



This meeting is open to the Public and Press

17 April 2024

To: Members of the Exmouth Town Council Planning Committee, other members of Exmouth Town Council for information & The Press

Dear Councillors

A Meeting of the Exmouth Town Council Planning Committee, to which you are summoned, will be held in the Chamber at Exmouth Town Hall, St Andrews Road, EX8 1AW on **Monday 22 April 2024 at 6.15pm** to consider the matters detailed on the agenda below.

Yours faithfully

Lisa Bowman
TOWN CLERK

AGENDA

1. Apologies for absence

PUBLIC SPEAKING

- Representations will be taken ahead of each discussion by Councillors on each application.
 - Members of the public wishing to make an oral representation on an application should make themselves known to the clerk on arrival, 15 minutes before the meeting begins.
 - Representations may be up to 3 minutes.
 - Speakers must begin, within their representation, by stating their name and interest in the application, and whether they are supporting or objecting to the application.
 - Speakers must endeavour to avoid repeating themselves or earlier comments by others.
 - The Chairman, at their absolute discretion, may limit the number of speakers or ask for members of the public wishing to make similar points to choose one speaker to represent them all. This is to enable the business of the meeting to be carried out in a timely way and allow representations on other applications to be heard.
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2. Minutes of meeting held on 8 April 2024:

To confirm the minutes (copies attached)

3. Declarations of Pecuniary Interest and Dispensations:

Members to declare any interests they may have on the agenda and agree any dispensations to stay.

4. Urgent Business:

To consider any items which, in the opinion of the Chairman should be dealt with as a matter of urgency.

5. Tree and advertising consent applications

BRIXINGTON

[Planning Application No: 24/0438/TRE](#)

Location: 29 Durham Close, EX8 5QU

Applicant: Mrs Sheraleigh Tiley

T1, Turkey Oak : crown raise to 5.2m; crown reduction by up to 1m, removing branch lengths up to 2.5 metres retaining a tree height of 9m with an average crown spread of 12m pruning cuts up to 50mm.

T2, Turkey Oak : crown raise to give a 3m clearance from the garage roof ; reduce crown on eastern side by up to 2m restricting and cut size to 50mm and retaining an average crown spread of 9m.

Target date: 24.04.24

Tree Officer's report attached for information.

HALSDON

[Planning Application No: 24/0439/TRE](#)

Location: Land South Of 15 Halsdon Avenue, EX8 3DL

Applicant: Mr Steven Richards Agent:

Proposal: G7.1 and G7.2 Lime :

i) Create high pollard on structural branches, with preferentially nodal pruning at a height of approx. 8m, with target pruning cuts of typically 100mm dia.

Establish radial spread of approx. 2.5m.

ii) Provide crown clearance of 3m above ground level.

iii) Repeat management on cycle of not less than 5 years, and not more than 7 years.

T3, Purple maple: Prune back southern crown aspect, where it extends over the garden bound fence. Pruning cuts made back to the last available pruning point to the south of the fence line. The works will retain a tree with a crown radius of approx. 1m past the boundary fence.

Target date: 24.04.24

Tree Officer's report attached for information.

6. Planning applications.

BRIXINGTON

None

HALSDON

[Planning Application No: 24/0662/FUL](#)

Location: 13 Springfield Road, EX8 3JY

Applicant: Mr Jon Axon

Proposal: Conversion and extension of the existing detached garage to provide a Home office and accommodation, new materials on elevations.

Date limit for comments: 25.04.24

[Planning Application No: 24/0701/FUL](#)

Location: 14 Roundhouse Lane, EX8 3BZ

Applicant: Mrs Gwendoline Clarke

Proposal: Proposed detached annex for resident, and minor landscaping works.

Date limit for comments: 26.04.24

[Planning Application No: 24/0746/FUL](#)

Location: 23 Hazeldene Gardens, EX8 3JA

Applicant: L Elson

Proposal: Construction of single storey side extension on Southern elevation.

Date limit for comments: 05.05.24

LITTLEHAM

[Planning Application No: 24/0710/FUL](#)

Location: Oikos, Land Adjacent 1 Highfield Lane, EX8 2GJ

Applicant: Mr N Christie

Proposal: Proposed new dwelling

Date limit for comments: 01.05.24

TOWN

[Planning Application No: 24/0148/LBC](#)

Location: Flat 1, The Garden Flat, 13 The Beacon, EX8 2AF

Applicant: Ms Nicola Eury

Proposal: Emergency works, structural repairs to internal walls.

Date limit for comments: 24.04.24

[Planning Application No: 24/0442/FUL](#)

Location: 30 Parade, EX8 1RW

Applicant: Mr John Broomfield Agent: Hilton Barnfield Architects

Proposal: Proposal for a new roof top dwelling including lift shaft and access.

Date limit for comments: 24.04.24

[Planning Application No: 24/0631/FUL](#)

Location: Bastin Hall Elm Grove, EX8 1DJ

Applicant: Highland Property

Proposal: Proposed extension of existing 1st floor apartment, and addition of 2nd floor, to create 2no apartments with existing undercroft garage

Date limit for comments: 01.05.24

[Planning Application No: 24/0670/FUL](#)

Location: 28 Marpool Hill, EX8 1TD

Applicant: David and Emma Cooling

Proposal: Construction of loft conversion with dormers.

Date limit for comments: 26.04.24

[Planning Application No: 24/0703/FUL](#)

Location: 97 Victoria Road, EX8 1DR

Applicant: Mr & Mrs Paddy & Tamsine

Proposal: Construction of a single storey rear/side extension and loft conversion with dormer.

Date limit for comments: 01.05.24

[Planning Application No: 24/0760/FUL](#)

Location: 1 North Street, EX8 1LF

Applicant: Mr Glover

Proposal: Replacement windows to property

Date limit for comments: 07.05.24

WITHYCOMBE RALEIGH

None

7. Other items

i. Notification of New Premises Licence Application Received

Ref No. 057590

Premises: Arty Boat - 13a Albion Street, EXMOUTH, EX8 1AR

Ward: Town

Name of Applicant: Mr Ashley Gunner

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

Date limit for comments: 13.05.24

Representations 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.

ii. Notification of a Pavement Licence application received

The applicant is: Jodie Cockman of Palm

Location requested: Outside of Palm

Times and days requested: Monday – Sunday 10:00-22:00

Period of licence requested: 09.04.24 – 09.04.25

The application is for: 5 tables and 20 chairs

A map of the proposed site is attached for information.

Date limit for comments: 23.04.24

8. Items for information

i. Appeal Decisions

Appeal ref: APP/U1105/D/23/3333553

Appeal by: Janette Grant

Application Ref: 23/1822/FUL

Location: 21 Marpool Hill, EX8 2LJ

Proposal: Formation of new access and associated development.

The above appeal was allowed, appeal decision attached for your information.

