

Appendix 7

Proposed disposal of surplus assets

Results from consultation

Asset Ref	Asset name	Members	Service Areas	L.A.F	Other
EM2670	Land adj. to no. 4 Berry Head Road	<p>We are writing to request that you do not place Jubilee Gardens, land adjacent to 4 Berry Head Road on the Disposal of Assets Lists for the following reasons:-</p> <ol style="list-style-type: none"> 1) It is a Green Space much loved and used by both the local community and visitors alike. 2) It is used by Green Tourists walking the South West Coastal Path for rest and recreation. 3) It is a safe area being surrounded by ancient rock walls in a sheltered position. 4) It is an amazing vantage point for both residents and visitors, to appreciate the views and vistas. 5) It has been identified as a Local Green Space by the community to be included in the Brixham Peninsula Neighbourhood Plan. This Plan starts a six week public consultation period on the 28th January 2017 <p>In support of our above submission, we would like to draw your attention to the following.</p>	<p><u>Natural Environment</u></p> <p>We can confirm that the site is suitable for disposal and have not raised any objections to this. They are surplus to our requirements.</p> <p>I think the Jubilee Garden site would benefit from disposal, as it has little public value on the wider neighbourhood and very little use. The capital investment from the disposal through the planning system would benefit the surrounding more valuable open spaces such as Shoalstone Pool and associated picnic area.</p> <p>We are aware of covenants on the site but assume this can be negated? A high value public space similar to Shoalstone, breakwater and the South West Coast Path but the surrounding site could benefit from</p>	<p>Could you please advise if the first piece of land is that commonly known as Jubilee Gardens? If so, as it is part of the Coastal Path, surely there is a public footpath that needs to be protected.</p> <hr/> <p>I share the concern of Margaret Forbes Hamilton (above) re the public footpath status of the Jubilee Gardens, and note that there has been a well supported local campaign against any sell of Jubilee Gardens . If the coast path status is correct then presumably the South West Coast Path Association , and Natural England (who are planning to adopt the SW coast path as part of their England Coast path route), should be aware of any plans</p>	<p><u>Brixham Town Council</u></p> <p>We have been made aware through our ward councillors of two locations in Brixham that have been proposed for dispersal by Torbay Council at the PDDG on the 6th February 2017.</p> <p>Brixham Town Council makes the following objection and requests that Brixham Town Council are notified of ALL Brixham assets prior to being added to the dispersal list.</p> <p>That the Mayor does not place the proposed assets located at North Boundary Road play park and Land adj. No.4 Berry Head Road (Jubilee Gardens) on the Asset dispersal list for the following reasons:</p> <p><u>Jubilee Gardens (Land adj. No.4 Berry Head Road).</u></p> <p>These gardens have been designated in the emerging neighbourhood plan as a green space. The Brixham Peninsular Neighbourhood Forum</p>

