

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	DEPUTY LEADER JOINTLY WITH THE CORPORATE DIRECTOR, ECONOMY
Report of: Date of Decision:	Assistant Director - Development 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
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3. Consultation	
3.1	<u>Internal</u> 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.
3.2	<u>External</u> 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).
4. Compliance Issues:	
4.1	<u>Are the recommended decisions consistent with the Council's policies, plans and vision and forward plan?</u> <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	<u>Financial Implications</u> <u>(Will decisions be carried out within existing finance and Resources?)</u> <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	<u>Legal Implications</u>

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:

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Corporate Director, Economy
Waheed Nazir:

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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