

Leicester  
City Council

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**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

**17<sup>th</sup> November 2021**

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## **Proposed new ‘St Paul’s Conservation Area’ and revision of the West End Conservation Area - Consultation Report**

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

- 1.1 The purpose of this report is to seek the views of Planning Committee on the proposals to designate a new St Paul’s Conservation Area covering the area stretching from Fosse Road Recreation Ground to the St Paul’s and St Augustine’s Worship Centre on Kirby Road. The report sets out the implications of such a proposal in terms of the procedural processes relating to adopting a new conservation area.
- 1.2 Planning Committee’s views are also sought on the linked work on extending the existing West End Conservation Area, which is located closely to the south. This includes the recent review of the outdated character appraisal (2008) and proposed extension to include Dulverton Road.

### **2. Background**

- 2.1 There are currently 24 conservation areas in Leicester. Following the passing of the Civic Amenities Act in 1967, the first three conservation areas in the city were designated on the 18th April 1969 at New Walk, Greyfriars and Castle Gardens. Since then a further 21 conservation areas have been designated, with the most recent one created on Granby Street in 2006. In addition, several of the conservation areas have either been extended or consolidated since they were first designated, with the most recently example being a revised boundary for Church Gate Conservation Area in 2017.
- 2.2. Following the potential of a new conservation area being raised, an assessment was undertaken by the Conservation Team and highlighted the area’s historic, architectural, archaeological and townscape interest, which was considered sufficient

to merit its protection. This interest is set out in the draft Character Appraisal for the proposed new St Paul's Conservation Area. The map of the proposed St Paul's Conservation Area is presented in **Appendix A**.

- 2.3. There was also existing pressure for the Council to review the existing West End Conservation Area located to the immediate south of the proposed new St Paul's Conservation Area, and to create a new Management Plan, addressing the outdated Article 4 Directions that cover portions of the area.
- 2.4. Furthermore, there was a recent public request for consideration of Dulverton Road as an addition to the West End Conservation Area. This proposal was tested and it is considered to be a plausible addition, with its attractive townscape of late 19<sup>th</sup> century houses, many of which retain their original features and character. The revised character appraisal that was prepared presents this as an extension to the existing West End Conservation Area. This was illustrated on a map presented in **Appendix B**.
- 2.5. To achieve broader efficiencies a joint Management Plan was produced for the proposed new St Paul's Conservation Area and the existing West End Conservation Area. The two areas are almost adjacent to each other and exhibit a number of similar types of building stock and challenges.
- 2.6. Following internal consultation, the draft Character Appraisals and a joint Management Plan have been published for consultation on the 8<sup>th</sup> October 2021. The comments received and those from this Committee will be considered by the City Mayor when making the final decision about the designation of the new Conservation Area and the extension of the West End Conservation Area. The responses will also shape the final documents, subject to the designation being supported and approved.

### 3.0 **The Planning Framework and Consultation**

- 3.1 Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990 states that the local planning authority shall, from time to time, determine which parts of their area are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance; and shall designate those areas as conservation areas.
- 3.2 Local authorities therefore have the power to designate new conservation areas as resources allow. Although there is non-statutory guidance, such as from Historic England, the legal framework relating to the creation of new conservation areas is quite loose. Nevertheless, the wording provides a clear steer on the importance of heritage significance in terms of formulating any new conservation areas and the more onerous requirements on both property owners and the Council from such designations provides a context for ensuring that a rigorous assessment process is followed.

- 3.3 A 6-week consultation period is underway and the Council has sent letters and emails to local properties in the area in question and to other groups with an interest in the area, such as the Civic Society. The consultation runs from Monday 8<sup>th</sup> October until Monday 22<sup>nd</sup> November.

