

Planning Consultation (DPD)

From: [REDACTED]
Sent: 15 February 2022 14:57
To: Planning Consultation (DPD)
Cc: nplan@tivertontowncouncil.gov.uk
Subject: Tiverton Neighbourhood Plan - Regulation 16 Public Consultation

Dear Forward Planning

As members of the local community and directors of a Company with an ownership interest in a property directly affected by the Tiverton Neighbourhood Plan, we wish to respond to the Plan as follows:

1. Beechwood – former Police Station, 2, The Avenue, Tiverton, Devon EX16 4HS – Paras 6.44 to 6.49

- 1.1. Contrary to the advice contained in Historic England's guidance on Neighbourhood Planning, which recommends early engagement with the community and owners of heritage assets, this property has been singled out at a late stage in the Plan's process. At its meeting in September 2019 the steering group agreed to consult the Civic Society about additional buildings which were not protected but which should be afforded protection. There is no mention of this building in the draft plan (May 2020) or the Regulation 14 Plan (April 2021), suggesting perhaps that it does not play as significant a role in the Town's historic environment or the public's consciousness as the amount of coverage now devoted to it in the latest, Regulation 16 Plan (November 2021), infers. Indeed, a comment to the effect that it should be considered to be a building of merit does not appear in the Plan until the November 2021 Consultation Statement and by that time an application for redevelopment of the site, which had been submitted with a detailed heritage statement, had already been in the public domain for 12 months. If the steering group had engaged at an early stage it would have discovered that the owners had already spent circa 10 years searching for a viable use, initially marketing it to a variety of commercial uses over a three year period, and then since 2015 and in consultation with the local planning department, various residential conversion options, all of which were ultimately considered unviable.
- 1.2. Although well intentioned, there is no evidence to suggest that commitments within the Neighbourhood Plan to identify proposals and funding to rescue un-protected buildings under threat (para 6.54) are anything other than unrealistic and undeliverable. The owner's experience over the last 10 years indicates that retention of the former police station is not a viable option, so the offer of help to find a use which will enable the building to *be put back into its optimum viable use* (Policy T8 C.) is considered equally unrealistic and undeliverable. This is contrary to the National Planning Policy Framework (NPPF), which requires Plans to be *prepared positively, in a way that is aspirational but deliverable, and requires policies to take into account relevant market signals*.
- 1.3. The manner in which the Plan treats this building lacks a sense of proportion and perspective. It is little more than a shell with some interesting architectural features, flanked on both sides by crude and unattractive late 20th century extensions, and surrounded by modern houses and bungalows, which stand as a testament to the limited

value attributed to it and its setting in previous planning decisions, some of which are very recent.

- 1.4. An old photograph of it, taken and published without the permission or approval of the owners, has been used to create a flattering impression but in his appeal decision, and following a thorough inspection of the property, the planning inspector confirmed that the building is not of listable quality, a view previously expressed by local conservation officers.
- 1.5. Given that this building is already on public record as a non-designated heritage asset, through the heritage statement and the planning inspector who refused the recent planning application on appeal, the coverage afforded to it in the Neighbourhood Plan is inappropriate and disproportionate. It is already protected by policies elsewhere in the Local Plan, as demonstrated by the outcome of the planning appeal, and its inclusion implies that it is more worthy of protection than other non-designated heritage assets, which have been overlooked. The coverage reflects a 'knee jerk' reaction to a current planning application rather than a considered and proportionate entry in a neighbourhood plan which is expected to be relevant for the next 10 years. Added to this, it is clear that some of the statements made about the building are poorly researched and inaccurate. Surely it is incumbent upon the plan makers to ensure that any information printed about the building is not only proportionate, but also factually correct and supported by robust evidence.

