



Application Number

P/2012/0911

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; junction realignment and replace with 2 ground floor retail units and 2 first floor apartments

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 proposal also includes the replacement with a smaller property 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/2011/1192) and in the absence of any significant change in circumstances it is recommended for approval.

Recommendation

Conditional Approval; subject to the receipt of a satisfactory Flood Risk Assessment and the withdrawal of the Environment Agency's objection. Conditions at end of the report (to be delegated to officers to complete to ensure any relevant flood risk related conditions can be added post resolution).

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)

T6 Brixham Town Centre Improvements
T7 Access for People with Disabilities
T20 Road Improvements
H3 Residential Accommodation in Town Centres
T25 Car Parking in New Development
S3 Primary Shopping Frontages
BE3 Shopfront Design
BE1 Design of New Development
BE5 Policy in Conservation Areas
BE6 Development affecting listed buildings
BE9 Archaeological Assessment of Development Proposals
NC5 Protected Species
EP1 Energy Efficient Design
EP11 Flood Control
EP4 Noise

Proposals Map: T6 Brixham Town Centre Improvements, T24 Traffic Management Zone, T4, T5, T6 Environmental and Access Improvements, S1, S2, E2 Town Centre, S3 Primary Shopping Frontage and BE5 Conservation Area.

Proposals

The application has been submitted on behalf of the Council and seeks the junction realignment and demolition and replacement of a ground floor retail unit (former Threshers) and three first floor apartments with a ground floor retail use and two first floor apartments. These buildings are now owned by the Council. The replacement building will stand at a similar height although will be set back from its current footprint to allow the junction realignment. A widened footway will be provided in front of the proposed replacement building.

Consultations

English Heritage: No objection, EH Consider that the application should be determined at the local level. Their comments are re-produced at Page B.200.

Environment Agency: Holding objection due to the lack of a Flood Risk Assessment and because the site lies within Flood Zone 3

Representations

Brixham Town Council recommend approval.

Key Issues / Material Considerations

Since the only consideration that has changed following the 2011 approval (P/2010/1192) is the minor alteration to the design of the replacement building, to enable the retention of the light well running down the centre of the building, the recent approval in 2011 for the replacement building is a very material consideration in this case.

This proposal retains the design approach that was approved in 2011. Furthermore, the submission retains the same considerations as the 2011 application, these are: i) the impacts on adjacent listed buildings and the Brixham Town Centre Conservation Area; ii) air quality and highways.

Impact on adjacent listed buildings and the Conservation Area

The existing building at 2 and 2A Fore Street is not listed, however, a number of listed buildings are located in the immediate vicinity, including The Bolton Hotel, Brixham Town Hall, Market Hall and Museum and Corner House on New Road. Therefore new development on the site will have an effect on the setting of those building and indeed on the character of the Brixham Town Conversation Area.

A number of documents accompany the Planning Application, including the Statement of Reasons, a Planning Supporting Statement, a Heritage Statement, a Townscape Appraisal; and a Design and Access Statement. These documents note that the existing building at 2 and 2A Fore Street is not listed and does not possess any particular architectural or historical significance. However, the documents do note that the building does have some townscape merit in terms of its prominence as a corner feature and is typical of the traditional building style in the immediate area and therefore adds to the character of Fore Street and Brixham Town Centre.

The top end of Fore Street includes 19th century three storey terraced buildings with paint rendered and slate pitched roofs, which all add to the area's character. The current building forms part of this terrace although the shop and residential accommodation are vacant. The building is characterised by two distinctive turrets with one located at the corner of Fore and Market Street, and another at the junction of Market Street and Bank Lane. These are prominent features and are characteristic of the existing surroundings where a number of other similar turrets exist at 5 and 9 Fore Street and at Saxon Heights on New Road.

The plans show the proposed replacement building at 2 and 2A Fore Street as a three storey building with a shop at ground floor level and two apartments above at first and second floor levels. The height would be similar to that of the existing, however, the footprint would be reduced by half in order to accommodate the widened highway at Bolton Cross. The replacement building is similar in scale to that of the existing and other traditional buildings along Fore Street and Market Street.

The Planning Supporting Statement confirms that the new building would be a high

quality contemporary building which would reinforce the street corner and maintain its purpose as an important landmark at this local gateway to the town centre. The plans show the incorporation of turrets at the same locations as the existing at Fore and Market Streets and above the entrance to the new shop at the corner of Market Street and Bank Lane. Discussions are continuing with the architects to finesse the design of the main corner turret at Fore Street.

A rendered finish with a slate roof characteristic of Brixham's townscape is proposed, which would allow the integration of the building with the surrounding buildings. The fenestration arrangement would also match the pattern and scale of the existing building. However, the fenestration to the main turret differs to the remainder of the building and is part of ongoing discussions between officers and the architects of this scheme on the finessing of the detailed design. Consultation will continue with English Heritage to ensure that the final design is acceptable. Subject to the revision to the design of the main corner turret on Fore Street, it is considered that the new development would respect the existing grain and massing of the historic townscape, filling the remaining footprint between Fore Street and Brewery Lane.

In terms of the use of the building the opportunity for retail activity (albeit with a reduced floor area) will remain and the upper floors will remain as 'living over the shop' accommodation and will create two affordable units of modern residential accommodation in Brixham Town Centre.

Air Quality & Highways Considerations

The situation at Bolton Cross contributes to Brixham Town Centre's poor air quality and its subsequent designation as an Air Quality Management Area (AQMA), as noted within the Torbay Local Transport Plan (2006-2011). There is a need to improve the air quality in this area and it has been demonstrated that the proposed scheme does this by alleviating the extent to which traffic is stacking and stationary at this junction.

