

DATE: 20 September 2024
MY REF: Supplemental Item – Amended
Appendix C - Designation of a
new Conservation Area in
Braunstone Village and the
making of a non-immediate
Article 4 Direction

YOUR REF:
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To Members of the Council

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Cllr. Bev Welsh
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Cllr. Maggie Wright
Cllr. Neil Wright

Dear Councillor,

A meeting of the **COUNCIL** will be held in the Council Chamber - Council Offices, Narborough on **TUESDAY, 24 SEPTEMBER 2024 at 5.30 p.m.** Please find attached a supplemental item that is required for the meeting and is in addition to the agenda and report pack that has already been circulated.

Yours faithfully



Louisa Horton
Monitoring Officer



SUPPLEMENTAL ITEMS

SECTION 6 - REPORTS FOR DECISIONS

To consider any reports submitted for consideration by Council.

9. Designation of a new Conservation Area in Braunstone Village and the making of a non-immediate Article 4 Direction (Pages 3 - 22)

To consider the report of the Senior Planning Policy Officer (enclosed).



Braunstone Village Conservation Area

Management Plan

September 2024



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1. Introduction

- 1.1 This Management Plan sets out Blaby District Council's and Leicester City Council's approach for preserving and enhancing the two designated areas known as Braunstone Village Conservation Area. The Conservation Area to the north was designated by Leicester City Council on the 29th January 1974. The Conservation Area to the south was designated by Blaby District Council on the 24th September 2024.
- 1.2 Conservation areas make a significant contribution towards the urban fabric of the city and county. These historic areas are important to the area's cultural inheritance, economic wellbeing, and quality of life. It is important to recognise that these places are not static and are subject to change. The aim of the Management Plan is to ensure that change is managed in a way that maintains and enhances the special qualities of the conservation areas.
- 1.3 This document sits alongside the two character appraisals for the Braunstone Village Conservation Area on either side of the administrative border. The character appraisal documents provides detailed analysis of what is positive and negative in the areas under consideration and identifies opportunities for beneficial change or the need for additional protection.

2. Planning Policy Background

2.1 National Policy

The National Planning Policy Framework details the importance of identifying and managing heritage assets. It details that local planning authorities should set out a strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In developing this strategy, local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

- 2.2 Section 71 of the Planning (Listed Building and Conservation Areas) Act 1990 details that:

- It shall be the duty of a local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.
- Proposals under this section shall be submitted for consideration to a public meeting in the area to which they relate.
- The local planning authority shall have regard to any views concerning the proposals expressed by persons attending the meeting.

2.3 Government policy is provided in the National Planning Policy Framework (NPPF). It requires the significance of heritage assets – both its historic buildings and historic areas – to be understood by local authorities and by those who propose change. Changes that cause harm to significance will only be permitted where the harm is outweighed by public benefits. Further guidance on the use of the NPPF is provided in the National Planning Practice Guidance and in advice published by Historic England.

2.4 Local Policy

The protection and positive use of the historic environment within new development is a theme which runs through the **Blaby District Core Strategy**. It is mentioned as a key component in Policies CS2, CS12, CS14, and CS16 and is the subject of a comprehensive policy on the Historic Environment and Culture CS20 and in the Blaby District Local Plan Delivery DPD in Development Management Policy 12 (Designated and Non-designated Heritage Assets). Within the administrative boundary of Leicester City Council, the protection and positive use of the historic environment within new development is a theme which runs through the **City of Leicester Core Strategy**. It is identified as a key component in spatial objectives 7 and 9. This is further strengthened in a number of policies. The Core Strategy also makes an explicit commitment to the preservation and enhancement of Leicester's heritage in Spatial Objective 10. This is amplified in a wide-ranging policy (CS18) for the protection and enhancement of the historic environment.

2.5 There is a general presumption against the demolition of buildings that make a positive contribution to the character or appearance of a conservation area, and the policy expects new developments and conservation-led regeneration to reflect the character and value of the historic environment. Both local and national policy puts the emphasis on the enhancement of heritage assets and positive contribution to local character and distinctiveness that should be made through new development.

