

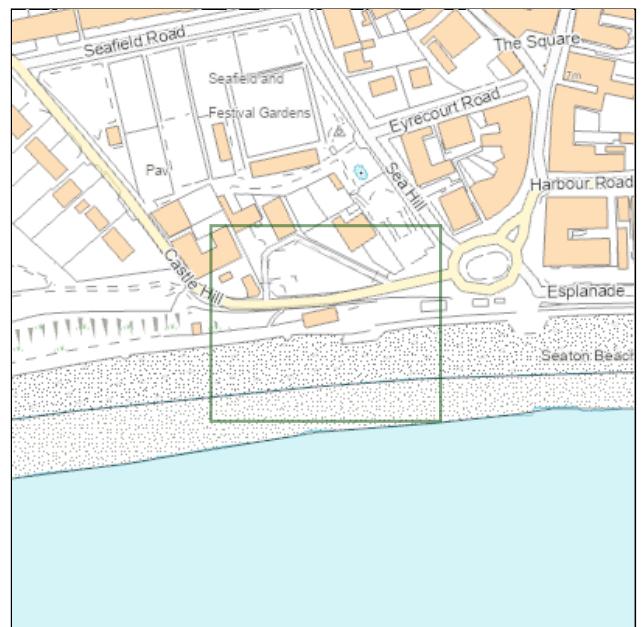
**Ward** Seaton

**Reference** 25/1820/FUL

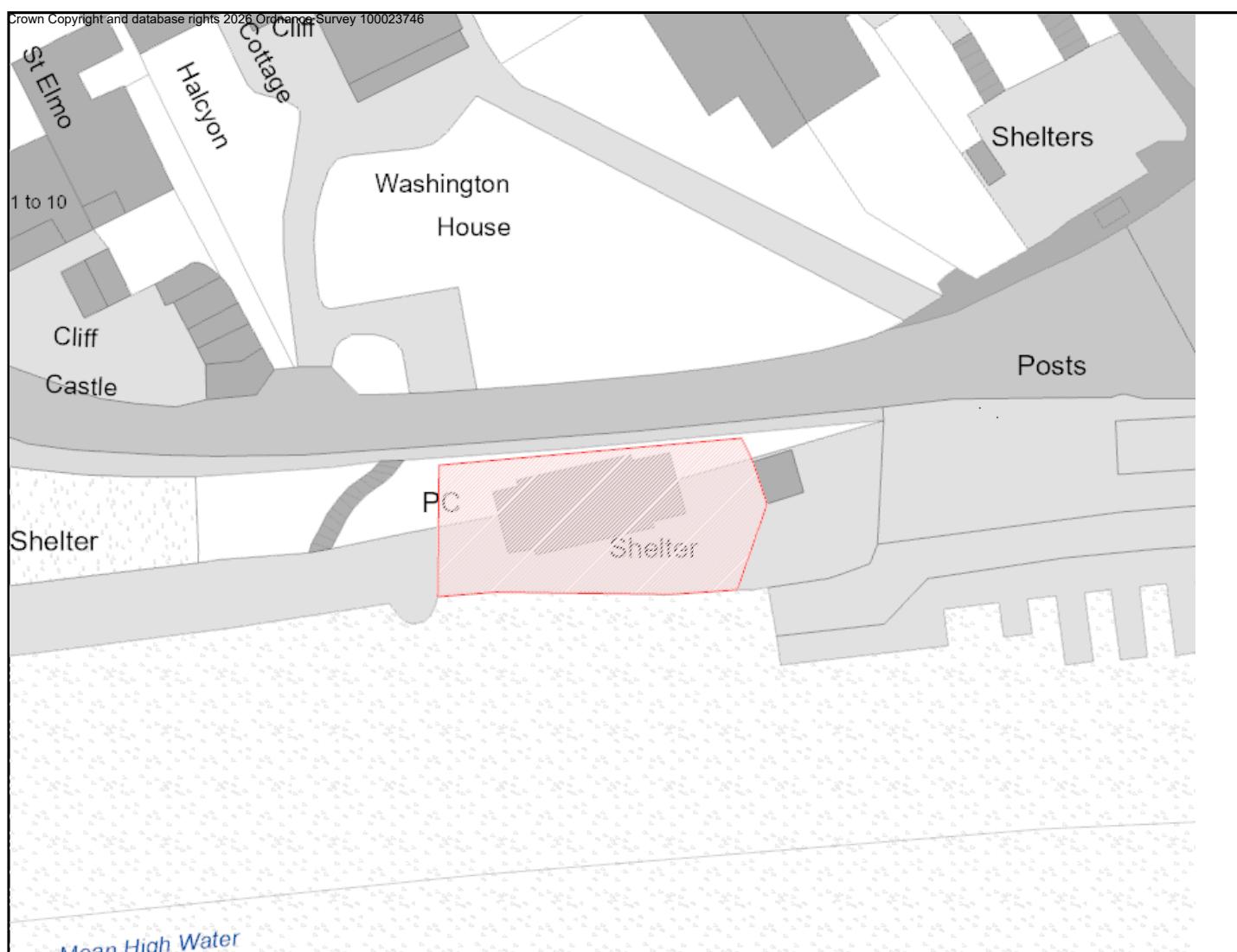
**Applicant** Mr Jorge Pineda-Langford (EDDC)

