

Brixham Town Council

Minutes of the Meeting of the Planning and Regeneration Committee held in the Function Room of Brixham Town Hall on 4th March 2019 at 7:00pm.

Present: Cllrs V Campbell, R Clarke, D Giles, J Stockman.
Meeting started at 7:30pm as the meeting was not quorum.

Also present: Linda McGuirk, Town Clerk and one member of the public.

19028. Apologies for absence.

Apologies received from Cllrs M Day and I Carr.

19029. Declarations of Interest in items on the agenda.

None

19030. Minutes of the meeting held on 28th January 2019.

The minutes of the meeting held on 28.01.19 were **resolved** and signed as a true copy.

19031. To hear an update from BrixhamFuture

The Deputy Clerk updated members on a report received from BrixhamFuture regarding the D Day events. Members noted the report and expressed concern on the shortfall in funding.

19032. Request for emergency Tree Protection Order

It was **resolved** to suspend Standing Orders to allow a member of the public to address members regarding the report they had submitted to the committee for consideration 'Request for emergency Order for protection of retained trees on Berry Head Park residential development (formerly Wall Park Holiday Park) planning application P/2013/0785.

The felling of 5 retained boundary trees in a private domestic garden on the residential development of Berry Head Park has highlighted that there does not appear to be sufficient protection for the pre-existing mature trees on the estate, outside of ecologically managed land but sitting within the AONB for South Devon. 5 of 10, 18-meter trees have been removed. Setting a president, improving view towards the sea.

Members discussed the report and the requirement to take immediate action to protect the remaining trees.

Cllr Stockman informed members she had received an email from Torbay Councils Tree officer who had visited the site and confirmed assessment will be carried out for the requirement for Tree Protection Orders.

Members discussed the importance of the mature trees in the preservation of the Area of Outstanding Natural Beauty (AONB), Site of Special Scientific Interest (SSSI) and the South West Coast Path (SWCP). Members viewed photographs which showed the visual impact on the area with the loss of the five trees, the residential estate is now clearly visible from the Fort at Berry Head.

It was **resolved** to write a letter to Torbay Councils Tree Officer requesting an emergency Tree Protection Order (TPO) for the remaining tree's in the residential area and where trees have already been removed investigate what mitigation can address the situation?

It was **resolved** to reinstate Standing Orders.

19033. To hear an update on Article 4 Directive

The Deputy Clerk informed members that a response has not been received from the Heritage Consultant.

19034. To consider the reasons for refusal of planning applications

None

19035. To note planning any planning applications that have gone to appeal.

Members noted the following appeal decision has been received from the Planning Inspectorate: P/2018/0695 Bluebuoy Cottage, 5 North Furzeham Road, Brixham, TQ5 8HT. The appeal is dismissed.

19036. Planning applications subject to Site Review Meeting

None.

19037. To note planning decisions made by Torbay Council since the last meeting held on the 28.01.19

Members discussed the planning decisions made by Torbay Council between 28.01.19 and 04.03.19. The decisions were noted.

Cllr Giles commented that there have been several discrepancies recently between the Town Council recommendations and Torbay Councils decisions. It was **resolved** to write to Torbay Councils Planning department and ask them to provide some clarity in order to assist the committee.

19038. To consider any Planning Applications to be put to Torbay Council Development Management Committee (DMC)

None.

19039. To consider any Planning Applications to be put to Torbay Council Planning Officers.

All applications contained in the report 'Applications for consideration 04.03.19' were considered, and recommendations attached to these minutes in annex 1.

Cllr J Stockman abstained from voting on application P/2019/0139.

Cllr D Giles abstained from voting on application P/2019/0045.

19040. To discuss and consider any highways issues.

Torbay Council Highways consultation – Proposed parking restriction changes.

Members discussed the proposed changes. It was **resolved** to Support all the proposals outlined in the consultation to ensure effective access for emergency services.

Members discussed the requirement for other residential areas in Brixham to be considered, particularly areas that the Town Council has requested previously.

Motability Scooter

The Deputy Clerk reported a complaint has been received from a member of the public visiting Brixham about the speed of Motability scooters in Fore Street. It was resolved to contact Torbay Council highways department and raise concerns of Motability and bicycles in issues in Fore Street.

19041. To consider any license applications

The four licensing objectives are: The prevention of Crime and Disorder, Public Safety, the prevention of Public Nuisance and the protection of children from harm.

- PL0073 – Co Op, 16 Great Rea Road, Brixham. Deadline 05.03.19
No comment.
- PL1061 – Churston Court Hotel, Church Road, Churston Ferrers, Brixham. Deadline 07.03.19
No comment.
- 052851 – The Wine Loft, 42 Middle Street, Brixham. Deadline 13.03.19
No comment.

19042. Date of the next meeting

Monday 1st April 2019.

19043. To put forward any items for the next Planning Committee Agenda.

- Article 4

The meeting closed at 9:10pm

Chairperson Date

Planning Applications Considered

Applications considered on 4-3-19

1	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2018/0498			Cllr I Carr
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				11/02/19
Erection of 6 x floodlights.				

Recommend Approval

2	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0086	AP00031458-001		Committee
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr Paul Lees		Brixham Fire Station	Bolton Street	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9DJ	28/01/19
Demolition of existing Fire Station building with adjacent stone wall. Replacement with new fire station facility.				

