
From: Helen Govier
Sent: 17 May 2021 12:35
To: Development Control
Subject: FW: 20/01174/MOUT - Tidcombe Hall, Tiverton

Consultation response for file please

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From: Greg Venn
Sent: 04 May 2021 16:36
To: Helen Govier
Subject: 20/01174/MOUT - Tidcombe Hall, Tiverton

Dear Helen

Thank you for consulting me on the above application.

This is an outline application where all matters are reserved except for the access.

The proposal is for new build dwellings, the conversion of Tidcombe Hall and its outbuildings into dwellings, a shop and café and various other ancillary proposals.

Part of the site is within the Grand Western Canal Conservation Area. Little Tidcombe a grade 2 listed building which although not within the site abuts it on all four boundaries. The road bridge (Tidcombe Bridge) over the canal on Tidcombe Lane is grade 2 listed.

Knightshayes is grade I and its listed park and garden is II*. "The setting of Knightshayes Park and Garden – A Historic Landscape Assessment" produced for the National Trust in 2007, Tidcombe Hall is referred to as a notable feature in the view from Church Path. I have previously advised consultation with Historic England, The Garden History Society and The National Trust regarding the setting of Knightshayes and its Park and Garden.

Being within the conservation area and the setting of listed building engages the Listed Building and Conservation Areas Act 1990.

Section 72 of this Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

Section 66 requires that the starting point for the considering of applications which affects a listed building or its setting is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

The Court of Appeal has made it absolutely clear that the statutory duties in relation to sections 66 and 72 do not allow a local planning authority to treat the desirability of preserving the settings of listed building and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a development would harm the setting of a listed building or character or appearance of a conservation area, it must give that harm considerable importance and weight. Finding of harm gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrebuttable. It can only be outweighed by material considerations powerful enough to do so.

The NPPF 2019 says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting. This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should be consulted and the building assessed using appropriate expertise where necessary (para 189).

When considering the impact of development, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. (para 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 194). Where the proposal will lead to less than substantial harm, the harm should be judged against the public benefit, of the proposal including, where appropriate, securing its optimum viable use (para 196)

The NPPF (para 192) also requires that in determining applications, local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

Local plan policies also have statutory weight in the determination of the application. Policy DM25 of the Local Plan Review 2013-2033 states

Heritage assets and their settings are an irreplaceable resource. Accordingly the Council will:

- a) Apply a presumption in favour of preserving or enhancing all heritage assets and their settings;

- b) Require development proposals likely to affect the significance of heritage assets, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting (including views to or from), appearance, design, layout and local distinctiveness, and the opportunities to enhance them;
- c) Only approve proposals that would lead to substantial harm or total loss of significance of a designated heritage asset where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or the requirements of the National Planning Policy Framework are met;
- d) Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this, harm should be weighed against the public benefits of the proposal, including securing its optimum viable use; and
- e) Require developers to make a proportionate but systematic assessment of the impact on the setting and thereby the significance of heritage asset(s)

The applicant has submitted both a Landscape and Visual Impact Assessment and a Heritage Assessment.

For the purpose of assessing impact on Heritage Assets I have broken this down into four areas

- Impact on Tidcombe Hall – the alterations to the building, and to its setting.
- Impact on the Conservation Area, other than that part which is Tidcombe Hall and the new access.
- Impact on the setting of the Listed Buildings – Little Tidcombe and Tidcombe Bridge.
- Impact on the setting of Knightshayes group of heritage assets.

Tidcombe Hall is not listed but is a non designated heritage asset. It is said to be early 19th century with alterations, probably originally parsonage . Tidcombe hall sits within the Grand Western Canal Conservation Area. There is no conservation area assessment and management plan (in a pure heritage sense) for this conservation area.

The proposal is to convert it and the outbuildings into 12 dwellings. The building has suffered due to its previous subdivisions and uses with some poorly considered 20th additions. The applicant has submitted concept drawings to illustrate how the building might be converted with these features removed, however they are not detailed and the full impact (both beneficial and negative) were not before us. This was raised by me at a site meeting we had with the applicant last year and the applicant has submitted a statement of intent dated December 2020, in response. This is useful and adds more information on how the building might be developed in such a way to preserve or enhance it in line with statute and policy.

The setting of Tidcombe Hall: At present the access is down a private quite formal drive with trees on both sides, with a large circular drive to the front which is clearly historic. The setting is quite tranquil and undisturbed. The proposal is to form a new access road by enlarging an entrance to the north of the formal drive. This is an historic opening. The new drive will serve all the new dwellings which will run close to the front of the house and cut the circular historic drive which will be lost, and include new housing within the garden to the east, community allotments and an informal parking area. It is assumed that the road will be lit. Pedestrians will use the existing access though the formal gateway. The structural assessment noted that the wall to the north of the existing main access will need to be taken down and rebuilt. This is the section of wall between the two accesses to the site.

