

**Individual Executive Decision
Notice**

Report title	Conservation Area Appraisal Consultation	
Decision designation	GREEN	
Cabinet member with lead responsibility	Councillor Stephen Simkins Deputy Leader: Inclusive City Economy	
Wards affected	Bushbury North; Bushbury South and Low Hill; Fallings Park; Penn; Tettenhall Wightwick;	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	Planning	
Accountable employee	Michele Ross	Lead Planning Manager – Sub-Regional Strategy
	Tel	Tel: 01902 554038
	Email	michele.ross@wolverhampton.gov.uk
Report has been considered by	Regeneration Leadership Team	10 November 2020
	Strategic Executive Board	11 November 2020

Summary

To approve three draft Conservation Area appraisals for public consultation and, subject to no significant objections, to receive a further report to amend and adopt the appraisals and boundaries for use in the planning process.

Recommendations for decision:

That the Deputy Leader: Inclusive City Economy, in consultation with the Director of Regeneration:

1. Approve the three draft Conservation Area appraisals appended to this report for public consultation during August – October 2021;
2. Subject to no significant objections being submitted during the consultation period, receive a further report to approve any necessary amendments to the Conservation Area Appraisal reports and adopt the Conservation Area appraisals and new Conservation Area boundaries for use in the planning process.

Signature

Date:

Signature

Date:

1.0 Purpose

- 1.1 Three Conservation Area (CA) appraisals have been prepared to support the Black Country Plan review, for existing CAs at Bushbury Hill, Vicarage Road (Penn) and Wightwick Bank. The Bushbury Hill and Vicarage Road (Penn) appraisals recommend changes to the existing CA boundary. Approval is required to consult on the CA appraisals before adopting the CA appraisals and the new CA boundaries for use in the planning process.

2.0 Background

- 2.1 Conservation Areas (CAs) form a key part of the planning system with regard to the historic environment. The City's designated CAs have special value for the community. They are visible links with the past and offer attractive contrasts to modern environments, and so it is important to ensure the special character of these areas are protected and sympathetic enhancements encouraged. This local distinctiveness can provide a catalyst for regeneration and inspire well designed new development.
- 2.2 There are a range of national policies and local policies in the Wolverhampton Local Plan which control development in CAs. It is best practice for a CA to be supported by an up-to-date CA appraisal and management plan, which sets out the reasons for designation of the CA and proposals for its protection and improvement. This enables informed decisions to be taken on planning proposals affecting CAs.
- 2.3 A CA is defined in the Planning (Listed Buildings and Conservation Areas) Act 1990 as 'an area of special architectural or historic interest, the character of appearance of which it is desirable to preserve or enhance'. Therefore, a CA must display sufficient defining characteristics, architectural or historic, to be deemed 'special'. Designation recognises these characteristics and celebrates the qualities which define and display the special interests of the area. CA should be seen to justify their status, preventing the potential dilution of the concept through the designation of areas lacking any special interest. However, the areas surrounding CA can also contribute to the setting of the CA and therefore warrant protection through the planning system.
- 2.4 Currently there are 31 CAs in the City, the earliest designations dating from 1972. Ideally appraisals should be prepared at the time of designation as a matter of course. Where conservation areas were designated some time ago this has frequently not been the case or those that were done have become out of date as incremental changes have taken place over the years.
- 2.5 In 2019 the Black Country authorities jointly commissioned a number of CA appraisals for existing CAs which are not currently supported by an up-to-date appraisal. The purpose of this commission was to ensure a robust historic environment evidence base supports the emerging Black Country Plan (BCP). Consultants Place Services were appointed to prepare the CA appraisals, in accordance with Historic England published advice.

2.6 CA appraisals were commissioned for three existing Wolverhampton CAs: Bushbury Hill; Vicarage Rd (Penn); and Wightwick Bank, designated in 1972, 1974 and 1989 respectively. As part of the BCP “call for sites” process a number of potential development sites have been submitted which fall within or adjoin these CAs, therefore it is important that an up-to-date CA appraisal and robust CA boundary is adopted for these CAs to support the Draft BCP, which is due to be published for public consultation in summer 2021. Bushbury Hill CA is also on the Historic England Heritage at Risk register. Adopting an up to date appraisal and management plan would be an important step towards reversing the decline of this CA and could open up opportunities for Historic England support.

