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

27 November 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 2 December 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 18 November 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. **Planning applications.**

BRIXINGTON

None

HALSDON

None

LITTLEHAM

Planning Application No: 24/2121/FUL

Location: 70 Foxholes Hill, EX8 2DH
Applicant: Mr and Mrs Tancock
Proposal: Construction of two single storey extensions, and alterations to roof with New dormer and 3 roof lights; solar panels to garage roof, and new porch

Date limit for comments: 06.12.24

Planning Application No: 24/2163/FUL

Location: 26 The Crescent, EX8 2PE
Applicant: Mr Wakefield
Proposal: Demolition of single storey garage/store; construction of new garage and porch on existing dwelling; construction of 1no new dwelling in grounds

Date limit for comments: 03.12.24

Planning Application No: 24/2197/VAR

Location: 28 Cranford Avenue, EX8 2PZ
Applicant: Mr & Mrs Lovegrove
Proposal: Variation of Condition 2 (approved plans) of planning permission 21/1348/FUL (Demolition of existing dwelling and garage and erection of replacement dwelling and garage with detached swimming pool,

reinstatement of a secondary access off Cranford Avenue) to allow design changes which include enlarged ground floor footprint, removal of first floor over garage, removal of second floor balcony and change to exterior materials

Date limit for comments: 11.12.24

Planning Application No: 24/2396/FUL

Location: 3 Hartley Road, EX8 2SG
Applicant: Mr & Mrs Mark Cockman
Proposal: Single storey rear pitched roof extension.

Date limit for comments: 13.12.24

TOWN

None

WITHYCOMBE RALEIGH

Planning Application No: 24/2378/VAR

Location: 7 Park Way, EX8 3QG
Applicant: Mrs Aimee Courtier
Proposal: Variation of condition 1 (approved plans) of Planning permission 24/1266/FUL, (Single storey rear and side extension with first floor side extension), to change external materials.

Date limit for comments: 16.12.24

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6. Other items

i. Notification of a pavement licence application

The applicant is: Merle Spey of Sundowners
Location requested: Outside of Sundowners, Exmouth
Times and days requested: Mon – Thurs 08:00 -16:00, Fri 08:00 – 22:00
Sat & Sun – 08:00 – 16:00
Period of licence requested: 18/11/24 - 18/11/26
The application is for: 7 tables and 21 chairs

Date limit for comments: 04.12.24

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7. Items for information

i. Notifications of Tree Preservation orders

The following TPO's have recently been made, copies attached:

24/0017/TPO – Land at and adjacent, Raleigh Manor Care Home, Drakes Avenue

24/0018/TPO – Land at 19 Drakes Avenue

ii. Notification of Tree works considered an exemption to 16/044/TPO
Address: 16 Redwood Close, EX8 5NS
Copy letter attached for information.

