

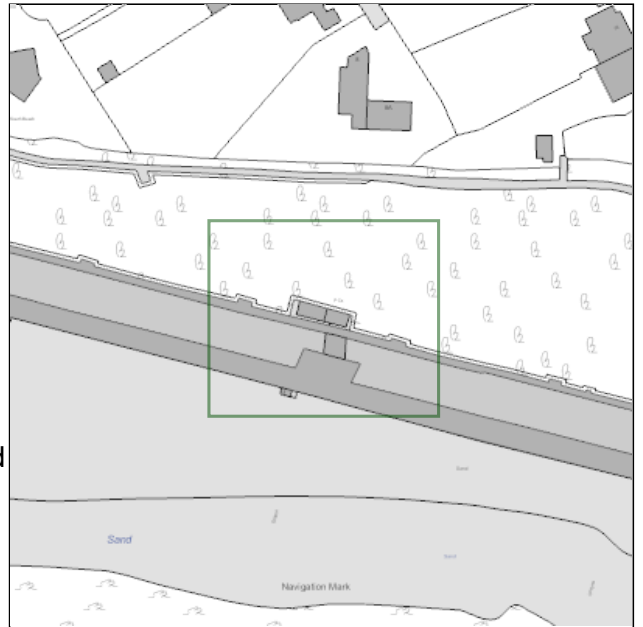
Ward Exmouth Littleham

Reference 24/2199/FUL

Applicant Tompot Blenny Ltd

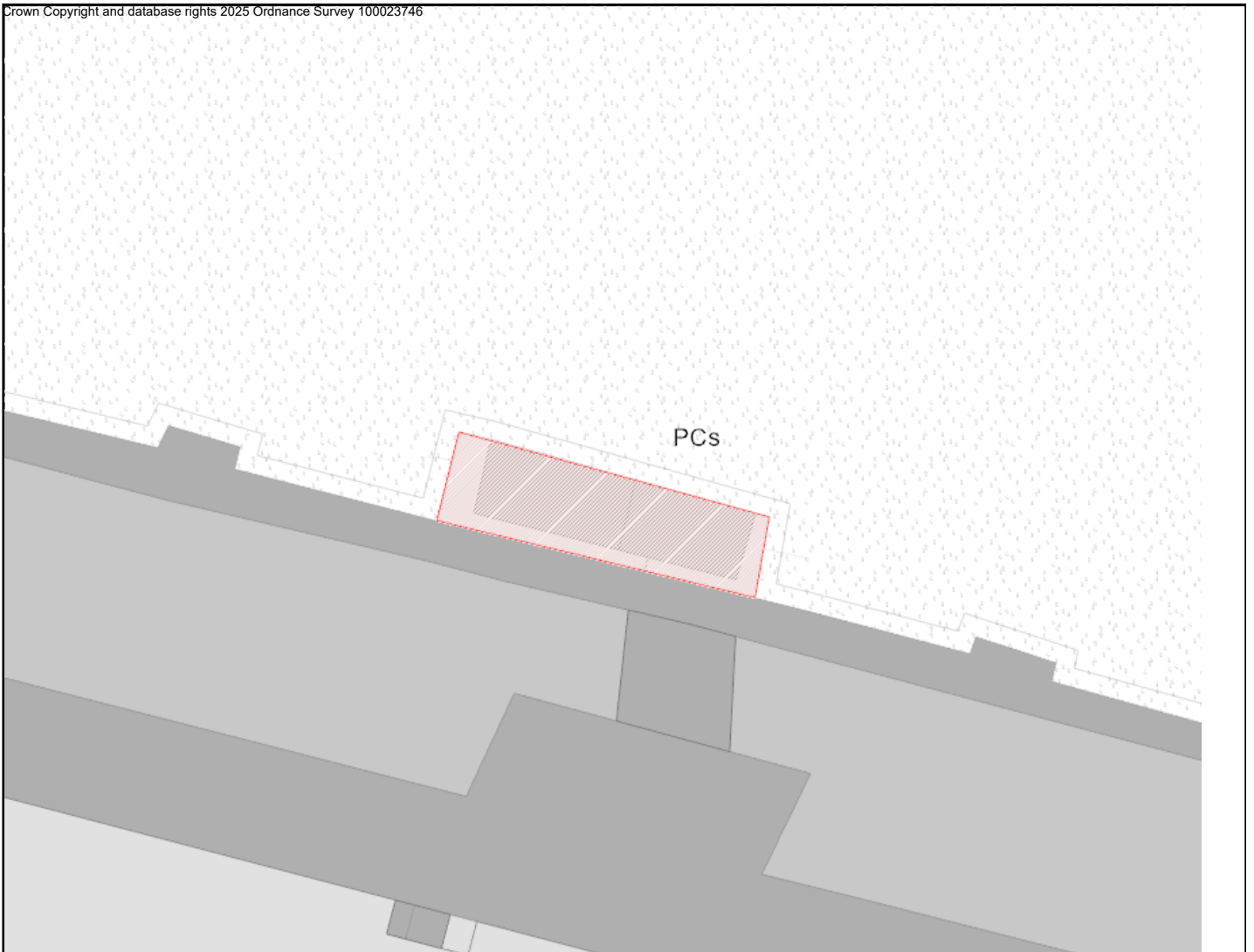
Location Toilets East End Queens Drive Exmouth