Appeal ref: APP/U1105/D/23/3327760

Appeal by: MS Gill Parry

Application Ref: 22/1516/FUL

Location: 1A Jarvis Close

Proposal: Construction of additional two storey dwelling with associated car parking and amenity space.

The above appeal was dismissed, appeal decision attached for your information.

ii. Appeal Notification

Appeal ref: APP/U1105/W/24/3336804

Appeal by: Gill Perry

Application Ref: 23/2209/FUL

Location: 1A Jarvis Close, EX8 2PX

Proposal: Revised proposals for the construction of a two-storey dwelling with associated car parking and amenity space (Previously submitted under 22/1516/FUL)

An appeal has been made to the Secretary of State against the decision of East Devon District Council to refuse to grant planning permission for the above proposed developments. Copy letter attached for information.

iii. Notification of tree preservation order

The following TPO has been recently been made, copy attached:

23/0049/TPO – Land at Lovering House, Hulham Road.

iv. Notification of Tree Works considered an exception to 14/0023/TPO

Location: Gaveney House, 5 Salterton Road

Copy letter attached for information.

9. East Devon District Council – Planning Decisions

<i>Application</i>	<i>Exmouth Town Council View</i>	<i>EDDC Decision</i>
24/0266/FUL 5 Dunsford Close	No objection	Conditional Approval
23/0320/FUL 27 Ryll Grove	No objection	Conditional Approval
23/2522/VAR Chestnuts 65 Salterton Road	No objection	Conditional Approval
24/0241/FUL 2 Halsdon Avenue	Objection	Refusal
24/0253/FUL 10A Portland Avenue	No objection	Approval
24/0339/FUL 18 Albion Hill	No objection	Conditional Approval
24/0409/FUL Marley House, Higher Marley Road	No objection	Conditional Approval
24/0483/FUL 188 Hulham Road	No objection	Conditional Approval

DELEGATED REPORT

Application No: 24/0438/TRE

Location: 29 Durham Close
Exmouth
Devon
EX8 5QU

Proposal: T1, Turkey Oak : crown raise to 5.2m; crown reduction by up to 1m, removing branch lengths up to 2.5 metres retaining a tree height of 9m with an average crown spread of 12m pruning cuts up to 50mm.
T2, Turkey Oak : crown raise to give a 3m clearance from the garage roof ; reduce crown on eastern side by up to 2m restricting and cut size to 50mm and retaining an average crown spread of 9m.

Development Type: TPO

Date of Site Visit: 13.03.2024

Consultation Period End Date: 29.03.2024

CONSULTATIONS

CONTRIBUTORS

Other Representations

SITE HISTORY

17/0288/TRE - Split decision. Lesser works granted consent as per current proposal for T1.

OFFICER REPORT

T1, Oak is located to the north of the applicants dwelling in the rear garden of the 29 Durham Close. T2, another Oak is located along the western boundary. Both trees were retained as part of the original development and were originally protected by an area order which was reviewed and updated in 2017. Both trees are considered important in the local landscape contributing to the amenity and character of the area.

Unfortunately, consented development has resulted in both trees being located in close proximity to nearby buildings which has required the trees being managed over the years to retain the trees to an appropriate size. Both trees have historically been heavily reduced or topped in the past. However, following the regrowth of the crowns, more recent appropriate works have involved lesser reductions leaving the trees with a well formed, uniform crown. The current application is a repeat of previous works granted consent in 2017 for T1 and limited pruning for T2 to ensure appropriate clearance from nearby buildings.

CONCLUSION

The works are considered appropriate management to ensure the trees are managed to an appropriate size for their location and no objection is raised.

DELEGATED REPORT

RECOMMENDATION

APPROVE subject to the following conditions:

1. The works hereby approved shall be limited to:

T1, Turkey Oak : crown raise to 5.2m; crown reduction by up to 1m, removing branch lengths up to 2.5 metres retaining a tree height of 9m with an average crown spread of 12m pruning cuts up to 50mm as per the accompanying annotated photograph.

T2, Turkey Oak : crown raise to give a 3m clearance from the garage roof ; reduce crown on eastern side by up to 2m restricting and cut size to 50mm and retaining an average crown spread of 9m.

Reason: To limit the extent of works in the interest of amenity and sound arboricultural practice.



Photograph showing the approximate pruning points following the proposed 1m crown reduction of T1.

2. The works, hereby consented to, shall be carried out within a period of 2 years from the date of this decision notice.
(Reason - To ensure that the works are carried out within a reasonable period of time.)

DELEGATED REPORT

3. The works hereby consented to shall be carried out in accordance with British Standard 3998: 2010 (Tree Work - Recommendations).
(Reason - In the interests of amenity and to ensure the works are carried out in a satisfactory manner.)

NOTE FOR APPLICANT

1. **Wildlife** - Bats and birds are protected under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2001, it is an offence to deliberately or recklessly disturb them or damage their roosts or habitat. Therefore, close inspection of the tree(s) should be undertaken prior to the commencement of works to determine if any bats or birds reside in the tree(s). No works should occur while birds are nesting which may be at any time between the month of March to September inclusive; if bats are present works should cease until the applicant has obtained further advice from Natural England on 0845 601 4523 or email wildlife@naturalengland.org.uk. Further advice on bats is available from The Bat Conservation Trust (0845 1300 228).

	Service Lead Planning Strategy and Development Management	Development Manager	Principal Planning Officer
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.

DELEGATED REPORT

Application No: 24/0439/TRE

Location: Land South Of 15 Halsdon Avenue
Exmouth
Devon
EX8 3DL

Proposal: G7.1 and G7.2 Lime :
i) Create high pollard on structural branches, with preferentially nodal pruning at a height of approx. 8m, with target pruning cuts of typically 100mm dia. Establish radial spread of approx. 2.5m.
ii) Provide crown clearance of 3m above ground level.
iii) Repeat management on cycle of not less than 5 years, and not more than 7 years.
T3, Purple maple: Prune back southern crown aspect, where it extends over the garden bound fence. Pruning cuts made back to the last available pruning point to the south of the fence line. The works will retain a tree with a crown radius of approx. 1m past the boundary fence.

Development Type: TPO

Date of Site Visit: 13/03/2024

Consultation Period End Date: 05.04.2024

CONSULTATIONS

CONTRIBUTORS

Richards

25/03/24 - I wish to bring to the Councils attention that Tree House Arboricultural has compiled a comprehensive arboricultural report upon the three trees in question , the report which forms part of this application.

I remind the Council and neighbouring properties that the two Lime trees G7:1 and G7:2 have Suboptimal structural form and are therefore severely compromised to the point where the Arboriculturist has recommended essential and immediate proactive management of these Limes in the form of pollarding in accordance with his Arboricultural report . An example of recent similar pollard management of lime trees can be seen with the trees located upon the raised pavement area of the Parade, Exmouth directly outside Peacocks and Iceland stores. this course of action is essential for both the wellbeing of the tree and the safety of persons and property nearby.