3 Local Consultation

- 3.1 There is a requirement under Section 71 of the Planning (Listed Building and Conservation Areas) Act 1990 for the local authority to consult the local community about any management proposals for conservation areas.
- 3.2 A draft version of the document was published for public consultation in 2024. The Council sought to consult those with an interest in the subjects covered by the document. Details of the consultation were sent to all local heritage and community groups and efforts were made to reach a wider audience through local media and the respective councils' websites. Partnership working with Braunstone Town Council was a key focus. A public display relating to the draft Management Plan was arranged. Responses received helped to shape the final version. Following adoption of the Management Plan, the local authorities will endeavour to consult on any relevant changes in their respective administrative areas with each other.

4 Publicity and Information

- 4.1 Public consultation relating to conservation areas in Blaby and Leicester has revealed that many property owners and occupiers are unaware of the extent and implications of conservation area coverage. Ambiguity about restrictions increases the likelihood of inappropriate development occurring and damages the integrity of the conservation area designations.
- 4.2 Given the complexity of legislation relating to heritage designations, such as conservation areas, the two councils will look to work with Braunstone Town Council on producing guidance detailing both the rights and responsibilities of living in such areas for property owners and occupiers. As national legislation on restrictions relating to conservation areas is liable to change, the best medium for guidance is on the respective councils' website, which have the capacity to be easily updated.
- 4.3 Another potential issue is the turnover in residency and ownership of properties in the conservation areas. To ensure that all property owners and occupiers are aware of both the conservation area designation and any significant changes to related planning controls, a 'conservation area guidance leaflet' will be sent to all properties in the conservation areas.

ACTION G1

Guidance and Information

Each council has produced a Conservation Area Character Appraisal and will make guidance available on its website.

- 4.4 A number of cast-iron conservation area signage roundels are attached to lampposts in the area. To provide greater clarity over the boundaries of the conservation areas, these signs should potentially be installed at the various entry points and renovated/replaced where appropriate.
- 4.5 Heritage interpretation panels have been located within the conservation areas. If appropriate, additional panels should be installed making the history of the areas more legible. New technology may also present opportunities for improving the accessibility of information regarding conservation areas.
- 4.6 Local heritage groups may arrange events to promote the heritage of the areas, including walking tours, seminars, and expert talks. Such work should be supported, such as through additional publicity.

ACTION G2

Raising the profile of the conservation areas

Each council will look to raise the profile of conservation area by potentially installing new street signs, working with local community groups and exploring the potential of media/technology.

5 Development Management

- 5.1 Demand for new housing, residential extensions and alterations can impact on the character of conservation areas through unsympathetic or poor design. The role of each councils' development management function in overseeing future changes to conservation areas is therefore crucial.
- 5.2 As detailed in Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, all development within each conservation area should

ACTION G3

Delivering effective development management

Each council will use strategic policy and guidance documents to ensure that development respects the character of the conservation area as outlined in the character appraisal.

preserve or enhance its character or appearance. Development within conservation areas should be in keeping with local character and this is summarised in the character appraisals.

6 Setting and Views

- 6.1 Some sites, which are outside the boundary of the conservation areas, have an impact on its character through setting and framing. Should development on these sites come forward the impact on the conservation areas will be a material consideration.
- 6.2 As detailed in the character appraisals, there are also important views which are part of the significance of the conservation areas. The impact on these identified views will be a material consideration of any planning application. Care must be taken at an early stage to prevent harm to these key views through new development. Opportunities should be sought to enhance the setting of the conservation areas through appropriate and attractive development.

ACTION G4

Setting and views

Each council will ensure that development, which affects the setting of the conservation area, respects its character and that important views are protected.

7 Building uses

- 7.1 As detailed in the character appraisal for the conservation area in the City Council administrative area, the buildings in that conservation area, with the exception of the church, are residential in character, being largely consistent with their historic uses. The surviving commercial elements of the former village are located within the boundary of the conservation area in Blaby District, which also has a significant residential element.
- 7.2 Where a change of use is proposed, this should be appropriate to the architectural character of the property. Conversion or excessive subdivision of a property can harm the amenity of the conservation areas through structural alterations and associated developments, such as large bin and cycle stores. Each council will not support changes of use that harm the character of the conservation areas.