#### 4. **Key considerations**

- 4.1 As detailed in the St Paul's Character Appraisal, there is a critical mass of surviving historic building stock within the area identified, including the Grade II Listed Former St Paul's Church and the Locally Listed St Andrew's Church. There is a great deal of Victorian and Edwardian terraced houses of high architectural interest, with intricate original features and detailing, e.g. Fosse Road Terrace.
- 4.2 The proposed boundary was drawn in such a way to minimise the inclusion of properties that are of lower heritage significance. However, the importance of setting and the character of the spaces has also been considered, with the result that some lower order properties would be included. This is to ensure that development in critical locations will be considered properly in terms of the broader townscape qualities of the location.
- 4.3 Notwithstanding the existing requests from some local residents for the creation of a new conservation area and the identified heritage significance of the area, there is an identified need for potential additional planning controls, both in terms of the evidence of more recent works in the local area and the direction of travel relating to increasing permitted development rights from the Government. There is evidence of incremental change in this area, with the loss of more traditional building features and materials, alongside other small scale developments, including poorly sited satellite dishes and ungainly extensions. The area is considered to be at a tipping point in terms of incremental change, with the expanded permitted development rights for residential properties providing a heightened risk. Planning controls that would come with conservation area designation are detailed in Appendix C.
- 4.4 A new conservation area would provide a planning framework that would make it easier to ensure new development was sensitive to the historic character of the area, but it would come with costs. An additional workload for the Planning Department would be created from planning applications relating to work that would otherwise have been permitted development, as well as conservation area guidance and potential planning enforcement on works that have become unauthorised. In addition, property owners will have additional costs relating to potentially preparing planning applications and/or potential more expensive sourcing of higher quality materials for building repairs. The Council manages a Heritage Grant scheme for property owners in conservation areas to help dilute the latter challenge.
- 4.5 The new Character Appraisal that sets out the special character of the 'St Paul's' area and the revised Character Appraisal that sets out the special character of the proposed extension to the existing West End Conservation Area can be viewed

online on the consultation portal at: [St Paul's and West End Conservation Areas - Leicester City Council - Citizen Space](#)

## **5.0 Assessment**

- 5.1 Comments are welcomed from members of the Planning and Development Control Committee on the potential new Conservation Area in the 'St Paul's' area and the potential extension to the existing West End Conservation Area.
- 5.2. The 6-week period external consultation will close on the 22<sup>nd</sup> November. Feedback from the consultation will be assessed in November/December 2021 and a further paper will be taken to the City Mayor for potential approval.
- 5.3. Subject to approval, a letter would be sent out to all properties in the area.

## **6.0 Recommendations**

6.1 Comments are requested on:

- The proposed new St Paul's Conservation Area and the area covered, as well as the contents of the draft character appraisal and proposed improvements.
- The extension of the existing West End Conservation Area and the area covered, as well as the content of the draft character appraisal and proposed improvements.
- The Draft combined conservation areas management plan.

## **7.0 Report Authors**

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## **8.0 Legal Implications**

None as this report is for Consultation only.