As it stands at the moment it is not possible to get insurance cover on these trees in their current unstable state. This course of management action will allow adequate liability insurance to be taken out to cover possible future accidental damages caused by these trees.

I'm certain if accidental damage was to occur to a neighbouring property or persons by falling branches or boughs, those neighbours would be the first to make a financial claim.

DELEGATED REPORT

With regard to T:3 the third party Norway Maple , the Arboricultural report identifies it as a diseased tree with overhanging dead branches , a tree with less no more than ten years life remaining and therefor it is identified as a class 3 tree . To avoid possible future damage to my garage , the Arboriculturist has advised cutting back the overhanging branches as a course of proactive action .

It is preposterous to consider the compromised dangerous state of these trees to be more important as they stand than if they are properly managed and future maintained in accordance with a Professional Arboriculturist's report .

It is for the above safety reasons that approval should be granted without delay .

Yeandle

22/03/24 - see emailed comments with photographs under document tab

Dodd

25/03/24 - see comments with photograph under document tab

Jenkins

26/03/24 - I wish to object on the application of Mr Richards to make substantial alterations to the trees on the ground of "South of 15 Halsdon Avenue".

The aboriculturist report that Mr Richards states was commissioned by himself when attempting to build a property on the land, and therefore what was required to happen to the trees to be able to build on on that land.

Mr Richards planning application has been refused, for multiple reasons not just due to the Tree Protection Order that is currently in place. Therefore, I believe that requesting the trees to be altered in the way of a potential building site is wrong and goes against the Tree Protection Order.

Mr Richards as the owner of the land certainly has a duty of responsibility of taking care of his property. I would ask the council, is the planning application based on a residential development or actual maintenance of the trees?

It also should be noted that in the report that Mr Richards commissioned that prior to any work being undertaken that trees will be inspected for nesting birds according to the requirements of "The Wildlife and Countryside Act 1981, and the Countryside and Rights of Way Act 2000. Treeworks should proceed with current best practice. There are currently nesting birds and have been in those trees for many years.

Based on what has been proposed, I do not believe that the proposal is in line with what is best practice for the management of the trees which are are under a Tree Protection Order and are more in line with a potential development on the land.

Yours Sincerely

Ben Jenkins

Gould (on Behalf Of Mrs Jackie Smith)

13/03/24 - I am writing to you on behalf of Mrs Jackie Smith of the above address in order to raise her objection to the pruning of

G7.1 and G7.2 Lime
T3 Purple Maple

DELEGATED REPORT

as stated in the above numbered planning application.

Mrs Smith is unable to correspond herself at present due to ongoing health issues.

The area of land this applies to lies directly behind 15 and 15a Halsdon Avenue. In fact it once formed part of the garden of 15 Halsdon Avenue and sadly was separated from the property when it was converted into 2 houses many years ago.

My Client and her neighbours have lived her for some 40 years and as nature lovers are very proud of these magnificent trees and more than happy that they are protected by a TPO.

As you are aware a recent planning application for residential use was refused on this area of garden - I refer to it as garden because that is was it is and still remains as it has done all these years. The applicant does not live on the land nor has it ever had any other use. It has stood and still stands idle surrounded by these and other magnificent trees. They are not a nuisance nor do they pose a danger to the neighbouring properties.

To merely prune these trees just because they overhang a boundary of an unused piece of ground makes a mockery of the TPO placed upon them.

We feel the applicant is placing the cart before the horse and therefore Mrs Smith wishes to strongly object to the pruning of these protected trees and asks that the application is refused for the simple reason there are no Arboricultural Grounds to prune.

Other Representations

OFFICER REPORT

G7.1 and G7.2 are two Lime trees located within a narrow plot of land between 13 and 15 Halsdon Avenue. The trees were recently protected following a planning application to build a single dwelling on the site which was refused. The trees are visible from nearby public locations including the surrounding properties. The trees are considered important features of the local streetscene contributing the amenity and character of the area.

The application is supported by a tree survey, tree constraints plan and arboricultural impact assessment provided by TreeHouse Arboricultural Consultancy dated 25/09/2023. To note, this arboricultural was initially provided in relation to the proposed application to construct the dwelling. Within the report, it clearly states that to *facilitate the development*, the works to the two Limes and one Norway Maple as proposed within this application would be necessary. However, it is noted that that within the report that it states that due to the Limes ' structural form [being] compromised and they will in the near future require active management, regardless of development.' 'To instigate proactive management of these trees now will extend the longevity, as well as retaining them at a size appropriate to the surrounding properties and in respect of the proposed development site.' However, within the tree survey under the preliminary management recommendations, 'none' are recommended at the time though it does state; 'considered suboptimal structural form, consider managing as pollard on cyclical basis'.

Both Limes have previously been heavily reduced or pollarded between 1.5 to 4m in height. This has resulted in multi-stemmed regrowth, which is typical of Limes with some tight narrow unions developing and overall dense regrowth. Both trees have formed a single large crown which is approximately 12m in height and spreads over the entire width of the plot and partially overhangs into neighbouring gardens.

DELEGATED REPORT

The proposed work is to pollard the trees at approximately 8m in height leaving a radial crown spread of approximately 2.5m and to crown lift the lower branches to 3m in height which would be repeated over a 5-to-7-year period.

Due to the multi-stemmed nature of the growth of the trees, it is considered that the proposed work would result in trees of poor form and low amenity. The amenity value of the trees is in the fact that they have formed a single uniform crown. The pollarding at 8m is considered excessive and would leave a 'topped appearance' which would be detrimental to the character of the trees and would leave the trees of poor form and low amenity. The regrown stems within the crown are vertical with relatively light branches rather than heavy limbs growing out from the main crown. No evidence of crown spread or gaps appearing in the crown were visible suggesting that the structure of the trees is stable. Furthermore, no risk of structural failure has this been highlighted within the supporting arboricultural evidence; preliminary management recommendations are 'none'. In a letter of support for the works, it is stated that the trees are 'severely compromised to the point where the Arboriculturist has recommended essential and immediate proactive management'. However nowhere in the report does it state this, in fact the report states that the structural condition of the trees has been categorised as 'moderate - safe but with some defects, generally healthy crown'. This does not imply essential and immediate proactive management nor that the trees are 'unstable'. The reference to managing the trees as pollards is a suggested form of management, rather than considered imminently necessary. It appears that the only reason to undertake such significant works appear to be to enable construction of the dwelling which has been refused.

No objection is raised to crown lifting of the lower branches to 3m in height as this work is considered minimal and will not be detrimental to the health or amenity of the trees.

Alternative, more arboriculturally sound works are considered appropriate to help maintain the trees to a suitable size for the location. It is agreed that if the trees were left unmanaged, they are likely to reach a significant size which may be considered by some to have outgrown the location. Therefore, works to reduce the crown of the two Limes by no more than 2m would help maintain the trees to a suitable size for the location. This would also meet the applicants concerns by reducing the sail area of the crown which would lessen the risk of limb failure whilst ensuring the trees have a good form. An application to crown reduce the two Limes would receive favourable officer recommendation.