- 7.3 Should a property become long-term vacant each council will pursue appropriate steps to ensure the condition of the building is maintained and to encourage re-use. In exceptional circumstances, the use of enforcement powers will be considered. Long-term vacancy will not be a justifiable reason to allow for demolition unless it can be demonstrated that all options for re-use have been investigated.

ACTION G5

Building uses

Each council will seek to protect the residential character of their conservation area and ensure any new uses are consistent with this.

8 Building features

- 8.1 Within the conservation areas there are examples of unsympathetic alterations to the external fabric of buildings. This includes the removal of original chimneys, windows, doors, and other features/detailing, as well as the addition of rooflights and satellite dishes. External painting, cladding, and rendering of brick elevations, while limited has also had a detrimental effect on the conservation area.
- 8.2 A notable problem is the replacement of timber windows with poorly suited plastic or composite units. Such alterations may now be restricted, through the introduction of an Article 4 Direction.
- 8.3 In general, the councils advocate for the refurbishment of historic features, particularly windows and doors, with replacement considered as an option of last resort. Where original features have already been inappropriately altered or lost, any new development should aim to respond meaningfully to the architectural composition, design, and proportionality of the building under consideration, as well as to the wider streetscene within the conservation area. For example, poorly suited uPVC windows should be replaced with alternative windows that are more in keeping with the original building.
- 8.4 Historic England has carried out research which shows that replacing windows with uPVC in an appropriate style is not significantly cheaper than timber equivalents. Moreover, it should also be recognised that property values are generally higher where properties retain their original features. Enhancing the energy efficiency of properties can be delivered in a way that is sympathetic to

building character through the repair of windows and/or additional measures, such as secondary glazing or draught proofing.

- 8.5 The councils will work with property owners to encourage the use of traditional materials that preserve or enhance the historic environment. The use of 'mock' or synthetic materials will be resisted, as these do not adequately replicate the natural materials in finish, quality and weathering. In addition, such materials are not historically appropriate to the conservation areas. This is especially important to elevations and roof slopes fronting public highway and open public spaces.

ACTION G6

Traditional materials

Traditional external materials and finishes will be expected in all new development in the conservation areas.

Each council will seek to encourage the use of traditional, contextual materials through pre-application advice, as well as in information in relevant planning documents and on the councils' websites.

9 Boundaries

- 9.1 The loss of original front boundaries is a particular issue within the conservation areas. As noted in the character appraisals, garden walls, railings and hedges make an important contribution to the character of the conservation areas. Where they have been removed the distinction between the public and private domain and the visual edge to highway is weakened or lost to the detriment of the local townscape.
- 9.2 Where front boundaries remain these should be protected. Opportunities should be sought to reinstate historic boundaries where these have been lost or removed.

ACTION G7

Boundary Treatments

Each council will seek opportunities to retain existing boundaries and support the reinstatement of traditional front boundaries where they have been lost.

10 Highways and Footpaths

- 10.1 A number of issues in the Conservation Area relate to accommodating vehicular traffic, as well as measures required for traffic safety, control and calming. Given that the conservation areas were largely developed before cars were invented, there are longstanding issues within them over how car parking and traffic flow can be accommodated within restricted streetscapes.
- 10.2 In certain parts of the conservation areas surfaces are tired and in need of upgrading and where repairs have been carried out to the pathways these have not always been applied in materials to match the existing, resulting in an array of forms that are visually detracting.
- 10.3 The public realm should be carefully designed and improved to provide an uncluttered environment that sustains or enhances the special significance of the conservation areas. The core principles of the *Leicester Street Design Guide* will guide all future development in that administrative area. Its directives on place making, distinctness and creation of healthy and sustainable cities in particular will be a material consideration in all management and planning decisions.
- 10.4 As public realm projects develop, each council will pursue a policy of early engagement with stakeholders to help identify traffic management designs that are sympathetic to the historic environment. Where appropriate, traffic management measures should be integrated into the historic environment effectively by retaining features such as walls, trees, hedges and railings, as well as traditional floorspace materials. Where new features are introduced, the observance of existing design principles and use of local traditional materials should be considered to ensure they are in keeping with the existing townscape and character of the area.
- 10.5 Statutory undertakers are responsible for carrying out the permanent reinstatement of the highway, where they disturb it, with the existing materials. Where existing materials cannot be re-used, new materials should be the closest possible match.