		<p><u>Corporate Plan</u> Delivering for the Future - Ensuring Torbay remains an attractive and safe place to live, visit and work.</p> <p>Target Action 3 - Promoting Healthy Lifestyles across Torbay Paragraph 3. "We will improve accessibility to Leisure, sports, and GREEN SPACES and promote increased physical activity through the use of Council Assets and the Natural Environment."</p> <p>Our comment - We believe the current proposal is contrary to the above Target.</p> <p>Target Action 4 Safe Attractive Place to live and visit - Where we aim to be : Torbay Council will ensure there is focus on PROTECTING and RETAINING the Quality of our Natural and built Environment. Maintaining a safe and secure place for Torbay's residents, businesses and visitors, including the provision and maintenance of infrastructure (including Marine, Road, Rail, Walking and GREEN SPACES)</p> <p>Our Comment - We believe the current proposal is contrary to the above Target.</p> <p><u>Torbay Local Plan</u> The adopted plan for Torbay has stressed the importance of the Natural Environment for the Economy and for the Health and</p>	<p>investment in accordance with Policy R5.</p> <p>A number of arboricultural constraints arise, principally from the large, recently pollarded Holm Oak, however a number of other visually prominent trees are also present along the boundary to the road. The seaward side of the land is clear of other of tree constraints other than a small hedge. A professionally prepared BS5837:2012 methodology would be required to indicate tree quality and to support any development of the space prior to any commencement of sale or transfer.</p>	<p>for disposal . I attended a detailed briefing meeting by Natural England on the proposed England Coast Path and there was no mention of any issue relating to sale of land in the Brixham area that might affect the coast path route. Alan Robinson, Footpath officer, South Devon Ramblers.</p>	<p>(BPNF) have worked tirelessly for the past 7 years to protect our green spaces, highlighting the important link between health and green spaces.</p> <p>If Torbay Council proceed to sell our green spaces it will not only nullify the work and importance of the Neighbourhood plan but have a detrimental effect on the residents and visitors to Brixham.</p> <p>Jubilee Gardens is protected under the covenants listed below:</p> <ol style="list-style-type: none"> 1) All mineral rights under the foreshore are reserved to the Duchy of Cornwall 2) The land to be preserved as an open space. 3) No building to be erected on the land. 4) During the vendors occupation of her residence,("Wolborough"), the Council will maintain the land in good condition, and will not give right of access to the public. (This covenant released June 1984, vendor ceased occupation of "Wolborough".) <p>These sites are valued by the community of Brixham and should be retained for the benefits of the community. It is also disappointing</p>
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	<p>Wellbeing of its residents.</p> <p>1.1.7 Crucially the Plan recognises the unique quality of the Bays environment both Natural and Built.</p> <p>1.1.8 Indicates concerns over the risks of eroding the balance of the Environmental Capacity.</p> <p>We refer you to Policy SS8 Natural Environment and SS9 Green Infrastructure : this particularly comments on the pressure on the Berry Head area including the South Hams SAC and therefore any GREEN SPACES in close proximity will assist in removing some of this pressure.</p> <p>There are many more Policies and Statements relating to the Natural Environment contained within Torbay's Local Plan which we are happy to discuss with you if you wish.</p> <p>3.1.5 Sustainable Communities and Places- where people want to be, include OPEN SPACES, PARKS, VIEWS etc.</p> <p>Our Comment - We believe that the current proposal is contrary to the adopted Local Plan.</p> <p><u>Brixham Urban Landscape Character Study June 2011</u> (a document included in the Local Plan) states:- Page 84 Objectives 6) Local People and Visitors should be made more aware of the Natural and</p>			<p>that Torbay Council did not see fit to include Brixham Town Council as part of the notification process. Brixham Town Council is an elected corporate body which is here to represent the residents of Brixham. Torbay Council should be notifying BTC of important aspects such as this if only out of common decency and recognition of its work and status.</p> <hr/> <p>As a member of Brixham Town Council & Pride in Brixham I try to work hard to make Brixham a better & pleasant place for people to live. I have done my best to support you in your ideas i.e. the Brixham railway link and to bring in & support events in the bay as a whole.</p> <p>May I ask you to please consider carefully the disposal of the two open spaces in Brixham? Negotiations between Torbay Council and Brixham Town Council have been ongoing for some time now in connection with the land at North Boundary Rd. The Town Council wanted to retain the land as open space allowing it to still be an access point to the old tracks and turn it into a Community Orchard by planting fruit trees etc.</p> <p>The land along Berry Head Rd is used</p>
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EM2814a	North Boundary Rd Play park	<p>I am responding to this as both a Ward Councillor of Brixham Town Council and Torbay Council and also as the Chair of the Brixham Peninsula Neighbourhood Forum.</p> <p>There seems to be some confusion regarding the North Boundary Road Play Park as Brixham Town Council I am sure will confirm we have been in negotiation of a transfer of asset and indeed we believed that agreement had been made.</p>	<p><u>Natural Environment</u></p> <p>We can confirm that the site is suitable for disposal and have not raised any objections to this. They are surplus to our requirements.</p> <p>I can confirm that the play area is not fit for purpose and the demographics age range indicators for the area shows that a play facility in the location is not of high value, or demand; this is why the play area has not received any investment on our priority list. (Council policy Play Risk Management Strategy).</p> <p>I cannot I am afraid say the same for the loss of the public open space (Green space), this is important as the area shows a low provision of open space, this</p>		<p><u>Brixham Town Council</u></p> <p>We have been made aware through our ward councillors of two locations in Brixham that have been proposed for dispersal by Torbay Council at the PDDG on the 6th February 2017.</p> <p>Brixham Town Council makes the following objection and requests that Brixham Town Council are notified of ALL Brixham assets prior to being added to the dispersal list.</p> <p>That the Mayor does not place the proposed assets located at North Boundary Road play park and Land adj. No.4 Berry Head Road (Jubilee Gardens) on the Asset dispersal list for the following reasons:</p> <p><u>1. North Boundary Road play park.</u> Brixham Town Council has been in email negotiations for a considerable time regarding the asset transfer of</p>

