



## Brixham Town Council

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### Minutes of the hybrid Planning and Regeneration Committee meeting held in the Scala Hall, Town Hall on the 1<sup>st</sup> November 2021 at 8:30pm

<b>Present</b>	Cllrs D Blackmore (C), R Haddock, A Massey and J Regan.
<b>In attendance</b>	Linda McGuirk, Deputy Town Clerk 3 members of the public attended the meeting plus 1 member of the public attending virtually.
<b>Welcome</b>	Cllr Blackmore opened the meeting.
<b>Public questions</b>	None.

<b>21086</b>	<b>Apologies for absence through the Clerk.</b> None.
<b>21087</b>	<b>Declarations of Interest in items on the agenda.</b> Cllr Blackmore declared a pecuniary interest in Agenda item 7B.
<b>21088</b>	<b>To confirm and sign the minutes and confidential notes as a true record of the meeting held on 06.09.21</b> The minutes of the meeting held on the 06.09.21 were <b>resolved</b> and signed as a correct record.
<b>21089</b>	<b>Town Centre Regeneration</b> To hear an update from Cllr Blackmore on the recent Town Centre Regeneration meeting held on the 19 <sup>th</sup> October 2021.  It was <b>resolved</b> to defer this item.
<b>21090</b>	<b>Levelling Up Fund</b> To discuss and consider correspondence received from Brixham Yacht Club.  It was <b>resolved</b> to defer this item.

<p><b>21091</b></p>	<p><b>Planning Applications</b></p> <p><b>A) To note any planning decisions, including applications refused by Torbay Council.</b></p> <p>Members discussed the planning decisions made by Torbay Council as contained in the Decisions Report 06.09.21 to 01.11.21</p> <p>The decisions, including reasons for refusal, were noted, applications refused included:</p> <ul style="list-style-type: none"> <li>• P/2021/0358</li> <li>• P/2021/0423</li> <li>• P/2021/0515</li> <li>• P/2021/0678</li> </ul> <p><b>B) To note any planning applications that have gone to appeal, or any appeal decisions made.</b></p> <p>It was noted that appeals have been made to the Secretary of State against Torbay Council's decision to refuse the following applications:</p> <p>Applications submitted:</p> <ul style="list-style-type: none"> <li>• APP/X1165/C/21/3282728 Tumbleweed, Shinners Steps, Brixham TQ5 9RY</li> <li>• APP/X1165/D/21/3278265 Capel, Summer Lane, Brixham TQ5 0DL</li> </ul> <p>Appeal decisions made:</p> <ul style="list-style-type: none"> <li>• APP/X1165/W/21/3267854 15 Copythorne Road, Brixham, TQ5 8QE. The appeal is dismissed.</li> </ul> <p><b>C) To consider any planning applications to be put to Torbay Council Planning Officers as outlined in the planning applications for consideration report.</b></p> <p>All applications contained in the report 'Applications for consideration 01.11.21 Amended' were considered and recommendations are contained in Appendix one of these minutes.</p>
<p><b>21092</b></p>	<p><b>Licensing Applications</b></p> <p>There were no applications for consideration.</p>
<p><b>21093</b></p>	<p><b>Date of next meeting</b></p> <p>The next meeting was noted as <b>Monday 6<sup>th</sup> December 2021</b></p>
<p><b>21094</b></p>	<p><b>Items for future agenda</b></p> <p>Each Councillor is requested to use this opportunity to raise items for future agendas. See table below.</p>
<p><b>21095</b></p>	<p><b>Exclusion of Public and Press</b></p> <p>That under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media be excluded from the meeting during the consideration of the following</p>

	<p>items of business as publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.</p> <p>To discuss and consider the initial findings of the Housing and Economic Land Availability Assessment (HELAA) It was <b>resolved</b> to defer this item.</p>
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<b>Item</b>	<b>Reason</b>	<b>Proposed by</b>
Town Centre Regeneration	To hear an update from Cllr Blackmore on the Town Centre Regeneration meeting held on the 19 <sup>th</sup> October 2021.	Deferred item
CIL & S106	Ongoing agenda item	All
Parking issues	To invite the executive lead for parking	All
BPNP T&F Group report	Quotes and clarification on locality funding.	All
Levelling Up Fund	To discuss and consider correspondence received from Brixham Yacht Club.	Deferred item
P&R committee Vice Chair	To fill the current Vacancy	All

The meeting closed at 20:50

Chairperson ..... Date.....

