

Report for: Cabinet

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| Date of Meeting: | 4 th June 2024 |
| Subject: | Grand Western Canal Conservation Area – Public Consultation of Conservation Area Appraisal and Management Plan |
| Cabinet Member: | Councillor Steve Keable, Cabinet Member for Planning and Economic Regeneration |
| Responsible Officer: | Richard Marsh, Director of Place and Economy |
| Exempt: | None |
| Wards Affected: | Tiverton Cranmore, Halberton, Canonsleigh |
| Enclosures: | Appendix 1 – Grand Western Canal Conservation Area Appraisal and Management Plan, draft for public consultation |

Section 1 – Summary and Recommendation(s)

The Grand Western Canal has been adopted as a Conservation Area since October 1994. However, it is without a Conservation Area Appraisal. The Council now brings forward the Conservation Area Appraisal in order to meet the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (NPPF).

Recommendation(s):

To Cabinet that:

- 1. The draft Grand Western Canal Conservation Area Appraisal and Management Plan (Appendix 1 to this report), including proposed alterations to the extent of the Grand Western Canal Conservation Area made through Section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), is approved for public consultation.**
- 2. That delegated authority be given to the Director of Place and Economy in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise the material and arrangements for consultation.**

Section 2 – Report

1.0 Introduction

- 1.1 Sections 69 & 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 state that local authorities shall from time to time determine which parts of their area are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. The Grand Western Canal Conservation Area Appraisal and Management Plan is the mechanism by which the local authority defines the special interest of the area and the boundary was reviewed during the writing of the document.
- 1.2 This appraisal and review of the existing boundary was instigated by the Council in order to comply with Section 71 of the 1990 Act. Section 71 states that the local planning authority shall formulate and publish proposals for the 'preservation and enhancement' of any parts of their area which are conservation areas. The draft Grand Western Canal Conservation Area Appraisal and Management Plan (Appendix 1) has been prepared for a public consultation.
- 1.3 The public consultation period shall be commenced on the publication of the draft following approval from this Cabinet. This shall be a six-week period and hard copies of the document shall be made available at Phoenix House, Tiverton. The publication of the draft shall be advertised by notice within the local newspaper (Mid Devon Gazette) and the Council's website.

2.0 The draft Grand Western Canal Conservation Area Appraisal and Management Plan

- 2.1 The draft Grand Western Canal Conservation Area Appraisal and Management Plan includes:
- A summary of the history of the Grand Western Canal's development, an assessment of its historic and architectural interest and interactive mapping showing various details of spatial analysis.
 - Proposed revisions to the existing boundary of the Grand Western Canal Conservation Area. This includes rationalisation of the boundary where it crosses the curtilages of properties.

3.0 Proposed changes to the designated boundary

- 3.1 There are areas where the existing Conservation Area Boundary is proposed for revision. The Conservation Area's boundary has been revised to reflect changing methodologies of good practice and is in line with the NPPF. Local Planning Authorities should ensure that an area justifies inclusion within a conservation area because of its special historic or architectural interest, and that the concept of conservation is not devalued through designated of areas that lack special interest. The proposals are explained in Section 2.4 of the

document (Appendix 1) and maps showing the extent of the proposed changes to the Conservation Area are included in Section 7.6 of the document (Appendix 1). The following areas are proposed to be removed from the existing boundary:

- The area of agricultural land to the east of Tidcombe Hall; the area of woodland to the north and south of the canal; the area of agricultural land to the east of Rock House; and the area of agricultural land to the west of Ayshford.
- The building, 16 Turnpike, is proposed to be removed from the boundary.
- The building, Holbrook Farm, is proposed to be removed from the boundary.
- The building, Nos. 1 and 2 Quarry View, are is proposed to be removed from the boundary.
- The area of woodland to the rear of Wharf House and the building, Pondground Cottage, is proposed to be removed.

3.2 The boundary is proposed to be extended in the following areas:

- The boundary is proposed to be extended to include the Grade II listed limekilns to the south of Westleigh Quarry.

3.3 Officers recommend that the Cabinet approves the proposed draft Grand Western Canal Conservation Area Appraisal and Management Plan as set out in Appendix 1, for public consultation. The Council shall hold this consultation for six weeks and public representations shall be carefully considered and the document amended as necessary, as part of this process.

4.0 Groups consulted

4.1 The Planning Policy Advisory Group (PPAG) considered the draft Grand Western Canal Conservation Area Appraisal and Management Plan at its meeting on 15th May 2024 and has endorsed the recommendations in this report to the Cabinet.