Proposal Change of use of existing public toilets into hot food take away. Partial demolition and new build extensions to provide storage and disabled toilet.



RECOMMENDATION: Approval with conditions

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		Committee Date: 22.04.2025
Exmouth Littleham (Exmouth)	24/2199/FUL	Target Date: 25.04.2025
Applicant:	Tompot Blenny Ltd	
Location:	Toilets East End Queens Drive	
Proposal:	Change of use of existing public toilets into hot food take away. Partial demolition and new build extensions to provide storage and disabled toilet.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the proposal relates to a property that is owned by East Devon District Council and objections have been received.

The site is located on the seafront, at the east end of Queens Drive. The existing building is a block of male and female toilets. The surrounding land is largely flat in front, rising to the rear of the building, and Exmouth beach is on the opposite side of the road to the building. The beach forms part of the Exe Estuary Site of Special Scientific Interest (SSSI). The Exe Estuary is also a Ramsar Site and a Special Protection Area. The site of this development lies just outside the designations. The site is within the National Landscape (AONB).

The site is located within a flood zones 2 and 3, as designated by the Environment Agency.

The site is within the built-up area of Exmouth, and has no residential properties adjoining it.

The proposal is for a change of use to a café, two small extensions to create a bin store, and publicly accessible toilet, and alterations to create serving hatch and pv panels and extract unit on the roof.

Given the location of the site, the change of use is considered acceptable, with minimal visual impact and conditions to ensure materials and extraction system are appropriate to ensure protection of the adjacent marine environment.

CONSULTATIONS

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE

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.

Parish/Town Council

Meeting 03.02.25

No objection; however, members expressed concern over the loss of public toilet facilities and the potential risk to Blue Flag accreditation. The application did not clearly indicate whether access to the disabled toilet was restricted (e.g., Radar key) or available to all.

South West Water

No objections

Other Representations

50 Objections on the following grounds:

- Loss of toilets
- Discriminatory to provide disabled toilet not men and womens.
- Increase in litter.
- Accident and traffic risk from queues.
- Not a great café offering and there should be more toilets.
- Increase in competition

1 representation

1 Support

PLANNING HISTORY

None

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development) Adopted

Strategy 33 (Promotion of Tourism in East Devon) Adopted

Strategy 38 (Sustainable Design and Construction) Adopted

Strategy 48 (Local Distinctiveness in the Built Environment) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness) Adopted

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

EN14 (Control of Pollution) Adopted

EN21 (River and Coastal Flooding) Adopted

RC6 (Local Community Facilities) Adopted

RC7 (Shared Community Facilities) Adopted

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy CC03 (Promoting low carbon and renewable energy) Draft

