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

21 May 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 **Tuesday 27 May 2025 at 6.15pm** to consider the matters detailed on the agenda below.

Yours faithfully

Lisa Bowman
TOWN CLERK

AGENDA

1. To elect the Chairman and Deputy Chairman of the Planning Committee.

2. 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.

---

3. **Minutes of meeting held on 12 May 2025:**
   To confirm the minutes (copies attached)

4. **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.

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

6. **Tree and advertising consent applications**

HALSDON

Planning Application No: 25/0817/TRE

Location: 12 Hulham Vale, EX8 4QB
Applicant: Mrs Sue Pym
Proposal: T1: Oak - crown lift, removing epicormic growth up to 8m from the base of the tree and remove dead wood from canopy. removing epicormic growth up to 8m from the base of the tree and remove dead wood from canopy.
T3: Oak - crown lift, removing epicormic growth up to 8m from the base of the tree and remove dead wood from canopy.
T4: Oak - crown lift, removing epicormic growth up to 8m from the base of the tree and remove dead wood from canopy.
T5: Oak - crown lift, removing epicormic growth up to 8m from the base of the tree and remove dead wood from canopy.
T6: Tulip Tree - reduce height by approximately 6m to leave even canopy shape.

Target date: 30.05.25

Tree Officer's report attached for information.

---

7. **Planning applications.**

BRIXINGTON

None

HALSDON

None

LITTLEHAM

Planning Application No: 25/0837/FUL

Location: Land at the Former Rolle College, Fairfield Road, EX8 2BL
Applicant: Mrs Ozge Simpson
Proposal: Reinstatement of a portion of the brick boundary wall and installation of new metal railings along the boundary of Rolle Gardens and Portland Avenue.

Date limit for comments: 28.05.25

TOWN

Planning Application No: 25/0947/VAR

Location: 105 Victoria Road, EX8 1DR
Applicant: Mrs K Rowsell
Proposal: Variation of Condition 2, (Approved Plans – Appeal decision APP/U1105/W/21/3285171), on Planning permission 20/1799/FUL (Proposed new 1 bed annexe with under-croft for 2no. vehicle parking) Proposed alterations to the front southern 1st floor window and front and rear ground floor doors.

Date limit for comments: 06.06.25

Planning Application No: 25/1023/FUL

Location: 117 Exeter Road, EX8 1QE
Applicant: Mr and Mrs Blackett
Proposal: Single-storey rear infill extension

Date limit for comments: 09.06.25

WITHYCOMBE RALEIGH

None

---

8. Other items

None

---

9. Items for information

i. Appeal Decision
Appeal ref: APP/U1105/W/24/3355976
Appeal by: Devoncourt Hotels Ltd
Application Ref: 22/2910/MFUL
Location: Devoncourt Hotel, 16 Douglas Avenue, EX8 2EX

Proposal: construction of 51 open market and 15 affordable apartments and new 65 bed hotel with access via Maer Road car park, associated car parking and landscaping works.

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

ii. Notification of New Premises Licence Applications Received

Ref No. 059846
Premises: Manor Gardens, EX8 1NZ
Ward: Town
Name of Applicants: Exmouth Town Council

TIME LIMITED PREMISES LICENCE APPLICATION – 11.07.25 to 13.07.25 EXMOUTH FESTIVAL

Ref No. 059847
Premises: Queen's Drive Space, Queen's Drive
Ward: Littleham
Name of Applicants: Exmouth Town Council

TIME LIMITED PREMISES LICENCE APPLICATION – 12.07.25 to 13.07.25 EXMOUTH FESTIVAL

Ref No. 059848
Premises: Strand (The), EX8 1BR
Ward: Town
Name of Applicants: Exmouth Town Council

TIME LIMITED PREMISES LICENCE APPLICATION – 12.07.25 to 13.07.25 EXMOUTH FESTIVAL

Details of the above applications can be viewed on EDDC's website.

iii. East Devon District Payphone removal decision

To note BT's decision following the consultation at the beginning of the year.

iv. Local Plan Consultation – Coastal Preservation Boundary

To note response from East Devon District Council in relation to our query regarding the changes to the Coastal Preservation Boundary.