**Location** Toilets West Walk Castle Hill Seaton Devon EX12 2QW

**Proposal** Proposal to demolish existing public toilets and replace with a new modular public toilet building. (Retrospective application for design changes to approved application 23/2561/FUL)



### RECOMMENDATION: Approval with conditions



		<b>Committee Date: 27.01.2026</b>
<b>Seaton (Seaton)</b>	<b>25/1820/FUL</b>	<b>Target Date: 10.11.2025</b>
<b>Applicant:</b>	<b>Mr Jorge Pineda-Langford (EDDC)</b>	
<b>Location:</b>	<b>Toilets West Walk Castle Hill</b>	
<b>Proposal:</b>	<b>Proposal to demolish existing public toilets and replace with a new modular public toilet building. (Retrospective application for design changes to approved application 23/2561/FUL)</b>	

**RECOMMENDATION: APPROVE subject to conditions**

**EXECUTIVE SUMMARY**

**The application is before committee as the application has been made on behalf of EDDC, where the council has a financial interest in the land and where a number of objections have been received.**

**The site lies to the southwest of the town centre, to the north of the West Walk along the sea front and to the south of and at a lower level to Castle Hill. The boundary of the town's conservation area lies to the north side of Castle Hill. The site is also within flood zone 3.**

**The application is retrospective in nature, the original toilet block that occupied the site having been replaced following the approval granted under a previous permission (23/2561/FUL). The 'as built' building on site however differs from that approved in a number of ways, including an increase in height and width, changes to external elevation and addition of security fencing, as such this application seeks permission to regularise these changes.**

**The Town Council are in support of the scheme but one of the ward members and a number of members of the public have raised objections to the originally submitted scheme, largely on design grounds and primarily based on the impact of security fencing that has been erected at higher level to the rear/sides of the building. This element of the scheme also elicited concerns in relation to the impact on the setting of the conservation area**

**In response to these concerns the proposal has been revised and now proposes to install heavy duty bird netting at a much lower level and bridging the gap to the rear of the building. This would seek to deter/prevent access to the space to the**

rear of the building and to its flat roof. Along with other measures, this change would look to address the comments of the Designing Out Crime Officer.

On the basis of the proposed amendments and subject to conditions to secure the removal of the fencing, additional details of the netting proposals and relating to landscaping and external lighting the proposal, as revised, is considered to be acceptable in terms of its design, its impact on the character and appearance of the area and to preserve the Seaton conservation area.

As EDDC would be the operators of the facilities and will be aware of any anticipated extreme tidal flood events, in the interests of public safety, the building could be closed in advance as tidal flooding is normally predictable in advance..

**The proposal is recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Seaton Town Council have no objections to this application.

#### Seaton - Cllr Marcus Hartnell

I am writing to comment on planning application 25/1820/FUL. I appreciate that the consultation period has closed, but I would still like to express my concern regarding the retrospective application for the cage fencing.