			<p>is where mitigation would have to be identified are part of the asset review. If this process is followed the below planning policy should in our view have little impact.</p> <p>R5 Protection of public open spaces and playing fields</p> <p>Changes of use or development involving the loss of public open space, playing fields and sports pitches will only be permitted if:-</p> <p>(1) an alternative provision in the vicinity of the public open space, playing fields or sports pitches is made available to serve the existing demand and, where possible, alternative provision should be available for use before the existing facility is removed from use;</p> <p>(2) it can be demonstrated that the existing provision is redundant and no longer required for school or community use and has no visual amenity, landscape importance or informal</p>		<p>North Boundary Road. During October 2016 we had reached the stage where Natural Environment Services had said they were happy to transfer at nil cost subject to agreement that all costs associated with the removal, clearance and making good of existing play facilities were met by BTC. This was subject to agreement by Torbay Council to a Community Asset Transfer. BTC were also advised that a deed of exchange was required between Torbay Council and Churston Barony to rectify a small boundary issue, BTC would be expected to cover the legal fees. BTC agreed to cover legal fees for all parties.</p> <p>Following these discussions we received notification on the 25th October 2016 that the area would not be offered through the CAT process. The Strategic Land Task Group met and decided the asset would not be offered to BTC through asset transfer. We were notified of this decision on the 28th November 2016.</p> <p>BTC made it clear from the outset that our plans were to retain the area as open space by removing the tired play equipment and making a community orchard.</p>
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			<p>amenity value; or</p> <p>(3) it is ancillary development which is necessary to enhance the existing sports and recreation facilities or meet other community needs.</p> <p>Explanation:</p> <p>8.42 An independent playing pitch study in 1995 (see paragraphs 8.14 and 8.15) highlighted a shortfall of sports pitches in Torbay. Such facilities therefore need to be safeguarded. Open spaces can also have importance for wildlife and contribute to visual amenity, an asset which is not easily replaced and likely to be a permanent loss (see also Policies NC3 and NC4 relating to nature conservation and Policy L6 which refers to urban green spaces). The long term impact of the loss of such space in a locality and whether it will be replaced will therefore be a material consideration in the determination of development proposals. It should be noted that PPG3 'Housing' (2000) defines playing fields as greenfield sites.</p>		
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			<p>8.43 School and college playing fields also form an integral part of Torbay's playing field provision and these sites are therefore also subject to this policy.</p>		
EM2653	Land at Green Park Road	Thank you from Cllr's for keeping them informed	<p><u>Natural Environment</u></p> <p>Would appear to make a good building plot although seems odd that it was not built in before? Ocombe Valley Woods could benefit from access improvements and or investment in accordance with Policy R5.</p> <p>TPO 1971.05 Windmill Lane, Paignton commences just East of the site then runs along the rear of residential gardens and acts as a buffer to Ocombe Valley Woods (Browns Brake) to the North. The mature dominant woodland arises to the rear of the site and what appears to be a younger lower shrub layer ends halfway across the site with amenity grass then present. Residential gardens either side of the site have pushed the woodland back and controlled the emerging lower shrub layer.</p> <p>A professionally prepared</p>	No comments received	No comments received

			BS5837:2012 methodology would be required to indicate tree quality and to support any development of the space prior to any commencement of sale or transfer.		
EM2637	Bay tree House	None received	None received	None received	None received