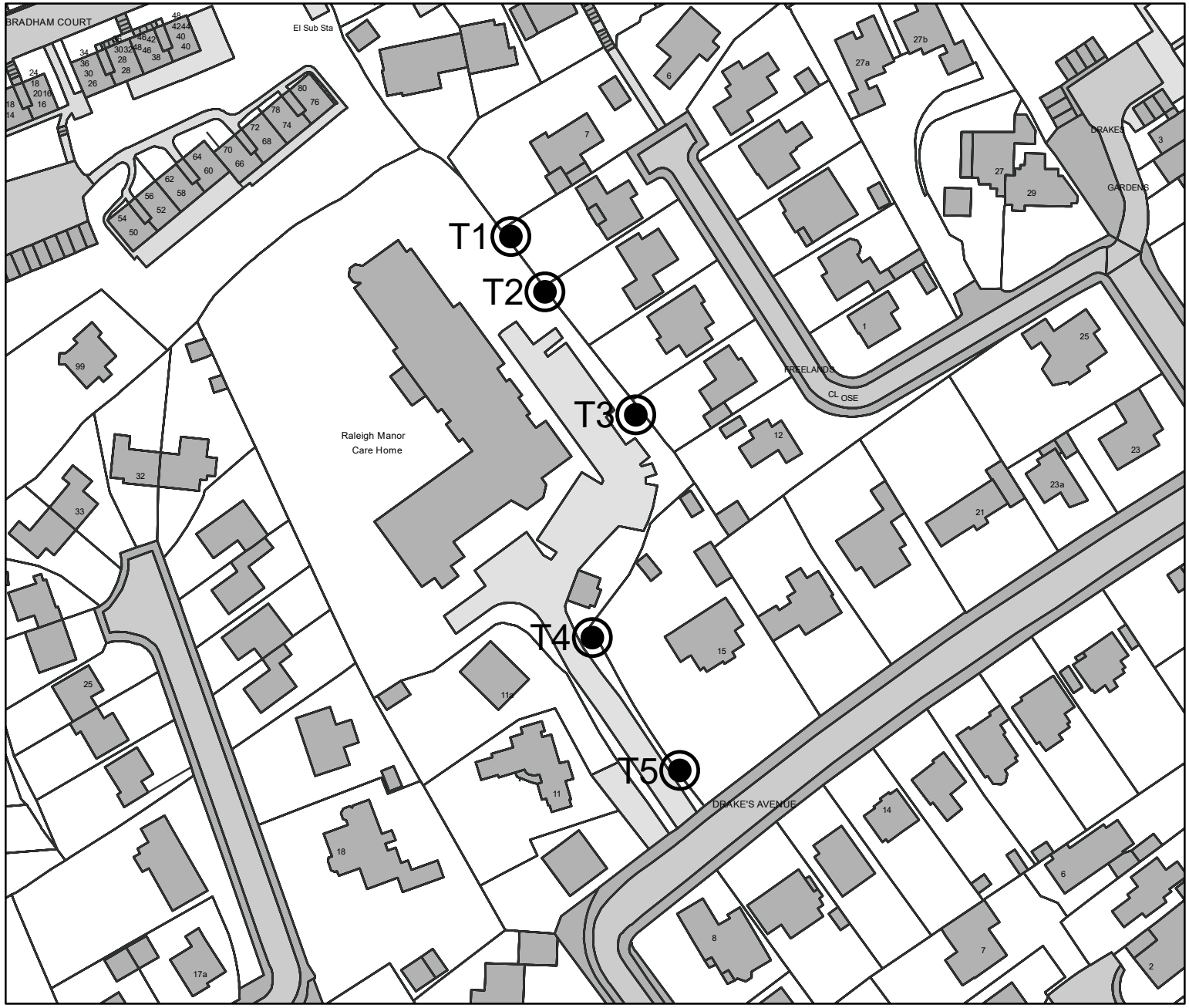
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8. East Devon District Council – Planning Decisions

Application	*Exmouth Town Council View*	*EDDC Decision*
24/2074/FUL 104 Littleham Road	No objection	Conditional Approval
24/0703/FUL 97 Victoria Road	No objection	Conditional Approval
24/1659/FUL Bonds Farmhouse, Gore Lane	No objection	Conditional Approval
24/1958/FUL 31 Willow Avenue	No objection	Conditional Approval
24/2134/FUL Land South of 113 Bradham Lane	No objection	Conditional Approval
24/1517/FUL 55 Bicton Street	No objection	Conditional Approval
24/1461/FUL 67 Chichester Close	No objection	Conditional Approval

East Devon District Council Tree Preservation Order 24/0017/TPO

Land at, and adjacent, Raleigh Manor Care Home, Drakes Avenue, Exmouth



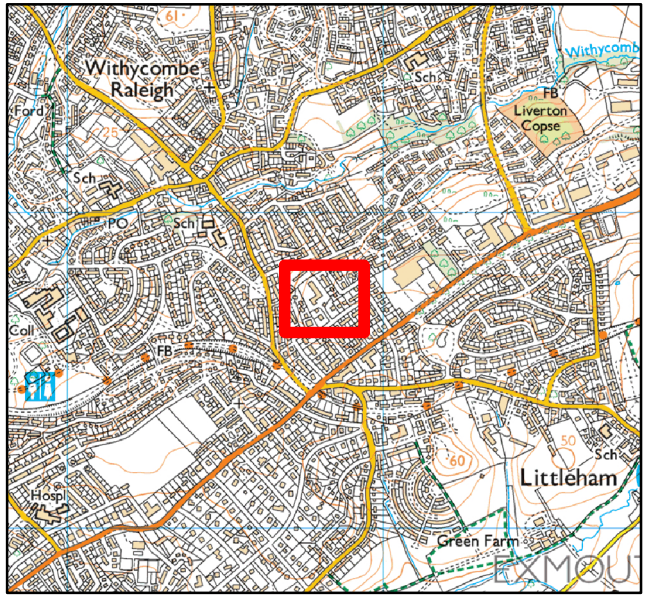
East Devon District Council

Key

- Tree
- Area
- Group
- Wood

Authorised Signature

15 November 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. 24/0017/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. 24/0017/TPO, "Land at, and adjacent, Raleigh Manor Care Home, Drakes Avenue, Exmouth", 17th 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 17th 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 17 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 *...15th...* day of

...November.... ...2024...