Appendix one:

## Planning Applications Considered

Applications considered on 1-11-21

<b>1</b>	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2021/0659	P-09872008		
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr Massimiliano Bonci			Greenover Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9LX	24/09/21
<b>Garage conversion.</b>				

*Comment*

**No objection, providing the room remains part of the property and is not used rented or holiday accommodation.**

<b>2</b>	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2021/0757	P-09960127		
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Royal National Lifeboat Institute		Landing Jetty	Oxen Cove	Blackball Lane
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 8AX	09/07/21
<b>Siting of 10,000 litre bunded fuel storage tank &amp; delivery for use to re-fuel Torbay's all weather lifeboat.</b>				

*Comment*

**01/11/2021 Object. Previous response remains unchanged.**

**02/08/2021 Object**

**The Town Council fully supports the concerns raised by the Environment Agency and hopes that Torbay Council works with the RNLI to find a suitable alternative.**

<b>3</b>	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2021/0890	Not Available		
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Vestcountry Land Enterprises (South West) Ltd		Land At Upton Manor Farm Ca	St Marys Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9QH	04/10/21
<b>Construction of 133 residential dwellings with access roads, infrastructure and public open space. This application is accompanied by an Environmental Statement. The application is a departure from the Local Plan.</b>				

*Comment*

*Comment*

**Copy of letter submitted:**

**Dear Sirs**

**P/2021/0890 Construction of 133 residential dwellings with access roads, infrastructure and public open space, Land at Upton Manor Farm Camp Site, Brixham.**

**Brixham Town Council considered planning application P/2021/0890 at its Extraordinary Council Meeting held on Monday 1st November 2021 and resolved to object to the proposed application.**

**The meeting included representatives on behalf of the Developer, Ward Councillors and 98 members of the community. The residents in attendance were provided with an opportunity to speak regarding the application, all spoke passionately opposing the proposed development, highlighting concerns about the importance of maintaining the natural environment and status of the Area of Outstanding Natural Beauty (AONB) and the current lack of essential services in Brixham. In particular limited school capacity, one medical centre, no NHS dentists, no banks, poor public transport, poor utilities provision and inadequate parking. Brixham is unable to cope with the demand of its existing residents and visitors.**

**Residents also raised concerns about:**

- **☐ Restricted access to the site**
- **☐ Inadequate infrastructure**
- **☐ Insufficient parking**
- **☐ Increased traffic**
- **☐ Lack of employment opportunities**
- **☐ Damage to the tourist industry due to poor infrastructure and further loss of tourist provision**
- **☐ Drainage and flooding issues**
- **☐ Inadequate Highways, both into Brixham and surrounding the proposed site**
- **☐ Potential increase in second homes**
- **☐ Negative environmental impact**
- **☐ Local Housing shortage should be met by utilising the large volume of empty properties in the town and requires a housing policy based on local need and not profit.**
- **☐ Devastating impact on the Area of Outstanding Natural Beauty (AONB) - the development site lies wholly within the South Devon AONB.**
- **☐ Site is not allocated in the Brixham Peninsula Neighbourhood Plan (BPNP)**
- **☐ Over development of site**
- **☐ Site is on the known flight path of the Greater Horseshoe Bats from the Berry Head F**
- **☐ Site was previously rejected in the BPNP Housing Site Assessment**
- **☐ Application is contrary to major policies contained in both the BPNP and Local Plan**
- **☐ Site lies outside the Settlement Policy E2 of the BPNP**
- **☐ Proposal will cause serious environmental harm within the designated AONB area**
- **☐ National Planning Policy Framework (NPPF) states "Great weight should be given to enhancing and protecting beauty in areas of AONB"**

It was noted, a previous proposal in 1988 to develop the site was rejected and subject to an appeal to the Planning Inspectorate for the Secretary of State. The appeal was dismissed on the grounds that it would be "seriously detrimental to the character of the Area of Outstanding Natural Beauty and the surrounding countryside in general." This is further supported in the BPNP Housing Site Assessment document which concludes "The site is not deliverable because of the severe landscape and environmental constraints."

