

**Cabinet  
2024**

**10<sup>th</sup> December**

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## **Bromsgrove Local Heritage List**

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Report Author Mary Worsfold	Job Title: Principal Conservation Officer Contact email:m.worsfold@bromsgroveandredditch.gov.uk Contact Tel: 01527 881329
Wards Affected	All wards
Ward Councillor(s) consulted	Yes
Relevant Strategic Purpose(s)	Economic          Regeneration          and Environment
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

### **1. RECOMMENDATIONS**

**The Cabinet RECOMMEND that: -**

- 1.1 The Local Heritage List at Appendix 1 for the following parishes is adopted.  
Alvechurch  
Beoley  
Belbroughton and Fairfield  
Dodford with Grafton
- 1.2 The wording of the Officer Scheme of Delegations for the Local Heritage List be updated as set out in Appendix 2.
- 1.3 The amended Local Heritage List Strategy set out at Appendix 3 be approved.

### **2. BACKGROUND**

- 2.1 This report updates Members the task being undertaken by the Conservation Team to prepare the Bromsgrove Local Heritage List (LHL). Work on the lists for the Parishes of Alvechurch, Beoley, Belbroughton and Fairfield and Dodford with Grafton has been completed and Members are being asked to recommend to Council that the final version of the list which covers these areas be approved.

The report also gives an update on progress for other areas of the District.

- 2.2 In preparing this report the governance and decision making background for approval of the LHL has been re-visited. This has resulted in the need for some adjustments as set out in paragraphs 3.16 to 3.20. The changes are around ensuring the final list is approved by the correct decision making arm of the Council, and do not affect the consultation process itself or the day to day work being carried out by the Conservation Team.

### **3. OPERATIONAL ISSUES**

- 3.1 Cabinet approved a revised Local Heritage List Strategy in March 2024. The Strategy can be summarised as follows;
- Local lists identify heritage assets which are valued by local communities and contribute to the character and local distinctiveness of an area.
  - The use of local lists is promoted by the National Planning Policy Framework (NPPF)
  - The Bromsgrove District Plan (2017) acknowledges the importance of adopting a local list to formerly identify the locally important heritage assets within the district,
  - Heritage assets on the Local Heritage List will not have the same protection as those on the statutory list, although the Historic Environment policies in the District Plan support the retention of heritage assets on the list. Assets identified on a local list will merit consideration in the planning process.
  - The more robust the process for adding a heritage asset to the local list, particularly in terms of the selection criteria, the greater the weight for protecting the asset.
  - Inclusion of a heritage asset on the list will provide clarity to owners, developers and the local planning authority allowing all parties to consider the significance of the asset at an early stage.
  - Criteria for inclusion on the Local Heritage list have been identified, and include Age, Authenticity and Rarity, Architectural Interest, Historic Interest and Townscape/Villagescape/Landscape interest. Candidates need to satisfy the first criteria and at least one other.
  - The LHL will be prepared on a parish by parish basis. The conservation team will consider all nominations and will also survey the area to identify further properties which meet the criteria. They will then prepare a draft list.
  - Following a period of public consultation, including with the owners of these properties, a final report will be prepared for Cabinet with the

proposal that the Parish LHL is adopted and becomes a material consideration in the planning process.

