



Subject: **St. Agnes Moseley Conservation Area Appraisal and Management Plan**

Report of: **Strategic Director Place, Prosperity and Sustainability**

Relevant Cabinet Member: **Councillor Ian Ward – Leader of the Council**

Relevant O & S Chair(s): **Councillor Saima Suleman, Economy and Skills**

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Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Moseley		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 010149/2022		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 This report seeks approval for the adoption of the St. Agnes Moseley Conservation Area appraisal and Management Plan, the adoption of the new boundary and new Article 4 Direction.
- 1.2 This report follows those approved on 24th June 2017 (Conservation Area Review Report: Public Consultation), 8th February 2019 (Conservation Area Review: Implementation of findings), and 15th December 2020 (Conservation Areas Update and Proposals), which together address the Conservation Area Review of all conservation areas across the city. The 2020 report included St.

Agnes Moseley Conservation Area into the wider review following local community aspirations to adopt a new Conservation Area Appraisal and Management Plan.

- 1.3 The Conservation Area Review seeks to consolidate the then 30 conservation areas through merging, boundary changes and management plans / Article 4 Directions. In the case of St. Agnes, the community sought a boundary change, new management plan and Article 4 direction.
- 1.4 The 2020 report therefore authorised the drafting of the Conservation Area Appraisal and Management Plan, Article 4 Direction and boundary change for St. Agnes Moseley Conservation Area, along with approval to go through a public consultation process on these documents
- 1.5 This report provides an update on the work carried out in line with the 2020 report in relation to St. Agnes Moseley Conservation Area, which includes the writing of and consultation on a Conservation Area Appraisal and Management Plan, a proposed new boundary and new Article 4(2) Direction.

2 Recommendations

- 2.1 To approve the St. Agnes, Moseley Conservation Area Appraisal and Management Plan, the proposed boundary changes and new Article 4(2) Direction.

3 Background

- 3.1 The statutory requirements of the Local Planning Authority concerning the designation and management of Conservation Areas is legislated under the Planning (Listed Buildings and Conservation Areas) Act 1990. This is set out in greater detail under paragraphs 5.2 through 5.4 of the 2017 report.
- 3.2 A review of the continued management of all conservation areas within the Birmingham area was undertaken by the City Council in 2017, in accordance with Paragraph (2) of Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The legislation requires for such a review to be undertaken on a regular basis. Current best practice suggests this should be done every 5 years.
- 3.3 Paragraph (2) of Section 69 also requires that under a Conservation Area Review process, consideration should also be given to further areas which may need to be designated, merged, or altered.
- 3.4 Section 71, Paragraph (1) of the Act requires the 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.
- 3.5 Paragraph (2) of Section 71 requires that proposals under this section shall be submitted for consideration to a public meeting in the area to which they relate and under Paragraph (3) that the local planning authority shall have regard to

any views concerning the proposals expressed by persons attending the meeting.

- 3.6 The St Agnes, Moseley Conservation Area was not specifically addressed under the 2017 report but was addressed in the 2020 report due to public support to review the management of the area. The local community were keen to develop, with the Council, new management plans and review the boundary (additions and deletions).
- 3.7 The local community have therefore chosen to work with the Local Planning Authority and produced a draft Conservation Area Appraisal and Management Plan (CAAMP). As part of this exercise it was proposed that the designation boundary could be altered and for a new Article 4(2) Direction to be made and to go to consultation on the proposed changes.
- 3.8 The local community were instrumental in researching, collating and producing the content of the document in line with the standard format of the city council's other CAAMP documents. This included a collaboration between the St. Agnes Residents Association (STARA), the Moseley Society and ward Councillors. The community sought to address the specific challenges of managing the conservation area going forwards for all members of community.
- 3.9 Following approval of the 2020 report the drafting of a new CAAMP was undertaken and a public consultation process was carried out on this draft St. Agnes Moseley Conservation Area Appraisal and Management Plan, the proposed boundary amendments and a new Article 4 (2) Direction.
- 3.10 The public consultation ran for an eight-week period between Monday 12th April 2021 and Friday 4th June 2021 and a public meeting was held virtually (due to COVID restrictions) on Wednesday 12th May 2021. All residents were notified of the consultation by letter and the consultation was advertised in the local press and on the city council's website.
- 3.11 Consultation documents were made available on-line and hard copies were made available in the local area throughout the consultation period.

4 Options Considered and Recommended Proposal

- 4.1 **Option 1 – Do Nothing:** The Council could choose not to accept the recommendations in this report. However, to not do so would mean that the Council would not be fulfilling its duty to review its Conservation Areas under the Planning (Listed Building and Conservation Areas) Act 1990 or meet the expectations of the local community.
- 4.2 **Option 2 – Approve the Report Recommendations:** To approve the recommendations outlined in Section 2 of this report as part of the Local Authority's duty to review its Conservation Areas under the Planning (Listed Building and Conservation Areas) Act 1990 and effectively manage the Conservation Area.