The works to the Norway Maple are considered relatively minor and will not be detrimental to the health and amenity of the tree. However, it is considered that the work is unnecessary other than to remove overhanging growth which at present is causing no issues. Nowhere in the arboricultural report does it state that the tree represents a risk to the applicant's garage and therefore these works are necessary 'to avoid possible future damage' as stated within the letter of support.

CONCLUSION

Issue split decision

RECOMMENDATION

THIS IS A SPLIT DECISION (a part of the application has been refused and a part approved).

The Council hereby **grants** permission to carry out work described below subject to the following conditions:

DELEGATED REPORT

1. The following works are hereby approved:

G7.1 and G7.2, Limes - Crown lift the lower branches to no more than 3m in height from ground level.

T3, Purple maple: Prune back southern crown aspect, where it extends over the garden bound fence. Pruning cuts made back to the last available pruning point to the south of the fence line. The works will retain a tree with a crown radius of approx. 1m past the boundary fence.

Reason: To limit the extent of works in the interest of amenity and sound arboricultural practice.

2. The works, hereby consented to, shall be carried out within a period of 2 years from the date of this decision notice.
(Reason - To ensure that the works are carried out within a reasonable period of time.)
3. The works hereby consented to shall be carried out in accordance with British Standard 3998: 2010 (Tree Work - Recommendations).
(Reason - In the interests of amenity and to ensure the works are carried out in a satisfactory manner.)

The Council hereby **refuses** permission to carry out work described below for the following reasons:

1. The following works proposed to G7.1 and G7.2, both Limes are hereby REFUSED.

G7.1 and G7.2 Lime :

- i) Create high pollard on structural branches, with preferentially nodal pruning at a height of approx. 8m, with target pruning cuts of typically 100mm dia. Establish radial spread of approx. 2.5m.
- iii) Repeat management on cycle of not less than 5 years, and not more than 7 years.

The works are considered to be arboriculturally excessive and would be detrimental to the health and amenity of the trees. No sound arboricultural evidence has been provided to substantiate the works. Alternative works are considered more appropriate to manage the trees which would receive favourable officer recommendation.

NOTE FOR APPLICANT

1. **Wildlife** - Bats and birds are protected under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2001, it is an offence to deliberately or recklessly disturb them or damage their roosts or habitat. Therefore, close inspection of the tree(s) should be undertaken prior to the commencement of works to determine if any bats or birds reside in the tree(s). No works should occur while birds are nesting which may be at any time between the month of March to September inclusive; if bats are present works should cease until the applicant has obtained further advice from

DELEGATED REPORT

Natural England on 0845 601 4523 or email wildlife@naturalengland.org.uk. Further advice on bats is available from The Bat Conservation Trust (0845 1300 228).

2. Permission of the owners of the trees should be obtained before any works are carried out. Any parts of the trees which are removed or fall remain the property of the owner of the tree and should be offered back to them.
3. An application to crown reduce the two Limes by no more than 2m in height and reshape as per the attached annotated photograph would receive favourable officer recommendation.

Reason: In the interest of amenity and sound arboricultural practice.



Photograph of G7.1 and G7.2 (Limes) as looking towards the southwest from within the plot of land.

Red dashed line marks approximate position of proposed pollarding work.

DELEGATED REPORT

	Service Lead Planning Strategy and Development Management	Development Manager	Principal Planning Officer
Authorised By			
Date			

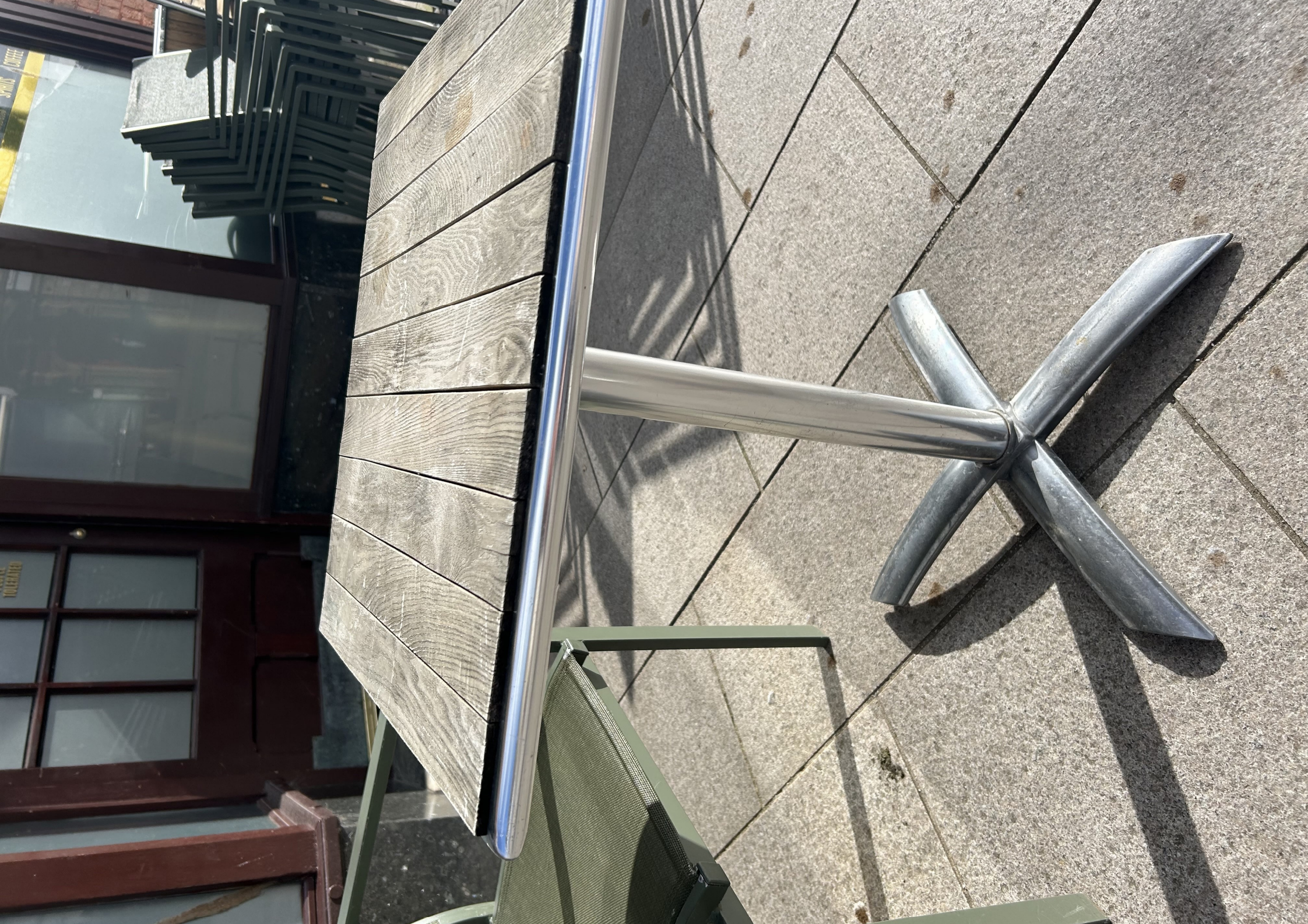
Statement on Human Rights and Equality Issues

