

Adoption of revised Dodford Conservation Area Boundaries, Appraisal and Management Plan

Relevant Portfolio Holder	Cllr Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Ward(s) Affected	Perryfields
Ward Councillor(s) Consulted	Yes
Non-Key Decision	Non Key

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.
- 1.2 A draft Conservation Area Appraisal has been prepared for the Conservation Area in Dodford. The 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. The Management Plan provides a strategy for the management of the conservation area in a way that will protect and enhance its character and appearance.
- 1.3 The conservation area appraisal identified the need for two boundary changes.
- 1.4 Having obtained the Cabinet members' support for the draft appraisal, management plan and boundary extension, full consultation with local residents and other interested parties was carried out between Monday 25th June 2018 and Sunday 30th September 2018.
- 1.5 A broad range of views were expressed in respect of the contents of the appraisal and management plan.

2. RECOMMENDATIONS

- 2.1 That the Cabinet approves the Dodford Conservation Area Appraisal and Management plan and endorses its contents as a material consideration for planning purposes.
- 2.2 That Cabinet approves the designation of the area to the south of Woodlands Road (Woodlands Road Extension) to be added to the Dodford Conservation Area as outlined in this report.

- 2.3 The Cabinet approves the designation of the area along the southern stretch of Priory Road (Priory Road Extension) to be added to the Dodford Conservation Area as outlined in this report

3. KEY ISSUES

Financial Implications

- 3.1 The cost of producing and consulting on the Conservation Area Appraisals and Management Plans will be met by the existing Strategic Planning Team budget.

Legal Implications

- 3.2 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.

Service / Operational Implications

- 3.3 Guidance in relation to the designation, preservation and enhancement of conservation areas are contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (PPG) as outlined in the Character Appraisal and Management Plan.

The NPPF states that

186. 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.

The PPG states that

Local planning authorities need to ensure that the area has sufficient special architectural or historic interest to justify its designation as a conservation area.

- 3.4 The architectural and historic significance of the area, including the additions and proposals for managing them, are set out in the Appraisal and Management plan, as stated above.

- 3.5 Designation of conservation areas have planning consequences, some of which are outlined in the Appraisal and Management Plan, which include controls over trees in the area, more restrictions on permitted development rights and advertisements rights, and the duty to pay attention to the historic and archaeological significance of the area when considering the grant of planning permission and the duty to formulate proposals to enhance and preserve the conservation areas
- 3.6 There is no statutory procedure for the designation, appraisal and management of conservation areas. If the extensions are approved, formal notifications would be sent to each owner/occupier affected by boundary changes and the designation advertised in the Bromsgrove Advertiser and London Gazette. Notifications would also be sent to Historic England, the Secretary of State for Digital, Culture, Media and Sport and the relevant Land Registries. There is no statutory right of appeal against Conservation Area designation.
- 3.7 The proposed appraisal and management plan and the designation do not engage the Human Rights Act 1998 in a way which is contrary to the law. Although the proposed boundary changes include some residential properties, the process is considered necessary and proportionate to protect the historic environment, in the public interest.
- 3.8 Each character appraisal identifies the factors and features which make each conservation area special, based on an in-depth assessment of an area's buildings, spaces, evolution and sense of place. The management plans then provide a strategy for the management of each of the conservation areas in a way that will protect and enhance its character and appearance.
- 3.9 The residents of the Conservation Area (CA) including those in the proposed extensions were notified of the Consultation exercise in writing, as well as a number of other interested parties including the Parish Council and Historic England. The letter provided information on how to view copies of the Appraisal, details of the two consultation events, as well as how to contact the Conservation Officer to discuss the document or seek further information. It came to our attention that not all residents had received the original notification letter, so all residents were re-notified and the extension period extended from the 3rd August to 30th September having commenced on 25th June.
- 3.10 Two consultation events were held at the Village Hall in Dodford, and were attended by 21 members of the public.
- 3.11 Responses were received from 20 households (some responses were sent in by couples, other households sent in separate responses expressing individual views) as well as from Historic England, the Parish Council and The Victorian Society.

- 3.12 The comments together with a response from the Conservation Officer where appropriate, are tabulated in Appendix 2. The majority of comments received were in respect of the proposed boundary changes and the Article 4 Direction.
- 3.13 Where an opinion was expressed in respect of the extension to the CA at the southern end of Woodland Road, there was support. This is an area which had been part of the original Chartist ownership, but was disposed of in an auction in September 1850. It was left out of the CA when it was originally designated, and is now included for the sake of completeness.
- 3.14 The other proposed extension, is along Priory Road from the existing boundary to the junction with Fockbury Road, to include Dodford Primary School, the neighbouring School House, as well as other properties of architectural and historic interest including Dodford Lodge and Little Dodford Farm. The latter partly pre-dates the Chartists, although there are some Victorian farm buildings. The other properties largely date from the later part of the 19th century.
- 3.15 There were mixed views on this proposal with some respondents in support and others objecting. The main reasons for objecting can be summarised as follows;
1. There is no reason to include this area because it is adequately protected by existing planning legislation and has not suffered from the issues identified in the Appraisal which detract from the character of the existing CA. (See response in 3.16 below)
 2. The Conservation Appraisal and Management Plan (CAAMP) of 2014 excluded this area, nothing has changed and this area was not part of the original Chartist settlement, including this area will degrade the CA, and maybe the Church and Tower House which were not part of the Chartist Settlement, should be removed from the existing CA. (see response in paragraphs in 3.17 to 3.20 below)
 3. If this stretch of Priory Road is to be included why have the fields to the south west been left out? (see response in 3.21 below)
- 3.16 Reviewing the boundary of a conservation area is part of the appraisal process. (see the guidance provided in Conservation Area Designation. Appraisal and Management, Historic England Advice Note 1). Further areas can be included if it is considered that they are sufficient special interest in relation to the rest of the conservation area to warrant inclusion. These areas should not be excluded for the reason that the extra controls which are perceived to come with designation are not required.
- 3.17 The 2014 Appraisal did reach the conclusion that this stretch of Priory Road should not be included. During the consultation process comments were submitted asking for this conclusion to be reconsidered. There being a general feeling from some respondents that the Victorian buildings along this stretch of the road comprised interesting examples of late Victorian architecture, by notable local architects, which were as much part of the history of the Village as the later

