Exmouth Town Council
Town Hall, St Andrews Road
Exmouth, Devon, EX8 1AW
tel: 01395 276167
email: reception@exmouth.gov.uk
www.exmouth.gov.uk

This meeting is open to the Public and Press

16 October 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 21 October 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 speak on an application are required to pre-register in advance of the meeting.**
  To register you must email reception@exmouth.gov.uk or telephone 01395 276167 by 12 noon.
  The number of people that can speak on each application is limited to:
  - Major applications – parish/town council representative, 5 supporters, 5 objectors and the applicant or agent
  - Minor/Other applications – parish/town council representative, 2 supporters, 2 objectors and the applicant or agent.
- 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 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 7 October 2024:**
   To confirm the minutes (copies attached)

3. **To receive any declarations of interest from members:**
   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**

TOWN

Planning Application No: 24/1991/TCA

Location: Holy Trinity Church, Rolle Road, EX8 2AB
Applicant: Goom
Proposal: G1 - Sycamore, crown lift over neighbouring property (4 Rolle Road), including clearance from outbuilding and to 4m above ground level where overhanging garden .
G2 - Holm Oaks, coppice all main stems leaving young growth.

Target date: 05.11.24

LITTLEHAM

Planning Application No: 24/1935/TCA

Location: 14 Portland Avenue, EX8 2BS
Applicant: Mr Michael Parsons
Proposal: Holm oak: crown raise by 2m and remove 6 branches (max. diameter 100mm) which are overhanging the garden of 14a Portland Avenue.

Target date: 14.11.24

Tree Officer's report attached for information.

6. **Planning applications.**

BRIXINGTON

Planning Application No: 24/1863/FUL

Location: 14 Redwood Close, EX8 5NS
Applicant: Michelle Woolf

Proposal: Single-storey rear extension and front hard standing.

Date limit for comments: 30.10.24

Planning Application No: 24/2027/FUL

Location: 28 Maple Drive, EX8 5NR
Applicant: Mr Mark Harvey
Proposal: Extending front of garage to the line of the existing roof and fitting new garage door.

Date limit for comments: 28.10.24

HALSDON

Planning Application No: 24/1958/FUL

Location: 31 Willow Avenue, EX8 4QS
Applicant: Mrs Jasmine Davies
Proposal: Change of material on dormer from hanging tile to light grey Cedral cladding.

Date limit for comments: 23.10.24

LITTLEHAM

Planning Application No: 24/1496/LBC

Location: 66 Bicton Street, EX8 2RU
Applicant: Dr Sue Heath
Proposal: Replace 1no. window at ground floor and 1no. window at first floor on front elevation; replace 1no. window at ground floor, 1no. window at first floor and 1 no. dormer window on rear elevation (no trickle vents)

Date limit for comments: 23.10.24

Planning Application No: 24/1659/FUL

Location: Bonds Farmhouse, Gore Lane, EX8 5DA
Applicant: Mr Berry
Proposal: Demolition of rear and side extensions (all except S/E), proposed rear single and two storey extension (N/W) and side single storey extension (N/E) New materials on some external elevations

Date limit for comments:

Planning Application No: 24/2007/FUL

Location: 7 Henley Road, EX8 2LX
Applicant: Mr William Smith
Proposal: Erection of a single storey extension to rear and erection of a two storey

extension to side of dwelling.

Date limit for comments: 24.10.24

Planning Application No: 24/2074/FUL

Location: 104 Littleham Road, EX8 2RD
Applicant: Mr Mike Burton
Proposal: Removal of existing rear conservatory and replacement with single storey extension to the South West and South East elevations, construction of porch, existing garage enlarged, and driveway extended.

Date limit for comments: 04.11.24

Planning Application No: 24/2075/FUL

Location: 6 Ryll Court Drive, EX8 2JP
Applicant: Mr & Mrs N Thorne
Proposal: Proposed single storey rear extension (N.W.), side garage extension (N.E.) and revised roof including rear dormer (N.W.) to provide additional first floor accommodation.

Date limit for comments: 31.10.24

TOWN

Planning Application No: 24/1517/FUL

Location: 55 Bicton Street, EX8 2RU
Applicant: Elissa Goldstein
Proposal: Replace roof using cement fibre roofing slates, and re-clad dormer using white UPVC; replacement front door.

Date limit for comments: 25.10.24

Planning Application No: 24/1828/LBC

Location: 20 Montpellier Road, EX8 1JN
Applicant: Mr Richard Kinnersley
Proposal: Replace 4 no. windows on ground floor front elevation and replace 1no. door on front elevation

Date limit for comments: 24.10.24

Planning Application No: 24/1979/FUL

Location: Flat A, 32 Victoria Road, EX8 1DW
Applicant: Ruth Arnell
Proposal: Balcony extension to the existing dormer and internal alterations.