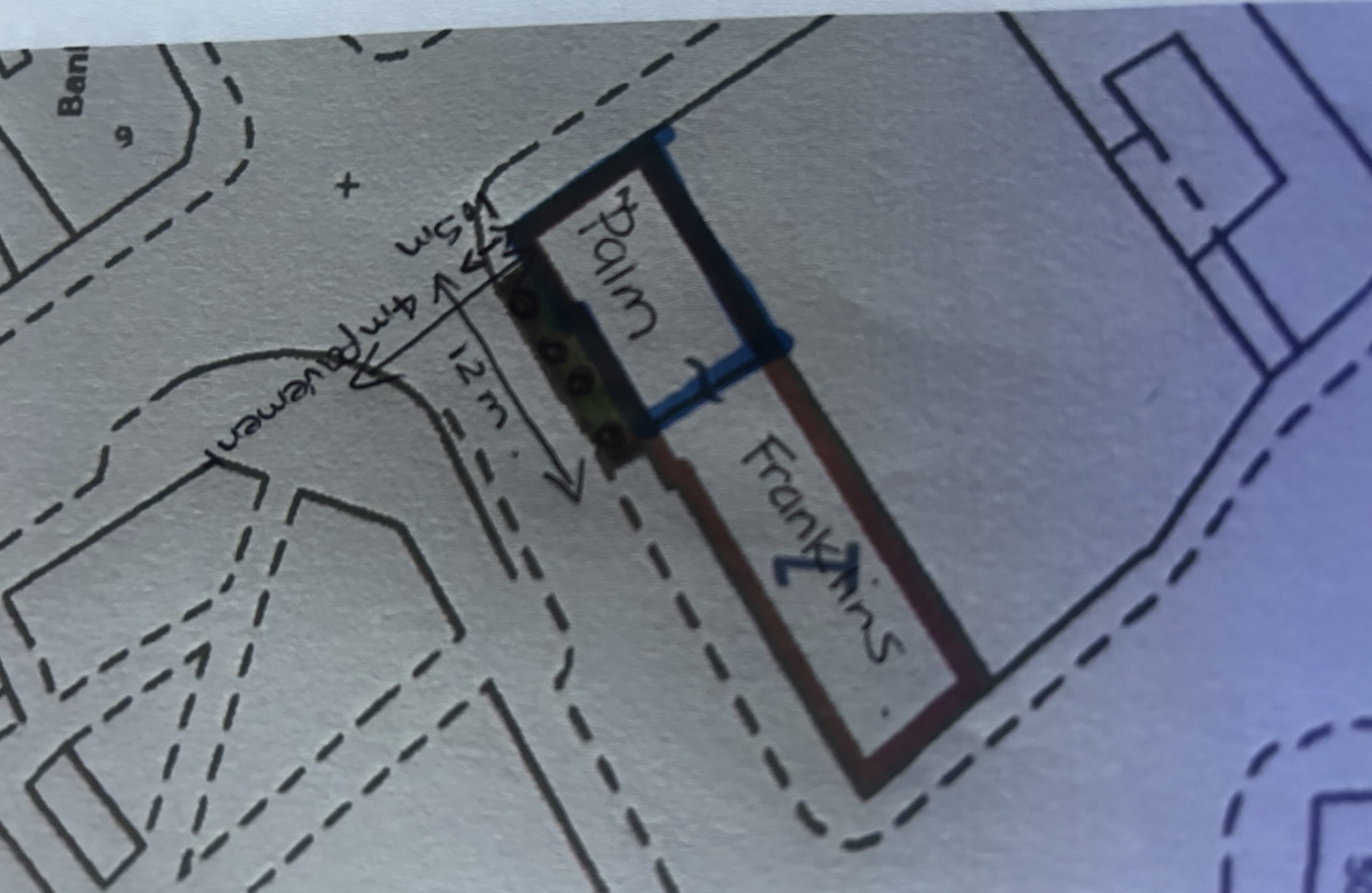
Human Rights Act:

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.





