



PROPOSED DESIGNATION OF A CONSERVATION AREA FOR WEST FELTON – CONFIRMATION OF DESIGNATION FOLLOWING FORMAL CONSULTATION

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Cabinet Member (Portfolio Holder):	Cllr Richard Marshall		

1. Synopsis

This report considers the proposal to designate West Felton as a conservation area and seeks approval to finalise the designation following formal consultation.

2. Executive Summary

2.1. The four priorities within the Shropshire Plan 2022-2025 includes a Healthy Environment, and a strategic objective whereby the Council "...will maintain, protect, and enhance our outstanding natural and historic environment, promoting positive behaviours and greater biodiversity and environmental sustainability".

- 2.2 Section 69 of the Planning (Listed Buildings & Conservation Areas) Act 1990 defines a conservation area and imposes a duty on local planning authorities to "from time to time...determine whether any parts or any further parts of their area should be designated as conservation areas". The same section of the Act confers the power upon local planning authorities to designate conservation areas where they think they are merited.
- 2.3 The Council was approached by West Felton Parish Council with a request to designate as a conservation area within the village on the basis of its historic significance and built heritage. Following approval from Cabinet in December 2022 to formally consult on the proposal, which was undertaken earlier in 2023, this report sets out the issues raised through the consultation and a revised boundary in Appendix 1 which takes account of the representations received.

3. Recommendations

- 3.1 Confirm the designation of West Felton as a Conservation Area, based on the revised amended area boundary, included in Appendix 1, following formal consultation.

Report

4. Risk Assessment and Opportunities Appraisal

- 4.1. Without the designation of a Conservation Area in West Felton there is a risk that development proposals that are poorly designed will erode the historic and architectural interest of the village. This links directly to the Healthy Environment priority within the Shropshire Plan 2022-25, and the corresponding strategic objective to maintain, project and enhance the county's outstanding natural and historic environment.
- 4.2. An updated Equality Social Inclusion and Health Impact Assessment (ESHIA) has been updated following the consultation and is attached in Appendix 2 of this report. This indicates that designating the conservation area would have a low or neutral impact upon people in Protected Characteristic groupings in the community given that the designation would not have a specific impact on the groups listed and the nature of the designation is intended to enhance the local environment in relation to creating a well-cared for natural and historic environment that helps to promote good mental health. This would not therefore limit people in Protected Characteristic Groupings.
- 4.3. The updated ESHIA indicates that there is potential for the impact to in fact be Low Positive with regard to the Disability grouping, as the designation will promote the protection, and enhancement of the local environment, aiming to thereby create a well-cared for natural and historic environment that helps to promote good mental health.
- 4.4. The recommendations contained within this report are compatible with the provisions of the Human Rights Act 1988.

5. Financial Implications

- 5.1. The proposed conservation area has no financial implications for the Council since all additional workload produced as a result would be accommodated within current working practices and current budgets.
- 5.2. There will be a minimal fee for the cost of advertising the completion of the designation process in the local newspaper and the London Gazette, as required by legislation.

6. Climate Change Appraisal

- 6.1. Given the nature of the designation, there is not considered to be a notable change to energy/fuel consumption, renewable energy generation, carbon offsetting or mitigation, or climate change adaptation. Therefore it is considered that there would be a 'no effect' outcome.

7. Background

- 7.1. Section 69(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 defines a conservation area as "...an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance".
- 7.2. Local planning authorities have a duty, under section 69(2) of the same Act, to "from time to time ... determine whether any parts or any further parts of their area should be designated as conservation areas". The same section of the Act confers the power upon local planning authorities to designate conservation areas where they think they are merited.
- 7.3. Section 72(1) of the same Act imposes a duty on the local planning authority in respect of relevant planning decisions to pay special attention to the preservation or enhancement of the conservation area, providing additional planning protection from unsympathetic development which might otherwise be detrimental to the area's special character and appearance, including the safeguarding of important trees and open spaces.
- 7.4. Paragraph 191 of the National Planning Policy Framework further requires that local planning authorities should ensure that "...an area justifies such status because of its special architectural or historic interest" (our emphasis).
- 7.5. The above legislation emphasises the importance of the character of an area as a key consideration when decisions are made in respect of development proposals. Upon designation the Historic Environment team will be a consultee on all planning applications within and adjacent to the conservation area to ensure this historic interest, character and quality of place is retained.

