

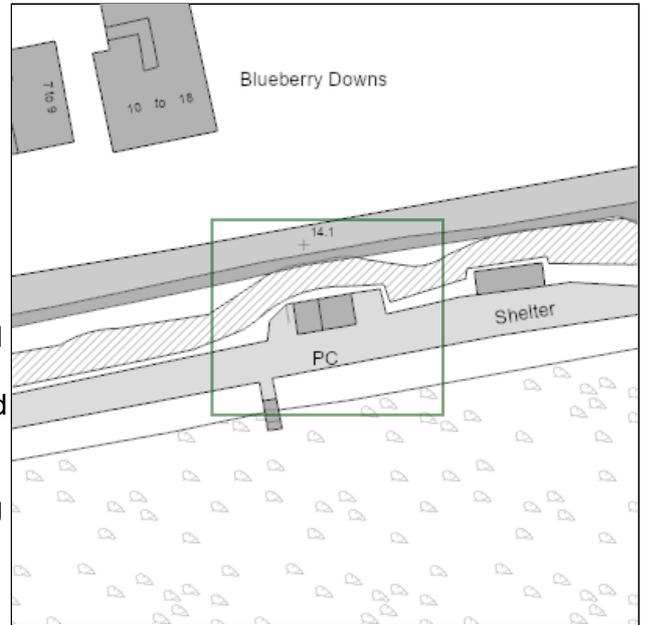
Ward Budleigh And Raleigh

Reference 25/2125/VAR

Applicant Mr Jorge Pineda-Langford (EDDC)

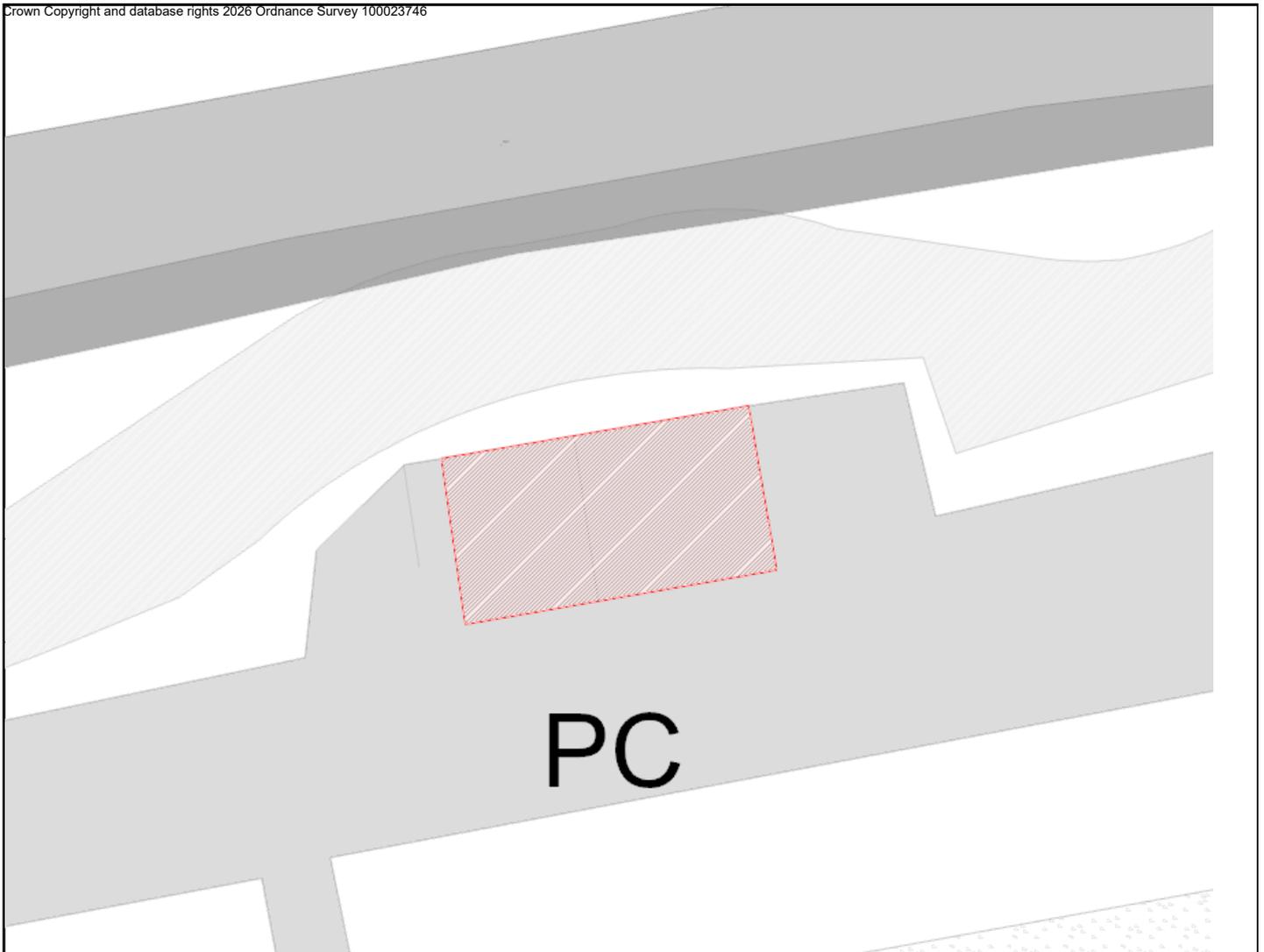
Location Toilets Salting Hill Budleigh Salterton