~~*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. 24/0017/TPO

LAND AT RALEIGH MANOR CARE HOME, DRAKES AVENUE, EXMOUTH

REF. ON MAP	DESCRIPTION	SITUATION

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

T1	Oak	Centred on grid ref:	(E) 301797	(N) 081784
	r/o 8, Freelands Close			
T2	Oak	Centred on grid ref:	(E) 301804	(N) 081772
	r/o 9 Freelands Close			
T3	Oak	Centred on grid ref:	(E) 301824	(N) 081745
	r/o 11, Freelands Close			
T4	Oak	Centred on grid ref:	(E) 301814	(N) 081698
	NW boundary of 15 Drakes Avenue			
T5	Beech	Centred on grid ref:	(E) 301833	(N) 081669
	SW boundary of 15 Drakes Avenue			

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.

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

Town and Country Planning Act 1990
TREE PRESERVATION ORDER (NO. 24/0018/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. 24/0018/TPO, "Land at 19 Drakes Avenue, Exmouth", 17th 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 17th 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 17 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 ...15th... day of

...November... ...2024...

~~*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. 24/0018/TPO

LAND AT 19 DRAKES AVENUE, EXMOUTH

REF. ON MAP	DESCRIPTION	SITUATION

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

T1	Oak	Centred on grid ref:	(E) 301866 (N) 081736
	r/o 19 Drakes Avenue and adjacent 12, Freelands Close		

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.

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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).

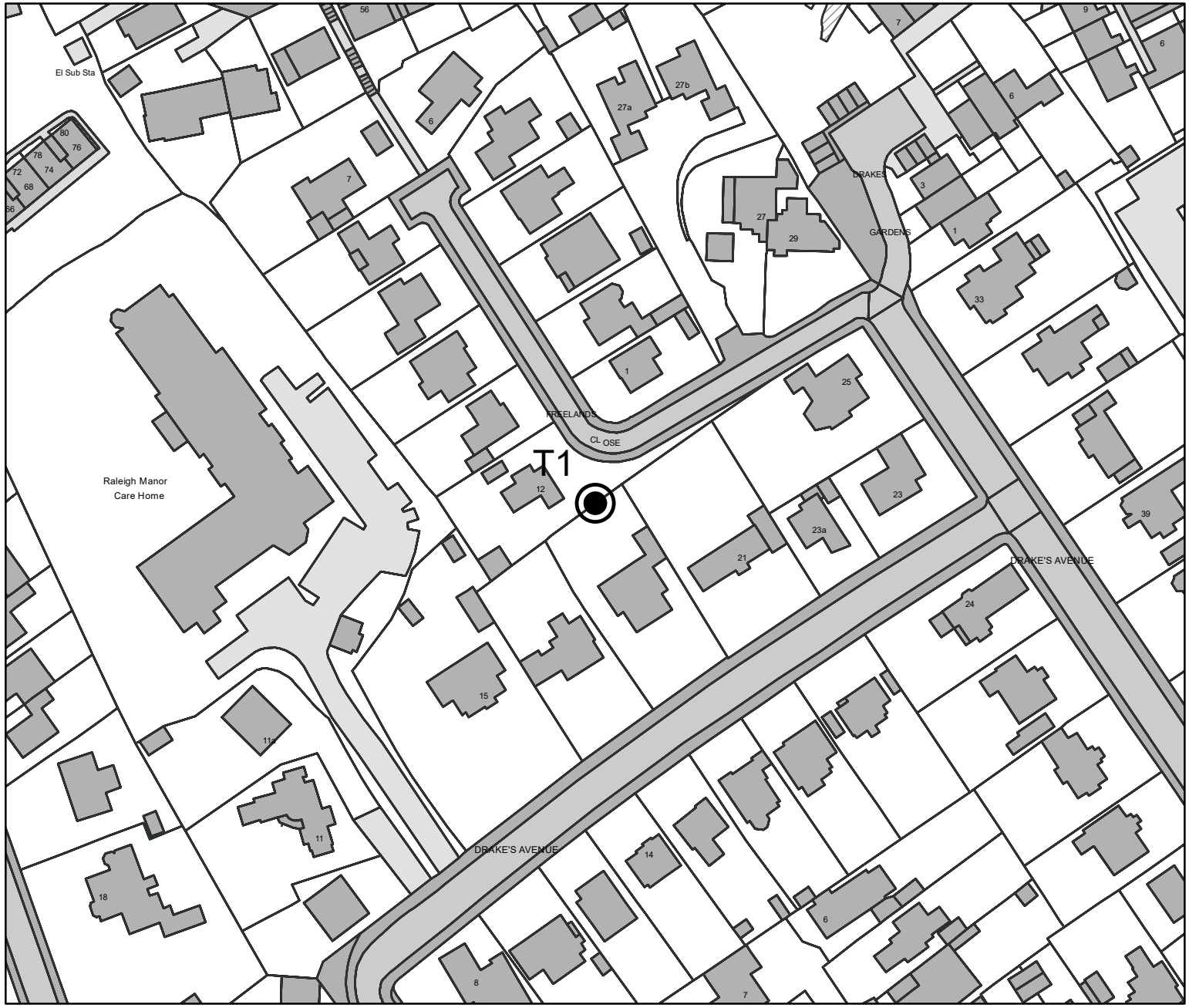
Regulation 26 revokes the Town and Country Planning (Trees) Regulations 1999, the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 and the Town and Country Planning (Trees) (Amendment No.2) (England) Regulations 2008, subject to transitional, transitory and saving provisions in 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.