Date limit for comments: 24.10.24

Planning Application No: 24/2025/FUL

Location: 115 Egremont Road, EX8 1SA
Applicant: Mr Charlie Jefferies
Proposal: Change of Use Class from Commercial to 1 no Residential Dwelling

Date limit for comments: 29.10.24

WITHYCOMBE RALEIGH

None

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7. Other items

i. Public Consultation – Land to the South of Hulham Road – EDDC Ref Lymp_14
Eagle Investments (SW) Ltd are consulting the community on an outline planning application they are preparing for a proposed a residential development of up to 80 dwellings including means of access.

Land to the south of Hulham Road, Exmouth - Collier Planning

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8. Items for information

i. Notification of Tree Preservation order
The following TPO has recently been made, copy attached:

24/0010/TPO – Land at 5 Brookhayes Close

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9. East Devon District Council – Planning Decisions

Application	*Exmouth Town Council View*	*EDDC Decision*
24/1679/FUL 16 Raddenstile Lane	No objection	Conditional Approval
24/1062/FUL Little Foxholes 15 Foxholes	No objection	Conditional Approval
24/1584/VAR Lime Kiln House, 9 Maer Vale	No objection	Conditional Approval
24/0729/FUL Land at Anson Road	Objection	Refusal
21/0470/FUL 13 Morton Road	Objection	Withdrawn
24/0235/FUL Whiteoaks, Higher Marley Road	No objection	Conditional Approval
24/1235/FUL 30 George Street	No objection	Conditional Approval

DELEGATED REPORT

Application No: **24/1935/TCA**

Location: **14 Portland Avenue**
Exmouth
EX8 2BS

Proposal: **Holm oak: crown raise by 2m and remove 6 branches (max. diameter 100mm) which are overhanging the garden of 14a Portland Avenue.**

Development Type: **Tree in Conservation Area**

Date of Site Visit: **19.09.2024**

Consultation Period End Date: 18.10.2024

CONSULTATIONS

None.

CONTRIBUTORS

Other Representations

None received.

OFFICER REPORT

The tree subject of this notification is healthy, mature Holm Oak of approximately 12m height with a spread of about 16m. It is located to the southern side of a shared driveway of nos. 14 and 14a. Extending branches of the lower north crown protrude across the garden boundary of no.14a. The proposal is to remove 6 of these branches back to within, or in line with, the boundary / driveway fence.

The impressive amenity value of this tree and the character that it adds to the conservation area will not be diminished by these proposed works.

CONCLUSION

There is no expediency to make a tree preservation order and the works can commence.

RECOMMENDATION

APPROVE

1. 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

NOTE FOR APPLICANT

1. 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 Road, Honiton or can be purchased from the BSI Shop on the website www.bsigroup.com/shop.