- 10.6 Each council will advocate the principles established by Historic England in *Streets for All: East Midlands*, as well as the two *Manual for Streets* documents to all those involved in highways works.

ACTION G8

Highway Works

Utilising national and regional best practice guidance, each Council will seek to ensure that any future highways works will bring a positive improvement to the character and appearance of the conservation areas.

- 10.9 A detailed audit of the public realm will be undertaken to identify the best way to minimise street clutter and better integrate street furniture in the conservation areas. The street audit should be developed with officers from the local councils and other interested parties to ensure they are accurate and the findings feasible. Proposals to remove street clutter will be actioned within 12 months of the adoption of this document.
- 10.10 Street furniture including bollards, bins, bike stands, electricity cabinets, information panels and other freestanding features within the highway should co-ordinate with each other and tie-in with similar features elsewhere in the area. An appropriate and sensitive colour palette should be chosen to achieve this. All new street furniture should be kept to a minimum and carefully positioned to avoid hindrance to pedestrian and sustainable transport flow.
- 10.11 The highway on Braunstone Lane and Main Street has a significant impact on the setting of the conservation areas. Requests will be made to Leicestershire County Council, as the relevant Highway Authority, should any aesthetic improvements be identified.

ACTION G10

Street clutter audit

An audit of the public realm to identify the best way to minimise street clutter and better integrate street furniture in the conservation areas will be undertaken. An Action Plan for reducing street clutter will be prepared and taken forward with the relevant highways authorities.

11 Green infrastructure

- 11.1 Blaby and Leicester's green infrastructure network helps to support wildlife and delivers multiple environmental and health benefits. This includes improving air and water quality, storing carbon, providing opportunities for biodiversity net gain, facilitating urban cooling, and providing spaces for people to enjoy for leisure and recreation.
- 11.2 To help support local ambition to deliver an overall environmental net gain, each council will expect new development to achieve biodiversity net gain and improvements to the existing green infrastructure, wherever appropriate.

ACTION G11

Green Infrastructure

Each council will ensure biodiversity value is preserved or enhanced when considering development proposals in the area.

12 Trees and Green Spaces

- 12.1 There are many trees within the conservation areas which make an important contribution to the character of the local environment. These are located on public and private land, in open public spaces and private gardens. Every effort should be made to retain these trees in a healthy condition.
- 12.2 The value that trees make to the overall composition of conservation areas is acknowledged by the additional controls on tree works following conservation area designation. All trees in the Conservation Area are protected by its designation and no works should be done to trees within the Conservation Area without first contacting the City Council. Details of how to do this can be found on the City Councils website.
- 12.3 Trees which are subject to preservation orders have been identified in each conservation area character appraisal and are marked on publicly accessible mapping through each council's website.

- 12.4 Where trees are lost through death, disease, highway works or other development, they should be replaced with suitable substitutes wherever feasible. Opportunities for more tree planting and enhanced green infrastructure will be explored by the each council, in line with the principles and aspirations of their respective Green Infrastructure Strategy. New green infrastructure will be carefully considered in the context of the existing character of the area and views into, within and out of the conservation areas.

ACTION G12

Trees

There is a presumption in favour of retaining trees which make a positive contribution to the character and appearance of the conservation area.

Each council will monitor trees in conservation areas that have notable amenity value. Where appropriate, opportunities for additional tree planting will be explored.

- 12.5 The conservation areas includes areas of green space that are managed by the District Council and City Council. A collaborative approach to management should be undertaken between the relevant departments to ensure that opportunities to enhance the conservation aspects of these spaces are maximised.
- 12.6 Specific enhancement opportunities for some of these spaces are presented in the City Council's [Green Infrastructure Strategy](#).

