

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Canal Conservation Area,
Proposed Extension of Designated Conservation Area

1 **SUMMARY**

This report sets out the case and process for extending the boundary of the Canal Conservation Area to include 1 Collin Street and 2-26 Carrington Street.

2 **RECOMMENDATIONS**

Having had regard to the consultation responses received, the designation of the Canal Conservation Area be varied by the inclusion of the area shown on the plan at Appendix 1.

3 **BACKGROUND**

- 3.1 Local Authorities have a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to designate areas of special historic or architectural interest that are worthy of preservation or enhancement.
- 3.2 The Canal Conservation Area was first designated in February 1983. An appraisal and management plan for the area was adopted by the Council in March 2008. At that time no proposals were made to amend the boundary of the Conservation Area.
- 3.3 In 2009 Westfield Shopping Centres applied for outline planning permission to comprehensively redevelop and extend the Broadmarsh Shopping Centre (ref. 09/02714/POUT). The scheme was considered by Planning Committee in May 2011 which resolved to grant permission subject to the completion of a Section 106 Agreement. Negotiations in relation to the s 106 agreement ceased on the disposal of the site by Westfield Shopping Centres to Capital Shopping Centres (now named Intu) and consequently no planning permission was ever granted for the scheme.
- 3.4 The application proposals included the demolition of the buildings comprising the proposed extension to the Canal Conservation Area. As part of the planning consultation process, English Heritage assessed the buildings against the former Planning Policy Statement 5 (March 2010) commenting (letter dated 6th April 2011) that: 'The Carrington Street frontage contains a very good group of non-designated late C19 and early C20 buildings of high townscape quality, and would easily justify inclusion in the Canal Conservation Area, to which it is adjacent.'
- 3.5 Although the heritage significance of the buildings was recognised by the City Council at the time, the wider public benefits of Westfield's regeneration proposals for the Broadmarsh Centre were felt to outweigh their loss. This was a finely balanced decision taken in light of the development proposals submitted at the time.

- 3.6 Following Intu's purchase of the Broadmarsh shopping centre from Westfield Shopping Centres in November 2011, the proposed redevelopment was postponed.
- 3.7 The City Council hosted the English Heritage Urban Panel in November 2012, which comprises a number of regeneration and design experts. The Panel had previously visited Nottingham in the context of Westfield's emerging proposals for the Broadmarsh Centre and expressed a desire for a repeat visit to the city in light of the change in the centre's ownership. In their report the Panel made recommendations for the future regeneration of the south of the city and in particular along the length of Carrington Street and made specific mention of the buildings proposed for inclusion within the Conservation Area:

“An unambiguous statement lifting the blight on the historic buildings on Carrington Street no longer scheduled for demolition would be an “easy win” in restoring confidence in this area and giving it a future.”

- 3.8 In order to tackle the decline in the condition of Carrington Street's townscape, the Council has prioritised the improvements of the buildings and quality of the public realm. It is considered timely to extend the Conservation Area and give the buildings at the north end of Carrington Street added protection and status, reflecting the enhanced importance of the street. This stance has been reached having regard to the comments of the English Heritage Urban Panel and the finely balanced decision taken on the previous Westfield Shopping Centre proposal. The City Council is seeking to promote a heritage led approach to the regeneration of Carrington Street which builds upon the redevelopment of the Nottingham Station HUB (which has resulted in the renovation of the Station frontage, enhancing its architectural significance) and feeds into future proposals for improvements to the Broadmarsh Centre and linkages to Nottingham Castle.

4 CONSULTATION AND OBSERVATIONS OF OTHER OFFICERS

- 4.1 Affected owners, the general public, Ward Councillors and interested amenity groups have been consulted on the proposed boundary change, by letter and public notices.. Consultation letters were sent out on 6th December 2013. The consultation concluded on the 13th January 2014. Three letters have been received, one of support from English Heritage, one of support from the Nottingham Civic Society and one objection from the owners of 1 Collin Street and 2-4 Carrington Street (Intu Properties plc). The details of the responses are set out in the Appraisal section below. The response from Nottingham Civic Society was received after the formal consultation period ended .

