

BIRMINGHAM CITY COUNCIL

JOINT CABINET MEMBER AND CHIEF OFFICER

FRIDAY, 08 FEBRUARY 2019 AT 00:00 HOURS
IN CABINET MEMBERS OFFICE, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

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- 1 **CONSERVATION AREA REVIEW: IMPLEMENTATION OF FINDINGS**

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to: LEADER JOINTLY WITH THE DIRECTOR, INCLUSIVE GROWTH

Report of: Assistant Director - Development

Date of Decision: 08 February 2019

SUBJECT: CONSERVATION AREA REVIEW: IMPLEMENTATION OF FINDINGS

Key Decision: No

If not in the Forward Plan: Relevant Forward Plan Ref:

(please "X" box) Chief Executive approved ☐

Relevant Cabinet Member O&S Chairman approved ☐

Relevant O&S Chairman: Cllr Ian Ward, Leader of the Council

Wards affected: Cllr Tahir Ali, Economy and Skills
Acocks Green, Balsall Heath West, Bordesley & Highgate, Bournbrook & Selly Park, Bournville & Cotteridge, Edgbaston, Hall Green North, Handsworth, Harborne, Heartlands, Kings Norton North, Ladywood, Longbridge & West Heath, Lozells, Moseley, Nechells, Newtown, North Edgbaston, Northfield, Soho & Jewellery Quarter, Sutton Four Oaks, Sutton Trinity, Weoley & Selly Oak, Yardley East.

1. Purpose of report:

- 1.1 To seek approval to implement the recommendations of the Conservation Area Review for the continued management of all conservation areas within the city of Birmingham following a consultation process approved in the report dated 27th June 2017.

2. Decision(s) recommended:

That the Leader jointly with the Director, Inclusive Growth:-

- 2.1 Approves the implementation of the Conservation Area Review Recommendations report (attached at Appendix 1) and supporting documents and its findings for the continued management of all conservation areas within the city of Birmingham.
- 2.2 Approves the cancellation of Austin Village and Ideal Village Conservation Areas in accordance with the Conservation Area Review recommendations and subsequent public consultation events.
- 2.3 Approves the removal of the Article 4 direction affecting Austin Village Conservation Area in accordance with the Conservation Area Review recommendations and subsequent public consultation events.

Lead Contact Officer(s):

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3. Consultation

3.1 Internal

Planning and Development have consulted the Chairman of the Planning Committee and Conservation and Heritage Panel who are both supportive of these recommendations. Ideal Village: All the Ward Members have been fully supportive of cancelling the conservation area. None of them attended the consultation event. Austin Village: The Ward Members do not want the conservation area to be cancelled, they only want the Article 4 direction to be deleted. All three attended the consultation event.

3.2 External

Statutory consultation (as required under the Planning (Listed Buildings and Conservation Areas) Act 1990) has been undertaken in both Austin Village and Ideal Village and has fed into the recommendations. The purpose of this report is to summarise the conclusions of the consultation exercise for Austin Village and Ideal Village Conservation Areas. The findings of the consultation are set out in section 5 (below).

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and vision and forward plan?

The Conservation Areas Review has been prepared in the context of the policies of the adopted Birmingham Development Plan (BDP) (2017) such as policy TP12 'Historic Environment' which states under para 6.75 that:

'The City Council will review or prepare character assessments and management plans for conservation areas'.

4.2 Financial Implications

(Will decisions be carried out within existing finance and Resources?)

The consultation process has been undertaken using existing Planning and Development staff resources and within existing approved revenue budgets.

There are no ongoing financial implications to the City Council as a consequence of these changes.

4.3 Legal Implications

The designation of (or amendments to) a conservation area seeks to 'preserve and enhance' the 'special architectural or historic interest' of that area (Section 69 of the Planning (Listed Buildings & Conservation Areas) Act 1990).

The designation of conservation areas is undertaken by the local authority itself, and is a statutory function governed by the Planning (Listed Buildings & Conservation Areas) Act 1990.

4.4 Public Sector Equality Duty (see separate guidance note)

An Equality Analysis screening has been undertaken and is attached at Appendix 3. The consultation process undertaken did not highlight any equality issues and it is considered that the proposals have no adverse impact.

5. Relevant background/chronology of key events:

- 5.1 Paragraph (2) of Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is clear that the local planning authority must review on a regular basis, existing conservation areas as well as consider if further areas need to be designated. Standard practice within the discipline is that this should be around every 5 years.
- 5.2 A review of all 30 conservation areas in Birmingham has now been undertaken in order to meet these statutory requirements. The findings of the review identified potential cancellation (de-designation), variation (merging, reducing and enlarging) and consideration of new areas. The findings of the review are provided under Appendix 1.
- 5.3 The recommendations of the review were endorsed by the City's Conservation and Heritage Panel for wider public consultation and were also reported to Planning Committee
- 5.4 The findings and recommendations of the review were approved by the Deputy Leader jointly with the Corporate Director, Economy on 27th June 2017. At that time approval was also given for consultation on two of the surveyed conservation areas recommended for cancellation (1) Austin Village, and (2) Ideal Village, as well as further designations.
- 5.5 Whilst concerns have been raised that cancellation of these two designations could lead to deterioration and cancellation of other areas, lessons have been learnt from Austin Village and Ideal Village on the management of conservation areas and the issues they face. Moreover, resources in both building conservation staff and enforcement staff within the Planning Department have increased, allowing for better day-to-day input into the management of these areas to take place.
- 5.6 The summary of the consultation work in these two areas is now provided and is set out in full in Appendix 2.

5.7 Austin Village

- 5.7.1 The consultation generated representations that both supported the retention and cancellation of the conservation area and associated Article 4 direction (which removes 'permitted development' rights. There was also a strong contingent that considered the retention of the conservation area in association with a relaxation/loss of the Article 4 direction.
- 5.7.1 It is accepted that the Article 4 direction has not been adhered to and the strong public resistance to comply with it has resulted in it no longer being meaningful to enforce. More properties now have alterations that use modern materials than those that have traditional materials and as a result the character and appearance of the conservation area has been seriously harmed.
- 5.7.2 To retain the conservation area without the Article 4 direction would effectively result in having a designation with few teeth to protect it. In this event, permission for cladding

would still be required, although this is one issue expressly considered by most residents to be something they would not support as the use of PVCu plastic is significant throughout the area.