ACTION G13

Open Spaces

Each council will seek opportunities to protect and enhance the open and historic character of each conservation area's open green spaces.

13 New Development

- 13.1 There are limited opportunities for larger scale infill development within the conservation areas, but sensitive enhancement schemes that sustain or enhance the local distinctiveness may come forward which can help to improve the quality of the local environment.

- 13.2 If the special interest of the conservation areas is to be protected in the future, development should only be allowed where it will fit in with the existing historic form of development; where it does not impinge on the setting of historic buildings; and where it does not result in the loss of important green open space.

14 Grant Funding

- 14.1 Leicester City Council will streamline the available funding into areas and buildings considered to be at risk or of considerable enhancement potential.
- 14.2 Each Council will also seek to support and assist, where practicable, groups or individuals seeking grant funding from alternative sources to carry out necessary works to historic buildings within the conservation areas.
- 14.3 Properties within the administrative boundary of Leicester City Council are eligible for the Historic Building Grant fund for the repair of original architectural features or the restoration of missing features. Details of this can be found on the City Council's website.

15 Local Community

- 15.1 Each council recognises that emphasis needs to be given to involving the local community in decisions about both the designation and the management of conservation areas. What is valued by the community may add a new perspective to what is considered as 'special' and worthy of preservation by the local authority. Local communities have a vital role to play in the development and implementation of management plans for proposals to succeed.
- 15.2 There are a range of existing community groups operating in the conservation areas whose local knowledge should be prioritised in the ongoing management of the area and provide opportunities for more proactive processes for enhancement and enforcement. The latter issue could potentially involve heritage wardens, who help to monitor change in the conservation areas. Braunstone Town Council are a key stakeholder and coordinated work between the City Council, District Council and Town Council will be pursued.

ACTION G14

Community Groups

Each council should work actively with local community groups and elected councillors to improve the management and monitoring of each Conservation Area.

16 Enforcement Strategy

- 16.1 Monitoring and enforcement are important to the success of any management plan. Ensuring that permitted works have been executed as approved and that any unauthorised works are investigated and dealt with appropriately is important in maintaining the character and special significance of conservation areas. Part of this work is pro-active monitoring of the area to identify any breaches and to gather baseline evidence which can be used as evidence in any action.
- 16.2 Changes in the appearance and condition of the conservation areas should be monitored regularly by the Council to ensure that enforcement action can be taken promptly to deal with problems as they arise. A dated photographic record of the area should be regularly updated to ensure that there is the requisite level of evidence available to the Council. Street elevations would need to be photographed at least once every four years to ensure that enforcement action can be taken forward.
- 16.3 Where works have been done without the relevant permission(s), the Council will investigate if these breaches harm the amenity and significance of the local environment. If harm is found to have been caused, action will be taken. Where appropriate, the Council will pursue the use of additional enforcement powers to tackle issues within the Conservation Area, including Section 215 Notices, Urgent Works Notices, Planning and Listed Building Enforcement Notices and Building Preservation Notices.

ACTION G15

Enforcement and Monitoring

Each council will take steps to deal with the unauthorised development where it causes harm to the character and appearance of each conservation area. A record of the conservation areas should be regularly maintained to ensure that enforcement action can be successfully taken forward.

17 Article 4 Directions

- 17.1 Minor development, such as domestic alterations and extensions, can normally be carried out without planning permission under the provisions of the General Permitted Development Order (GDPO).
- 17.2 Article 4 of the GPDO gives local planning authorities the power to restrict these 'permitted development rights', including where they have the potential to

undermine protection for the historic environment. Using the provisions of Article 4 of the GPDO brings certain types of development under the control of a local planning authority, which allows them to be considered on a case-by-case basis through planning applications.

