

WARDS AFFECTED: Castle

Cabinet 20th February 2006

PROPOSED CHURCH GATE CONSERVATION AREA

Report of the Corporate Director, Regeneration & Culture

1 Purpose of Report

- 1.1 This report:
 - Seeks Cabinet approval of the accompanying report and Character Appraisal;
 - requests that Cabinet ask Full Council to designate the area shown on the accompanying plan as the "Church Gate Conservation Area"; and
 - Seeks Members' approval for the adoption of the attached Character Appraisal as supplementary guidance to the Local Plan.

2 **Summary**

- 2.1 Church Gate will, if approved by Full Council, be the city's 24th conservation area. The justification as to whether an area should be designated as a conservation area depends on whether the area displays any "special architectural or historic interest the character or appearance of which it is desirable to preserve and enhance" [s.69 of the Planning (Listed Buildings and Conservation Areas) Act 1990]. Whether an area has such special interest is determined by undertaking a comprehensive assessment of the area's character. In the context of a conservation area, 'character' can refer both to an area's buildings and architecture as well as to the way in which it is perceived and used by visitors.
- 2.2 The proposed conservation area was considered at the Strategic Planning and Regeneration Scrutiny Committee on January 25th. No amendments were proposed but it was noted that the report should feed into the City Centre Strategy currently in preparation.
- 2.3 In the Church Gate area there is a marked difference between the daytime and the night-time uses, and each affects the "character" (including, people's perception and experiences) in a different way. Whilst such perceptions are

acknowledged in conservation area character appraisals, they are neither the main issue of such appraisals nor the final determinant in the decision to designate a conservation area.

- 2.4 It is not, therefore, the purpose of the attached Appraisal to propose solutions to, or remedies for, such issues as public disorder, although some suggestions are made as to how some of the problems could be sensitively resolved (such as securing alleys or entrances to prevent misuse or unauthorised access). Its primary purpose is to highlight and define the importance of the architectural and historic environment and to indicate that, where physical changes are proposed, these take full account of the sensitivity of the environment to change. The issues of public order remain for other authorities and legislation to resolve.
- 2.5 The format of Character Appraisals follows guidelines issued by English Heritage and the percentage of conservation areas with (a) up-to-date appraisals and (b) management proposals are now Best Value Performance Indicators (BVPI 219b and 219c respectively).
- 2.6 To date, the Council has adopted 10 Character Appraisals (previously known as Character Statements) as Supplementary Planning Guidance (SPG) to the Local Plan. However, SPGs no longer form part of the planning regime since they were replaced with Supplementary Planning Documents (SPDs) by the Planning and Compulsory Purchase Act 2004. The Council has recently received government guidance confirming that Character Statements should not be prepared as SPDs. However, they are factual appraisals that form part of the evidence base underpinning Local Development Documents and will continue to be material considerations in the determination of planning and related applications.
- 2.2 The attached Character Appraisal sets out the reasons why the Church Gate area is worthy of the protection afforded by conservation area status, and includes recommendations for management of the conservation area. If adopted, Church Gate will be the city's 24th conservation area and the 11th such to have an adopted Character Appraisal.

3 Recommendations

Members are recommended to:

- 1. Request that Full Council formally declare the area shown on the attached plan as the Church Gate Conservation Area;
- 2. Adopt the Character Appraisal for the Church Gate Conservation Area as supplementary guidance to the City of Leicester Local Plan.

4 Financial & Legal Implications

Financial Implications

4.1 There are no direct financial implications arising from this report. *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 should be designated as conservation areas. If it so determines, the Council 'shall designate those parts accordingly'. Section 71(1) of the 1990 Act also imposes a duty on the Council 'from time to time to publish proposals for the preservation and enhancement of any parts of its area which are conservation areas'.

