

Brixham Town Council

Minutes of the Meeting of the Planning and Regeneration Committee held in the Function Room of Brixham Town Hall on 1st April 2019 at 7:00pm.

Present: Cllrs I Carr, V Campbell, R Clarke, D Giles, J Stockman.

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

19044. Apologies for absence.

Apologies received from Cllrs M Day.

19045. Declarations of Interest in items on the agenda.

Cllr Giles a non-pecuniary interest in agenda item 14, planning application P/2019/0276.

Cllr Carr declared a non-pecuniary interest in agenda item 14, planning application P/2019/0276.

The declaration book was available to sign

19046. Minutes of the meeting held on 4th March 2019.

The minutes of the meeting held on 04.03.19 were **resolved** and signed as a true copy with a minor amendment to the following:

Present: Cllrs V Campbell, R Clarke, D Giles, J Stockman.

Meeting started at 7:30 pm as the meeting was not ~~quorum~~ quorate.

19047. To hear an update from BrixhamFuture

The Deputy Clerk reported an invitation has been received from the Chair of BrixhamFuture. Inviting the Chair of the Planning & Regeneration committee to attend the next BrixhamFuture board meeting as guest speaker and to provide an update.

Members discussed the invitation and the Memorandum of understanding.

19048. Request for emergency Tree Protection Order

It was reported that the Emergency TPO request has not been actioned by Torbay Council. Members discussed the current personnel situation at Torbay Council and were concerned with the lack of action.

Further concerns were raised regarding application AT/2019/0046 for the removal of a walnut tree in a conservation area. It appears Torbay Council received the application on the 4th March and that a decision was issued on the 13th March which does not allow a sufficient consultation period for the Town Council to consider and submit a recommendation. This has resulted in the loss of a significant Walnut tree located in the conservation area.

It was **resolved** to write to the Head of Planning at Torbay Council to raise concerns regarding:

1. The recent request for emergency Tree Protection Orders and the subsequent lack of action. The letter should state that it is imperative that TPO's are placed on the trees requested.
2. Confirmation that application AT/2019/0046 followed the statutory timescale.

Letter should be copied to Brixham Ward Councillors and to request a response within 48 hours.

19049. To hear an update on Article 4 Directive

The Deputy Clerk informed members that a response has not been received from the Heritage Consultant. It was resolved to discuss the options during the first Planning & Regeneration committee meeting of the new Council.

19050. Furzeham Green

A representative of the Friends of Furzeham Green and Furzeham Primary School spoke to members regarding the poor condition of the wooden posts that surround Furzeham Green. Many of the wooden posts are rotten and in places are missing which poses a safeguarding issue to users of Furzeham

Green due to vehicles being able to access the Green. Previous discussions have taken place between the friends of Furzeham Green and Torbay Council to investigate the cost of replacement of all the wooden posts which at the time was estimated to be circa £17,000. Can the Town Council and Torbay Council work in partnership to find a solution?

Members discussed the issues raised and it was **agreed** to:

1. Write to the Brixham Ward Councillors and ask them to approach Kevin Mowatt to find out what Torbay Council are prepared to do?
2. Investigate what action was previously undertaken by Torbay Council and whether an assessment of the posts has been carried out.
3. Request the grass that has encroached from the Green onto Nelson Road is cut back.

Members discussed other funding opportunities.

19051. To consider the reasons for refusal of planning applications

None

19052. To note planning any planning applications that have gone to appeal.

P/2017/1119 - 33 Higher Ranscombe Road, Brixham, TQ5 9HF. Appeal is allowed.

19053. Planning applications subject to Site Review Meeting

None.

19054. 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 04.03.19 and 01.04.19 the decisions were noted.

19055. To consider any Planning Applications to be put to Torbay Council Development Management Committee (DMC)

None

19056. To consider any Planning Applications to be put to Torbay Council Planning Officers.

All applications contained in the report 'Applications for consideration 01.04.19 were considered, and recommendations attached to these minutes in annex 1.

19057. To discuss and consider any highways issues.

a) Edinburgh Road

The Deputy Clerk read an email received from a member of the public regarding speeding traffic on Edinburgh Road and Penn Meadows. Members discussed the letter. The Deputy Clerk informed members the email has been forwarded to Torbay Councils Highways department.

19058. 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.

The Deputy Clerk updated members on the decision resulting from the Licensing sub-committee meeting held on the 14th February 2019 for the Bolton Hotel.

19059. Date of the next meeting

To be confirmed.

19060. To put forward any items for the next Planning Committee Agenda.

The meeting closed at 21:50

Chairperson Date

Planning Applications Considered

Applications considered on 1-4-19

1	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0214	P-07643957		Cllr V Campbell
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mrs Debbie Lott			19 Langley Avenue	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9JF	07/03/19
Erection of roof dormer, a pitch roof to existing dormer and conservatory				

Recommend Approval.

Would prefer to see the design of the conservatory improved to be more in keeping with the street scene.

