

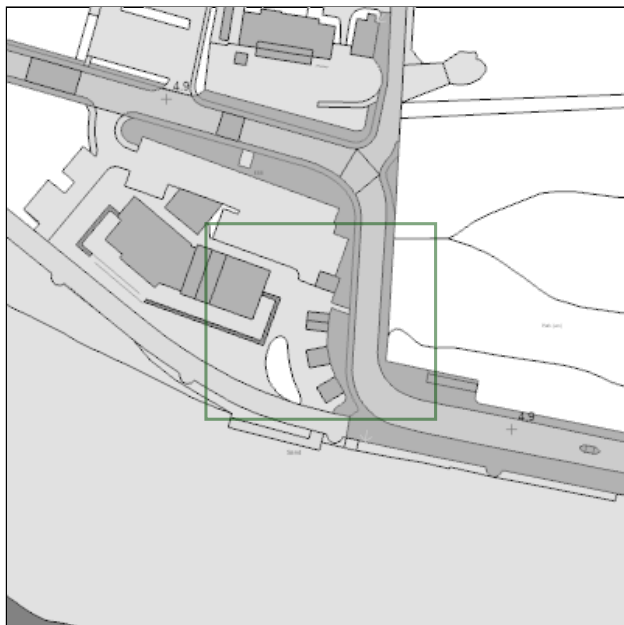
Ward Exmouth Littleham

Reference 24/2528/FUL

Applicant Mr Oliver Bridge

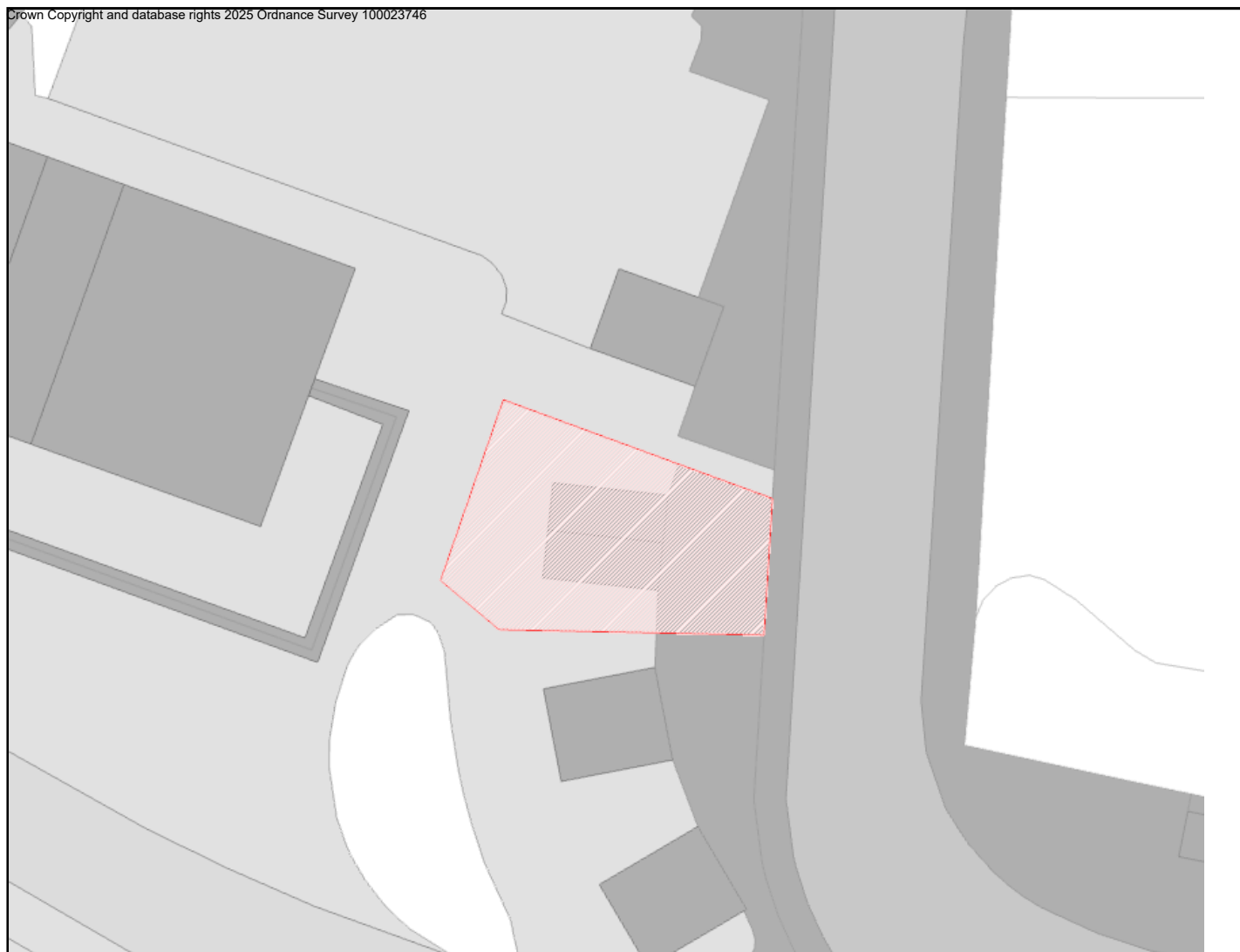
Location Unit 6 And 7 Sideshore Queens Drive Exmouth
EX8 2GD