While I agree with the original delegated report that the new toilets have "no harmful impact on the amenity of the area", the fencing now installed creates a visual intrusion along the coast path and West Walk. It appears unsympathetic to the character and enjoyment of the area, which many people value for its open and natural appearance. For these reasons, I wish to object to the fencing element of the application.

### **Technical Consultations**

#### Conservation

The site is located just outside the boundary of the conservation area on its southwestern edge.

In context of the wider coastal views offered from within the conservation area, the amendments to the design of the approved toilet block, are considered to continue to preserve the setting of the conservation area. The fence to the rear of the toilet block along the public footpath, results in considerable harm to longer views of the coastline, that are identified as key attributes in the conservation area appraisal, is unsightly and fails to preserve the setting of the conservation area and results in a moderate level of less than substantial harm to the conservation area as a heritage asset.

#### Police Architectural Liaison Officer - Kris Calderhead

No objections but comments raised in relation to prevention of access to the building and rear of the site, provision of other security measures i.e. CCTV, and other measures to be considered within the building to help prevent crime.

**EDDC District Ecologist**

Based on the information provided and the site context, it is considered that the development is unlikely to result in a significant effect on the Beer Quarry and Caves Special Area of Conservation (SAC).

**EDDC Emergency Planning Officer**

The context of the comment in the FRA are sufficient to show the mitigation to be delivered by East Devon District Council to mitigate the risk of flooding, otherwise I would be requesting a FWEP to cover off this as the consideration of public safety is paramount.

**Environment Agency**

No objection raised. Comments raised in relation to the use of flood resistant and resilient materials.

**Environmental Health**

I have considered the application and do not anticipate any environmental health concerns.

**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.

Generic advice on other natural environment issues provided.

**Other Representations**

Six representations have been received objecting to the proposal on the following grounds:

- Visual impact of fencing to the rear of the building;
- Concerns over replacement building process including inadequate public engagement; dismissal of viable renovation alternatives and cost of replacement building
- The height, scale, massing, material choice, and overall appearance of the building are inappropriate for such a sensitive seafront location.
- The structure is dominating and incongruous and out of character with the surrounding area.
- Harmful impact on Seaton Conservation Area and on the natural beauty and enjoyment of the Jurassic Coast including views towards Beer Head- the fencing being a particular concern.

- Concern as to potential impact of the proposal on species associated with the Beer Quarry and Caves Special Area of Conservation
- Comments raised in relation to the requirement for a Flood Warning Plan related to the use of the building.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
23/2561/FUL	Proposal to demolish existing public toilets, and replace with a new public toilet building.	Approval with conditions	18.03.2024

## **POLICIES**

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

Strategy 7 (Development in the Countryside) Adopted

Strategy 25 (Development at Seaton) Adopted

D1 (Design and Local Distinctiveness) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN25 (Development Affected by Coastal Change) Adopted

TC2 (Accessibility of New Development) Adopted

RC6 (Local Community Facilities) Adopted

EN21 (River and Coastal Flooding) Adopted

### Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy AR01 (Flooding) Draft

Policy AR03 (Coastal Change Management Areas (CCMAs)) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Policy OL04 (Areas of strategic visual importance) Draft

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

Strategic Policy PB05 (Biodiversity Net Gain) Draft

Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft

Policy PB10 (Protection and enhancement of the Jurassic Coast World Heritage Site) Draft

Policy HE03 (Conservation Areas) Draft

Policy CF01 (New or extended community facilities) Draft

#### Government Planning Documents

NPPF (National Planning Policy Framework 2024)

National Planning Practice Guidance

#### Site Location and Description

The application site relates to a recently constructed toilet block on the sea front at West Walk. The site lies to the west of Marine Place and south of Castle Hill.

The building is single storey and flat roofed and finished in a light colour vertical cladding above a blue/black engineering brick plinth. There are five pedestrian doors along the front (south) elevation and further door on each end elevation. The building is accessed direct from West Walk at its east end by external steps for the central doors and a ramp at the eastern end. To the rear of the building is an enclosed access passage between the building and a retaining wall, the retaining wall has wire fencing above it and both return around the building at either end.

