

Planning Applications Considered

Applications considered on 1-11-21

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

Comment

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

2	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2021/0757	PP-09960127		
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Royal National Lifeboat Instituti		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
Siting of 10,000 litre bunded fuel storage tank & delivery for use to re-fuel Torbay's all weather lifeboat.				

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.

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3	<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>
Westcountry 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
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.				

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 Roost.**
- **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"**

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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 Beauty3

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".

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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.

4	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2021/0925	PP-10103732		
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
C/O Agent			119 New Road	
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
Brixham		Devon	TQ5 8BY	05/10/21

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.

Comment

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

5	<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

Replacement of existing container accommodation with pre-fabricated units.

Comment

No objection

6	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2021/0965	PP-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

Variation of Condition in relation to P/2019/0056 - (Conversion and extension of outbuilding into a dwelling): Condition P1 - Amendments to plans.

Comment

No objection

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7	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2021/1096	PP-10253846		
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr & Mrs Shellum			38 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.

8	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2021/1099	PP-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.

9	<i>Plan Number</i>	<i>Additional Reference</i>		<i>BTC Councillor</i>
	P/2021/0942	PP-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
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.				

Comment

No objection