Proposal Retrospective variation of condition 2 (approved plans) on planning permission 23/2626/FUL (Proposal to demolish existing public toilets, and replace with a new public toilet building), to relocate downpipes, add extractor fans, emergency beacons, and mesh security fencing and repositioning of door



RECOMMENDATION: Approval

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		Committee Date: 24/02/2026
Budleigh And Raleigh (Budleigh Salterton)	25/2125/VAR	Target Date: 11.12.2025
Applicant:	Mr. Jorge Pineda-Langford (EDDC)	
Location:	Toilets Salting Hill	
Proposal:	Retrospective variation of condition 2 (approved plans) on planning permission 23/2626/FUL (Proposal to demolish existing public toilets, and replace with a new public toilet building), to relocate downpipes, add extractor fans, emergency beacons, and mesh security fencing and repositioning of door	

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

This application seeks retrospective approval for minor variations to the previously consented scheme (23/2626/FUL) for the replacement public toilet building at Salting Hill, Budleigh Salterton.

The completed works include the relocation of downpipes and a door, installation of extractor fans and emergency beacons, and the addition of mesh security fencing to the side elevations. Details of external lighting have also been submitted to address the requirements of Condition 3 of the earlier consent.

No objections have been received. The Budleigh Salterton Parish Council support the scheme.

The officer assessment identifies that the variations to the previously approved scheme are minor and do not materially alter what the scheme that was approved. No harm is identified to either the East Devon National Landscape or the Jurassic Coast World Heritage Site.

The installed lighting is considered acceptable, and the finished appearance is consistent with that which was previously approved.

The proposal is considered to align with the requirements of the Development Plan and does not adversely impact amenity, landscape or ecology.

The application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

This council supports the application.

Ward members

No comments received.

Technical Consultations

Conservation

No comments as the building is situated below a small cliff and is some distance away from the nearest listed buildings and conservation area. There is no impact on these heritage assets.

Recommendation: No objections

Historic England

Do not wish to comment

World Heritage Site/Jurassic Coast

No comments to make.

Other Representations

One neutral comment was received querying development that has occurred that is not in accordance with the approved plans.

PLANNING HISTORY

Reference	Description	Decision	Date
23/2626/FUL	Proposal to demolish existing public toilets, and replace with a new public toilet building.	Approval with conditions	28.03.2024

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 44 (Undeveloped Coast and Coastal Preservation Area) Adopted

Strategy 45 (Coastal Erosion) Adopted

E20 (Provision of Visitor Attractions) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

TC2 (Accessibility of New Development) Adopted

Strategy 3 (Sustainable Development) Adopted

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

Strategy 21 (Budleigh Salterton) Adopted

D1 (Design and Local Distinctiveness) Adopted

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

EN10 (Conservation Areas) Adopted

EN14 (Control of Pollution) Adopted

EN21 (River and Coastal Flooding) Adopted

RC6 (Local Community Facilities) Adopted

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP05 (Development inside Settlement Boundaries) Draft

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

Strategic Policy CC01 (Climate emergency) Draft

Strategic Policy AR01 (Flooding) Draft

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

Policy AR05 (Development affecting coastal erosion) Draft

Policy SE08 (Local shops and services) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

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

Policy OL09 (Control of pollution) Draft

Policy PB03 (Protection of irreplaceable habitats and important features) Draft

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

Policy CF01 (New or extended community facilities) Draft

Budleigh Salterton Neighbourhood Plan (Made) 2017-2031

Policy H2 (Maintaining Local Character)

Policy H4 (Built-Up Area Boundary)

Policy B1 (Identity Of Town And Seafront)

Policy B3 (Heritage Assets)

Community Action B2

Policy NE1 (Conservation Of The Natural Environment)

Policy NE5 (Development Within The Coastal Preservation Area)

Community Action CLW2

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

Site Location and Description

The toilets are located along the southern side of Salting Hill off Budleigh Salterton Seafront. The toilets are a prominent structure on the seafront along with the adjacent shelter, beach huts and the refreshments kiosk. The toilets are located within both the East Devon National Landscape and the UNESCO designated World Heritage site that is the Jurassic Coast.