---

10. East Devon District Council – Planning Decisions

Application	*Exmouth Town Council View*	*EDDC Decision*
25/0541/FUL 30 The Marles	No objection	Conditional Approval
24/0785/FUL **Flat, The York Inn, 21 Imperial Road**	**No objection**	**Refusal**
25/0558/FUL 123 The Marles	Objection	Refusal

25/0551/FUL 16 Raddenstile Lane	No objection	Conditional Approval
25/0644/FUL 4 Marions Way	No objection	Conditional Approval
25/0448/PDMA Rolle Clinic, 6 Rolle Road	No objection	Approval
25/0563/FUL The Octagon	No objection	Approval
25/0721/FUL 39 Brixington Lane	No objection	Conditional Approval

DELEGATED REPORT

Application No: **25/0817/TRE**

Location: **12 Hulham Vale Exmouth**
EX8 4QB

Proposal: **T1 to T5, Oaks: Crown lift the trees northern aspect, where they overhang the public highway, to achieve a crown clearance of up to 5.2m.**
T6, Tulip tree: Crown lift to provide 3m clearance above ground level. Prune back foliage growing towards the adjacent dwelling, to provide up to 1.5m clearance from the fabric of the building.

Development Type: **TPO**

Date of Site Visit: **24.04.2025**

Consultation Period End Date: 09.05.2025

CONSULTATIONS

None received.

CONTRIBUTORS

None received.

OFFICER REPORT

The oak trees (T1 to T5) form a lineal feature growing on the northern boundary of the property. They are visually significant when viewed from Marley Road and they make an important contribution to the amenity and character of the local area. The trees appear in good health and free from significant defects. The proposed works seek to remove low foliage growing over the public highway and these works are considered appropriate and necessary management to achieve statutory clearance over the road.

The tulip tree (T6) grows to the south of the property, it can be seen from the surrounding properties and the entrance to Hulham Vale. The tree makes a positive contribution to the amenity and character of the local area. The tree is in good health and is free from significant defects. The proposed crown lifting and pruning back from the fabric of the adjacent building is considered appropriate tree management.

CONCLUSION

No objection is raised to the proposed works subject to the listed conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

DELEGATED REPORT

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).



The oak trees (T1-T5) viewed from the northeast.



The tulip tree (T6) viewed from the east.

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.

Planning Inspectorate

Appeal Decision

Hearing held on 23 April 2025

Site visit made on 23 April 2025

by H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Appeal Ref: APP/U1105/W/24/3355976
Devoncourt Hotel, 16 Douglas Avenue, Exmouth, Devon EX8 2EX

- 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 Devoncourt Hotels Ltd against the decision of East Devon District Council.
- The application Ref is 22/1910/MFUL.
- The development proposed is demolition of the existing Devoncourt building and outbuildings, construction of 51 open market and 15 affordable residential apartments and new 65 bed hotel with access via Maer Road car park, associated car parking and landscaping works.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's first reason for refusal (RfR1) refers to noise and light spill effects on neighbouring occupiers. Following information submitted with the appeal, the Statement of Common Ground (SoCG) confirms that subject to conditions, the development would be acceptable in respect of noise, light and glare impacts. These aspects of RfR1 were therefore not defended by the Council.

3. A completed S106 agreement was received on the 9 April 2025 which I address below.

Main Issues

4. The main issues in the appeal are the effects of the proposal on:

   - the living conditions of neighbouring occupiers of Blair Athol and No 14A Douglas Avenue, with particular regard to privacy and outlook; and
   - the character and appearance of the area.

Reasons

Context

5. The appeal site comprises the Devoncourt Hotel which is a largely red brick building of substantial scale that presents a frontage to Douglas Avenue behind a modest car parking area. The hotel is to be demolished, along with a nearby separate Coach House building, and replaced with the North Block building, containing 51 apartments.