5 RELEVANT POLICIES AND GUIDANCE

- 5.1 The following policies and guidance are directly relevant to the designation and management of Conservation Areas:
- National Planning Policy Framework: Section 12. Conserving and enhancing the historic environment
 - Nottingham Local Plan (2005): Paragraph 8.27 and Policies BE12: Development in Conservation Areas and BE13: Demolition in Conservation Areas
 - The Canal Conservation Area Character Appraisal and Management Plan (Nottingham City Council March 2008)
 - Nottingham Aligned Core Strategies (Publication Version June 2012): Policy 11: The Historic Environment

- Draft Nottingham City Centre: Time and Place Plan (September 2013)
- Understanding Place: Conservation Area Designation, Appraisal and Management (English Heritage, March 2011)

6 APRAISAL

- 6.1 Local Authorities have a duty under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to designate areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. From 'time to time' they must also review their Conservation Areas and determine whether any additional parts of their area should be designated.
- 6.2 Paragraph 127 of the National Planning Policy Framework states: "When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest." The onus is therefore on the Local Authority to prove that an area is of special interest prior to designation. The same criteria also applies to the extension of Conservation Areas.
- 6.3 The adopted Local Plan encourages the Council to review Conservation Areas and seek ways to preserve or enhance their character. The emerging Aligned Core Strategy (Policy 11) supports initiatives where heritage assets are conserved. The proposed extension to the Conservation Area accords with these policies in contributing to the unique identity of an area and its sense of place. The draft Time and Place Plan (a document outlining the vision and future development of the city) recognises that the walking routes between the station and the Broadmarsh Centre can be improved, and that doing so will change the perception of the city on arrival outside the train station looking towards the City centre.
- 6.4 1 Collin Street and numbers 2 to 26 Carrington Street (evens) are a varied collection of early 20th century commercial buildings. Together they are considered to create an attractive frontage of high townscape quality. This view is supported by English Heritage and their Urban Panel. The extension to the Conservation Area to include these buildings meets the spirit of the NPPF in that our heritage assets are an 'Irreplaceable resource' and should be 'conserved in a manner appropriate to their significance'. In addition to safeguarding these buildings from demolition and further inappropriate alterations, the extension of the Conservation Area will greatly increase the likelihood of their enhancement through appropriate repairs and the reinstatement of historic features.
- 6.5 The architectural character of each building is set out in brief terms below.
- 1 Collin Street and 2-4 Carrington Street. A high quality brick and limestone Arts and Crafts building dating from 1914 by Evans & Son. Prominently situated addressing the corner of Carrington Street and Collin Street, it has four storeys with a mansard roof and retains its original windows and shop front. The semi circular third floor windows and deep dentil cornice are particularly unusual.
 - 6-12 Carrington Street. Formerly Gordon House, this 1926 building was designed by G.G. Hardy as the showroom and offices for his own furniture business. It has a classical colonnaded façade in the giant Ionic order and incorporates decorative bronze frieze panels. The original ground floor shopfronts have been replaced.

- 18 Carrington Street. A small 1913 Jacobean revival building by Evans & Son commissioned by Mr F. Hilliam for the Bottling Trade Supply Association (cork importers). The frontage is in faience with gallery windows, frieze and a deep dentil cornice. The original ground floor shopfront has been replaced.
- 20 Carrington Street. A small 1913 “Turdorbethan” arts and crafts shop by F.M. Ketton. The “timber framing” detail, eaves boarding and windows all survive in tact, but the original shopfront has been replaced.
- 22-26 Carrington Street. A 1923 Edwardian Baroque building by A.N. Bromley for the Anglo-American Oil Company. It has a Portland stone façade with Doric porticos on both the Carrington Street and Canal Street elevations and a deep dentil cornice. The corner is curved with a “quadrant” and a distinctive solar window.

6.6 The ownership of the buildings affected by the boundary extension is as follows:

- 1 Collin Street and 2-4 Carrington Street – Intu freehold
- 6-12 Carrington Street – Bhatia Best Solicitors freehold
- 18, 20 and 22-26 Carrington Street – Nottingham City Council freehold

6.7 During the consultation period three responses were received:

1) Letter of 17th December 2013 from Nathaniel Lichfield and Partners (NLP) on behalf of **Intu Properties plc**. This raised an objection to the extension of the conservation area. The key points of the letter are as follows:

- The character of the Canal Conservation Area as set out by the Appraisal and Management Plan is inextricably linked to the development of the Canal. It is therefore inappropriate to include the proposed buildings that do not have a strong physical or functional relationship with the development of the Canal.
- The architectural variety of the area to be included is of some interest in itself, but the buildings are very different in character to the wider Conservation Area. They have a scale, grain and architectural detailing which reflects their commercial history while buildings within the Conservation Area are industrial in character with functional elevations fronting the Canal.
- The buildings proposed for inclusion do not display the same architectural quality as adjacent buildings in the Conservation Area in terms of materials or decorative detailing.
- The initial appraisal undertaken by the Council to inform the designation was not made publicly available in line with English Heritage guidance.
- The designation of a conservation area, where not fully justified, has the potential to significantly inhibit redevelopment and regeneration potential and would impact negatively on Intu’s and the City Council’s longer term aspirations to invest in this part of Nottingham.