I am in agreement that

- the new build and other proposed development to the east of the house within its curtilage can be sited and designed to have a neutral impact on the conservation area, (which should include the retention and rebuilding where appropriate of the northern boundary wall to the house),
- the buildings to the west could be converted (subject to detail) without harm.

This would be subject to your view that we can approve outline consent for what amounts to barn conversions.

What I don't see and was raised at our site meeting was mitigation to protect the views of the parking area which is to the north west of Tidcombe Hall from the canal looking south. There is no wall or formal boundary treatment here.

It is noted that the applicants own heritage statement assesses the new access road and informal parking area to have a negligible to minor negative change. However that seems only in relation to the development to the east of the house. The heritage statement does not seem to appreciate the new road line west of the house, stating that it follows the approximately line of the existing access. Instead the plan shows the loss of the historic circular drive to the front of the house, loss of walls adjacent to the outbuildings, and the enlargement of an existing secondary access to the site to be the main access for a large housing estate. I would see the change to the immediately setting of the house to be noticeable changed in terms of physical changes but also impacts on the change of ambiance to that part of the conservation area. I would see the harm here to be Minor also.

Turning to the changes to the access onto Tidcombe Lane. It should be noted that these are not held as reserve matters. Approval is sought for the proposal as submitted. I can only find one drawing for this in the original submission which is which is the second page of appendix A of the Transport Assessment. There are three drawings on one page. One is the alterations to the access to Tidcombe Hall. This shows the existing access in light grey and the proposal in block shading over. It is very difficult to compare existing and proposed access arrangements. The most recent submissions support the proposal with an artist impression. This is despite the applicant being asked for detailed plans of existing and proposed and street elevations of existing and proposed at our site visit.

What can be deduce though is that the existing secondary access will be widened, the wall to the south will be taken down with the possible removal of trees and the access widened (about 2m?) to form a 5m wide estate road. There will be footpaths to the front of the newly altered secondary access and the existing access. The artist impression shows the walls to the side of the altered access rebuilt, but I suspect misses the lighting, signage, tactile surfaces, kerbs, painted give way lines (all to adoptable standards). There is a clear dislocation between the artist impression and the technical drawing submitted in terms of much of this detail.

Also in the initial Transport Assessment is the proposed changes to the road outside the site in terms of traffic calming. These are within the conservation area, and within the setting of the listed canal bridge. These clearly change the experience of the conservation area and the setting of the listed bridge. I understand that these may have been removed in the new information submitted.

In my view the changes to the access into the site and highways are harmful to the conservation area in terms of the street screen and the setting of Tidcombe Hall. They noticeably change the conservation area and in my view, on the basis of what we have are slight to moderate in terms of their harm. I would be able to be more certain if I had more complete detailed drawings. I note that the heritage assessment does not comment on this change. Presumably because the scheme has changed since the assessment was completed.

It is for you but I do not see that there is sufficient information in these two submissions to safely grant a consent as I do not see that we would properly know what we are granting consent to, or that we could confidentially enforce these submitted drawings.

Impact on the Conservation Area, other than that part which is Tidcombe Hall and the new access:

The canal runs to the north of the site, and whilst there are trees on the south side of the canal there are views to the land to the south. I am in agreement with the applicant LVIA that these fortuitous views will be protected by the layout shown and that the experience of the canal will not be harmed by the careful development of the houses to the south of it as shown on the masterplan

Impact on the setting of the Listed Buildings – Little Tidcombe and Tidcombe Bridge:

Other than my comments with regard to traffic calming adjacent to the listed bridge, I do not see harm to the setting of the listed bridge from the development as indicated on the masterplan.

Little Tidcombe is a listed farmhouse in the site. I agree with the applicant that the main appreciation of this house from views from it to the north, and gives sufficient space around the building that its experience is not harmed.

I do however have concerns about the experience of the historic approach to the farm from the south. This is currently down a narrow private lane through fields. Changes to this which might result in the perception of travelling through a housing estate which approaching the farmhouse would have an harmful effect on the experience and setting of the building. It may be possible to mediate against this effect by retaining and reinforcing the existing hedges and providing new hedges where necessary.

Impact on the setting of Knightshayes group of heritage assets.

I have read with interest the comments of the applicant. the National Trust and Historic England. I am not a Landscape Architect and it seems to me that if the parties cannot agree that it would be best, in this instance, that this matter is evaluated by a independent Landscape Architect.

Summary

The application as amended falls short in terms of the detail submitted with regard to the proposed means of access, a non reserved matter. Whilst artists impressions are helpful, they are no substitute for accurate drawn and detailed technical drawings. It is also most helpful if the artists impression shows the proposal with a suitable level of detail and it should be true to the technical drawings.

The proposal in my view is harmful to the conservation area in relation to the new access and road across the front of Tidcombe Hall, and the traffic calming shown would be harmful to the setting of the listed canal bridge.

It is for you to consider the planning balance but you should be aware of the case law I have referred to above and the considerable weight and importance that must be given in the consideration of the balance and that the Council must demonstrably show the process of weighing the balance in their decision.

Regards

Greg Venn

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