Exmouth Town Council

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

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email: reception@exmouth.gov.uk
www.exmouth.gov.uk

This meeting is open to the Public and Press

28 January 2026

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 February 2026 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.

2. **Minutes of meeting held on 19 January 2026:**
   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**

WITHYCOMBE RALEIGH

Planning Application No: 25/2633/TRE

Location: Homeleigh, St John's Road, EX8 5EF
Applicant: Thomas Shillitoe
Proposal: T1, Birch: fell; the tree has visible signs of the fruiting body Birch Polypore (Fomitopsis betulina) at approximately 5m, the tree has dead wood throughout the crown which is an indication of structural weakening.

Target date: 16.02.26

6. **Planning applications.**

BRIXINGTON

Planning Application No: 26/0060/FUL

Location: 65 Winston Road, EX8 4LR
Applicant: Mrs Kay Long
Proposal: Rear extension to property

Date limit for comments: 10.02.26

HALSDON

Planning Application No: 26/0039/FUL

Location: 268 Exeter Road, EX8 3NL
Applicant; Mrs Paula McBride
Proposal: Single storey rear extension

Date limit for comment: 09.02.26

Planning Application No: 26/0035/FUL

Location: 1 Hulham Vale, EX8 4QB
Applicant: Mrs. Claire Robson
Proposal: Proposed single storey extension to existing converted garage, remaining ancillary to the main dwelling

Date limit for comments: 05.02.26

LITTLEHAM

Planning Application No: 25/2303/MFUL

Location: Site of former oil petroleum and gas refinery, Albion Hill, EX8
Applicant: Ms Helena Chivers (Heritage Homes (Southwest) Ltd)
Proposal: Erection of 2 no. apartment blocks comprising 26 no. apartments (Class C3) with associated access, car parking, landscaping, open space and associated works on previously developed land at the former gas works.

Date limit for comments: 06.02.26

Planning Application No: 26/0068/FUL

Location: 90 Foxholes Hill, EX8 2DH
Applicant: Mrs Karen Clayden
Proposal: Demolition of rear conservatory; construction of single storey front extensions; first floor extension over garage; roof alterations; installation of first floor front balcony, solar PV panels, and alterations to fenestration and external materials.

Date limit for comments: 11.02.26

TOWN

None

WITHYCOMBE RALEIGH

Planning Application No: 26/0034/FUL

Location: Verge at Bradham Lane, EX8 2NB
Applicant: Ms Ashleigh Boyce (AMP Clean Energy)
Proposal: Construction and operation of a micro energy storage project

Date limit for comment: 06.02.26

Planning Application No: 25/2607/LBC

Location: Travershes, Pound Lane, EX8 4NP
Applicant: Amy Palmer
Proposal: 4no. replacement windows: 1no. ground floor east elevation; 2no. ground floor south elevation and 1no. first floor west elevation

Date limit for comments: 05.02.26

7. Other items

i. Notification of a Street Trading Application Received – Sam's Coffee Trike

The applicant is: Mr Sam Birkinshaw - Sam's Coffee Trike
Location: Sheltered area in front of the Stagecoach office, Imperial Road, EX8 1BZ
Dates: Monday - Sunday
Times: 06:30 - 18:00.

The applicant has the additional term on their current consent, trading must cease if wind speeds are too high to ensure safe trading.

The application is for: 1x bespoke tricycle selling a range of hot drinks, such as tea coffee and hot chocolate and iced drinks available in the summer.

The applicant has noted the following on their application:
I use propane gas to power my coffee machine so it's relatively clean. I have no electricity onboard and the only significant noise is the coffee grinder which is pedal powered. Coffee cups and lids are commercially compostable and admittedly almost all compostable waste ends up in Landfill, due to being a takeaway-only service, customers dispose of cups away from my location. But I'm using the most environmentally conscious packaging. My coffee roaster uses recyclable packaging so coffee bags are repurposed for delivering organic waste to those who require it and the boxes go back to the roaster to reuse. General waste is minimal; a freezer bag's worth per day. Goes in with recyclable waste and collected monthly by a local company. Waste includes milk bottles, hot chocolate tubs etc. The only plastic products I can't reuse are milk bottles, so they get recycled.