A Cross, Assistant Head of Legal Services

5 Report Author

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DECISION STATUS

Key Decision	Yes
Reason	Significant effect on one or more wards Policy and Budget Framework
Appeared in Forward Plan	Yes
Executive or Council Decision	Executive (Cabinet) and Council



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SUPPORTING INFORMATION

1 BACKGROUND

- 1.1 The designation of conservation areas has two primary functions :
 - To safeguard the character of a distinctive and historically important areas;
 - To enable the proper management of change in such sensitive areas;

It also:

- Enables the Council to negotiate higher design standards in conversion and redevelopment schemes;
- Offers the opportunity to access national grant funds (such as English Heritage) for the repair and renovation of buildings.
- 1.2 The periodic review of Leicester's existing (and potential) conservation areas is an integral part of both the local planning authority's functions as well as the delivery of the Local Plan. Character Appraisals set out the reasons that justify declaring an area as a conservation area. They also describe each area's problems or pressures and suggest ways in which these could be addressed so that the special character of the area is preserved or enhanced. English Heritage guidance includes the need to include management proposals (now also a Best Value Performance Indicator) as part of each Appraisal and these have been included in the Appraisal document.
- 1.3 There are stricter controls on development in conservation areas (essentially affecting demolition, more control over minor development and a general protection of trees) and the City of Leicester Local Plan (currently under review) includes various conservation policies.

- 1.4 To date the Council has adopted 10 Character Appraisals, with three more planned for adoption this financial year; Church Gate Conservation Area is the first of these. Full Character Appraisal coverage will be achieved by 2009/10 and a rolling programme of reviews of adopted Appraisals will commence next year.
- 1.5 The Church Gate Conservation Area will be the first new conservation area to be declared since 2000. Its designation will therefore have to be approved at a meeting of the Full Council as it is a change to the approved Development Plan.
- 1.6 The justifications for conservation area status are set out in detail in the attached draft Character Appraisal but can be summarised as follows:
 - The area is historically important. Church Gate lies just outside the line of the Roman and medieval town walls and links through to St Margaret's Church (the word 'gate' is from the Danish 'gata' meaning road). The width and scale of the streets and building plots still reflects the historic street pattern;
 - There are a number of architecturally and historically important buildings in the area that date from the late 18th/19th centuries that have no statutory protection. Some of these buildings are in poor repair and alterations to others are steadily eroding the quality and character of the area;
 - The boundary includes parts of the city that contain examples of the early industrialisation of Leicester (Mansfield and Short Street).
- 1.7 The area extends from the Clock Tower in the south to Gravel Street in the north, from East Bond Street in the west to Sandacre Street in the east. The conservation area covers an area of 4 hectares (10 acres) and contains 5 listed buildings and 2 Tree Preservation Orders. There are many buildings of local architectural or historic value and many that make positive contributions to the character of the area. Where there are elements or features that detract from the quality of the area these are also identified in the Appraisal.
- 1.8 Various management proposals are included in the Character Appraisal. These relate to both the public and private realm and suggest ways in which the problems identified by local businesses can be resolved. Of particular relevance is the Council's recently approved 'Streets and Spaces' strategy. While Church Gate is not included in the first phase to 2007/8, it is likely to be a priority for the second phase (which local traders warmly welcomed).
- 1.9 The problems centre around four issues
 - the high levels of unauthorised access and parking that are unenforced by the police;
 - the problems associated with nightclubs and unsocial behaviour and the effect this has on the area's image and on business profitability. The contrast

between the area during the day compared with that at night is marked and has left Church Gate with a reputation for violence and poor personal safety;

- the poor quality of the public realm and some shopfronts; and
- the way in which the Shires has diverted shopper footfall from the area. The Response column of the Appendix includes suggestions as to the potential to deliver improvements.
- 1.9 Where solutions require public funds if they are to succeed, the potential sources/timescales are identified. These include:
 - the second stage of the Council's 'Streets and Spaces' programme (which should address issues such as improved street surfaces and lighting, better pedestrian access along Church Gate, removal of buses from the Clock Tower area, reorganisation of vehicle access to Church Gate, etc:
 - the assumption by the Council of parking enforcement powers in 2007;
 - funding from English Heritage (for a 'Heritage Economic Regeneration Scheme' for Church Gate); or
 - bids to the Leicestershire Strategic Economic Partnership (to set up a grant regime for shopfront/security improvements under their Urban Action Plan).

Where statutory action might be possible under the Planning Acts (such as enforcement against unauthorised alterations) this is also included.

