



Committee and date

Cabinet

21 July 2010

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Item

**14**

Public

## **PROPOSED PANT GLAS AND BROGYNTYN PARK CONSERVATION AREA**

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### **Summary**

The purpose of this report is to advise Cabinet of the results of the public consultation exercise relating to the proposed designation of an area including the hamlet of Pant Glas, its surroundings and the Brogyntyn Park estate as a Conservation Area. This report further seeks approval for the designation of the proposed Conservation Area. A copy of the original proposed Conservation Area boundary map is attached as Appendix 1, while a copy of a revised Conservation Area boundary map is attached as Appendix 2.

### **Recommendation**

- A. That Cabinet designates the area identified on Appendix 2 as The Pant Glas and Brogyntyn Park Conservation Area.

## **Report**

### **Background on Conservation Areas**

1. The concept of conserving the character of entire areas was first introduced in the Civic Amenities Act of 1967. These provisions were consolidated into the 1971 Town and Country Planning Act, subsequently the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. Conservation Area legislation emphasises the importance of the character of an area as a key consideration when decisions are made in respect of development proposals. A Conservation Area is defined as 'an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. There is an important difference between preservation, achieved by the listing of buildings, and conservation, through the designation of Conservation Areas. Preservation implies no change, but conservation is a more dynamic approach which allows change, but change that is controlled so as to retain the inherent quality of a place.

3. The Council has a duty to review from time to time areas of special historic or architectural interest for designation. At the present time there are 119 Conservation Areas designated within the County.

### **Background on Current Proposal**

4. Pant Glas is a settlement north of Oswestry designed in the picturesque tradition where the buildings are primarily strung along a narrow valley bottom. The hamlet is dominated by the attractive landscape setting and character of the valley within which it lies. The area is rural in character with substantial tree cover contributing to the enclosed nature of the settlement. The hamlet was developed around a nucleus of early working farms and provided for the particular occupational needs of the nearby Brogyntyn Estate. This gave rise to the evolution of Pant Glas as an estate village and the creation of a mutually dependent relationship between the rural hamlet and the formal estate.
5. The historic estate of Brogyntyn Hall and Park is characterised by more formal architecture and includes the Grade II\* listed Hall plus a number of ancillary buildings of which several are also listed. English Heritage added Brogyntyn Park to its Register of Parks and Gardens of Special Historic Interest in 1995 to recognize its significance as a consciously designed park and pleasure ground which forms the setting for an important country house.
6. The notion of designating these two distinct yet complementary areas as a Conservation Area was initially raised in 2005. A group of Pant Glas residents supported and promoted the idea of designating Pant Glas and its setting as a Conservation Area. This group produced an audit of the historic fabric of the area which was completed in 2006 and which was provided to the Oswestry Borough Council as background, supporting material.
7. A provisional boundary for the proposed Conservation Area was drafted by the Borough's Conservation Officer, and initial consultation on the proposal was undertaken involving the Borough Council's Historic Environment Champion, Members of the affected Wards and the relevant Portfolio Holder.
8. The southerly portion of the provisional boundary followed the existing boundary of the Registered Park and Garden for Brogyntyn Hall and Park, with the inclusion of Ty-Coch Cottages and Ty-Coch Farm, which had been excluded from the Register. The remainder of the proposed Conservation Area includes the dispersed settlement of Pant Glas along with its related valley setting, with the northerly boundary generally following the contour line of the ridge enclosing the valley but also diverging from this to include significant architectural elements or important features in the landscape where appropriate.
9. On February 17, 2009, the former Oswestry Borough Council considered a report on the proposed designation of a new Conservation Area which would include the settlement of Pant Glas and its related surrounding area and which would also include the adjacent Brogyntyn Hall and Park estate lands. A copy of this report is attached as Appendix 3.

10. At this meeting, the Borough Council agreed to approve, for the purpose of public consultation, the area identified on Appendix 1 to this report for consideration as a Conservation Area. Following the amalgamation of the various local authorities and the creation of Shropshire Council in April 2009, the matter of the proposed designation was carried forward by the Council's Historic Environment team.

## **Public Consultation**

11. A formal public consultation exercise to solicit the views of residents, owners and relevant external agencies on the matter of the proposed designation was initiated on November 26, 2009. A letter outlining the proposal was mailed on this date to all properties within the proposed Conservation Area boundary as well as those immediately outside of it. A copy of this letter is attached as Appendix 4 .The letter requested that any views or comments on the matter of the proposed designation be submitted to the Council by February 19, 2010, providing a 12 week consultation period in line with Council policy.
12. As part of the consultation exercise, a drop-in Information Session was held at The Guildhall, Oswestry, on February 3, 2010 from 4 p.m. to 7 p.m. Representatives from the Council's Historic Environment, Trees and Development Management Sections were available at the drop-in session to discuss the proposal and answer questions, and material and maps related to the proposal were on display. Comment sheets were available for attendees to complete at the meeting or mail back to the Council. Over 60 local residents including several Councillors attended this event.
13. During the public consultation period the Council received a total of forty-five letters, e-mails and comment sheets from residents, property owners and external agencies. A summary of the responses is attached as Appendix 5. Of the forty-five letters received, four of the letters objected to the proposal, thirty-four of the letters were in support of the proposal, while of the remaining letters, three expressed no objection to the proposal, one was a query and three provided comments only.