The applicant has traded from the location for many years now and in that time, no complaints have been received.

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8. Items for information

i. Notification of Tree Preservation Orders

Land at Rolle Gardens, EX8 – 25/0026/TPO
Confirmation of the above TPO, details attached.

ii. Appeal decision

Appeal ref: 6001345
Appeal by: Mr Stephen Drinkall
Application Ref: 24/0785/FUL
Location: The York Inn, Imperial Road, EX8 1BY
Proposal: Two one-bedroom apartments over an existing public house.
The above appeal was dismissed; the decision notice is attached for information.

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9. East Devon District Council – Planning Decisions

Application	*Exmouth Town Council View*	*EDDC Decision*
25/2542/DEM Jewson Ltd	No objection	Allowed

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

Town and Country Planning Act 1990
TREE PRESERVATION ORDER (NO. 25/0026/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. 25/0026/TPO, "Land at Rolle Gardens, Exmouth", 21st July 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 21st July 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 21 July 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 ...*19th*... day of

...*January*... ...*2026*...

~~*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. 25/0026/TPO

LAND AT ROLLE GARDENS, EXMOUTH

REF. ON MAP	DESCRIPTION	SITUATION		
TREES SPECIFIED INDIVIDUALLY *(Encircled in a solid black line on map)*				
T1	Holm Oak	Centred on grid ref:	(E) 300737	(N) 080485
T2	Holm Oak	Centred on grid ref:	(E) 300737	(N) 080476
T3	Oak	Centred on grid ref:	(E) 300744	(N) 080417
T4	Oak	Centred on grid ref:	(E) 300747	(N) 080417
T5	Oak	Centred on grid ref:	(E) 300753	(N) 080415
T6	Oak	Centred on grid ref:	(E) 300755	(N) 080414
T7	Holm Oak	Centred on grid ref:	(E) 300786	(N) 080453
T8	Holm Oak	Centred on grid ref:	(E) 300811	(N) 080395
T9	Monterey Cypress	Centred on grid ref:	(E) 300822	(N) 080389
T10	Monterey Pine	Centred on grid ref:	(E) 300825	(N) 080420
TREES SPECIFIED BY REFERENCE TO AN AREA *(None)*				
GROUP OF TREES *(Shown within a broken black line on map)*				
G1	x2 (two) Pine	Centred on grid ref:	(E) 300645	(N) 080469
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).

