

Leicester  
City Council

**WARDS AFFECTED: Castle, Knighton, Stoneygate**

**PLANNING & DEVELOPMENT CONTROL  
COMMITTEE**

**6<sup>TH</sup> MARCH 2007**

**CABINET**

**12<sup>TH</sup> MARCH 2007**

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**CASTLE GARDENS CONSERVATION AREA CHARACTER APPRAISAL  
&  
STONEYGATE CONSERVATION AREA CHARACTER APPRAISAL**

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**Report of the Acting Corporate Director, Regeneration & Culture**

**1 Purpose of Report**

1.1 The purpose of this report is :

- 1.1.1 to report the views received during the public consultation exercises on the Castle and Stoneygate Conservation Area Character Appraisals and, in particular, on the proposed Article 4 Directions contained in Appendix 4 therein;
- 1.1.2 to seek the views of the Planning and Development Control Committee on the proposed Article 4 Directions for Talbot Lane and all residential properties in the Stoneygate Conservation Area;
- 1.1.3 to request that Cabinet approve the adoption of the Character Appraisals that accompany this report as supplementary guidance to the Local Plan, including the proposed amendments to the boundaries of the Castle Gardens and Stoneygate Conservation Areas; and
- 1.1.4 to seek approval for the Town Clerk to prepare and make Article 4(1) Directions for the houses at 14-24 Talbot Lane and an Article 4(2) for all residential properties in the Stoneygate Conservation Area; and to recommend that Cabinet delegates authority to the Town Clerk to forward the Article 4(1) Directions and any representations received to the Secretary of State for confirmation;

**2 Summary**

- 2.1 The provisions of ss. 69(1)(9a) and 71(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that local authorities review their conservation areas from time to time and formulate and publish proposals for their preservation and enhancement. A character appraisal is the best way of doing this.
- 2.2 A summary of the responses received about the appraisals and, in particular the proposed Article 4 Directions, is attached at Appendix 1. The Character Appraisals of the Castle Gardens and Stoneygate Conservation Areas are attached at Appendices 2 and 3 for approval and adoption as supplementary guidance to the Local Plan. The proposed Article 4 Directions are attached at Appendix 4.

### **3 Recommendations**

#### **3.1 Members are recommended to:**

1. Note the contents of Tables 1 and 2 in Appendix 1 and agree/approve the responses and/or actions I have taken in respect of each;
2. Adopt the Character Appraisals as supplementary guidance to the City of Leicester Local Plan;
3. Approve the proposed amendments to the boundaries of the Castle Gardens and Stoneygate Conservation Areas;
4. Approve the proposed change of name from Castle Gardens Conservation Area to 'Castle Conservation Area'; and
5. Authorise the Town Clerk to make and advertise the Article 4(1) Direction for Talbot Lane and to delegate to the Town Clerk authority to forward the Directions to the Secretary of State for confirmation.

### **4 Financial & Legal Implications**

#### ***Financial Implications***

4.1 There are no significant financial implications arising directly from this report.

4.2 The Article 4 Directions are likely to increase the number of planning applications submitted to the Council. In addition, no fee is payable for such applications. The requirement to replace windows and doors etc on a like-for-like basis in timber rather than uPVC could also have a financial implication for properties owned by the Council.

*M Judson, Head of Finance*

#### ***Legal Implications***

4.2 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the City Council as local planning authority to review the past exercise of their functions under s.69 from time to time to determine whether any parts or further parts of its area should be designated as conservation areas. If it so determines, the Council 'shall designate those parts accordingly'.

4.3 Article 4 Directions mainly affect properties in single family use. Properties converted to flats or in multiple occupation and purpose-built flats enjoy very few permitted development rights. The proposed Article 4 Direction for Stoneygate will cover all properties in residential use. In very special circumstances, compensation could be payable in respect of alterations that the authority wishes to restrict that would increase the value of the property or is rendered abortive by the making of a direction. Article 4(1) Directions have to be confirmed by the Secretary of State.