- 5.7.3 Whilst Historic England regretted the proposed cancellation of the conservation area, the Victorian Society and Civic Society recommend its retention as it was considered that the character of the area had not been completely lost and could be reinstated with guidance and support. It is considered, however, that this position is not practical when the community have made it very clear that they do not agree with this style of restrictive conservation.
- 5.7.4 The concept of the village as a planned estate in connection with the city's motor industry during the First World War is still visible in plan form and all agree that this is of some value. There does appear to be a difference of opinion over how important the fabric of these buildings is, albeit contrary to normal conservation guidance and policy across the country, where modern materials (particularly PVCu) is not supported. Without a real sea change in resources, the opinions of the local community or funding, there is little that can now take place to reverse the current condition of Austin Village, and therefore the recommendation set out in the review remains. The area is no longer considered to meet the requisite standard for designation as a conservation area and retaining the associated Article 4 direction would serve no purpose.

5.8 Ideal Village

- 5.8.1 The consultation generated representations that both supported the retention and cancellation of the conservation area, but largely the community themselves were in favour of the cancellation proposed. All acknowledged the significant loss of historic fabric and unsympathetic changes that have taken place to properties and that in part this was due to unsympathetic alterations.
- 5.8.2 Historic England acknowledges the loss of fabric and the harm this has caused to the conservation area. The Victorian Society considers the loss of fabric not to be so significant that the proposed cancellation should be substituted for a programme of reinstatement. Such a position would be fruitless without significant buy in from the community and substantial resources and funding.
- 5.8.3 The Civic Society have a similar stance to the Victorian Society, however are mindful that varying (reducing) the designation and applying an Article 4 direction should be considered. This could not be undertaken as the condition of the conservation area is consistently deteriorated throughout and therefore a new boundary would be impossible to draft. Moreover, an Article 4 direction did once exist and has been lifted making this neither appropriate nor effective as the fabric it would be protecting is already lost.
- 5.8.4 Without a real sea change in resources, the opinions of the local community or funding, there is little that can now take place to reverse the current condition of Ideal Village, and therefore the recommendation set out in the review remains. The area is no longer considered to meet the requisite standard for designation as a conservation area.

6. Evaluation of alternative option(s):

- 6.1 Option 1 – do nothing. The consultation in Austin and Ideal Villages has been completed and there are varying opinions on the future management of these areas, however conservation area designation is evidence based and it has been evidenced that the area no longer retains the requisite standard for designation as a conservation area.
- 6.2 Option 2- Reduce the designation. Another option would be to revise the boundary of these two areas. This is problematic as the deteriorated condition of both conservation areas is consistent throughout.

7. Reasons for Decision(s):

- 7.1 To approve the recommendations of the Birmingham Conservation Area Review following consultation including the cancellation of Austin Village and Ideal Village Conservation Areas and Article 4 direction for Austin Village.

Signatures

Date

Leader of the Council
Cllr Ian Ward:

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Director, Inclusive Growth
Waheed Nazir:

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List of Background Documents used to compile this Report:

Relevant officers file(s) on the matter, save for confidential documents.

List of Appendices accompanying this Report (if any):

1. Conservation Area Review Recommendation Report
2. Summary of consultation results for Austin Village Conservation Area and Ideal Village Conservation Area in connection with proposals for cancellation
3. Equalities Analysis
4. Conservation Area Review – Deputy Leader Jointly With The Corporate Director; Economy report 26th June 2017

PROTOCOL

PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty – see page 9 (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) tackle prejudice, and (b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"> (a) Marriage & civil partnership (b) Age (c) Disability (d) Gender reassignment (e) Pregnancy and maternity (f) Race (g) Religion or belief (h) Sex (i) Sexual orientation

APPENDIX 1

CONSERVATION AREAS REVIEW RECOMMENDATIONS REPORT

1. Subject and Brief Summary of the Proposals

- 1.1 This report has been undertaken by the Council following a review of the city's conservation areas and makes recommendations for the continued management of all conservation areas within the city of Birmingham, including permission to undertake full consultation on all changes and proposals recommended. Delegated authority will be required from the Deputy Leader and Strategic Director for the Environment to approve consultation on future draft conservation area changes.
- 1.2 The Report includes the findings of the recent review of the city's conservation areas and set out proposed revisions to these including the merging of, deletion of, boundary amendment to and potential designation of new conservation areas, as well as a review of their evidence base.

2. Background and Issues

- 2.1 Birmingham City Council has 30 designated conservation areas (see table 1). The designation of a conservation area seeks to 'preserve and enhance' the 'special architectural or historic interest' of that area (Section 69 of the Planning (Listed Buildings & Conservation Areas) Act 1990). Such a designation does not stifle development, but rather allows for growth and change that responds positively to that special character.

1. Anchorage Road (Sutton Coldfield)
2. Aston Hall and Church
3. Austin Village
4. Barnsley Road, Edgbaston
5. Bournville Tenants
6. Bournville Village
7. Colmore Row and Environs
8. Digbeth, Deritend and Bordesley High Streets

9. Edgbaston
10. Four Oaks
11. Greenfield Road, Harborne
12. Harborne Old Village
13. High Street, Sutton Coldfield
14. Ideal Village, Bordesley
15. Jewellery Quarter
16. Kings Norton
17. Lee Crescent, Edgbaston
18. Lozells and Soho Hill
19. Moor Pool, Harborne
20. Moseley
21. Northfield Old Village
22. Old Yardley
23. Ryland Road, Edgbaston
24. St Agnes, Moseley
25. St Augustines, Edgbaston
26. School Road, Hall Green
27. Selly Park
28. Selly Park Avenues
29. Steelhouse, City Centre
30. Warwick Bar, Digbeth

Table1: Birmingham's Conservation Areas

- 2.2 The designation of conservation areas is undertaken by the local authority itself, and is a statutory function governed by the Planning (Listed Buildings & Conservation Areas) Act 1990.
- 2.3 Section 69 of the Act states the following:

1. *Every local planning authority—*

a) *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, and*

b) *shall designate those areas as conservation areas*

2. *It shall be the duty of local planning authority from time to time to review the past exercise of functions under this section and to determine whether any parts or any further parts of their areas should be designated as conservation areas; and, if they so determine, they shall designate those parts accordingly.”*

- 2.4 Paragraph (2) of Section 69 of the Act is clear that the local planning authority must review both the existing conservation areas as well as consider if further areas need to be designated on a regular basis. Standard practice within the discipline is that this should be around every 5 years. A review of all conservation areas in Birmingham has now been undertaken in order to meet this statutory requirement.

3. Recommendation

- 3.1 The findings of the review identified a number of issues, set out below, which address potential cancellation (de-designation), variation (merging, reducing and enlarging) and possible adoption of new conservation areas.