Bani

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105m

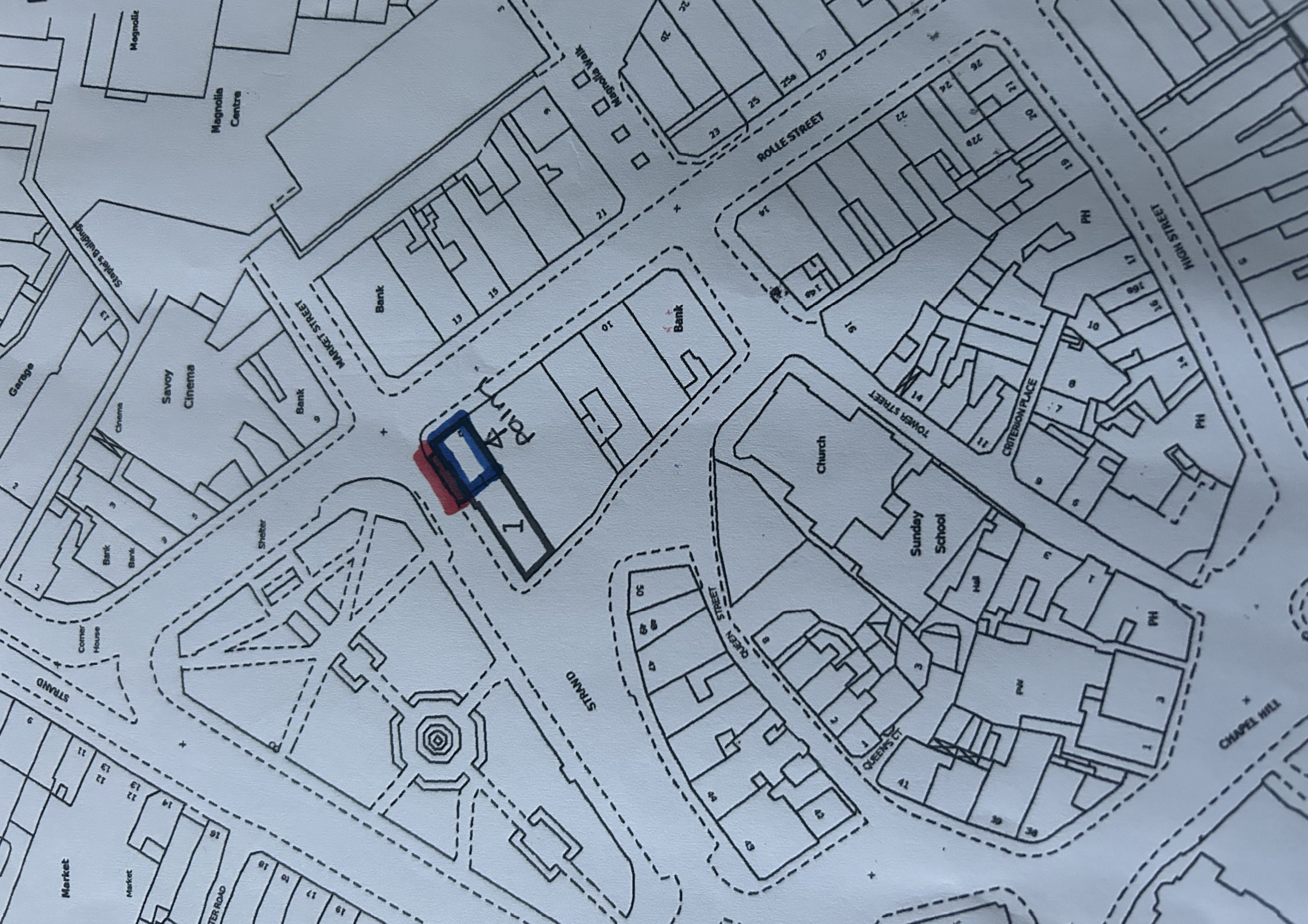
4m

12m

Palm

Franklin's





Magnolia

Magnolia Centre

Staple's Buildings

Garage

Cinema

Savoy Cinema

Bank

Bank

Bank

Paint

Shelter

Corner House

STAND

Market

Market

TER ROAD

STAND

QUEEN STREET

NEEDS

QUEEN'S CT

Church

Sunday School

Hall

PH

PH

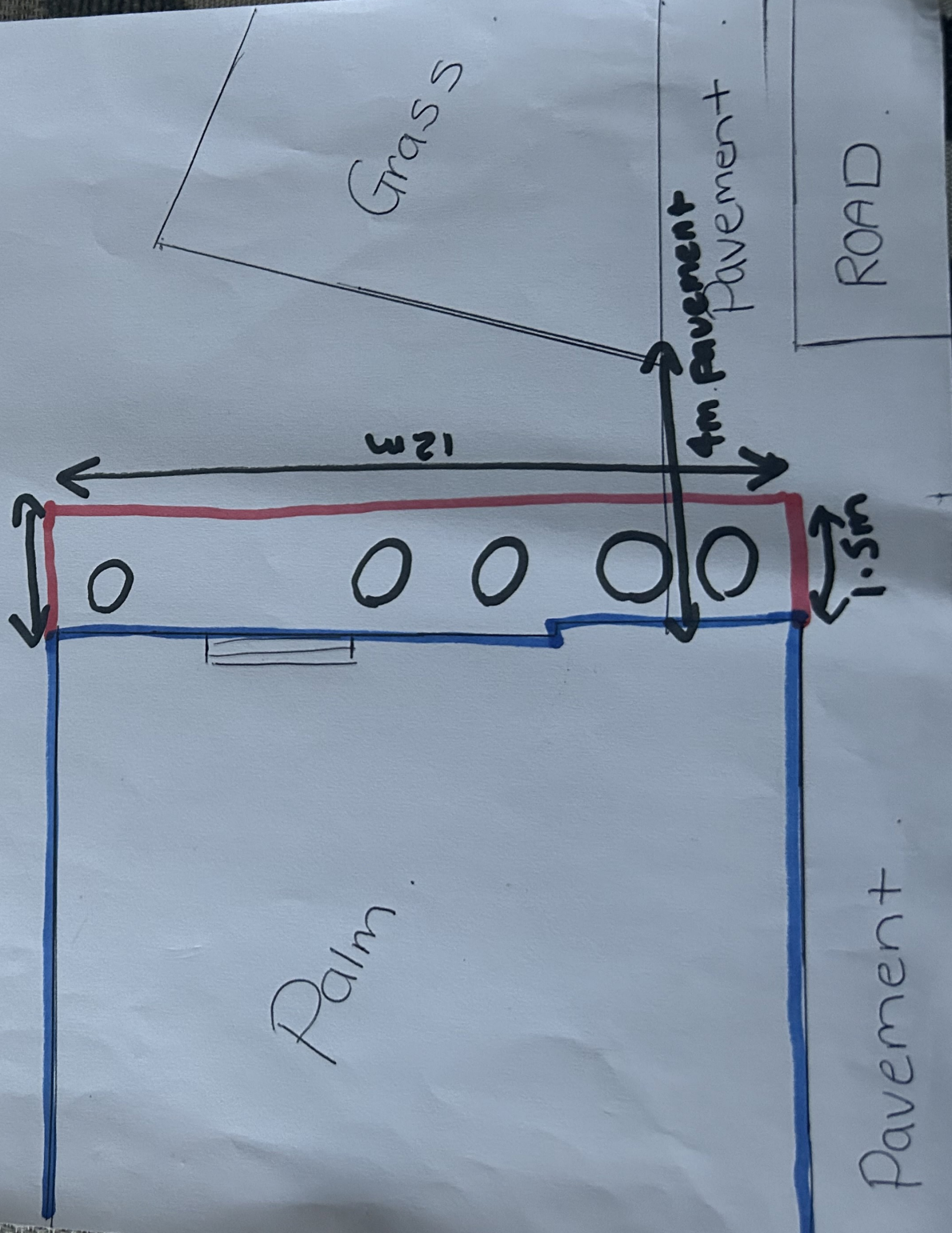
ROLLE STREET

HIGH STREET

TOWER STREET

CRITERION PLACE

CHAPEL HILL





Appeal Decision

Site visit made on 27 March 2024

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2024

Appeal Ref: APP/U1105/D/23/3333553

21 Marpool Hill, Exmouth, Devon EX8 2LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Janette Grant against the decision of East Devon District Council.
 - The application Ref: 23/1822/FUL, dated 21 August 2023, was refused by notice dated 9 October 2023.
 - The development proposed is described as the formation of new access and associated development.
-

Decision

1. The appeal is allowed and planning permission is granted for the formation of new access and associated development at 21 Marpool Hill, Exmouth, Devon EX8 2LJ in accordance with the terms of the application Ref: 23/1822/FUL, dated 21 August 2023, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Ref PP-12403744v1 Scale 1:1250@A4; and Proposed Plan Scale 1:50 @ A3.

Procedural Matters

2. It was evident to me during my site visit that the creation of the new access had taken place. Section 73A of the Town and Country Planning Act 1990 (the Act) makes allowance for the submission of a planning application for development which has been carried out before the date of the application.
3. During the course of the appeal the revised National Planning Policy Framework December 2023 (the Framework) was published. There are no substantive changes relevant to the appeal before me, and therefore the Council, the appellant and other interested parties would not be prejudiced by my consideration of the 2023 version of the Framework.