2 CONSULTATIONS

- 2.1 A list of organisations and others consulted is set out in Section 5. Extensive publicity was undertaken locally each occupier received a letter and summary leaflet about the proposed conservation area and its implications. An exhibition was on display for 8 days during October in the central square of the Haymarket shopping centre, advertised by a Press Release. The draft Statement was also placed on the Council's IntraNet and InterNet websites. A public meeting to consider the proposals to manage and enhance the area was held at New Walk Centre at the end of November, attended by 8 traders and owners.
- 2.2 A number of written responses were received 16 at the exhibition using the 'comments' sheets, 1 by e-mail and 5 by letter. These are summarised in 1.8 above and set out more fully in the Appendix.

3 FINANCIAL, LEGAL AND OTHER IMPLICATIONS

- 3.1 The comments of the Head of Finance and the Assistant Head of Legal Services are attached at paragraph 4 of the front report.
- 3.2 Other Implications are set out below.

		SUPPORTING PAPERS
Equal Opportunities	No	The proposal has no direct affects on equal opportunities but alterations to land or buildings will have to balance the needs of conservation with the needs of disabled people, ethnic minorities, women, children and elderly people.
Policy	Yes	The Appraisal supports Local Plan policies EN4, EN6, EN11-15 and Replacement Local Plan policies BE011-8, BE10, BE12-15
Sustainable and Environmental	Yes	The designation of conservation areas offers additional protection to the historic environment, the continued use, occupation and care of which helps to minimise use of scarce resources.
Crime and Disorder	No	The area is affected by high levels of crime and disorder, particularly at night. The designation of a conservation area, in itself, will have no direct effect on the reduction of public disorder. Nevertheless, the area's reputation for crime is an issue which has affected, and has perhaps driven out, businesses and this could adversely affect the character, appearance and quality of the conservation area. For example, the number of empty or unlettable properties might increase and the knock-on effect might be many more security shutters, boarded up windows, fewer people, less surveillance, more vandalism etc.
Human Rights Act	No	Conservation Area status restricts development rights but this is not overturned by the Human Rights Act.
Older People on Low Income	No	Conservation area status is concerned with protecting the quality of the historic environment. It will not have any direct effects on older people on low incomes.

3.2 Risk Assessment Matrix

The following assessments are based upon the risk of not adopting the Church Gate Conservation Area.

Risk	Likelihood	Severity Impact	Control Actions
	L/M/H	L/M/H	(if necessary/or appropriate)
1	L	Н	Unauthorised works to buildings or
	Unauthorised	Unauthorised works or	land can be more strictly controlled
	works or	poorly designed	in conservation areas than
	alterations to	alterations can have a	elsewhere. Design policies are in
	buildings or land	greater impact on the	place in the Local Plan to secure
		character of a	high quality design. The Council
		conservation area than	also has powers to remedy
		elsewhere, because the	breaches of planning control, and
		environment is more	conservation area status can justify
		sensitive to change	priority intervention to protect the
			area's special character
2	Н	H	
	Loss of unlisted	The character and	Declaration of the area as a
	historic or attractive	appearance of the	conservation area would provide
	buildings,	conservation area could	the mechanisms to control
	shopfronts and	be irreparably damaged	demolition and/or secure high
	architectural details	if attractive buildings and	quality design. Conservation area
		sensitive sites are	status would permit access to
		damaged or lost	funding for grant-aided
			improvements to restore
			architectural features and provide
			quality shopfronts etc.

 L - Low
 L - Low

 M - Medium
 M - Medium

 H - High
 H - High

4 Background Papers – Local Government Act 1972

- City of Leicester Local Plan
- Replacement City of Leicester Local Plan
- Draft Church Gate Conservation Area Character Statement
- Planning Policy Guidance (PPG) 15: 'Planning and the Historic Environment'
- PPG 16 : Archaeology and Planning
- English Heritage Guidance 'Conservation Area Appraisals' and 'Management of Conservation Areas'

4 Consultations

Any views or comments from those listed below are incorporated as appropriate in the appraisal document.

