

Summary of key points

- The licensing application by Lymptstone Manor Hotel ('the Hotel') is in conflict with:
 - a) covenants with Courtlands Estate (and binding upon the Hotel) not to create noise after 11.pm: and
 - b) planning law (see below).

Any licence should be consistent with such covenants and planning law and the Hotel should not be licenced to operate unlawfully.
- The Hotel is subject to restrictions under planning law that music should not be audible beyond the boundary of the Hotel (see condition 22 of the attached document) to protect the amenity of local residents from noise and comply with the Local Plan.
- Further, in its submissions for planning permission to construct the pool complex (including the pool, poolhouse and restaurant) the Hotel specifically agreed to comply with the above planning restriction (see attached). Consequently, it would be inappropriate to grant a subsequent application that would be inconsistent with assurances given so recently to the planning authority.
- It should be noted that the Hotel is situated in a noise sensitive area. Local residents work for the NHS and are on call 7 days a week. Many houses are within 50 meters of the boundary of the Hotel, and several of the lodge houses are situated within the original grounds of the Hotel. The application, if granted, would have an adverse impact on the health and quality of life of the residents.
- 'Events' taking place at the Hotel will increase the volume of people attending the Hotel, in addition to the existing level of residents staying at the Hotel.
- Large gatherings of people attending the Hotel for functions, arriving and leaving at around the same time, will inevitably create noise disturbance. In particular if they are attending the pool complex they will have to walk back through the Hotel's grounds after the event has finished.
- It should be noted that since the pool complex opened, the Hotel has either been closed or had restricted numbers of guests due to COVID. The operational experiences to date (including the number of complaints received) should not therefore be relied upon in judging the merits or likely impact of the application upon local residents .
- A noise impact assessment should be carried out to set a decibel limit on all proposed activities. Courtlands Hotel (as the Hotel was previously known) was subject to restrictions, and the current owners purchased the Hotel in that knowledge. There should be a public consultation thereafter.
- The times set out in the application are an obvious concern in a residential area. It is totally unreasonable for music to be played from 11.30 am until 11.30 pm 6 days a week, and until 11pm on Sundays, with recorded music played until midnight every day of the week.

- Subject to the covenants and planning permissions already in place and the outcome of a noise impact assessment, no amplified music should be played after 11pm on Saturdays and 10.30pm on other days of the week.
- The number of events held at the Hotel and in particular the pool complex each year should not be unrestricted.
- Any licence should differentiate between recorded music, and recorded music played by a DJ with an amplifier. In my submission the latter should be treated as live music.
- Windows and doors at the Hotel (including the pool complex) should be kept closed during events when music is played indoors to contain noise pollution.

TOWN AND COUNTRY PLANNING ACT 1990

GRANT OF CONDITIONAL PLANNING PERMISSION

Applicant:	Michael Caines Ltd	Application No:	14/2946/MFUL
Address:	5 Barnfield Crescent Exeter EX1 1QT	Date of Registration:	12 December 2014
Agent:	Rud Sawers Architects Ltd	Date of Decision:	29 July 2015
Address:	Mr R Sawers The Studio 4 Holne Cross Ashburton TQ13 7QU		
Proposal:	Renovation, restoration and extension of Courtlands House estate from a wedding venue into a 21 bedroom luxury country house hotel and fine dining restaurant. Including refuse and maintenance store, staff accommodation and kitchen facilities, landscaping of private gardens and parkland including a nature trail, tennis court and croquet lawn and access to the Exe Estuary cycle way.		
Location:	Courtlands House Courtlands Lane Exmouth EX8 3NZ		

The Council hereby grants permission to carry out the development described in the application and the plans attached thereto subject to the following conditions :

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development shall take place until a detailed landscaping reinstatement and management scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall

also give details of any proposed walls, fences, including any fencing to the proposed tennis court and other boundary treatment. The landscaping scheme shall be carried out in accordance with an agreed programme of works and phasing to be submitted to and agreed in writing by the Local Planning Authority and shall be undertaken in accordance with these details and maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority. (Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)