- 3.2 Heritage assets on the local list do not attract additional consent requirements, unlike statutory listed buildings where listed building consent is required for all alterations, over and above those required for planning permission.
- 3.3 Heritage assets identified on a local list, are recognised by the local authority as having heritage significance, and therefore will merit consideration in planning matters. When considering planning applications which impact on heritage assets on the local list, the LPA is required to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset, in determining the application.
- 3.4 There is no appeal procedure if an owner believes their property should not be included on the list. The statutory listing process similarly has no appeal process.
- 3.5 The revised Strategy incorporated an amended consultation process to improve public engagement.
- 3.6 Draft lists for Alvechurch, Beoley, Belbroughton and Fairfield, and Dodford with Grafton Parishes, were compiled earlier this year, ready for consultation. These lists add 140 properties to the draft LHL, and cover a diverse range of properties including houses, schools, village halls, places of worship and canal infrastructure.
- 3.7 A six-week consultation period commenced on Monday 27th May. Letters were sent to all owners/occupiers providing information about the consultation, including the listing for their property. This included a description and information on how the building met the LHL criteria. It also detailed the consultation event to be held in each parish as well as other ways of contacting the Conservation Team to discuss. Comments were invited. Parish councils and ward members were also notified. The LHL page on the Conservation Section of the BDC website also provided details of the consultation, links to all relevant documents as well as the draft lists by parish. The BDC Comms team also promoted the consultation using social media.
- 3.8 Conservation officers held conservation events in the village hall in each parish. Information on the LHL was available and conservation officers answered questions. Attendance was as follows;

Alvechurch	12
Beoley	14
Belbroughton and Fairfield	6
Dodford with Grafton	20

Approximately 5 telephone calls were also received, as well as written comments.

- 3.9 The majority of people who contacted officers were happy for their properties to be included on the LHL. Most were seeking clarification on the implications of their property being on the list. Some provided additional information or queried information in the descriptions, which allowed descriptions to be amended.
- 3.10 Seven objections were received. The Conservation Team considered the objections and reconsidered the properties. In all cases it was considered that the properties met the criteria and should be included on the list, although descriptions and reasons for inclusion were amended in light of the comments and the re-examination.
- 3.11 Five further nominations were submitted. Of these, two are supported by the Conservation Team, one had already been considered and rejected, one is listed so cannot be included, and the Wiggins Memorial Park in Alvechurch will be considered when we consider parks and gardens as a separate category within the LHL. The owners of the two supported nominations have been consulted.
- 3.12 Following completion of the Consultation process and having considered all the comments received, the LHL for each parish has now been finalised, and can be found at Appendix 1. We are asking members to approve the LHL list for these parishes which will then become a material consideration in the planning process.

**Further Local List update**

- 3.13. As requested by the Overview and Scrutiny Board officers are also in a position to update on overall progress with the LHL as follows. Work continues on the lists for Bromsgrove Town, and the parishes of Lickey and Blackwell and Wythall. In relation to Bromsgrove Town a meeting was held with the History Group of the Bromsgrove Society and copies of our working spreadsheet made available to them in June. They are

going to look at whether they can add to the information that we have already put together and nominate additional properties which they considered meet the criteria. We are still awaiting their feedback.

- 3.14. Since the previous Cabinet Report one member of the Conservation Team left in May, this was reported to the Overview and Scrutiny Board in our July report to them. A replacement has been recruited and started work in late September. The vacancy has impacted on the progress to date. In addition, the admin processes required to set up and carry out the consultation process took longer than expected. We have already begun to redesign this part of the process; we have brought in extra resource from within the team to manage the project leaving the conservation officers to focus on the technical assessment work. Additionally, we have also looked at better use of the GIS and databases to digitise as much of the process as possible again to help not only speed things up but also to pre-empt changes likely to flow from the corporate GIS strategy. We are currently in the process of rationalising the way data from the Historic Environment Record is moved over onto our database to avoid the duplication of backroom processes.
- 3.15 The new conservation officer has made a start on Bournheath Parish. The work on Wythall and Bromsgrove, subject to the input from the Bromsgrove Society is nearer completion. Work on Lickey and Blackwell has been delayed due to the Principal Conservation Officer responding to the consultation on the first four parishes. We should be in a position to go out to consultation on the next four parishes in the early part of next year. We will then move onto preparing another tranche of draft lists.

**Governance implications for final approval of the Local Heritage List**

- 3.16 Further consideration of the final sign off process has highlighted that the decision maker for approval of the Local Heritage List should be Council. The original report to Members on developing the LHL in November 2013 identified this as the decision making route and introduced delegations from Council to the Head of Planning to achieve this.
- 3.17 By way of further explanation, Members are asked to note that the broad rules about decision making for different arms of the Council on different topics are set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. In particular Schedule 3 deals with functions that “are not to be the sole responsibility of the

authority's executive". The list of strategies and plans in that section includes development plan documents. As Members are aware, the LHL is closely aligned to Bromsgrove District Plan Policy 20 Managing the Historic Environment and as such advice from officers is that final approval should be from Council.