Leicester City Council Urban Design Group City Archaeologist Development Control Development Plans Highways & Traffic Property	November 2004
Conservation Area Panel	April 2005
All occupiers	September/October 2005
Leicester Regeneration Company English Heritage Centre Manager Police Architectural Liaison Officer Leicester Victorian Society Chamber of Commerce Leicester Asian Business Association Leicester Civic Society L & Rutland Society for the Blind Centre for Deaf People Leicester Centre for Integrated Living Mosaic City Disability Access Group	September 2005

APPENDIX

Respondent	Comment	Response to comment
1. Exhibition visitor	Conservation area Leicester needs more conservation areas. The damage caused by Vaughan Way makes me more aware of the (Church Gate) area. Will explore.	It is gratifying that the exhibition and publicity has increased public awareness of the area and conservation generally.
Various respondents: for each point raised the number of time this was mentioned is given in brackets.		 a) The Council's Transport Development Group has considered the suggestion about the imposition of a weight restriction. It is their view that, as such a restriction would still have to allow an exemption for service vehicles, the result would be that it would have very little effect. b) The pedestrianisation of Church Gate is being

c) Traffic moves much too fast and creates danger for pedestrians esp. children and elderly people. Illegally parked cars (on pavements, in disabled spaces etc) obscures shopfronts, drive away customers and create traffic jams at the Clock Tower end. (13)

Cars and other unauthorised vehicles use Church Gate to the severe disadvantage of disabled drivers looking for parking space, pedestrian safety and legitimate delivery vehicles. (8)

d) Drop the idea of closing High Street – will cause problems of access to the city centre for less able people. It will also add traffic to Vaughan Way. (1) considered in the preparation of the City Centre Access Strategy Shires extension and the proposals. The conclusion is that the closure of Church Gate to all traffic would not be feasible. The closure of Church Gate would require the closure of Belgrave Gate as well (there being no exit other than Church Gate available from Belgrave Gate). The cumulative effect of closing both streets would be that access to the city centre would be much more difficult for disabled people. It is intended that access to Church Gate is restricted to taxis, blue badge holders for and loading purposes only.

- c) Speed restrictions and traffic regulation orders (TROs) are clearly being routinely ignored and, in the opinion of the businesses that have contacted me, this is one of the major problems contributing to the decline of Church Gate. It is open to the Council to actively lobby the police to enforce the Church Gate TROs. This work could be continued when the Council assumes responsibility for parking enforcement in 2007.
- d) At present the bus flows on the High Street. Clock Tower. Belgrave Gate corridor create a barrier between the areas to the north and south. It creates unpleasant conditions for everyone and access difficulties for people with mobility problems. The proposed road closures and the relocation of buses to the new bus corridor will improve access for all through the Shires

		to High Street and the Clock Tower via Church Gate. There is no reason why traffic flows on Vaughan Way would be appreciably altered by the relocation of buses from High Street.
3. As above	a) The street is gloomy-looking and is getting worse. (5). Church Gate now looks dirty and unkempt and desperately in need of a facelift. The streets are uneven, subject to ponding; litter bins and planters are out-dated. (1) Street is unattractive to shoppers, who want safe, pedestrianised streets. (5) If Church Gate is made more attractive as a shopping street then that might entice business back. (4) b) 'A' boards are untidy and add to clutter. Some shops have 2 or 3. (4) Even shopkeepers do not like their 'A' boards but they are needed to stop cars parking and to attract customers. (3)	a) Agree. Church Gate is included in the Public Realm Strategy that is currently under preparation. Suggestions for improvements to the form and colour of the street surfaces form part of that. Such environmental improvements have helped to revitalise other streets (Gallowtree Gate, Market Street etc) and it is anticipated that Church Gate will be a priority for similar improvements in 2008/9 after the 2006/8 phase of the Council's public realm strategy is complete. b) 'A' boards are a problem across the city generally, but are particularly bad in city centre streets. They sometimes cause obstructions to the free flow of pedestrians and could therefore be regarded as an offence under the Highways Act. They are also unauthorised adverts and therefore could be actionable under planning legislation. Action, however, might be difficult if restricted only to Church Gate and any action may have to be city-wide to be seen as equitable. It would also incur considerable officer time and legal costs. Members may like to consider this issue further.
4.	Shopping and other uses	a) Church Gate has not always
As above	a) Church Gate is always ignored	been ignored, although the last major refurbishment took place

and the Council concentrates on the other streets.