3.0 Conservation Area Appraisal Findings and Recommendations

- 3.1 The draft CA appraisals produced by Place Services for the three Wolverhampton CAs are appended to this report. The CA appraisals provide detailed and robust support for retention of the CAs and include a management plan to guide consideration of development proposals and management of land and buildings.
- 3.2 In order to create strong CA boundaries, which can be defended at a Local Plan examination or planning appeal, the CA appraisals for Bushbury Hill and Vicarage Road (Penn) recommend that these CA boundaries are amended, as shown on Plans 1 and 2. The Wightwick Bank CA appraisal supports retention of the existing CA boundary.
- 3.3 The findings and recommendations of the draft CA appraisals have provided evidence which has informed the draft Black Country Plan, to be published for consultation during summer 2021.

Plan 1 – Proposed Changes to Bushbury Hill Conservation Area boundary

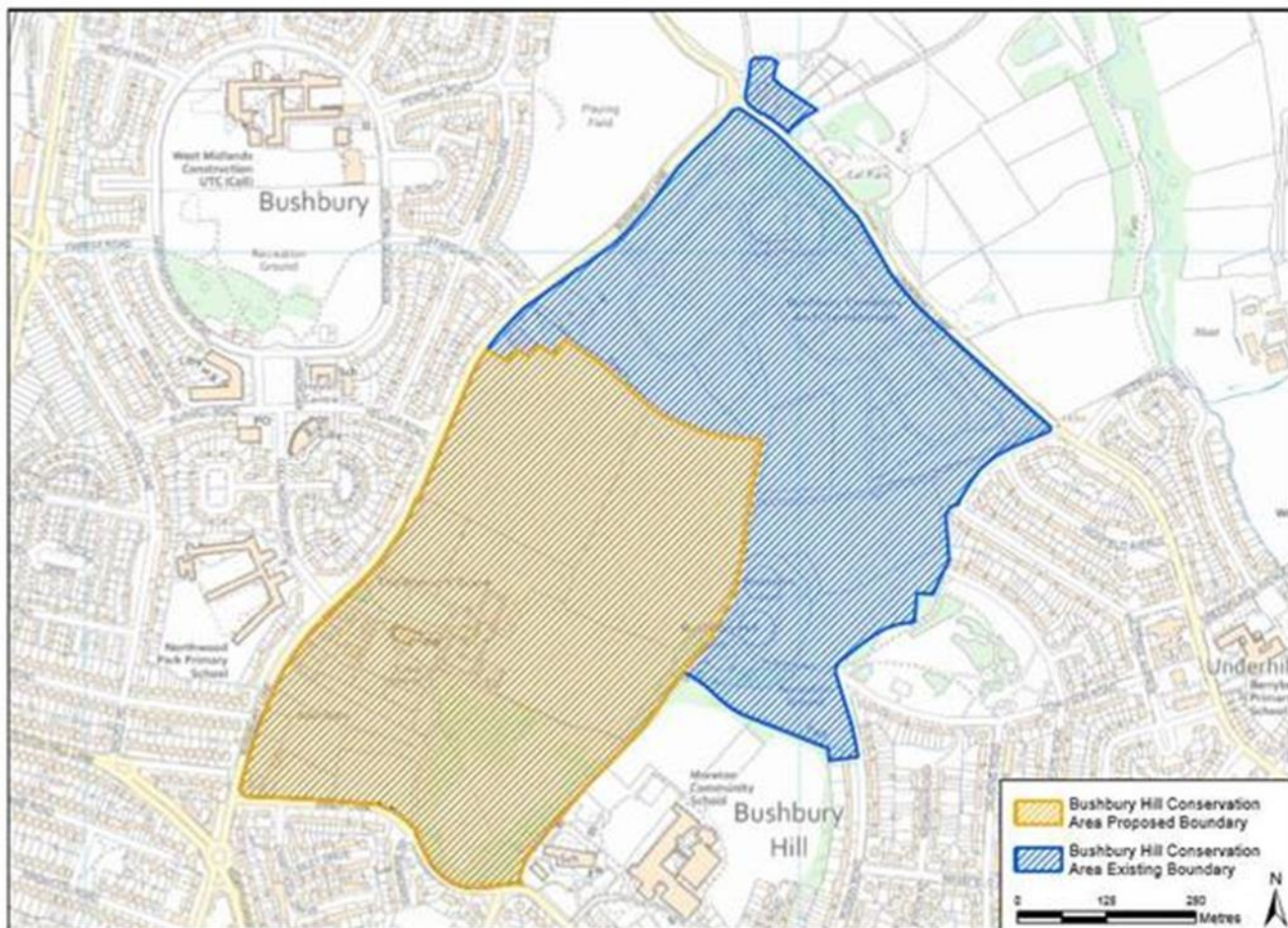


Figure 1 Map showing the Bushbury Hill Conservation Area boundary, both existing and proposed revisions

