

Leicester
City Council

WARDS AFFECTED: Castle

Cabinet

13th March 2006

MARKET STREET CONSERVATION AREA

Report of the Corporate Director, Regeneration & Culture

1 Purpose of Report

1.1 This report seeks Cabinet approval for:

- extensions to the Market Street Conservation Area; and
- the adoption of the Market Street Conservation Area Character Appraisal as supplementary guidance to the City of Leicester Local Plan.

2 Summary

2.1 The Market Street Conservation Area was declared in 1989 and covers an area of 4 hectares (just under 10 acres). It includes the area bounded by Horsefair Street, Bowling Green Street, Upper Brown Street and Marble Street.

2.2 Having appraised the architectural and historic interest of the area officers consider that it remains worthy of conservation area status. We recommend that

- The Conservation Area is extended as shown on the plan accompanying the attached Appraisal; and
- The Appraisal is adopted as supplementary guidance to the City of Leicester Local Plan 2006.

2.3 Under the provisions of ss. 69(1)(a) and 71 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 local planning authorities are required to review their conservation areas from time to time and to formulate and publish proposals for their preservation and enhancement. A character appraisal is the means to meet both requirements. 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). To date, the

Council has adopted 11 Character Appraisals (previously known as Character Statements), but only one (Church Gate) has published management proposals.

2.4 Until the Planning and Compulsory Purchase Act 2004 came into force Character Appraisals were adopted as Supplementary Planning Guidance (SPG) to the Local Plan. However, SPGs no longer form part of the planning regime [having been replaced by 'Supplementary Planning Documents' (SPDs)]. The Council has recently received government guidance confirming that Character Statements *cannot* be SPDs. However, they are factual appraisals and therefore form part of the evidence base underpinning Local Development Documents. They will continue to be 'material considerations' in the determination of planning and related applications.

2.5 The draft Market Street Appraisal has been published on the Council's website and copies made available in the Council's Customer Services Centre. All occupiers and other interested parties have been consulted. A public meeting to consider the draft preservation and enhancement proposals was held in the Council offices on January 19th. The comments received as a result of the consultations are set out in the Appendix to the Supporting Information report.

3 Recommendations

Members are recommended to :

1. Approve the extensions to the Market Street Conservation Area as shown on the plan appended to the Appraisal; and
2. Adopt the Market Street Conservation Area Character Appraisal 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.

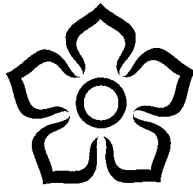
M Judson, Head of Finance

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**, June Gray, Planner, x7281, june.gray@leicester.gov.uk

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



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SUPPORTING INFORMATION

1 BACKGROUND

1.1 The designation of conservation areas has two primary functions :

- To identify, assess and safeguard the character of areas of architectural and historic interest;
- To enable the proper management of change in such sensitive areas;

It also :

- helps the Council to achieve 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 the continued or proposed designation of an area as a conservation area. They describe not only the architectural and historic interest of an area but also its 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). The City of Leicester Local Plan 2006 includes various conservation policies.

1.4 To date the Council has adopted 11 Character Appraisals and the aim is to achieve adopted appraisals for all 24 conservation areas by 2009/10. We expect to start the first five-year reviews of adopted appraisals in 2007/08.

1.5 The appraisal (attached below) sets out in detail the elements that contribute to the special interest of the Market Street Conservation Area and why the character and appearance of the area should be preserved and enhanced. The report shows how history, archaeology and townscape combine to create the area's special character. The Market Street Conservation Area remains worthy of its conservation area status and Members are recommended to approve two extensions to the boundaries of the Conservation Area to include other buildings and land that make positive contributions to the character of each area.

2 CONSULTATIONS

2.1 A list of organisations and people consulted is set out in Section 5 below. The Appendix provides summaries of the comments received, and how they have been taken into account in the appraisal.

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.

OTHER IMPLICATIONS	YES/NO	PARAGRAPH REFERENCES WITHIN SUPPORTING PAPERS
Equal Opportunities	No	The proposals have no direct impact on equal opportunities but alterations to buildings will have to balance the needs of conservation with the needs of disabled people, ethnic minorities, women, children etc
Policy	Yes	The appraisal supports Local Plan policies as set out in Appendix 5
Sustainable and Environmental	Yes	Conservation area status helps to prevent unnecessary loss of existing buildings and helps to ensure their continued occupation and maintenance, thus reducing demands on scarce resources.
Crime and Disorder	No	There are several bars, restaurants and street cafes in the area that may create public order problems. Conservation area status cannot resolve such issues, although any damage to the area's physical fabric could be detrimental to the appearance of the area (boarded up windows, more demands for security shutters etc).