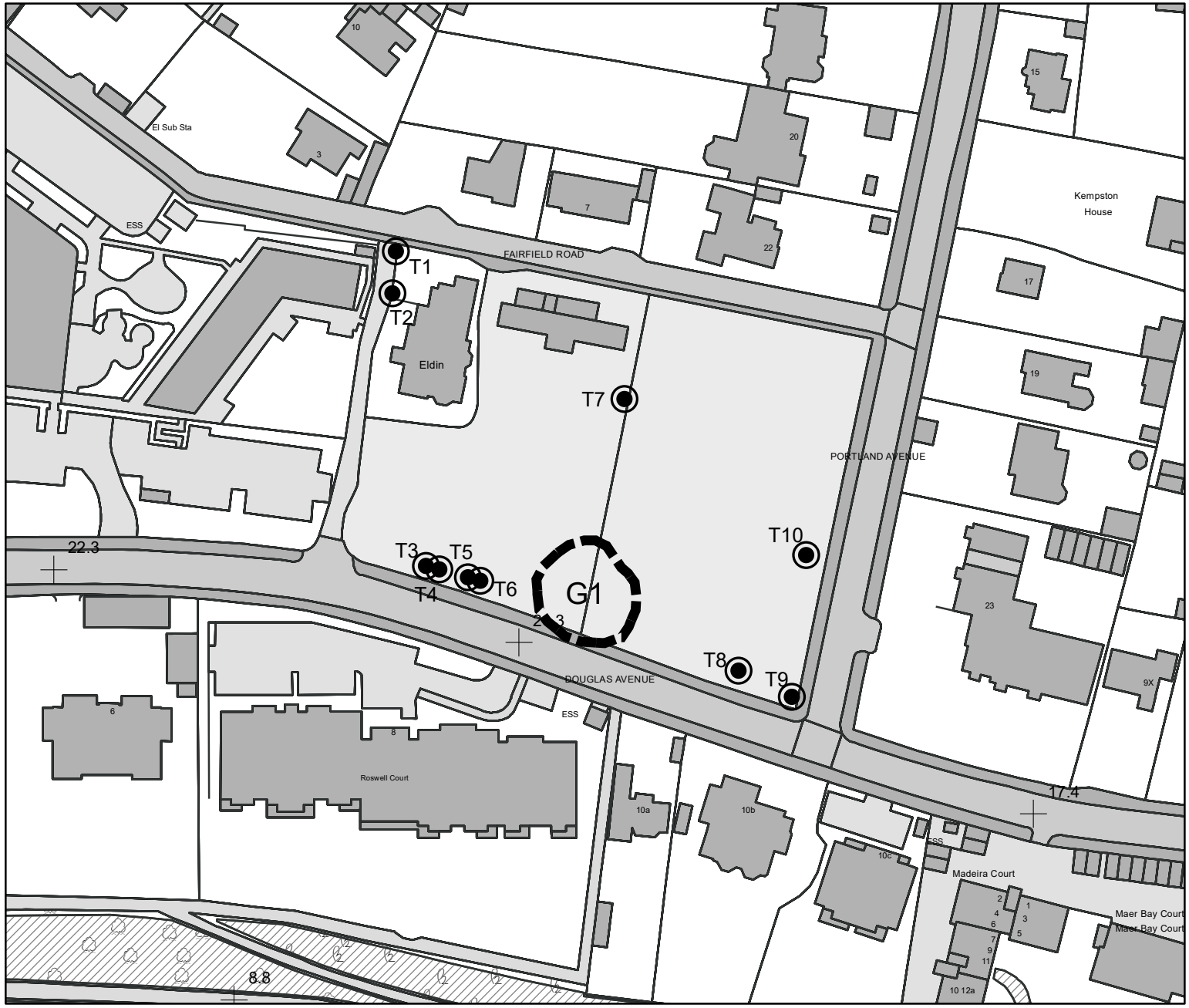
Regulation 26 revokes the Town and Country Planning (Trees) Regulations 1999, the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 and the Town and Country Planning (Trees) (Amendment No.2) (England) Regulations 2008, subject to transitional, transitory and saving provisions in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

East Devon District Council Tree Preservation Order 25/0026/TPO

Land at Rolle Gardens, Exmouth



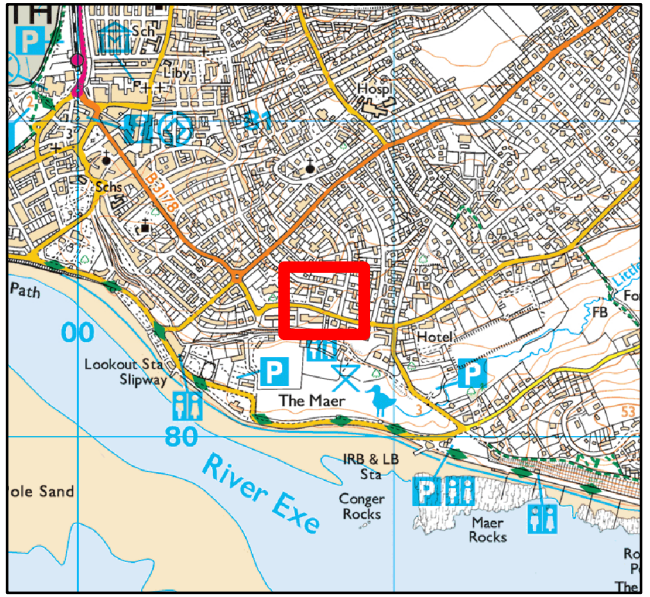
East Devon District Council

Key

- Tree
- Area
- Group
- Wood

Authorised Signature

19 January 2026



1:1,250

0 12.5 25 50 Metres

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Planning Inspectorate

Appeal Decision

by B Plenty BSc (Hons) DipTP MRTPI

Site visit made on 6 January 2026

an Inspector appointed by the Secretary of State

Decision date: 19 January 2026

Appeal Ref: 6001345
The York Inn, Imperial Road, Exmouth EX8 1BY

- 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 Stephen Drinkall against the decision of East Devon District Council.
- The application Ref is 24/0785/FUL.
- The development proposed is for two one-bedroom apartments over an existing public house.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form is slightly different to that on the decision notice. The revised description has been agreed with the appellant and more clearly describes the proposal. I have therefore adjusted the banner heading above accordingly.