4. No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details prior to the occupation of the development.
(Reason - In the interests of preserving and enhancing the character and appearance of the area in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)
5. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and D1 (Design and Local Distinctiveness) of the new East Devon Local Plan.)
6. No development shall take place until the detailed design of the proposed layout and construction and surfacing of the parking and turning areas have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the parking and turning areas have been completed in accordance with the approved plans. Thereafter at all times the parking and turning areas shall be kept free of obstruction and available for use for these purposes by residents and visitors to the building.
(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of visual amenity and to protect the character and appearance and setting of the listed building in accordance with Policies D1 (Design and Local Distinctiveness), TA9 (Parking Provision in New Development), and EN9 (Extension, Alteration or Change of Use of Buildings of

Special Architectural and Historic Interest) of the East Devon Local Plan and D1 (Design and Local Distinctiveness), TC9 (Parking Provision in New Development) and EN9 (Extension, Alteration or Change of Use of Buildings of Special Architectural and Historic Interest) of the new East Devon Local Plan.)

7. Prior to the commencement of any works on site (including demolition and site clearance or tree works), Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS), based on the finalised parking layout for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. Details of this should include the removal of the parking spaces under the crown of T870.
 - (a) The development shall be carried out in accordance with the approved details.
 - (b) The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. The development shall be carried out strictly in accordance with the agreed details.
 - (c) Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.
 - (d) The AMS shall provide for the keeping of an arboricultural site monitoring log on a monthly cycle for the duration of the construction process to record site visits and inspections along with: the reasons for such visits; the findings and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

In any event, the following restrictions shall be strictly observed:

 - (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
 - (b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.
 - (c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan.)
8. Full details of the method of construction of hard surfaces in the vicinity of trees to be retained shall be submitted to and approved in writing by the Local

Planning Authority prior to commencement of any works on site (including demolition). The method shall adhere to the principles embodied in BS 5837 and AAIS Arboricultural Practice Note 1 (1996) and involvement of an arboricultural consultant and engineer is recommended. The development shall be carried out strictly in accordance with the agreed details.

(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan and D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the new East Devon Local Plan.)

9. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) Details of the amount and location of construction worker parking.
- (k) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

(Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan and TC7 (Adequacy of Road Network and Site Access) of the new East Devon Local Plan.)

10. Prior to the commencement of development a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low

height, low level, local security lighting may be acceptable. The lighting installed shall be in accordance with the agreed details

(Reason - For the avoidance of light pollution in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan and EN14 (Control of Pollution) of the new East Devon Local Plan.)

11. Prior to the first use of the development hereby permitted details of the proposed link to the Exe Estuary cycle path shall be submitted to and approved in writing by the local planning authority. The works permitted shall be undertaken in accordance with the scheme prior to the occupation of the development and shall be maintained in perpetuity thereafter.
(Reason - in the interests of sustainable development and to provide an alternative means of access to the site in accordance with Policies TA1 (Accessibility of New Development) and TA4 (Footpaths, Bridleways and Cycleways) of the East Devon Local Plan and TC2 (Accessibility of New Development) and TC4 (Footpaths, Bridleways and Cycleways) of the new East Devon Local Plan.)
12. The use hereby permitted shall not be brought into operation until an Operational Method statement has been submitted to and approved in writing by the local planning authority. The scheme shall address the following issues
 - Management of the area adjacent to the kitchen extension.
 - Loading and unloading of vehicles
 - Delivery times
 - Working hours
 - Extraction equipment(Reason - To protect the guests of the hotel and neighbouring residents from excessive noise and disturbance in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan and D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the new East Devon Local Plan.
13. There shall be no storage of waste or recycling bins or storage at any time outside of the kitchen extension hereby approved and no development shall take place until details of arrangements for the storage and removal of refuse from the kitchens have been submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be made available before the operational use of the building commences and retained thereafter.
(Reason - In the interests of the residential and visual amenity of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and D1 (Design and Local Distinctiveness) of the new East Devon Local Plan.)
14. The use hereby permitted shall not commence until a detailed proposal for the treatment of cooking odours has been submitted to and approved in writing by the Local Planning Authority. Details shall include any prefilters, grease traps, mesh or fabric filters and/or activated carbon units intended to be installed, and the proposed method of dispersing residual odours, flue specifications and discharge heights. Any flue must terminate at least 1m above the ridge of the