- 3.18 Having now worked through a complete cycle of drafting local lists, publication, consultation and re-drafting final lists, as can be seen from this report the process in terms of staff input has been quite intensive. The consultation phase seems to have been well received and there has been good engagement with the local communities and property owners. Members have been able to have input through Overview and Scrutiny and progress is now being made to move on to consulting on further areas in the District. It has been identified that there are potential data protection issues associated with publishing the consultation comments in a report that would be publicly available and officers are proposing to amend this part of the process.
- 3.19 Taking all that into account, together with the updated advice on where the decision making sits, officers have suggested amendments to the delegations set out in the Constitution. Attached at Appendix 2 is the current set of delegations for the Local Heritage List taken from the Officer Scheme of Delegations. Some changes to the wording are being suggested for clarity.
- 3.20 Members are therefore asked to approve the amendments to the Scheme of Delegations as set out in Appendix 2 and the consequential updates to the Local Heritage List Strategy as set out at Appendix 3.

#### **4 FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications arising out of this report.

#### **5. LEGAL IMPLICATIONS**

- 5.1 The use of local lists is promoted by the NPPF, which advises local planning authorities in Paragraph 190 to 'set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment'. It is emphasised that 'they (LPAs) should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance'. In light of the NPPF, the Bromsgrove District Plan (2017) acknowledges the importance of adopting a local list to formally identify the locally important heritage

assets within the District. (See paras BDP 20.12, BDP 20.13 & BDP20.14)

- 5.2 Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 refers to functions that “are not to be the sole responsibility of the authority’s executive”. The list of strategies and plans in that section includes development plan documents The LHL is closely aligned to Bromsgrove District Plan Policy 20 Managing the Historic Environment and as such final approval of the LHL should be from Council, or alternatively another decision maker to which Council has made a delegation.

**6. OTHER IMPLICATIONS**

**Relevant Strategic Purpose**

- 6.1 Economic Development and Environment

The identification and inclusion of local heritage assets on the LHL will help to ensure that the local distinctiveness of Bromsgrove will be maintained and managed further, making the area an attractive place to locate and do business whilst at the same protecting the environment.

**Climate Change Implications**

- 6.2 It is not considered that the proposed action will have any climate change implications.

**Equalities and Diversity Implications**

- 6.3 There are not considered to be any customer/equality or diversity implications. The consultation will be carried out in line with established consultation processes the planning department frequently use.

**7. RISK MANAGEMENT**

- 7.1 The following risks have been identified in relation to this report : -
- Failure to ensure that approval of the LHL is made by the correct decision maker within the Council could lead to future planning decisions made in reliance on the contents of the list being subject to legal challenge.

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- Failing to progress efficiently with the overall process of developing the LHL may undermine the identification and preservation of heritage assets.
- The Council is taking steps to update the process to ensure that there is no risk of personal information being released.

**8. APPENDICES and BACKGROUND PAPERS**

- Appendix 1 Local Heritage List for Alvechurch, Beoley, Belbroughton and Fairfield and Dodford with Grafton Parishes
- Appendix 2 Extract from Officer Scheme of Delegations
- Appendix 3 Local Heritage List Strategy Document



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**9. REPORT SIGN OFF**

<b>Department</b>	<b>Name and Job Title</b>	<b>Date</b>
Portfolio Holder	Councillor Kit Taylor	
Lead Director / Head of Service	Ruth Bamford – Assistant Director Planning and Leisure Services	
Financial Services	Pete Carpenter - Director of Resources/Deputy Chief Executive	
Legal Services	Claire Felton – Assistant Director Legal Democratic & Property Services	
Policy Team (if equalities implications apply)	N/A	N/A
Climate Change Officer (if climate change implications apply)	N/A	N/A