2) Letter of 19th December 2013 from **English Heritage**. This supported the extension of the conservation area. The key points of the letter are as follows:

- The area to be included is a very good row of late 19th and early 20th century commercial buildings and area a substantial remaining part of the historic corridor of Carrington Street. Its historic and architectural interest fully justify conservation area status.
- Inclusion within the conservation area will provide greater certainty over the future of the buildings and give confidence to those wishing to invest in the area. Research shows that designation and management promotes prosperity.
- It would be beneficial to draw the boundary wider still to include 1-3 Canal

Street (Richmond House) and 33 Greyfriar Gate. These are the last two historic buildings defining the 12th century Greyfriar Gate.

3) Consultation response from **Nottingham Civic Society** received 16th January 2014. The key points are as follows:

- It is appropriate to extend the conservation area. The additional buildings exhibit the same grain and alignment as those to the south and frame the long view towards the Station on a busy pedestrian route.
- The buildings enliven and reinforce the streetscape, are of human scale and have the potential to create an active frontage and a people friendly environment.
- The buildings are individually worthy of retention and are already contained within the Civic Society's proposed Local Interest List, but together they form an important piece of the townscape jigsaw in an area which has suffered significant losses of urban fabric in the past. Protection through conservation area designation which promotes retention and re-use is wholeheartedly welcomed.
- Richmond House and 33 Greyfriar Gate should also be added to the Conservation Area. They make a significant contribution to the townscape and setting of the Castle Rock and help to humanise the otherwise traffic dominated approach to the City Centre from the west.

- 6.8 NLP's first point states that it would not be appropriate to include buildings within the Canal Conservation Area that do not have a strong physical or functional relationship with the Canal. However, the Canal Conservation Area Appraisal and Management Plan states that "the area represents the development of part of the Nottingham Canal **and its surrounding area**". It also states that the existing designated area "comprises a mix of industrial, **commercial** and residential elements represented by **19th and 20th century buildings** focused on the Canal **and the street network**" (emphasis added). The part of Carrington Street proposed for inclusion is directly contiguous with the designated area, includes 20th century commercial buildings and forms part of a street which intersects the Canal. It is therefore felt that there is no conflict between the character of the Canal Conservation area as defined by the appraisal and the character of the area proposed for inclusion.
- 6.9 NLP's second point states that it would not be appropriate to include buildings of a commercial nature within a conservation area which is characterised by substantial industrial buildings. This assertion is contradicted by the summary of special interest in the Conservation Area Appraisal. It states that the designated area's built form "comprises a **mix** of industrial, **commercial** and residential elements represented by **19th and 20th century buildings...**" (emphasis added). The commercial character of the buildings in the proposed extension is therefore felt to be compatible with this description. Other buildings on Carrington Street, already within the Canal Conservation Area, (the Portland Hotel and the Gresham Hotel), are not industrial in character and instead incorporate a historic mix of commercial and hotel uses. Paragraph 7.3 of the 2008 appraisal further supports the presence of architectural variety in the Conservation Area by noting the "marked differences between... the commercial pattern established by Carrington Street and the first part of Castle Boulevard which in turn starts to merge residential and workshops at its western end."
- 6.9 NLP's third point states that the buildings to be included are not of sufficient quality to merit inclusion. In the Council's view the buildings demonstrate sufficient historic

and architectural merit to be worthy of designation. This view is supported by the consultation responses of both English Heritage and the Nottingham Civic Society. It is the Council's firm belief that the special interest of the Canal Conservation Area would be strengthened and not devalued by their inclusion. The designation would therefore comply with the requirements of paragraph 127 of the NPPF.