*A Cross, Head of Litigation*

### **5 Report Author**

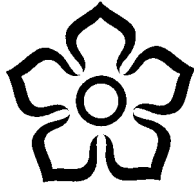
June Gray

Planner

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<b>Key Decision</b>	No
<b>Reason</b>	N/A
<b>Appeared in Forward Plan</b>	N/A
<b>Executive or Council Decision</b>	Executive (Cabinet)



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**Report of the Acting Corporate Director, Regeneration & Culture**

**Report**

**1. Background**

- 1.1 The Castle Gardens and Stoneygate Conservation Areas were designated in 1969 and 1978 respectively and, while a character appraisal was published for Stoneygate, only a brief appraisal was undertaken when the Castle Gardens area was designated a conservation area. Both areas are under pressure for change and it is an opportune time to re-visit and re-assess their conservation area status.
- 1.2 The Council is required to review its conservation areas from time to time and to prepare character appraisals with management and enhancement proposals [ss. 69 and 71 of the Planning (Listed Buildings and Conservation Areas) Act]. Such appraisals and management and enhancement proposals are also Best Value Performance Indicators (BVPIs 215b and 215c) and require that conservation areas be reviewed every 5 years to meet the BVPI targets.
- 1.3 Conservation area status imposes some additional controls on development, such as the need to obtain planning permission for demolition and some minor developments, as well as a general protection for all trees within its boundary. The designation of a conservation area does not, however, indicate that no changes will be permitted. It is, rather, a declaration that the environment of the area is particularly sensitive and that care is required to ensure that developments preserve or enhance its special qualities. Conservation Areas are also recognised by the general public as having a special part to play in the development of their area's history.

**2. The Character Appraisals**

- 2.1 A character appraisal is an analysis of the qualities and characteristics that make a conservation area special and is one of the tools used to assess development proposals. It provides a robust base upon which planning decisions can be made and informs building owners and developers of the elements that need to be taken into account when alterations or redevelopment are being considered. The appraisal reports show how the history, archaeology, architecture and townscape have combined to create the special characters of the Castle Gardens and

Stoneygate Conservation Areas. The reports also set out the problems and pressures in each of the areas and suggest ways in which these could be tackled or addressed.

## 2.2 Castle Conservation Area

2.2.1 The Castle Conservation Area Character Appraisal is attached at Appendix 2. This conservation area was one of the first three to be declared in Leicester in 1969 using the new powers available to the Council in 1967. The visible evidence of the development of the existing conservation area extends from Roman times to the twenty-first century.

2.2.2 However, its boundary does not include all of the land and buildings that contribute to its character and appearance, most particularly, the developments south of The Newarke that form part of the de Montfort University campus. The appraisal therefore recommends that these be included. The north part of the conservation area covers the Jewry Wall, its museum, St Nicholas Church and Talbot Lane but is divorced from it by St Nicholas Circle, and does not have obvious physical and visual links with the rest of the conservation area. However, all the land and buildings, other than 14-24 Talbot Lane, are listed buildings and are part of the Jewry Wall Scheduled Ancient Monument (SAM). They therefore benefit from the greater protection that the SAM affords. The appraisal therefore recommends that the area north of St Nicholas Circle be excluded from the conservation area and that an Article 4 Direction be made to protect the character and appearance of the unlisted buildings in Talbot Lane. I also propose that the Article 4 Direction includes a prohibition on demolition. The approval of the Secretary of State will be necessary as the buildings will no longer be in a conservation area.

2.2.3 The appraisal also recognises the importance of un-used historic buildings in the area and the need to continue efforts to find new uses for Castle Hall and the Magazine Gateway.

## 2.3 Stoneygate Conservation Area

2.3.1 The Stoneygate Conservation Area is the largest in the city (93 hectares compared with the 27 hectares of the next largest, Evington Village). The appraisal document is appended at Appendix 3.

2.3.2 A product of the Victorian age, much of Stoneygate's character derives from its large nineteenth century red brick and timber houses and villas as well as its high level of tree cover and 'green' aspect. It is also the best place in the city to see domestic and religious buildings designed by some of Leicester's best known Victorian and Edwardian architects. Historically, the density of development in Stoneygate has gradually increased since houses were first built in the area. The twentieth century saw the completion of development and an increase in the number of blocks of flats and the conversion of many of the larger properties to flats or institutional uses. Such changes still occur and the appraisal identifies them as factors that contribute to the pressures affecting Stoneygate. The greatest pressures, however, come from sale of University halls of residence for new residential development and, particularly over the last few years, from changes to the appearance of

buildings by the use of plastic windows and doors and the paving over of front gardens etc.

- 2.3.3 The making of an Article 4 Direction would help to prevent further such loss of character and is therefore one of the most important recommendations arising from the appraisal. A small extension to the boundary is also proposed to include buildings that contribute to the character of the area, the former St John's Church Rooms and Board School on Clarendon Park Road.

