

EXMOUTH TOWN COUNCIL
Minutes of the Meeting of Exmouth Town Council
Planning Committee held in the Council Chamber,
Town Hall, St Andrews Road, Exmouth
on Monday 15 January 2024 at 6:15pm

Present:

Councillor Joe Whibley (Chair)
Councillor Graham Deasy
Councillor Tim Dumper
Councillor Cherry Nicholas
Councillor Andrew Toye
Councillor Andrew Woodward

Apologies:

Councillor Andrew Colman
Councillor David Poor
Councillor Mike Rosser

Also in attendance was Councillor Fred Caygill who was a non-voting member but spoke during the public speaking time.

Public Speaking Time

Dave Toomey and Councillor (Town & District Council) F Caygill spoke during the public speaking time regarding applications 23/2515/TRE 51A Evergreen Close and 23/2568/TRE 47 Evergreen Close.

Caroline McAusland, Andrew McAusland and Jessica Dawkins spoke regarding planning application 23/2740/OUT, Land South Of Courtlands Lane.

Note: The applications stated above were discussed immediately after the Public Speaking Time. The Chairman then reconvened the Planning Meeting.

P24/009. Minutes of the previous meeting

Councillor J Whibley proposed, seconded by Councillor A Woodward and it was agreed that the minutes of the previous meeting held on 2 January 2024 were a true record.

P24/010. Declarations of pecuniary interests and dispensations:

Application:	23/2740/OUT Land South Of Courtlands Lane
Councillors	T Dumper
Pecuniary or personal	Personal
Reason	Knows some of the objectors to the application
Application:	23/2515/TRE 51A Evergreen Close 23/2568/TRE 47 Evergreen Close
Councillor	J Whibley, T Dumper, A Toye

Pecuniary or personal Reason	Personal EDDC Councillors where a civil claim against EDDC could be made.
Application:	Street Trading Licence – Sam’s Coffee Tricycle Premises Licence 057089
Councillor	J Whibley, T Dumper
Pecuniary or personal Reason	Personal Chairman and member respectively of the Licensing and Enforcement Committee at EDDC.

P24/011. Urgent business

None

P24/012. Tree and advertising consent applications

BRIXINGTON

The two applications below were considered by the Committee together as both applications were in respect of the same trees.

Planning Application No: 23/2515/TRE

Location: 51A Evergreen Close, EX8 4RR

Applicant: 360Globalnet

Proposal: T1, Oak (English): Removal. T2, Oak (English): Removal.

Target date: 18.01.24

Planning Application No: 23/2568/TRE

Location: 47 Evergreen Close, EX8 4RR

Applicant: 360Gloabnet

Proposal: T1. Oak (English): Removal.

T2, Oak (English): Removal.

1. The tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long term stability to 51 Evergreen Close, Exmouth, EX8 4RR

2. Estimated costs of repair to the building are a minimum of £70,000.00 if the influence of the tree(s) remain and £3,900.00 if the proposed tree works are allowed to proceed. Granting permission will limit these costs. In the event of a refusal we, or our clients, will seek to secure compensation for the additional costs incurred through Section 202(e).

3. Should the tree/s remain the total cost of repairs will be the Superstructural repairs + Alternative method of repairs (Minimum) = £73,900.00

4. It is the expert opinion of both the case engineer and arboriculturalist that on the balance of probabilities the supporting information demonstrates the influence of the tree(s).

5. Note: Further monitoring results may be submitted if these become available during the course of this application.

Target date: 24.01.24

Comments Statutory Consultees:

Tree Officer's report was previously circulated.

Recommendation – **Conditional Approval** for 2 replacement trees to be planted and 2 informatives added to the decision notice. The first highlighting the high amenity values of these two trees and asking the applicant to give further consideration to repairing the building by retaining the trees with the use of underpinning, or root barrier. The second advising of the increased risk of storm damage, to the retained Oak T3. Prior to the removal of T1 and T2 the applicant should submit an application and seek permission for the crown reduction of T3 to minimise the risk of wind damage.

