

OTTERY ST MARY TOWN COUNCIL

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15 April 2025

Dear Councillors

I hereby give you notice that the **Planning meeting** of **OTTERY ST MARY TOWN COUNCIL** will be held at **18.30 on Tuesday, April 22, 2025**, at **Ottery St. Mary Town Council (8 Broad Street, Ottery St. Mary, Devon, EX11 1BZ)**.

All members are hereby summoned to consider the matters detailed on the agenda below.

Yours faithfully

Jane Bushby

Ottery St Mary Town Council Admin

INFORMATION FOR MEMBERS OF THE PUBLIC/PRESS:

The law requires that public access is possible and not restricted, unless in the case of an agreed confidential session.

1. For members of the public/press that wish to speak at the meeting, under public participation, please raise your hand and wait for the Mayor/Chair to prompt you.
2. For those who have no visual access to the meeting, Members will state their name before speaking and voting.
3. For those who are unable to hear, the agendas and the minutes of the meeting will be available on the Council's website.

Note: Under the Openness of Local Government Bodies Regulations 2014, any members of the public are allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Mayor/Chair has the power to control public recording and/or reporting so it does not disrupt the meeting

Mobile Phones, Pagers and Similar Devices – All persons attending this meeting are required to turn off Mobile Phones, Pagers and Similar Devices. The Mayor/Chair may approve an exception to this request in special circumstances

Table of contents

22/04/2025 19:00 - 21:00

P/25/04/01 - Apologies for Absence 4

P/25/04/01 - Declarations and Disclosable Pecuniary Interests 4

P/25/04/01 - Admission to Meetings 4

P/25/04/01 - Reports, Correspondence and Items referred to the Committee 4

Attachments

24.0046.TPO Conf 5

24.0046.TPO Map Conf 9

25.F0071 Acknowledgement_Letter 10

P/25/04/01 - Minutes 4

P/25/04/01 - Planning Decisions Received 4

P/25/04/01 - Public Participation 4

P/25/04/01 - To consider and determine observations on the following Planning Applications: 11

P/25/04/01 - To receive Councillors' questions relating to Planning Matters 11

P/25/04/01 - Date of the next meeting: TBC 11

AGENDA

P/25/04/11 Apologies for Absence

To receive apologies for absence

P/25/04/12 Declarations and Disclosable Pecuniary Interests

To receive Declarations of interest for items on the Agenda and receipt of requests for new Disclosable Pecuniary Interests (DPIs) dispensations for items on the Agenda

P/25/04/13 Admission to Meetings

In consideration of the Public Bodies (Admission to Meetings) Act 1960 (publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted): to agree any items to be dealt with after the public and press have been excluded

P/25/04/14 Reports, Correspondence and Items referred to the Committee

- 1) 24/0046/TPO Tree preservation order - Land at Foxes Oven, 36 Slade Road, Ottery St Mary
- 2) Enforcement case 25/F0071 - Sign erected on land at Hansford Way

[24.0046.TPO Conf.pdf](#)

[24.0046.TPO Map Conf.pdf](#)

[25.F0071 Acknowledgement Letter.pdf](#)

P/25/04/16 Minutes

To receive the Minutes of the Meeting of the Town Council of 1st April 2025 and to approve the signing of the Minutes by the Chair as a correct record

P/25/04/17 Planning Decisions Received

24/2576/FUL	Former School Yonder Street Ottery St Mary	APPROVAL WITH CONDITIONS
25/0452/DOC	Cadhay House, Cadhay Lane, OSM, EX11 1QT	DISCHARGE OF CONDITION
24/2553/LBC	Fluxton Farm Fluxton Ottery St Mary EX11 1RJ	APPROVAL WITH CONDITIONS
24/2552/FUL	Fluxton Farm Fluxton Ottery St Mary EX11 1RJ	APPROVAL WITH CONDITIONS
25/0358/FUL	Long Range, Whimble, EX5 2QT	APPROVAL WITH CONDITIONS
25/0371/FUL	Otter Nurseries Gosford Road Ottery St Mary Devon EX11 1LZ	APPROVAL WITH CONDITIONS
25/0473/TRE	The Vicars House, The College, OSM, EX11 1DQ	REFUSED
25/0398/LBC	4 Paternoster Row Ottery St Mary EX11 1DP	APPROVAL WITH CONDITIONS
25/0221/LBC	25 Silver Street Ottery St Mary EX11 1DB	APPROVAL WITH CONDITIONS

P/25/04/18 Public Participation

To assist with the smooth running of the meeting, the Chair will allow members of the public present to submit questions/comments relating to items on the agenda for consideration prior to the application being heard. Individual contributions will be limited to 3 minutes. Where there is a group of objectors or supporters for an application, a spokesperson should be appointed to speak on behalf of the group. The Chair will invite the member of public to speak, after the application has been introduced.