## 2.4 Impact of the proposed Article 4 Directions

- 2.4.1 The making of an Article 4 Direction means that planning permission would be required for any alterations to houses that are normally 'permitted development'. This includes such works as replacing windows, doors, paving over front gardens to create parking spaces, demolition of front boundary walls etc. However, planning applications for such works do not incur a fee, so an Article 4 could potentially increase workloads without an equivalent increase in fee income.

- 2.4.2 I have tried to assess the impact that the proposed Article 4 Direction in Stoneygate would have on the workload and fee income of the Planning service. Stoneygate is a very large area with a quite different character to other conservation areas where Article 4 Directions apply. It is therefore difficult to make direct comparisons. The table below shows that, over the last 3 years, there is a wide variation in the effects of Article 4 Directions.

**Table 1**

Conservation Area	No. of Article 4 applications	Total no. of applications	% Article 4 applications
S. Highfields	7	67	10.5
Spinney Hill Park	12	26	46
Daneshill	15	15	100
Ashleigh Road	0	8	0

## 2.5 Consultations

- 2.5.1 Consultation is due to be finished at the beginning of March. A summary of the comments received to date, together with how the appraisal and/or recommendations have been amended in response to the views received, are included in Appendix 1. Any other views received will be reported verbally at your meeting on March 12<sup>th</sup>, together with the views of the Planning and Development Control Committee.

## 3. Conclusion and Recommendations

### Planning and Development Control Committee

- 3.1 The views of the Committee are requested on the proposed Article 4 Directions;

### Cabinet

- 3.2 **Cabinet** is recommended to :

1. Approve the amendments to the boundaries of the Castle Gardens and Stoneygate Conservation Areas;
2. Approve the change in the name of Castle Gardens Conservation Area to 'Castle Conservation Area';
3. Adopt the Character Appraisals as supplementary guidance to the City of Leicester Local Plan; and
4. Authorise the Town Clerk to undertake the necessary work to make, advertise and obtain the confirmation of the Secretary of State for the Article 4 Directions as appropriate.

#### 4. OTHER IMPLICATIONS

##### 4.1 Other Implications

OTHER IMPLICATIONS	YES/NO	PARAGRAPH REFERENCES WITHIN SUPPORTING PAPERS
Equal Opportunities	No	No specific reference in the report. A character appraisal has no direct implications for equal opportunities. The proposed Article 4 Directions will impose on property owners the need to obtain planning permission for works that would otherwise have been 'permitted development'.
Policy	Yes	No specific reference in the report. The appraisal supports the policies in the City of Leicester Local Plan 2006.
Sustainable and Environmental	Yes	No specific reference in the report. However, the retention of existing buildings and their windows, doors, roofs etc, and the presumption against demolition of buildings in conservation areas, can help to minimise the use of scarce resources.
Crime and Disorder	No	Castle Gardens suffers from a persistent but low level of anti-social behaviour, especially drug and alcohol-related. An active Park Users Group is working with officers and the police to combat this, including extension of the street drinking ban to cover the park.
Human Rights Act	No	No specific reference in the report. The additional controls on development in conservation areas and Article 4 Directions are not overturned by the Human Rights Act.
Older People on Low Income	No	No specific reference in the report. There may be an effect if older people on low incomes own property in a conservation area and it deteriorates because maintenance is unaffordable. Provision of grants may help in such circumstances.

## 4.2 Risk Assessment Matrix

	<b>Risk</b>	<b>Likelihood L/M/H</b>	<b>Severity Impact L/M/H</b>	<b>Control Actions (if necessary/or appropriate)</b>
1	De-designating the conservation areas would mean that their unlisted, but important, buildings would have no protection from demolition and less protection from unsympathetic alterations.	H	H	Retain the Conservation Area designations.
2	Loss of original architectural features and front gardens	H	H	Make an Article 4 Direction to require planning permission to be sought for all minor works
2	Demolition of buildings that make a positive contribution to the character or appearance of the conservation area	H	H	Retain the conservation area designations to ensure that Conservation Area Consent is required for the demolition of any building.