Main Issue

3. The main issue is the effect of the proposed development on flood related matters.

Reasons

4. The appeal site is within flood zone 3a, having a high probability to flooding, largely from the proximity of the River Exe Estuary. Policy EN21 of the East Devon Local Plan [2016](LP) states that, where possible, development should be sited in flood zone 1 and only if there are no reasonably available sites in this zone, flood zones 2 and 3 should be first considered. The policy requires a Sequential Test be undertaken to consider whether new development should be permitted in areas subject to river and coastal flooding.

5. Planning Practice Guidance (PPG) explains that the Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding. It states that where it is not possible to locate development in low-risk areas, the Sequential Test should compare ‘reasonably available’ sites within medium risk areas; and then, only where there are no ‘reasonably available’ sites in low and medium risk areas, within high-risk areas. The planning authority is required to determine an appropriate area of search, based on the development type proposed and relevant spatial policies.

6. ‘Reasonable Available’ sites are described, in the PPG, as sites whose location is shown to be suitable for the type of development proposed, that they are able to

meet the same development needs (as the proposal) and have a reasonable prospect of being developed in the same timeframe as the proposal. It also states that such alternative sites do not need to be owned by the applicant to be considered as 'reasonably available'.

7. The appellant's Sequential Test [April 2024] defines the site search parameters for sites that it regards as being 'reasonable available'. This refers to those that are within an agreed search area, are a suitable size, meet the specific requirements of the proposal, are viable for development, are either under an applicant's ownership or available on the open market at a reasonable market value, and are not safeguarded/allocated or have planning permission for an alternative use. The appellant's Sequential Test asserts that as the proposal relates to development within the defined Built-up Area Boundary of the town, and mostly consists of commercial use, the search has been limited to 'reasonably available' sites for this specific form of development.

8. The site search considers the availability of an extensive range of commercial sites within Exmouth, Honiton, Budleigh Salterton, Sidmouth, Ottery, Seaton and Axminster. The Test finds that no other reasonably available sites are either sequentially preferable or would accommodate the proposed new development within the search area.

9. The PPG states that the planning authority will need to determine an appropriate area of search, based on the development type proposed and relevant spatial policies. The Council has stated that the search area should include the entire district and should not only include commercial sites within built up areas.

10. The PPG recommends that Local Planning Authorities prepare guidance on the appropriate area of search for common development types and maintain an up-to-date register of 'reasonably available' sites, clearly ranked in flood risk preference. It seems that the Council has not provided clear guidance on the requirements of a Sequential Test for flood related purposes and does not appear to have a register of suitable sites. Nonetheless, it has clearly explained that the approach taken in the submitted site search is inadequate and its methodology does not garner support from the Local Planning Authority.

11. It has not been clearly explained why only commercial sites have been considered in the Sequential Test. Such a restriction hampers an open assessment of alternative sites and places an unreasonable limit on the breadth of the search. Where guidance requires alternative sites to be capable of meeting the same development needs, this does not infer that only commercial sites should be considered in this case. It seems highly likely that a wider site search, without this restriction, would discover more sites that could accommodate two one-bedroom apartments in areas of lesser flood risk. As such, the Sequential Test applies search parameters that are restrictive and go beyond the advice of the PPG by setting narrow search criteria. Consequently, the Test fails to adequately eliminate alternative sites, within the area, that have a lower risk of flooding.

12. The PPG identifies that a pragmatic approach should be taken when proposing extensions to business premises, when considering the suitability of alternative sites. However, the proposal, whilst connected to an existing public house, appears to be a severable component that could operate independently. Therefore

the proposed scheme does not fall within this requirement for such a pragmatic approach.