Note: The TO had informed the owner of property affected by the subsidence that although the damage was minor, felling the two trees seemed extreme and that they may wish to take this up with their insurance company who submitted this application.

The TO had also confirmed from a legal point of view, the evidence showed that the applicant had done everything they were required to do to demonstrate that the trees were a casual factor (i.e. they have provided proof of damage, clay soil, roots of nearby trees) in the observed damage and if we were to go against it, it was likely that EDDC would have to compensate the applicant.

Decision: Proposed: CN

Seconded: AT

The Planning Committee agreed to recommend strongly that the applications 23/2515/TRE and 23/2568/TRE should be refused but recognised the predicament this would leave EDDC and therefore defer the final decision to EDDC. The Committee felt strongly that the applicant and owner of the property, with the cooperation of others, should seek an alternative solution to felling the trees. Members also commented that details in the application were inaccurate, one example being the property address was 51 Evergreen Close not 51A Evergreen and this should be rectified. Members were concerned that felling of the tree would not resolve the issues and could actually make the situation worse especially with regards to flooding. Further investigation was needed before a decision was made.

Planning Application No: 23/2551/TRE

Location: The Paddock, St Johns Road, EX8 5EG

Applicant: Mr Mark Pannell

Proposal: T1, Beech: reduce height by approximately 1m and lateral spread by approximately 1.5m, making cuts no greater than approximately 30mm in diameter.

Target date: 23.01.24

Comments Statutory Consultees:

Tree Officer's report was previously circulated.

Recommendation - **APPROVAL**

View of representations: None

Decision: Proposed: CN

Seconded: JW

Approval in accordance with the Tree Officer's report.

LITTLEHAM

Planning Application No: 23/2484/TRE

Location: Montpellier Court, Montpellier Road, EX8 1JP

Applicant: Ms Louanne Finn

Proposal: T1, Holm Oak - crown lift to 4m above ground level above parking area, maximum diameter of cuts 40mm. Trim lower foliage back by approximately 1-1.5m.

Target Date: 15.01.24

Comments Statutory Consultees:

Tree Officer's report was previously circulated.

Recommendation - **APPROVAL**

Cllr D Poor had forwarded his comments which were shared as follows:

Approval in accordance with the Tree Officer's report.

Decision: Proposed: GD

Seconded: TD

Approval in accordance with the Tree Officer's report.

P24/013. Planning applications.

BRIXINGTON

Planning Application No: 22/1873/FUL

Location: Knappe Cross Nursing Home Brixington Lane, EX8 5DL

Applicant: Halcyon Care Ltd

Proposal: Single storey rear extension for 8 bedrooms

Amended Plans

Amended Plan: Drawing No. 4G Proposed Elevations, Superseded Plan: Drawing No. 4F Proposed Elevations, Additional Information: Drawing No. 6 existing/Proposed Ground Floor

Date limit for comments: 18.01.24

Note: Clarification had been sought from EDDC regarding the amended plans. Applicant had provided drawings of the existing layout, showing the proposed extension in context with main building, and additional heritage information to support the application.

Comments Statutory Consultees:

Town Council

26.09.22 - Objection, members were concerned that the applicant had not demonstrated that surface water resulting from the development would be controlled and satisfactorily mitigated. The proposal was therefore considered to be contrary to policy EN5 of the Exmouth Neighbourhood Plan. It was also noted on a report for a previous withdrawn application that the Conservation Officer commented that in their opinion the opportunity for future development had already been maximised.

24.04.23 – Objection sustained.

19.06.23 - Objection sustained; the amendments did not mitigate the concerns previously raised. The applicant had not demonstrated that surface water would be satisfactorily controlled. The Conservation Officer had also recently commented that the proposal would result in harm to the listed building.

EDDC Trees – No objection subject to conditions

DCC Highways – No objection

DCC Social Services – No objection

Conservation – No further updated comments since June 2023 received yet.

View of representations:

3 x Rep in respect of the original application.