Cancellation (de-designation)

- 3.2 Following the initial review of all 30 conservation areas, two appeared to be in a condition where the survival of historic fabric is so poor that they no longer meet the criteria or standard for designation. This assessment triggered the need to undertake detailed survey work in both areas to generate clear data under which a sound recommendation could be reported to Planning Committee Members.
- 3.3 The first area is the Austin Village Conservation Area. This area was designated on 17 July 1997. A condition survey was undertaken on 14 June 2016 which identified the loss of and significant change to historic fabric:
- 95% of properties have lost all (or most) of the original windows in favour of UPVC windows;
 - 93% of properties have replaced the original front door;
 - 45% of properties have added a porch;

- 39% of properties have over clad the timber of the bungalows or rendered the brick houses on the front elevation;
- 47% of properties have over clad the timber of the bungalows or rendered the brick houses on the side elevations;
- 37% of properties have cement tile roofs; and
- 87% of properties have modern driveways.

3.4 Austin Village has an Article 4 direction that was put in place in 25 September 1998 removing 'permitted development' rights (development that otherwise would not require planning permission). In the process of de-designation the Article 4 direction would need to be revoked. During various meetings with representatives of the community (the Austin Village Preservation Society) a strong desire has been made for the Article 4 direction to be lifted.

3.5 The second area is Ideal Village Conservation Area which was designated on 18 October 1990. A condition survey of the area was undertaken on 6 October 2016 which identified the loss of and significant change to historic fabric:

With regards to housing:

- 98% of properties have lost all (or most) of the original windows in favour of UPVC windows;
- 96% of properties have replaced the original front door;
- 49% of properties have added a porch;
- 32% of properties have rendered or painted over the brickwork;
- 85% of properties have replaced the original slate or tile roof with a synthetic slate or concrete tile; and
- 90% of properties have removed the boundary wall and inserted a modern driveway or hard-standing.
- With regards to shops:
 - 100% of the shops have poor quality modern shop fronts ;
 - 100% of the shops have roller-shutters;
 - 100% of the shops have modern inappropriate signage;
 - 91% of the shops have lost the original windows (to the flats above) in favour of UPVC windows;

- 91% of the shops have lost the original domestic door entrance (to the flat above).

3.6 As with Austin Village an Article 4 direction was put in place in Ideal Village following designation in order to control changes to properties and preserve and enhance the areas character. The Article 4 direction was lifted on 6 May 2009. The report to Planning Committee Members at that time stated the following:

‘Whilst the overall plan form of the Ideal Village remains unaltered and the general built form may still be of interest, there has been considerable erosion of original detail, largely through significant investment in housing. To the extent that the existing Article 4 (2) Direction is rendered almost meaningless.’

3.7 Considering the significant loss of historic character in these two areas the ‘special architectural or historic interest’ in each has now been lost and officers’ recommendation is that the Council must consider the process of cancellation (de-designation). Without de-designation the planning department must continue to process planning applications being mindful of heritage implications that are largely now absent.

Variation (boundary amendments)

3.8 Other conservation areas have changed in form, either through significant loss of historic character around their periphery (much in the way that has happened more extensively in Austin Village and Ideal Village). However, the nucleus of these areas either remains intact and still offers something of architectural or historic merit that has not been altered so greatly as to warrant cancellation. Considering this aspect of boundary change, the opportunity of expanding a conservation area to take in areas that contribute positively to the designation should also be considered.

3.9 The first area is Barnsley Road Conservation Area where the condition was seen to be so poor that a full condition survey was undertaken on 13 September 2016 identifying the loss of and change to the historic fabric:

- 75% of properties have lost all (or most) of the original windows in favour of UPVC windows;
- 38% of properties have rendered or painted over the brickwork;
- 38% of properties have replaced the original slate or tile roof with a synthetic slate or concrete tile; and
- 70% of properties have removed the boundary wall and inserted a modern driveway or hard-standing.

- 3.10 It was identified that a small area concentrated around the east side of Barnsley Road itself might survive as a greatly reduced conservation area. Should this be considered, then an Article 4 direction would need to be put in place to safeguard the character of what survives and prevent further deterioration. See attached plan of existing and proposed new boundary.
- 3.11 The Jewellery Quarter was also found to have areas around its periphery that no longer qualify as meeting or benefiting from conservation area status. In parallel with the City Council's own review of all 30 conservation areas, the Jewellery Quarter Neighbourhood Planning Forum and Jewellery Quarter Development Trust have commissioned a review of the Conservation Area Appraisal and Management Plan and this has resulted in the identification of peripheral areas that should no longer form part of the conservation area. This has been reviewed by officers and broadly agreed with.
- 3.12 The Jewellery Quarter review also noted that the conservation area contained areas that are far more characteristic of the Colmore Row and Environs Conservation Area. This is largely the character area known as 'City Fringe' which has always had a greater association with the city centre proper and that of the Colmore Row and Environs Conservation Area and therefore it would only be proper to soundly respond to this as part of this wider review and re-designate much of this area as part of that conservation area. See attached plan of existing and new boundary.
- 3.13 The third area where boundary changes are anticipated is Lozells and Soho Hill Conservation Area. This area has already been the subject of a number of initial studies and forms part of the A41 (Soho Road) Framework (2015). There are a number of areas around the periphery of the designation that need to be appraised to understand if they will continue to form part of the conservation area. A revised Conservation Area Appraisal and Management Plan is proposed. See attached plan of existing and proposed new boundary.

Variation (merging)

- 3.14 The review identified a number of conservation areas that shared boundaries and characteristics. In all these cases it is possible to consider merging the conservation areas. Merging offers the following benefits:
- Simplifies the designations and makes the understanding of the designations easier to understand for customers;
 - Improves the administration of conservation areas for the local planning authority in terms of the planning function; and
 - Reduces the demand of managing conservation areas on council resources as each conservation area should have its own published 'proposals for preserving and enhancement' of the area (Section 71 of

the Act). These proposals themselves need frequent reviewing and therefore if areas are merged this allows for them to be more soundly managed and resources better utilised.

3.15 Edgbaston contains three conservation areas that abut one another and share similar geography, street plan and domestic 18th and 19th century architecture. These are the:

- Edgbaston Conservation Area;
- Ryland Road Conservation Area; and
- Lee Crescent Conservation Area.

3.16 The Digbeth and Eastside area of the city has two conservation areas that dovetail one another and share similar geography, street plan and industrial 19th century architecture. These are the:

- Warwick Bar Conservation Area; and
- Digbeth, Deritend and Bordesley High Street Conservation Area.

