

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

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