

**Blaby District Council
Council**

Date of Meeting	24 September 2024
Title of Report	Designation of a new Conservation Area in Braunstone Village and the making of a non-immediate Article 4 Direction. This is not a Key Decision and is on the Forward Plan
Lead Member	Cllr. Ben Taylor - Planning Delivery and Enforcement & Corporate Transformation
Report Author	Senior Planning Policy Officer
Strategic Themes	All Themes: Enabling communities and supporting vulnerable residents; Enhancing and maintaining our natural and built environment; Growing and supporting our economy; Keeping you safe and healthy; Ambitious and well managed Council, valuing our people

1. What is this report about?

- 1.1 The purpose of this report is to provide an update following a public consultation on creating a new Conservation Area covering the historic village core of Braunstone, and to seek approval to formally designate the area.
- 1.2 Associated with the designation, authorisation is sought to proceed with a 'non-immediate' Article 4 direction on specific properties within the area. If implemented following further consultation, this would remove some Permitted Development rights on these properties to help ensure the preservation and enhancement of the historic character of the area.

2. Recommendation(s) to Council

- 2.1 To formally designate the new Braunstone Village Conservation Area, which is shown in Appendix A.
- 2.2 To prepare and make a 'non-immediate' Article 4 Direction removing some Permitted Development rights to specific properties as detailed in the Conservation Area Management Plan (Appendix C).
- 2.3 That the Constitution be amended accordingly to grant delegated authority to the Planning & Strategic Growth Group Manager in consultation with the relevant portfolio holder for the determination of Article 4 directions.

3. Reason for Decisions Recommended

- 3.1 To progress the motion made by Council in November 2021 to consider the merits of a Conservation Area in this location and following the recent public consultation.
- 3.2 To consider the introduction of further planning controls in the interest of the historic character of the area.
- 3.3 To ensure clarity of decision making.

4. Matters to consider

4.1 Background

Context and History

On 23rd November 2021, following interest and research by local residents, a motion was passed by Council to consider the merits of a Conservation Area in this location and to work in partnership with Braunstone Town Council to assist with a public consultation and the preparation of a character appraisal.

Blaby District Council engaged in discussions with Braunstone Town Council and enlisted the services of Leicester City Council's Historic Environment team to assess the potential for designation and advise on the necessary procedural matters. A Character Appraisal was prepared along with a draft Management Plan to aid with the future upkeep and improvement of the area (Appendices B and C).

Designation Process

Local authorities have the power to designate new conservation areas under Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990. This requires that from time to time they determine which parts of their areas are of special or historic interest and should be designated.

As detailed in the Character Appraisal (Appendix B), there is considered to be a critical mass of surviving historic townscape, and that there is sufficient heritage significance to justify additional planning controls. The proposed boundary has been drawn in such a way to minimise the inclusion of properties that are of lower heritage significance, such as more modern or architecturally unremarkable buildings, however some of these are included to ensure that development in critical locations will be considered properly in terms of the broader townscape qualities of the area.

There is evidence of incremental change in this area, with the loss of more traditional building features and materials, as well as small scale developments that are more visually harmful. The area can be seen as being close to a tipping point in terms of this change, with the expanded permitted

development rights for non-conservation area properties providing a heightened risk. Potential new planning controls that would come with conservation area designation are detailed in the Management Plan (Appendix C).

The controls in the Management Plan include the imposition of an Article 4 Direction. This would further restrict Permitted Development rights on specific properties (19 in total), so that permission would be required for many minor works as well. This would include restrictions on erection of porches, alterations to roofs, additional areas of hardstanding, more general alterations to buildings (e.g. doors and windows and external painting), and the erection of boundary treatments. It would not prevent development, but mean that such works can be properly assessed through a planning application. It is proposed that a 'non-immediate' Article 4 direction is made to allow further feedback on this measure before a decision is made whether to implement. This process is set out further in 'next steps' section below.

A new conservation area would help 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 potentially more expensive sourcing of higher quality materials for building repairs. However, research by Historic England has concluded that conservation area status can increase the value of properties.

To achieve broader efficiencies, the Management Plan proposes joint working with Leicester City. The existing Braunstone Village Conservation Area is located within the administrative boundary of Leicester City Council. The two areas are adjacent to each other and combine to cover the totality of the historic village.

Consultation

Although not strictly required by the relevant Planning Act, a public consultation on the proposed conservation area, including the draft Appraisal and Management Plan, was carried out between 4 June and 16 July 2024. The consultation involved sending letters to each property in the area, erecting site notices, hosting a drop-in event at Shakespeare Park Sport Pavilion, issuing a press notice, and publicising details of the consultation on the Council's website.

32 individual letters and forms were received, as well as 2 letters with multiple signatories (11 and 8 signatures respectively). The responses, and any changes made to the proposals as a result are detailed in the Consultation Statement in Appendix D.

In summary, a substantial majority of responses were in support of the proposals. Respondents commented that the conservation area as drawn would help preserve and enhance the historic and architectural character of the area, and that the Appraisal and Management Plan are sound and suitable. It was commented that joining onto the existing Conservation area on the Leicester side would be beneficial in preserving the historic interest of the area and correct an anomaly from when only part of the village was designated.