Proposal Proposal for cafe awning on the north elevation



RECOMMENDATION: Approval with conditions

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		Committee Date: 10.06.2025
Exmouth Town	24/2528/FUL	Target Date: 05.03.2025
Applicant:	Mr Oliver Bridge	
Location:	Unit 6 And 7, Sideshore, Exmouth	
Proposal:	Proposal for cafe awning on the north elevation	

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, off the Esplanade in Exmouth. The existing building is a takeaway café with outdoor seating. The surrounding land is largely flat, and Exmouth beach is approximately 60 m away. 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 located within a flood zones 2, and 3 as designated by the Environment Agency.

The site is within the built-up area of Exmouth, but has no residential properties adjoining it. There are, however, other beach/tourism related buildings located close to the site to the south and west, and on the landward side of the road.

The application seeks permission for a canvas and metal wind out awning for the takeaway as shelter, it would measure 6 metres by 2m, extending to 2.5 m at full extent and be over the outside area to the north of the building.

Given the location of the site, the canopy is considered acceptable, with minimal visual impact.

CONSULTATIONS

Local consultations

Parish/Town Council

22/01/25 - Meeting 20.01.25

No objection

Technical Consultations

Environmental Health

15/01/25 - I have considered the application and do not anticipate any environmental health concerns.

Natural England

European Sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Ecology

The site is located directly adjacent to the Exe Estuary Site of Special Scientific Interest (SSSI), Exe Estuary Special Protection Area (SPA), and Exe Estuary Ramsar. Natural England has commented that the application requires a Habitats Regulations Assessment (HRA). The nearest all year wildlife refuge for qualifying species of the designed sites is located c. 900 w at Dawlish Warren and Exmouth winter refuge is located approximately 730 m north of the site.

There is no potential for the development to result in a potential increase in a recreational disturbance of the qualifying features of the designed sites or direct impact of the beach.

Given the small scale of the proposed development, it is considered the development is unlikely to result in any direct or indirect impacts on the qualifying features of the nearby designated sites to result in a Likely Significant Effect (LSE). This is in consideration of the sites conservation objectives, the nature of the works, and proposed use of the building. Therefore, it is considered that the proposal could be screened out of an appropriate assessment under the HRA process.

Other Representations

5 representations received, objecting on the following planning grounds:

- Overdevelopment
- Fire risk
- Wind susceptibility
- Possibility of creating outdoor seating area.
- Head height of awning will constrict pedestrian through route
- Use of space where there should be a thoroughfare.