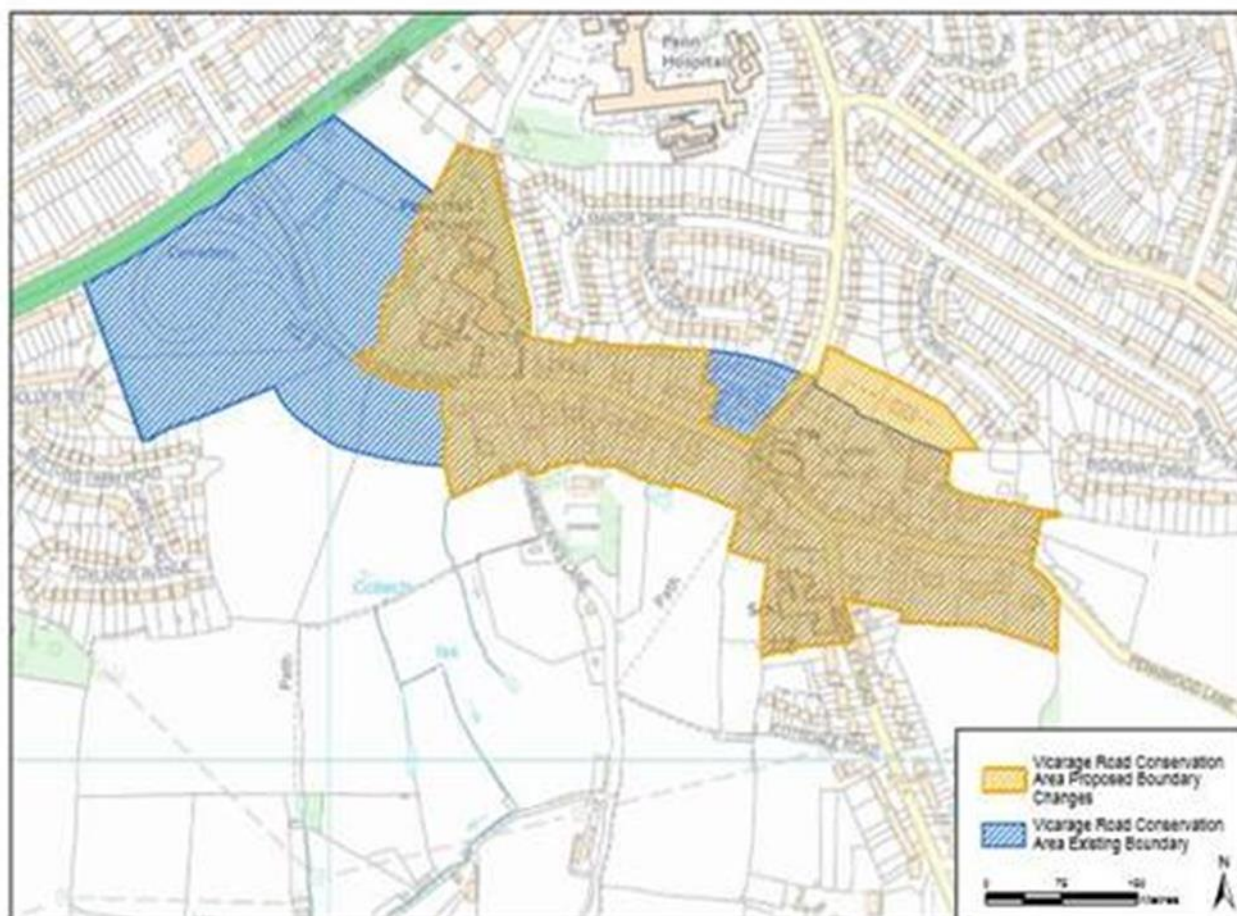
Plan 2 - Proposed Changes to Vicarage Road (Penn) Conservation Area boundary

Figure 1 Map of the Vicarage Road (Penn) Conservation Area Boundary showing 2019 revised boundary line