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

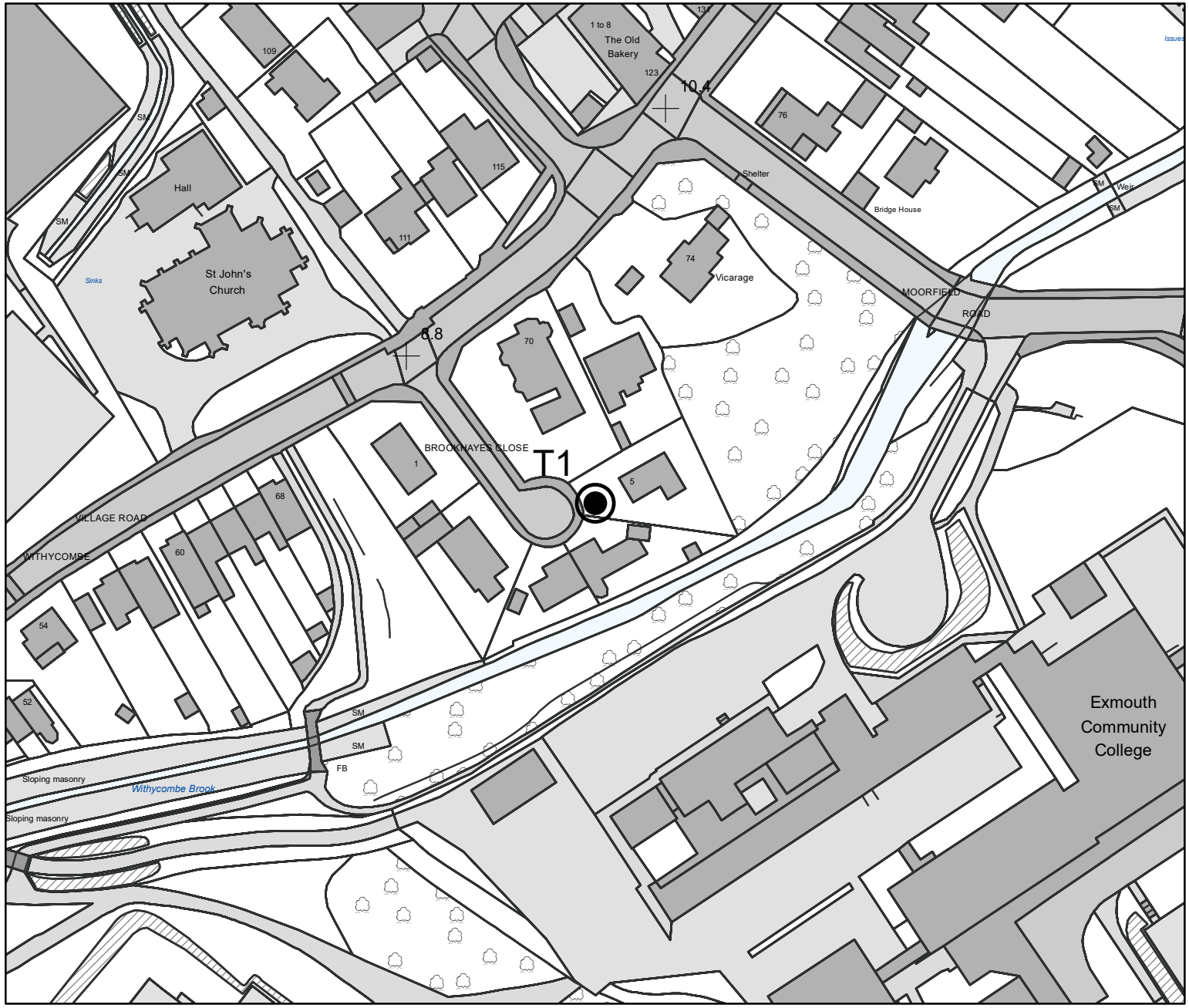
Statement on Human Rights and Equality Issues

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.

East Devon District Council Tree Preservation Order 24/0010/TPO

Land at Brookhayes Close, Exmouth



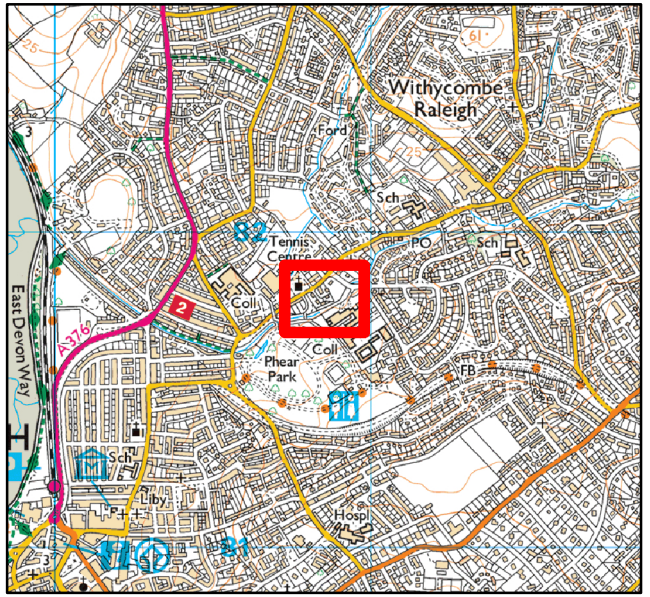
East Devon District Council

Key

- Tree
- Area
- Group
- Wood

Authorised Signature

10 May 2024



1:1,250

0 12.5 25 50 Metres

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TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (England) REGULATIONS 2012

Town and Country Planning Act 1990
TREE PRESERVATION ORDER (NO. 24/0010/TPO)

East Devon District Council, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 make the following Order—

Citation
1. This Order may be cited as the Tree Preservation Order No. 24/0010/TPO, "Land at Brookhayes Close, Exmouth", 10th May 2024.

Interpretation
2.— (1) In this Order "the authority" means East Devon District Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect
3.— (1) **Subject to article 4,** this Order shall take effect provisionally on 10th May 2024.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition
4. In relation to any tree identified in the first column of the Schedule by the letter "**C**", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated 10 May 2024

Signed on behalf of East Devon District Council



.....
Authorised by the Council to sign in that behalf

[CONFIRMATION OF ORDER

This Order was confirmed by East Devon District Council without modification on ..... day of

....

