

Birmingham City Council

Report to Cabinet

19th January 2021



Subject: Conservation Areas Update and Proposal
Report of: Acting Director Inclusive Growth
Relevant Cabinet Member: Councillor Ian Ward – Leader of the Council
Relevant O &S Chair(s): Councillor Lou Robson, 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): Balsall Heath West, Birchfield, Bordesley & Highgate, Edgbaston, Handsworth, Harborne, Ladywood, Longbridge and West Heath, Lozells, Moseley, Newtown, North Edgbaston, Soho & Jewellery Quarter		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 008171/2020		
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 follows those approved on 24th June 2017 (Conservation Area Review Report: Public Consultation) and 8th February 2019 (Conservation Area Review: Implementation of findings), which both addressed the Conservation

Area Review Recommendations report. The 2017 report sought permission to approve and consult on the Conservation Area Review. The 2019 report followed the undertaking of the consultation and gained approval to implement the recommendations.

- 1.2 The 2017 report identified the then 30 conservation areas across the city. It proposed cancellations, variation (merging, reducing or enlarging), and finally it set out opportunities for potential new designations. Following the public consultation, and having considered any new representations received, if the recommendation was still to implement the cancellations/variations with amendments then there was to be a further report with revisions to recommend those cancellations/variations, and an update on other opportunities emerging since the 2017 report (following consultation with Planning Committee). This report addresses those revisions.
- 1.3 This report also provides a brief update on ongoing work in line with the 2017 report, including a proposal for a new conservation area within Balsall Heath which has emerged since the 2017 report. It seeks approval to carry out a soft consultation on the proposal with residents and stakeholders in Balsall Heath, and subject to positive feedback, to develop and consult on a conservation area appraisal and management plan to be put to members to consider for adoption in a future Cabinet report.

2 Recommendations

- 2.1 Approves revisions to the Conservation Area Review Recommendation Report of 2017. This includes:

Austin Village Conservation Area:

- 2.2 Approves the preparation of a Conservation Area Appraisal and Management Plan (and design guide), in conjunction with a review of an Article 4 direction and a public consultation process on these documents. The consultation will be in line with the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease. Approve the cancellation of the conservation area designation if the new Appraisal and Management Plan does not result in reversing the declining condition of the conservation area as identified by Historic England's Heritage at Risk Register which records the condition and trend.
- 2.3 Authorises the discharge of petition 2206 submitted to City Council on 14 July 2020 and Councillor Debbie Clancy and first-named petitioner be informed accordingly.

Barnsley Road Conservation Area:

- 2.4 Approves the preparation of a Conservation Area Appraisal and Management Plan, with Article 4 direction and boundary change (deductions) and a public consultation process on these documents. The consultation will be in line with

the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease.

Jewellery Quarter Conservation Area and Colmore Row Conservation Area:

- 2.5 Approves recommendations on the draft Conservation Area Appraisal and Management Plans for both Conservation Areas, the draft proposed boundary changes, and permission to undertake public consultation for the proposed boundary changes and the draft Conservation Area Appraisal and Management Plans for both areas. This would be in line with the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease.

Lozells and Soho Hill Conservation Area:

- 2.6 Approves the draft Conservation Area Appraisal and Management Plan, the draft proposed boundary changes, and a public consultation process on these documents. Consultation will be carried out in line with the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease.

Edgbaston Conservation Area, Ryland Road Conservation Area and Lee Crescent conservation areas:

- 2.7 Approves the draft Conservation Area Appraisal and Management Plan for a new merged Edgbaston Conservation Area, with Article 4 direction, draft proposed boundary changes, and a public consultation on these documents. Consultation will be carried out in line with the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease.

St. Agnes, Moseley Conservation Area:

- 2.8 Approves the draft Conservation Area Appraisal and Management Plan, with Article 4 direction and draft proposed boundary changes, and a public consultation process on these documents. Consultation will be carried out in line with the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease.

2.9 **Selly Park, Conservation Area:**

Approves the draft Conservation Area Appraisal and Management Plan, with Article 4 direction and draft proposed boundary changes, and a public consultation process on these documents. Consultation will be carried out in line with the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease.

2.10 **Old Yardley Conservation Area:**

Approves the draft Conservation Area Appraisal and Management Plan, with Article 4 direction and draft proposed boundary changes, and a public consultation process on these documents to support the objectives of the adopted East Birmingham Inclusive Growth Strategy. Consultation will be carried out in line with the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease.

Balsall Heath:

2.11 Approves a soft consultation for a Conservation Area within the Moseley Road Corridor in Balsall Heath under Option 3 (See Appendix 2). The consultation will comprise, ascertaining the support in principle for a Conservation Area within the local community, and the extent of location of designation.

2.12 Following a positive response from community consultation, approval to draft a Conservation Area Appraisal and Management Plan to be considered for adoption at a later date by members. All consultation will be carried out in line with the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease.