6. The currently undeveloped garden would also receive additional development in the form of a separate South Block apartment building, containing 15 No affordable dwellings, and a replacement hotel building containing 65 bedrooms, gym and restaurant. The North and South Blocks would be served by an altered access from Douglas Avenue, with internal access roads and parking between the two buildings and beneath the North Block. The replacement hotel would have disabled parking bays and a servicing area from a new vehicular access from Maer Road Car Park to the south of the site. The Maer Road Car Park or other local parking facilities would need to be utilised by hotel guests.

Living conditions

7. The Council's RfR focuses on the effects of the proposal on the living conditions of occupiers of Blair Athol and No 14A Douglas Avenue. Residents of Maer Road dwellings (odd Nos 1 – 11) have objected and were also represented at the hearing. Whilst there would be a change to the outlooks from their respective dwellings and gardens, it would not be of development in such close proximity or of such a scale or design that would be materially harmful. Similarly, any windows, balconies, or openings in any of the buildings of the proposal would not be so close or directly orientated that there would be harmful overlooking effects. Therefore, my view is that residents of Maer Road would not be materially harmed by the proposal such that further assessment is necessary here.

8. In terms of the effects on the living conditions of residents of Blair Athol, in particular Nos 1, 3, 5 and 7, the effects of the proposal would arise from the relationship to the eastern wing of the Northern Block. In terms of context, the existing Hotel building has a small number of windows that look towards the boundary with Blair Athol, and reciprocally, there are windows within the study/Bedroom 3 room within the apartments at Blair Athol which look towards the Hotel. There is a reasonable gap between the two respective buildings and a line of evergreen trees on the boundary which offer some filtering of the views. The balconies and terraces in Blair Athol also allow views towards the side of the Hotel, whereas the rear balconies of the Hotel are positioned beyond Blair Athol such that views are directed towards the sea, with only incidental views of the middle and lower sections of Blair Athol's communal gardens.

9. The proposal would move the built mass of the Northern Block slightly further away from Blair Athol than the current Hotel to allow for a two-way access road. There would be more windows across all floors on the side elevation, but with the exception of the study rooms, these would all be oriel windows that are obscure glazed on the face towards Blair Athol and transparent on the sections that would allow an angled view either towards Douglas Avenue or south towards the sea. Any balconies on the rear elevation of the Northern Block would have side privacy screens such as to direct the views of users towards the sea. There would be no access to the third floor roof that would allow its use as a terrace to affect the privacy of occupants of Blair Athol. All of the other built elements of the proposal, including the South Block and Hotel, would be at such a distance from Blair Athol so even if a modest degree of change would occur to private views, it would not be overbearing.

10. Overall, subject to the imposition of conditions, I do not find that the living conditions of occupiers of Blair Athol would be materially harmed by the proposal.

11. On the western side of the site, No 14A Douglas Avenue has been designed and built into a particularly modest space in between the Hotel and No 14 with only a nominal distance between it and the shared boundary. The dwelling presents a narrow frontage to Douglas Avenue and has its principal living areas on the rear at first and second floor levels, one inset behind a recessed balcony. There are two Holm Oak trees on the boundary of No 14A and the Hotel which enclose the garden in a positive way. The design of No 14A's eastern flank elevation and the trees combine to give the occupants of No 14A a degree of relief from the built mass and potential for overlooking from the openings and balconies of the Hotel.

12. Under the proposals, the built mass of the Northern Block would extend beyond the existing rear wall of the existing Hotel by around 12 metres in total. The closest part of the deeper building would be around 5 metres from the boundary with No 14A and a stepped section would take the remaining 4 metres of projecting building a further 6 metres away from the boundary. The overall height of the building would be relatively similar overall, but the proximity and extent of built mass so close to No 14A would result in a harmful sense of enclosure for its occupants, or as the Council described it, a feeling of being hemmed in.