Castle Hill and the footway to its south side run at a higher level to the north. The boundary of Seaton Conservation Area runs concurrent with the north side of Castle Hill and Cliff Castle (grade II listed) lies close to the Northwest.

Although close to the town centre the site lies outside of both this (and the built-up area boundary for the town (as defined in the Local Plan). The site lies partially within Flood Zone 1 and partially Flood Zone 3.

#### Proposed development

The application is retrospective in nature and seeks to regularise a number of changes to the permission previously granted for a replacement toilet block under application reference 23/2561/FUL. The changes from the earlier permission are summarised as follows:

- Addition of access steps to front (south) of building and ramp to west side and associated dwarf walls and railings

- Increase in overall height of approx. 350mm and a similar increase in depth.
- Construction of additional retaining wall structures
- Changes to elevation treatment including the number and positioning of doors
- Changes to the internal layout
- Changes to the type of external fencing at either end of the fencing to black coloured metal mesh anti-climb fencing,;
- Security netting at roof level at the rear of the building

The scheme as originally submitted and as built included:

- Addition of further fencing atop the retaining wall to the rear and the return walls at either end of the building.

However this element has now been omitted from the proposal

## ANALYSIS

The application is a new full application for the retention of the development as built and as such all of the issues considered in relation to the earlier application remain relevant and open for consideration. Nevertheless, in terms of the principle of the development this has previously been considered and found to be acceptable, and where the earlier permission (23/2561/FUL), in itself, represented a replacement of an existing public toilet facility. As the application does not seek to alter the use of the building, which as a community facility is supported by policy RC6 of the current Local Plan (EDLP) and draft policy CF01 of the Regulation 19 Publication Draft of the emerging Local Plan (eLP), the principle remains acceptable.

The main issues for consideration therefore relate to the visual impact of the design and construction changes, as well as any other impacts resulting from these changes including on flood risk, coastal change, ecology, and heritage.

### **Visual Impact**

The building constructed on site has itself replaced an existing toilet block and is sited partially over the original building's footprint. The changes that have taken place to the development previously approved, are set out above and include an increase in height and depth, which add to the overall mass of the building. Additional changes such as the introduction of access ramps and railings further increase the visual impact of the development, these changes are countered, to a degree, by the reduction in the number of doors on the principal elevation which, due to their colour finish act as a draw to the eye. The building itself also remains set below the level of Castle Hill to its rear and partially set into the steep bank between the building and this road. A number of objections have been received referencing the modern design being inappropriate in the site's context, but the overall design is considered to be an acceptable approach for a functional public facility and where details of the design and materials reflect its seafront location. A very similar designed building has previously been approved and there is no reason to take a different view on the current proposal.

What is of concern and does detract from the character and appearance of the area and the setting of the adjoining conservation area is the metal fencing that has been erected to the rear of the building and which wraps partially around either end. The siting of this set atop a low wall, which is itself set on a level platform within the steep

bank to the rear of the site, means the bottom of the fencing is set at a similar level to the roof of the building and elevated above the level of seafront walkway. As such, it is clearly visible from the seafront and from Castle Hill to the north and in public views from here towards Beer Head. Although it is recognised that some effort has been made, through the choice of fencing and colour finish, to limit its impact this has not disguised its incongruous impact and conspicuous appearance.

It is though recognised that the fencing was proposed to serve a practical purpose, to prevent/deter access to the roof of the building and the passageway to its rear. The application has therefore been amended so that it no longer includes the fencing and instead proposes heavy duty bird netting to the rear of the building to cover the level platform within the bank and bridge the gap from here to the building's roof. Amended plans have been provided to show this. These show that the netting would be set at a much lower level, such that it would be much less prominent and would not protrude above road level to the rear, further details could be secured by condition. A further condition could also be imposed requiring the removal of the fencing within a specified time period. Subject to these provisions the visual impact of the development could be made acceptable.