- 17.3 Designation of a conservation area restricts certain permitted development rights but many works, such as replacing front doors and windows, remains outside the control of the local planning authority.
- 17.4 To help protect the character and appearance of the conservation areas, both are consulting on proposals to potentially introduce focussed Article 4 Directions for non-listed properties in the areas. This would mean most external works to properties within the conservation areas will require planning permission including:
- Removal, alteration or installation of windows and doors;
 - Extensions or additions including porches;
 - Roof alterations such as dormer windows, rooflights and changing the roofing materials or removal or alteration of a chimney;
 - Painting the exterior of the property;
 - Paving over a front garden;
 - Removal of existing and installation of new boundary treatments.

ACTION G16

Article 4 Direction

Each council will explore the potential for a new Article 4 Direction to restrict external alterations for relevant properties within each Braunstone Village Conservation Area.

If made, each council will monitor the properties affected and provide adequate levels of publicity to ensure its successful application.

18 Links with Braunstone Park

- 18.1 As set out in the accompanying appraisal, the land which comprises the conservation area was formerly part of the wider Braunstone Estate. While there is some visibility between the park and the former village, the two were largely severed with the development of the housing estate in the 1930s.

- 18.2 There is now no direct route between the park and church, which is regrettable given their historic association. There is an opportunity to create a more direct link between the park and village through footpath improvement and better wayfinding, place marking and interpretation.

ACTION G17

Links with Braunstone Park

Leicester City Council will explore opportunities to create a more direct pedestrian route between the conservation areas and Braunstone Park and improve signage in both areas.

19 Monitoring

- 19.1 To assess the effectiveness of measures included in the Conservation Area Management Plan it is important that effective monitoring measures are put in place by the two local authorities. The Historic Environment Team at Leicester City Council will do a bi-annual inspection of the two conservation areas and detail actions for remedying identified issues. In addition, the following procedures will take place.

19.2 Document updates

In line with best practice guidance from Historic England, the two local authorities will review the two Conservation Area Character Appraisal documents every five years and where necessary, update the documents. This process will help to monitor change and ensure that the documents remain an accurate representation of the area in question. The councils will also review the Conservation Area Management Plan every five years.

19.3 Local Communities

The input of other stakeholders, such as local history groups, residents' associations and ward councillors, in helping to monitor the management of the conservation areas will be welcomed.

Bibliography

English Historic Towns Forum. 1998. Conservation Area Management: A Practical Guide.

Historic England. 2016. Conservation Area Designation, Appraisal and Management.

Historic England. 2018. Streets For All: East Midlands.

Department for Communities and Local Government & Department for Transport. 2007. Manual for Streets.

Chartered Institution of Highways & Transportation. 2010. Manual for Streets 2: Wider Applications of the Principles.