Main Issue

4. The main issue is the effects of the appeal proposal on highway safety.

Reasons

5. No. 21 is a semi-detached property located partway up Marpool Hill. The appeal proposal relates to the provision of off-street parking to the front of No.21 through the excavation of the front garden area. The submitted plans delineate a parking area of 5.4m in depth from the highway and 5.7m in width at its

- widest point at the site entrance, the parking area reduces in width to its southern side to accommodate existing steps leading up to the front of No.21.
6. Whilst it is not clear from the information presented to me, it is fair to assume that the parking arrangements would be similar to other properties along Marpool Hill, providing for 2 spaces perpendicular to the highway. The size of the parking area would be capable of accommodating 2 cars side by side, but to enable for this to be the case, vehicles would be required to reverse into the site, or reverse out. When there is another car located within the parking area, due to the restrictive width of the space, it is highly likely that a vehicle would take a number of movements to enter into the space, this is due to the width of the space and the angles involved.
 7. However, and whilst acknowledging the above is not ideal, during my site visit I noted numerous other examples of similar parking areas to the front of properties on either side of Marpool Hill in close proximity to No. 21 which do not have on site turning provision and have restrictive widths for manoeuvrability. Whilst I accept these existing vehicular accesses maybe historic or do not have planning permission, I have not been provided with any evidence to suggest the existing arrangements have been prejudicial to highway safety.
 8. Therefore, it seems to me that in this context, highway users are likely to be relatively alert to the potential for vehicles to undertake turning and reversing movements in the immediate surroundings to No. 21, which is located on a straight section of Marpool Hill with advanced visibility. As a result, I am satisfied that the net increase in similar movements arising from the appeal proposal, relative to what exists already, would have an insignificant effect upon highway safety.
 9. Consequently, I find no conflict with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 – 2031 which explains, amongst other matters, that development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network. Moreover, I also find no conflict with Section 9 of the Framework, which amongst other matters, states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Conditions

10. A time commencement condition is unnecessary in this case as the application is for retrospective permission. However, I have attached a condition requiring accordance with the approved plans for the avoidance of doubt and to provide certainty.

Conclusions

11. For all the above reasons, having regard to all matters raised, I conclude that the appeal should be allowed.

J Evans INSPECTOR



Appeal Decision

Site visit made on 15 April 2024

by Neil Pope BA (HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2024

Appeal Ref: APP/U1105/W/23/3327760

1A Jarvis Close, Exmouth, Devon, EX8 2PX.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Gill Parry against the decision of East Devon District Council.
 - The application reference is 22/1516/FUL.
 - The development proposed is the construction of additional two storey dwelling with associated car parking and amenity space.
-

Decision

1. The appeal is dismissed.

Reasons

2. The proposal would entail the more efficient use of urban land for housing and would add to the mix, choice and supply¹ of homes available within this part of the district. The development would be finished to match the appearance of the existing house and would be conveniently located to a wide range of services and facilities. Mitigation would be provided to avoid any adverse effect upon the Pebblebed Heaths and Exe Estuary Special Protection Area. The proposal accords with the broad thrust of national² and local planning policies³ for the provision of new housing and biodiversity.
3. However, national and local planning policies also require new development to provide a high standard of amenity for existing and future users. In this regard, I share the Council's concern that the proposed window in eastern most bedroom, which would be immediately above and directly overlook the garden of the existing dwelling, would fail to ensure adequate privacy existed for neighbouring residents when using this external amenity space. Even if this window was fitted with obscure glazing, there would still be a harmful sense of overlooking of this garden and unless the window was fixed shut, such glazing would serve little purpose. At best, residents of the existing dwelling would be likely to feel very uncomfortable when using their garden area. The proposal conflicts with the amenity provisions of the Framework and LP policy D1 3(e).
4. When all of the above is weighed together, the adverse impact of the development, namely the unacceptable overlooking of garden space for occupiers of the existing dwelling, significantly and demonstrably outweighs the benefits. I therefore conclude that the appeal should not succeed.

Neil Pope

Inspector

¹ I understand that the Council is unable to demonstrate a deliverable five year supply of housing.

² The National Planning Policy Framework (the Framework).

³ Policy H2 and Strategies 6, 47 and 48 of the East Devon Local Plan 2013-2031 (LP).

Date: 10 April 2024
Please contact: Mr R Capon (01395 517521)
E-mail: Planningappeals@eastdevon.gov.uk
Our Reference: **23/2209/FUL**



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DX48808 Honiton

Tel: 01395 516551

www.eastdevon.gov.uk

Dear Ms Bowman

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Gill Parry

APPEAL REF: APP/U1105/W/24/3336804

PROPOSAL: Revised proposals for the construction of a two storey dwelling with associated car parking and amenity space [Previously submitted under 22/1516/FUL]

LOCATION: 1A Jarvis Close Exmouth Devon EX8 2PX

I refer to the above details. An appeal has been made to the Secretary of State against the decision of the East Devon District Council to refuse to grant planning permission for the proposed development.

The appeal will be determined on the basis of **written representations**. The procedure to be followed is set out in Part 2 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009, as amended.

We have forwarded all the representations made to us on the application to the Planning Inspectorate and the appellant. These will be considered by the Inspector when determining the appeal. **If you wish to make comments, or modify/withdraw your previous representation, you can do so online at <https://acp.planninginspectorate.gov.uk>.**

If you do not have access to the internet, please send your comments to the Planning Inspectorate, Temple Quay House, 2 The Square, Bristol BS1 6PN.

All representations must be received by 13 May 2024. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.** Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

You can view the appeal documents for this application on our website:
www.eastdevon.gov.uk.

You can get a copy of one of the Planning Inspectorate's 'Guide to taking part in planning appeals' booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from the Council on request.

When made, the decision will be published online at <http://acp.planninginspectorate.gov.uk>

