Exmouth Town Council

Town Hall, St Andrews Road
Exmouth, Devon, EX8 1AW

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This meeting is open to the Public and Press

10 December 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 16 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 2 December 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**

HALSDON

Planning Application No: 24/2319/TRE

Location: A La Ronde Summer Lane, EX8 5BD
Applicant: National Trust
Proposal: Tree 306, English Oak : remove heavily extended low limb: a 4m branch, making a 100mm diameter pruning cut. Tree 1203, English Oak : reduce the length of the low, extended limb by 4m, making a pruning cut approximately 75mm in diameter. Tree 51, English Oak : prune back obstructing branch from over neighbouring property to the branch union, making a 70mm diameter pruning cut.

Target date: 01.01.25

Tree officer's report attached for information.

Planning applications.

BRIXINGTON

None

HALSDON

Planning Application No: 24/2402/LBC

Location: A La Ronde Summer Lane, EX8 5BD
Applicant: Mr Jonathan Webber
Proposal: Installation of a new fire rated door to the lower ground floor of the main house at A la Ronde.

Date limit for comments: 17.12.24

LITTLEHAM

Planning Application No: 24/2420/FUL

Location: 62 Foxholes Hill, EX8 2DH
Applicant: Mr James Dibley
Proposal: Veranda to part of the rear elevation

Date limit for comments: 27.12.24

Planning Application No: 24/2454/FUL

Location: 10 Elwyn Road, EX8 2EL
Applicant: Mr A Williams
Proposal: Construction of 2 no. new dwellings

Date limit for comments: 27.12.24

Planning Application No: 24/2475/FUL

Location: Flat 4, 49A Salterton Road, EX8 2EF
Applicant: Mr Paul Bartolotta
Proposal: Proposed change of use of a ground floor office use class E (Commercial, Business and Service) to residential use class C3 (Dwelling Houses).

Date limit for comments: 31.12.24

TOWN

None

WITHYCOMBE RALEIGH

None

6. Other items

i. Notification of new premises licence VARIATION application received
Ref No: 059059
Premises: Heydays (formerly Mickey's) - Unit 1, Sideshore, Queens Drive, EX8 2GD
Ward: Littleham
Name of Applicant: Exe Exe Exe Limited

Consider variation to the above premises licence, details of the application can be viewed on EDDC's website.

Date limit for comments: 02.01.25

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.

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7. Items for information

i. Appeal decision

Appeal ref: APP/U1105/W/3339709
Appeal by: Mr D Pyne
Application Ref: 23/1050/FUL
Location: 18 Colleton Way, EX8 3PX
Proposal: Separating existing property into 2 dwellings, including gardens and driveways.

The above appeal was allowed. The decision notice for the above application is attached for information.

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8. East Devon District Council – Planning Decisions

Application	*Exmouth Town Council View*	*EDDC Decision*
24/1678/FUL 1A Trefusus Place	No objection	Approval
24/1828/LBC **20 Montpellier Road**	**No objection**	**Refusal**
24/1856/FUL 13 Taylor Crescent	No objection	Approval
24/1496/FUL 66 Bicton Street	No objection	Conditional Approval
24/1910/FUL Exmouth Community College	No objection	Conditional Approval
24/2237/FUL Amberwood Nursing Home 231 Exeter Road	No objection	Approval

DELEGATED REPORT

Application No: **24/2319/TRE**

Location: **A La Ronde Summer Lane**
Exmouth
EX8 5BD

Proposal: **Tree 306, English Oak : remove heavily extended low limb: a 4m branch, making a 100mm diameter pruning cut.**
Tree 1203, English Oak : reduce the length of the low, extended limb by 4m, making a pruning cut approximately 75mm in diameter.
Tree 51, English Oak : prune back obstructing branch from over neighbouring property to the branch union, making a 70mm diameter pruning cut.

Development Type: **Tree Preservation Order**

Date of Site Visit: **28/11/2024**

Consultation Period End Date: 06.12.2024

CONSULTATIONS

None received.