13. The appeal proposal currently involves the removal of the two Holm Oak trees on the boundary. Whilst it was suggested at the hearing that there is potential for one of these trees to be retained, rather than removed, that is not detailed in evidence before me and as such, I can only place reliance on the Demolition Plan (Ref 7057-101 Rev E) which indicates otherwise. Whilst the trees provide a sense of enclosure to the house and garden, their contribution is positive and welcomed. Whilst from an arboricultural perspective it may be acceptable, the removal of the trees would exacerbate the exposure to the larger building in close proximity to the boundary and thus, would exacerbate the harmful sense of enclosure for occupiers of No 14A.

14. There would be oriel windows on ground, first and second floor levels of the North Block's western elevation which would be broadly level with the rear wall of No 14A which would endeavour to orientate views towards the sea. There would be rear balconies with side privacy screening around 6 metres away from No 14A and a further set around 12 metres away. There would also be a third floor level roof terrace inset from the outer edge of the roof. Due to the proximity of these features to the boundary with No 14A, even though the design techniques employed would largely avoid direct overlooking, the sense of being overlooked from within the house and garden of No 14A would be markedly increased, particularly so from the use of balconies and the terrace which would be much larger and more practically useable for sitting out than those present on the existing Hotel.

15. For the above reasons taken collectively, I consider that the appeal proposal would be materially harmful to the living conditions of occupiers of No 14A Douglas Avenue, with particular regard to loss of outlook and privacy. These aspects bring the scheme into conflict with Policy D1 of the East Devon Local Plan (adopted 2016) (Local Plan). This Policy seeks to ensure that new development does not adversely affect the amenity of occupiers of adjoining residential properties.

Character and appearance

16. The appeal site is situated in an area to which *The Design Statement for The Avenues* relates (the Design Guide) (2017). Policy EB2 of the *Exmouth*

Neighbourhood Plan (Neighbourhood Plan) (adopted 2019) requires that new development should be mindful of surrounding building styles and ensure a high level of design as exemplified in the Design Guide. Two of the recommendations in the Design Guide with which the development is alleged to be in direct conflict are *Recommendation 4,* which seeks to avoid backland development along the southern side of Douglas Avenue where the existing linear form of development is bounded by the open countryside of the Maer Valley, and *Recommendation 6* which requires that the scale of future developments should seek to retain the balance between buildings and greenery, with efforts made to limit developments to no more than 25% plot coverage to retain the spaciousness of the site.

17. The Design Guide details that much of the area around The Avenues is characterised by large villas, many Victorian/Edwardian in origin, set within spacious, walled plots and wide, tree-lined streets. Even the post-1950 area of The Avenues is characterised by detached dwellings, albeit of a more modest scale, but which are built at low densities such as to maintain the area's sense of spaciousness. It is also acknowledged in the Design Guide that many of the traditional villas have been replaced with blocks of flats and apartments, noting Blair Athol and others near the Devoncourt as examples of such redevelopments. The earlier 2005 Design Guide relating to the same area also notes that on Douglas Avenue there are several large blocks of flats on four floors and the Devoncourt Hotel. There is therefore recognition that the Devoncourt and some nearby sites have buildings on them which are already uncharacteristic of the wider Avenues area.

18. The existing hotel presents a dominant, unrelenting and tired frontage onto Douglas Avenue with a haphazard arrangement of cars in its frontage space and lining the street outside. There is very little in the way of a sense of spaciousness from Douglas Avenue with the building fully crowding the available plot width. Notwithstanding the separate issues of its effects on neighbouring occupiers outlined above, the Hotel's replacement with the Northern Block and associated landscaping would be a positive intervention in the Douglas Avenue streetscene and wider built environment, helping to raise the quality of design overall.

19. Whereas the current, sloping gardens of the site are largely undeveloped save for the modest car park, tennis courts and swimming pool on the eastern side, the proposal would introduce additional built mass and associated internal roads largely within the central and lower central portions of the site. The totality of the development would exceed the 25% extent outlined in Recommendation 6 of the Design Guide with the figure of around 42% offered. The buildings and roads would also be orientated on angles, unlike others in the surroundings.

