

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**CABINET – 17 OCTOBER 2017**

Title of report	<b>IBSTOCK CONSERVATION AREA: ADOPTION OF CHARACTER APPRAISAL AND BOUNDARY REVIEW</b>
Key Decision	a) Financial No b) Community Yes
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Purpose of report	(a) To consider responses to the recent public consultation; (b) To adopt the character appraisal and boundary review for the Ibstock conservation area.
Reason for Decision	Adoption of the character appraisal and boundary review would: (a) Support the aims of the Council Delivery Plan relating to sustainable development and growth and people feeling proud of their homes and communities; (b) Support the Council in fulfilling its duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to the designation and review of conservation areas.
Council Priorities	Business and Jobs Adoption of the character appraisal and boundary review would contribute toward achieving the Council's aim of supporting sustainable development and growth.  Homes and Communities Adoption of the character appraisal and boundary review would contribute toward achieving the Council's aim of people feeling proud of their homes and communities.

Implications:	
Financial/Staff	Adoption of the boundary review would add some properties to the conservation area. As a result, householders would need to apply for planning permission for some works that would otherwise constitute 'permitted development' under the Town and Country Planning (General Permitted Development) (England) Order 2015. In some circumstances a planning application would not attract an application fee. See paragraph 2.1ff below.
Link to relevant CAT	Not applicable.
Risk Management	The risks associated with alternative options are detailed in section 4 of the report below.
Equalities Impact Screening	Not applicable.
Human Rights	Not applicable.
Transformational Government	Not applicable.
Comments of Deputy Head of Paid Service	Report is satisfactory
Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Monitoring Officer	Report is satisfactory
Consultees	Public consultation was carried out between 8 May and 16 June 2017, as detailed in section 3 of the report below.
Background papers	Draft character appraisal and maps Draft boundary review and maps Initial consultation statement  <a href="http://www.nwleics.gov.uk/ibstock">www.nwleics.gov.uk/ibstock</a>
Recommendation	<b>IT IS RECOMMENDED THAT THE CABINET ADOPTS THE CHARACTER APPRAISAL AND BOUNDARY REVIEW FOR THE IBSTOCK CONSERVATION AREA.</b>

## **1 BACKGROUND**

- 1.1 Section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the 1990 Act”) defines a conservation area as an area of special architectural or historic interest, the character of which it is desirable to preserve or enhance.
- 1.2 The Council has a duty under Section 69(1) of the 1990 Act to determine periodically which parts of its area meet this definition and to designate these areas as conservation areas. The Council also has a duty under Section 69(2) of the 1990 Act to review periodically the past exercise of this duty and to consider whether any further parts of their area meet this definition and to designate those parts as conservation areas accordingly.
- 1.3 Council officers have prepared a draft character appraisal and boundary review for the Ibstock conservation area in accordance with Section 69(2) of the 1990 Act. Please refer to appendices 1 and 2 attached to this report. The character appraisal provides the basis for making informed and sustainable decisions about the future of the area. It may inform decisions on applications for development that would affect the conservation area. It may inform the development of a management plan for the conservation area.
- 1.4 The draft character appraisal and boundary review were informed by initial consultation with Cllr John Clarke, Ibstock Parish Council and the Ibstock Local History Society.

## **2 IMPLICATIONS**

- 2.1 The boundary review proposes to add some properties to the conservation area, including:
  - Properties at the NE end of the High Street, between the Whimsey Inn and the former Palace Cinema;
  - Open land surrounding the Church of St Denys;
  - Open land to either side of Overton Road.
- 2.2 Inclusion of a property in a conservation area would mean that planning permission would be required to demolish a building (depending upon its volume) or to demolish a boundary treatment (depending upon its height). An application for ‘relevant demolition in a conservation area’ would not attract a fee.
- 2.3 Inclusion of a property in a conservation area would mean that planning permission would be required for the works listed below. A planning application would attract the householder application fee, which is currently £172.
  - Extending beyond the side elevation of a dwelling;
  - Extending beyond the rear elevation of a dwelling, if that extension would be more than one storey;
  - Enlarging a dwelling via an addition or alteration to the shape of its roof;
  - Cladding or rendering any part of a dwelling;
  - Erecting a building or enclosure beyond the side elevation of a dwelling;
  - Installing a chimney, flue or vent pipe on a dwelling, in certain circumstances;
  - Installing a satellite dish on a dwelling, in certain circumstances.

