

EXECUTIVE BOARD – 20 SEPTEMBER 2016

Subject:	Proposed Bulwell Conservation Area
Corporate Director(s)/Director(s):	David Bishop, Deputy Chief Executive/Corporate Director for Development and Growth
Portfolio Holder(s):	Councillor Jane Urquhart, Portfolio Holder for Planning and Housing
Report author and contact details:	Tom Street, Principal Conservation Officer 0115 8764149 thomas.street@nottinghamcity.gov.uk
Subject to call-in:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Key Decision:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Criteria for Key Decision:	
(a) <input type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision	
and/or	
(b) Significant impact on communities living or working in two or more wards in the City <input type="checkbox"/> Yes <input type="checkbox"/> No	
Type of expenditure:	<input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital
Total value of the decision:	Existing resources/officer time
Wards affected:	Bulwell and Bulwell Forest
Date of consultation with Portfolio Holder(s):	06/09/2016
Relevant Council Plan Key Theme:	
Strategic Regeneration and Development	<input checked="" type="checkbox"/>
Schools	<input type="checkbox"/>
Planning and Housing	<input checked="" type="checkbox"/>
Community Services	<input type="checkbox"/>
Energy, Sustainability and Customer	<input type="checkbox"/>
Jobs, Growth and Transport	<input checked="" type="checkbox"/>
Adults, Health and Community Sector	<input type="checkbox"/>
Children, Early Intervention and Early Years	<input type="checkbox"/>
Leisure and Culture	<input type="checkbox"/>
Resources and Neighbourhood Regeneration	<input checked="" type="checkbox"/>
Summary of issues (including benefits to citizens/service users):	
This report sets out the case and process for designating a new Conservation Area in Bulwell which includes the town centre and adjacent areas. During the consultation phase for the Nottingham Heritage Strategy (adopted March 2015) there was a strong desire expressed to look beyond the City Centre and to provide proper recognition to the diverse heritage of Nottingham's local communities. The designation of Bulwell's town centre as a Conservation Area would provide a first step in preserving and enhancing its distinctive character. This designation proposal was identified as one of 5 flagship projects with potential to be taken forward in the first year of delivering the Nottingham Heritage Strategy.	
Exempt information: None	
Recommendation(s):	
1 That, having regard to the consultation responses received as outlined in the report, the area shown outlined red on the plan in Appendix 1, be designated as a Conservation Area.	

1 REASONS FOR RECOMMENDATIONS

- 1.1 Local Authorities have a duty under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") 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.

- 1.2 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.
- 1.3 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 designation of a Conservation Area in Bulwell accords with these policies in contributing to the unique identity of an area and its sense of place. It is felt that the area proposed for designation is of sufficient historic and architectural interest to be worthy of Conservation Area status. The designation is seen as a starting point for improving the management of the town’s built environment and is expected to provide a stimulus for investment by making the town eligible for heritage grant funding.
- 1.4 Bulwell’s history as a settlement extends back to the Anglo Saxon period (around 800 AD). A toll bridge, built at a convenient crossing point on the River Leen provided the focal point for a small trading post which was classed as a village by the time of the Domesday Book of 1086. The market established by roaming salesmen serving the needs of travellers on the road continues to trade from the same location to this day. By the 13th century the town had a church, built on the highest point in Bulwell where the current Church of St Mary the Virgin and All Souls (completed in 1851) now stands.
- 1.5 The availability of good local building materials and coal ensured that Bulwell continued to thrive during the middle ages when commercial mining and quarrying operations became well established. The distinctive magnesium limestone, now known as Bulwell Stone, was found to be durable, easy to quarry and easy to carve. Many high status buildings in the town are constructed from the stone, but it was also used extensively to construct more humble buildings such as terraced houses and boundary walls. The layer of clay that covered the stone was used for manufacturing bricks and earthenware while the easily accessible coal seams beneath it saw commercial mines established by 1500, the first in Nottinghamshire. The quarries, clay pits and coal mine, extended over an increasingly large area to the north west of the town centre and supported an ever growing population of workers. Brewing and later lace manufacturing were also important industries in the town.
- 1.6 By the nineteenth century overcrowding had become a serious concern; a steep decline in the infant mortality rate led to rapid population growth and further housing pressure. The land scoured by quarrying to the north west of the centre was used for the construction of new terraced housing and in the 1870s and 1880s new schools and the church of St John the Divine was built to serve this new district of the town. The church and the Commercial Road/Mersey Street/Thames Street corridor are now all that remains of this

