

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

2769

Author:

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Department:

Development

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Subject:

Extension of the Lace Market Conservation Area to include numbers 31-55 Lower Parliament Street

Total Value:

£200 maximum (Type: Revenue)

Decision Being Taken:

To extend the boundary of the designated Lace Market Conservation Area to include numbers 31 to 55 Lower Parliament Street (odds) as shown outlined in red in the attached Appendix 1.

Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on every Local Planning Authority to designate those parts of their area which are of special architectural or historic interest and desirable to preserve and enhance, as Conservation Areas. It also instructs Local Authorities to 'determine whether any parts or any further parts of their area should be designated as conservation areas; and, if they so determine, they shall designate those parts accordingly.' The key statutory test for the designation of a conservation area is therefore: does the area possess special architectural and historic interest which it is desirable to preserve or enhance.

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 apply to the extension of Conservation Areas.

The adopted Nottingham Local Plan encourages the Council to review Conservation Areas and seek ways to preserve or enhance their character. The Nottingham 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 Lace Market Conservation Area was first designated in July 1969. The original designated area has been enlarged three times; in April 1975, October 1983 and June 1988. On each occasion the boundary was extended northwards to include additional parts of the Hockley area. A Conservation Policy Statement for the Area was adopted in October 1993. Guidance from Historic England on the Designation, Appraisal and Management of Conservation Areas (February 2016) states that, although not a statutory requirement, public consultation on the designation of a Conservation Area is good practice. However, as the extension is of a very limited size and scope it was not felt to be proportionate to engage in a full programme of public consultation, but rather to seek the views of the property owners specifically affected by the proposal (Intu Properties PLC). The owners were informed by letter on 9 September 2016 and asked to provide their comments by 3 October 2016. A letter of representation was received from Intu Properties PLC, on 29 September 2016. Historic England were also consulted on the proposed extension on 4 October 2016, but have not provided any representations.

Intu Properties PLC who also own neighbouring buildings at 1-7 Glasshouse Street have indicated an intention to comprehensively redevelop this corner site and in relation to the Glasshouse Street properties, have previously served notice of prior approval of demolition. The Lower Parliament Street properties are of sufficient architectural and historic interest to be worthy of inclusion within the adjacent Lace Market Conservation Area. For the neighbouring properties on Glasshouse Street it is considered more appropriate to provide control over demolition by serving an Article 4 Direction which removes permitted development rights and a separate decision seeking approval to this course of action will be pursued. Ordinarily the comments and endorsement of Planning Committee would be sought on alterations to a designated Conservation Area boundary. However, it is now felt to be urgently necessary to provide clarity on the status of the buildings in question and to reach a quick decision as supported and endorsed by the Leader of the Council and the Portfolio Holder for Planning and Transport.

The expansion of the Lace Market Conservation Area boundary has been proposed in accordance with further guidance provided by Historic England's publication 'Conservation Area Designation, Appraisal and Management' (CADAM). Paragraph 17 of this document says that 'it is worth considering whether the immediate setting (of a Conservation Area) also requires the additional controls that result from designation, or whether the setting is itself sufficiently protected by national policy or the policies in the Local Plan.' In this case the two buildings proposed for inclusion within the boundary clearly form part of the Conservation Area's immediate setting and are considered to make a positive contribution to it. Together with numbers 30-34 Lower Parliament Street (within the Lace Market Conservation Area opposite) they frame the north eastern 'gateway' to Nottingham City Centre. At present these prominent buildings are not sufficiently protected by national and local planning policy as only a Prior Approval application is required for their demolition. Although there are currently no other buildings on the north side of Lower Parliament Street within the Conservation Area, this is not felt to be an obstacle to their designation and protection. If the resultant vacant site were left undeveloped it would open up views of unsightly service areas, significantly weakening the quality of the townscape and impacting negatively on the setting of the Lace Market Conservation Area.

The buildings proposed for inclusion are both early 20th century commercial premises of considerable architectural quality. Both are included in the Nottingham Civic Society's draft list of Local Heritage Assets in the City of Nottingham. Table 1 of the CADAM document sets out a checklist of questions for assessing whether a building makes an important contribution to the character of a Conservation Area. Although not all buildings within a Conservation Area will be considered to be 'key unlisted buildings' this checklist provides a useful framework for assessing the value of the buildings in the area proposed for inclusion. The historic and architectural interest of each building is assessed in turn below:

