within the roof space of the existing building, and the exposed coastal location facing into the prevailing wind means the building is considered to have negligible potential for roosting bats. The cliffs at Budleigh Salterton are a nationally designated Site of Special Scientific Interest. The ecology report makes recommendations in respect of the protection of the surrounding cliffs during the course of the demolition and reconstruction works. With the appropriate condition in place to ensure that mitigation is in place prior to the works, the proposal is considered to be acceptable and in accordance with Policy EN5 of the Local Plan and Policy NE1 of the Budleigh Salterton Neighbourhood Plan.

### Drainage

The building will connect into the existing drainage system that services the current toilet block. The flood risk assessment carried out by Bartlett Consulting Engineers confirms that due to the constricted site and the proximity to the waterfront no form of SUDS is possible. A soakaway is not feasible due to the existing water levels. Surface water run off from the existing building currently discharges into an existing storm drain, and the proposed building will connect into the same. On the basis that the surface water run off implications of the proposal have been fully considered and found to be acceptable, the proposal is considered to be compliant with the requirements of Policy EN22 of the Local Plan.

### Flood risk

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

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

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

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

EDDC will be aware of a major tidal flood risks prior to the event and will close the building during anticipated periods of extreme flooding.

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

#### Other Issues

Because of the weather related risks of carrying out the construction on an exposed sea front location, the construction is envisaged to take place during the spring or summer. The existing building has a relatively small footprint, therefore demolition is envisaged to take no longer than a week. Following site clearance, there will be some groundworks for the new foundations prior to the installation of the modular building on site. The site will be appropriately segregated and screened to mitigate inconvenience as much as reasonably possible and there is no intention to disrupt the water supply to other businesses along the seafront.

### **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. Prior to any installation of any external lighting details shall be submitted to and approved in writing by the Local Planning Authority to ensure that nocturnal wildlife is not adversely affected by the development. The development shall be carried out in accordance with the approved plans.

(Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)

4. Prior to their installation details of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. This should include the colour and finish of the hardieplank cladding, brick plinth, rainwater goods, parapet cladding, flat roof membrane and external doors. Details of the proposed metal clad parapet shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

5. The development shall be carried out in accordance with the recommendations and mitigation measures contained within the Ecological Impact Assessment carried out by GE Consulting dated December 2023.

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

#### 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 P03	Proposed Combined Plans	05.12.23
1002-P03	Proposed Site Plan	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.