L - Low  
M - Medium  
H - High

L - Low  
M - Medium  
H - High

## 5. Background Papers – Local Government Act 1972

- City of Leicester Local Plan 2006
- English Heritage Guidance on Character Appraisals and Management Proposals

## 6. Consultations

<b>Consultee</b>	<b>Castle</b>	<b>Stoneygate</b>
	<b>Date Consulted</b>	<b>Date Consulted</b>
R&C Head of Finance	6 February 2007	6 February 2007
Head of Litigation	6 February 2007	6 February 2007
Conservation Area Panel	24 January 2007	14 February 2007
City Council – Highways & Traffic, Urban Design, Development Control, Development plans, Housing, Property, Trees & Woodlands, Regeneration, Parks Services, Museums	1 February 2007	1 February 2007
Planning & Development Control Committee	6 March 2007	6 March 2007
Local Councillors	29 January 2007	29 January 2007
Area Committees Members (Castle & Knighton and Spinney Hill & Stoneygate)	29 January 2007	29 January 2007
Local businesses, residents and property agents (where known)	2 February 2007	6 February 2007 (posters)
Leicester Regeneration Company Ltd	2 February 2007	N/A
Police Architectural Liaison Officer	2 February 2007	2 February 2007
Leicester Victorian Society	1 February 2007	1 February 2007

Stoneygate Conservation Area Society	N/A	12 February 2007
Leicester Asian Business Association	2 February 2007	2 February 2007
Chamber of Commerce	2 February 2007	2 February 2007
Exhibition	6-16 February	6-16 February
Public meeting	N/A	16 February 2007
Placed on LCC Website with quicklink	29 January 2007	29 January 2007

## **7. Appendices**

### **7.1 Appendix 1 – Consultation**

The responses received during the consultation periods for both conservation areas are included in Appendix 1 below.

### **7.2 Appendix 2**

Castle Conservation Area Character Appraisal

### **7.3 Appendix 3**

Stoneygate Conservation Area Character Appraisal

### **7.4 Appendix 4 – the Article 4 Directions**

Further information about the proposed Article 4 Directions, and the ‘permitted development’ rights that they would remove, are attached at Appendix 4.



### 1.3 Article 4 (1) Direction for 14-24 Talbot Lane

- 1.3.1 The Article 4 (1) Direction is shown on Map 1 (attached), and would remove permitted development rights for the following classes of development as specified in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 :

**PART 1 : Development within the curtilage of a dwellinghouse**

- Class A The enlargement, improvement or other alteration of a dwellinghouse.
- Class B The enlargement of a dwellinghouse consisting of an addition or alteration to its roof
- Class C Any other alteration to the roof of a dwellinghouse
- Class E The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming pool or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such or the maintenance, improvement or other alteration of such building or enclosure.
- Class F The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such.
- Class G The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil for domestic heating.
- Class H The installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

**PART 2 : Minor Operations**

- Class A The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
- Class B The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this schedule (other than by Class A of this Part).
- Class C The painting of hitherto unpainted parts of the elevations of any building or work, being development within Part 2, Class C.

**PART 31 : Demolition of Buildings**

- Class A Any building operation consisting of the demolition of a building
- Class B Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure.

### 1.4 Article 4 (2) for Stoneygate Conservation Area

- 1.4.1 The Article 4 Direction would apply not only to single family houses but also to purpose-built flats and houses converted to flats. At present the alteration or demolition of boundary walls to these types of properties is permitted development. However, boundaries between the private and public domains are important features of Stoneygate and their wholesale loss could further damage the character of the area. I therefore propose

to include Part 31 Class B in the Article 4 Direction to control the demolition of boundary walls, fences etc.

- 1.4.2 The Article 4 (1) Direction would remove permitted development rights for the following classes of development as specified in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 :

**PART 1 : Development within the curtilage of a dwellinghouse**

- Class A The enlargement, improvement or other alteration of a dwellinghouse.
- Class B The enlargement of a dwellinghouse consisting of an addition or alteration to its roof
- Class C Any other alteration to the roof of a dwellinghouse
- Class D The erection or construction of a porch outside any external door of a dwellinghouse.
- Class E The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming pool or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such or the maintenance, improvement or other alteration of such building or enclosure.
- Class F The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such.
- Class G The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil for domestic heating.
- Class H The installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

**PART 2 : Minor Operations**

- Class A The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
- Class B The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this schedule (other than by Class A of this Part).
- Class C The painting of hitherto unpainted parts of the elevations of any building or work, being development within Part 2, Class C.

**PART 31 : Demolition of Buildings**

- Class B Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure.