

Leicester  
City Council

**WARDS AFFECTED: Humberstone &  
Hamilton**

**Cabinet**

**3<sup>rd</sup> April 2006**

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## **OLD HUMBERSTONE CONSERVATION AREA**

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

#### **1 Purpose of Report**

1.1 This report seeks Cabinet approval for:

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

#### **2 Summary**

2.1 The Old Humberstone Conservation Area is one of the 6 largest conservation areas in the city, currently covering an area of just over 20 hectares (49 acres). It extends from the Humberstone Heights golf course in the west to Manor House Gardens on Main Street in the east. Originally approved in 1974 the boundaries were extended to include the buildings and farmland west and north of Keyham Lane in 1983.

2.2 Having appraised the architectural and historic interest of the area I consider that it remains worthy of conservation area status. I am recommending 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 Local Plan.

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 12 Character Appraisals (previously known as Character Statements), but only two (Church Gate and Market Street) have 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 However, SPGs no longer form part of the planning regime [having been replaced by 'Supplementary Planning Documents' (SPDs)].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 Appraisal for Old Humberstone has been published on the Council's website and copies made available in the Council's Customer Services Centre and in the local library. All occupiers and other interested parties have been consulted. A public meeting to consider the draft preservation and enhancement proposals was held in the village church hall on January 24<sup>th</sup>. The Humberstone Village Forum also helped by advertising the meeting. The Humberstone & Hamilton Area Committee considered the Old Humberstone Character Appraisal on January 30<sup>th</sup>. 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 Old Humberstone Conservation Area as shown on the plan appended to the Appraisal; and
2. Adopt the Character Appraisal for the Old Humberstone 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*

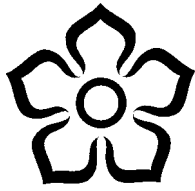
- 4.2 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the City Council as local planning authority to review the past exercise of their functions under s.69 from time to time to determine whether any parts or further parts should be designated as conservation 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*

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**DECISION STATUS**

<b>Key Decision</b>	No
<b>Reason</b>	N/A
<b>Appeared in Forward Plan</b>	No
<b>Executive or Council Decision</b>	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 12 Character Appraisals and the aim is to achieve adopted appraisals for all 24 conservation areas by 2009/10. I expect to start the first five-year reviews of adopted appraisals in 2007/08.

1.5 My appraisal sets out in detail the elements that contribute to the special interest of the Old Humberstone conservation area and why the character and appearance of the area should be preserved and enhanced. I show how history, archaeology and townscape, the trees and green spaces combine to create the area's special character. I consider that the Old Humberstone Conservation Area remains worthy of its conservation area status. I also recommend that two extensions are made to the boundaries of the Conservation Area as shown on the plan 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 a summary of the comments received, and how they have been taken into account in each 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 appraisals support 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 and encourage their continued occupation and maintenance, thus reducing demands on scarce resources.
Crime and Disorder	No	Humberstone - The village core suffers from some night-time public order problems, of which the police are aware. Conservation area status or legislation cannot resolve such issues, although any damage to the area's physical fabric could be detrimental to the appearance of the area (a cycle of boarded

		up windows, more demands for security shutters, fewer people, less surveillance, more vandalism 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 need to carry out certain types of work 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	<b>L</b> De-designation of the area	<b>H</b> 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	<b>H</b> Unauthorised or unsympathetic works to buildings	<b>H</b> 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 of Old Humberstone Conservation Areas (file N8.6)
- 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 (Old Humberstone)
Leicester City Council <ul style="list-style-type: none"> <li>• Urban Design Group</li> <li>• City Archaeologist</li> <li>• Development Control</li> <li>• Development Plans</li> <li>• Highways &amp; Traffic</li> <li>• Property</li> <li>• Housing</li> <li>• Parks &amp; Green Spaces</li> <li>• Trees &amp; Woodland</li> <li>• Community Protection &amp; Wellbeing</li> <li>• Education &amp; Childrens' Services</li> <li>• Head Teachers of Infant/Primary and Junior Schools</li> </ul>	January 2006  February 2006
Conservation Area Panel	February 2006
All occupiers and owners/agents where known	February 2006
English Heritage Architectural Liaison Officer Leicester Victorian Society Chamber of Commerce Leicester Civic Society	January 2006
Humberstone Village Forum	January 2006
Ward Councillors	January 2006