- 2.4 Anyone intending to cut down, top, lop or uproot any tree in a conservation area that is not protected by a tree preservation order must give the Council six weeks' notice of their intention to do so in accordance with section 211 of the Town and Country Planning Act 1990 unless an exception under Article 15 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012 ("2012 Regulations") applies. A notification of this kind would not attract a fee.
- 2.5 If a tree is protected by a tree preservation order, it is subject to the normal tree preservation order controls contained within the 2012 Regulations. A notification of this kind would not attract a fee.
- 2.6 The Council may remove certain permitted development rights from dwellings in a conservation area, through the service of an Article 4 Direction. An application for planning permission arising from the service on an Article 4 Direction would not attract a fee.

### **3 CONSULTATIONS**

- 3.1 Between 8 May and 16 June 2017 the following people and organisations were consulted on the draft character appraisal and boundary review:

- The District Councillor for Ibstock West;
- Leicestershire County Council and Measham Parish Council;
- Historic England and the seven National Amenity Societies;
- Ibstock Local History Society;
- Owners and occupiers affected by the draft boundary review.

- 3.2 Six publicity posters were displayed in the conservation area as follows:

- On the High Street, outside the former Palace Cinema;
- Outside 41-43 High Street;
- At the corner of High Street and Gladstone Street;
- At the corner of High Street and Reform Road;
- At the corner of High Street and Overton Road;
- On Hinckley Road, outside the former Crown Inn.

- 3.3 The Conservation Officer met with Ibstock Parish Council on 6 June to discuss the draft character appraisal and boundary review.

- 3.4 Appendix 3 records the consultation responses received and explains how these responses have been taken into account.

### **4 PUBLIC CONSULTATION RESPONSES**

- 4.1 Eleven consultation responses were received; two of these responses were received after 16 June 2017. Seven respondents supported the boundary review; two of these respondents asked for further areas to be added to the conservation area. Four respondents objected to the boundary review. Historic England and Ibstock Parish Council declined to comment upon the draft documents.

4.2 The draft character appraisal and boundary review reflect best practice and take appropriate account of the comments received during the public consultation period. It is recommended that Cabinet adopts the character appraisal and boundary review for the Ibstock conservation area.

Land to the rear of 117 to 121 High Street

4.3 The boundary review proposes to add land to the rear of 117 to 121 High Street to the conservation area, because of its historic interest. The character appraisal refers to the land as 'the crofts'. The land is owned by a private resident (119 High Street) and a volume housebuilder (121 High Street), who have objected to the addition of this land to the conservation area. The context to this objection is as follows.

4.4 In about 1998 seventy-seven houses were built on land to the rear of 73 to 107 High Street ("the Hextall Drive development"). In the Council's adopted local plan (2002) the land to the rear of 109 to 121 High Street is allocated for the development of up to fifty houses (Policy H4I).

4.5 Since 2009 the Council has made an annual strategic housing land availability assessment ("SHLAA"). As part of the SHLAA, the volume housebuilder has invited us to consider the suitability of land to the rear of 109 to 115 High Street for housing development (our reference IB20). The housebuilder has not invited us to consider the suitability of land to the rear of 117 to 121 High Street.

4.6 The Council's latest SHLAA describes the development of land to the rear of 109 to 121 High Street as "not currently achievable", because "the site does not appear to have suitable access to the highway network". There is a ransom strip between this land and the Hextall Drive development. On this basis the land has not been taken into account in determining the district's five year housing land supply.

4.7 In 2015 the volume housebuilder requested initial pre-application advice regarding the development of sixty-three houses on land to the rear of 109 to 121 High Street (our reference PAAM/2014/109). The Council issued initial pre-application advice and informed the housebuilder that further pre-application advice would incur a fee of £1,800. No further correspondence was received.

4.8 The Council's emerging local plan proposes that land to the rear of 109 to 121 High Street should fall outside the Limits to Development, in accordance with the findings of the latest SHLAA. The volume housebuilder was consulted regarding the emerging local plan in 2015 and 2016. The housebuilder did not respond to either consultation.