

BROMSGROVE DISTRICT COUNCIL

CABINET

1ST JUNE 2011

PROPOSED AMENDMENTS TO THE BROMSGROVE TOWN CONSERVATION AREA AND DESIGNATION OF ST JOHNS CONSERVATION AREA

Relevant Portfolio Holder	Councillor Kit Taylor
Relevant Head of Service	Ruth Bamford, Head of Planning and Regeneration
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Council has a statutory duty under s69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to designate any areas which they consider to be of special architectural or historic interest as Conservation Areas. The Council has a further duty under s71(1) to formulate and prepare proposals for the preservation and enhancement of its Conservation Areas.

2. RECOMMENDATIONS

- 2.1 That the Cabinet approve:
- the amended boundary of the Bromsgrove Town Conservation Area as described in the notice and schedule of properties attached as Appendix A.
 - the designation of a new St. Johns Conservation Area as described in the notice and schedule of properties attached as Appendix B.

3. BACKGROUND

- 3.1 The Bromsgrove Town Conservation Area was originally designated by Worcestershire County Council in 1968 and was extended in 1983 and again in 1989. Initially defined as two sub areas, the St. Johns section became part of the town centre designation over time, despite a physical gap in the boundary between the High Street and St. John Street excluding the Market Hall site and the road.
- 3.2 The 2009 review of the Bromsgrove Town Conservation Area highlighted some potential boundary changes to focus on the main retail area and the alleyways leading beyond. The first proposed amendment would remove the western section of Worcester Road beyond the Hanover Street junction, from the Conservation Area. This amendment is proposed because that section has a limited relationship with the centre of

BROMSGROVE DISTRICT COUNCIL

CABINET

1ST JUNE 2011

the Conservation Area and the few surviving historic buildings already have listed building status. The second proposed amendment is to designate a separate St. Johns Conservation Area (which is currently included in the Bromsgrove Town Conservation Area boundary) in recognition of its unique character.

- 3.3 The existing section of St. Johns included in the Bromsgrove Town Conservation Area includes St John Street, St Johns Church and Churchyard, Perry Lane, part of Kidderminster Road and part of Crown Close. It is proposed that this be extended to include Bromsgrove Cemetery and some additional properties on Church Lane and Crown Close and a separate designation made in recognition of the unique character of the area.

4. KEY ISSUES

- 4.1 A Conservation Area is defined in the 1967 Civic Amenities Act as “an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”. It is not the purpose of a Conservation Area to prevent development, but to manage change in a positive and proactive way that benefits current and future generations.
- 4.2 Conservation Area status means that a special form of Planning Permission called Conservation Area Consent is required for the total or substantial demolition of any building over 115m³ in size, the demolition of a boundary wall over 1m in height next to the highway or 2m elsewhere, the removal of any agricultural building constructed before 1914 and removal of pre-1925 gravestones. There is a general presumption against the loss of buildings which make a positive contribution to the character or appearance of the Conservation Area. Some permitted development rights are restricted in Conservation Areas including the erection of dormer windows, satellite dishes and replacement signage. Additional controls are also placed over trees within the area, meaning that an owner must submit a formal notification of works to the Council six weeks before starting work.
- 4.3 When assessing applications for development within designated Conservation Areas, the Local Planning Authority must pay special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Areas under s72(1) of the Act. This does not mean that development will necessarily be opposed, only that this should not be detrimental to the significance of the wider Conservation Area.

BROMSGROVE DISTRICT COUNCIL

CABINET

1ST JUNE 2011

- 4.4 The proposed boundary of the St. John's Conservation Area would include Bromsgrove Cemetery which is managed by the Council. If the cemetery is included this would have no impact on the maintenance liability or the programming of burials. The only additional procedure applies to the complete removal of any pre-1925 gravestones or any of the boundary walls surrounding the cemetery which would need a special type of Planning Permission called Conservation Area Consent. Normally a notification of works to trees is required within Conservation Areas, but as the trees within the cemetery are managed by the Council this would be dealt with internally between departments.
- 4.5 The Conservation Area Character Appraisals attached as Appendix C and D have no formal status and are used for information purposes only to support effective management of change within a Conservation Area. The documents would however be given some weight in the determination of planning applications and appeals, as it has been through a public consultation process. A character appraisal identifies the factors and features which make an area special, based on an in-depth assessment of an area's buildings, spaces, evolution and sense of place. Management proposals for the Conservation Areas have also been included as an appendix to the character appraisal document.

5. FINANCIAL IMPLICATIONS

- 5.1 None. The cost of preparing and advertising the changes to the Bromsgrove Town Conservation Area and designation of the new St John's Conservation Area is being met by the existing Strategic Planning team budget.

6. LEGAL IMPLICATIONS

- 6.1 The Council has a statutory duty under s69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to designate any areas which they consider to be of special architectural or historic interest as Conservation Areas. The Council has a further duty under s71(1) to formulate and prepare proposals for the preservation and enhancement of its Conservation Areas.
- 6.2 If the changes to the boundary of the Bromsgrove Town Conservation Area are approved, formal notifications would be sent to those properties which are omitted from the boundary. If the designation of the St. Johns Conservation Area is approved, formal notifications would be sent to each owner/occupier within the boundary.

