

# Birmingham City Council

## Executive Response to Call-In

8<sup>th</sup> February 2021



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**Subject:** Conservation Areas Update and Proposal  
**Report of:** Acting Director Inclusive Growth  
**Relevant Cabinet Member:** Councillor Ian Ward, Leader  
**Relevant O&S Chair:** Councillor Lou Robson

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, provide exempt information paragraph number or reason if confidential :

### 1 Executive Summary

- 1.1 On 3<sup>rd</sup> February 2021, the Conservation Areas Update and Proposal report was subject to a request for call-in to the Economy and Skills Overview and Scrutiny Committee.
- 1.2 The decision concerning Acocks Green alone was the subject of this request for call-in and the reasons were as follows:
- **5 – The Executive appears to have overlooked some relevant consideration in arriving at its decision.**
  - **6 – The decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do**
  - **8 – There is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council.**

## **2 Response to Reasons for Call-In**

### **2.1 *The Executive appears to have overlooked some relevant consideration arriving at its decision***

- 2.11 It is noted that there had been previous discussions with the community and earlier Cabinet Members to investigate the potential of Acocks Green as a conservation area. This process in itself satisfied the requirements of Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in ensuring that *‘Every local planning authority 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’*.
- 2.12 By undertaking this statutory exercise it does not in itself guarantee that conservation area designation will and should be forthcoming. It is by its very nature only a study area to understand what potential an area may have.
- 2.13 The research conducted by the local community into the heritage and historic features within Acocks Green were central to the decision and led officers to undertake their own survey work and research. Indeed, the study area boundary was used, the process of recording individual assets was used as well as the historic analysis provided.

### **2.2 *The decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do***

- 2.21 The 600-signatory petition submitted to Council in support of the conservation area, alongside a survey of 117 residents (in which 114 were in support of conservation status) was acknowledged and the petition referenced under 2.13 of the Cabinet Report.
- 2.22 Whilst consultation with communities is at the very heart of how planning decisions (including planning policy and land allocation) are made, public will cannot and should not be in favour of the sound interpretation of legislation (in this case Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and if *‘special architectural or historic interest’* cannot be evidenced, then that cannot be overridden by ‘public opinion’ however well intended and aspirational.

### **2.3 *There is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny***

***Committee to hold the Executive to account and/or add value to the work of the Council***

- 2.31 The survey work undertaken by the City Design Manager and two Principal Conservation officers was shared with and discussed by the Economy and Skills Overview and Scrutiny Committee and is now attached to this report.
- 2.32 Concerns were raised that the basis of the research undertaken by the Council, as not being based on Historic England or Oxford Study criteria on historic interest. These approaches are no more than guidance, and in the case of the latter, Birmingham City Council has no obligation to follow the approach of Oxford City Council. Guidance from Historic England helps explain some of the matters to be considered but considering the wide scope of typology of conservation areas, no criteria, approach or standard can fit all.
- 2.33 Instead Birmingham has addressed its suburban (mainly residential) conservation areas, based on an appraisal of how these areas have evolved over time and how much of the townscape has survived, if changes to that townscape are meaningful and if as a result the significant aspects of its evolution are significant. In addition, detailed survey work of the survival of historic fabric has been undertaken. This helps identify if adaptations and changes have taken place that are not reversible and therefore is a more detailed understanding of the area.
- 2.34 This approach has been used to apprise a number of existing and new suburban (residential) areas to understand if conservation area status applied. Notably Austin Village and Ideal Village (the latter, which has now been cancelled).
- 2.35 The professional advice given at the Cabinet meeting considered all aspects as to whether or not conservation area designation was appropriate. It is not refuted that there is historical interest as presented by Cllr Harmer, however this historic interest is not substantive and fails on the following grounds:
- I. The area was a railway suburb, but not particularly early, unique or special in terms of its function or architecture;
  - II. The area had suffered significant change during the mid to late 20<sup>th</sup> Century resulting in the loss of landmark buildings including many associated with its early development; and
  - III. The majority of the buildings in the area were so altered that it would be difficult to evidence a management plan to effectively guide future development.

Paragraph 186 of the National Planning Policy Framework (NPPF) states that 'When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.' The Government therefore is very clear on the sound designation of conservation areas and not over designating. Designating Acocks Green as a conservation area would devalue the existing and exceptional conservation areas of Birmingham.

### **3 Appendices**

- 3.1 Detailed survey work of conservation officers
- 3.2 Summary of survey work of conservation officers
- 3.3 Presentation from Cllr Harmer
- 3.4 Maps of the Acocks Green area