ANALYSIS

Proposed development

The application seeks retrospective permission for minor alterations to the scheme approved under application reference 23/2626/FUL.

The completed changes include the following:

- The relocation of downpipes to the West, South and East elevations.
- The introduction of extractor fans on rear (North) elevation.
- The introduction of beacons on the front (South) elevation.
- The relocation of a door on the front elevation (South).
- The introduction of mesh fencing on the West and East elevations.

The applicant has also submitted additional details of lighting details as a means of satisfying the requirements of condition 3 of permission 23/2626/FUL.

Material Considerations

Having reviewed the proposed scheme in relation to the site context, it is considered that there would be no impact upon neighbour amenity. The site benefits from special designations by virtue 25/2125/VAR

of its position within a World Heritage site and National Landscapes. The main issues for this retrospective development therefore relate to the impact of the proposed variations on the surrounding area.

It was determined during the decision making of application 23/2626/FUL that there would not be any significant impact upon ecology subject to a suitable lighting scheme and the proposed variations have no greater impact on ecology.

Compliance with condition 3 and 4 of permission 23/2626/FUL will be considered.

Impact upon the character of the area/special designations.

The proposed amendments, in the context of the wider scheme, are relatively minor. The most visually impactful part of the proposal is the installation of mesh fencing on the East and West elevations (shown in figure 1, below). During the site visit, it was observed that whilst being a relatively tall addition, the colour and composition of the fence means the extent to which it is visually intrusive is negligible.



Figure 1 - View of the Front (South) and Side (East) elevations.

Due to the toilets position within a site with World Heritage designation, Dorset Council's World Heritage Principal Officer had been consulted. A response was received stating that no comments were to be made due to the small scale of the proposal.

As a whole, the completed developments do not significantly alter that which was previously approved. As such, it is considered the amendments to that which was approved under 23/2626/FUL do not result in harm to the World Heritage and National Landscape designations. The landscape and visual impacts are acceptable and as such comply with Strategy 46, and Policy D1 of the adopted Local Plan.

The variations have no materially different impact on highways, drainage or flood risk.

Compliance with Condition 3 and 4 of decision notice 23/2626/FUL.

In the first instance, the applicant failed to comply with condition 3 and 4 of decision notice 23/2626/FUL.

Condition 3 reads as follows:

'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.)'

As part of this application, the applicant has submitted detailed specifications of the installed external lights. The LED lights are installed with diffusers and an 'eyelid' which reduces the harshness of light diffused and controls the direction to which light is emitted.

Such measures to reduce light pollution are considered to accord with the reason of the condition and are therefore acceptable.

Condition 4 reads as follows:

'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.)'

No further details have been submitted on material finishes as required however the application is for retrospective permission. Regardless, upon completion of a site visit, it was considered that the proposed material finish does not significantly deviate from the visual appearance of the drawings permitted under permission 23/2626/FUL. As such, the materials used, although being prominent, are considered acceptable.

CONCLUSION

From the discussion above, it is clear that the proposed development is relatively minor and would have minimal levels of impact upon both the World Heritage site and area with National Landscape designation. The submitted details for lighting are acceptable. As such, it is not deemed necessary to request any further details by way of condition. This is true too for condition 4 (materials) of planning application 23/2626/FUL.

RECOMMENDATION

APPROVE subject to the following condition:

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.)

NOTE FOR APPLICANT

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 exemptions 4.2 (i) and 4.2 (ii) 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.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

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.

Plans relating to this application:

1001 P01	Location Plan	15.12.25
LIGHTING DETAILS 1	Materials Schedule/Details	15.12.25
LIGHTING DETAILS 2	Materials Schedule/Details	15.12.25
AP(0)02	Block Plan	16.10.25
DR-A-2002 REV C04	Proposed Site Plan	16.10.25

DR-AT-3001
REV C04

Proposed Combined
Plans

16.10.25

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.