BROMSGROVE DISTRICT COUNCIL

CABINET

1ST JUNE 2011

- 6.3 The proposed changes to the Bromsgrove Town Conservation Area and the St. John's Conservation Area designation would also be advertised in the Bromsgrove Advertiser and London Gazette, and notifications would also be sent to the National Planning Unit, English Heritage and the Land Registry. There is no statutory right of appeal against Conservation Area designation.

7. POLICY IMPLICATIONS

- 7.1 If the designation of the new St. John's Conservation Area is approved by Cabinet, the Conservation Area status would be a material consideration in the determination of planning applications and appeals.

8. COUNCIL OBJECTIVES

8.1 Objective 1 Regeneration: Priority 2 Town Centre

The Bromsgrove Town and St. John's character appraisals shall be used as part of the evidence base for Policy CP16 of the draft Core Strategy 2 and the draft Town Centre Area Action Plan, which in turn supports the Council objective to regenerate the town centre.

8.2 Objective 3 One Community and Well Being: Priority 4 One Community

The main purpose of a Conservation Area designation is to highlight the importance of the historic environment and engage the local community in their cultural heritage. Details of the proposed changes to the Bromsgrove Town Conservation Area and designation of a new St. Johns Conservation Area were made available on the Council's website, at the Customer Service centre in the Dolphin Centre and the Council House to ensure that it reached a wide audience. The historic built environment is often seen as a traditional and elitist subject and we hope to address this by providing a more inclusive and accessible conservation service to the local community in the future.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 These risks are being managed as follows:

Risk Register: Planning and Regeneration
Key Objective Ref No: 5

BROMSGROVE DISTRICT COUNCIL

CABINET

1ST JUNE 2011

Key Objective: Effective, efficient, and legally compliant Strategic Planning Service

Key Control: Carry out Conservation Area character appraisals and management plans in accordance with national planning guidance

10. CUSTOMER IMPLICATIONS

- 10.1 The public consultation has been carried out in line with current legislation and adopted standards contained in the Bromsgrove District Council Statement of Community Involvement (SCI).

11. EQUALITIES AND DIVERSITY IMPLICATIONS

- 11.1 None

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

- 12.1 All work related to the proposed designation and public consultation has been carried out by existing staff.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

- 13.1 The retention and repair of historic buildings harnesses their embodied energy and reduces the need for the production of new building materials and associated construction energy costs.

14. HUMAN RESOURCES IMPLICATIONS

- 14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

- 15.1 None

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

- 16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

- 17.1 None

BROMSGROVE DISTRICT COUNCIL

CABINET

1ST JUNE 2011

18. LESSONS LEARNT

- 18.1 Any lessons learnt from the public consultation and designation process will influence proposals relating to other Conservation Areas in the future

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

- 19.1 A six week consultation period on the proposed changes to the Bromsgrove Town Conservation Area boundary, and the draft character appraisal and management proposals was undertaken from 21st January until 4th March 2010. This included an exhibition on the history of the High Street alongside the wider core strategy and area action plan consultation events from 14th to 26th February. Formal consultation letters were sent to those properties which would be removed from the boundary, plus local and national amenity societies, and information on the proposals were made available on our website to the general public. The consultation included the principle of splitting the existing designation into two separate Conservation Areas.
- 19.2 A second consultation period on the proposed designation of the St. Johns Conservation Area, draft character appraisal and management proposals was undertaken from 22nd March until 22nd April. This included an exhibition in the Customer Service Centre available from 25th March until 27th April. Formal consultation letters were sent to all residents within the proposed boundary, plus local and national amenity societies, the Diocese of Worcester and the Head of Environmental Services. Information on the proposals was also made available on our website to the general public.
- 19.3 A summary of the consultation comments received and the Councils response has been included as Appendix E and F. No objections were received to the designation of a new St. John's Conservation Area but some negative comments were received during the Bromsgrove Town consultation.

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	
Executive Director (S151 Officer)	
Executive Director – Leisure, Cultural, Environmental and Community Services	
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes

BROMSGROVE DISTRICT COUNCIL

CABINET

1ST JUNE 2011

Executive Director - Finance & Corporate Resources)	
Director of Policy, Performance and Partnerships	
Head of Service	Yes
Head of Resources	
Head of Legal, Equalities & Democratic Services	Yes
Head of Environmental Services	Yes
Corporate Procurement Team	

21. WARDS AFFECTED

St. Johns

22. APPENDICES

- A Notice and schedule of properties within the revised Bromsgrove Town Conservation Area
- B Notice and schedule of properties within the new St. Johns Conservation Area
- C Bromsgrove Town Conservation Area Character Appraisal
- D St. Johns Conservation Area Character Appraisal
- E Summary of consultation comments received on proposed changes to the Bromsgrove Town Conservation Area
- F Summary of consultation comments received on proposed designation of a St. Johns Conservation Area

AUTHOR OF REPORT

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