stage of the town's development following slum clearances in the 20th century.

- 1.7 The proposed boundary of the Bulwell Conservation Area encompasses the historic street layout of the town. This can roughly be divided into 5 character areas: (1) the Market Place and town centre, (2) the Commercial Road corridor, (3) Highbury Road and Station Road, (4) north Main Street and (5) Bulwell Bogs and the River Leen.
- 1.8 **The Market Place and town centre.** Bulwell's commercial and historic heart is focused around the Market Place and Main Street. The area is characterised by its mixture of two and three storey commercial buildings, many of which date to the mid to late 19th and early 20th centuries. They are built in a variety of architectural styles including Renaissance Revival and Edwardian Baroque most often from brick with stonework dressings. Many have retained their traditional timber sash windows and upper floor features, but the lack of surviving traditional shopfronts is a noticeable problem. Just off Main Street, the quiet residential cul-de-sac of Montague Street, with its Victorian brick terraced houses, is worthy of mention.
- 1.9 **The Commercial Road corridor.** This character area includes the western edge of the original settlement and the 19th century infill development that grew up between the towns centre and the quarries and mine to the north west. It includes some notable historic buildings such as Strelley House, (a remarkable example of a purpose built school dating to 1667), a late 17th century Bulwell Stone dovecote, and terraces of Bulwell Stone and brick workers houses. Before the construction of Bulwell High Road, which now defines the western limit of the town's shopping centre, this area was a vibrant commercial area. Virtually all of the former shop units have now been converted to residential use.
- 1.10 **Highbury Road and Station Road.** To the east of the River Leen the ground rises to the highest point of the town where the Bulwell Stone Church tower and churchyard of St Mary's act as a key focal point. Other key public buildings of townscape merit include the Old Town Hall (1894) and the former Public Library (1923), both on Highbury Road. The area also has a mixture of Victorian terraced houses, semi-detached villas, detached houses and a Pub. Most of these are built from brick with stone dressings. Bulwell stone boundary and retaining walls are a particularly noticeable characteristic of this character area, as is the number of attractive mature trees.
- 1.11 **North Main Street.** The section of Main Street to the north of the junction with Bulwell High Road is slightly disjointed mixture of public, residential and commercial buildings. Nevertheless it includes some fine individual buildings such as the Gothic Revival St Mary's Primary School, the Neo-Classical former Methodist Church, the former Three Crowns, Scots Grey and Framesmiths Arms Public Houses and 202 Main Street, a fine late Victorian house in Bulwell Stone. The mix of materials and architectural styles produces a varied streetscene with an eclectic character. Vacant sites are currently a noticeable problem.
- 1.12 **Bulwell Bogs and the River Leen.** The public park known as Bulwell Bogs has served as a place of recreation for the people of Bulwell for generations

past. This attractive tree lined stretch of the River Leen sits at the heart of the town centre and includes the three bridges over the river, two of which are grade II listed. The proposed boundary of the Conservation Area extends southwards from the Bogs to incorporate the modern Bulwell Riverside Centre and the Baptist Church on Coventry Road, built of Bulwell Stone.