CONTRIBUTORS

None received.

OFFICER REPORT

The proposed tree works application follows a cyclical inspection of the trees at A La Ronde. The works in question are to three oak trees, T306 and T1203 grow on the eastern boundary and T51 grows on the western boundary.

T306 overhangs the carpark, and T1203 overhangs the seasonal catering unit. The works seek to reduce end weight from two branches, to minimise the risk of parent branch failure where the trees overhang frequently occupied areas of the site. These works are considered proportionate and acceptable tree management.

T52 overhangs the adjacent private residential garden. The proposed works seek to remove a single low branch that grows down low over the adjacent garden. The works will not be significantly detrimental to the overall form of the tree, or that of the wider amenity of the area. The works will allow the adjacent landowner reasonable enjoyment of their garden. No objection is raised to these non-essential works.

CONCLUSION

The proposed works are considered reasonable husbandry of the trees at this National Trust property. No objection is raised to the proposed works.

RECOMMENDATION

DELEGATED REPORT

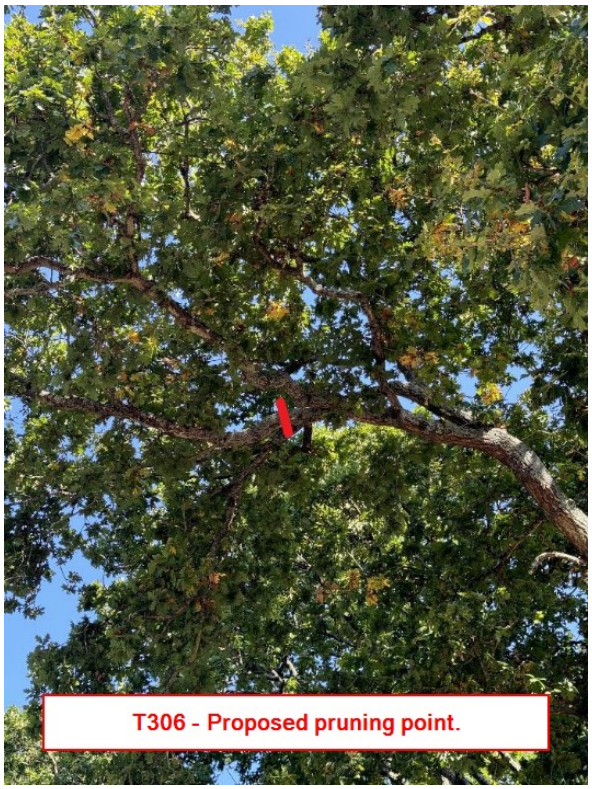
APPROVE subject to the following conditions:

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.)

2. 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.)