## **Consultation Responses**

14. The four written objections shared a similar concern that adequate control and protection is currently provided to the area through existing planning legislation as well as the Register of Parks and Gardens, and that any further strengthening of planning control for the area could stifle potential economic development as well as hamper both existing and potential agricultural activity and encumber planning applications.
15. One of the letters of objection expressed concern over the size and scope of the area covered by the proposed Conservation Area, while another of the letters of objection notes that their house dates from the 1950s and in that regard they feel it does not warrant inclusion within the Conservation Area. A number of respondents noted that while they support the current proposal they would not support further restrictions being placed on the area through the use of an Article 4 Direction in the future. In making an Article 4 Direction, certain permitted development rights are withdrawn for a prescribed range of

works affecting elevations to dwellings that front a public highway, and any proposed change to these elements, such as windows, doors, roofs or frontages, would require planning permission.

16. In addition to these objections, a specific point of concern has been raised throughout the consultation exercise which requires mention. A number of respondents have expressed concern either formally by way of correspondence, or more informally through telephone conversations with the Council's Historic Environment officers, that the notion of designating the area as a Conservation Area was originally initiated and promoted by only a small number of Pant Glas residents, and that the wider group of residents and owners within the area were unaware that this proposal was being reviewed until receiving the formal request for comments mailed out last November. Generally these respondents are concerned that an impression was given to the former Oswestry Borough Council that there was full knowledge and support for the proposal in the community at the time the Borough Council considered the February 2009 report, when this was not necessarily the case. Most respondents who share this concern, however, do on the whole either support, or do not object to, the current proposal.
17. The results of the public consultation exercise have shown that there is strong local support for the proposed designation. The relevant local authorities - Oswestry Town Council, Selattyn and Gobowen Parish Council and Oswestry Rural Parish Council - have all submitted formal responses in favour of the designation.
18. Two external agencies – English Heritage and Natural England - have also provided comments strongly in favour of the designation.

### **Suggestions Arising from the Public Consultation**

19. A number of residents have suggested additional areas of local heritage interest that they feel should be included within the boundaries of the proposed Conservation Area. These additional areas are generally located along the proposed north-westerly boundary and take in additional areas of woodland known locally as Rock Plantation/Bluebell Wood (located just west of Swiss Cottage) and the whole of Foel Wood, located at the top of the valley. Both of these areas have historically supplied stone from local quarries to both the village and the estate, and are also attractive areas that complement the natural landscape of the valley lands.
20. As noted earlier in this report, the original proposed north-westerly boundary of the Conservation Area tends to follow the top of the valley ridge, which does mean that in some places the boundary cuts across fields. Natural England has recommended that the boundary of the Conservation Area follow defined features on the ground such as fence lines for better demarcation of the boundary. This comment was also raised by several individuals.
21. With these comments in mind, a revised Conservation Area boundary map has been drawn, attached as Appendix 2, which alters parts of the original north-westerly boundary line to take in Rock Plantation/Bluebell Wood and Foel Wood, and to follow existing field or woodland boundaries rather than the

ridge contour line wherever possible. This revised boundary line would not include any additional dwellings or buildings within the proposed Conservation Area.

22. As noted earlier in this report, the owner of 1 Ty-Coch Cottages has requested that Ty-Coch Cottages, a semi-detached dwelling of brick and render construction dating from the 1950s, not be included within the boundary of the Conservation Area. As this property is located along the B4579 (Oswestry to Selattyn road) which acts as the main easterly boundary of the Conservation Area, the boundary line could be altered to omit these properties from the proposal. The Historic Environment team, however, would recommend that these properties remain within the proposed Conservation Area as they are located at an important and very visible intersection of roadways into and out of the proposed Conservation Area, including the Pant Glas road, and thus contribute to the setting of the area and the formal easterly edge of the Conservation Area boundary line.

### **Reasons for Recommendation**

23. The proposed Conservation Area contains two distinct but complementary elements – the historic estate of Brogyntyn Hall and Park, characterised by its classical architecture and consciously designed parkland planting, and the estate village of Pant Glas, characterised by dispersed vernacular buildings within an enclosed valley. The proposed Conservation Area captures the historic and functional role between the estate and the homes of the people who lived and worked in both, while at the same time acknowledges the critical role that landscape character plays here in creating an area of distinct identity.
24. Conservation Area status will acknowledge the special significance of this part of Shropshire and will assist in preventing erosion of the area's distinct character. Designation will help ensure proposals for new development maintain or enhance this special character. It also provides for greater opportunity to engage with the local community in managing the historic environment that they value.

### **Implementation**

25. Should the Council recommend the proposed area for designation, the designation would be valid from the resolution of the Council meeting approving it. Following any approval, a Notice of Designation would be drafted and advertised as statutorily required, and the designation would be confirmed with all residents falling within the Conservation Area by way of a letter and copy of the designation document, along with guidance notes on what Conservation Area status means.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

See Appendices attached and listed below.

**Human Rights Act Appraisal**

The recommendations contained in this Report are compatible with the provisions of The Human Rights Act 1988.

**Environmental Appraisal**

Designation of the proposed area as a Conservation Area would give additional planning protection from unsympathetic development which might otherwise spoil the area's special landscape character, including the safeguarding of important hedgerows, trees and open spaces.

**Risk Management Appraisal**

There are no associated risks.

**Community / Consultations Appraisal**

The formal public consultation period ran from November 26, 2009 to February 19, 2010. A drop-in information session on the proposal was held at The Guildhall, Oswestry between 4:00 to 7:00 p.m. on February 3, 2010.

**Cabinet Member**

Councillor Martin Taylor-Smith

**Local Member**

Councillor Trevor Davies, Councillor David Lloyd

**Appendices**

- 1 – Map indicating original proposed Conservation Area boundary
- 2 – Map indicating alternative, revised proposed Conservation Area boundary
- 3 – Copy of February 17, 2009 Report to Oswestry Borough Council
- 4 – Copy of Public Consultation letter to residents and external agencies
- 5 – Summary of Public Consultation responses