- b) We need fewer clubs, pubs and takeaways. No further changes of use to bar/ nightclub/restaurant should be allowed as there are already enough. (3)
- c) Need more small individual shops. (2)
- d) The quality of retail property is downgrading and retail rental values are falling because of the problems in the area (clubs, traffic, appearance etc). (4)

Many shops have closed because their rents are exhorbitant. (1)

At least 4 shops have closed. 3 more are likely to. (3)

- e) Signs & clutter the number of take-aways makes the area dirty with litter. (1)
- f) Takeaway signs are garish. (1)
- years ago. However,the natural focus of Leicester's retailing is, and generally has always been, centred on the High Street (Shires) and the Haymarket shopping areas and they have thus tended to be the priority improvement areas. The radial configuration of the main city centre streets compounds the difficulty of concentrating or channelling flows outside the main shopping areas. However, as noted in 3a above, the refurbishment of the public realm and the re-organisation of traffic flows that will accompany the construction of the Shires extension should help to also change this (see 2d above).
- b) The existing uses of this type Church Gate have permission or are 'established uses' and the Council cannot therefore legitimately remove them. The creation of more such uses would, however, be controllable as they would need planning permission and the proposed uses would be subject to compliance with Local Plan policies such as SPA04 (new retail developments), SPA06a (Class A3, A4 and A5) and R07 (development for food & drink purposes).
- c) The Council cannot control directly the type of A1 retailing undertaken in a Class A1 shop. However, ownership patterns and property sizes in the Church Gate area are such that, if the area can be made more attractive, it might create the conditions that would result

		in more of the small, specialist type of businesses moving into the area. The potential for grant funding if the area becomes a conservation area could help to attract smaller businesses.
		d) Conservation area status could help to secure both better quality design and access to grant funds and thus encourage more investment in the area. Combined with investment in the public realm (see 3a and b above).
		e) Street cleaning is undertaken to a high standard ie. 2-3 times daily. Unfortunately, the dropping of litter remains a problem. This issue could be referred to the Council's litter wardens to see if they can help resolve the problem.
		f) I agree that he design of fascia signs on many shops, not just takeaways, is poor. If grant funds are made available in conservation areas they can be used to improve existing shopfronts and their associated signs. The design of new shop signs can be more strictly controlled in conservation areas.
5. As above	Imagea) Bars and nightclubs detract from the image of the area. (1)b) Make area fully pedestrianised to encourage a more relaxed atmosphere eg pavement cafes. (3)	a) This issue has been partly covered by 4a above. However, the reputation of the Church Gate area is a problem and conservation area status alone is unlikely to change this. See also 4a above.
	 c) Consider the effect of traditional materials eg cobbles will have for users wearing high heels etc. (1) d) Introduce 'themes' eg Victorian, Edwardian, Georgian to bring 	b) This issue is largely covered in 3b above. Better control of vehicle access would lead to a more attractive environment which could encourage more street cafes.

prosperity to the area. (1)

- e) Gangs of boys hang around the alley at 15-21 Church Gate (1)
- f) Change modern shopfronts (signs, plate glass etc) to give a more traditional and pleasing feel to the area. (1)
- g) Noise from pubs during the day deters customers/makes them feel uneasy (2)
- h) the area has a reputation for assaults and violence (drink related). Longer licensing hours will make this worse (3)
- c) These comments have been passed on as part of the current consultation process for the Public Realm Strategy, which includes making choices as to appropriate surface materials and design of the public realm.
- d) The introduction of 'themes' has to be very carefully considered in the context of the architecture and history of an area. The Church Gate area is Victorian and it would not be appropriate to introduce features/styles from other eras.
- e) The problems associated with the area's alleys has been noted and, subject to funding being available, grants could be offered to owners to secure these with gates etc so that abuse can be eliminated.
- f) Alterations to shopfronts and installation of signs generally require planning permission. Conservation area status will enable the Council to insist on higher design standards for new shopfronts etc and, if grant funding can be secured, to offer for improvements arants inappropriate. The replacement of modern shopfronts that are poorly designed or out of scale or character would be one of the environmental improvements that could be pursued more actively in the Church Gate area.
- g) Noise conditions cannot be imposed on pubs and bars where they have established or a permitted use with no hours of use restrictions. However, this matter has been passed to the Pollution Control so that the premises can be monitored in