7.6. Other consequences of conservation area status of note:

- In most circumstances outline planning applications are not acceptable. This is because it is not possible to “pay special attention” to the desirability of preserving or enhancing the character or appearance of the area without seeing the details of what is proposed.
- Planning permission is required for demolition of buildings and structures over 115 cubic metres in size.
- It is an offence to cut down, top, lop, uproot, wilfully damage or destroy a tree in a conservation area without having given 6 weeks’ notice to the Local Planning Authority. During this period, the LPA may consider whether to make a Tree Preservation Order. That are some restrictions on Permitted Development rights
- Rights to display advertisements are more limited.

7.7. At the present time there are 129 conservation areas designated within the County.

Background to the proposed Conservation Area designation

7.8. The Council was initially approached by West Felton Parish Council, with a request to designate a conservation area on the basis of the historic significance of the village and its built heritage. The Parish Council made this approach after a heritage consultant had undertaken research on their behalf and following an informal consultation with residents that included a questionnaire and an all-day exhibition in the Parish Hall. These responses were largely positive, whereby 58 out of 64 residents who responded supported designation.

7.9. The significance of West Felton lies in its origins as an early medieval/Saxon settlement set in a series of enclosures, further colonised by a late Norman motte and bailey castle and Norman church. Its historically significant layout, visible in the modern street pattern with a series of enclosures defined by the roads in the old village (to the west of the A5), and linear street pattern along the Old Holyhead Road (to the east of the A5), having its origin in three early farmsteads visible on the 1771 map. There is a well documented manorial complex, and emergence of the higher status farming classes from the 16th and 17th centuries; 18th and 19th century development relating to the malting economy and inns/public houses in response to the coach traffic also contribute to its significance; along with larger 19th century domestic development along this side of the village.

7.10. Having considered the Parish Council’s request and the information provided by their heritage consultant, Officers took the proposal to consultation following approval from Cabinet. The results of this are discussed below.

8. Additional Information – Results of formal consultation

8.1. The consultation on the proposed Conservation Area for West Felton took place between the 27th January 2023 and the 24th February 2023. Letters were sent to all affected properties, three sets of laminated notices and plans were erected in

the village, two sets near public facilities (the village hall and shop), and another in the west part of the village next to the Church of St Michael. Furthermore, details of the consultation were posted on the Council's website. Relevant Council departments were emailed and made aware of the consultation including Trees, Ecology, Planning Policy and Development Management. External consultees included Historic England, CPRE and the Diocese of Lichfield. The local member and portfolio holder were also consulted.

- 8.2. 8 consultation responses were received from West Felton residents and 2 responses from organisations or consultees (CPRE, SC Ecology).
- 8.3. In terms of the 8 public responses received, these can be summarised as follows:
- 7 objections to the designation.
 - 1 general enquiry relating to clarification over listing designation of their property.

However, of the 7 objections received, 4 related primarily to the inclusion of the area along Woolston Road beyond the church and the junction to the south west, with 3 of these objections not objecting to the principle of a conservation area designation overall.

- 8.4. In light of this officers have given further consideration to the character and appearance of this part of the proposed conservation area. It was noted that two of the historic buildings along this part of Woolston Road had recently been demolished under a planning permission granted on 18 May 2022, and others significantly altered and modernised. Furthermore, modern infill development has further diluted the historic and architectural significance of this part of West Felton. It is also considered to be somewhat detached from the west part of the village given the junction to the south west of the church with the first property (which is a modern building) approximately 40 metres from the junction and with open fields opposite. Officers have therefore now concluded that this part of the village no longer possesses the special architectural and historic interest that would merit inclusion within the proposed conservation area therefore questioned if this part of the proposed boundary would be justified in terms of its special architectural and historic interest as part of the conservation area given the limited level of its significance and detached nature and as such has been removed from the proposed boundary following consideration of the consultation responses.
- 8.5. The Parish Council was asked for comment in this regard, and they responded that they opposed the amendment to remove this section of the proposed boundary, as they considered that the designation should be carried forward with the original intended boundary as this area is also considered of historic significance by their heritage consultant, and wish us to proceed with the boundary as per the original consultation.
- 8.6. However, this Council's position is to take full account of representations made from residents to the formal consultation on the boundary, and to establish a robust and defensible position for designation as required under Paragraph 191 of the National Planning Policy Framework. In this regard Officer's considered that the removal of this cluster of properties to the south west corner of the conservation area boundary is necessary and the proposed boundary has been amended on this basis.