20. Rather than a largely green setting gently climbing towards the rear of the expansive hotel building, there would be buildings appearing in layers, at the lower end, the mid-section and connected by new roads to the new North Block. This would be a notable change and would reduce the sense of spaciousness to the rear that the existing Hotel shares with its immediate neighbours at Blair Athol, Monterey, Ardenny Court and St Cyr. These changes would be visible from The Maer, from Maer Road and in the small number of glimpsed views available from Foxholes Hill. My view is that the changes would not be visually dominating, given the context of the site and its established verdant qualities, but would nonetheless result in adverse effects to the character and appearance of the area.

21. Whereas it is suggested that the development would be a form of backland development discouraged by the Design Guide, I do not entirely agree as the development would extend down to the south in a similar way to the Maer Road dwellings and could connect through to the Car Park with frontages in both directions. The relationship of the southern part of the site to the adjacent sportsground and new pavilion building also support the site's ability to have a frontage onto the Maer Road Car Park such as to avoid being a form of backland development. Even where some backland development has occurred further along Douglas Avenue in the form of Orcombe Gardens, that has become a high quality development which cannot be said to have harmed the character or appearance of the area in any event.

22. The Council also raises the design of the replacement Hotel, noting that *Recommendation 8* of the Design Guide stipulates that modern designs which are out of keeping with their environment should be demonstrated as being truly outstanding examples of modern architecture. The Hotel would be a rectangular, four storey building with a green roof set behind low parapet walls, set down into the site so as to minimise its height. The ground floor would be largely glazed and vertical emphasis would be created in its appearance through the upper floors through a narrow, repetitive window arrangement. Some sections on the building would project, or recess to provide depth and interest, including some box framed window features. The predominant external material would be a mixed tone and texture wooden cladding, with some stone, brick and rendered sections.

23. Whilst I do not consider that the design of the replacement Hotel would be a truly outstanding example of modern architecture, I noted a number of modern buildings in the surrounding area, including the Lifeboat Station and others around the seafront, from which the proposal would draw adequate reference in terms of appearance and materiality. The scale, form and siting of the building would be logical and useable for a hotel operator and its appearance would be individual but not alien.

24. From the above, it is evident that different aspects of the proposal pull in different directions, but my overall finding is that there would be harm from the loss of openness of the character and appearance of the area and that this would be of a low to moderate adverse localised nature overall. I reach this view despite the findings of the submitted Landscape and Visual Impact Assessment[1] and numerous examples of other buildings and site layouts in the surrounding area. For these reasons, the proposal would not comply with, in particular, Policies EB2 of the Neighbourhood Plan which links with the Design Guide. It would also raise a degree of conflict with Policy D1 of the Local Plan which also seeks to ensure that development respects the key characteristics and special qualities of the area in which it is proposed.

Other Matters

25. The emerging East Devon Local Plan 2020 – 2042 (eEDLP) reached Regulation 19 stage following submission of the appeal. The main parties submitted comments in writing as to the relevance of the emerging policies and the varying degrees of weight that they attract given the nature and level of any objections raised in connection with the same.

[1] Redbay Design Landscape Consultants, 2022

26. The main parties agreed in the SoCG that the Council is only capable of demonstrating a 2.97 year supply of housing against the minimum five year supply with appropriate 5% buffer as required by the National Planning Policy Framework (Framework) (2024). The parties also agreed the base date of January 2025 and the related numerical shortfall of around 2,531 housing units.

27. The site is situated within close proximity of the Exe Estuary which is designated as a Special Protection Area (SPA) and Ramsar site under the Conservation of Habitats and Species Regulations 2017, as amended (the Habitats Regulations). The addition of new residents to the area would increase recreational disturbance and thus affect the integrity of the SPA. The means of mitigating such effects are outlined in the *South-east Devon European Site Mitigation Strategy* (2014) for which proportionate financial contributions are offered in the executed S106 agreement. Though I note the agreement between the main parties on this aspect such that it would not itself form a reason for refusal, I have not undertaken a further appropriate assessment of the offered means of mitigation under the Habitats Regulations.

28. The S106 agreement also seeks to secure 25% affordable housing (including through on site provision and top up contribution for offsite use), on site public open space and management company responsibilities in relation to the latter. As the appeal is being dismissed, it has not been necessary to further examine the planning obligations.