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

**Town and Country Planning Act 1990
TREE PRESERVATION ORDER (NO. 24/0046/TPO)**

East Devon District Council, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the Tree Preservation Order No. 24/0046/TPO, "Land at Foxes Oven, 36 Slade Road, Ottery St Mary", 21st October 2024.

Interpretation

2.— (1) In this Order “the authority” means East Devon District Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3.— (1) **Subject to article 4**, this Order shall take effect provisionally on 21st October 2024.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

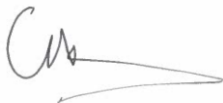
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated 21 October 2024

Signed on behalf of East Devon District Council



.....
Authorised by the Council to sign in that behalf

[CONFIRMATION OF ORDER

This Order was confirmed by East Devon District Council without modification on ...4th... day of

...March... 2025...

~~OR~~

~~This Order was confirmed by East Devon District Council on day of
subject to the following modification(s):~~



.....
Authorised by the Council to sign in that behalf]

~~**[DECISION NOT TO CONFIRM ORDER**~~

~~A decision not to confirm this Order was taken by East Devon District Council on day of~~

~~.....~~

.....
Authorised by the Council to sign in that behalf]

~~**[VARIATION OF ORDER**~~

~~This Order was varied by East Devon District Council on day of~~

~~under the reference number~~

.....
Authorised by the Council to sign in that behalf]

~~**[REVOCATION OF ORDER**~~

~~This Order was revoked by East Devon District Council on day of~~

.....
Authorised by the Council to sign in that behalf]

SCHEDULE

SPECIFICATION OF TREES

TREE PRESERVATION ORDER NO. 24/0046/TPO

LAND AT FOXES OVEN, 36 SLADE ROAD, OTTERY ST MARY

REF. ON MAP	DESCRIPTION	SITUATION
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TREES SPECIFIED INDIVIDUALLY

(Encircled in a solid black line on map)

T1	False Acacia NE of rear garden	Centred on grid ref: (E) 310623 (N) 095522
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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: 7 April 2025
Please contact: Central Team
Tel: number: 01395 571596
E-mail: planningcentral@eastdevon.gov.uk
Our Reference: **25/F0071**



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Dear Ottery Town Council

COMPLAINT: Sign Erected on land at on Hansford Way

LOCATION: Street Record Hansford Way Ottery St Mary

Thank you for contacting us about the above.

We have undertaken an initial assessment of this case and decided that it warrants further investigation through a site visit. We will deal with this as quickly as possible, but we do have to prioritise our work.

In order to help you understand how the Enforcement system works I enclose a leaflet which explains our whole process in more detail. You will see from this that there are many stages that may need to be gone through. Consequently some cases may take a long time to bring to a conclusion.

We would appreciate your patience in this matter and when we have something of significance to report we will let you know. Please be reassured that we will keep your details confidential. If you have any new information that will help us with our investigation please do not hesitate to contact us.

Yours sincerely

Ms Jacqui Webster

P/25/04/19 To consider and determine observations on the following Planning Applications:

Reference	Applicant	Details
1) 25/0700/FUL	Mr Dainton & Mrs Hunter	Proposed demolition of the existing conservatory and outbuildings and the construction of a proposed single storey extension. Westholm, Mill Street, OSM. EX11 1AE
2) 25/0757/AGR	Mr Tom Martin	Poultry Building Holcombe Manor Farm Ltd, Holcombe Lane, OSM, EX11 1PG
3) 25/0717/VAR	Mr Andrew Whitehouse	Removal of condition 2 (agricultural occupancy) from planning permission 7/45/00/P0940/01309 Longview House, OSM, EX11 1PJ
4) 25/0779FUL	Dan Rowse	Construction of a single storey rear and side extension 17 Slade Close, OSM, EX11 1SX

P/25/04/20 To receive Councillors' questions relating to Planning Matters

P/25/04/21 Date of the next meeting: TBC