3.17 With regards to the Digbeth and Eastside areas, these are directly adjacent to the intended location of the HS2 train station and are the intended subject of a wider design SPD and revised Conservation Area Appraisal and Management Plan.

3.18 In the case of Edgbaston, none of these are 'at risk' as reported by Historic England and therefore there is no risk to merging these areas. As for the Digbeth/Eastside area, they are both 'at risk' and therefore again there is no risk of deteriorating the status of one conservation area by merging with another.

3.19 The 'special architectural or historic interest' of these areas would not be threatened or altered in any way and therefore considering the benefits outlined of merging these areas the Council should consider the process of merging these five areas in to two.

New designations

3.20 In accordance with the provision of Paragraph (2) of Section 69 of the Act it is clear that the local planning authority must also (as part of any review) 'determine whether any ... further parts of their areas should be designated as conservation areas'. In accordance with this, two local communities have come forward to promote their areas as potential new conservation areas. In both cases officers have met with representatives of those communities to discuss their aspirations.

- 3.21 The first of these areas is in Acocks Green. This area comprises a suburban area of mixed late 19th and early 20th century housing. The community representatives have determined a boundary and undertaken an initial survey of the area to consider what should constitute a conservation area and an associated Article 4 direction. Officers are working with the community to understand the significance of the area, with a mind to present more detailed proposals to Planning Committee Members following the review of these wider proposals.
- 3.22 The other area under consideration is Weoley Hill. This area comprises an outer suburban district of early 20th century housing built as part of the Bournville Estate. The community are in the early stages of considering what the conservation area might comprise and how an Article 4 direction would serve to protect the current character of the area.
- 3.23 In order for these areas to be effective conservation areas, Article 4 directions will need to be put in place. This would remove the 'permitted development' rights of householders. Significant community support will be necessary in order to ensure that these areas can be appropriately and properly managed, as the community would effectively be gifting away their right to alter aspects of their properties without planning permission. It is this issue that has led in part to the de-designation of other areas and therefore the designation of new areas and the accompanying Article 4 needs to be substantially supported by the community.
- 3.24 In both these cases it is important to note that detailed survey work and comprehensive consultation with the local community will be central in determining if either of these areas become conservation areas in the future. At present no view has been taken as to whether these areas would meet the criteria for designation.

4. Requirement for review of appraisals and management plans

- 4.1 The Act states under Section 71 that:

“(1) It shall be the duty of a local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.

(2) Proposals under this section shall be submitted for consideration to a public meeting in the area to which they relate.

(3) The local planning authority shall have regard to any views concerning the proposals expressed by persons attending the meeting.”

- 4.2 The legislation does not specify the nature of the ‘publish proposals for the preservation and enhancement’ of a conservation area and in Birmingham there is a combination of:
- Article 4 directions;
 - Guidance leaflets; and
 - Conservation Area Appraisals and Management Plans.
- 4.3 It is important that as conservation areas evolve and change that the associated published documents to manage them are also reviewed. This is also for the case for conservation areas that will not necessarily change.
- 4.4 A number of new and revised management plans (comprising one or more of the options set out above under paragraph 4.30) will therefore be necessary and will be forthcoming as part of this strategy. It is, however, anticipated at this time that the following areas will be prioritised to have revised Conservation Area Appraisals and Management Plans:
- Barnsley Road
 - Jewellery Quarter;
 - Digbeth (new merged area);
 - Edgbaston (new merged area);
 - Lozells and Soho Hill;
 - Colmore Row and Environs Conservation Area;
 - Acocks Green (new area) if designated; and
 - Weoley Hill (new area) if designated.

Other areas without these documents, yet to be identified, will subsequently come forwards utilising other published proposals.

- 4.5 Delegated authority has also been secured from the Strategic Director: Economy to approve consultation on future draft conservation area changes.

5 Conclusion and recommendations

- 5.1 The need to review Birmingham’s conservation areas is a statutory duty that must be undertaken in order to satisfy primary legislation, but is also important if the Council’s planning policy designations are to remain relevant, especially to the residents, organisations and businesses that live and work in these

areas. It is naturally regrettable that some of the existing designations no longer meet the standards to be conservation areas, however the better administration of other areas, through merging, and the potential of new areas being designated ensures that Birmingham promotes the best of its historic environment in a positive light, where the designation of a conservation area truly reflects the best of the city's historic environment. As such this Conservation Area Review has been undertaken to manage this process.

5.2 That the Deputy Leader, with the Corporate Director, approves the review along with support for officers to commence public consultation on the changes proposed to the city's conservation areas. The process would be a phased exercise in line with the following sequential approach:

- Cancellation (de-designation) of the Austin Village Conservation Area and revocation of the Austin Village Article 4 direction;
- Cancellation (de-designation) of the Ideal Village Conservation Area;
- The variation (reduction) of the Barnsley Road Conservation Area, formation of an Article 4 direction and adoption of a conservation area character appraisal and management plan;
- The variation (reduction and expansion) of the Jewellery Quarter Conservation Area in conjunction with the revocation of the existing Jewellery Quarter Design Guide SPG and adoption of a Neighbourhood Plan. The revocation of existing, and adoption of a new conservation area appraisal and management plan;
- The variation (expansion) of the Colmore Row and Environs Conservation Area and revocation of existing, and adoption of a new conservation area appraisal and management plan;
- The variation (reduction) of the Lozells and Soho Hill Conservation Area and adoption of a Conservation Area Appraisal and Management Plan;
- The variation (merging) of the Edgbaston, Rylands Road and Lee Crescent Conservation Areas revocation of existing (Edgbaston), and adoption of a revised conservation area character appraisal and management plan;
- The variation (merging, reduction and expansion) of the Warwick Bar and Digbeth, Deritend and Bordesley High Street Conservation Areas revocation of existing (both), and adoption of a revised conservation area character appraisal and management plan;

- The possible designation of a conservation area in Acocks Green and preparation of a Conservation Area Appraisal and Management Plan and Article 4 Direction;
- The possible designation of a conservation area in Weoley Hill and preparation of a Conservation Area Appraisal and Management Plan and Article 4 Direction; and
- The preparation and publication of proposals for the 'preservation and enhancement' of these and other conservation areas.

5.3 Considering the scale and coverage of conservation areas across Birmingham, this review is extensive and it cannot be confirmed at this time that the proposed recommendations in their present form are complete and conclusive. As the work progresses other issues may be generated that may need further approval from the Deputy Leader with the Strategic Director along with continued public consultation. This will most likely be the need to review and possibly amend the boundary of other conservation areas not discussed in this report.

