

Executive Decision Report

DESIGNATION OF NEW ST PAUL'S CONSERVATION AREA

Decision to be taken by: City Mayor

Decision to be taken on: 7 June 2022

Lead director: Andrew L Smith, Director of Planning,
Development & Transportation



City Mayor

Useful information

- Ward(s) affected: All with new sites
- Report author: Justin Webber, Senior Building Conservation Officer
- Author contact details: 37 4638
- Report version number: 1

1. Summary

This report is to request the City Mayor for authorisation for the Council to designate a new Conservation Area in Fosse Ward called 'St Paul's Conservation Area'.

2. Recommendations

To formally designate the new 'St Paul's Conservation Area', which is shown in Appendix C.

3. Supporting information including options considered:

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.

A group of local residents supported by the ward councillors raised attention to the potential for a new conservation area to be created in the Fosse Ward. This would be focussed on the Fosse Road Recreation Ground and the streets to the south of it, with the latter experiencing challenges relating to change in terms of building stock and management. An initial assessment of the area 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 was set out in a draft Character Appraisal for the area, which was then used for internal consultation in 2021. Feedback from internal consultation was summarised in the report taken to the Neighbourhoods Planning & Transportation Board Briefing on the 11th August 2021. The draft proposal was then subject to further work and was taken to the Planning & Development Control Committee on the 17th November 2021.

A public consultation on the proposed new St Paul's Conservation Area, including the draft Character Appraisal and Management Plan, took place between 8th October and 22nd November 2021. Letters were sent to all addresses in the proposed new Conservation Area, with the consultation material available online and at the City Council Customer Service Centre on Granby Street. In addition, further meetings took place with representatives of key buildings within the Conservation Area, such as the Places of Worship. Two public meetings took place on Thursday 14th October, between 5pm - 8pm at St Paul's and St Augustine's Worship Centre, Kirby Road, and

Tuesday 19th October, between 6pm - 9pm, at Westcotes Bowling Club, Sykefield Avenue.

Details of the public consultation are provided in Appendix A. These comments have helped shape the final Character Appraisal and Management Plan which are attached as Appendix C and D. These have been approved by the Head of Planning and are attached to inform and support the proposed Designation.

As detailed in the St Paul's Conservation Area 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.

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.

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 E. In addition the National Planning Policy framework gives guidance on conservation areas and heritage assets. A conservation area comes with the NPPF designation of a "designated Heritage asset" which provides an additional level of policy protection.

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.

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.

Local authorities therefore have the power to designate new conservation areas as resources allow. There is no statutory requirement to consult with anyone before designating a new Conservation Area; however, there is non-statutory guidance. Historic England includes advice that an LPA should consult widely including with Local Residents. The HE guidance 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.

The consultation carried out by the Council before seeking this recommendation is set out earlier in this report. The City Mayor is the appropriate authority within Leicester City Council for approving this proposal for a new Conservation Area.

There is no statutory requirement on the level of detail that must be considered by an LPA before designation. However, the HE guidance advises an area's special architectural or historic interest is defined and recorded in some detail, and a published Character Appraisal is highly recommended.

The new Conservation Area comes into effect on the date of the City Mayor decision to make the designation

If approved, there is a statutory requirement that the Council publicise the Designation by a notice in the Leicester Mercury and London Gazette, as well as notifying the Secretary of State and Historic England. The new Conservation must also be registered as a Local Land Charge.

Although not a statutory requirement, the Council will send a letter to all addresses in the new conservation area detailing that the status has been agreed, along with guidance on works going forward.

4. Details of Scrutiny

None

5. Financial, legal and other implications

5.1 Financial implications

There are no significant direct financial implications arising from this report.

Stuart McAvoy – Principal Accountant, Finance

5.2 Legal implications

Under the Council's constitution The City Mayor has the power to Designate a new

Conservation area.

The Power to Designate is contained in s69 of the Planning (Listed Buildings Conservations Areas) Act 1990 ('the Act'). The Council will need to comply with the statutory and non statutory procedures for designation and publicity.

The designation of a CA gives an LPA additional power over the development and use of land within it. These include some restricted development rights, restrictions on demolition, additional protection for trees as a tree covered by a TPO, and additional controls on Advertisements.

The effect of the designation for all planning applications is that they should be assessed for their impact upon the conservation area and applications considered in light of the Character Appraisal and any Management Plan.

Katherine Hall, Planning Solicitor, Legal Services

5.3 Climate Change and Carbon Reduction implications

Whilst the creation of a new conservation area will have implications for planning applications within the area, the impacts of the changes on carbon emissions within applications are expected to be limited. Additionally, development will continue to be expected to meet Building Regulation requirements and policy CS2 in the Leicester City Core Strategy planning document as applicable.

Aidan Davis, Sustainability Officer

5.4 Equalities Implications

Under the Equality Act 2010, public authorities have a Public-Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

There are no direct equality implications arising from this report but it is always beneficial to consult people in the surrounding area to assess if there are any direct implications and the consultation has been done and has been overwhelmingly positive and therefore potentially fostering good relations between those who have a protected characteristic and those who don't.

Kalvaran Sandhu, Equalities Manager 454 6344

5.5 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

No wider implications.

6. Background information and other papers:

None

7. Summary of appendices:

Appendix A – St Paul’s and West End Conservation Area Public consultation.

Appendix B – Planning & Development Control Committee Minutes – 17th Nov. 2021

Appendix C – St Paul’s Conservation Area Character Appraisal (2022).

Appendix D – St Paul’s Conservation Area Management Plan (2022).

Appendix E – Planning controls in conservation areas.

8. Is this a private report (If so, please indicated the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9. Is this a “key decision”?

No

10. If a key decision please explain reason

N/A