Planning Balance

29. In relation to its harm to the character and appearance of the area but moreover, its effects on the living conditions of No 14A Douglas Avenue, the proposal conflicts with Policies D1 of the Local Plan and Policy EB2 of the Neighbourhood Plan.

30. The parties agree that the Council's inability to demonstrate a 5 year supply of housing land engages paragraph 11 d) of the Framework, otherwise known as the 'tilted balance'. Paragraph 11 d) sets out that where the policies which are most important for determining the application are out-of-date, permission should be granted unless either, (i) the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or, (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The assessment under 11 d) ii) should also be made having regard to policies in the Framework taken as a whole, along with key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.

31. Though both the Neighbourhood Plan and Local Plan are out of date through age and by implication of the housing land supply shortfall, some policies remain capable of attracting weight. I attach reduced weight to the conflict with Neighbourhood Plan Policy EB2 which has to be read in the context of the prescriptive Design Guide as a material consideration, but attach full weight to the conflicts with Policy D1 of the Local Plan, given its consistency with the Framework.

32. The benefits of the development include the delivery of 51 open market dwellings and 15 affordable dwellings which would contribute positively to the significant

shortfall of over 2,500 houses. This is a significant benefit of the scheme in light of the shortfall position and agreement in the SoCG that there is a great affordable housing need in Exmouth.

33. The reuse of a sustainably located, previously developed site in an efficient manner would also be a benefit of the scheme, as too would be the modest additional economic benefits from a net increase of 11 hotel bedspaces within the town. I attach modest weight to these benefits.

34. There would be a degree of improvement to highway safety, enhanced provision of public open space and further ecological and Biodiversity Net Gain enhancements. These benefits also collectively attract modest weight. Further economic benefits would also result from the construction phase and thereafter, from the occupation of the site by additional residents. These economic benefits also attract further limited weight in favour of the scheme.

35. However, even taken collectively, the benefits of the scheme do not outweigh the significant or demonstrable harms that would result from the scheme. Thus, the application of the tilted balance does not lead me to a conclusion that the scheme should be allowed by reason of its conflict with the development plan, when taken as a whole. There are no considerations, including the emerging policies of the eEDLP or suggested conditions that do so either.

Conclusion

36. For the foregoing reasons, the appeal is dismissed.

H Nicholls

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Richard Kimblin KC	Counsel for the appellant
Malcolm Gigg	ARA Architecture
James McMurdo	McMurdo Land Planning and Development Limited

FOR THE LOCAL PLANNING AUTHORITY:

Jamie Quinton	East Devon District Council
Gareth Stephenson	East Devon District Council
Kenji Shermer	East Devon District Council

INTERESTED PARTIES:

Nick Hookway	Councillor for Exmouth Littleham
Julian Short	Local resident
Richard Stradling	Local resident
Karen Crawford	Local resident
Geoffrey Crawford	Local resident
Graham Deasy	Exmouth Town Council
Jean Flockhart	Local resident
Michael Humphrey	Local resident
John Benson	Local resident

DOCUMENTS

Document 1	Plan Refs 7057 SS01, SS02 A, SS03 A, SS04 A

DOCUMENTS RECEIVED AFTER HEARING

Document 2	Email with amended suggested condition No 17 and additional landscaping condition