- 8.7. Two objections received were also concerned over the additional bureaucratic and cost implications of the designation. However, whilst there are additional instances where planning permission is required, for the most part permitted development rights aren't unduly affected for standard works such as rear extensions, changing windows and doors, or outbuildings. It is only where for example works are proposed to extend or place an outbuilding to the side of the property, or the external materials are proposed to change, that permitted development becomes more restricted, but it does not limit all the permitted development of the residents.
- 8.8. Furthermore, conservation is a dynamic approach which allows change, but manages it such that the character and appearance of a place is maintained. Upon designation the Historic Environment team will be a consultee on all planning applications within and adjacent to the conservation area to ensure this historic interest, character and quality of place is retained. In this regard, the main considerations will relate to siting, design, appearance and materials, and may not incur additional cost to standard proposals if considered from the outset (other than the application fee which for householder applications is relatively small). Residents will be able to contact the Historic Environment team for some initial free advice in this regard. Lastly, it is also not considered unnecessary bureaucracy given that the designation is protecting the historic significance of West Felton which has been considered as worthy of protection given its special historic and architectural interest.
- 8.9. Two objectors have also queried the inclusion of the area surrounding Stone House to the east of the village. However, whilst there has been some 20th century residential development on the front of the site, this area makes up part of the historic curtilage and driveway of the 19th century stone villa and as such is part of its significance albeit altered by the more modern development. In this regard, its inclusion is considered to be merited, with the impact on the owners of the modern properties here relatively limited given that they would still hold a variety of permitted development rights, and in fact offered an enhanced level of consideration should further development be proposed on some of the plots surrounding these houses. The objectors have pointed to more significant buildings being excluded such as the school and those on Bishop's Corner. However, this issue was addressed previously with the Parish Council, where Officers consider that these buildings are too detached to be included within the boundary of the conservation area, and are insufficient in number to represent a separate character area. Furthermore, intervening modern infill housing development means that these part of the village do not possess the necessary special architectural and historic interest to justify the inclusion of this part of West Felton in the conservation area.
- 8.10. A detailed response was also received from CPRE. Their comments were wholly supportive of the designation but raised issues with regards to the advertisement of the consultation on the Council's website (this was corrected immediately on the first day of the consultation). There was also a query regarding semantics in relation to the boundary map title.
- 8.11. There was further commentary as to why the conservation area boundary had not included all of Holyhead Road, all the local buildings considered of significance within the area and its surrounds including a listed milestone further to the south.

The representation also suggested areas of daffodils along the Holyhead Road should be included, along with all areas of sandstone walling.

8.12. Whilst it is appreciated that there are some buildings and structures of significance that aren't included in the proposed conservation area boundary, the inclusion of all outlying buildings and structures of historic significance would lead to a fragmented and unworkable boundary. In this regard it is Officers opinion that this would not be a robust and defensible position with regards to the designation of a cohesive area of 'special architectural and historic interest' as required by Paragraph 191 of the National Planning Policy Framework. As such, and for the reasons also set out above, the boundary was amended from that originally put forward by the Parish Council at the informal exhibition undertaken by the heritage consultant (It should also be noted that the Council were not party to this and were not invited to attend).

8.13 Whilst the consultation has led officers to make what it considers to be a minor amendment to the proposed boundary, overall it is considered that the areas of West Felton included within the revised boundary shown on the plan in Appendix 1 have a strong and distinctive character, and sufficient historic and architectural interest to merit designation as a conservation area, as set out in the draft Conservation Area Appraisal included at Appendix 3. This position is considered to be strengthened by the removal of the area to the south west of the church, for the reasons set out above. The proposed boundary contains all but three of the eighteen listed buildings in the village, together with the earthwork remains of the Norman motte that is designated as a Scheduled Monument, and the main concentration of non-designated historic buildings. The remaining three listed buildings lie at the edge of the village and, together with a number of undesignated historic buildings, are separated from the proposed conservation area boundary by intervening modern infill housing developments. In addition, the proposed conservation area boundary does not include, and will not affect, the proposed housing site allocation (site code WEF025) contained within the Draft Shropshire Local Plan 2016-38.

9. Conclusions

- 9.1. Taking account of sections 7 and 8 above, it is considered that the historic significance of West Felton is such that designation of the conservation area as shown on the plan boundary in Appendix 1 should proceed and it is politely requested that Cabinet approves its designation.
- 9.2. The proposed conservation area would ultimately seek to retain and enhance the quality of the local environment and its local distinctiveness, permitting appropriate new development which takes account of the area's special character. It also provides for greater opportunity to engage with the local community in managing the historic environment that they value.
- 9.3. Should Cabinet recommend this endorsement a Notice of Designation will be drafted and advertised, as per the statutory requirements.

List of Background Papers

14 December 2022 Cabinet Report (Agenda Item 15)

Local Member: Cllr Steve Charmley

Appendices

Appendix 1 - Proposed conservation area boundary

Appendix 2 - Equality Social Inclusion and Health Impact Assessment (ESHIA)

Appendix 3 – Draft Conservation Area Appraisal