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

29 January 2025

**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 3 February 2025 at 6.15pm** to consider the matters detailed on the agenda below.

Yours faithfully

Lisa Bowman
TOWN CLERK

## AGENDA

### 1. Apologies for absence

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**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 20 January 2025:**
   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.**

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**BRIXINGTON**

Planning Application No: 24/2479/FUL

Location: 30 Sherwood Drive, EX8 4PX
Applicant: Mr & Mrs Sturgess
Proposal: Proposed first floor side extension and addition of exterior cladding

Date limit for comments: 17.02.25

Planning Application No: 24/0068/FUL

Location: 25 Meadow View Road, EX8 4HB
Applicant: Mr George Greenway
Proposal: Single-storey rear extension.

Date limit for comments: 07.02.25

Planning Application No: 24/0099/FUL

Location: 3 Norwich Close, EX8 5QW
Applicant: Mr & Mrs Burston
Proposal: Single Storey Side / Rear Extension

Date limit for comments: 17.02.25

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**HALSDON**

None

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**LITTLEHAM**

Planning Application No: 24/2199/FUL

Location: Toilets, East End Queens Drive
Applicant: Tompot Blenny Ltd
Proposal: Change of use of existing public toilets into hot food take away. Partial demolition and new build extensions to provide storage and disabled toilet.

Date limit for comments: 17.02.25

Planning Application No: 24/2538/LBC

Location: Green Farm, Maer Lane, EX8 5DB
Applicant: Clinton Devon Estates
Proposal: Reinstate the barns roof structure and undertake fabric repairs following Fire damage.

Date limit for comments: 10.01.25

Planning Application No: 24/2698/FUL

Location: Flat 1 Greenacre, 5 Isca Road, EX8 2EZ
Applicant: Mr and Mrs Read
Proposal: Alterations and extension to the existing enclosed veranda (conservatory) and internal alterations.

Date limit for comments: 10.02.25

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**TOWN**

Planning Application No: 24/2659/FUL

Location: 14 The Hollows, EX8 1QT
Applicant: Mr Greg Barton
Proposal: Removal of existing single storey rear conservatory and replacement with rear single storey extension

Date limit for comments: 10.02.25

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**WITHYCOMBE RALEIGH**

None

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**WOODBURY & LYMPSTONE (JOINING PARISH)**

Planning Application No: 24/2692/FUL

Location: Land Off Hulham Road (Goodmores Farm)
Applicant: Mr David Matthews (Eagle Developments)
Proposal: Proposed residential development of 39 dwellings and their associated roads, drainage, parking & landscaping (comprising an amended scheme to Phase 2 of reserved matters approval 20/0993/MRES)

Date limit for comments: 12.02.25

Planning Application No: 25/0007/MOUT

Location: Land NE Of Kings Garden And Leisure Hulham Road
Applicant: Eagle Investments (SW) Ltd
Proposal: Outline application seeking approval for access only (with matters of layout, scale, appearance and landscaping reserved) for residential development comprising of up to 80 dwellings, the formation of vehicular and pedestrian access from the adjoining Goodmores development site, public open space and other associated infrastructure

Date limit for comments: 07.02.25

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**6. Other items**

None

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**7. Items for information**

**i. Notification of Tree Preservation Order**
Land at Hollenden, 7 Foxholes Hill.

Confirmation of the above TPO, details attached.

**ii. Appeal Notification**
Appeal ref: APP/U1105/W/24/3358068
Appeal by: Mr Stephen Drinkall
Application Ref: 24/1028/FUL
Location: Warehouse (Store rear of Belvedere, Danby Lane
Proposal: Demolition of warehouse/general industrial building (use classes B2 and B3) and erection of 3 no. work/live units and 1 no dwelling (use class C3)