- 1.13 This initial assessment of the town's character demonstrates that it possesses sufficient historic and architectural interest to warrant designation as a Conservation Area. Planning Committee's comments on and endorsement of the proposal have been obtained, and are supportive. A detailed Conservation Area Appraisal and Management Plan will be produced to more thoroughly describe the area's character and provide guidelines for its future maintenance and development. This document will be subject to consultation with local residents before its formal adoption.
- 1.14 The finalised boundary proposal has taken into account the responses to consultation in section 2 of this report. The Baptist Church and Riverside Centre have been added to the area, while The Well Church and the neighbouring electricity substation have been excluded. A number of small changes have been made to make the boundary follow more rational boundary lines, allowing it to be more easily identified on the ground.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 Initial focus group meetings were held at Bulwell Riverside Centre on 9 December 2015 and 20 January 2016. This was attended by a diverse group of people with an interest in the area including representatives from the Bulwell Town Team and Bulwell History Society, Ward Councillors and a number of individual property and business owners. Through these meetings a draft boundary for the Conservation Area was developed.
- 2.2 These meetings were followed by a public consultation event in Bulwell Market Place on 18 March 2016. The draft boundary was presented and people had the opportunity to comment by responding to a brief survey. 24 individual survey responses were received all of which supported the designation of the town as a Conservation Area. 16 respondents were of the view that the boundary was appropriate as presented, while 5 thought that the Baptist Church on Coventry Road should also be included in the area. Many also gave comments about sites and buildings that they valued most highly and those which they felt had a negative impact on the area.
- 2.3 Following an amendment to the draft boundary to include the Baptist Church on Coventry Road, a consultation letter was delivered to all 430 properties affected by the designation over 11 and 12 March 2016. The letter included information on the implications of designation, a copy of the proposed Conservation Area boundary map, a link to an online survey for written responses and an invitation to a drop-in session at Bulwell Riverside Centre on 8 June 2016. A deadline of 16 June was given for written consultation responses. Around 30 individuals attended the drop-in session where local ward Councillors, Tom Street (Conservation Officer) and Mark Armstrong (Town Centre Co-ordinator) were available to discuss the proposal. A wide range of questions and issues were raised at the session and while most were supportive of the Conservation Area some who attended raised

concerns. The most common concern related to the restriction of property owners' rights in relation to development and works to trees.

2.4 A total of 16 responses were received to the online survey. Of these only one respondent objected to the proposed designation. The individual was of the view that the only buildings of note were the grade II listed buildings and that the proposed boundary included some Victorian and Edwardian Buildings while leaving many others outside the designated area. They felt that this placed many restrictions on selected properties while neighbouring properties were unaffected. The remainder of the responses were strongly supportive of the proposal and cited the benefits of enhancing the character of the area and improving its condition in the long term. 10 people said they supported the draft boundary and 5 said they did not. Of these 5, 2 said that the proposed area was too large and 2 said it should include additional streets. One respondent made a case for the exclusion of Commercial Road, Thames Street and Mersey Street. They pointed out that properties on these streets are mainly private rented houses, occupied by low income families and in a poor state of repair. They acknowledged that some of these homes were of architectural significance, but feared that the designation could deter landlords from improving the condition of their properties and would not address the social decline of the neighbourhood. In their view a much more proactive approach to improving the level of housing provision and the community pride in the area would therefore be required. The respondent was also of the view that the Well Church at 1 Strelley Street and the adjoining electricity substation were not of historic value and should be excluded from the designated area.

2.5 In addition to the survey responses, 5 responses were received by e-mail:

- the first objected to the designation of the Conservation Area. They were against the restriction of development freedoms and the additional expense of planning application fees. They felt the Conservation Area would stifle change and improvements to buildings and would not enhance the area;
- the second objected to the inclusion of the Bulwell Stone, terraced properties on Filey Street due to their poor condition and their potential to restrict the development options for the whole of the Shipstones Yard site;
- the third objected to the Conservation Area. They felt that it would restrict their development freedom, make it more costly for people to maintain their houses, lead to people allowing their trees to grow and grow, and make their property harder to sell;
- the fourth requested that the boundary be redrawn to exclude The Well Church at 1 Strelley Street and the adjacent electricity substation. As a church occupying a modern building they felt that being included in the Conservation Area would be of no benefit to them;
- the fifth was from the Nottingham Civic Society who supported the designation and the proposed boundary.

