



# Conservation Areas Update and Proposal

## Call-In by the Economy & Skills O&S Committee

### 1 Request for “Call-In”

- 1.1 On 19<sup>th</sup> January 2021, the Cabinet took a decision “Conservation Areas Update and Proposal” and in doing so, as set out in the Cabinet report of the same name, to (amongst other recommendations):
- Approve revision to the Conservation Area Review Recommendation Report of 2017, this includes:
  - Acocks Green:
    - Agrees not to designate a Conservation Area.
    - Authorises the discharge of petition 2229 submitted to the City Council on the 3rd of November 2020, and Councillor Adam Higgs, Roger Harmer, John O’Shea, and first-named petitioner be informed accordingly.

### 2 Request for Call-In

- 2.1 Councillors Roger Harmer and Jon Hunt requested the call-in on 21 January 2021 in relation to the aspect of the report concerning Acocks Green alone, and the meeting was held on 3 February 2021. They stated the following call-in criteria applied:

*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;*

- 2.2 At the meeting, Councillors Roger Harmer and Jon Hunt summarised the key reasons for the call-in request:

*5 – The Executive appears to have overlooked some relevant consideration in arriving at its decision;*

- Cllr Harmer cited previous agreements, emails, meetings and support for the proposals put forward by residents and councillors in Acocks Green since 2008 when a previous Cabinet



Member had agreed in principle to these proposals and again in 2014 when a previous Principal Conservation Officer had also supported it.

- Further, Cllr Harmer provided evidence of thorough research conducted over many years by the local community into the heritage and historic features within Acocks Green which was not captured by the recent update carried out by Council officers in arriving at this 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;*

- Cllr Harmer referred to a 600-signatory petition submitted to Council in support of the conservation area which demonstrates this, alongside a survey of 117 residents, in which 114 were in support of conservation status, despite the potential restrictions this might place them under as homeowners regarding modifications to their properties.

*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.*

- Councillor Harmer contested that the Cabinet report had not included research within it to which it had referred, which he was only supplied with when he requested it after the meeting.
- Cllr Harmer contested the basis of the research undertaken by the Council, as not being based on Historic England or Oxford Study criteria on historic interest; rather it focused on windows and doors. Acocks Green scores highly in many of the other criteria of Historic England which he suggested were not considered by the council officers in arriving at this decision.
- Councillor Hunt asserted that the professional advice given at the Cabinet meeting was one sided and none was provided to support the alternative view. He referenced the overarching historical interest of the area and the evidence presented by Cllr Harmer.

2.3 A discussion took place and the Leader and Andrew Fuller, City Design Manager, responded to points raised by members of the Committee and the members calling the decision in.

2.4 The Leader expressed his interest in and broad support for conservation areas and said he had been to Acocks Green several times when the surveys were being conducted on the proposed conservation area. He said that despite not supporting the conservation area designation proposal, it did not mean that the valuable work in the area was not recognised. Furthermore, he suggested local listing as an option which people might want to consider to protect individual local fine buildings and said there was no reason for the local community not to continue to compile a case to convince conservation officers in future.

2.5 He was not persuaded that the further evidence presented at the call-in meeting provided an additional argument for the case of conservation area status for Acocks Green, and the professional advice provided by officers of the Council had to guide his decision.

2.6 The City Design Manager, Andrew Fuller, said he and conservation colleagues had been involved for a long time in appraising Acocks Green for conservation area status, and that he had been clear with



Acocks Green residents that there were serious concerns with such a designation. He reminded members that by reviewing Acocks Green, the City was following the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 in its duty to determine which areas 'should' be designated as conservation areas. As a member of the Institute of Historic Building Conservation he was bound by his professional integrity and stood by the findings of his own review and the survey work with the Conservation Team as sound and robust. Although previous Conservation Officers had indicated support to the community, when it was clear that this was not a supportable proposal, he voiced those concerns.

- 2.7 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.' He noted that that 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 and would suggest that vast swaths of the city were potentially of conservation area status when they did not meet the standard.
- 2.8 Both the map regression he undertook (illustrating the substantial redevelopment throughout the study area) along with the condition survey of all buildings, including the degree of loss of original fabric were carefully analysed. This concluded that (1) the area was a railway suburb, but not particularly early, unique or special in terms of its function or architecture, (2) 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 (3) the buildings in the area were so altered that it would be difficult to evidence a management plan to effectively guide future development.
- 2.9 In summing up, the Chair went over each call-in criterion in turn, and invited final comments from members of the Committee.
- 2.10 Broadly, members appreciated Cllr Harmer's clarification and the additional information from officers and felt this deserved further consideration by Cabinet. They were particularly concerned about the protection of historic assets across the city and our responsibility in that regard. Members felt that Cabinet took their decision on the basis of a report which was missing vital information like the detailed officer survey that sat behind the decision not to recommend Acocks Green for conservation area status that has been shared with this committee, and Cabinet would benefit from considering this level of background information. Furthermore, there was the question of the differing levels of support and opinions from the council and conservation officers in the past, which clearly demonstrated a difference of opinion in this matter. This difference of view, and differing criteria for agreeing conservation areas, as explained by Councillors Harmer and Hunt, suggested there is more than one professional opinion on this matter.
- 2.11 In conclusion, Cllr Harmer urged members to accept the call-in request so that Cabinet might have the chance to have the discussion afforded to members at this meeting. He rejected the suggestion



by the Leader to look at listing local buildings because he felt that did not afford the same level of protection. He also reaffirmed the strength of community support and buy-in for a conservation area locally. Cllr Harmer pointed out that 80% of the buildings in the conservation area were original, and that there were numerous buildings of historic interest left. He also rejected the suggestion that the buildings that had gone were part of the centre or core of the area in question, as this fundamentally mis-understood the local area.

### 3 The Committee Resolution

- 3.1 The Committee resolved to call-in the decision for reconsideration by Cabinet by a unanimous vote of the 6 members present.
- 3.2 The Committee requested that the additional information presented to this call-in meeting be shared with Cabinet Members in order for them to be better informed when taking their decision when it is referred back to Cabinet on 9 February 2021.

Appendices:

Cllr Harmer presentation

Survey from Cllr Ward

**Councillor Lou Robson, Chair, Economy & Skills Overview and Scrutiny Committee**