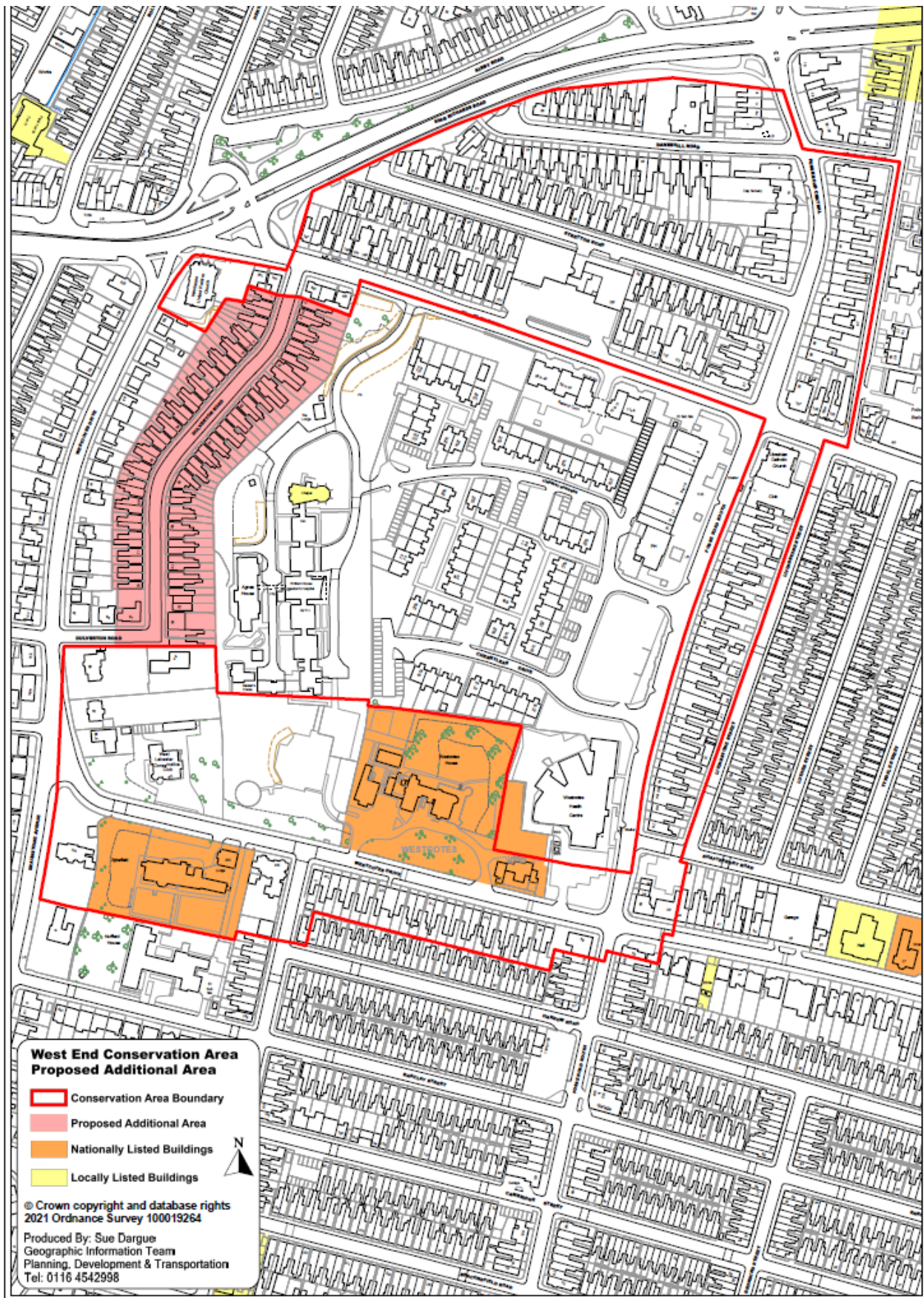
Jane Cotton Solicitor  
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## Appendix A – Map of the proposed St Paul's Conservation Area





**Appendix B – Map of the West End Conservation Area, with the proposed extension.**



## **Appendix C:** Advice on existing planning controls in conservation areas.

### **Demolition**

Many buildings or structures within a conservation area may not be demolished, either completely or in part, without the Council's prior consent in writing via the granting of planning permission. Generally, the demolition of any building larger than 115 cubic metres requires planning permission; but there are exceptions to this, and it is always best to contact the Council to check before undertaking any works.

Demolition of a boundary wall, fence or gate will require planning permission if it is more than 1 metre high, where abutting a highway, or more than 2 metres high elsewhere.

Generally, there is a presumption in favour of retaining buildings and parts of buildings which make a positive contribution to the character or appearance of the conservation area; and the Council will not grant planning permission for demolition until planning permission for the building's replacement has been granted.

### **Minor development**

If you live in a conservation area, you are required to make an application for planning permission before making some changes which might normally be Permitted Development<sup>1</sup> outside a conservation area, in order to ensure that any alterations do not detract from the area's appearance. The following development therefore requires explicit planning permission within conservation areas:

- cladding to the exterior of a house with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- construction of additional storeys;
- side extensions;
- rear extensions of more than one storey;
- roof extensions and dormer windows;
- any building or enclosure within the grounds of a house required for a purpose incidental to the enjoyment of the dwelling (including swimming pools, garden sheds, garages and summerhouses), which is between a side elevation of a dwellinghouse and the property boundary;
- a container used for domestic heating purposes (for the storage of oil or liquid petroleum gas), which is between a side elevation of a dwellinghouse and the property boundary;
- installation/alteration/replacement of a chimney, flue or soil and vent pipe on a dwellinghouse (where they front a highway and are on the principal or side elevation);
- paving over front gardens with non-permeable surfacing of an area greater than five square meters (n.b. this particular item requires an application for planning permission in any location).

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<sup>1</sup> Permitted development rights allow certain works to take without the need to apply for planning permission. They derive from a general planning permission granted not by the local authority but by Government.

In dealing with any applications for planning permission within conservation areas, the Council will consider the effect of the proposed development upon the character and appearance of the area.

In addition, various other works may require planning permission relating to the designation of Article 4 Directions.

### **Satellite dishes & solar panels**

In a conservation area, explicit planning permission (that is, you must make an application to the Council) is required to install any satellite dishes on any wall, roof slope or chimney which both faces onto and is visible from a highway or on a building more than 15 metres in height. If a dish is to be installed within a conservation area, then the very highest standards of care in locating and installing the equipment will be required in order to protect the special character of such an area.

If your property is in a conservation area, explicit planning permission will be required if solar panels are to be fitted on the front or side walls and they are visible from the highway. If solar panels are installed on a roof slope they should not be installed above the highest part of the roof (excluding the chimney) and should project no more than 200mm from the roof slope. Explicit planning permission would also be required for solar panels on the wall of a building within the curtilage of a house that would be visible from a highway.

### **Trees within conservation areas**

Trees are recognised as making an important contribution to the character of the local environment. Anyone proposing to cut down, prune, top or lop a tree in a conservation area which is not covered by a Tree Preservation Order (TPO) has to give six weeks' notice in writing to the Local Planning Authority prior to carrying out any works to the tree. The notification should include a description of the tree and any works to be carried out. This applies to surgery works or felling of any tree with a trunk over 75mm in diameter measured 1.5 metres above ground level. The authority can then consider the contribution the tree makes to the character of the area, and if necessary, make a TPO to protect it.

Are there any exemptions, when written notice is not required?

- Yes, when working on trees with stem diameters of less than 75mm (measured at 1.5 metres from ground level)
- If the works being carried out are to help promote the growth of other trees, then trees with stem diameters of less than 100mm (at 1.5 metres) may be removed or pruned
- In addition, works which are exempt under the TPO regulations also apply here i.e. removal of dead wood, dying or dangerous trees

However, tree owners would be prudent to provide the Council with at least five working days' notice prior to cutting down any tree which the owners deem to be dead, dying or dangerous, unless such works are required in an emergency. Carrying out works without giving notice is an offence. It is the tree owner's responsibility to provide proof that the tree was indeed dead, dying or dangerous in the case of challenge. It is always advisable to



request an inspection by staff from the City Council's Trees & Woodlands Team prior to carrying out any tree felling operations within a conservation area.

### **Flats and commercial properties**

Flats and commercial properties do not have the permitted development rights available to other residential properties (houses and bungalows). As such, many of the items listed above already require planning permission from the council when applied to flats, and the conservation area status simply provides an additional consideration in the assessment of any related planning applications.

### **Advertisements**

Under the Town and Country Planning (Control of Advertisements) Regulations 2007, certain advertisements are 'permitted' without the need for express consent. In Conservation Areas, there are additional restrictions that require an application to be submitted on:

- illuminated advertisements;
- flag advertisements;
- advertisements on hoardings;
- captive balloon advertisements;
- advertisements on telephone kiosks.

See detailed advice: [Government guidance on advertisements](#)