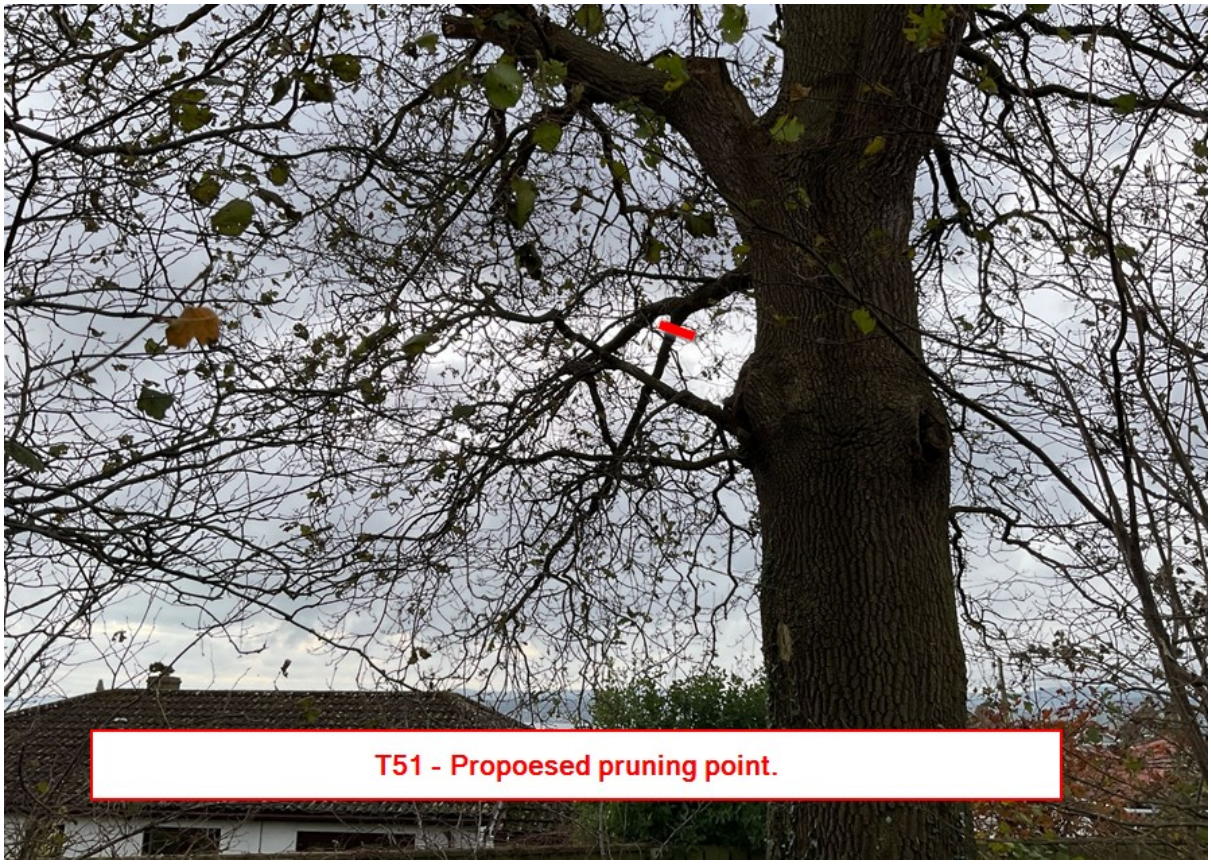
NOTE FOR APPLICANT

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).





DELEGATED REPORT



Statement on Human Rights and Equality Issues

Human Rights Act:
The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:
In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

The Planning Inspectorate

Appeal Decision

Site visit made on 13 August 2024

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2024

Appeal Ref: APP/U1105/W/24/3339709
18 Colleton Way, Exmouth, Devon EX8 3PX

- 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 Mr Darren Pyne of D Pyne Plumbing and Heating against the decision of East Devon District Council.
- The application Ref is 23/1472/FUL.
- The development proposed is separating existing property into two dwellings, including gardens and driveways.

Decision

1. The appeal is allowed and planning permission is granted for separating existing property into two dwellings, including gardens and driveways at 18 Colleton Way, Exmouth, Devon EX8 3PX in accordance with the terms of the application Ref 23/1472/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. One of the Council's suggested conditions makes reference to a conservation area. The Council has confirmed that the appeal site is not within and does not affect a conservation area, and I have not considered this further.

3. The appeal site is within the zones of influence of the Exe Estuary Special Protection Area and the East Devon Pebblebed Heaths Special Protection Area and Special Area of Conservation (the European Sites). These European Sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations). It is incumbent upon me as competent authority to consider whether the proposal would be likely to have a significant effect on the integrity of the European Sites. Although not raised as an issue by the Council, it is necessary for me to consider this matter as a main issue. I have sought further information about the potential effects on these sites and methods of mitigation, and have had regard to the responses received.

Main Issues

4. The main issues are:

   - The effect of the proposed development on highway safety with regard to parking provision;
   - Whether the proposed development would provide adequate living conditions for future occupiers with regard to internal space, and the outlook and daylight available to the second-floor bedroom; and

- The effect of the proposal on the integrity of the European Sites.