OR

This Order was confirmed by East Devon District Council on ..... day of ....
subject to the following modification(s):

.....

Authorised by the Council to sign in that behalf**]**

[DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by East Devon District Council on ..... day of

....

.....

Authorised by the Council to sign in that behalf**]**

[VARIATION OF ORDER

This Order was varied by East Devon District Council on ..... day of ....

under the reference number .....

.....

Authorised by the Council to sign in that behalf**]**

[REVOCATION OF ORDER

This Order was revoked by East Devon District Council on ..... day of ....

.....

Authorised by the Council to sign in that behalf**]**

SCHEDULE

SPECIFICATION OF TREES

TREE PRESERVATION ORDER NO. 24/0010/TPO

LAND AT BROOKHAYES CLOSE, EXMOUTH

REF. ON MAP	DESCRIPTION	SITUATION

TREES SPECIFIED INDIVIDUALLY
(Encircled in a solid black line on map)

T1	Magnolia Species	Centred on grid ref:	(E) 300854 (N) 081788
	SW front garden		

TREES SPECIFIED BY REFERENCE TO AN AREA
(None)

GROUP OF TREES
(None)

WOODLAND
(None)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to England only, substantially revoke and replace the Town and Country Planning (Trees) Regulations 1999, to the extent to which they apply to England. They also revoke the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 and the Town and Country Planning (Trees) (Amendment No. 2) (England) Regulations 2008.

Part 2 prescribes the form of tree preservation orders and the procedure for their making, provisional effect, confirmation, variation and revocation. The prescribed form is set out in the Schedule to the Regulations.

Part 3 of the Regulations sets out prohibited activities in relation to a tree protected by an order and exceptions. Under regulation 13 a tree protected by a tree preservation order may not be cut down, topped, lopped, uprooted or wilfully damaged or destroyed without the consent of the local planning authority, unless an exception applies. These exceptions are set out in sections 198(7) and 200(1) of the Town and Country Planning Act 1990, and in regulation 14 of the Regulations.

Section 198(7) provides exceptions relevant to section 39(2) of the Housing and Planning Act 1986 (c.63) (saving for effect of section 2(4) of the Opencast Coal Act 1958 (c. 69) on land affected by a tree preservation order despite its repeal) and section 15 of the Forestry Act 1967 (c.10) (licences under that Act to fell trees comprised in a tree preservation order).

Section 200(1) provides that a tree preservation order does not have effect in respect of anything done by or on behalf of Forestry Commissioners on land placed at their disposal in pursuance of the Forestry Act 1967 or otherwise under their management or supervision or anything done by or on behalf of any other person under a plan of works approved by the Forestry Commissioners under a forestry dedication covenant (as defined in section 5 of the Forestry Act 1967) or under conditions of a grant or loan made under section 1 of the Forestry Act 1979 (c. 21).

Regulation 14 contains exceptions to the requirement for consent and regulation 15 contains exceptions for trees in conservation areas.

Part 4 of the Regulations prescribes the procedure for applications for consent under tree preservation orders.

Part 5 prescribes the procedure for appeals and for their determination. Regulation 19 grants a right of appeal in respect of a refusal to grant consent, a grant of consent subject to conditions or a failure to determine an application for consent within the prescribed time period.

In Part 6, regulation 24 provides for compensation claims, subject to exceptions, to be made where loss or damage has been incurred as a consequence of a refusal to grant consent, a grant of consent subject to conditions or a refusal of approval required under a condition.

Part 7 contains miscellaneous provisions. Regulation 25 provides that the prescribed time for the purposes of sections 206(1)(b) (replacement trees) and 213(1)(b) (enforcement of controls as respects trees in conservation areas) is whenever the cutting down or uprooting of a tree is authorised only by virtue of regulations 14(1)(a)(i) or 14(1)(c) (dead or dangerous trees).

Regulation 26 revokes the Town and Country Planning (Trees) Regulations 1999, the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 and the Town and Country Planning (Trees) (Amendment No.2) (England) Regulations 2008, subject to transitional, transitory and saving provisions in respect of certain classes of order. This regulation also saves regulation 17 of the Town and Country Planning (Trees) Regulations 1999 (amendment to the Town and Country Planning General Regulations 1992).

Under section 193 of the Planning Act 2008 (c. 29), all tree preservation orders made prior to the date on which these Regulations come into force take effect with the omission of all of their provisions other than any that identify the order or identify the trees, groups of trees or woodlands to which the order applies.

A full impact assessment of the effect that this instrument will have on the costs of business, charities and the voluntary sector has been prepared in relation to these Regulations. The assessment has been placed in the Library of each House of Parliament and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk). The assessment may also be accessed at www.communities.gsi.gov.uk.