

**SOUTH SHOREDITCH CONSERVATION AREA PROPOSED EXTENSION****CABINET MEETING DATE****16 September 2019****CLASSIFICATION:****Open****WARD(S) AFFECTED****Hoxton East & Shoreditch****CABINET MEMBER****Cllr Guy Nicholson****Planning, Culture & Inclusive Economy****KEY DECISION****No****GROUP DIRECTOR****Kim Wright, Group Director, Neighbourhoods & Housing**

## **1. CABINET MEMBER'S INTRODUCTION**

- 1.1 This report proposes a small extension to the existing South Shoreditch Conservation Area. The area was first designated 1991 and was last reviewed in 2011.
- 1.2 The proposed extension is a small area however, the buildings are considered a feature of the townscape and as such will add to the unique character of this thriving Conservation Area that makes up the heart of Shoreditch at the centre of Tech City.
- 1.3 I commend this report to Cabinet.

## **2. GROUP DIRECTOR'S INTRODUCTION**

- 2.1 The Council has an ongoing statutory duty to review its conservation areas and to determine whether any parts or further parts of their area should be designated as conservation areas. This report proposes a minor extension of the existing South Shoreditch Conservation Area at its south-east corner.
- 2.2 The proposal is coming forward now following work undertaken for the Local Plan and the Shoreditch Area Action Plan ('the AAP') that identified that the buildings within the proposed extension area are of architectural and historic interest, but are presently not protected by any statutory conservation area designation.
- 2.3 These buildings are of a similar age, appearance and character to the buildings within the South Shoreditch Conservation Area. Accordingly, the proposed extension will serve to further complement, preserve and enhance the character of the existing conservation area and give it a more coherent boundary.
- 2.4 Extension of the conservation area to include this additional area will ensure that the area and these intrinsically valuable heritage buildings are protected. The proposed extension area clearly has the special interest elements of architectural appearance and historic character warranting conservation. It is considered that inclusion will add to the special character of the conservation area.

## **3. BACKGROUND**

- 3.1 The Council has recently undertaken work on the new Local Plan (LP33) and Future Shoreditch Area Action Plan (AAP), which has included in depth urban analysis of key sites across South Shoreditch. This has in

turn prompted a high level review of the South Shoreditch Conservation Area boundary. The proposed extension to the existing South Shoreditch Conservation Area to include the triangular site at the junction of Bishopsgate and Commercial Street is considered to meet the statutory test regarding special architectural and historic interest.

3.2 Paragraph 186 of the National Planning Policy Framework requires local planning authorities to ensure that the designation of conservation areas is justified based on special architectural and historic interest. The full heritage significance of the proposed extension area has only recently become known as a result of detailed analysis carried out for the Local Plan and Shoreditch AAP along with associated site visit and desk based research. Officers are satisfied that the proposed extension satisfies paragraph 186 as detailed in the Addendum to the existing South Shoreditch Conservation Area Appraisal (Appendix 1).

3.3 Because the work undertaken has indicated that it would be desirable to preserve and enhance the architectural and historic qualities of the proposed extension area, it is considered appropriate to include it within the South Shoreditch Conservation Area following a 21 day consultation with landowners and other interested parties. Responses received are being carefully considered as part of the consultation exercise. The findings of responses received to date can be seen in Appendix 3 (Table of Consultation Responses received by 4 September 2019) and if further responses are submitted before the consultation period concludes, these will be addressed at the Cabinet meeting. If the proposed recommendations are not approved, the area will not receive any statutory protection as a conservation area, compromising the Council's ability to preserve and enhance its special architectural and historic qualities including the ability to manage inappropriate development and the loss of buildings within the area.

#### **4. RECOMMENDATION(S)**

##### **4.1 Cabinet is recommended to approve:**

- **the proposed minor extension of the South Shoreditch Conservation Area;**
- **the addendum to the South Shoreditch Conservation Area Appraisal;**
- **the revised South Shoreditch Conservation Area Boundary.**

## 5. REASONS FOR DECISION

- 5.1 The proposed extension area lies at the south-east corner of the existing South Shoreditch Conservation Area at the junction of Bishopsgate and Commercial Street. The extension area is bounded by the existing conservation area to the west and the former Bishopsgate Goods Yard to the north. To the south is the low level mainline railway into Liverpool Street and to the east is the London Borough of Tower Hamlets (see *Appendix 2, Map of Extended South Shoreditch Conservation Area*).
- 5.2 The proposed extension area contains a number of buildings, spaces and features of architectural and historic interest (*as outlined in Appendix 1, Addendum to South Shoreditch Conservation Area Appraisal*) including:

### **21 – 26 Shoreditch High Street**

Two storey Edwardian parade with commercial units at the ground floor. The buildings are faced in red brick with pitched roofs and a single, large central window to each bay.