2.6 The feedback received from surveys and written comments has raised a number of points requiring a response:

- *"The Baptist Church on Coventry Road should be included in the designated area."* The Baptist Church and the neighbouring Riverside Centre have been included in the finalised boundary proposal;

- *“The only buildings of note in the town are the listed buildings.”* This point is challenged by other responses that gave numerous examples of unlisted buildings which are valued by the local community for their history and architecture. An initial assessment has shown that there are a large number of unlisted buildings of architectural and historic interest within the proposed boundary which warrant the additional recognition and protection offered by a Conservation Area;
- *“The boundary includes some Victorian and Edwardian buildings, but leaves many others outside the designated area.”* The proposed boundary aims to include the historic core of the town, but must also make an assessment of which streets and buildings have best retained their architectural character and materials. This has led to a boundary which is relatively tightly drawn around the town centre and the key routes out of it to the north west and east. It would be impractical and unjustified to include all the areas of Victorian and Edwardian development in the town;
- *“Commercial Road, Thames Street and Mersey Street should be excluded. The streets are mainly private rented houses occupied by low income families and are in a poor state of repair.”* The designation of a Conservation Area should not be assessed on the social status and demographics of an area’s population. It should only take into account whether an area is of sufficient architectural and historic interest and should be preserved and enhanced. The Commercial Road corridor includes some valuable streets of Bulwell Stone and Bulwell Brick terraces. These streets are also of historic interest as they date to a key phase in the town’s expansion when the land between the town centre and the quarrying and mining area to the north west was developed to provide much needed housing;
- *“The Well Church at 1 Strelley Street and the adjoining electricity substation should be excluded from the designated area.”* The Council agrees that the Well Church and the substation are of little historic and architectural interest. These buildings have therefore been excluded from the finalised boundary proposal;
- *“The Conservation Area will restrict development freedom, stifle change and lead to additional expense in planning application fees.”* A Conservation Area is not intended to restrict development, but to manage change in a way that is sympathetic to the historic character of an area. The restrictions on development freedom for private householders, particularly of terraced properties, are relatively limited and planning application fees for home owners are modest. In the Council’s view the designation of a Conservation Area for Bulwell will have positive benefits in stimulating the sensitive regeneration of the town. Combined with proactive management and possible grant schemes, the designation can lead to the improvement of the town’s built environment over the medium to long term;
- *“The terraced houses on Filey Street should not be included; they are in poor condition and would restrict the development of the wider Shipstones Yard site.”* The buildings in question are a good example of Victorian, Bulwell Stone terraced houses which retain a good proportion of their historic features. As such they are considered to be worthy of inclusion within the Conservation Area and should be seen as an opportunity to shape the redevelopment of Shipstones Yard rather than a hindrance;
- *“The Conservation Area will make it more costly for people to maintain their houses, lead to people letting their trees grow and grow and make*

houses harder to sell.” The inclusion of a property within a Conservation Area should have very little impact on maintenance costs for home owners. Repairs to properties are invariably permitted development meaning that roofing materials, windows and doors can all be replaced without the need for planning permission. Works to trees are controlled within Conservation Areas and owners are required to give the Council 6 weeks written notice of their intention to carry them out. This procedure is far less onerous than applying for works to trees protected by tree preservation orders. It is intended to encourage good management of trees which have a high public amenity value and contribute to the special character of the area. There is no evidence to suggest that houses in Conservation Areas are harder to sell, but studies have shown that house prices are higher on average within Conservation Areas.