The air monitoring results for Brixham Town Centre, gathered by the Council, show significant rises in pollutant concentrations, amounting to a 10% rise, year on year at the Town Hall where results are recorded.

Bolton Cross currently operates at capacity in traffic terms during morning and evening peak hours, which is especially severe during the summer months. Market Street is constrained with insufficient width to allow two-way traffic. Traffic signals control traffic in this area which experiences lengthy queues along New Road and Market Street, severe congestion, and lengthy waiting times for pedestrians.

The Bolton Cross Junction Improvement Scheme is included in the Council's Local transport Plan 2006-2011, as approved in March 2006. It is anticipated that this scheme, along with other initiatives such as the Park and Ride service in the northern outskirts of Brixham and improved directional signage and efficiencies in junction signalling will improve air quality and ease traffic movement in the town centre. These measures should assist in ultimately removing the AQMA designation.

A Statement of Reasons report accompanies the application and describes the

alternative options that were considered by the Highways Department to reduce the congestion and associated air quality problems at the junction. Each of the alternative options was discounted due to a lack of viability or a lack of suitability in terms of impact on the town centre environment and/or traders. The alternative options considered include the re-routing of buses, restricted access to buses in the town centre, a greater frequency of park and ride and the part demolition of the Grade II Listed Town Hall.

The preferred option for addressing the current problems at Bolton Cross, which form this planning application, are therefore a result of an evaluation and appraisal exercise which has demonstrated that a number of other alternatives have been considered.

The submitted scheme comprises a revised road layout at the junction that is achieved by the demolition of 2 and 2A Fore Street. The road widening in this area is intended to allow two-way traffic on the Market Street arm of the junction and will allow vehicles to turn left into Market Street at the same time as vehicles turn left out of Bank Lane, consequently reducing congestion and the length of time that vehicles are left idle waiting at the junction. This will allow all vehicles, including buses and HGV's, to pass freely and manoeuvre more easily while enabling better access to the Bank Street interchange and to the town centre.

This scheme of road widening will enable a reduction in traffic signal phases in order to increase vehicle numbers through the junction at any given time period and to allow improved waiting times for pedestrians. A revised kerb line and footway is also proposed in order to improve pedestrian accessibility to the town centre. As a package of measures, this planning application for the Bolton Cross junction proposals, along with the proposed permanent Park and Ride site will assist in achieving the Council's strategy for reducing congestion and improving air quality in Brixham.

Sustainability & Floodrisk

The site is located within Flood Risk Zone 3 and therefore consideration must be given as to future users of the development, ensuring that they will not be placed in danger from flood hazard and that they will remain safe throughout the lifetime of the building. The Council has consulted the Environment Agency and a Flood Risk Assessment has been requested.

Ecology

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 on this specific issue are awaited.

Conclusions

It is concluded that the replacement building is respectful of the scale and massing of the surrounding townscape, the character of the Brixham Town Centre Conservation Area and the setting of adjacent listed buildings and it will make a positive contribution to the built environment.

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 buildings shall not be demolished before a contract for the carrying out of the works of redevelopment of the site has been made.

Reason: To ensure that the character and appearance of the Brixham Town Conservation Area is not prejudiced 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.

04. The development hereby approved shall not be commenced until details of colour, type and texture of all external materials, including hard surfaced areas, to be used in the construction of the proposed development have been submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory form of development and to protect the character and appearance of the Conservation Area in accordance with Policy BE 5 of the Saved Adopted Torbay Local Plan 1995 to 2011.

05. The ground floor of the development hereby approved shall only be used for Class A1 Retail as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: Such a proposal would be a separate matter to be considered on its merits and to meet the criteria of Policy S3 of the Saved Adopted Torbay Local Plan 1995 to 2011.

Relevant Policies

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Updated Officer Report

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Ward

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Description

Demolition of 2 and 2A Fore Street; junction realignment and replace with 2 ground floor retail units and 2 first floor apartments

Executive Summary

This is a proposal for Planning Consent to demolish and redevelop. It is unaltered to that previously considered by Members at the November 2012 Committee, being to demolish the existing property at 2 and 2a Fore Street on Bolton Cross in Brixham and widen the junction, and redevelop. The scheme 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 scheme will enable highway amendments to aid the resolution of air quality and traffic congestion concerns.

This scheme to demolish and redevelop was resolved to be approved by the Committee in November (2012) subject to:

- (i) The receipt of a satisfactory Flood Risk Assessment and withdrawal of the

Environment Agency's objection

(ii) Conditions in regard to;

- (1) Historic building recording prior to demolition
- (2) No demolition until a contract for the redevelopment of the site has been made,
- (3) No demolition during the breeding season for herring birds (April-June)
- (4) Details of materials and finishes to be submitted
- (5) Use class of ground floor to be A1 Retail

The application has not been formally approved, since the Flood Risk Assessment was received on 22 February. Given this hiatus in issuing the consent, the scheme returns to Committee to review progress and seek amendment to the previous resolution, solely in regard to Condition 2.

Flood Risk Assessment

This has now been submitted and is currently awaiting comment by the Environment Agency.

Proposed amendment to condition

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 that the demolition be advanced 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 resolution of what would replace it. 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.

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 does not stifle the development and bring forward the potential air quality improvements that it is expected 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.

Conclusion

A revision of the wording of Condition 02 is 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.