To the southwest and east of the building semi-circular and circular planters with peripheral seating are indicated, they are of timber finish with the planters containing a mix of planting appropriate for the coastal location and designed to provide year round and seasonal interest, the provision and maintenance of these features could be secured by condition.

Overall, whilst there is some limited additional visual impact over the previously approved building, the proposal is considered to have a limited and acceptable impact and subject to condition to be compliant with policies D1 and RC6 of the EDLP and DS01 and CF01 of the emerging Local Plan.

## **Flood Risk**

A flood risk assessment accompanies the application, given its location within Flood Zones 2 and 3. The assessment indicates that the site is subject to tidal flood risk. As with the previous application and as a replacement facility it is considered that the development has to be in the location proposed so as to provide an essential facility for users of the beach and promenade. Given that the proposed building is proposed as an alternative to the previously approved replacement building, on the same site, and would only have a slightly increased footprint, it is not considered that the proposal would increase the flood risk vulnerability of the facility or that it would increase flood risk elsewhere. The sequential test is therefore considered to be passed. As the proposal is an essential facility it is considered to be water compatible and thus its location within flood zones 2 and 3 is considered to be acceptable and the exception test need not be applied. The building has been designed so as to be as resistant and resilient to flooding as possible through using materials resistant to water penetration. The accompanying flood risk assessment recommends measures to improve flood resilience including raising electrical and mechanical appliances to 750 mm above finished floor level.

The submitted FRA includes details of recommendations to mitigate against flood risk during periods of anticipated flooding which include closure of the facilities during anticipated periods of flooding. As EDDC are the operators of the toilets and will be aware of any anticipated tidal flood events the building could be locked in advance of such events. The council's emergency planning officer has considered the flood warning and evacuation procedures and considers these to be satisfactory in this instance.

Overall the proposal is considered to accord with the requirements of Policy EN21 of the EDLP and policy AR01 of the emerging Local Plan.

### **Coastal Change**

The site is in an area near the shoreline so the potential impact of coastal change on the building is a relevant consideration. Paragraph 184 of the NPPF states that plans should identify as a Coastal Change Management Area (CCMAs) any area likely to be affected by physical changes to the coast, and:

- a) be clear as to what development will be appropriate in such areas and in what circumstances; and
- b) make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.

Policy EN25 of the EDLP addresses point b) but the adopted Local Plan does not identify a Coastal Change Management area and is silent as to the type of development which is acceptable within such an area. On the previous officer report for application 23/2561/FUL it is noted that the office report made reference to the Shoreline Management Plan 2 (SMP2) for the area and the geographical extent of risk of coastal erosion and reported at the time,

*“The relevant plan within SMP2 (Policy Unit 6a29: Axe Estuary (Spit) to Seaton (West)) indicates that with the preferred coastal management policies in place, the application site is within a predicted erosion zone within a 20 year timescale.”*

Paragraph 185 of the NPPF states “Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:

- a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;
- b) the character of the coast including designations is not compromised;
- c) the development provides wider sustainability benefits; and
- d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast.

In relation to these the previous officer report considered there to be no conflict with most of these criteria, but noted that the lifetime of the building, as set out in the submitted Flood Risk Assessment was stated to be 50 years whereas the site area is indicated to be within a 20 year erosion zone as indicated in SMP2. On this basis it was advised that the building may not be safe within its planned lifetime. Nevertheless, given the benefits of the building that risk was not considered to be so significant that, on balance, it would outweigh the public benefits that would arise.

The emerging Local Plan does now identify CCMA and policy AR03 sets out the types of development that are considered to be appropriate within areas at different levels of risk (short, medium and long term). The proposal site lies outside of any CCMA as identified on the proposals map.

## **Ecological Impacts**

The site is within the Beer Quarries and Caves SAC bat consultation area and the landscape connectivity zones and sustenance zones of several bat species associated with that SAC. The proposed replacement building would be located on the footprint of the existing building and would not involve the removal or alteration of natural habitat, so it is not envisaged that it would affect bat foraging or commuting. External lighting has been provided on the building and details of this have been provided. The Council's ecology team has reviewed the lighting details and has confirmed that the development is unlikely to result in a significant effect on the SAC due to: the site context and existing lighting already operating in the area; that the installed external lighting above each door is installed with passive infrared (PIR) sensors, thereby minimising unnecessary illumination and reducing potential ecological impacts, and; that the key bat species associated with the SAC, are highly light-averse which given the baseline conditions means the site does not present optimal foraging habitat and commuting routes for them. On this basis it is advised that no further assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) is required.