Ref.	Call box ID	Address	Post Code	Representation period ends	Mobile coverage				Mobile Coverage OK?	Total calls (last 12 months)	Helpline calls (last 12 months)	High frequency accident location	High frequency suicide location	BT Evidence of other reasonable need	Removal decision outcome (following 90 day proposal for removal)	Reason	Adoption Interest
					EE	Three	O2	Vodafone		<52 calls	<12 calls or Helplines Partnership approve	No pattern of serious accidents in close proximity	Not identified by Helplines Partnership	No other evidence			
1	0129720074	PCO PCO1FORE STREET BEER SEATON	EX12 3EQ	01/05/2025	3	4	4	3	YES	41	1	No	No	No	Remove Telephony Only	Meets removal criteria	No Interest
2	01297552700	WAYLEAVE PP671 PCO1POST OFFICE SEATON ROAD COLYFOR	EX24 6QW	01/05/2025	3	4	4	3	YES	6	0	No	No	No	Remove Telephony Only	Meets removal criteria	Colyford Parish Council wish to adopt
3	01392460241	VILLAGE HALL PCO1 BROADCLYST EXETER	EX5 3EE	01/05/2025	3	3	4	3	YES	21	0	No	No	No	Remove Telephony Only	Meets removal criteria	Broadclyst Parish Council wish to adopt
4	01395227089	LIFEBOAT STN PCO1ESPLANADE EXMOUTH	EX8 1BQ	01/05/2025	3	4	3	3	YES	12	0	No	No	No	Remove Kiosk	Meets removal criteria	No Interest
5	01395227104	ADJ ALL SAINTS CHURCH PCO1EXETER ROAD EXMOUTH	EX8 1PN	01/05/2025	4	4	4	4	YES	31	6	No	No	No	Remove Kiosk	Meets removal criteria	No Interest
6	01395269501	PCO PCO1VICTORIA ROAD EXMOUTH	EX8 1DL	01/05/2025	4	4	4	4	YES	9	0	No	No	No	Remove Kiosk	Meets removal criteria	No Interest
7	01404815745	TELEPHONE KIOSK O/S SAINSBURY'S CARPARK CARPARK HIND	EX11 1BW	01/05/2025	4	3	3	3	YES	18	1	No	No	No	Remove Kiosk	Meets removal criteria	No Interest
8	1404891209	PCO PCO1MILLRISE LUPPITT HONITON	EX14 4UA	01/05/2025	3	3	3	3	YES	2	0	No	No	No	Remove Telephony Only	Meets removal criteria	No Interest

May-June 2024 public consultation feedback to the CPAs in chapter 11; p.122/3
2a. Reg 18 Further Consultation feedback report Summer 2024.pdf

Do you have any comments on Exmo_17 being within the proposed CPA?

The responses to the question about Exmo_17 being within the proposed Coastal Preservation Area (CPA) overwhelmingly express opposition to any development in this area.
Respondents emphasise the importance of preserving the natural beauty, wildlife habitats, and recreational value of the site.

Many raise concerns about infrastructure capacity, particularly regarding roads, sewage systems, and local services.

There is a strong sentiment that the area's current designations as an Area of Outstanding Natural Beauty (AONB) and part of the CPA should be respected and maintained.

Key points raised, in order of frequency:

Environmental and landscape protection
- Preservation of wildlife habitats and biodiversity
- Importance of maintaining the area's natural beauty

2. Infrastructure concerns
- Inadequate roads, schools, healthcare facilities, and sewage systems
- Inability of current infrastructure to support additional housing

3. Recreational value and public access
- Importance of the cycle path and walking routes
- Area's contribution to community well-being and mental health

4. Opposition to development in CPA/AONB
- Criticism of considering development in protected areas
- Concern about setting a precedent for future development

5. Local character and identity
    - Preservation of Littleham village character
    - Concern about Exmouth becoming overdeveloped