#### APPENDIX

Respondent	Comment	Response to comment
Visitors to the public meeting on January 24th	a – Include the Towers Hospital site, Pine Tree Avenue (the trees only), the schools, The Paddock at 135 Humberstone Drive and the	a - The suggested extensions to the conservation area have been considered and I propose to amend the boundary to include

	<p>Memorial Walk north of Keyham Lane in the conservation area;</p> <p><b>b</b> – exclude the British Legion Club and the Warren Close bungalows from the conservation area;</p> <p><b>c</b> – the Chapel at 1 Main Street should be listed;</p> <p><b>d</b> – 106 Tennis Court Drive is still not refurbished. Its condition is of concern.</p> <p><b>e</b> – there are some unresolved public order issues in the village;</p> <p><b>f</b> – need a direction sign to the village church;</p> <p><b>g</b> – concern was expressed about the treatment of the rear boundaries to 602-608 Gipsy Lane when the Manor Farm fields are opened for greater public access;</p> <p><b>h</b> – the boundary walls to the churchyard need to be repaired or rebuilt;</p> <p><b>i</b> – a new church hall is needed.</p>	<p><b>135 Humberstone Drive</b> and the <b>Primary and Junior Schools, Main Street</b>. The house at 135 Humberstone Drive is a largely unspoiled late-19<sup>th</sup> century painted brick cottage, one of the few remaining original buildings of the Paget estate. The schools, whilst not being good enough to warrant listed building status, are nevertheless good examples of their type and date. The buildings read well with the conservation area, help to define the entrance and the ‘green’ nature of the village core and link visually with the adjacent church and red brick houses of Manor House Gardens. Local people also see the schools and village as one unit and an integral part of the character of the area.</p> <p>I do not propose to include the other sites for the following reasons - The <u>Towers Hospital</u> is too far from, and lacks historic links with, the medieval village. The inclusion of the <u>trees</u> on Pine Tree Avenue would require the inclusion of many houses of no particular architectural interest. Also the trees are already protected by a Tree Preservation Order. The <u>Memorial Walk</u> is over 80m from the present boundary and does not follow an historic pathway route. The Manor Farm site development guidance (adopted 2002) requires that the route of the Walk is retained when the open space, of which it is a part, is laid out. <b>b</b> - The <u>British Legion club</u> is situated at a very important entrance to the village. The site should therefore remain part of the conservation area to ensure that, if the site were to be redeveloped, any new</p>
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	<p>building(s) would be required to make a positive contribution to the character of the conservation area. With regard to <u>Warren Close</u>, I consider that, as this development does not detract from the conservation area but has, rather, a 'neutral' effect, it can reasonably remain within the conservation area. If it were to be excluded from the conservation area the houses at 5-11 Main Street would also have to be excluded, as would Keyham Court. This would effectively split the area into two. <b>c</b> – I have no objection to the Village Forum or individuals requesting that English Heritage list the old <u>Methodist chapel</u>. However, it may have been so substantially altered inside that listing may not be justified. It is nevertheless protected by being in a conservation area and cannot therefore be altered or demolished without planning permission.</p> <p><b>d</b> – 106 Tennis Court Drive is a listed building and has been undergoing building works for some time. The Building Conservation Officer will investigate to discover the reasons behind the delays in completion and to offer grant aid if that would speed the process.</p> <p><b>e</b> – the public order issues have been noted in the appraisal but are for the police and other legislation to resolve. The Humberstone &amp; Hamilton Area Committee did not support the installation of CCTV but other solutions such as floodlighting need to be installed sensitively so as not to detract from the character of the area.</p>
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		<p><b>f</b> and <b>g</b> – these matters have been passed to the appropriate Council officers for action as appropriate;</p> <p><b>h</b> – this has been noted in the Appraisal and would be a suitable subject for grant aid;</p> <p><b>i</b> – Officers suggested that the Village Forum bids for Lottery funding for this and repairs to the churchyard wall on Lidster Close.</p>
Written comments	<p><b>a</b> - Lime trees in the churchyard should be cut back to prevent damage to passing vehicles;</p> <p><b>b</b> – do not de-list the Manor House, Main Street</p> <p><b>c</b> – include the school</p> <p><b>d</b> – include Hanover Court</p>	<p><b>a</b> – the lime trees appear to be regularly pruned but are in private ownership. The matter will be raised with the vicar.</p> <p><b>b</b> – the building that is known as ‘the Manor House’ has been rebuilt from ground floor level and is therefore no longer an original building (para.4.17 of the Appraisal refers). It can therefore no longer justify its listed status;</p> <p><b>c-d</b> – Section 6 of the Appraisal refers;</p>