5.4 As each individual phase of the strategy is implemented the proposals will require public consultation with statutory and community bodies. The following is proposed:

- Letters to all affected households, businesses and organisations within the area affected;
- Details provided on the Council's website;
- Hold public meeting (where appropriate) within the areas affected;
- Consultation letters to:
 - Historic England;
 - Amenity Societies; and
 - Resident, civic and heritage groups/associations
- Consultation feed-back presented to Planning Committee where there is any significant deviation from the scope of this report.

The extent of the above scope of consultation may vary according to the nature of each element of the strategy.

6 BACKGROUND PAPERS

10.1 List of Background Documents used to compile this Report:

- Plans of boundary changes; and
- A link to existing conservation area designations, along with designation reports and Article 4 directions can be reviewed at:

https://www.birmingham.gov.uk/info/20055/conservation_areas/13/birminghams_conservation_areas

7 Contact Officers

Ross Brazier, Andrew Fuller

Principal Conservation Officers

APPENDIX 2

SUMMARY OF CONSULTATION RESULTS FOR AUSTIN VILLAGE CONSERVATION AREA AND IDEAL VLLAGE CONSERVATION AREA IN CONNECTION WITH PROPOSALS FOR CANCELLATION

Austin Village

Public Consultation

A consultation event was held at Longbridge Baptist Church on 10th August 2017 and 39 people attended including Councillor R. Brew, Councillor D. Clancy and Councillor B. O'Reilly.

During the event comment forms were made available and 14 forms were completed, making the following comments:

- The Article 4 direction is too restrictive;
- The Article 4 direction should go along with the conservation area;
- The conservation area should be kept along with the Article 4 direction;
- People move to the area as it is a conservation area and improvements have been made;
- Gardens have been ripped up and driveways have been put down and plastic cladding used and this has not been enforced against;
- The area has changed since 1997 and now plastic is more widespread in use, people do whatever they want and people are punished for following the rules;
- A residents meeting voted in favour of not having a conservation area;
- Many alterations were made to properties prior to the designation being put in place;
- Residents only wish to maintain their properties at a cost that they can afford (therefore UVVC windows not wood).
- More people have cars now and there is a greater need for parking;
- Road kerbs are in a poor condition and trees need better maintenance;
- It is a unique area within the city; and
- Some properties were rendered when built.

Consultation responses

8 consultation responses have been received raising the following issues, including a resident acting as Chairperson of the 'Austin Village Preservation Society' and a non-resident from Ampersand Project CIC:

- Austin Village residents expressed in a survey in 2016 to no longer have a conservation area;
- The Article 4 direction has been continually ignored with the use of modern materials being used with and without permission;

- Many residents do not want to lose the conservation area status but would rather the strict terms of the Article 4 direction be altered to allow them to maintain their properties in an eco-friendly and economical manner;
- The Council have been unable to police the area and ensure the Article 4 direction is being adhered to;
- The residents were not consulted on the replacement of lampposts, the replacing of paving slabs with tarmac and allowing trees to grow over the bungalows;
- The Article 4 should be rescinded and a guidance document published (which is resident led);
- An HLF project recognising the value of the village's heritage and its origins in Michigan will capture the feeling of residents.

Historic England

It is a matter of considerable regret to Historic England that Birmingham City Council has not been willing to back up its own Article 4 Direction, which is in place to prevent harmful change, by using your enforcement powers. As a result, and entirely predictably, this has led to the detrimental changes the Article 4 Direction was designed to resist (as clearly shown in the Council's Conservation Areas Review document). The most obvious consequence has been the extensive installation of uPVC windows. Historic England does not believe uPVC window are acceptable in any Conservation Area, and cannot envisage this being so.

It is note that the designation report (of 17 July 1997) referred to the geometric layout of the building plots as a part of the area's significance, as well as the date of construction during World War I, and the use of imported timber prefabricated "bungalows" from the USA to house those working in the local production plants of Herbert Austin. The Conservation Area still retains some of that significance. However, it is clearly for Birmingham City Council to judge whether or not there is still sufficient special interest after the cumulative change, particularly the extensive installation of uPVC windows, to merit the retention of the Austin Village Conservation Area.

The Victorian Society

Although the Austin Village was erected during the First World War and therefore in the years immediately following our period of interest, it was planned in the great tradition of early 20th century garden village suburbs, but unusually using some 200 imported timber houses from America, and so there is disappointed that this Conservation Area is proposed to be cancelled .

Whilst it is recognise from the statistical evidence that there have been considerable alterations to many properties, including unauthorised works, which have had a negative impact on the Conservation Area, we are not convinced that this is enough to warrant de-designation of the Conservation Area. These inappropriate changes, such as replacement doors, windows, cladding and roofing materials, the additions of satellite dishes or the loss of garden boundaries, could be reversed to enhance the Conservation Area, whereas cancellation of the area's status will precipitate further erosion, and it is likely that the

remaining distinctive character of the Austin Village will be rapidly and completely lost. We fear also that such cancellation of this Conservation Area will be a signal for further erosion of historic character in other Conservation Areas and could set a precedent for the removal of this status elsewhere in the city.

If cancellation is effected, and indeed in any case, we would request that steps are taken to preserve and offer protection to some of these extraordinary houses where they retain features of special character.

The Birmingham Civic Society

The cancellation of the conservation area is not supported on the grounds that the special architectural, historic interest and character of the area is clearly evident today. Whilst it is accepted that there has been a number of alterations to the historic fabric of the dwellings, these alterations are not of detriment to the overall appearance of the conservation area. It is recommended the sufficient guidance/support for owners with-in the area is provided to assist them in ensuring any proposed development to improve their properties ensures that the special architectural, historic interest and character of the area is preserved and enhanced. We recommend that the Article 4 direction is retained.

Ideal Village

Public Consultation

A consultation event was held at the St Paul's Centre on 9th August 2017 and 20 people. A representative from the Victorian Society attended but no Councillors were in attendance.

During the event comment forms were made available and 4 forms were completed, making the following comments:

- The area no longer looks like a conservation area and people can build extensions;
- Disappointed the area is being removed and is not protected and this is why the area has deteriorated, this is the councils fault; and
- Disappointed that the conservation area is proposed to be withdrawn, there are many distinctive buildings and features, but the character has been much eroded.