Strategic Policy AR01 (Flooding) Draft

Policy SE10 (Sustainable tourism) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Strategic Policy OL02 (National Landscapes (Areas of Outstanding Natural Beauty)) Draft

Strategic Policy OL01 (Landscape features) Draft

Policy OL09 (Control of pollution) Draft

Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

National Planning Practice Guidance

Site Location and Description

The site is located on the seafront, at the east end of Queens Drive, Exmouth. The existing building is a single storey block of male and female toilets. The surrounding land is largely flat in front, rising to the rear of the building, and Exmouth beach is on the opposite side of the road to the building. The beach forms part of the Exe Estuary Site of Special Scientific Interest (SSSI). The Exe Estuary is also a Ramsar Site and

a Special Protection Area. The site of this development lies just outside the designations. The site is within the National Landscape (AONB).

The site is located within a flood zones 2 and 3, as designated by the Environment Agency.

The site is within the built-up area of Exmouth and has no other properties adjoining it.

This application seeks planning permission to convert and slightly extend the building to create a hot food takeaway with a single, publicly accessible unisex disabled toilet provision and storage. To achieve this it is proposed to extend a small amount at the ends of the building on to the existing single storey building. The new floor plan will accommodate an open plan kitchen and serving area, staff toilet, and cold stores, and accessible from the outside, at road level, a bin store and accessible toilet for the public. The total floor area would be 56.5 square metres, 9.29 square metres larger than existing.

As part of the adaptations, the existing frontage would be altered to create a serving window opening set within a corten steel fascia area. and the rest of the building will be timber clad with a GRP roof and a painted brick section with graphics painted on. At road level, there will be access to doors into the bin store and toilet, at either end of the building.

There would be a photovoltaic array on the roof and rainwater recycling to flush toilets. There would also be a powder coated aluminium screen around the extract ventilation system.

The main issues concerning this proposal are the principle of the development, and the impact on the location.

Background

The public toilets were, in December 2021, agreed for closure in March 2025 by EDDC Cabinet, informed by Overview Committee in November, following public consultation between July and October 2021. It was agreed the toilets would close in March 2025.

There has been lengthy exploration of leasing the building, and this proposed development would include, within the lease, the requirement for the provision of a public access toilet at the site. There would otherwise be no provision in this location, from March 2025.

The principle of the development

The site lies within the Built Up Area Boundary of Exmouth where the principle of development is acceptable subject to all other material planning considerations

Policy RC6 of the Local Plan states 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.

A decision has been made by this Council to close the toilets irrespective of whether the site will be redeveloped. Therefore, this development will not in itself result in the loss of the toilet facility but will result in the provision of a single accessible toilet where otherwise there would be none.

Policy E2, Employment Generating Development in Built Up Areas, states that new businesses will be permitted where the following criteria are met:

1. Where practical it is accessible by pedestrians, cyclists and public transport.
2. It would not generate traffic of a type or amount inappropriate for the character of access roads or require improvements that would damage the character of those roads.
3. It would not harm the character or setting of local settlements or the amenity of nearby residents.
4. It would not harm any site of nature conservation value or archaeological importance or any building of architectural or historic interest.
5. It would blend into the landscape and/or townscape in terms of design, siting and materials

These criteria are addressed in more detail below where relevant, but in summary the development is considered to comply with Policy E2

Design and Landscape Impact

Strategy Policy 46 - Landscape Conservation and Enhancement and AONBs

Development will need to be undertaken in a manner that is sympathetic to, and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty. Development will only be permitted where it:

1. conserves and enhances the landscape character of the area;
2. does not undermine landscape quality; and
3. is appropriate to the economic, social and well being of the area.

When considering development in or affecting National Landscapes (AONBs), great weight will be given to conserving and enhancing their natural beauty and major development will only be permitted where it can be shown that it cannot be reasonably accommodated elsewhere outside of the AONB. The current Area of Outstanding Natural Beauty Management Plans, the East Devon and Blackdown Hills Areas of Outstanding Natural Beauty and East Devon District Landscape Character Assessment & Management Guidelines 2008 and the Devon County Council Landscape Character Areas Assessment should be used in design and management considerations.