Acocks Green:

2.13 Agrees not to designate a Conservation Area.

2.14 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.

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 designation should 'preserve and enhance' the 'special architectural or historic interest' of that area (Section 69 of the Planning (Listed Buildings and 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.

3.3 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.

- 3.4 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. However, there is no reason why a proposal cannot come forward in an interim period between reviews.
- 3.5 The findings of the review were endorsed by the City's Conservation and Heritage Panel and approved by the Deputy Leader of the Council on the 26th of June 2017. The revisions and additional undertakings to that approval are as follows;

Cancellation of Conservation Areas

Austin Village:

- 3.6 The 2019 report secured approval for the cancellation of Austin Village Conservation Area and the removal of the associated Article 4 direction. Submission of a petition to City Council on 14 July 2020 halted the formal process of cancelling the designation, and there is now a public appetite to draft a Conservation Area Appraisal and Management Plan and review the Article 4 direction to retain the designation. The cancellation therefore is currently no longer being pursued whilst a new Conservation Area Appraisal and Management Plan is drawn up and tested. Permission is also sought to undertake appropriate consultation in line with this work. The intention is that by providing guidance to residents in the new Conservation Area Appraisal and Management Plan with support from Council Officers it will enable them to arrest the decline and gradually improve the condition of the Conservation Area. The 2019 Historic England at Risk Register identified the condition of the Austin Village Conservation Area as 'very bad' and the trend as 'deteriorating significantly'. The intention is that the Conservation Area designation will only be retained if future Heritage at Risk Registers demonstrate an improvement in its condition with the ultimate aim of it being completely removed from the register. If the condition has not improved by the publication of the 2023 Historic England Heritage at Risk Register then the Conservation Area designation will be cancelled. Therefore the approval to cancel the designation under the 2019 report is sought to be retained, so that cancellation can still be completed formally, if an unsatisfactory conclusion is reached under these new proposals.

Ideal Village:

- 3.7 For information, following the approval of the 2019 report the Ideal Village Conservation Area was cancelled on 24th October 2019.

Variation (Merging, Reducing, or Enlarging)

Barnsley Road:

- 3.8 Paragraph 5.10 of the 2017 report identified the need to review the Conservation Area boundary. A draft Conservation Area Appraisal and Management plan is now to be prepared and consulted on in conjunction with an Article 4 direction and boundary alterations.

Jewellery Quarter Conservation Area and Colmore Row Conservation Area:

- 3.9 Paragraph 5.11 of the 2017 report 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 was also proposed. This work has been undertaken and a new Conservation Area Appraisal and Management Plan have been drafted, which includes boundary alterations.
- 3.10 A revised Conservation Area Appraisal and Management plan is now to be prepared and consulted on which includes boundary alterations.
- 3.11 The Jewellery Quarter Neighbourhood Planning Forum and Jewellery Quarter Development Trust have drafted a Neighbourhood Plan for the Quarter and it is desirable that a comprehensive consultation event addressing all these documents takes place at the same time to mitigate confusion.

Lozells and Soho Hill Conservation Area:

- 3.12 Paragraph 5.12 of the 2017 report identified the need to review the Conservation Area boundary. A draft Conservation Area Appraisal and Management plan is now to be prepared and consulted on in conjunction with an Article 4 direction and boundary changes. This would be delivered in partnership with the Soho Road BID.

Edgbaston Conservation Area, Ryland Road Conservation Area and Lee Crescent Conservation Areas:

- 3.13 Paragraph 5.13 of the 2017 report identified the opportunity to merge the three Conservation Areas. A draft Conservation Area Appraisal and Management plan has been prepared in conjunction with the local community. This goes further than the 2017 approval and seeks approval to vary the boundary and include an Article 4 direction and to begin a public consultation process on these documents.

Warwick Bar Conservation Area and Digbeth, Deritend and Bordesley High Street conservation Areas:

- 3.14 Paragraph 5.13 of the 2017 report identified the opportunity to merge the two Conservation Areas. A draft Conservation Area Appraisal and Masterplan is now to be prepared. This goes further than the 2017 approval and seeks to vary the boundary. This document will form part of a wider Supplementary Planning Document for Digbeth and will seek approval under a separate report.

St Agnes, Moseley Conservation Area:

- 3.15 This designation was not specifically addressed under the 2017 report, but subsequently the local community have chosen to work with the Local Planning Authority, and have drafted a Conservation Area Appraisal and Management Plan. As part of this exercise it was felt that the designation boundary could be altered, for an Article 4 direction to be made, and to go to consultation on proposed changes

Selly Park Conservation Area:

- 3.16 This designation was not specifically addressed under the 2017 report, but subsequently the local community have chosen to work with the Local Planning Authority, and have drafted a Conservation Area Appraisal and Management Plan. As part of this exercise it was felt that the designation boundary could be altered, for an Article 4 direction to be made, and to go to consultation on proposed changes.