Consultation responses

8 consultation responses have been received raising the following issues, including a resident acting as Chairperson of the 'Austin Village Preservation Society' and a non-resident from Ampersand Project CIC:

- Removing the conservation area would be to remove part of the cultural heritage of Birmingham and the designation should be left in place;

- The survey is seriously flawed as it identifies that any differences from 1910 fabric is evidence that people no longer are complying with the conservation area;
- Plastic windows should be allowed so long as they are the same, or sympathetic to, the original design;
- Slate shouldn't be replaced by tiled roofs and other changes to brickwork and bay windows;
- Alterations had already taken place in 1990;
- An error was found in the survey over a front door not being original when it is;
- The Council have not enforced the conservation area, and the inaction of the Council has led to this proposal;
- Conservation Area status should be retained so we can conserve what elements are remaining;
- New people in the conservation area do not appreciate its architectural qualities and are not respecting that when altering houses;
- Lifting the Conservation Area status would give people a licence to destroy the remaining heritage in this area;
- The area has continued to deteriorate due to poor decisions in planning;
- The conservation area status is preventing owners making changes to their properties in order to meet their needs; and
- There has no investment (grants/works etc) by the Council to help preserve and of the features and character of the area.

Councillor Shafique Shah, Councillor Mohammed Aikhlaq and Councillor Uzma Ahmed each have made representations supporting the cancellation of the conservation area.

Historic England

It is a matter of considerable regret to Historic England that Birmingham City Council has not been willing to back up its own Article 4 Direction, which is in place to prevent harmful change, by using your enforcement powers. As a result, and entirely predictably, this has led to the detrimental changes the Article 4 Direction was designed to resist (as clearly shown in the Council's Conservation Areas Review document). This was also noted at the point that the original Article 4 Direction was lifted in 2009 (as referenced in paragraph 3.6 of your Review). The most obvious consequence has been the extensive installation of uPVC windows. Historic England does not believe uPVC window are acceptable in any Conservation Area and cannot envisage this ever being so.

It is also note that the designation report (of 18 October 1990) referred to the Ideal Village as being important both architecturally and historically comprising a "village layout" rich in architectural styles derived from the activities of the Ideal Benefits Society. The Conservation Area still retains some of that significance. However, it is clearly for Birmingham City Council to judge whether or not there is still sufficient special interest, after the cumulative change made following the extensive installation of uPVC windows, to merit the retention of the Ideal Village Conservation Area.

The Victorian Society

There is disappointment that this Conservation Area is proposed to be cancelled. Whilst it is recognised from your statistical evidence that there have been considerable alterations to many properties, including unauthorised works, which have had a negative impact on the Conservation Area, we are not convinced that this is enough to warrant de-designation of the Conservation Area. These inappropriate changes, such as replacement doors and windows, the additions of satellite dishes or the loss of garden boundaries, could be reversed to enhance the Conservation Area, whereas cancellation of the area's status will precipitate further erosion, and it is likely that the remaining distinctive character of the Ideal Village will be rapidly and completely lost. We fear also that such cancellation of this Conservation Area will be a signal for further erosion of historic character in other Conservation Areas and could set a precedent for the removal of this status elsewhere in the city.

The Birmingham Civic Society

There is no support for the cancellation of Ideal Village on the grounds that there are some areas within the conservation area that retain the special architectural, historic interest and character of the original development. It is recommended that further detailed analysis is carried out on the area and Birmingham City Council considers varying (reducing) the area to preserve and enhance the special architectural, historic interest and character of the Ideal village. It is recommended that an Article 4 direction is placed upon the varied (reduced) conservation area to further preserve and enhance the area. Consideration should also be made regarding Locally Listing a number of the properties to serve as exemplar properties within the area.

Title of proposed EIA	CONSERVATION AREA REVIEW: IMPLEMENTATION OF FINDINGS
Reference No	EQUA211
EA is in support of	Amended Policy
Review Frequency	No preference
Date of first review	04/02/2019
Directorate	Economy
Division	Planning and Development
Service Area	City Design and Conservation
Responsible Officer(s)	<input type="checkbox"/> Andrew Fuller
Quality Control Officer(s)	<input type="checkbox"/> Richard Woodland
Accountable Officer(s)	<input type="checkbox"/> Waheed Nazir
Purpose of proposal	To seek approval to implement the recommendations of the Conservation Area Review for the continued management of all conservation areas within the city of Birmingham
What sources of data have been used to produce the screening of this policy/proposal?	Consultation Results
Please include any other sources of data	
PLEASE ASSESS THE POTENTIAL IMPACT ON THE FOLLOWING PROTECTED CHARACTERISTICS	
Protected characteristic: Age	Not Applicable
Age details:	
Protected characteristic: Disability	Not Applicable
Disability details:	
Protected characteristic: Gender	Not Applicable
Gender details:	
Protected characteristics: Gender Reassignment	Not Applicable
Gender reassignment details:	
Protected characteristics: Marriage and Civil Partnership	Not Applicable
Marriage and civil partnership details:	
Protected characteristics: Pregnancy and Maternity	Not Applicable
Pregnancy and maternity details:	
Protected characteristics: Race	Not Applicable
Race details:	

Protected characteristics: Religion or Beliefs	Not Applicable
Religion or beliefs details:	
Protected characteristics: Sexual Orientation	Not Applicable
Sexual orientation details:	
Please indicate any actions arising from completing this screening exercise.	
Please indicate whether a full impact assessment is recommended	NO
What data has been collected to facilitate the assessment of this policy/proposal?	
Consultation analysis	
Adverse impact on any people with protected characteristics.	No adverse impact, or potential for adverse impact, has been identified through the consultation process.
Could the policy/proposal be modified to reduce or eliminate any adverse impact on any particular group(s)?	All member of the community (re conservation area) were given an opportunity to reject/approve the recommendations of the review. The development of the policy and subsequent consultation process did not identify any potential to bring about an adverse impact on any protected group.
How will the effect(s) of this policy/proposal on equality be monitored?	Paragraph (2) of Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is clear that the local planning authority must review on a regular basis, existing conservation areas as well as consider if further areas need to be designated. Standard practice within the discipline is that this should be around every 5 years.

What data is required in the future to ensure effective monitoring of this policy/proposal?

Are there any adverse impacts on any particular group(s)

No

If yes, please explain your reasons for going ahead.

No.

Initial equality impact assessment of your proposal

Statutory consultation (as required under the Planning (Listed Buildings and Conservation Areas) Act 1990) has been undertaken in both Austin Village and Ideal Village. The Conservation Areas Review was publicised on the Council's internet and meetings were held in both areas following the erection of site notices throughout the areas and letters being sent to every resident/business. The meetings provided a forum to debate the cancellation of the conservation areas and the risk associated with the loss of this designation in terms of future management and the processing of planning applications. All Ward Councillors attended the meeting for Austin Village and Ward Members corresponded through email/letter following the Ideal Village meeting. Both communities in balance and cognisant of the restrictions in terms of available resources to maintain a conservation area were in favour of de-designation. In terms of meeting the policy standards then there was support for the recommendation

that both areas no longer met the requisite standard for designation as a conservation area. The decision and recommendations are particular to planning and are governed by the Planning (Listed Buildings & Conservation Areas) Act 1990. In carrying out this review no potential to disadvantage any protected group has been identified.