4.0 Public Consultation and Adoption Process

- 4.1 Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, where local planning authorities publish proposals affecting CAs, they should consult the public in the area affected and take account of the views expressed.
- 4.2 Therefore, it is proposed to consult on the three draft CA appraisals for a six week period during August - October 2021 before finalising and formally adopting the CA appraisals and any amended CA boundaries for use in the planning process. This consultation will focus on the residents and land owners within the CAs concerned (both existing and new boundaries). The consultation will include posting all relevant documents and a consultation questionnaire on the Council's website, and the mailing of a letter and questionnaire to all relevant residents and land owners. Other consultation methods, such as public exhibitions, may be used, subject to restrictions imposed by the covid-19 pandemic.
- 4.3 At the end of the consultation period, the responses will be collated and summarised and Place Services will prepare a schedule of any necessary minor amendments to the CA

appraisal reports. Subject to no significant objections being submitted, authority will then be delegated to the Deputy Leader: Inclusive City Economy in consultation with the Director for Regeneration to approve any amendments to the CA appraisals and adopt the CA appraisals and CA boundaries for use in the planning process, including informing the Publication version of the draft Black Country Plan, due to be published in summer 2022.

5.0 Evaluation of alternative options

5.1 The following alternative options have been considered:

- Option one would be to make no change to the existing Conservation Area evidence. This could result in challenges to the existing CA designations and to any planning decisions made which are based on these CA designations.
- Option two would be to implement the recommendations of this report. This would result in a more robust historic evidence base for planning decisions, including the Black Country Plan review.

6.0 Reasons for decisions

6.1 Option two (to implement the recommendations of this report) has been selected because the adoption of up-to-date CA appraisals and CA boundaries would result in a more robust historic evidence base for planning decisions, including the Black Country Plan review.

7.0 Financial implications

7.1 The costs associated with preparing and revising the Conservation Area appraisals are being met from existing budgets allocated from the Planning budget for the Black Country Plan review.

[VS/09072021/V]

8.0 Legal implications

8.1 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

8.2 The National Planning Policy Framework (2019) sets out the Government's policies for conserving and enhancing the historic environment and that in considering the designation of Conservation Areas, local planning authorities should make certain that an area justifies such status because of its special architectural or historic interest, ensuring that the concept of conservation is not devalued through the designation of areas that lack special interest (paragraph 186). The Council has a duty to review existing conservation area designations periodically to ensure they are up to date and relevant.

[KR/13072021/A]

9.0 Equalities implications

- 9.1 The Conservation Area Appraisals provide supporting evidence for the emerging Black Country Plan. An equalities impact assessment will be produced for each iteration of the plan as part of the Sustainability Appraisal. The public consultation on the Conservation Area Appraisals will give the opportunity for different sections of the community to input into the proposals. A Conservation Area designation is a material planning consideration in the determination of planning applications to be weighed in the balance alongside the Council's duties under the Equalities Act.

10.0 All other implications

- 10.1 The provision of up-to-date information to support Conservation Area designations in the City will have positive environmental implications. A Sustainability Appraisal (SA) is being carried out throughout the BCP process. SA is a process for evaluating the environmental consequences of proposed policies and proposals to ensure sustainability issues are fully integrated and addressed at the earliest appropriate stage. The overall aim of the SA process is to inform and influence the development of the Plan and maximise its sustainability value.
- 10.2 There are no human resources implications arising from the recommendations of this report.
- 10.3 There are a number of Council-owned sites located within the existing Bushbury Hill and Vicarage Road (Penn) Conservation Areas (CAs). The future use and development of these sites could be affected by the CA appraisals and proposed changes to the boundaries of these CAs. However, all of these sites are located in the green belt, which imposes significant restrictions on their use and development.
- 10.4 In terms of Bushbury Hill CA, Northcote Farm buildings, Bushbury Cemetery and Crematorium and agricultural land to the south will be removed from the CA if the new boundary is adopted, providing greater flexibility in terms of their future use. Those sites to be retained in the CA are public open space and allotments.
- 10.5 In terms of Vicarage Road (Penn) CA, Vicarage Road Cemetery will be removed from the CA if the new boundary is adopted, providing greater flexibility in terms of future use. Those sites to be retained in the CA are Penn Hall School, St Bartholomew's Primary School (part) and Vicarage Road Open Space.
- 10.6 There are no health and well-being implications arising from the recommendations of this report.

11.0 Schedule of background papers

- 1.1 None

12.0 Appendices

- 12.1 Appendix 1 - Draft Bushbury Hill Conservation Area Appraisal (2020)

12.2 Appendix 2 - Draft Vicarage Road (Penn) Conservation Area Appraisal (2020)

12.3 Appendix 3 - Draft Wightwick Bank Conservation Area Appraisal (2020)