

# Wolverhampton City Council

## OPEN INFORMATION ITEM

Committee / Panel	<b><u>PLANNING COMMITTEE</u></b>	Date	<b>27<sup>th</sup> March 2012</b>
Originating Service Group(s)	<b>REGENERATION</b>		
Contact Officer(s)/	<b>STEPHEN ALEXANDER</b> <b>(Head of Planning)</b>	<b>SUE WHITEHOUSE</b> <b>(Historic Environment Officer)</b>	
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Title	<b>Extensions to Bantock House Conservation Area</b>		

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### **RECOMMENDATION**

That Committee note the contents of this Report.

## 1. **PURPOSE**

- 1.1 To inform Planning Committee of the recent designation of extensions to the Bantock House Conservation Area approved by Cabinet on 7th March.

## 2. **BACKGROUND**

- 2.1 Bantock House Conservation Area was designated in October 1989. The focus of the Conservation Area is Bantock House and Park but only the eastern third of the park was included in the original designated area. Some of the mid 19th century to early 20th century houses in Finchfield Road and Bradmore Road, together with the listed villas in Merridale Grove, were also contained within the Conservation Area.
- 2.2 Since 2007 there has been a rolling programme to review all of the existing Conservation Areas in the city and as part of this process the boundaries of Conservation Areas are also re-examined to see if they should be amended. Recent research undertaken in the context of the review of the Castlecroft Gardens Conservation Area confirmed the involvement of Major Kenneth Hutchinson Smith in the development of an earlier private estate at Finchfield Gardens just to the north of Bantock Park. Cabinet received a progress report on this programme in October 2011 and agreed that the review of Bantock House Conservation Area should be a high priority. The boundaries have now been reviewed and on 7<sup>th</sup> March Cabinet approved extensions to the Conservation Area to include; the whole of Bantock Park; the full length of the service lane providing access to the rear of properties in Merridale Grove from Richmond Road and; Finchfield Gardens (see plan attached).
- 2.3 The implications of designating a Conservation Area are:
  - a) The local authority is under a general duty to ensure the preservation and enhancement of Conservation Areas and has a statutory duty to prepare proposals to that end (i.e. to prepare appraisals and management proposals);
  - b) Notice must be given to the local authority before works are carried out to any tree (above a certain size) in the area;
  - c) Conservation Area Consent is required for demolition of any unlisted building in the area and the local authority may take enforcement action or institute criminal prosecution if consent is not obtained;
  - d) The details as to the limits of what works may be carried out without planning permission are somewhat different;
  - e) Extra publicity is given to planning applications affecting Conservation Areas and the local planning authority is to take into account the desirability of preserving and enhancing the character of the area when determining such applications;
  - f) Limited financial assistance may be available for the upkeep of buildings in Conservation Areas especially where an externally funded grant regime is in operation (note: there is no such scheme operating in the Bantock House Conservation Area);
  - g) The local authority may be able to take steps to ensure that a building in a Conservation Area is kept in good repair (note: normally only applies to neglected unoccupied buildings);
  - h) The display of advertisements may be somewhat more restricted in Conservation Areas.

### **3. FINANCIAL IMPLICATIONS**

- 3.1 There are no financial implications arising from this report. The costs of statutory advertising (Press Notices) have been met from existing budgets.

### **4. LEGAL IMPLICATIONS**

- 4.1 It is a statutory duty under section 69 of the Planning (Listed Buildings & Conservation) Act 1990 to designate Conservation Areas and from time to time review designations. Section 71 of the Planning (Listed Buildings & Conservation) Act 1990 places a duty on Local Authorities to formulate and publish proposals for preservation and enhancement of Conservation Areas i.e. management proposals.
- 4.2 There is also a statutory duty under section 72 of the Planning (Listed Buildings & Conservation) Act 1990 to pay attention to preservation and enhancement of character and appearance in exercise of planning functions - and appraisals define character and appearance and so are necessary for effective decision making.
- 4.3 Designation of a Conservation Area may have implications under the Human Rights Act 1988 namely Article 8 (Respect for private and family life) where everyone has the right to respect for his private and family life, his home and his correspondence and Article 1 of the First Protocol (Peaceful enjoyment of possessions) where every person is entitled to peaceful enjoyment of his possessions. However, the designation of the Conservation area is considered to be proportionate, having regard to the needs of residents against the Council's duty, as the local planning authority, to preserve or enhance the special character or appearance of an area within the City. **KR/15032012/V**

### **5. EQUAL OPPORTUNITIES IMPLICATIONS**

- 5.1 The recognition of the historic environment by designation of Conservation Areas and the use of statutory powers to ensure that such areas are managed intelligently and sensitively can significantly contribute towards the economic, social and cultural life of all sectors of the community.

### **6. ENVIRONMENTAL IMPLICATIONS**

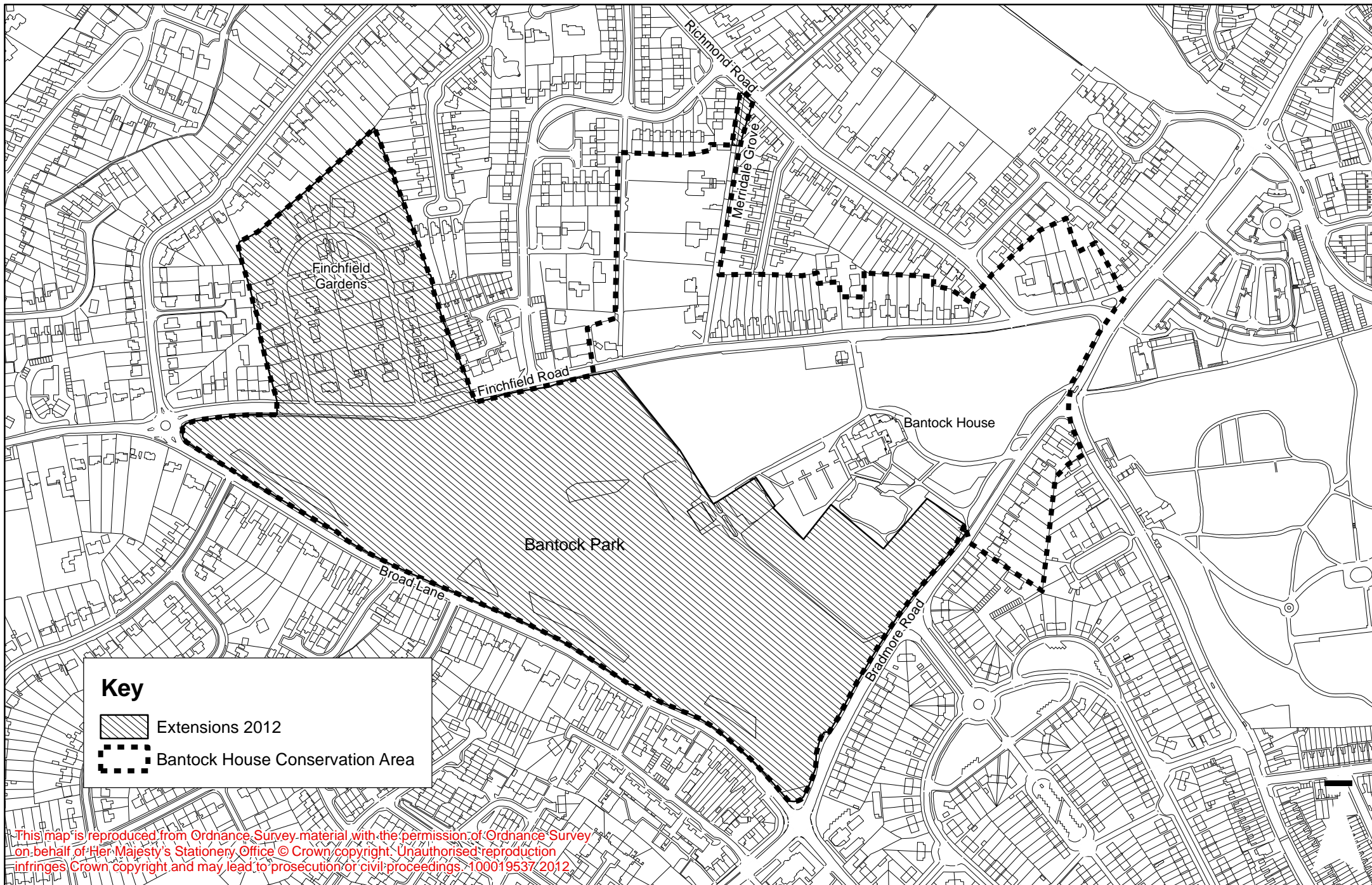
- 6.1 The designation of Conservation Areas has implications for the preservation and enhancement of areas and sites of special architectural and historic importance in the city.

### **7. SCHEDULE OF BACKGROUND PAPERS**

Conservation Area Appraisals – Review - Report to Cabinet 19<sup>th</sup> October 2011

Understanding Place: Conservation Area Designation, Appraisal and Management (March2011) English Heritage

# Extension to Bantock House Conservation Area



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