5.0 Next Steps

5.1 The Grand Western Canal Conservation Area Appraisal and Management Plan (Draft) will be published on the Council's website and made available to the public.

5.2 A public event will be held at Phoenix House, the date and time to be published on the Council's website and in the local newspaper. Hardcopies of the document will be made available.

- 5.3 The draft Grand Western Canal Conservation Area Appraisal and Management Plan will be updated as necessary following the public consultation and brought to a further meeting of the Cabinet later this year for its approval.
- 5.4 Once approved, the Grand Western Canal Conservation Area Appraisal and Management Plan will be reviewed within a 5 year cycle, subject to prioritisation and the need to review other Conservation Areas in the district.

Financial Implications

There are no direct financial implications from the adoption and the public consultation of the Grand Western Canal Conservation Area Appraisal and Management Plan. The process of designating a conservation area entails a small cost to advertise the designation of a new boundary to meet the statutory notification requirements as described in the legal implications section below. This cost can be met from within existing planning budgets.

Legal Implications

The Appraisal meets the Council's obligations required by the Planning (Listed Building and Conservation Areas) Act 1990. Under Sections 69 and 71 of the Act, the Council should review conservation area boundaries from time-to-time and formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas. Advice is also given in the Historic England publication - Conservation Area Appraisal, Designation and Management Second edition, Historic England Advice Note 1, 2019. This Appraisal forms part of the Council's rolling programme of providing conservation area appraisals for all its designated conservation areas. The principal legal effect of the designation of an area as a conservation area is control over demolition of buildings (including structures classed as buildings in planning legislation) and control over works to trees. In determining applications, the Council also has a duty under the Planning Acts to have regard to the desirability of preserving or enhancing the character or appearance of the area and there are less generous permitted development rights, under the Town and Country Planning (General Permitted Development) Order 2015.

The Planning (Listed Building and Conservation Areas) Act 1990 requires that the designation of a new conservation area or variation to it be advertised in the London Gazette, a local newspaper and registered as a local land charge. The Secretary of State (DCMS) and Historic England will also be notified.

The Grand Western Canal Conservation Area Appraisal and Management Plan will not form part of the Development Plan for Mid Devon and is not being prepared as a Supplementary Planning Document (SPD). However, once adopted, it will be capable of being a material consideration in the determination of planning, listed building consent and advertisement consent applications relating to the Grand Western Canal Conservation Area.

Risk Assessment

No operational or strategic risks associated with the matters covered in this report have been identified.

Impact on Climate Change

The Grand Western Canal Conservation Area Appraisal and Management Plan is, by its nature, neutral on climate change.

Equalities Impact Assessment

The draft Grand Western Canal Conservation Area Appraisal and Management Plan will not in itself lead to any impacts on the equality strands protected under the Equality Act 2010 (the “protected characteristics”). It has been subject to a screening exercise to determine whether its content is relevant to equalities, and if so, whether a full Equality Impact Assessment should be conducted. The screening exercise has found the draft Grand Western Canal Conservation Area Appraisal and Management Plan will have neutral equalities impacts on all protected characteristics. The screening exercise has concluded the draft Grand Western Canal Conservation Area Appraisal and Management Plan is not recommended for a full Equalities Impact Assessment.

Relationship to Corporate Plan

The Grand Western Canal Conservation Area Appraisal and Management Plan can help the following priority areas and actions identified in the Council’s Corporate Plan 2020-24:

- Economy: Identify strategic and tactical interventions to create economic and community confidence and pride in the places we live. and
- Community: Promote new, more integrated approaches to better health and living especially in the context of planned new developments.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 21/05/24

Statutory Officer: Maria De Leiburne

Agreed on behalf of the Monitoring Officer

Date: 21/05/2024

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive
Date: 21/05/24

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 16/05/2024

Cabinet member notified: (yes/no)

Report: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. (Yes/No)

Appendix: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. (Yes/No)

Section 4 - Contact Details and Background Papers

Contact: Thomas Muston, Conservation Officer
Email: tmuston@middevon.gov.uk
Telephone: 01884 234395

Background papers:

[Conservation areas - MIDDEVON.GOV.UK](#)

[Grand-western-canal.pdf \(middevon.gov.uk\)](#)

The Adopted Mid Devon Local Plan (2013-2033): [Adopted Local Plan and Policies Maps - MIDDEVON.GOV.UK](#)

Planning (Listed Buildings and Conservation Areas) Act 1990
<https://www.legislation.gov.uk/ukpga/1990/9/contents>

National Planning Practice Guidance for the historic environment [Historic environment - GOV.UK \(www.gov.uk\)](#)