



**Application Number**

P/2012/0910

**Site Address**

2 Fore Street  
Brixham  
Devon  
TQ5 8DS

**Case Officer**

Mr Scott Jones

**Ward**

Berry Head With Furzeham

**Description**

Demolition of 2 and 2A Fore Street

**Executive Summary**

The proposal is to demolish the existing property at 2 and 2a Fore Street on Bolton Cross in Brixham and widen the junction. This will enable the resolution of air quality and traffic congestion concerns. The parent application (P/2012/0911) also includes the replacement with a smaller property on the corner to ensure that this important nodal point and corner feature retains distinction and definition, and provides enhanced legibility.

The proposal is similar to the previously approved scheme (Ref: P/2011/1189) for the demolition of the building and in the absence of any significant change in circumstances it is recommended for approval.

**Recommendation**

Conditional Approval (conditions at end of report)

**Site Details**

Bolton Cross is significant in terms of Brixham's townscape and is located within the Brixham Town Centre Conservation Area. The junction signifies a key gateway to the town centre. The building at No 2 and 2A Fore Street forms part of a terrace of properties on the corner of Bolton Cross, linking Fore Street and Market Street. The ground floor consists of a retail unit, previously occupied by Threshers off-licence, whilst the upper floors consist of 3 self contained apartments. There are a number of listed buildings adjacent or close to Bolton Cross including The Bolton Hotel, Brixham Town Hall, Market Hall and Museum and Corner House on New Road.

**Relevant Planning History**

The most relevant planning history relates to applications for the demolition of the building and its replacement, which were approved in 2011.

P/2010/1189 Demolition of 2 and 2A Fore Street. Approved. 22.03.2011  
P/2010/1192 Demolition of 2 and 2A Fore Street; Alterations and works to form junction realignment; formation of new ground floor retail and 2 number first floor apartments. Approved. 08.03.2011

### **Relevant Policies**

Adopted Torbay Local Plan (1995-2011)

BE5 Policy in Conservation Areas  
BE6 Development affecting listed buildings  
BE9 Archaeological Assessment of Development Proposals  
NC5 Protected Species

NPPF Part 12

### **Proposals**

The application has been submitted on behalf of the Council. It relates to the need to address air quality and congestion issues associated with the current configuration of the Bolton Cross road junction. The application proposes the demolition of Nos 2 and 2a Fore Street which are unlisted buildings in the Brixham Town Centre Conservation Area. The application for demolition has been submitted concurrently with the planning application for the redevelopment scheme.

### **Consultations**

*English Heritage:* No objection, EH Consider that the application should be determined at the local level

### **Representations**

Brixham Town Council: Recommend Approval

### **Key Issues / Material Considerations**

Since the only consideration that has changed following the 2011 approval for demolition (P/2010/1189) is the minor alteration to the design of the replacement building, the recent approval in 2011 to the demolition of the building is a very material consideration in this case.

A heritage assessment accompanies the application and this same report was considered and accepted by English Heritage and the Council's Senior Historic Environment Officer during consideration of the 2011 approval. The report confirms that in order to mitigate the impact of demolishing the building, a scheme of historic building recording to document the form, appearance and setting of the structure will be carried out together with an archaeological watching brief during the works.

The proposed demolition is mitigated through the construction of a new building using a design appropriate to the local context and through the improvement of the

public realm around the periphery of the application site.

The results of an Ecological Constraints Survey were submitted in a report which accompanies the application. The survey identified the presence of herring gulls nesting on the flat roof of the adjacent building.

Herring gulls are a protected species and therefore it is proposed to minimise adverse effects on the gulls during redevelopment of the site by including mitigation measures, as included in the Ecological Constraints Survey. These measures include no demolition works during the birds' breeding season, which will also avoid contravention of the Wildlife and Countryside Act, 1981 and avoiding the disturbance of breeding herring gulls on the adjacent buildings by undertaking any works outside the breeding season. The views of Natural England in relation to this issue are awaited.

### **Sustainability**

No issues

### **Crime and Disorder**

No issues

### **Disability Issues**

No issues

### **Conclusions**

The proposed demolition of the buildings represents intelligently managed change to this prominent site within the Brixham Conservation Area and the case for the proposal has been made in accordance with the NPPF, subject to the timely construction of the replacement building.

### **Condition(s)/Reason(s)**

01. In accordance with the submitted Heritage Assessment, dated October 2010, a Historic Building Recording of Nos 2 and 2A Fore Street shall be undertaken prior to and during the demolition. The recording shall follow the guidance set out in the English Heritage Level 2 standards (2006). The Historic Building Recording shall be submitted to the Local Planning Authority in writing within 3 months of the completion of the demolition. In addition an archaeological watching brief shall be provided on site during the works of demolition.

