

**BROMSGROVE DISTRICT COUNCIL**

**Adoption of revised Worcester and Birmingham Canal Conservation  
Area Appraisal and Management Plan**

**Cabinet**

**13<sup>th</sup> January 2021**

Relevant Portfolio Holder	Cllr Adam Kent
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Ward(s) Affected	All
Ward Councillor(s) Consulted	No
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 Conservation Area Appraisal has been prepared for the Worcester and Birmingham Canal Conservation Area. 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 Having obtained the Cabinet members' support for the draft Appraisal and Management Plan, full consultation with local residents and other interested parties was carried out between 30<sup>th</sup> September and the 11<sup>th</sup> November 2019.
- 1.4 A range of views were expressed largely in respect of the appraisal and the historical sections. Most of the comments came from the Canal and River Trust (CRT) and The Worcester, Birmingham & Droitwich Canals Society (the Canal Society), and their detailed knowledge of the Canal and its development has proved very useful and informative.

**2. RECOMMENDATIONS**

- 2.1 **That the Cabinet approves the Worcester and Birmingham Canal Conservation Area Appraisal and Management Plan and endorses its contents as a material consideration for planning purposes.**

**3. KEY ISSUES**

**Financial Implications**

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- 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

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- 3.7 The proposed Appraisal and Management Plan and the conservation area designation do not engage the Human Rights Act 1998 in a way which is contrary to the law.
- 3.8 The character appraisal identifies the factors and features which make the conservation area special, based on an in-depth assessment of the area's buildings, spaces, evolution and sense of place. The management plan then provides a strategy for the management of the conservation area in a way that will protect and enhance its character and appearance.
- 3.9 The residents of the Conservation Area, as well as a number of other interested parties including the Parish Councils, the CRT, the Canal Society, The Inland Waterways Association and Historic England were notified by letter and email of the consultation. The letters and emails provided information on how to view copies of the Appraisal and Management Plan, details of the two consultation events, as well as how to contact the Conservation Officer to discuss the document or seek further information. Posters were also displayed on the Canal.
- 3.10 Two consultation events were held the first at the CRT offices at Tardebigge Wharf and the second on a Saturday morning at Bromsgrove Library. The events were attended by 16 people.
- 3.11 Five responses were received, three from residents in addition to responses from the Canal Society and the CRT.
- 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 historical sections, and the appraisal has benefitted from the detailed knowledge of the CRT and the Canal Society.
- 3.13 Both the Canal Society and the CRT queried why some 'bywash' areas (the weir and culvert system allowing excess water in a pound to bypass the lock chamber) were excluded. Referring to the original designation map showed that these areas had originally been included, but the plan had been poorly replicated over the years. The map has therefore been revised to more accurately reflect the original designation map.

#### **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 and management plan in respect of the Worcester and Birmingham Canal Conservation Area. Consultation letters were

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sent to every resident who currently lives in the conservation areas informing them of the dates for the public consultation events, how to access the documents online and how to obtain further information. Hard copies were made available at the consultation events and at Parkside. The deadline for comments was 11<sup>th</sup> November 2019. 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 – Worcester and Birmingham Canal Conservation Area Appraisal and Management Plan

Appendix 2 – Worcester and Birmingham Canal CAAMP Consultation Comments

**6. BACKGROUND PAPERS**

<https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/heag-268-conservation-area-appraisal-designation-management/>

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