Yours sincerely

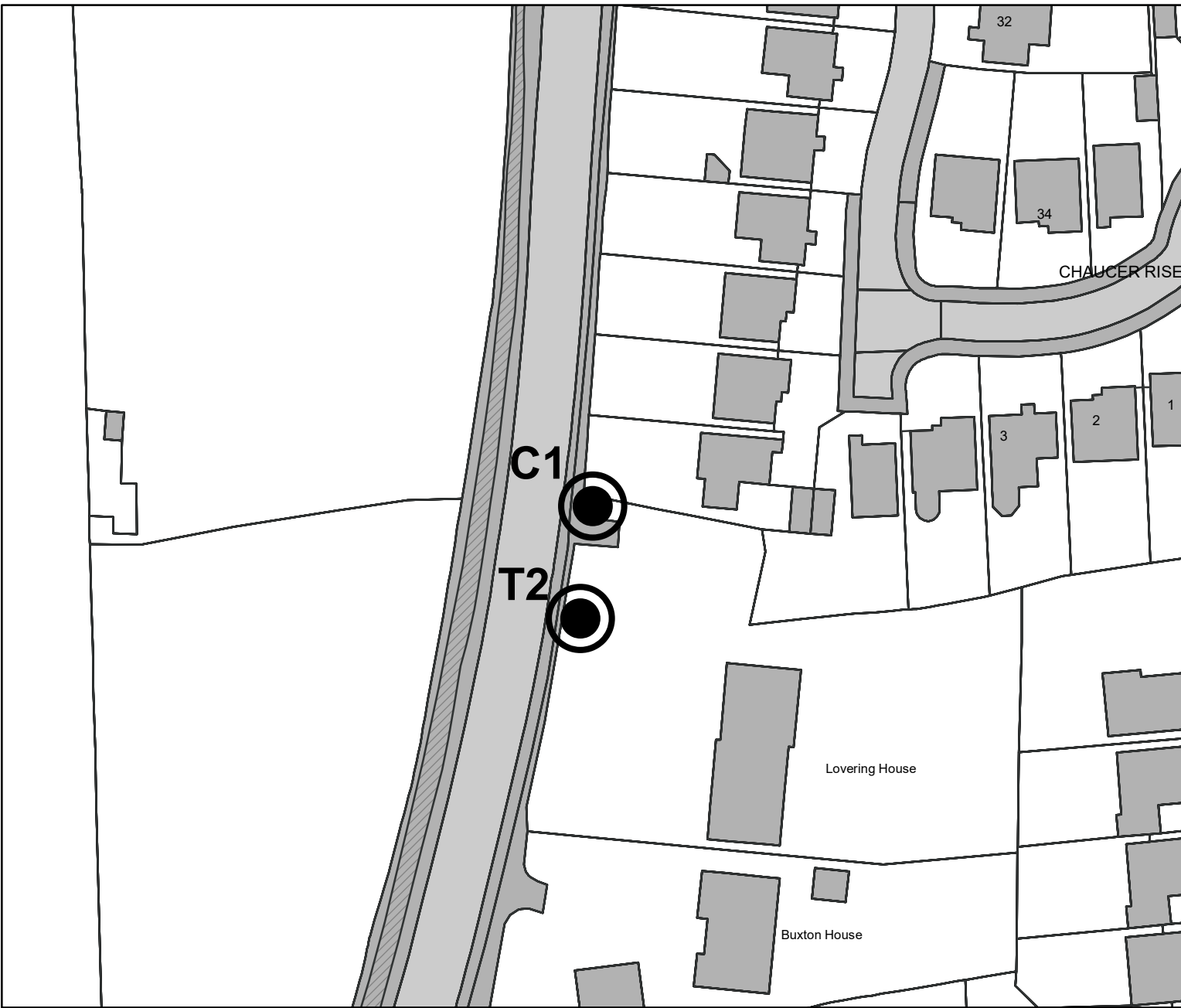
R Capon

**Senior Technical Officer
Development Management**

East Devon District Council Tree Preservation Order 23/0049/TPO

Modifications: T1 changed to C1 to protect a new tree to be planted in pursuant of condition 3 of planning approval 23/2369/TRE.

Land at Lovering House, Hulham Road, Exmouth

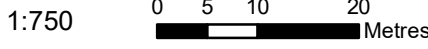
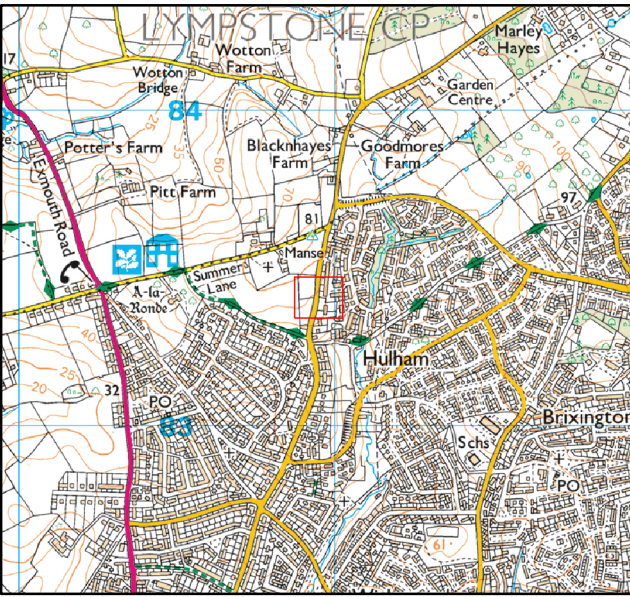


Key

- Tree
- ⋯ Area
- ▭ Group
- ▭ Wood

Authorised Signature

04 October 2023



Date: 16 April 2024
Contact number: 01395 571 685
Extension number:
E-mail: trees@eastdevon.gov.uk
Our Reference: 24/0806/PRETDD



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Heathpark Industrial Estate
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Tel: 01395 516551
www.eastdevon.gov.uk

Anthony Arrow
Dartmoor Tree Surgeons
Venmore Barn
Woodbury
Exeter
EX5 1LD

Dear Mr Arrow

**Notification of Tree works considered an exception to 14/0023/TPO
Location : Gaveney House, 5 Salterton Road, Exmouth EX8 2BW**

Thank you for advising the Council that you would like to carry out works which you consider to be an exemption to the usual requirements of the tree protection legislation.

Felling of the Hornbeam

The works in question are considered to be an exception from the normal requirement to seek the consent of this Council under Regulation 15 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012. This regulation of the Act provides for works to be carried out on dead and dangerous trees (or parts of trees) in the interests of safety. We therefore confirm that the proposed felling of the Hornbeam is considered exempt works and may proceed.

There is a duty under the Act to plant replacement trees when trees are removed under this exemption. In this instance, replanting will be required in the first planting season following removal (November to March). Replanting will need to be agreed in writing with the Council, we will arrange a site visit to determine location and species.

Yours sincerely

Arboricultural Team
Countryside Service

Copy to: The Clerk to Exmouth Town Council
Councillor Nick Hookway
Councillor Brian Bailey
Councillor Anne Hall
Tree Warden – Helen Bennett
Land Charges

Informatives:

1. **Wildlife** : Bats and birds are protected under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2001, it is an offence to deliberately or recklessly disturb them or damage their roosts or habitat. Therefore, close inspection of the tree(s) should be undertaken prior to the commencement of works to determine if any bats or birds reside in the tree(s). No works should occur while birds are nesting which may be at any time between the month of March to September inclusive; if bats are present works should cease until the applicant has obtained further advice from Natural England on 0845 6003078 or 0300 0601110 (Exeter Office). Further advice on bats is available from The Bat Conservation Trust (0845 1300228).
2. **British Standard BS 3998:2010 Tree Work - Recommendations** came into effect on 31 December 2010 and supersedes BS 3998:1989 which is withdrawn. Before carrying out the works to which this notice applies, any person involved with the works should ensure they are fully aware of the contents of the new standard. A copy of the standard is available for inspection at the Council Offices, Blackdown House, Border Rd, Heathpark Ind Estate, Honiton EX14 1EJ or can be purchased from the BSI Shop on the website www.bsigroup.com/shop.