## **Heritage Impact**

The Council has a statutory requirement under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant consent for any works to have special regard to the desirability of preserving and or enhancing the historic and architectural interest of Seaton Conservation Areas as a heritage asset and its setting.

The site lies adjacent to Castle Hill to the north and where the boundary of Seaton Conservation Area runs concurrent with this. Cliff Castle (grade II listed) also lies close by to the Northwest. The views along the coast are noted, in the conservation area appraisal as the main attraction of the town. The council's conservation officer has considered the impact of the 'as built' development on the setting of this designated heritage asset. In relation to the building itself no objections are raised, and this is considered to continue to preserve the setting of the conservation area. However, the fencing to the rear of the building is referred to as causing considerable harm to longer views of the coastline, and which are identified as key attributes in the conservation area appraisal. As such this aspect is considered to fail to preserve the setting of the conservation area and to a lesser extent to result in a moderate level of less than substantial harm to the conservation area as a heritage asset. The removal of the fencing as now proposed would therefore address these concerns and ensure that the development would continue to preserved the setting of the conservation area as required by policy EN10 of the EDLP and HE03 of the emerging local plan.

## **Other Issues**

**Crime Prevention** - Whilst in a publicly accessible area the proposed building would not benefit from a continual high level of natural surveillance, i.e. overlooking from surrounding occupied dwellings, due to it being set down at a slightly lower level than the nearby dwellings and streets and facing the open beach and seafront area. As such it would be potentially subject to vandalism/antisocial behaviour. The proposal intends to enhance the immediate area of the site to provide a pleasant space and in turn discourage anti-social behaviour. In addition, it omits the open sided covered area which was present within the original toilet block, which was known to attract antisocial behaviour. The single access cubicles are described as being less vulnerable to vandalism than the cubicle arrangement of the original block and the proposal incorporates high ceilings which are also intended to reduce vandalism. The Crime Prevention officer has been consulted on the original proposal, and has raised no objections but has made recommendations in relation to the standard of gates and fencing proposed to prevent access to the rear of the building; the provision of CCTV and other measures designed to prevent anti-social behaviour. The application is largely retrospective in nature but addresses most of the issues raised. The replacement of the fencing to the rear with the proposed netting would continue to prevent access to the un-surveilled area at the rear of the building. It is considered that the proposal would be acceptable with regard to the requirements of Stgy 37 of the EDLP.

**Marine Management Area** – It has been confirmed in relation to the previous application that the development is above the mean highwater springs mark and that there is no requirement for a Marine Licence to be obtained in relation to the proposals.

**Renewable energy** – The submitted D&A statement references the use of solar PV panels on the roof of the building but nonsuch are shown on the submitted plans. It is understood that, subject to funding, the intention is still to provide these and in principle this is supported and encouraged by Strategy 39 of the EDLP and policies CC01 and CC02 of the emerging Local Plan. The previously approved building showed panels laid flat on the building's roof and therefore largely screened from view by the raised parapet around the roof edge. Were panels to be similarly located on the constructed building these would have a similar very limited impact. It is also noted that subject to meeting certain restrictions that panels could be installed as permitted development. However, as no details are available at present of the number, type and layout of the panels it is recommended that these are secured by condition.

## **CONCLUSION**

The proposal seeks permission to regularise amendments to an earlier permission for the construction of a replacement toilet block at the site. The constructed building is slightly increased in height and width over that previously approved and also now includes including ramped and stepped access to serve the building, these changes are not considered to significantly alter the overall impact of the building on the character and appearance of the area which, on the whole, remains acceptable.