- Historic England

<https://historicengland.org.uk/>

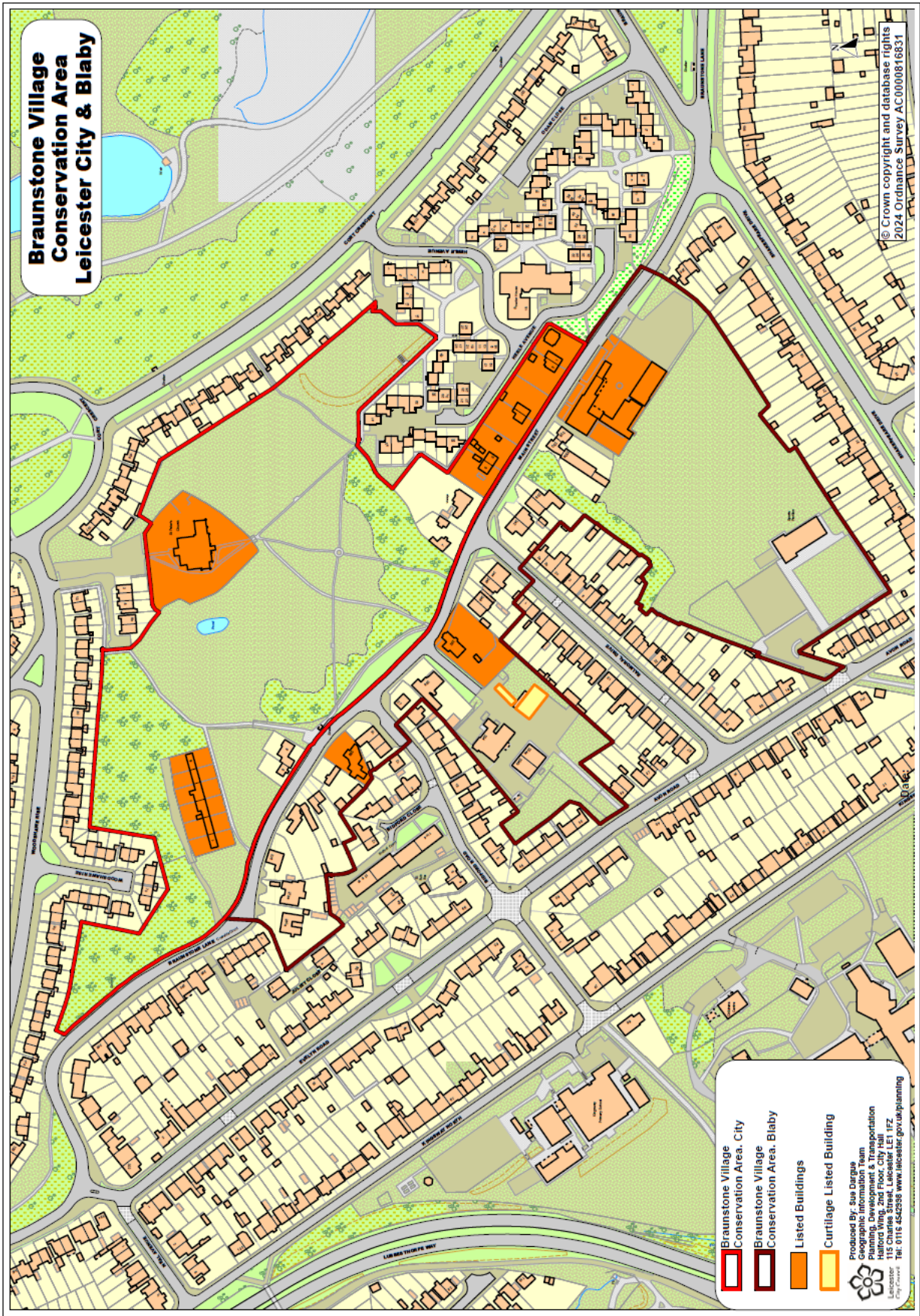
- Society for the Protection of Ancient Buildings (SPAB)

<http://www.spab.org.uk>

- Historic Environment Record

<https://www.heritagegateway.org.uk/gateway/chr/>

Appendix 1



Appendix 2

Proposed Article 4 Direction within Blaby District Council administrative boundary:

The proposed Article 4(1) Direction for 228, 230, 230a, 236, 238, 240, 242, 244, 246, 248, 250, 256, 268, 270, 272, 274, 276, 278 Braunstone Lane is as follows:

The Direction restricts permitted development rights as set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 with regards to:

Development within the curtilage of a dwellinghouse comprised within the following classes of Part 1 of Schedule 2 to the said Order:

- Class A – enlargement, improvement, or other alteration;
- Class C – alterations to the roof;
- Class D – the erection or construction of a porch outside any door;
- Class F – hard surfaces incidental to the use of a house.

Minor development comprised within the following classes of Part 2 of Schedule 2 to the said Order:

- Class A – Erection of fences and gates;
- Class C – the painting of the exterior of any building or work.

Appendix 3

Proposed Article 4 Direction within Leicester City Council administrative boundary:

The proposed Article 4(1) Direction for St Peters Vicarage, Main Street and 7-9 Main Street is as follows:

The Direction restricts permitted development rights as set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 with regards to:

Development within the curtilage of a dwellinghouse comprised within the following classes of Part 1 of Schedule 2 to the said Order:

- Class A – enlargement, improvement, or other alteration;
- Class C – alterations to the roof;
- Class D – the erection or construction of a porch outside any door;
- Class F – hard surfaces incidental to the use of a house.

Minor development comprised within the following classes of Part 2 of Schedule 2 to the said Order:

- Class A – Erection of fences and gates;
- Class C – the painting of the exterior of any building or work.