Church. In light of these comments it was recommended to Cabinet that the boundary be re-examined.

- 3.18 There is no doubt that there are a number of buildings of historical and architectural interest along the southern stretch of Priory Road. These buildings relate to pre-Chartist development and post Chartist development. The CA currently contains buildings which are pre and post Chartists. It is considered that a lack of significance was attached to these properties in terms of the character of the CA when the boundary was last considered. The southern stretch of Priory Road was solely excluded from the CA because the buildings along here were not part of the original Chartist settlement. The post Chartist buildings along this road including the Church and the Old Vicarage, which are both early 20th century, and within the CA, illustrate the later development of the settlement, and like other non-Chartist buildings contribute to the later history of the village.

One of the buildings along the southern stretch is Dodford First School, which although not constructed exclusively for the inhabitants of the Chartist Settlement, clearly served this community and is therefore strongly linked to it.

For these reasons it is considered this stretch of Priory Road does contribute to the character and special interest of Dodford CA and the boundary should therefore be extended to include this section.

- 3.19 The Church and Tower House (originally the vicarage) have been included within the CA since it was designated. Their inclusion from the outset acknowledged the importance of the buildings to the later development of the settlement, and they clearly contribute to the character and special interest of the settlement. The Tower House is not a listed building and has no statutory protection, except for the protection it gains from being located within a CA.

- 3.20 The Historic Areas Adviser at Historic England has supported both boundary changes stating 'A number of conservation area boundary changes are suggested which are well evidenced after thoughtful analysis and these are also supported by Historic England.'

- 3.21 In terms of the fields to the south west of Priory Road they would form part of the rural setting of the CA if this stretch of Priory Road is included. Historic England in the guidance on conservation areas, (Conservation Area Designation. Appraisal and Management, Historic England Advice Note 1) make the point in paragraph 12 that 'Conservation area designation is not generally an appropriate means of protecting the wider landscape'.

If a development proposal ever came forward in respect of these fields the impact on the setting of the conservation Area would be considered as part of any decision making process. Location in a CA does not prevent future development.

- 3.22 Concerns have also been raised by a number of respondents in respect of the potential introduction of Article 4 Directions. The Appraisal has identified a number of threats to the character of the CA, including; loss of historic detailing,

quality of new development; and unsympathetic boundary treatments. Most of these threats to the character have come about as owners are allowed to alter their properties due to existing Permitted Development Rights (PD Rights). The Management Plan has therefore suggested exploring the option of withdrawing some of these rights by introducing Article 4 Directions. Notably changing windows and doors in historic buildings only and erecting fencing and gates adjacent to the highway. This would mean that new applications for such works would require planning permission via a planning application, for which there is no fee, so that their impact on the character of the Conservation Area could be considered.

A further Article 4 could also be introduced to remove PD Rights in respect of outbuildings and rear extensions, which due to some of the original cottages being small but located on relatively large plots have the potential to overwhelm the original buildings and detract from the character of the CA. This type of Article 4 would require the approval of the Secretary of State, and a large body of supporting evidence would be required to substantiate the need for this. It would have to be clearly demonstrated that these PD Rights were resulting in development which neither preserved nor enhanced the character or appearance of the CA.

The Management Plan is only asking for these courses of action to be explored further, and not to pursue at this stage. Detailed evidence would need to be assembled to justify the need for Article 4 Directions, particularly in respect of the second type, and there would then have to be further public consultation, when the need and benefits could be fully explained.

Customer / Equalities and Diversity Implications

- 3.23 The Strategic Planning team has carried out a public consultation exercise to gather views on the draft appraisal, management plan and boundary changes in respect of the Dodford Conservation Area. Consultation letters were sent to every resident who currently lives in each of the conservation areas and where applicable the proposed extension, informing them of the dates for the public consultation events, how to access the documents on line and how to obtain further information. Hard copies were made available at the consultation events and at the Parkside. The deadline for comments was Sunday 30th September. 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. The result of this consultation can be seen in Appendix 2.

4. RISK MANAGEMENT

- 4.1 There are no associated risks with this report

5. APPENDICES

Appendix 1 - Dodford Conservation Area Appraisal and Management Plan
Appendix 2 – Dodford CAAMP Consultation Comments

6. BACKGROUND PAPERS

<https://historicengland.org.uk/images-books/publications/conservation-area-designation-appraisal-management-advice-note-1/heag040-conservation-area-designation-appraisal-and-management/>

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