Human Rights Act	No	There are some additional controls on development in conservation areas but these are not over-turned by the Human Rights Act.
Older People on Low Income	No	Conservation area status is concerned with improving the quality of the historic environment. It may only directly affect older people on low incomes if they intend to carry out works to their properties.

3.2 Risk Assessment Matrix

The following assessments are based upon the risk of not extending the Market Street and Old Humberstone Conservation Areas or adopting them as supplementary guidance to the Local Plan.

Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary or appropriate)
1	L De-designation of the area	H Buildings and trees in the areas would lose their protection and there would be a greater likelihood of damage to the character and appearance of both areas by unsympathetic developments.	Re-affirm conservation area designations
2	H Unauthorised or unsympathetic works to buildings	H Unauthorised works to buildings or land can have a serious impact on the character and appearance of conservation areas.	There are legal mechanisms in place that give the Council powers to remedy breaches of planning control.

L - Low
M - Medium
H - High

L - Low
M - Medium
H - High

4 Background Papers – Local Government Act 1972

- City of Leicester Local Plan (2006)
- Draft Character Appraisal for Market Street Conservation Area (files N8.18)
- 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

Groups & organisations consulted	Date of consultation
Leicester City Council <ul style="list-style-type: none"> • Urban Design Group • City Archaeologist • Development Control • Development Plans • Highways & Traffic • Property • Housing • Parks & Green Spaces • Trees & Woodland • Community Protection & Wellbeing 	April 2005 and January 2006
Conservation Area Panel	July 2005
All occupiers and owners/agents where known	April 2005 & January 2006
English Heritage Liaison Officer Leicester Victorian Society Chamber of Commerce Leicester Asian Business Association Leicester Civic Society	City F April 2005
Ward Councillors	April 2005
Leicester Regeneration Company	April 2005

APPENDIX

Respondent	Comment	Response to comment
Fenwicks	<p>a - need to mention proposed extension of New Walk to the Waterside,</p> <p>b - omit reference to LRC Retail Circuit</p> <p>c - Market Street should be completely pedestrianised,</p> <p>d - encourage street cafes,</p>	<p>The text has been amended in respect of points a. and b.</p> <p>c - Market Street cannot be fully pedestrianised as shops need to have delivery access from the front.</p> <p>d - The Council does encourage street cafes in the city centre,</p>

	<p>e - property owners should be given information about restoration and enhancement grants,</p> <p>f - discourage more charity shops and groups of charity recruiters in the area.</p>	<p>subject to licensing and design.</p> <p>e - When, and if, grant funding is available it will be advertised to property owners.</p> <p>f - Charity shops are retail outlets and have a legitimate right to occupy Class I retail shops. The Council has no power to prevent this, other than as a landlord where it owns property. The presence of up to 5 charity canvassers (or 'face-to-face' fundraisers as they are known) in Market Street can be a source of complaint. However, current legislation only covers collection of cash, not the agreements to pledge money through direct debit that the canvassers are obtaining. Face-to-face fundraising operates to a Code of Conduct (more information can be found at www.pfra.org.uk) Locations and numbers of canvassers in Leicester are agreed by the City Centre Manager and his team. If Members consider the current arrangements to be an issue that needs to be reconsidered the matter can be raised with the City Centre Management Team.</p>
Occupiers of 9 Newarke Street	Provide training for disabled people but cannot get many into the building because rear access is blocked by illegal parking and Newarke Street too busy and dangerous (accidents have happened to clients here)	This issue has been passed to Traffic and Highways for resolution. Enforcement of 'no parking' restrictions will be the Council's role as of 2007.
Owner of a building on Albion Street	Concerned that extension to conservation area might affect his plans to extend his property.	The Building Conservation Officer agreed to discuss his proposals and advise as necessary.
Restaurant owner, Bowling Green Street	Bowling Green Street should be improved as part of the Council's 'Streets and Spaces' project	Bowling Green Street is not part of the current £19 million improvement scheme. It has been identified only for pavement works at a later date (a 'Street as

		Space') in view of its importance for city centre traffic. However, traffic circulation is under review and the role of Bowling Green Street may change, and therefore opportunities to improve the street surface.
City resident	In favour of appraising the conservation area but many buildings already damaged by poor shopfronts etc	Market Street has lost most, if not all, of its original shopfronts over a period of many years and several existing ones detract from the appearance of the conservation area. However, the Council can require, and expects, shopfront schemes to be of a high standard of design in conservation areas. Grant funds, if made available, could be used to encourage owners of such poor quality shopfronts to install new ones or improve existing ones.