2. Policies T4 & T8

- 2.1. In the adopted Local Plan, Policy DM1 sets out the requirement for high quality design based upon sustainable development principles across the board. It requires proposals to make a positive contribution to local character, including heritage assets and their settings. Policy DM25 focuses exclusively on development affecting heritage assets and sets out policies to protect and enhance them. It provides that development which would result in substantial harm or loss of a designated heritage asset should only be approved where it can be demonstrated that such action is necessary to achieve substantial public benefits that outweigh that harm or loss, or the requirements of the NPPF are met. Whilst these policies are clearly weighted in favour of protecting heritage assets, they recognise the need to meet the requirements of the NPPF and the objectives which underpin the principles of sustainable development, which are not limited to environmental criteria alone, but also include economic and social objectives.
- 2.2. This approach is reinforced by Historic England, which points out in its advice note on Neighbourhood Planning that the historic environment is only one of the environmental issues to consider during plan preparation, alongside economic and social considerations. It is also exhibited in neighbourhood plans highlighted by Historic England and attributed with remarks such as 'highly commendable' and 'exemplary'. Examples include Policy BE2 in the Denstone Neighbourhood Plan, which states that the loss of or substantial harm to a locally important asset will be resisted, unless exceptional circumstance is demonstrated, and confirms that this approach is in accordance with the guidance in the NPPF. The heritage policy (NP9) in the Bredon Neighbourhood Plan balances its policy objectives by referring back to the Policy SWDP24 (Management of the Historic Environment) in the adopted local plan, confirming that development proposals affecting heritage assets will be considered in accordance with the Framework (NPPF); and policy CB5 of the Clifton Upon Teme Neighbourhood Plan states that where a proposal would result in harm to the significance of an asset on the Local Heritage List, the extent of the harm and the significance of the asset should be balanced against the benefits of the proposal.

- 2.3. Locally, Policy TC01 (Designated and Non-designated Heritage Assets) in the Cullompton Neighbourhood Plan, achieves a similar balance by seeking compliance with national policy and the existing Development Plan, principally Policy DM25, without introducing unnecessary layers of complexity or duplication.
- 2.4. Against this background we strongly object to the fact that Policies T4 and T8 in the emerging Tiverton Neighbourhood Plan demonstrate no such balance, add additional layers of complexity, and will deter the submission of development proposals involving heritage assets due to the ambiguity these policies introduce.
- 2.5. The NPPF makes it clear that non-strategic policies in a neighbourhood plan will take precedence over such policies in the adopted local plan and in the absence of any qualification to the contrary, our interpretation is that Policies T4 and T8 will effectively replace Policies DM1 and DM25, leaving heritage assets of all forms (designated, non-designated and buildings not as yet identified) at the mercy of policies which do not offer any prospect of success for schemes which necessitate harm but which will serve the greater good when measured against a range of planning objectives.
- 2.6. This undermines the NPPF, which recognises that there might be circumstances where substantial loss or harm can be justified, and obstructs the pursuit of sustainable development, a principle which underpins the planning system and is described by Historic England as *the objective of local planning authorities* when drawing up both local development plans and neighbourhood plans.
- 2.7. To make matters worse, Policy T8 seeks to impose additional responsibilities on an applicant by requiring them to document a range of information when making a proposal at the application stage. The cost of commissioning such studies will run into thousands of pounds and so otherwise sound or innovative proposals may not leave the drawing board for fear that such expense will be squandered due to the likelihood of refusal. Surely, the purpose of the Neighbourhood Plan is to encourage proposals which could rejuvenate heritage assets, and so whilst it might be appropriate to condition a permission to ensure such matters are dealt with before development commences, forcing applicants to speculate at the application stage will do nothing to encourage proposals for, or investment in, buildings which are already at risk.
- 2.8. By making the existing planning policy more restrictive and development proposals more expensive to pursue at the application stage, we fear that Policies T4 and T8 will have unintended consequences. Many heritage assets cannot meet the requirements of modern day occupiers, domestic and non-domestic, or achieve the required regulatory standards without much greater investment than the value produced by that investment. As a result, these buildings are already in a poor state of repair, and the focus of vandalism and antisocial behaviour. If the Neighbourhood Plan ignores that fact and marginalises these buildings further by making it clear that proposals involving loss or harm will be refused, regardless of whether that outcome is outweighed by the benefits, these buildings will be overlooked in favour of other opportunities, where more balanced policy provides some hope that the cost and time involved in trying to find a viable solution is a risk worth taking.
- 2.9. In short, these policies will relegate the assets they seek to protect to continued decay and vandalism, leaving the neighbourhood with eyesores and increased levels of antisocial behaviour, and depriving the town of much needed investment.

2.10. The NPPF requires plans to be *prepared positively, in a way that is aspirational but deliverable; contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; and avoiding unnecessary duplication of policies that apply to a particular area (including policies in the NPPF where relevant)*. This approach has been demonstrated in the examples set out in Paras 2.2 and 2.3 above but the same cannot be said of the Tiverton Neighbourhood Plan as it is not clear whether Policies T4 and T8 are expected to supplement existing local plan policies (DM1 and DM25), or replace them, and in failing to recognise that harm to or loss of a heritage asset can be justified in some circumstances they do not comply with the guidance set out in the NPPF.

Yours sincerely

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