6. Traffic and congestion issues
    - Worries about increased traffic on local roads
    - Existing congestion problems

7. Flooding and drainage concerns
    - Site being on a flood plain
    - Potential impact on water management

8. Support for inclusion in CPA
    - Calls for the site to be included or remain within the CPA

9. Affordable housing needs
    - Preference for affordable or council housing if development occurs

10. Confusion about the question or proposal
    - Some respondents found the question unclear or lacked information

Statutory organisations summary

Historic England

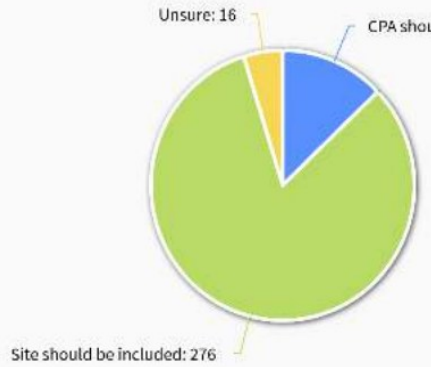
While we welcome the proposed addition of land adjacent to Exmo_17 into the Coastal Protection Area, insofar as this could help to protect the setting of the Grade II* listed Parish Church of St Margaret and St Andrew and its grounds, the proposed boundary does not appear logical or consistent when considered in relation to the wider Coastal Preservation Area. We note that Exmo_17 is a second choice allocation and we suggest that a more logical and defensible boundary for the Coastal Protection Area should follow the line of the former Branch Railway / Budleigh cycle track. This would draw in the area with wooded field boundaries around Littleham Brook.

11.Coastal Preservation Area

Exmo_17

Total responses: 335

Do you think that proposed site allocation Exmo_17 should be included in the Coastal Preservation Area (CPA) or should the CPA be redrawn to exclude the site?



East Devon District Council

I email further to our telephone conservation, your email and the attached.

By way of context setting I would highlight that:

- The Coastal Preservation Area and its boundaries are a designation defined through the new emerging local plan, as they were in past plans, by East Devon District Council. National planning policy/guidance does not direct or instruct the Council to define such areas or any associated policy wording, its council choice, albeit a choice that can be tested by an inspector at plan examination.

- In contrast National Landscape areas (formerly/sometime referred to as AONBs) are spatially defined by Government (or more precisely, I believe, by the Government statutory body/advisor – Natural England). There is national policy that needs to be applied to National Landscape areas but also the local plan can add to this through specific policy wording.

From one plan to the next East Devon District Council can, therefore, consider whether amendments should be made to Coastal Preservation Area boundaries and the policy wording that applies to them in respect of considering development proposals and planning applications.

These designations, and specifically development constraints that apply within them, do however need to be seen within the context of nationally defined (standard method) housing numbers that East Devon District Council (and all Councils that are relevant planning authorities in England) need to plan to accommodate. Accommodating the high numbers that government demands for East Devon District Council raises some hard challenges (its important to stress that our Council is far from unique in this respect). There are limited site choices/development options available, with many constraints, and whatever sites are put forward as allocations for development need to be underpinned by a coherent logical approach to development – a rational plan strategy. For Exmouth the emerging local plan regulation-19-plan.pdf under 'Strategic Policy SP01: Spatial strategy' states *"…. B. Promoting the most significant development levels, other than at the West End where the highest levels of growth are proposed, at the Principal Centre of Exmouth. …"*

To arrive at housing numbers for the town to align with this strategic approach has necessitated some quite challenging allocations having to be made, though not that we have a great selection of site allocation choices elsewhere in East devon even if we discarded our strategic approach to the distribution of development.

I am aware that there have been challenges and concerns raised in respect of the allocation of Exmo_17, in respect of National Landscape and Coastal Preservation Area considerations (and wider matters). At local plan examination these may well be matters that the appointed planning inspector (or inspectors) wish to look into in some detail, noting that they will review representations made on the local plan.

The above said, however, any interested party can pursue a development scheme and submit a planning application whenever they like and our council is required to respond. It is quite common practice for developers to submit planning applications before a local plan is finalised and often applicants may attach some degree of confidence in an application being looked upon favourably when a site is allocated in a draft/emerging local plan. Conversely some may

bring forward an application in these circumstances when a site is not allocated. In considering any such applications our Council would need to be mindful of the fact that we do not have a five-year land and shortage of readily available housing development land is a clear concern of the Government and how they have phrased Government planning policy. We would also be in a very vulnerable position to seek to argue that it is premature to determine any such application ahead of the local plan making process and local plan adoption.

As a final observation, on the extent of the Coastal Preservation Area boundary, it would strike me as inappropriate to include with the boundary, in the local plan, areas of land that are planned to accommodate substantive levels of new development - this provides justification for exclusion of Exmo_17 from the proposed designated area. Our Council does not though have powers to amend National Landscape designated areas.

Planning Policy
East Devon District Council