25 Support letters received on the following grounds:

- Good facility existing and would make comfortable in inclement weather.
- Looks nice
- Lots of people use facility

PLANNING HISTORY

02/P0183 - New Sea Wall Access Steps And Ramp To Beach - Approved

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness) Adopted

Strategy 3 (Sustainable Development) Adopted

Strategy 6 (Development within Built-up Area Boundaries) Adopted

EN21 (River and Coastal Flooding) Adopted

Exmouth Neighbourhood Plan (Made)

Draft East Devon Local Plan 2020-2042 Policies

Government Planning Documents

National Planning Practice Guidance

National Planning Policy Framework 2024 (as amended)

Site Location and Description

The site is located on the seafront, off the Esplanade in Exmouth. The existing building is a takeaway café with outdoor seating. The surrounding land is largely flat, and Exmouth beach is approximately 60 m away. 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 located within a flood zones 2, and 3 as designated by the Environment Agency.

The site is within the built-up area of Exmouth, but has no residential properties adjoining it. There are, however, other beach/tourism related buildings located close to the site to the south and west, and on the landward side of the road.

Proposed Development

The application seeks permission for a canvas and metal wind out awning for the takeaway as shelter, it would measure 6 metres by 2m, extending to 2.5 m at full extent and be over the outside area to the north of the building.

Assessment

The main considerations in the determination of this application relate to:

- o Principle;
- o Impact on surroundings;
- o Flood Risk;
- o Highway safety and parking;
- o Ecology; and
- o Representations received.

Principle

The site lies in the built-up area boundary of Exmouth close to a range of essential services and infrastructure as well as being served by good transport links including, rail, bus, bicycle and on foot. The principle of development is acceptable.

Impact on surroundings

The foremost change in view of the area would be on approach from the east when walking along or driving along the esplanade. The awning would be a wind in structure without sides, to give shelter when there is inclement weather . This is not considered to be detrimental to the character and appearance of the area and would assimilate well with other provision on the seafront.

Accordingly, the lightweight structure is of a scale commensurate to that of the surrounding facilities in this location, such that it is considered acceptable in relation to Policy D1 of the EDDC Local Plan.

Flood Risk

The site lies within flood zones 2 and 3 as defined by the Environment Agency's mapping system, and is therefore at high risk of flooding from the sea, and some risk of fluvial flooding, however it is considered that the layout does not increase the risk of flooding given that the use of the area use would remain categorised as a less vulnerable use.

Given the comments above, it is considered that the proposal could proceed without giving rise to flooding or drainage concerns, in accordance with the relevant planning policy.

Accordingly, the proposed development is considered acceptable in accordance with Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan and advice contained in the NPPF.

Impact on highway safety/parking layout

This application proposes no alteration to parking or highways. The proposal is therefore considered to be acceptable in relation to Policy TC7 of the EDDC Local Plan.

Ecology

The proposed development will not increase the recreational pressures on the Exe Estuary. In having regard for the likely impacts of the application on these environmentally sensitive areas, the proposed development is unlikely to have any significant effects.

Representations

25 letters of support received, and 5 objections.

The bulk of objections are on the awning, and subsequent use of the seating underneath, being on a pedestrian route, which contravenes other agreements for the use of the building. In planning terms, the drawings show a canopy to 2 m and it is an extendable one to 2.5. The principle of a retractable awning in this location is considered acceptable but does not override other agreements in place.

If the awning becomes a permanent fixture, with sides etc, it would become a matter to be discussed further and may need further planning permission.

The cafe is used year round in all weather and would be a benefit to the community, with no harm caused to the wider public.

Conclusion.

The proposed awning is considered acceptable, not impacting negatively on the character and appearance of the surroundings and providing facilities for a more environmentally conscious solution to bin storage.

In considering the above, it is clear to Officers that the benefits proposed significantly outweigh any harm created by the proposal.

In light of this, the lack of wider amenity impacts, lack of highway safety concerns, lack of harmful visual impacts, and lack of other harm, it is considered that the proposal complies with policy, and it is recommended that this application is approved.

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.)

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:

Proposed Elevation	03.12.24
Location Plan	18.12.24
Proposed roof plans	08.01.25
Proposed Elevation	08.01.25
Proposed Site Plan	08.01.25

Ward Member 3 day consultation completed?		Yes / N/A
	Service Lead – Planning Development Manager Assistant Development Manager Principal Planning Officer Senior Planning Officer	Chair/Vice-Chair of Development Management Committee
Authorised By:		
Date:		

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.