

BROMSGROVE DISTRICT COUNCIL

CABINET

6th OCTOBER 2010

PROPOSED HEWELL GRANGE CONSERVATION AREA

Relevant Portfolio Holder	Cllr Dyer
Relevant Head of Service	Ruth Bamford, Head of Planning and Regeneration
Key Decision / 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 designation of a new Hewell Grange Conservation Area as described in the notice and schedule of properties attached as Appendix A.

3. BACKGROUND

- 3.1 The designation of a new Hewell Grange Conservation Area has been promoted by the Victorian Society for several years, and was included in the list of potential designations within policy S35 of the current Local Plan. Hewell Park was added to the national Register of Historic Parks and Gardens in 1986, and the proposed Conservation Area boundary includes 17 statutorily listed buildings. The lake within the Park is also designated as a Site of Special Scientific Interest (SSSI).
- 3.2 The new Hewell Grange Conservation Area would be centred on the historic Hewell estate including what is now HMP Hewell and the historic village of Tardebigge . A large section of the proposed Conservation Area is already within the registered historic park, but this gives no protection to the buildings, structures or trees within it. The Hewell Grange estate is significant because of the high number of listed (17) and unlisted (30+) historic buildings and structures, and the connection between the wider landscape and the built environment. As a historic entity the interrelationship between the setting of the listed buildings and the registered historic park is a key element of the special interest of this proposed Conservation Area.

- 3.3 A formal review of the historic Hewell estate was carried out in January of this year, with assistance from the Victorian Society, to assess whether the area merited designation as a new Conservation Area. A draft boundary of the area and accompanying character appraisal was subsequently prepared and released for public consultation following approval from the LDF Working Party on 15th April 2010. The public consultation period ended on 30th July 2010. The proposals were also presented to the Planning Committee on 12th July 2010 who were supportive of the designation.

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 and the removal of any agricultural building constructed before 1914. 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.
- 4.4 During the consultation stage both The Victorian Society and the Hewell Grange Conservation & Advisory Group requested that an Article 4(2) direction be applied to those properties which retain historic leaded windows. This option was considered during the initial appraisal process

however PPS5 and supporting English Heritage guidance advises that it is only appropriate to remove permitted development rights where there is a real and specific threat which undermines the aims of the Conservation Area. Leaded windows only survive at Rose Cottages and Park Cottages and appear to be in good condition. Historic windows at Hewell Dairy Cottage were removed in 2006 but there is insufficient evidence of gradual erosion of traditional details in the area to warrant special planning controls at this time. This issue will however be reviewed on a biannual basis.

- 4.5 The Conservation Area Character Appraisal attached as Appendix C has no formal status and is used for information purposes only to support effective management of change within the Conservation Area. The document would however be given some weight in the determination of planning applications and appeals, as it has been through a public consultation process. 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. Management proposals for the Hewell Grange Conservation Area have been included as an appendix to the character appraisal document.

5. FINANCIAL IMPLICATIONS

- 5.1 None. The cost of preparing the Conservation Area designation 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 designation is approved, formal notifications would be sent to each owner/occupier within the boundary and the designation advertised in the Bromsgrove Advertiser and London Gazette. Notifications would also be sent to GOWM, 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 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 2 Improvement

The proposed Conservation Area designation has been promoted by the Victorian Society and the Hewell Grange Conservation and Advisory Group for several years. The Council has until now been unable to devote sufficient resources to any new designations or to the effective management of our existing Conservation Areas which has undermined the value of the conservation service we should be providing. By taking a more proactive approach to the protection and management of the historic built environment, we will increase customer satisfaction and improve local engagement with the wider Planning service.

8.2 Objective 3 One Community and Well Being

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 designation 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 Environment

Key Objective Ref No: 5

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

Action: No specific actions relate to Hewell Grange Conservation Area

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

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

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19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

- 19.1 A six week consultation period on the proposed designation, the proposed boundary, the draft character appraisal and management proposals was undertaken from 15th June until 30th July 2010. Formal letters were sent to every property within the proposed Conservation Area boundary, plus local and national amenity societies, and information on the proposals were made available on our website to the general public. The Bromsgrove Advertiser also featured an article on the proposals on 18th June. A public meeting was held on 1st July as part of this consultation exercise which was attended by approximately 40 local residents, County Cllr Moffett and Cllr Dyer.
- 19.2 A summary of the consultation comments received and the Councils response has been included as Appendix D. Objections to the designation were received from the Ministry of Justice, the Hewell Bowling Club and two local landowners. Support letters were received from the Victorian Society, the Hereford and Worcester Gardens Trust, the Hewell Grange Conservation and Advisory Group, Tutnall & Cobley and Bentley Pouncefoot Parish Councils, County Cllr Moffett and from 7 local residents. Of the 40 local residents who attended our drop in meeting, only 1 openly opposed the Conservation Area designation.
- 19.3 Following the consultation exercise an amendment was made to the proposed Conservation Area boundary to omit the Hewell Bowling Club plus minor changes to the character appraisal text to address the comments received. The Bowling Club was originally included because it created a more balanced boundary for the conservation area and the site was historically a recreation ground for estate workers. However it does make a very limited contribution to the character and appearance of the Conservation Area and given the strength of the objection received it was felt that an amendment was justified and would not undermine the aims of the designation. The revised boundary map is attached as Appendix B.

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	Yes

BROMSGROVE DISTRICT COUNCIL

CABINET

6th OCTOBER 2010

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

21. WARDS AFFECTED

Tardebigge

22. APPENDICES

- A Notice and schedule of properties
- B Proposed boundary map
- C Hewell Grange Character Appraisal
- D Summary of consultation comments received

AUTHOR OF REPORT

Name: Judith Carstairs, Conservation Officer, Strategic Planning
E Mail: j.carstairs@bromsgrove.gov.uk
Tel: 01527 881326