Reasons

Highway safety

5. The proposal would provide one off-street parking space for users of the new dwelling, retaining two spaces for the existing property. The surrounding residential area contains a mix of properties with both on and off-street parking provision. The residential roads are not restricted with road markings or signage, and do not have a continuous pattern of residential driveways. They are therefore able to accommodate a high-level of on-street parking. While it only represents a single point in time, I did not observe parking stress or congestion on the surrounding residential roads during my site visit.

6. Policy TC9 of the East Devon Local Plan (2016) (the Local Plan) states that as a guide, two parking spaces should be provided for homes with two or more bedrooms. The provision of just one space for the new dwelling would fall short of this figure, indicating that one additional vehicle may need to use on-street parking on adjacent roads.

7. Policy TC9 recognises that locations in town centres or with access to on-street parking may have a lower demand for parking provision. The appeal site is within the urban area of Exmouth, with easy access to services and facilities, and close to a marked cycle path linking to the town centre. This would reduce the reliance on future occupiers needing to have access to private vehicles. Moreover, the potential addition of one vehicle using the generous on-street parking available in the area would not worsen the existing parking situation to the detriment of highway safety.

8. For these reasons, I do not consider that the proposed development would cause unacceptable harm to highway safety with regard to parking provision. It would therefore accord with Policy TC9 of the Local Plan, and with the National Planning Policy Framework (the Framework) where at paragraph 135 it seeks to create places that are safe and accessible.

Living conditions

9. The proposal would result in the creation of a 2-bedroomed, 3-person property over three storeys. The Nationally Described Space Standard (NDSS) is not adopted planning policy within the Development Plan and therefore whilst a useful guide, I afford this standard limited weight in my decision. However, Policy D1 of the Local Plan does seek to ensure that development does not harm the amenity of occupants of proposed future residential properties; and that development includes features that maintain good levels of daylight and sunlight into buildings. These requirements accord with the Framework's requirement for a high standard of amenity for existing and future occupiers.

10. There is no minimum gross internal floor area (GIA) requirement for a 2-bedroomed 3-person house across three storeys within the NDSS. However, the minimum GIA over two storey is 70 square metres. There is no disagreement between the parties that the GIA of the new dwelling would exceed this figure. There is also no indication that the dwelling would not meet the other technical requirements of the NDSS. While it would be narrower than the existing main dwelling, there is therefore nothing before me to indicate that the proposal would not provide adequate internal space for future occupiers.

11. The bedroom proposed to the second floor would be lit solely by rooflights. This space is already in use as a study, and the rear-facing rooflights are installed. The height and size of the rooflights provide an open aspect from within the room including views of the garden, and create a light and airy area within the roof space. Despite the reduction in floorspace to accommodate the top of the staircase, the proposed bedroom would continue to experience adequate space, outlook, and daylight as a single bedroom.

12. As such, I conclude that the proposal would provide adequate living conditions for future occupiers with regard to internal space, and adequate outlook and daylight to the second-floor bedroom. It would therefore accord with paragraph 135 of the Framework where it seeks a high standard of amenity for future occupiers. It would also accord with the relevant provisions of Policy D1 of the Local Plan as set out above.

European sites

13. The appeal site lies within the respective zones of influence for the European Sites. The qualifying features for the Exe Estuary are its overwintering populations of Avocet and Slavonian Grebe, regularly occurring migratory species, and assemblage of wintering waterfowl. Those of the Pebblebed Heaths are its north Atlantic wet heaths, European dry heaths, and the populations of southern damselfly. It also regularly supports 2.4% of the UK population of breeding nightjar and 8% of the UK population of breeding Dartford warbler.

14. The South-East Devon European Site Mitigation Strategy 2014 (SEDESMS) recognises that new dwellings within 10km of the European Sites will increase the number of local residents who may be drawn to the habitat sites due to their recreational value. As the SEDESMS highlights, a range of recreational activities within the Exe Estuary can result in birds taking flight due to disturbance. A disturbance study found that most flight events were caused by dog walkers, particularly when dogs are off their leads, but walking in general in certain other areas also caused disruption. In the East Devon Pebblebed Heaths, disturbance to birds is also an issue, as is the trampling of heathland, fires, and nitrogen impacts from dog waste.