The sole area of concern relates to the addition of the security fencing within the steep bank to the rear of the building, which appears oppressive and incongruous as well as

impacting on public views from within the conservation area and along the coastline. In order to address these concerns, the application has been amended to remove this fencing and proposes a simpler and less impactful scheme for the provision of heavy duty bird netting which would serve the same goal of deterring access to the passageway to the rear of the building and the roof of the building itself. Subject to conditions to secure the removal of the fencing; additional details of the netting, and; in relation to landscaping and external lighting the proposal, as revised, is considered to be acceptable.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. 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.)
2. No external lighting, other than that already installed, shall be installed on the building, or at the site, unless details of the same have previously been submitted to and approved in writing by the Local Planning Authority. Any lighting agreed shall be carried out in accordance with the approved details.  
(Reason: To ensure that the development has no adverse effect on protected and notable species including those associated with the Beer Quarry and Caves Special Area of Conservation, in accordance with Strategy 47 (Nature Conservation and Geology) and Policies EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)
3. Within 2 months of the date of the permission hereby granted, further details of the heavy duty bird netting, indicated on approved drawing nos. DR-A-3001 rev. C05 and DR-A-2002 rev. C07, and to be used to deter access to the rear/roof of the building, shall have been submitted to the Local Planning Authority for their approval in writing. Such details shall include materials, colour finish and method of securing the netting (and where so required a sample). Development shall then be carried out in accordance with the approved details and shall be completed within 3 months of the date of approval of the details, unless any alternative timescale has first been agreed in writing by the Local Planning Authority.  
(Reason: In the interests of the character and appearance of the area and in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031 and national policy set out in the National Planning Policy Framework and associated Practice Guidance.)
4. The weld mesh fencing erected on the bank and to the rear of the building hereby approved, and as indicated on submitted drawings 230363 -3001 C04, received 15.09.25 and 230363 -2006 C06, received 02.09.25, shall be removed in its entirety within one month of the installation of the heavy-duty bird netting, or 6 months of the date of the permission hereby granted, whichever is the sooner.

(Reason: In the interests of the character and appearance of the area and the preservation of the setting of the adjoining conservation area, in accordance with Policies D1 (Design and Local Distinctiveness) and EN10 (Conservation Areas) of the Adopted East Devon Local Plan 2013-2031 and national policy set out in the National Planning Policy Framework and associated Practice Guidance.)

5. Prior to their installation, and where express consent is required, details of the number, layout, method of support and finished appearance of any solar PV panels to be installed on the roof of the building shall be submitted for the written approval of the Local Planning Authority. Development shall proceed in accordance with details as agreed.

Within six months of the cessation of the use of the solar panel installation to produce energy, the panels together with any associated fixtures and fittings, shall be removed from the roof of the building.

(Reason: In the interests of the character and appearance of the area and the preservation of the setting of the adjoining conservation area, in accordance with Policies D1 (Design and Local Distinctiveness) and EN10 (Conservation Areas) of the Adopted East Devon Local Plan 2013-2031 and national policy set out in the National Planning Policy Framework and associated Practice Guidance.)

6. The landscaping scheme shall be carried out as detailed at pages 24 and 25 of the Design and Access Statement, prepared by Kendall Kingscott and dated August 2025 and which accompanies the application. The landscaping shall be maintained for a period of 5 years with any plants which die during this period to be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority. (Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

##### 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.

##### **Biodiversity Net Gain Informative:**

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 exemption 4.2 from the list below is 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:

DR-A-2002 C07	Proposed Site Plan	17.12.25
DR-A-3001 CO5	Combined Plans	17.12.25
	Location Plan	02.09.25
DR-A-2003 A	Proposed Site Plan	02.09.25

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.