2	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0223	P-07651159		Cllr M Day
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr R Harris			54 Higher Ranscombe Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9HB	25/02/19
Demolition of existing garage and erection of new cabin.				

Recommend Approval on the basis the cabin is not used as separate ancillary accommodation.

3	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0257			Cllr M Day
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr Roger Ford		Workshop & Walled Garden	Adjacent To 25 Greenwood Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9HN	05/03/19
Extension to existing workshop to form studio unit.				

Recommend Refusal:

1Overdevelopment of site.

2Lack of vehicular access.

4	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0271	PP-07685380		Cllr R Clarke
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr & Mrs R Butlin			59 Northfields Lane	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 8RD	10/03/19
Erection of a dwelling				

Recommend Approval.

5	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2018/1110	PP-07391487		Cllr I Carr
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr Anthony Mould			52 Overgang Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 8AR	06/11/18
Demolition of previous extensions original building. Extension and conversion to form six 2 bedroom apartments.				

01.04.19 Revised Plans

Recommend Refusal:

The revised plans submitted on the 26.02.19 show insufficient alteration and therefore the recommendation for Refusal submitted on the 03.12.18 remains current.

Comment made 03.12.18 Recommend Refusal:

1. The proposal if implemented would neither enhance or preserve the character of the conservation area, as set out as a duty on local authorities in section 72 of the Planning (Listed Building & Conservation Areas) Act 1990.
2. The proposal will have a negative impact on the vista from both land and sea.
3. Detrimental impact of the neighbouring amenity.
4. Policy SS10 (Conservation and the historic Environment) of the Torbay Local Plan 2012-2030 details the need to conserve and enhance the distinctive character and appearance of Torbay's conservation areas.
5. Contrary to Policy E6 (Views & Vistas) of the emerging Brixham Peninsula Neighbourhood Plan.
6. Contrary to Policy E1.1 and E1.5 (The Natural Environment) of the emerging Brixham Peninsula Neighbourhood Plan.
7. Contrary to Policy BE1.2 and BE1.3 (Heritage Assets and their settings)
8. Contrary to Policy DE1 (Design) of the Torbay Local Plan 2012- 2030.
9. Clarification is sought as to whether this is a Listed Building?

6	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2018/1255			Cllr J Stockman
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mrs Sato		33 Fore Street		
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 8AA	15/12/18
Change of use of upper floors above existing vacant retail unit to form three new apartments, including formation of new entrance lobby and shop front.				

01.04.19 Revised Plans

Recommend Refusal:

The development as currently proposed would be detrimental to the character of the at risk Brixham Town Conservation Area. The shop occupies an important location on a key street within the conservation area and so the design of the shop front and sign, including the materials used, should be more in keeping with the historic character of the building and its setting.

The development is against policies BE1.1, BE1.2, BE1.3, BD4 and BD5 of the Brixham Peninsula Neighbourhood Plan.

Comment made on 01.03.19 - Recommend Refusal

Contrary to the Brixham Peninsula Neighbourhood Plan Policy:
BD5 Shop Fronts

Contrary to the Torbay Local Plan policies:

DE1 Design:

Visual appeal: Be uncluttered and attractive, including where appropriate the removal of unsightly additions when considering the conversion of existing buildings.

Quality of public space: Positively address the street with active frontages.

Policy SS10 Conservation and the historic environment.

7	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0232 & 0233	PP-07660525		Cllr I Carr
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Punch Taverns		Bolton Hotel	New Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 8LT	08/03/19
Erection of illuminated and non-illuminated signs to exterior of building.				

Recommend Approval.

8	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0240			Cllr D Giles
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr L Burgess		On The Rocks	King Street	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9TF	07/03/19
Existing extractor to be relocated within the pitched cementitious clad roof. Extractor to be clad with brick slips.				

No comment.

9	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0276/NMA	NMA relating to P/2018/0535		Cllr I Carr
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mrs A Massey			57A Berry Head Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9AA	21/03/19
Non material amendment relating to application P/2018/0535. Amendment sought - installation of two additional windows to northeast elevation.				

Recommend Approval.

10	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0294	PP-07714903		Cllr R Clarke
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr Michael Douglas			50 Langley Avenue	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9JG	19/03/19
Single storey side and rear wrap around extension to form a utility room and dining room.				

Recommend Approval.

11	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0297	PP-07719288		Cllr J Stockman
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr & Mrs Green			3 Wall Park Close	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9UN	20/03/19
Balcony to rear elevation				

Recommend Approval.

12	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2019/0299/LB			Cllr D Giles
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr Gordon Eden			12 Ranscombe Raod	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9UP	21/03/19
Conversion and associated installation of dormer window to original loft space of property (retrospective). (Listed Building)				

Recommend Refusal:
By virtue of the use of inappropriate materials the dormer is detrimental to the architectural character of the building. A wood sash or casement window with wooden fascia's etc should be used as per guidance set out in the NPPF, Torbay Local Plan and the Brixham Peninsula Neighbourhood Plan and its ancillary design statement.