13. Under 'Annex 3: Flood Risk' of the National Planning Policy Framework (the Framework), dwellings fall within the 'More Vulnerable' classification. Table 2, within the PPG shows that in addition to passing the Sequential Test, the 'incompatibility' test requires More Vulnerable development to pass an Exception Test if within in zone 3a and not supported at all if within zone 3b. The Framework states that an exception test should be applied once it has been demonstrated that it is not possible for development to be located in areas with a lower risk of flooding. As the Sequential Test has been found to be insufficient, the exception test need not be applied.

14. Accordingly, the appeal site and proposal would be at risk of flooding and would conflict with LP policy EN21 and the Framework. This requires, among other matters, for development in flood zones 2 and 3 to undertake a sequential test and for this to adequately demonstrate that acceptable sites cannot be found in areas at lower risk of flooding.

Other Matters

15. Correspondence from the landlord suggests that the public house experiences limited income during the winter months and relies on rental income during these periods. It is suggested that additional income, provided through the proposed dwellings, would provide increased support to the business at such times. However, a clear financial connection has not been established between the viability of the existing business and a need to develop the appeal site. As such, the financial benefits of the scheme weigh only modestly in favour of the proposal.

16. There would be some, albeit limited, social and economic benefits associated with the proposal with new residential occupiers spending in the area.

17. The proposed development would meet an identified need for smaller residential units in Exmouth by policy H2 in the Exmouth Neighbourhood Plan [2019](NP). However, it has not been demonstrated that such a need could not be provided within parts of the town within flood zone 1 and therefore this is of limited weight in favour of the scheme

18. The Environment Agency initially objected to the proposal but withdrew this objection once the FRA was submitted. However, the absence of an objection does not convey its support. Its position was recently crystalised where it demonstrated support for the Council's decision in finding that the Sequential Test provides insufficient satisfaction that flood matters have been addressed.

19. Reference has been made, by the appellant, to several planning applications and quotes from selected parts of the respective officer reports. These demonstrate that for other schemes, mitigation for tidal flooding has been discussed on the basis that such events are temporary and infrequent. Nonetheless, the context and nature of those proposals are not before me and, in any event, I am required to consider each case on its own merits.

Planning Balance

20. The council cannot demonstrate a five-year housing land supply against their housing requirement, with a substantial shortfall, being less than three years. Two additional dwellings would make a valuable contribution to the Council's housing land supply and thus would contribute to the Government's objective to significantly boost the supply of homes. The economic and social benefits of the scheme and the financial benefits to the public house are noted. Furthermore, the proposal would deliver small homes, meeting a local need required by the NP. Overall, I attach moderate weight to the combined benefits of the proposal.

21. On consideration of the Council's housing land supply position, paragraph 11(d) i) of the Framework indicates that the presumption in favour of sustainable development should be engaged unless the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed. Footnote 7 of paragraph 11(d) of the Framework lists areas at risk of flooding as areas of particular importance.

22. As I have found that the proposed development would not support the location of new residential development in areas at the lowest risk of flooding, which provides a strong reason for refusing planning permission, the presumption in favour of sustainable development is not engaged. Consequently, because of the harm I have found, there is conflict with LP Policy EN21.

23. Areas that flood are not precluded from development but there is a need to first adequately explore locating new development in areas of low flood risk. To do this the Framework requires a sequential approach to be undertaken, requiring an applicant to demonstrate that sites in areas at a lower risk of flooding should be prioritised over those subject to greater flood risk. Therefore, the conflict between the proposal and LP Policy EN21 should be given significant weight in this appeal. Although a failure of the Sequential Test may not be determinative for a proposal, the benefits associated with the proposed development are of modest weight only that would not outweigh the harm found and the conflict with the development plan in this case.

24. Accordingly, the proposal conflicts with the development plan when read as a whole and the material considerations I have identified, even though attracting moderate positive weight in the context of a substantial housing land supply shortfall, do not outweigh that conflict.

Conclusion

25. Therefore, for the reasons given, the appeal is dismissed.

B Plenty

INSPECTOR