## Appendix 1 (Designing Out Crime Officer Response)



Devon & Cornwall  
**POLICE**

101 Non-urgent  
999 in an emergency  
[www.devon-cornwall.police.uk](http://www.devon-cornwall.police.uk) DCPolice  
[DevonAndCornwallPolice](https://www.facebook.com/DevonAndCornwallPolice)

East Team  
Planning Department  
East Devon Council

Kris Calderhead  
Designing Out Crime Officer  
Exeter Police Station  
Sidmouth Road  
Exeter EX2 7RY

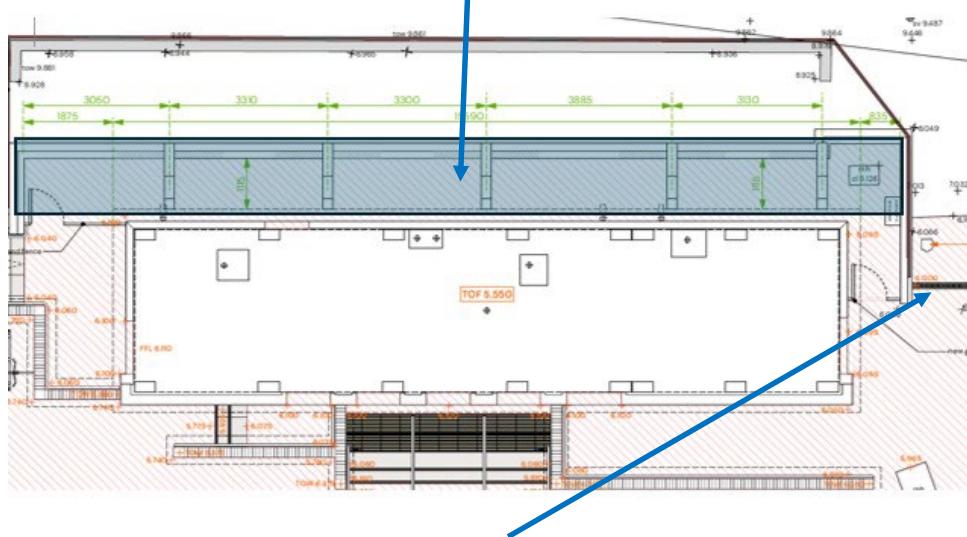
10/10/25

Dear Sir / Madam,

**25/1820/FUL Proposal to demolish existing public toilets and replace with a new modular public toilet building. (Retrospective application for design changes to approved application 23/2561/FUL). Toilets West Walk, Castle Hill, Seaton Devon EX12 2QW**

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. I have no objection to the proposal but would like to make the following comments and recommendations for consideration.

- Unauthorised access to the rear of the site should be prevented as surveillance opportunities are limited and a concealed area such as this is likely to attract antisocial behaviour if accessible. Security fencing should meet a nationally recognised security standard such as LPS1175.
- Apologies but what is the intended use of this space and the room accessible via the rear door? Presumably it is for maintenance access only and not public access? Therefore, the gates at either end should be of the same standard as the fencing, being mindful that any emergency egress mechanism can not be accessed from the public side



Additionally, ensure there are no climbing aids such as low-level walls etc. that can be used to overcome gates / fencing. I am unsure if this is a proposed low-level wall?

- It is recommended that the facility has CCTV installed. This would provide some monitoring and guardianship of the site and aid in the prevention and detection of crime.
- External walls should be protected from graffiti and damage by effective landscape / planting and / or anti-graffiti surfaces.
- There should be clear signage in place detailing ownership, relevant contact information, opening times, maintenance details etc.
- External doors and windows should be certificated to an appropriate nationally recognised security standard such as LPS 1175 for example, with laminated glass used in any glazing.
- Low maintenance, graffiti resistant surfaces are advised for internal walls and cubicles if possible.
- Internal walls should be light reflecting with non-stick paints and coatings if necessary.
- If possible horizontal surfaces within a cubicle should be minimised in order to stop items being left on top, such as drug paraphernalia.
- Cisterns, plumbing and other places that could be used for hiding items e.g. drugs, purses / wallets, stolen property or weapons should not be accessible to the public.
- Anti-vandalism luminaries should be utilised for internal lighting, providing bright and uniform coverage with no shadows, to reflect a feeling of sterility, cleanliness and care, which aids in discouraging loitering. All light fittings should be flush fitting to prevent the hiding of easily concealed items. It is recommended that lighting is only available when the facility is in use and blue lighting should be avoided. Be mindful that lighting does not conflict with any CCTV.

Yours faithfully

Kris Calderhead  
Designing Out Crime Officer