The roof of the toilet block is flat and the frontage is evenly balanced aesthetically. Currently, therefore, the toilet block is an unobtrusive building which does not negatively impact on the amenity of this stretch of the sea front.

The proposal would have a small flat roofed section added at each end of the building, to provide the store and toilet. On the roof would be hit and miss horizontal powder coated steel to contain and conceal the extraction unit. An advert is proposed on the roof but this will require separate advertisement consent. Consequently, it would not appear dominant or overbearing

The proposed alterations to the building, using natural timber cladding and contemporary motifs are considered to conserve the National Landscape and will be sympathetic with the character of the area. The landscape quality of the area will not be impacted by this change in the use of the building, and the renovated building, and its ongoing use would be of benefit to the economy of the area.

Ecology

There would be no likely significant effects on the SSSI or other designations as the renovation of the building is within the land area of the existing building. There is no loss of habitat, and the parameters of the building are similar to that in existence. There would be no increase in sewerage capacity etc required.

Impact on Amenity

The site lies within the isolated area of Exmouth Seafront, with no adjacent neighbours as it is set into the scrubby bank at the shore side of the road. The building is set slightly above pavement height, with an outlook to the beach.

There are no properties near enough to be adversely affected by either noise or odour arising from the development

Waste Management

There are bins along the seafront approximately every 80 or so metres, and the café management will supply a bin for their opening hours, which is then stored in a locked store, for commercial removal.

Flood Risk

The site is located in Flood Zone 2 and 3. The building is already in situ, therefore the vulnerability of the use of site needs to be taken into account. The use is classed as Less Vulnerable, as before with the toilets and is acceptable to operate in FZ 2 and 3, and the exception test is not required, and meets the EA standing Advice, and sequential approach.

Other matters

The installation of grey water recycling for flush use, and the PV units on the roof of the building ensure the prudent use of natural resources. The renovation of the building will ensure a high quality environment for the employees, of which there are 15 FT equivalent positions to be created.

Concerns have been raised regarding the closure of the public toilets, however that has been covered earlier in the report as a Cabinet decision to close during March 2025. The closure of the toilets is not a planning matter in hand. This proposal offers a unisex accessible toilet provision for the opening hours of the cafe.

The competition between café outlets along the seafront is not a planning matter.

The site is in FZ 2 and 3 and the café owner will be logged in to the advanced warning system from the EA.

There is a wide pavement to the front of the building and the sea front the other side of the road. There is not considered to be any concern

Conclusion

The proposal would provide a viable long-term use for this now redundant building which would make a positive impact on the local economy through employment and by providing an attractive facility for residents and visitors. The alterations to the building are sympathetic. In addition the development will deliver a toilet in an accessible location where otherwise there would be none. As such the development accords with the development plan and is considered to be acceptable.

RECOMMENDATION

Approval 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 Full details of extract ventilation equipment designed to deal with cooking odours, including details of the manufacturer's recommendations for cleaning and maintenance, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Prior to the opening of the take-away section of the premises to customers for the sale of hot food, the equipment shall be fully

installed and tested and shall thereafter be cleaned and maintained all in accordance with the approved treatment scheme, and used at all times when cooking is taking place.

(Reason - To avoid odours detrimental to the living conditions of occupiers of other premises in the locality in accordance with Policy EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

4. Prior to their installation, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development including details of the materials, colour and finish of the fish mural, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials 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

Biodiversity Net Gain

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemptions 4.2 from the list below are considered to apply:

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or

(ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

(i) the application for planning permission was made before 2 April 2024;

(ii) planning permission is granted which has effect before 2 April 2024; or

(iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

(i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

(ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the

Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Plans relating to this application:

	Flood Risk Assessment	14.01.25
221002 P 002	Proposed Floor Plans	17.10.24
	Location Plan	22.11.24

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.