- 4.3 **The recommended option is Option 2.** To approve the report's recommendations

5 Consultation

- 5.1 The draft St. Agnes Moseley Conservation Area Appraisal and Management Plan, proposed boundary amendments and proposed new Article 4(2) Direction have been consulted on as required by the primary heritage legislation (the 1990 Act) as part of best practice guidance from Historic England. All residents in the existing conservation area were consulted by letter, as well as those properties proposed for inclusion and those proposed for exclusion as part of the new boundary. The proposals were taken to a public meeting in line with the council's statutory duty under Paragraph (2) of Section 71 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.2 The local community, particularly the STARA, were instrumental in designing and facilitating the consultation event in partnership with the city council, in delivering the public consultation event plus working with the community to provide access to hard copies of the document and to promote the new management plan and help generate buy-in to the adoption of the document, the proposed boundary and Article 4 Direction by the local community.
- 5.3 Local Councillors in the ward of Moseley, Cllr. Martin Straker-Welds and Cllr. Kerry Jenkins were consulted by email and Cllr. Straker-Welds attended the virtual public meeting. Cllr. Straker-Welds' successor, Cllr. Izzy Knowles, has been consulted on this report. The Moseley Society, the St. Agnes Residents Association (STARA), Historic England, the Victorian Society and the Birmingham Civic Society were also consulted with responses positive.
- 5.4 In total 50 written responses to the public consultation were received. The responses are set out in Appendix 4 along with officer's comments addressing these points. Overall, there was an overwhelming support for the appraisal document with 10 objections to the document. The objections relate mainly to the wording of the character of Oxford Road on pages 21, 26 and 30 and in relation to recent increased traffic levels. In response to these objections the wording on pages 21, 26 and 30 of the document has been amended to reflect the issues raised.
- 5.5 Overall, there was support for the proposed boundary amendments with any queries pertaining more to the recommendation of including even more additional areas within the boundary. It is recommended at this time that no further inclusions, beyond those currently recommended, are pursued. Any future reviews of the conservation area can assess further areas for inclusion at that time.
- 5.6 There were two queries on the proposed boundary amendments relating to the proposed inclusion of some modern properties in Grove Avenue. There was a graphical error on the proposed boundary changes map which prompted these

queries, although the proposed boundary changes map at Plan 1 of the document, as consulted on, is correct. Both queries have been addressed directly with the respondents and there are no objections to inclusion in the conservation area.

- 5.7 There were 4 written responses from residents of Grove Avenue in support of inclusion in the conservation area.
- 5.8 Overall, there were no objections to the proposed new Article 4 Direction. The exiting Article 4 Direction covers the whole of the conservation area and no parts of the conservation area are proposed to have Article 4 Directions removed. The new Article 4 Direction, as consulted on, will include those properties on Grove Avenue, subject to approval of inclusion within the conservation area boundary.

6 Risk Management

- 6.1 There is a risk that failure to adopt the proposed St. Agnes Moseley Conservation Area Appraisal and Management Plan could negatively impact on the long-term management of the conservation area as without an up to date plan for the preservation and enhancement of the area harmful development could take place without effective policy to challenge it.
- 6.2 There is also a risk that if the Conservation Area review recommendations are not accepted, the Council will not be fulfilling its duty under the Planning (Listed Building and Conservation Areas) Act 1990.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 The recommendations meet the Council's priorities in terms of "achieving excellence". It will do this by trying to maximise the potential of the St. Agnes Moseley Conservation Area in terms of improving and respecting local heritage to support the local economy and neighbourhoods. In doing this the recommendations will help to meet another of the Council's priorities "We put citizens first" and the Council Plan 2018-2022 (as updated in 2019) objective of: "Birmingham is a great city to live in".

7.1.2 The recommendation is also supported by Birmingham Development Plan Policy "TP12 Historic Environment".

7.2 Legal Implications

7.2.1 The continued management and expansion of the conservation areas seeks to 'preserve and enhance' the 'special architectural or historic interest' of that area (Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

7.2.2 The designation of conservation areas is undertaken by the Local planning Authority itself, and is a statutory function governed by the Planning (Listed Buildings and Conservation Areas) Act 1990. The Local Planning Authority is under a duty to review existing conservation area designations from time to time.

7.2.3 Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 empowers a local planning authority to make an Article 4 direction and Schedule 3 contains the procedures for making Article 4 directions.

7.3 Financial Implications

7.3.1 Work to review the Conservation Areas and undertake the required consultation was undertaken by staff within Place, Prosperity and Sustainability (Planning and Development) and the costs have been met from the approved Planning and Development revenue budget.

7.3.2 Additional work arising from implementation of this report will be funded from existing approved revenue budgets and staffing within Place, Prosperity and Sustainability directorate.

7.4 Procurement Implications (if required)

7.4.1 There are no procurement implications

7.5 Human Resources Implications (if required)

7.5.1 There are no human resources implications.

7.6 Public Sector Equality Duty

7.6.1 An Equality Analysis screening on the city-wide conservation area review was undertaken in 2017. It is considered that the proposals are still current and will have no adverse impact on the groups and characteristics protected under the Equality Act 2010. However, the St. Agnes Moseley Conservation Area Appraisal and Management Plan recommendation is additional to these previous recommendations and so a supplementary equality analysis has been conducted (see Appendix 5)

8 Appendices

8.1 Appendix 1 – St. Agnes Moseley Conservation Area Appraisal and Management Plan

8.2 Appendix 2 – Boundary map

- 8.3 Appendix 3 – Article 4 Direction
- 8.4 Appendix 4 – Summary of consultation comments and responses of the Council
- 8.5 Appendix 5 Equality Analysis

9 Background Documents

- 9.1 Conservation Area Review Report: 2017
- 9.2 Conservation Area Review: Implementation of findings: 2019
- 9.3 Conservation Areas Update and Proposals: 2020