Reason: In the interests of preserving and recording features of architectural or historic interest and in accordance with policies BES, BE5 and BE9 and BE10 of the saved adopted Torbay Local Plan 1995-2011.

02. The building(s) shall not be demolished before a contract for the carrying out of works of redevelopment of the site has been made, and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To ensure that the character and appearance of the Brixham Town

Conservation Area is not prejudiced by the creation of a gap on this key site and to meet the criteria of Policy BE5 of the Saved Adopted Torbay Local Plan 1995 to 2011.

03. No works of demolition shall be carried out during the breeding season for Herring Gulls (April to June).

Reason: In the interests of protecting the herring gulls' nest on the flat roof of the adjacent building which are protected under the Wildlife and Countryside Act 1981 and to meet the criteria of Policy NC5 of the Saved Adopted Torbay Local Plan 1995 to 2011.

### **Relevant Policies**

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## **Updated Officer Report**

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P/2012/0910

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### **Case Officer**

Mr Scott Jones

### **Ward**

Berry Head With Furzeham

### **Description**

Demolition of 2 and 2A Fore Street

### **Executive Summary**

This is a proposal for Conservation Area Consent to demolish. It is unaltered to that previously considered by Members at the November 2012 Committee, to demolish the existing property at 2 and 2a Fore Street on Bolton Cross in Brixham and widen the junction. The parent Planning Application (P/2012/0911) that also includes the replacement of the current building with a smaller property on the corner, remains as previously considered and also returns to Committee, supported by a simpler public realm scheme as a further option in the event that the replacement building is not forthcoming.

The motivation behind the scheme remains, being a facilitating factor for highway

amendments to aid the resolution of air quality and traffic congestion concerns in the immediate area.

The scheme to demolish was resolved to be approved by the Committee in November (2012) with conditions in regard to;

- (1) Historic building recording prior to demolition
- (2) To not be demolished until a contract for the redevelopment of the site has been made, and
- (3) Not to be demolished within the breeding season for herring birds (April-Sept).

The application has not been formally approved, due to the Flood Risk Assessment report only being received on 22 February. The scheme returns to Committee to seek amendment to the previous resolution, solely in regard to Condition 2, due to reasons outlined below.

The Highway Department requests that Condition 02, in regard to the requirement to enter in to a formal contract for the redevelopment prior to demolition, is removed. This request is largely for logistical reasons in order to enable the demolition to be carried out prior to the resolution of the procurement of a contract, which is ongoing but as yet unresolved. The ultimate desire is to afford the opportunity to commence in early spring and ensure that the scheme does not get delayed by the bird breeding season and begins before the main tourism season.

In regard to implications of the revision, the previous condition afforded protection to the visual amenities of the area, ensuring that the building would not be removed without a contract being let for its replacement. There is however wider planning merit to consider in expediting the scheme to bring forward air quality improvements within the area and relieve pressure at the Bolton Cross junction.

Bringing forward the demolition will enable the highways junction improvement works to take place and will accord with a logical preference for these works to occur sequentially ahead of any commencement of works in the town centre car park, in the event that approval is granted to application P/2012/1309.

Officers consider that there is merit to some form of relaxation in the wording of the condition rather than its full removal. The suggested re-wording cited below is considered a pragmatic solution that brings forward the potential air quality and congestion improvements without delay. It also offers protection to the visual implications of removing the building.

Having considered the matter officers' have invited the submission of a simpler public art/public realm scheme that would provide a fall-back position for Highways to enact should resolution of the new build scheme not be forthcoming within the 3 months following commencement of the demolition. The public art / public realm scheme would, if required, make good the end wall and provide a small plaza / seating area along with a public art installation.

The proposed wording below is the officers' recommendation, which will enable imminent commencement of the demolition and the progression of the contractual

matters within the next few months.

There are risks associated with allowing the demolition to take place ahead of a contract for the redevelopment, which is why the condition provides for a public art / public realm scheme in the event that the trigger for the re-provision of a building on the site is not met.

English Heritage has provided verbal advice confirming that demolition, ahead of a contract to rebuild, is acceptable. English Heritage has confirmed that it understands the need for an interim solution and would want to be involved in the design of an interim solution.

### **Recommendation**

A revision of the wording of Condition 02 be supported.

### **Proposed revised wording of Condition 02:**

Within 3 months of the commencement of the demolition of the building(s) a contract for the carrying out of the works of redevelopment of the site shall have been made, and planning permission shall have been granted for the redevelopment for which the contract provides.

In the absence of the above, within 6 months of the commencement of demolition a public realm solution including the making good of the end walls and the provision of a public art installation and a public plaza, shall be implemented in full, in accordance with detailed plans that shall have previously been submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure that the character and appearance of the Brixham Town Conservation Area is not prejudiced by the creation of a gap on this key site and to meet the criteria of Policy BE5 of the Saved Adopted Torbay Local Plan 1995 to 2011.