Further detailed historical information and photos were provided in responses, as well as queries regarding the map presentation and corrections of errors. These have been noted and where suitable the appraisal has been amended.

Two objections were received relating to the inclusion of land to the rear of the Manor within the proposed conservation area boundary (part of which is subject to current planning application 20/1373 for redevelopment comprising 13 dwellings). Concerns were raised that the area is not justified for inclusion as it lacks special architectural and historic character, contrary to national policy and guidance for designation, and that the area is unused and has modern buildings on it. These issues have been carefully considered, however it remains the view that reasons for the boundary line position are robust and follows best practice in the way it is drawn.

In the objections, concerns of costs as a result of additional requirements for planning permission were raised. The building subject of the comments is non-domestic however, and therefore already only has very limited Permitted Development rights. As such, the need to apply for planning permission and associated fees would not be significantly affected. It is acknowledged additional consideration to design and materials would need to be given, however the extent of any additional costs is uncertain depending on the development proposed and with consideration to the existing nature of the buildings. Overall it was considered these issues do not affect the proposed boundary or justification for including this area.

Concerns of development in the area were also raised. These comments were noted however where they were identified to also be in relation to the current planning application (20/1373) they were forwarded to the Case Officer for consideration.

The consultation ran at a similar time to one carried out by Leicester for a new character appraisal on the existing Conservation Area in Braunstone (between 8 July and 19 August). The responses and actions as a result of this however have not affected the proposals on the Blaby District Council side.

Next steps:

The new Conservation Area comes into effect on the date of the Council 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 Area 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.

With designation of the conservation area, a 'non-immediate' Article 4 Direction is proposed. This applies to specific properties (19 in total, as listed in Appendix 2 of the Management Plan) and would restrict Permitted Development rights further as an additional control.

The Direction would be prepared and made immediately following designation of the conservation area, however would not come into force for a period of 12 months.

Prior to coming into force there would be a 6 week consultation involving letters to the affected properties, site notices and a press notice. It would also be necessary to confirm within 6 months of making the direction (i.e. immediately following the conservation area designation) whether it is decided to proceed with its implementation or allow it to lapse, in light of any representations to received.

4.2 Proposal(s)

That Council agree to designate the Braunstone Village Conservation Area as shown in Appendix A, and to proceed with a non-immediate Article 4 Direction as set out in the Management Plan (Appendix C).

4.3 Relevant Consultations

As detailed in the report a public consultation has been carried out on the proposals. If agreed, a further focussed consultation on the non-immediate Article 4 will be carried out following designation of the conservation area.

4.4 Significant Issues

In preparing this report, the author has considered issues related to Human Rights, Legal Matters, Human Resources, Equalities, Public Health Inequalities, and Climate and there are no areas of concern.

Consideration has been given to issues relating to Equalities. An Equality Impact & Needs Assessment has been completed for the proposal.

5. What will it cost and are there opportunities for savings?

- 5.1 As reported previously prior to the consultation there has been a fee of £5,427 to procure the services of Leicester City Council's Historic Environment Team to provide technical support including the preparation of the Character Appraisal and Management Plan.

No further significant costs are expected, only for the printing and posting of letters and press notices that will be required in relation to the non-immediate Article 4 direction consultation. These are costs associated with staff resources and have already been provided for within the existing budget.

- 5.2 The imposition of the article 4 direction whilst not purporting to generate funds; may generate some minor additional income for the Council by virtue of additional minor planning applications which would have previously been permitted development, such as extensions to dwellinghouses, the laying of hard surfacing and the erection of boundary treatments.

6. What are the risks and how can they be reduced?

Current Risk	Actions to reduce the risks
Failure of duty to consider the merits of a conservation area in this location, in accordance with national legislation.	The case for designating the conservation area has been made in the appraisal and management plan and is considered robust. If however there are concerns or reservations regarding designation, these can be considered further, albeit resulting in a delay to any decision to designate.
Non-immediate Article 4 consultation is carried out incorrectly.	Continued liaison with Leicester City's Historic Environment team to ensure process is duly followed. Continued liaison with Braunstone Town Council to raise awareness and facilitate consultation.

7. Other options considered

To not designate the proposed conservation area.

This could be considered contrary to the motion passed by Council to consider the merits of a conservation area in this location, as the work carried out to date considers the justification for the designation is robust. A decision would need to be made if to continue work on identifying an area to potentially designate.

8. Environmental impact

- 8.1 The proposal may help preserve or enhance the historic environment in this area. No other significant environmental impacts identified.

9. Other significant issues

- 9.1 In preparing this report, the author has considered issues related to Human Rights, Legal Matters, Human Resources, Equalities, Public Health Inequalities, and Climate Local and there are no areas of concern.
- 9.2 An Equality Impacts Needs Assessment has been completed for this report and is included as a background paper.

10. Appendix

- 10.1 Appendix A - Map of Designation Area.
- 10.2 Appendix B – Braunstone Village Conservation Area Character Appraisal
- 10.3 Appendix C – Braunstone Village Conservation Area Management Plan
- 10.4 Appendix D – Consultation Statement

11. Background paper(s)

- 11.1 Equalities Impact and Needs Assessment (EINA)
- 11.2 Environmental Impact Checklist

12. Report author's contact details

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