building, or the eaves if the building has a flat roof. There shall be no restrictions to the flue at the point of exit. The equipment shall be installed prior to the use commencing, maintained in accordance with the manufacturer's instructions and operated at all times when the kitchen is in use.

(Reason: To avoid odours detrimental to the amenities of local residents in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan and D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the new East Devon Local Plan.)

15. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:1999 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide 1999. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.
(Reason: To protect the amenity of local residents from low frequency noise in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan and D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the new East Devon Local Plan.)
16. Notwithstanding the submitted details and prior to the occupation of the development hereby approved details of the means of enclosure to the external patio areas to the front of rooms 1-6 shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
(Reason - To retain the open character of the landscaped frontage of the listed building in accordance with Policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan and D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and EN9 (Extension, Alteration or Change of Use of Buildings of Special Architectural and Historic Interest) of the new East Devon Local Plan.)
17. Notwithstanding the submitted details, the proposed means of acoustic enclosure and sound attenuation measures to be employed in the replacement of the existing doors to the courtyard shall be submitted to and agreed in writing prior to the installation or operation of any equipment within the buildings, and shall be installed in accordance with such details.
(Reason - To protect adjoining occupiers from excessive noise in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)
18. The dining areas shall be limited to those rooms identified on drawing no. 178-P(-)001Rev A dated 7 April 2015 and received on 7 April 2015, with the number of covers not exceeding 60.

(Reason - in the interests of amenity and to ensure that adequate facilities are available for the traffic attracted to the site in accordance with Policies D1 (Design and Local Distinctiveness) and TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan, and Policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the new East Devon Local Plan.)

19. The proposed staff accommodation hereby permitted shall be restricted to a maximum of 20 people and shall only be used and occupied in conjunction with and by employees of the business and shall not be used as separate residential accommodation, or as additional guest accommodation.
(Reason - the accommodation is only justified by the needs of the business and shall remain available for these purposes in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan and D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the new East Devon Local Plan.)
20. Should the accommodation units cease to be required for staff accommodation the buildings hereby permitted shall be removed and the site restored to its former condition.
(Reason - the accommodation is justified only by the operational need and located in a sensitive area where new residential accommodation will not be permitted and in accordance with Policies S5 (Countryside Protection) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan, and Strategy 7 (Development in the Countryside) and Policy D1 (Design and Local Distinctiveness) of the New East Devon Local Plan.)
21. Notwithstanding the submitted details, the roof area of the kitchen extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.
(Reason - To protect the privacy of adjoining occupiers and in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and D1 (Design and Local Distinctiveness) of the new East Devon Local Plan.)
22. No amplified or other music shall be played in the premises or externally in such a way that it is audible beyond the boundary of the premises.
(Reason: To protect the amenity of local residents from noise in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan and D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the new East Devon Local Plan.)