- 6.10 In their fourth point NLP comment that the initial appraisal undertaken by the Council to inform the designation process was not made publicly available as part of the consultation exercise. As the area to be included is of a limited size and an appraisal and management plan already exists for the remainder of the conservation area, it was not thought necessary to publish and circulate an in depth appraisal as part of the consultation exercise.
- 6.11 Intu's last point relates to the extension's potential to inhibit their and the City Council's longer term regeneration and redevelopment aspirations in this part of the City. The 2008 Appraisal of the Canal Conservation Area did not consider an extension to the boundary was needed; this assessment was made in the context of Westfield's emerging plans for the Broadmarsh West area which proposed the demolition of the identified buildings. The current position is considered to be very different. The previous proposals for the redevelopment of Broadmarsh put forward by Westfield are not being pursued by the current owners and major investment in the Station HUB redevelopment has placed a renewed emphasis on heritage led regeneration in this area of the City. The high profile HUB project has prompted the Council to explore opportunities to enhance the historic links between the Station and the City Centre. In the City Council's view the buildings identified for inclusion in the Conservation Area are of special interest and worthy of designation. Their inclusion in the Conservation Area will provide greater control over the demolition of the buildings and help to inform future development proposals. The designation is not intended to stifle regeneration, but to ensure that the area is developed in a manner that is sympathetic to its historic character.
- 6.12 English Heritage and the Nottingham Civic Society both proposed further additions to the conservation area. However, in order to focus on the importance of the north-south route along Carrington Street, it is not considered appropriate at this time to seek a further extension of the Conservation Area to include Richmond House and 33 Greyfriar Gate.

7 FINANCIAL IMPLICATIONS

- 7.1 There is a small cost to undertaking the necessary post decision statutory notifications; this is not expected to exceed £200 which can be contained within existing budgets.

8 LEGAL IMPLICATIONS

- 8.1 There is no legal obligation for Local Authorities to consult publicly prior to the designation of Conservation Areas. However, guidance from English Heritage (Understanding Place, Conservation Area Designation, Appraisal and Management, March 2011) establishes this as good practice.
- 8.2 Local Authorities have a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to designate areas of special historic or architectural interest that are worthy of preservation or enhancement. Number 1 Collin Street and Numbers 2 to 26 Carrington Street are considered to be of historic and

architectural interest and to merit inclusion within the Canal Conservation Area.

The principal effects of inclusion within a Conservation Area are as follows:

1. The Council is under a duty to prepare proposals to ensure the preservation or enhancement of the area.
2. Consent must be obtained from the Council for the demolition of any building in the area.
3. Special publicity must be given to planning applications for development in the area.
4. In carrying out any functions under the planning Acts (and, in particular, in determining applications for planning permission), the Council and the Secretary of State are required to take into account the desirability of preserving or enhancing the character or appearance of the area.
5. Permitted development rights for dwelling houses are subject to certain additional restrictions (the area proposed does not include any dwelling houses).
6. Internally illuminated advertisements are subject to planning control.
7. Six weeks' notice must be given to the Council before works are carried out to any tree in the area.

8.3 If a decision is made to approve the extension of the Conservation Area boundary statutory procedures set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 will need to be followed as if it were an initial designation. As such, the change to the boundary will need to be notified to the Secretary of State and English Heritage, and notice published in the local press and the London Gazette. These are statutory requirements under the provisions of Sections 69 and 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.4 There is no statutory right of appeal against the designation of a Conservation Area and no entitlement to compensation nevertheless; any interested person aggrieved by a decision in relation to designation could seek remedy by way of Judicial Review.

8.5 If approved by Planning Committee a designation on the extended Canal Conservation Area will take effect from the date of designation.

9 EQUALITY AND DIVERSITY IMPLICATIONS

None arising from this report.

10 RISK MANAGEMENT ISSUES

None arising from this report.

11 STRATEGIC PRIORITIES

11.1 The regeneration of this key link between the City Centre and the Nottingham Station Hub will tie in to a number of strategic objectives; primarily improving the key strategic route from the south of the city, including the Nottingham Station HUB to the Broadmarsh Centre and north to the city centre, as well as helping to improve linkages to Nottingham Castle.

12 CRIME AND DISORDER ACT IMPLICATIONS

None arising from this report.

13 VALUE FOR MONEY

- 13.1 The success of this scheme and the implementation of a Heritage Strategy for the City will stimulate the wider heritage led regeneration of the City.

14 HEALTH INEQUALITIES IMPLICATIONS

None arising from this report.

15 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

Arkwright Street Masterplan Brief
English Heritage consultation response to 09/02714/POUT, 6th April 2011

16 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT:

Nottingham City Centre Plan Draft for Consultation (February 2013)
English Heritage Urban Panel Report, Nottingham 2012/13
Canal Conservation Area Appraisal and Management Plan (March 2008)
Understanding Place, Conservation Area Designation, Appraisal and Management (March 2011)
National Planning Policy Framework (2012)

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