Recommend Approval

3	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0098	PP-07569682		Cllr R Clarke
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr S & Mrs L Rogers			15 Wayside	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 8PY	29/01/19
Change from hip to gable roof to NE elevation (retrospective)				

Recommend Approval

4	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0120	PP-07583911		Cllr R Clarke
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr & Mrs De Lara			12 Sea View Terrace	Overgang Road
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 8AU	11/02/19
Extension of existing front dormer and addition of a rear dormer.				

Recommend Refusal:
Against policy BH6 of the Brixham Peninsula Neighbourhood Plan.

5	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0129	PP-07588293		Cllr I Carr
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
J Lewis & G Holgate		Highcombe	Victoria Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9AR	31/01/19
Proposed alterations, front and rear extension to existing dwelling with swimming pool and pool house				

Recommend Approval

6	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0139	PP-07595430		Cllr J Stockman
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr & Mrs King		Wall Park Farm	39 Wall Park Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9UF	02/02/19
Use of field as garden.				

Recommend Approval

7	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	AT/2019/0022	PP-07591890 PP-07591890		Cllr V Campbell
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mrs Nettleton			38 North Hill Close	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 8RY	21/02/19

1. T302 Ash: reduce main stem of tree to 1m just below ingrown barbed wire retaining new side shoots.

2. T303 Ash: remove deadwood and reshape crown. REASON: (302 and 303) These two trees are suffering from canker and their condition will only deteriorate. Whilst they could be left in their current state for another year before being reassessed, it is prudent to act now.

3. T305 Ash: Fell and remove. REASON: This tree is small in stature and has a significant defect. The target area being the adjacent dwelling and causing minor damage. However the tree provides little amenity value being subordinate to adjacent T306. Removing this tree now is reasonable.

4. T306 Ash: Target prune torn western branch stub. REASON: The vehicular damage to the western crown should be pruned to leave a smaller wound giving the tree a better chance of longevity.

Recommend Approval

8	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0045			Cllr R Clarke
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr Nigel Makin		Beacon House	South Furzeham Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 8JB	05/02/19

Change of use from four bedroom B&B to residential house

Recommend Approval

9	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0064	PP-07552641		Cllr D Giles
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr David Bowerman			23 Mount Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9SA	04/02/19

Single storey extension to rear, and loft conversion with raised terrace.

Recommend Refusal:

- 1. Request a site review meeting due to the concerns of the neighbouring properties.**
- 2. Against Policy DE3 Development Amenity, of the Torbay Local Plan 2012-2030.**

10	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0085	PP-07550860		Cllr V Campbell
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr Andy Perrin			Nelson Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 8BH	24/01/19
Proposed pitched roof extension over existing flat roof annexe				

Recommend Approval

11	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0097			Cllr I Carr
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr D. Stone		The Old Customs House	1 Overgang Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 8HX	24/01/19
Change of use from three holiday flats to form two residential flats				

Recommend Approval

12	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0112	PP-07575095		Cllr J Stockman
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr & Mrs Shortridge		Steepholme	Ranscombe Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9UW	29/01/19
Addition of two storey side extension to SE elevation, replacement of small front dormer with larger gabled dormer and balcony to NW elevation.				

Recommend Approval

13	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0117			Cllr D Giles
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr & Mrs I. And J. Hurford			2 Lakes Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 8PS	05/02/19
Existing timber double entrance electronic gates (Retrospective)				

**Recommend Refusal:
Against Policy DE3 Development Amenity, Torbay Local Plan 2012-2030.**

14	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0128	PP-07587993		Cllr D Giles
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr Luke Salter			8 Southdown Avenue	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 0AP	06/02/19
Decking built to rear of property and steps at the side of the property (retrospective)				

Recommend Approval

15	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0151	PP-07596069		Cllr V Campbell
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr Glen Marlow			119 New Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 8BY	07/02/19
Extention of annexe to provide managers office accommodation, additional visitor parking.				

Recommend Approval

16	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0154	PP-07592770		Cllr I Carr
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr & Mrs Bumstead			101 Berry Head Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9AG	13/02/19
Single storey outbuilding to form garage, workshop/store with raised terrace over.				

Recommend Approval

17	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0155	PP-07605947		Cllr R Clarke
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr Chris Mason			4 Copythorne Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 8QQ	15/02/19
Box dormer on east elevation.				

Recommend Approval

18	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0157	P-07602653		Cllr J Stockman
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr David Hancock		Ennismore	6 Wolborough Gardens	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9DD	07/02/19
Single storey garage extension to south elevation.				

Recommend Approval

19	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0186			Cllr D Giles
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr Myles Parry			33 Fore Street	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 8AA	15/02/19
Illuminated fascia and projecting sign.				

Recommend Approval

20	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0193			Cllr J Stockman
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
West Coast Properties		Land At Meadow Bank	16 Penpethy Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 8NW	18/02/19
Proposed dwelling				

Recommend Approval

21	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	V/2019/0001			Cllr I Carr
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Dr Robert John Glenning		Gorse Cottage	Victoria Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9AR	14/02/19
Variation of Section 106 Agreement on application P/2014/0184 to amend Condition 5 - Ancillary use.				

Recommend Refusal:

No valid reason to set aside/vary the original condition as the reasons for attaching that condition remains valid and appropriate.