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

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**8. East Devon District Council – Planning Decisions**

| *Application* | *Exmouth Town Council View* | *EDDC Decision* |
|---|---|---|
| 24/2557/FUL<br>31 Camperdown Terrace | Objection | Withdrawn |
| 24/1766/VAR<br>21 Hulham Road | No objection | Conditional Approval |
| 24/2179/FUL<br>25 Hazeldene Gardens | No objection | Conditional Approval |
| 24/1711/FUL<br>11 St Johns Road | No objection | Conditional Approval |

| | | |
|---|---|---|
| 24/2308/LBC<br>3 Castle Cottages,<br>Castle Lane | No objection | Conditional Approval |
| 24/2228/FUL<br>Old School House,<br>Old School Lane | No objection | Conditional Approval |

# East Devon District Council Tree Preservation Order 25/0007/TPO

Land at Hollenden, 7 Foxholes Hill, Exmouth



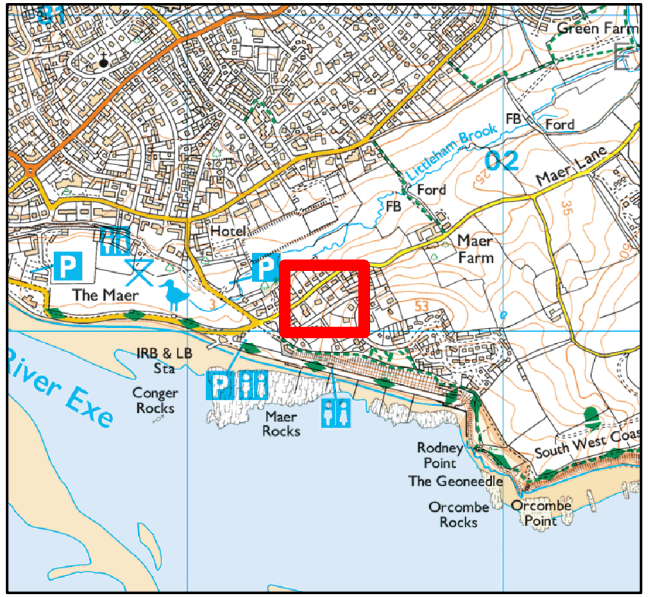

1:1,250 0 12.5 25 50 Metres

**Key**

- Tree
- Area
- Group
- Wood

Authorised Signature

23 January 2025




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

**Town and Country Planning Act 1990**
**TREE PRESERVATION ORDER (NO. 25/0007/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. 25/0007/TPO, "Land at Hollenden, 7 Foxholes Hill, Exmouth", 23rd January 2025.

**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 23rd January 2025.

(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 23 January 2025

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. 25/0007/TPO

## LAND AT HOLLENDEN, 7 FOXHOLES HILL, EXMOUTH

| REF. ON MAP | DESCRIPTION | SITUATION | | |
|---|---|---|---|---|
| **TREES SPECIFIED INDIVIDUALLY** *(Encircled in a solid black line on map)* | | | | |
| T1 | Lime | Centred on grid ref: | (E) 301438 | (N) 080098 |
| T2 | Lime | Centred on grid ref: | (E) 301432 | (N) 080105 |

**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.

| | |
|---|---|
| Date: | 20 January 2025 |
| Please contact: | Mr R Capon (01395 517521) |
| E-mail: | Planningappeals@eastdevon.gov.uk |
| Our Reference: | **24/1028/FUL** |

**East Devon District Council**
**Blackdown House**
**Border Road**
**Heathpark Industrial Estate**
**Honiton**
**Devon**
**EX14 1EJ**

**DX48808 Honiton**

**Tel: 01395 516551**

**www.eastdevon.gov.uk**

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990**
**APPEAL BY: Mr Stephen Drinkall**
**APPEAL REF: APP/U1105/W/24/3358068**
**PROPOSAL: Demolition of warehouse/general industrial building (use classes B2 and B8) and erection of 3no. work/live units and 1no. dwelling (use class C3)**
**LOCATION: Warehouse (Store rear of Belvedere House) Danby Lane Exmouth**

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 18 February 2025.** 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 faithfully

*R Capon*

**Senior Technical Officer**
**Development Management**