



Committee and Date

Cabinet 14 December 2022

Item

Public

## **PROPOSED DESIGNATION OF A CONSERVATION AREA FOR WEST FELTON – REQUEST FOR APPROVAL TO CONSULT**

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### **1. Synopsis**

This report considers the proposal to designate West Felton as a conservation area and seeks approval to proceed to formal consultation with affected residents, the Parish Council and relevant statutory bodies.

### **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. Having considered their request and the supporting information they provided, Officers consider that the areas included within the proposed boundary shown on the plan in Appendix 1 do have sufficient historic and architectural interest to merit designation as a conservation area.

- 2.4. In principle approval is therefore sought from Cabinet to designate a conservation area for West Felton based on the proposed boundary shown in Appendix 1, and to undertake a formal consultation with affected residents, the Parish Council and relevant statutory bodies.

### **3. Recommendations**

#### **Cabinet is asked to:**

- 3.1. Agree in principle to the designation of West Felton as a Conservation Area based on the area boundary included in Appendix 1, and to proceed to formal consultation with affected residents, the Parish Council and relevant statutory bodies on this basis.

## **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 Equality Social inclusion and Health Impact Assessment (ESHIA) has been undertaken and is attached in Appendix 2 of this report. Screening indicates that there is low or neutral impact upon people in Protected Characteristic groupings in the community in terms of designating the conservation area given that the nature of the designation relates to character and appearance of the wider area as opposed to considerations in terms of individual equality, accessibility or inclusion.
- 4.3. There is considered to be 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. It is envisaged that any issues relating to equality, social inclusion, and health considerations that are raised during the consultation will be reviewed at the end of the consultation process and considered/incorporated as necessary, though given the nature of

the designation it is not considered that there would be impacts, either negative or positive, in regard to equality and social inclusion. A further ESHIA will also be carried out following formal consultation, which will enable people in Protected Characteristic groupings to provide feedback. Any adjustments will be considered in the light of such feedback and inform the final draft of a conservation area appraisal, which would in due course be brought back to Cabinet.

- 4.5 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".
- 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 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

colonized 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 16<sup>th</sup> and 17<sup>th</sup> centuries; 18<sup>th</sup> and 19<sup>th</sup> 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 19<sup>th</sup> 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 consider that the areas of West Felton included within the proposed 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. 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.

7.11. Subject to Cabinet’s approval, it is therefore necessary to formally consult with the residents in the affected properties, and other relevant bodies (e.g. Historic England) prior to designation. A conservation area appraisal would be worked up by officers in tandem with the consultation period. Subject to the outcome of the consultation, this would then be included as part of any Cabinet report seeking approval to designate the conservation area.

## **8. Conclusions**

- 8.1 Taking account of section 7 above, it is considered that the significance of West Felton is sufficient to proceed with a consultation over designation of the conservation area, utilising the plan boundary shown in Appendix 1.
- 8.2 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.

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

**Cabinet Member (Portfolio Holder) – Cllr Richard Marshall**

**Local Member – Cllr Steve Charmley**

**Appendices**

Appendix 1 – Proposed conservation area boundary

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