The plans relating to this application are listed below:

178-P-)005 Proposed Elevation
REVB

178-P(-)013 REV A	Proposed Combined Plans	13.04.15
178-P(-)006 REV	Proposed Elevation	07.04.15
178-P(-)001 REV A	Proposed Floor Plans	07.04.15
178-P(-)002 REV A	Proposed Floor Plans	07.04.15
178-P(-)003 REV A	Proposed roof plans	07.04.15
178-P(-)004 REV A 1	Proposed Elevation	07.04.15
178-P(-)010 REV A	Proposed Site Plan	13.04.15
178-P(-)103 REV A 3 OF 4	Proposed Site Plan	13.04.15
178-P(-)104 REV A 4 OF 4	Proposed Site Plan	13.04.15
178-P(-)012 REV A	Proposed Combined Plans	13.04.15
178-P(-)011 REV A	Other Plans	13.04.15
178-P(-)000 REV A	Proposed Floor Plans	13.04.15
178-P(-)102 REV A 2 OF 4	Proposed Site Plan	13.04.15
178-P(-)0101 REV A 1 OF 4	Proposed Site Plan	13.04.15
04339 TCP 13.04.15 PG 1 OF 4	Landscaping	14.04.15

04339 TCP 13.04.15 PG 2 OF 4	Landscaping	14.04.15
04339 TCP 13.04.15 PG 3 OF 4	Landscaping	14.04.15
04339 TCP 13.04.15 PG 4 OF 4	Landscaping	14.04.15
178-L(-)010 REV A	Existing Site Plan	23.04.15



Service Lead - Planning

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS AND THE APPLICANT SHOULD ENSURE THAT ALL NECESSARY APPROVALS FOR THE SAME PROPOSAL AND THE SAME PLANS ARE OBTAINED BEFORE COMMENCING ANY WORK ON THE SITE.

Your attention is drawn to the Council's adopted Code of Practice for the Control of Construction Site Nuisance which is available on the EDDC website. The Code of Practice details the measures that the Council expects all works on construction sites to comply with to avoid excessive nuisance to residents. You should therefore ensure that all contractors on site are provided with a copy of this document and told to comply with it. Failure to comply with the code may lead to action under the Environmental Protection Act 1990 or the Control of Pollution Act 1974.

Please refer to the accompanying notes which form part of this decision notice.

Lympstone Manor – Proposed Pool and Poolhouse Noise Management Plan (NMP) Since its opening in 2017 Lympstone Manor Hotel, Restaurant and Vineyard enjoys a reputation of being one of the best modern country house hotels in the UK and acts as a showcase for East Devon. The fundamental intent behind this project is to continue to pursue excellence in offering a supremely high-quality experience to its guests and to all associated with the business.

The Pool house project serves to broaden the appeal of Lympstone Manor to families and to increase the length of guests at the hotel in providing a quiet place to relax within its grounds. As a testament to its responsibility to maintaining and enhancing the local environment, the hotel has not received one complaint from its neighbours since its opening 3 years ago.

The following principles illustrate the intended use of the Pool house and demonstrate its commitment to maintaining a peaceful and tranquil environment for all including guests, staff and neighbours.

1. The guest experience at the Pool house is centered around relaxation and comfort. This extends to all areas of the Lympstone Manor estate.
 2. The management of the Pool house will be responsibly controlled by staff.
 3. The pool house site is controlled using low level security fencing.
 4. The swimming pool is approximately 70M from the primary boundary of South Lodge and 80M from the South Lodge residence.
 5. Additional acoustic privacy is provided by the existing changing room accommodation and existing tree belt.
 6. Strict maintenance schedules in line with the pool's operational recommendations will be put in place to ensure that there is no adverse impact on the environment.
 7. The safety of the guests will be at the forefront of the day to day operations at the pool.
 8. The Planning approval for the 'Change of use from wedding venue to hotel and restaurant' (Ref: 14/2946/MFUL) granted on the 29th July 2015 contains a condition no. 22 relating to amplified noise. The hotel remains committed in adhering to this condition 22. in all areas of the Lympstone Manor site including the Pool and Pool house. The condition reads: 22. No amplified or other music shall be played in the premises or externally in such a way that it is audible beyond the boundary of the premises. Please refer to the Design and Access Statement for the clients Operational Statement. We support your proposed Condition outlined within Edward Vandycks email of 25th August 2020 relating to acoustics from the plant room. We trust this satisfies your concerns.
- Lympstone Manor – Pool and Pool house ap