15. The proposed development would result in a net increase of one dwelling on the site. On this basis, there is no dispute between the main parties, nor Natural England (NE), that it cannot be ruled out that the proposal, when considered alone or cumulatively with other schemes, would have significant effects on the features of interest of the European Sites due to increased recreational use. It is also agreed by the main parties and NE that to mitigate against such effects, financial contributions should be secured in relation to both sites. These would secure mitigation measures including habitat management, on site access management, wardening, signage, as well as non-infrastructure provision of monitoring, communications, and education, pursuant to the SEDESMS. A signed S111[1] Agreement has been submitted by the appellant, along with a financial contribution of £367.62.

16. The Council has supplied a recent committee report[2] which demonstrates that such agreements are successfully delivering the SEDESMS. I have also

[1] Section 111 of the Local Government Act 1972
[2] Strategic Planning Committee Agenda, date of meeting 23rd February 2021

consulted Natural England and it has confirmed that it is content that the secured financial contribution would be effective in terms of mitigating the recreational impacts of the development on the European Sites and avoiding adverse effects on their integrity.

17. I am therefore satisfied, based on the evidence before me, that the S111 Agreement has provided a sufficient mechanism to enable the delivery of proportionate and relevant mitigation pursuant to the SEDESMS. I therefore find within my Appropriate Assessment that, with the provided mitigation, the proposal would not have an adverse effect on the integrity of the European Sites. It would therefore accord with Strategies 47 and 50 of the Local Plan, the Habitats Regulations, and the Framework insofar as they seek to secure the protection of such sites and mitigate any adverse effects on their integrity.

Other Matters

18. I note the concern of the local councillor regarding this proposal setting a precedent for splitting family homes. However, this appeal scheme has been assessed based on the specific circumstances of the property, the policy context, and the observations made. I see no reason why, if this proposal were to be allowed, that it would undermine the Council's ability to exercise its judgement in relation to similar development proposals on other sites. It is therefore not considered that an unwelcome precedent would be established by this proposal.

Conditions

19. The Council provided suggested conditions, which I have reviewed with regard to the Framework and the Planning Practice Guidance. I have amended the wording where necessary to improve precision and enforceability.

20. In addition to conditions relating to the statutory timescale and a list of approved plans for the purposes of clarity, a condition requiring the external materials to match those of the existing dwelling at 18 Colleton Way is necessary to protect the character and appearance of the area. Details of refuse and cycle storage arrangements are required in the interests of protecting the character and appearance of the area, the living conditions of the occupiers, highway safety and to promote sustainable transport. A condition securing the provision of parking is also necessary in the interest of highway safety.

21. Conditions securing the boundary treatment and ongoing use of separate rear gardens for the two properties are also necessary in the interests of the living conditions of existing and future occupiers of the dwellings.

Conclusion

22. The proposal accords with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be allowed.

K Jones

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with Drawing Nos TQRQM23212115409454 (Location Plan), 3 (Proposed Floor Plans), 4 (Proposed Elevations), and 5 (Existing & Proposed Site Plans).

3) The external materials of the building hereby permitted shall match those used in the existing building at 18 Colleton Way.

4) The new dwelling hereby permitted shall not be occupied until details of bin/recycling storage and cycle storage facilities have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, and thereafter those facilities shall be kept available for use for their respective purposes.

5) The new dwelling hereby permitted shall not be occupied until space has been laid out within the site for one car to be parked at the front of the new dwelling. That space shall thereafter be kept available at all times for the parking of vehicles.

6) The new dwelling hereby permitted shall not be occupied until details of the fencing subdividing the two dwellings as indicated on Drawing No 5, has been submitted to and approved in writing by the local planning authority. Development shall be carried out and thereafter retained in accordance with the approved details.

7) The separate rear garden spaces identified on Drawing No 5 shall be made available for use by the occupiers of each respective dwelling, and thereafter kept available for their use.

-- End of Schedule --