		case a public nuisance is being caused. h) This is an acknowledged issue and one that is difficult to resolve. There may be a case for resisting more conversions to bars and clubs. Where hours of use restrictions are conditions on planning permissions then it may be possible to resist extensions to opening hours.
6. As above	The Shires The Shires entrance in Church Gate is totally out of keeping – why was it allowed? (3) New less modern entrance to the Shires (present one is 'terrible'). (2)	While not to everyone's taste, the design of the side entrance to the Shires is unashamedly modern and can therefore seem to be out of keeping. However, its scale and massing have taken account of the building heights around it and the façade continues the vertical emphasis of the street. It is not therefore out of keeping.
7. Rearsby resident (bus user)	 a) Do not include Short Street because the building at the corner is an eyesore and structurally poor. The derelict buildings should not be included in the boundary. b) Agree that the marked 'Landmark buildings' need to be preserved. c) The 'glimpses' include 2 that are towards modern refurbishments – these are not conservation area material. d) Demolish the dangerous building at 62-64 Church Gate, get rid of the dangerous scaffolding and erect a modern building. e) Suggest that only structurally safe buildings should be in the conservation area. Only pick out the important buildings that need to be conserved not the whole area. 	a) & e) The building on Short Street is one of the oldest properties in the area and creates an area of interesting townscape. However, its general condition is not good, although I do not consider that it is yet an eyesore. Building Control inspectors monitor the structural soundness of the building regularly. It is the quality and interest of areas, rather than individual buildings, that is the prime consideration in proposals to declare conservation areas. It is generally recognised that our experience of a conservation area depends on much more than the quality of individual buildings — on the layout, materials, surfaces, spaces, thoroughfares, vistas, scale etc. Conservation area designation recognises the importance of

factors. In addition. these conservation area status can often contribute to the re-use of derelict buildings and the retention of an area's historical integrity. Excluding derelict. unsightly, structurally unsound or modern buildings, or only including those that are regarded as 'important' (which would tend to reside in highly personal assessment), would purpose not serve the conservation and could result in the loss of unique elements of the environment. c) Identification of 'glimpses' into hidden corners does not require that such places are architecturally historic or significant. The inclusion of 'alimpses' Spatial in а (Townscape) Analysis serves to add information about an area's character - that there are activities going on beyond and behind the main routes that contribute to the area's vibrancy and function. d) The building held up by scaffolding has been de-listed and is no longer a listed building. Redevelopment anticipated. The supporting scaffolding however. is. correctly built. prominently marked and regularly inspected for safety. 8. a) Suggest that para 10.6 be a) Through-vision shutters (of amended by adding that security the open grille or punched lath Police shutters should be designed 'to type) are required in the Church Architectural allow for vision into the shop and Gate area by the Council's Liaison Officer allow for any lighting within the Security Shopfront Policy shop to enhance the ambience and Where shutters are of illumination levels within the street different type or unauthorised, scene' improvements will be sought or enforcement action pursued

	b) Suggest that para 10.15 be amended as follows 'in the refurbishment of any car park, developers are encouraged to incorporate the standards as required by the Association of Chief Police Officers Safer Parking Award Scheme	wherever possible to secure compliance with the policy. b) The car parks mentioned in the Character Statement are all surface level ones and all detract from the character and appearance of the area. The preferred use of their sites would be for buildings of appropriate size and design. Any proposals to refurbish or upgrade these car parks would therefore need to be carefully considered in the context of the effects their retention would have on the conservation area.
9. Public meeting	a) Add some overhead signs to advertise the area such as used in 'The Lanes'b) When in use the existing parking spaces at the south end of Church Gate block free traffic movement. They should be removed.	a) The signs at the Lanes were paid for by the local traders but the feasibility of installing similar signs will be investigated.b) The removal of these spaces and preventing parking at this point will be investigated.