ENP Policy: EB1 (Listed Building), EB2 & EN5

Decision: Proposed: CN

Seconded: GD

Objection sustained; the applicant had still not demonstrated that surface water resulting from the development would be controlled and satisfactorily mitigated. Policy EN5 of the Exmouth Neighbourhood Plan requires that a drainage impact assessment should be submitted. The amended plans did not appear to mitigate the concerns raised by the Conservation officer.

Planning Application No: 22/1874/LBC

Location: Knappe Cross Nursing Home Brixington Lane, EX8 5DL

Applicant: Halcyon Care Ltd

Proposal: Single storey rear extension for 8 bedrooms

Amended Plans

Amended Plan: Drawing No. 4G Proposed Elevations, Superseded Plan: Drawing No. 4F Proposed Elevations, Additional Information: Drawing No. 6 existing/Proposed Ground Floor

Date limit for comments: 18.01.24

Comments Statutory Consultees:

View of representations:

ENP Policy: EB1 (Listed Building), EB2 & EN5

Decision: Proposed: CN

Seconded: GD

Objection sustained; the applicant had still not demonstrated that surface water resulting from the development would be controlled and satisfactorily mitigated. Policy EN5 of the Exmouth Neighbourhood Plan requires that a drainage impact assessment should be submitted. The amended plans did not appear to mitigate the concerns raised by the Conservation officer.

HALSDON

Planning Application No: 23/2740/OUT

Location: Land South Of Courtlands Lane, Exmouth

Applicant: Mr B Penny

Proposal: Outline permission for the construction of up to six dwellings sought with all matters reserved other than access.

Date limit for comments: 25.01.24

Comments Statutory Consultees:

Housing Strategy – The site in the emerging Local Plan allocated 12 dwellings. This application appears to be under development of the site in order to circumnavigate the affordable housing policy as sites delivering 10 units or more are required to provide 25% on site affordable housing. Exmouth has our greatest on-site housing need in the district.

Highways had been consulted but not yet commented.

EDDC Trees – No objection in principle as long as the development is based on sound Arboricultural principles and appropriate soft landscaping scheme. Young established tree along western and southern boundary should be retained.

Conservation – had been consulted but yet commented.

EDDC Ecologist – had been consulted but yet commented.

Landscape Architect – had been consulted but yet commented

View of representations:

8 x Rep – Concerned about the increase in traffic, highway safety and emergency vehicle access. Lane was narrow and used by walkers & cyclists. Not in keeping with the development pattern on Courtlands Lane. Concern that there were badger setts on the site.

1 x letter of support

ENP Policy: EN1 (Outside BUAB, Coastal Preservation Area)

Decision: Proposed: TD

Seconded: AT

Objection; this application lies outside the built up area boundary for Exmouth within the Coastal Preservation Area and therefore defined as development in the Countryside. This proposal for the construction of 6 dwellings is an area where development is strictly controlled in order to safeguard from encroachment. The proposal was considered to be visually intrusive, interrupting the visual openness and views to and from the sea. The proposal was therefore contrary to Policy EN1 of the Exmouth Neighbourhood Plan which states that development will only be permitted where it would not harm the distinctive landscape or have an adverse

disruption of a public view which forms part of the distinctive character of the area or otherwise causes significant visual intrusion. Concern was also raised regarding preserving the green wedge between Exmouth and Lypstone and the ecology on the site. Members shared the concerns of objectors to the application regarding highway safety. The proposal was considered to be unsustainable development due to its location on a narrow country lane and lead to dependence on the use of the private car as a primary means of transport contrary to policy TC2 of the EDLP.

LITTLEHAM

Planning Application No: 23/2751/FUL

Location: Moor Park, Douglas Avenue, EX8 2HH

Applicant: Elaine Harper

Proposal: Replacement of 18 balcony safety barriers and reinforcement works to same balconies.

Date limit for comments: 26.01.24

Comments Statutory Consultees:

Highways had been consulted but not yet commented.