Consulted People or Groups

The response by the community and interested parties and bodies concerning both areas raised issues for and against the cancellation of the conservation area designations (and Article 4 direction in the case of Austin Village). No issues were raised of relevance to equality or concerning discrimination.

Informed People or Groups

N/A

Summary and evidence of findings from your EIA

Full public consultation was undertaken for both Austin Village and Ideal Village in connection with the cancellation of their conservation areas. Whilst there were various opinions over the benefits and harm of implementing these proposals, no issues were raised of relevance to equality or concerning discrimination. In

carrying out this review
no potential to
disadvantage any
protected group has
been identified.

QUALITY CONTORL SECTION

Submit to the Quality Control Officer for reviewing?

No

Quality Control Officer comments

Decision by Quality Control Officer

Proceed for final
approval

Submit draft to Accountable Officer?

Yes

Decision by Accountable Officer

Approve

Date approved / rejected by the Accountable Officer

04/12/2018

Reasons for approval or rejection

Approved

Please print and save a PDF copy for your records

Yes

Content Type: Item

Version: 37.0

Created at 27/11/2018 01:53 PM by ☐ Andrew Fuller

Last modified at 04/12/2018 04:09 PM by Workflow on behalf of ☐ Waheed Nazir

Close

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	DEPUTY LEADER JOINTLY WITH THE CORPORATE DIRECTOR, ECONOMY
Report of:	Assistant Director - Development
Date of Decision:	26th June 2017
SUBJECT:	CONSERVATION AREA REVIEW: PUBLIC CONSULTATION
Key Decision: No	Relevant Forward Plan Ref:
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Relevant Cabinet Member	Cllr Ian Ward, Deputy Leader
Relevant O&S Chairman:	Cllr Aikhlaq, Corporate Resources & Governance
Wards affected:	Acocks Green, Aston, Bordesley Green, Bournville, Edgbaston, Hall Green, Kings Norton, Ladywood, Lozells and East Handsworth, Moseley and Kings Heath, Nechells, Northfield, Harborne, Selly Oak, Soho, Sparkbrook, Stechford and Yardley North, Sutton Trinity, Sutton Four Oaks, and Weoley.

1. Purpose of report:
1.1 To seek approval of the findings and recommendations of the Conservation Area Review for the continued management of all conservation areas within the City of Birmingham.
1.2 To seek approval for full public consultation on the recommendations within the Conservation Area Review.
1.3 To seek approval for consultation on future draft conservation area changes.

2. Decision(s) recommended:
That the Deputy Leader Jointly with the Corporate Director, Economy:-
2.1 Approves the Conservation Area Review Recommendations Report (attached at Appendix 1) and supporting documents and its findings for the continued management of all conservation areas within the City of Birmingham for consultation.
2.2 Approves public consultation on the Conservation Areas Review Recommendations Report. In the first instance this shall be for a period of 8 weeks commencing week beginning 17 th July 2017 for the city wide review, but also for detailed consultation concerning two existing areas (Austin Village and Ideal Village). Other areas will be subject to their own 8 week consultation period at a later date.
2.3 Notes that following the public consultation, any subsequent revisions will be subject to a further report to Cabinet to recommend their implementation (following consultation with Planning Committee).

Lead Contact Officer(s):	Ross Brazier - Principal Conservation Officer
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	Andrew Fuller – Principal Conservation Officer
Telephone No: E-mail address:	0121 303 0435/ 0121 464 7794 ross.brazier@birmingham.gov.uk andrew.fuller@birmingham.gov.uk
3. Consultation	
3.1	<p><u>Internal</u></p> <p>Planning and Regeneration have consulted the Chairman of the Planning Committee and Conservation and Heritage Panel who are both supportive of it. Ward Members (of the affected areas) will be consulted on the review.</p>
3.2	<p><u>External</u></p> <p>The statutory consultation (as required under the Planning (Listed Buildings and Conservation Areas) Act 1990) will feed into any subsequent revision of the proposed alterations to existing conservation areas which will be used to continue to safeguard Birmingham's Historic Environment. The purpose of this report is to approve the review and the associated public consultation over an 8 week period, with further 8 week periods for detailed consultation for specific areas in the future. The approval of the review of conservation areas and required public consultation necessary to make the proposed changes will be the start of external consultation. The consultation will raise the issues sets out in section 5 (below).</p>
4. Compliance Issues:	
4.1	<p><u>Are the recommended decisions consistent with the Council's policies, plans and vision and forward plan?</u></p> <p>The Conservation Areas Review has been prepared in the context of the policies of the adopted Birmingham Development Plan (BDP) (2017) such as policy TP12 'Historic Environment' which states under para 6.75 that:</p> <p>The City Council will review or prepare character assessments and management plans for conservation areas'.</p>
4.2	<p><u>Financial Implications</u> <u>(Will decisions be carried out within existing finance and Resources?)</u></p> <p>The review and associated consultation is being undertaken using existing Planning and Regeneration staff resources. The total cost of the consultation exercise is estimated to be a maximum of £5,000. This will cover the costs of producing and printing plans, the promotion of publicity materials, hire of venues etc. This will be funded through existing Planning and Regeneration revenue budgets. Beyond the consultation the review does not entail any specific financial commitments for the Council at this stage.</p>
4.3	<p><u>Legal Implications</u></p>

The designation of (or amendments to) a conservation area seeks to 'preserve and enhance' the 'special architectural or historic interest' of that area (Section 69 of the Planning (Listed Buildings & Conservation Areas) Act 1990).

The designation of conservation areas is undertaken by the local authority itself, and is a statutory function governed by the Planning (Listed Buildings & Conservation Areas) Act 1990.

4.4 Public Sector Equality Duty (see separate guidance note)

An Equality Analysis screening has been undertaken and is attached at Appendix 2 and it is considered that the proposals will have no adverse impact.

5. Relevant background/chronology of key events:

5.1 A review for the continued management of all conservation areas within the Birmingham boundary has been undertaken by the City Council in accordance with the required legislation and the resulting review finding report (at Appendix 1) has been produced. The review makes a number of recommendations in respect of the City's conservation areas. These recommendations have been endorsed by the City's Conservation and Heritage Panel for wider public consultation. Birmingham City Council has 30 designated conservation areas.