31-41 Lower Parliament Street. A three storey 1901 brick and terracotta showroom with a classical style, symmetrical façade. Designed by the local architect A.N. Bromley who rose to national prominence in the late 1890s as architect to Boot's the Chemist and the National Telephone Co. The building was originally built for a fruit merchant, but was converted to use as a car showroom and garage for R. Cripps & Co. Ltd in 1910. The business added a large rear garage extension in 1920, which was later demolished and replaced with a modern warehouse. It is occupied today by the Argos retail chain. The shopfront is a modern replacement, but is not felt to detract significantly from the architectural character of the building. It is not proposed to include the later warehouse extension within the Conservation Area. The building is considered worthy of inclusion within the designated area for the following reasons: o It is the work of a particular architect of regional and local note (A.N. Bromley) o Its age, classical architectural style and use of red brick and terracotta embellishments is typical of many buildings within the designated area. o It illustrates the development of the settlement in which it stands by being emblematic of the northward expansion of the commercial heart of the city centre. o It has historic associations with the Nottingham motor industry which rapidly expanded in the late 19th and early 20th century leaving a distinctive architectural legacy around the fringes of the city centre.

43-55 Lower Parliament Street. A three storey 1920s showroom addressing the corner of Glasshouse Street and Lower Parliament Street. Portland Stone and faience terracotta frontage in 1920s classical style with giant order Ionic pilasters. The upper storeys retain their original metal casement windows, but the original shopfront has been replaced and the deep fascia board is out of proportion with the façade. The building is considered worthy of inclusion within the designated conservation area for the following reasons: o It has a landmark quality, using light coloured materials and having a form that complements and accentuates its prominent corner plot. o It contributes positively to the character and appearance of the area by retaining its attractive Deco style and is a good example of a building of this period.

The extension to the Conservation Area to include these buildings of demonstrable special character complies with paragraph 127 of the NPPF and will allow them to be 'conserved in a manner appropriate to their significance'. In addition to safeguarding these buildings from demolition and inappropriate alteration, it is hoped that the extension of the Conservation Area will see them being put to long term sustainable uses that can enhance their appearance and safeguard the character of the area.

Briefing notes documents: Appendix 1.pdf

Other Options Considered:

- 1) To also include the Glasshouse Street properties within the proposed extension to the Lace Market Conservation Area. This option was discounted as it was considered more proportionate to utilise an Article 4 direction as a means of controlling the demolition of the Glasshouse Street properties, given their lesser quality.
- 2) Do nothing. This option has been discounted as it would fail to provide sufficient protection for the Lower Parliament Street buildings which are considered to be of architectural and historic interest.

Background Papers: None

Published Works:

- Lace Market Conservation Area Policy Statement (1993)
- Nottingham Local Plan (2005)
- Greater Nottingham Aligned Core Strategies (September 2014)
- Nottingham Heritage Strategy (2015)
- Understanding Place, Conservation Area Designation, Appraisal and Management (March 2011)
- NPPF (2012)

Affected Wards: St Ann's

Colleague / Councillor Interests: None

Consultations:

Date: 29/09/2016

Other: Nathaniel Lichfield and Partners on behalf of Intu Properties PLC

A letter was received on 29th September 2016 objecting to the proposed extension of the conservation area and the inclusion of their client's buildings within it.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: None

Equality: EIA not required. Reasons: The decision does not relate to new or changing policies, services or functions.

Decision Type: Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

20/03/2017

Advice Sought:

Legal, Finance

Legal Advice:

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.
 2. The principal effects of inclusion within 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 (including 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 are subject to certain additional restrictions
 - Internally illuminated advertisements are subject to planning control.
 - Six weeks' notice must be given to the Council before works are carried out to any tree in the area.
 3. There is no statutory requirement for local authorities to consult publicly prior to the designation or extension of a Conservation Area. However, guidance from Historic England (Conservation Area Designation, Appraisal and Management Advice Note 1 February 2016) recommends such consultation as good practice.
 4. If the extension of the Conservation Area boundary is approved, 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 Historic England, 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.
 5. 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.
 6. If approved a designation on the extended Lace Market Conservation Area will take effect from the date of the Portfolio Holder's decision (subject to call in).
- Advice provided by Malcolm Townroe (Legal Services Manager) on 24/02/2017.

Finance Advice:

As outlined in the attached report there are some small financial implications of this decision which can be absorbed within the services' current budget.

Advice provided by Susan Tytherleigh (Senior Finance Manager) on 11/01/2017.

Signatures

Jane Urquhart (Portfolio Holder for Planning and Housing)

SIGNED and Dated: 10/03/2017

David Bishop (Deputy CE, CD for Development and Growth)

SIGNED and Dated: 10/03/2017