View of representations: None

ENP Policy: EB2

Cllrs D Poor & M Rosser had forwarded their comments which were shared as follows: No objection

Decision: Proposed: GD
No objection

Seconded: JW

TOWN

Planning Application No: 23/2756/FUL

Location: 86A Exeter Road, EX8 1PZ

Applicant: Mr D Sansom & Miss M Ford

Proposal: Extend the existing building to form two additional 1-bedroom flats, downsize the existing first floor flat to 1 bedroom and make alterations to the ground floor flat to make good the existing rear projections / yard and create an additional bedroom. Solar panels on front elevation and changes to materials
[Re-submission of 23/2156/FUL].

Date limit for comments: 30.01.24

Comments Statutory Consultees:

Cllr O Davey – Supports application.

Highways had been consulted but not yet commented.

View of representations: None

ENP Policy: EB2

Decision: Proposed: JW
No objection

Seconded: TD

WITHYCOMBE RALEIGH

None

P23/014. Other items

i. Notification of a street trading RENEWAL – Sam’s Coffee Tricycle

The applicant is from: Sam Birkinshaw - Sam's Coffee Tricycle

Location: Paved area in front of the Exmouth in bloom flower bed boat, Imperial Road, Exmouth, EX8 1BZ.

This year Sam would also like to include the sheltered area in front of the Stagecoach office, to the left of the train station stairwell (please see map attached). He will use the sheltered area when the weather is bad, to ensure he is more protected from the elements.

Permission to use this paved area for trading has been granted by Highways at Devon County Council and permission to use the sheltered area in front of the Stagecoach office has been granted by Stagecoach Buses.

Dates: RENEWAL - Annual Consent - Trading daily

Times: 08:00 - 16:00

High winds could halt operation, so Sam would like to have the scope to trade during the times above, any day of the week.

The application is for: 1 x bespoke tricycle selling hot drinks ranging from espressos to hot chocolates of varying flavours and new for 2024, chocolate brownies. This trader has operated successfully whilst holding a valid street trading consent for the past year.

The applicant has noted the following on their application: I'll be kept flush against the perimeter of pavement, avoiding obstruction of the main walkway. My espresso machine is powered by a gas bottle which is silent and is a clean energy source with no fumes. I do not use a generator or non-recyclable or non-compostable products. Compostable packaging will be sent to commercial vessel via waste collector.

Organic matter will be offered to local allotments or added to horse manure at a relative's field. Recyclable packaging will be collected by commercial contractor. Please find attached the following documents that accompanied the application:

- A map of the trading site

Date limit for comments: 18.01.24

Councillors did not wish to comment.

ii. Premises Licence Variation – Lympstone Manor

Ref No. 057089

Premises: Lympstone Manor, Courtlands Lane, EX8 3NZ

Ward: Halsdon

Name of Applicant: Lympstone Manor LTD

Consider the above premises licence variation, details of the application can be viewed on [EDCC's website](#).

Date limit for comments: 19.01.24

Representation must relate to one or more of the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

Councillors did not wish to comment.

P24/015. Items for information

i. Modification to Tree Preservation Order

Modified TPO below noted.

23/0024/TPO – Land at Highbury Park

ii. Appeal Decision

Appeal by: Mr & Mrs Charles Isaac

Appeal Ref: APP/U1105/W/22/3305821

Proposal: Loft conversion to a habitable use, changes to external elevation finishes with alteration to fenestration, replacement of existing conservatory with a garden room and alterations to garden annex with front extension and relocation of front door.

Location: 3 Trefusis Place, EX8 2AR

Planning Application No: 21/3275/FUL

The above appeal had been dismissed with application for full award of costs against EDDC refused.

Appeal decision noted.

P24/016. East Devon District Council – Planning Decisions

<i>Application</i>	<i>Exmouth Town Council View</i>	<i>EDDC Decision</i>
23/2255/FUL 20A Portland Avenue	No objection	Conditional Approval
23/2156/FUL 86A Exeter Road	No objection	Conditional Approval
<u>23/2273/FUL</u> <u>Land at 16 Raddenstile Lane</u>	No objection	Refusal

The meeting concluded at 19:40

Signed..... Date.....
(Chairman)