Brixham Town Council is opposed to this application due to its departure from the made Brixham Peninsula Neighbourhood Plan, Local Plan and the NPPF. The application is contrary to the following key policies:

**Brixham Peninsula Neighbourhood Plan**

**J4.2 Local employment**

**BH2 Occupation of new affordable homes**

**BH3 Delivery of new homes**

**BH4 Brownfield & Greenfield sites**

**BH8 Access to new dwellings**

**BH9 Exception Sites**

**E1 Landscape beauty and protected areas**

**E6 Views and Vistas**

**E8,5.38,5.39, 5.40,5.41,5.48**Internationally and nationally important ecological sites and species, Greater Horseshoe Bats

**L2 Educational provision to local need**

**TO1.2 and TO1.3**Support for Tourism

**Torbay Local Plan**

**SDB1 Brixham strategic policy area**

**SS3 Presumption in favour of sustainable development**

**SS6 Strategic transport improvements**

**SS7 Infrastructure, phasing and delivery of development**

**SS8 Natural environment**

**SS9 Green infrastructure**

**SS10 Conservation and the historic environment**

**SS11 Sustainable communities**

**SS12 Housing**

**SDB3 Brixham Urban Fringe and Area of Outstanding Natural Beauty**

**TO2 Change of use of Tourism accommodation and facilities**

**TA1 Transport and accessibility**

**TA2 Development access**

**C1 Countryside and the rural economy**

**C2 Coastal landscape**

**C4 Trees, hedgerows and natural landscape features**

**NC1 Biodiversity and geodiversity**

**DE1 Design**

**SC1 Healthy Bay**

**ER1 Flood Risk**

**ER2 Water management**

**W5 Waste water disposal**

**National Planning Policy Framework.**

According to the NPPF (National Planning Policy Framework, 2021) the objective is to achieve sustainable development by "meeting the needs of the present without compromising the ability of future generations to meet their own needs." At the heart of this framework is the presumption in favour of sustainable development (NPPF: para 11).

However, for decision taking there are exceptions (NPPF: para 11d) which states "in the absence of relevant development plans" e.g. a 5 year land supply "or where policies of the development plan are out of date and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits".

It is difficult to conceive a more poorly located site given the scale in which the proposed development departs from the BPNP, Local Plan and NPPF. The development would have a demonstrable impact on the AONB and will result in a fundamental and irreversible loss of this important site.

Yours sincerely

Linda McGuirk

Linda McGuirk  
Deputy Town Clerk

Cc Ward Councillors: C Brown, T Manning, J Stockman, M Morey and V Ellery.

<b>4</b>	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2021/0925	P-10103732		
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
C/O Agent			19 New Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 8BY	05/10/21
<b>Change of use from residential care home (C2) to 7 residential flats (C3). Enlargement of two front dormer windows, alterations including new and replacement windows , creation of new vehicle access and provision of car and cycle parking.</b>				

*Comment*

**No objection providing the concerns of the neighbour regarding overlooking are addressed.**

<b>5</b>	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2021/0929	PP-10123759		
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Brixham Laboratory			Blackball Lane	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 8BA	20/09/21
<b>Replacement of existing container accommodation with pre-fabricated units.</b>				

*Comment*

**No objection**

<b>6</b>	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2021/0965	P-10150986		
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Gary Barnicott		Aylmer	Milton Street	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 0BZ	23/09/21
<b>Variation of Condition in relation to P/2019/0056 - (Conversion and extension of outbuilding into a dwelling): Condition P1 - Amendments to plans.</b>				

*Comment*

**No objection**

<b>7</b>	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2021/1096	P-10253846		
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr & Mrs Shellum			8 Greenway Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 0LZ	08/10/21

**Conversion of attic. Formation of 2 dormers and roof window to West elevation.**

*Comment*

**Objects**

**Contrary to Policies DE1 and DE5 Torbay Local Plan**

**Contrary to Policies BH5 and BH6 on the Brixham Peninsula Neighbourhood Plan**

**Detrimental effect on the character of the street scene.**

<b>8</b>	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2021/1099	P-10254308		
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
David Boyd			44 Greenover Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9NA	29/09/21

**Formation of 2 storey extension to front. Formation of extension above existing garage. Formation of single storey extension to rear (to replace existing extension).**

*Comment*

**Object**

**Contrary to Policies DE1 and DE5 of the Torbay Local Plan.**

**Not in keeping with the street scene, very poor design and would prefer pitched roof.**



<b>9</b>	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	<b>P/2021/0942</b>	P-10050120		
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Shoalstone Pool			Berry Head Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 9FT	20/09/21
<b>Removal of seating shelter and installation of 21 beach huts and hardstanding area.  Creation of two external seating areas to serve Shoals cafe on the roof above cafe and on green.</b>				
<i>Comment</i>				
<b>No objection</b>				