### **27 – 31 Shoreditch High Street**

Four storey former bank, circa 1850s with cornices at each floor level and decorative, dentilled cornice at parapet level. Timber sash windows with stone surrounds on the upper floors.

### **32 Shoreditch High Street**

Four storey former pub, last known as the Unicorn PH, circa 1850s. Cornices at each floor level with decorative, dentilled cornice at parapet level. Windows appear to have been remodelled from their Victorian originals but retain a traditional appearance. The building has been the subject of unauthorised advert hoardings for many years.

### **167 – 169 Commercial Street**

Four storey building, circa 1850s with cornices at each floor level and decorative, dentilled cornice at parapet level. Timber sash windows with stone surrounds at upper levels.

### **Boundary Wall on Commercial Street**

Single storey brick wall associated with Great Eastern Railway. Blue engineering brick at base with yellow stock above and red brick detail incorporating 5 recessed bays.

These buildings are of a similar age, appearance and character to those within the South Shoreditch Conservation Area and the proposed extension will give the existing conservation area a more coherent boundary.

- 5.3 Whilst the area immediately west of the site was incorporated into the extended South Shoreditch Conservation Area in 2011, the proposed extension area was not fully surveyed at that time. This appears to have been an oversight, possibly because the buildings were mistakenly thought to be part of a neighbouring borough. Nevertheless, the extension merits inclusion in the South Shoreditch Conservation Area, and meets the statutory criterion for designation under Section 69 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, that the area be of 'special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. The work carried out for the Local Plan and Future Shoreditch AAP brought to attention the fact that the proposed extension area met the criterion for designation set by Section 69 (1) and prompted consideration of extending the conservation area boundary.
- 5.4 The extension of the conservation area will have various consequences. Buildings within the area will be protected from uncontrolled demolition, and their setting will be safeguarded by the requirement for a higher standard of design for new development. Certain permitted development rights will be withdrawn, for example, for minor roof alterations, dormer windows and satellite dishes. Control over the erection of advertisements and signs will be greater, and the Council must be notified in advance of any proposed works to trees in the area. The Council could withdraw further permitted development rights by making Article 4 directions as appropriate.
- 5.5 Extension of the conservation area would mean that the buildings within the proposed extension could not be demolished without the Council's consent. However, this is not the consideration which should inform the decision to extend the conservation area. The primary consideration upon this review of the conservation area boundary is whether it is desirable to preserve or enhance the architectural and historic qualities of the proposed extension area owing to its special interest of character and appearance.

### **Legal Powers**

- 5.6 The Council has the legal powers for this course of action. Section 69 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities from time to time to determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and to designate those areas as conservation areas.
- 5.7 Section 69 (2) places a duty on local planning authorities from time to time to review the past exercise of functions under this section and to

determine whether any parts or further parts of their area should be designated as conservation areas, and if they so determine, to designate those parts accordingly. The present proposal arises out of this duty.

- 5.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities, in the exercise of their planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 5.9 The conservation area character appraisal is taken into account when exercising decision making functions within the planning process, and in appeals against refusals of conservation area consent for demolition and refusals of planning permission in a conservation area.

### **Decision-making principles**

- 5.10 The proposal conforms to Council's principles of decision-making and public consultation. The property owners, occupiers and other key stakeholders with an interest in property within the proposed extension area have been invited to comment on the proposal as part of a 21 day consultation exercise. The initial designation of the conservation area in 1991 (and extension in 2011) and the adoption of its appraisal was also done following public consultation with residents and other stakeholders. The proposed extension of the conservation area would also be published in the London Gazette and one local newspaper circulating in the Hackney area.
- 5.11 The proposed extension covers a small area and accordingly this report is relatively short, with more detail provided in the appendices.
- 5.12 The proposal takes account of Historic England guidance on conservation areas, *Conservation Area Appraisal, Designation and Management*, 2019.
- 5.13 The extension is consistent with human rights. Although it introduces additional controls, planning applications are individually assessed on their own merits and any other relevant applicable considerations can be taken into account during the assessment of such applications.
- 5.14 The extension will further the Council's aim to conserve its historic environment, and produce a more rationally-defined conservation area.

## **6. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 6.1 Consideration was given to including additional areas close to the existing conservation area boundary. However, following a thorough site visit of sites bordering the boundary, no further areas meeting the tests for inclusion were identified.

6.2 The option of doing nothing was rejected as the building's heritage significance is currently not adequately recognised.

## **7. BACKGROUND**

### **7.1 Policy Context**

The proposal supports the Core Strategy (2010) policies 24 *Design* and 25 *Historic Environment* and Hackney's Sustainable Community Strategy (2009), Priorities 5 (promoting well-designed neighbourhoods) and 6 (protecting Hackney's environment). It also conforms to the National Planning Policy Framework 2019.