- 2.7 In summary, the feedback received from surveys and written responses has been more positive than negative. 34 people gave positive responses and supported the designation of a Conservation Area in Bulwell. 9 had reservations or objected to the proposal. In terms of the draft boundary, 26 people supported the proposal while another 11 proposed changes to it.
- 2.8 On 7 September the proposal was presented to Planning Committee. Committee members were asked to note the proposal to designate the Conservation Area, to provide any specific comments, and recommend the designation by Executive Board in due course.
- 2.9 Planning Committee welcomed the proposal for a variety of reasons. These included the focus of attention extending beyond the City Centre; the proposed designation recognises the architectural and historic contribution made to Nottingham by Bulwell, many of whose high status buildings were constructed from the magnesium limestone now known as Bulwell Stone. Members noted the local interest and support for the proposal and congratulated officers for their proactive work in delivering a designation project of distinct character. It was felt by Committee Members that the designation would support and encourage Bulwell’s commercial identity.
- 2.10 Members were pleased to endorse the proposal and commend it to Executive Board for designation.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 Not to designate the proposed area in Bulwell. The designation project has been explored and evaluated thoroughly, extensive consultation has already taken place and the feedback has been far more positive than negative. Not to designate the new Conservation Area would deprive the Council of the opportunity to give greater recognition to the heritage of Nottingham’s neighbourhoods and to capitalise on potential funding streams that could help to aid the regeneration of Bulwell, and therefore this option was discounted

4 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 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.

5 LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND INCLUDING LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 5.1 As stated at paragraph 1.1 of this report, the Council has a duty under section 69 of the Listed Buildings Act to designate areas in appropriate cases where the criteria set out in that paragraph are met.
- 5.2 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.
- 5.3 The principal implications of the designation of a Conservation Area are as follows:
- the Council is under a duty to prepare proposals to ensure the preservation or enhancement of the area;
 - consent must be obtained from the Council for the demolition of any building in the Area;
 - special publicity must be given to planning applications for development in the area;
 - 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;
 - permitted development rights for dwelling houses within the Conservation Area are subject to certain additional restrictions;
 - internally illuminated advertisements are subject to planning control;
 - works cannot lawfully be carried out on any tree in the Area unless either the Council has consented to the tree works, or six weeks' prior notice of the intended works are given to the Council.
- 5.4 Should Executive Board approve the recommendation, the designation will take effect immediately. The Council must then comply with statutory requirements regarding notification of that designation, including publication in the London Gazette and in a newspaper circulating in the area. It must also notify the Secretary of State and the Historic Buildings and Monuments Commission for England.
- 5.5 The Council's responsibility as local planning authority for determining whether to designate an area as a Conservation Area is a matter for Executive Board under its terms of reference in the Council's Constitution, since it does not form part of the Policy Framework (which requires Full Council approval) and is not delegated to any specific committee or individual.

6 STRATEGIC ASSETS & PROPERTY COMMENTS (FOR DECISIONS RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE)

- 6.1 The proposed Conservation Area focuses primarily on the retail core of Bulwell and will increase the opportunities for investment in the area assisting the regeneration of Bulwell.

7 SOCIAL VALUE CONSIDERATIONS

- 7.1 Not applicable

8 REGARD TO THE NHS CONSTITUTION

- 8.1 Not applicable.

9 EQUALITY IMPACT ASSESSMENT (EIA)

- 9.1 Has the equality impact of the proposals in this report been assessed?

No
An EIA is not required because: The project does not introduce any changes to policies, services or functions.

Yes

10 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)

- 10.1 None

11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT

- 11.1 Nottingham Heritage Strategy (March 2015)
Understanding Place, Conservation Area Designation, Appraisal and Management (March 2011)
National Planning Policy Framework (2012)
Report of the Chief Planner to Planning Committee (17 August 2016) entitled Bulwell Conservation Area, Proposed Conservation Area Designation
Minute no. 26 of Planning Committee dated 17 August 2016

12 OTHER COLLEAGUES WHO HAVE PROVIDED INPUT

- 12.1 Mark Armstrong (Bulwell Town Centre Co-ordinator).
12.2 Judith Irwin (Senior Solicitor, Planning and Environment Team)