5.2 The designation of a conservation area should 'preserve and enhance' the 'special architectural or historic interest' of that area (Section 69 of the Planning (Listed Buildings & Conservation Areas) Act 1990). Such a designation does not stifle development, but rather allows for growth and change that responds positively to that special character.

5.3 The designation of conservation areas is undertaken by the local authority itself, and is a statutory function governed by the Planning (Listed Buildings & Conservation Areas) Act 1990.

5.4 Paragraph (2) of Section 69 of the Act is clear that the local planning authority must review both the existing conservation areas as well as consider if further areas need to be designated on a regular basis. Standard practice within the discipline is that this should be around every 5 years. A review of all conservation areas in Birmingham has now been undertaken in order to meet this statutory requirement.

5.5 The findings of the review identified a number of issues set out below which addresses potential cancellation (de-designation), variation (merging, reducing and enlarging) and possible adoption of new conservation areas. The review's findings will be the basis of a public consultation seeking views on the proposals identified within it.

5.6 Following the initial review of all 30 conservation areas (set out in Appendix 1), two appeared to be in a condition where the survival of historic fabric is so poor that they no longer meet the criteria or standard for designation. This assessment triggered the need to undertake detailed survey work in both areas to generate clear data under which a sound recommendation could be reported to Cabinet (following consultation with Planning Committee).

De-designation

5.7 The first area is the Austin Village Conservation Area (between Longbridge and Northfield). This area was designated on 17 July 1997. A condition survey was undertaken on 14 June 2016 which identified the loss of and significant change to

historic fabric. The loss of original character through replacement windows, doors, roofs, cladding is so great that it questions the status of the village as a conservation area.

- 5.8 The second area is Ideal Village Conservation Area (Bordesley Green) which was designated on 18 October 1990. A condition survey of the area was undertaken on 6 October 2016 which identified the loss of and significant change to historic fabric. Again, the loss of original character through replacement, windows, doors, roofs, render/pebble dashing is so great that it questions the status of the village as a conservation area.

Variation (Merging, Reducing or Enlarging)

- 5.9 Other conservation areas have changed in form, either through significant loss of historic character around their periphery (much in the way that has happen more extensively in Austin Village and Ideal Village). However the nucleus of these areas either remains intact and still offers something of architectural or historic merit that has not been altered so greatly as to warrant cancellation. Considering this aspect of boundary change, the opportunity of expanding a conservation area to take in areas that contribute positively to the designation should also be considered.
- 5.10 The first area is Barnsley Road Conservation Area where the condition was seen to be so poor that a full condition survey was undertaken on 13 September 2016 identifying the loss of and change to the historic fabric. The loss of original character in parts of the conservation area appears to be so great that it questions the existing boundary of the conservation area.
- 5.11 The Jewellery Quarter was also found to have areas around its periphery that no longer qualify as meeting or benefiting from conservation area status. In parallel with the City Council's own review of all 30 conservation areas, the Jewellery Quarter Neighbourhood Planning Forum and Jewellery Quarter Development Trust have commissioned a review of the Conservation Area Appraisal and Management Plan and this has resulted in the identification of peripheral areas that should no longer form part of the conservation area. It also identified that parts of the conservation area should be transferred to the Colmore Row and Environs conservation area. A revised Conservation Area Appraisal and Management Plan is proposed.
- 5.12 The third area where boundary changes are anticipated is Lozells and Soho Hill Conservation Area. This area has already been the subject of a number of initial studies and forms part of the A41 (Soho Road) Framework (2015). There are a number of areas around the periphery of the designation that need to be appraised to understand if they will continue to form part of the conservation area. A revised Conservation Area Appraisal and Management Plan is proposed.
- 5.13 The review identified a number of conservation areas that shared boundaries and characteristics. In all these cases it is possible to consider merging the conservation areas. This would involve the merging of Edgbaston, Ryland Road and Lee Crescent conservation areas into one conservation area and merging of Warwick Bar and Digbeth, Deritend and Bordesley High Street conservation Areas into one conservation area.

New Potential Designations

- 5.14 In accordance with the provision of Paragraph (2) of Section 69 of the Act it is clear that the local planning authority must also (as part of any review) 'determine whether any ... further parts of their areas should be designated as conservation areas'. In accordance with this, two local communities have come forward to promote their areas as potential

new conservation areas. In both cases, officers have met with representatives of those communities to discuss their aspirations. The first of these areas is in Acocks Green. This area comprises a suburban area of mixed late 19th and early 20th century housing. The second for consideration is Weoley Hill. This area comprises an outer suburban district of early 20th century housing built as part of the Bournville Estate. Members of the communities have identified that these areas have special character which they feel requires designation to safeguard from erosion.

- 5.15 The approval of the Conservation Area Review Recommendations Report for all conservation areas within the City of Birmingham for consultation will allow the City Council to meet its statutory requirements to manage conservation area designation.
- 5.16 It is proposed for public consultation on the Conservation Areas Review Recommendations Report be for a period of 8 weeks commencing week beginning 17th July 2017 along with detailed consultation in Austin Village and Ideal Village. Subsequent 8 week consultation will take place in other areas.
- 5.17 The consultation responses gathered will be reported back to Cabinet for approval, following Planning Committee consultation. Deleted, varied and new conservation area boundaries will be recommended to Cabinet for adoption.

6. Evaluation of alternative option(s):

- 6.1 Option 1 – do nothing. Any amendments to conservations areas would require under the legislation a statutory consultation process. If consultation was not to occur, no amendments to the current conservation areas could be made.
- 6.2 Option 2- Partial review. Another option would be to just undertake the proposed variations, which would be less controversial. However, as the legislation states, conservation areas should be reviewed and it is therefore correct that following on from the recommendation that there is public consultation upon the review findings.

7. Reasons for Decision(s):

- 7.1 To approve the recommendations of the Birmingham Conservation Area Review for public consultation.
- 7.2 To support the effective management of Birmingham's rich architectural heritage.

Signatures

Date

Deputy Leader
Cllr Ian Ward:

.....

Corporate Director, Economy
Waheed Nazir:

.....

List of Background Documents used to compile this Report:
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Relevant officers file(s) on the matter, save for confidential documents.

List of Appendices accompanying this Report (if any):
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- | |
|---|
| 1. Conservation Area Review Recommendation Report |
| 2. Equalities Analysis |

PROTOCOL

PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty – see page 9 (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) tackle prejudice, and (b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"> (a) Marriage & civil partnership (b) Age (c) Disability (d) Gender reassignment (e) Pregnancy and maternity (f) Race (g) Religion or belief (h) Sex (i) Sexual orientation