7.2 Under the National Planning Policy Framework (NPPF) 2019, conservation areas are classed as designated heritage assets. The NPPF requires local planning authorities to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, LPAs should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

## **8. Equality Impact Assessment**

8.1 There will be no detrimental impact.

## **9. Sustainability**

9.1 There will be a beneficial effect through improved protection of the historic built environment, which forms part of the physical environment. There will be no detrimental effect on the physical and social environment.

## **10. Consultations**

10.1 There is no statutory duty to undertake public consultation prior to the designation or extension of conservation areas, although it is Hackney's normal practice. The initial designation (and extension) of South Shoreditch Conservation Area and its Appraisal were the subject of public consultation and this may increase the weight accorded to the conservation area appraisal in appeals.

10.2 A 21 day consultation is being carried out from 19th August to 9th September 2019 with the owner/occupiers of buildings within the proposed extension along with other interested parties. A summary of responses received as at the date of writing is contained at Appendix 3. Once the consultation period has concluded, all of the responses received will be considered, and then subsequently reported on at the Cabinet meeting (in particular addressing whether any further responses received give cause to change or amend the recommendation contained in this report).

10.3 Some common reasons that may be raised to object to the extension can be responded to as follows:

- Firstly, an objection on the grounds that the extension was omitted from the original designation of the area in 1991 and extension in 2011 and therefore there is no good reason to include this area now. Response: review of conservation areas is provided for under Section 69 (2) of the 1990 Act, and adjustment of their boundaries is a normal part of the process. This extension is proposed following such a review and new and better understanding of the architectural and historic qualities of the buildings, spaces and features in the area following a detailed site visit and subsequent conservation appraisal.
- Secondly, an objection that the extension is made with the object of preventing the demolition of the buildings within the proposed extension is not founded. Response: while the designation of the proposed extension area as a conservation area will help to preserve the buildings located within the area, the impetus for the extension is the preservation of the architectural and historic interest of the area, not a desire to prevent demolition at specific properties. A conservation area does not provide a blanket ban on future demolition, rather it extends the extent of planning control to guide any future applications for development.

## **11. Risk Assessment**

11.1 If the conservation area is not extended as proposed, it will be incomplete and a significant element of the historic environment will be unprotected and consequently liable to uncontrolled demolition and to erosion of its setting by inappropriate development.

## **12. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND RESOURCES**

12.1 This report proposes a small extension of the South Shoreditch Conservation Area. The staff cost and additional publicity associated with enforcing the new conservation area will be met by the existing Planning



budget. No other financial implications are identified at the time of this report.

### **13. COMMENTS OF THE DIRECTOR OF LEGAL**

13.1 Cabinet has the requisite authority to make this decision. The Mayor's Scheme of Delegation provides that "determining what areas in the Borough should be declared Conservation Areas" is an executive function to be discharged by the Mayor and Cabinet.

To make a decision to extend the proposed conservation area, Cabinet must satisfy itself that it has sufficient information to:

- identify the special architectural or historic interest of the area.
- identify the character or appearance of the area that might be preserved or enhanced.
- decide whether that character or appearance is worth preserving or enhancing.

13.2 Careful thought should be given to extending the conservation area because the benefits of preserving and enhancing the architectural and historic qualities of the area must be balanced against the restrictions that will follow from the designation. Merely aiming to prevent the demolition of a building is not a justification to extend the designation to the proposed extension area.

13.3 The buildings, spaces and features within the proposed extension area are being recommended for inclusion within the conservation area because the Conservation Appraisal undertaken as part of this statutory review indicates that the area has special architectural and historic interest, making it desirable to preserve and enhance this area with a conservation area designation. This is the primary statutory criterion on which this decision is to be made.

13.4 The Council generally has a practice of undertaking consultation with the public prior to the resolutions of the type set out in the recommendations. Although there is no obligation to consult under the relevant legislation, it is desirable and established practice to engage with landowners, occupiers and other stakeholders and consider their views before making a determination on this proposal.

### **14. APPENDICES**

1. Addendum to South Shoreditch Conservation Area Appraisal
2. Map of Extended South Shoreditch Conservation Area
3. Table of Consultation Responses received by 4 September 2019

## BACKGROUND PAPERS

In accordance with Section 100D of the Local Government Act, 1972 - Access to Information a list of Background Papers used in the preparation of reports is required.

Description of document	Location	Date
Historic England, <i>Conservation Area Appraisal, Designation and Management</i> , 2019	Historic England website	2019
Hackney Borough Council, South Shoreditch Conservation Area Appraisal, 2011	Hackney Borough Council website <a href="https://www.hackney.gov.uk/south-shoreditch-ca">https://www.hackney.gov.uk/south-shoreditch-ca</a>	2011

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