Old Yardley Conservation Area:

- 3.17 It is a key objective within the East Birmingham Inclusive Growth Strategy for local heritage to be at the heart of the area's regeneration programme. Therefore approval is requested to produce a draft Conservation Appraisal and Management Plan for Old Yardley, which will then go to public consultation.

New Conservation Areas

Acocks Green and Weoley Hill

- 3.18 Paragraph 5.14 of the 2017 report identified that in accordance with the provision of Paragraph (2) of Section 69 of the Act there is a requirement to continue to review the city and determine if other areas should be designated as conservation areas. At that time two areas were identified (1) Acocks Green and (2) Weoley Hill. In the case of Weoley Hill, little public interest has been shown and for now this will not be pursued any further. In the case of Acocks Green extensive survey work was undertaken by the community and by the Local Planning Authority which concluded that there was neither the 'special architectural or historic interest' as required by Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to designate a conservation area, nor was there enough surviving historic fabric for which a meaningful Article 4 direction could be drafted.

Balsall Heath

- 3.19 Since the 2017 review, an area of Balsall Heath known as the "Moseley Road Corridor" is being considered for the adoption of a new conservation area. It is the opinion of the National Trust that the designation of a conservation area within Balsall Heath, would lend stronger support to any bid focusing on

regenerating the area and help to support the Grade II* listed Moseley Baths Project being carried out by the Baths Coalition Partnership. This report seeks approval for the support in principle of a conservation area in the Moseley Road Corridor of Balsall Heath under Option 3 (see Appendix 2), and to carry out a soft consultation with residents and stakeholders in Balsall Heath to ascertain whether there is local support for the proposal. Should the proposal be supported by the community, it then requests approval for the development of a conservation area appraisal and management plan to support the future adoption of a conservation area (details of this can be found within Appendix 1).

Explanatory Note

- 3.20 It is recommended that we draft and consult on a number of Conservation Area Appraisal and Management Plans, however considering the scope of this work these are at different stages. A number of these have already been drafted whilst others are yet to be undertaken.
- 3.21 For those Conservation Areas where the document has already been drafted it is anticipated that consultation will take place imminently. In the current climate the consultation process will accord with the Council's Statement of Community Consultation which can be found [here](#). All consultation will be carried out in line with the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease.

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

5 Consultation

- 5.1 The Conservation Area review proposals have been consulted on as part of the Council's Design and Review Panel, and in previous reports.

- 5.2 The proposals regarding Balsall Heath have been discussed with the National Trust, and Historic England and have been given positive support. Local Councillors in the wards of Balsall Heath West and Moseley were also consulted and responses were positive. These responses are recorded in Appendix 4.
- 5.3 A petition was submitted to City Council on 14 July 2020 by Councillor Debbie Clancy containing 50 signatures calling upon Birmingham City Council to modify the existing Article 4 Direction to properly reflect Austin Village, Longbridge and its community. The petition states, 'We called on the council to modify the existing Article 4 Directive to properly reflect Austin Village and its community, including the use of modern affordable building materials, whilst protecting the village's conservation status to prevent unsympathetic development that damages the unique charm of this historic area.'
- 5.4 A petition was submitted to the City Council on 3 November 2020 by Councillors Adam Higgs, Roger Harmer, and John O'Shea calling upon Birmingham City Council to dismiss a recommendation from Council Officers not to designate a Conservation Area in Acocks Green.

6 Risk Management

- 6.1 There is a risk that failure to introduce the proposed Balsall Heath Conservation Area could negatively impact on the long-term regeneration of the Moseley Corridor, and enhanced funding options may be lost that could have helped to support a sustainable financial model for the Moseley Road Baths.
- 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 Moseley Corridor in terms of improving the street scene, respecting local heritage and encouraging funding and investment opportunities to support the local economy and neighbourhoods. The wider conservation area recommendations, if implemented, will also support these objectives. 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 Inclusive Growth (Planning and Development) and the costs have been met from the approved Planning and Development revenue budget.
- 7.3.2 The additional work resulting from this report to move forward will be undertaken by staff within Inclusive Growth (Planning and Development) and the costs will also be met from the approved Planning and Development revenue budget.

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 was undertaken in 2017 and is attached at Appendix 3 and 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 Balsall Heath 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 Background on Balsall Heath Conservation Area Proposal
- 8.2 Appendix 2 Balsall Heath Conservation Area Outline Option Maps
- 8.3 Appendix 3 Equality Analysis
- 8.4 Appendix 4 Councillor Comments
- 8.5 Appendix 5 Supplementary Equality Analysis

9 Background Documents

- 9.1 Conservation Area Review Report: Public Consultation 26th June 2017
- 9.2 Conservation Area Review Implementation of findings 8th February 2019