East Devon District Council Tree Presevation Order 24/0018/TPO

Land at 19 Drakes Avenue, Exmouth



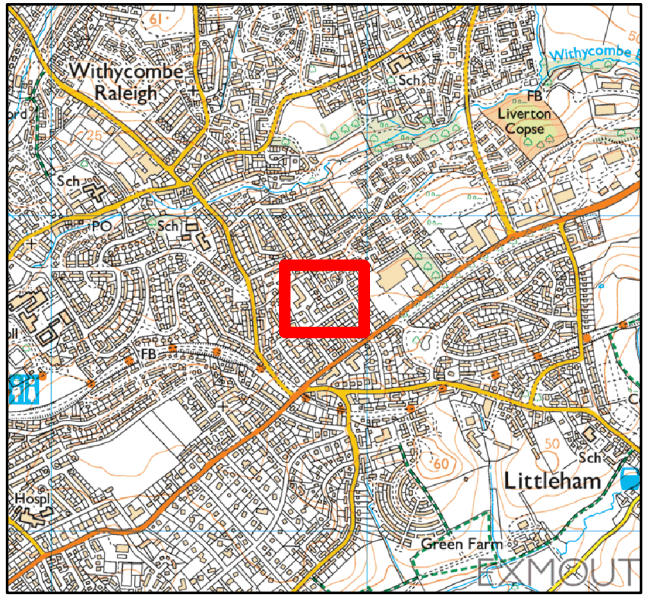
East Devon District Council

Key

- Tree
- Area
- Group
- Wood

Authorised Signature

15 November 2024



1:1,250

0 12.5 25 50 Metres

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Date: 25 November 2024
Contact number: 01395 571 685
Extension number:
E-mail: trees@eastdevon.gov.uk
Our Reference: **24/2466/PRETDD**

East Devon District Council Blackdown House

Border Road
Heathpark Industrial Estate
Honiton
Devon
EX14 1EJ
DX48808 Honiton
Tel: 01395 516551
www.eastdevon.gov.uk

[redacted]
16 Redwood Close
Exmouth
EX8 5NS

Dear [redacted]

Notification of Tree works considered an exemption to 16/0044/TPO Address: 16 Redwood Close, Exmouth, EX8 5NS.

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

The works are: **Removal of windblow Oak.**

The works in question are considered to be an exception from the normal requirement to seek the consent of this Council under Regulation 14 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.

There is a duty under the Act to plant replacement trees when trees are removed under this exception. In this instance, replanting will be required in the first planting season following removal (November to March). The tree should be an **English Oak** with a minimum girth of 810cms. This replacement tree will be covered by the existing Tree Preservation Order. The tree species, size and planting location should be agreed in writing with East Devon District Council prior to planting.

Please can you notify the council when the replanting has been carried out, and if possible submit a photograph of the new tree and its location.

Yours sincerely

Arboricultural Team
Countryside Service

Copy to: The Clerk to Exmouth Town Council
Councillors Maddy Chapman and Cherry Nicholas
Tree Warden Jan Gannaway
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.

DC/ TPDD2