



REVIEW OF LEA BRIDGE CONSERVATION AREA

CABINET MEETING DATE 18 November 2019	CLASSIFICATION: Open
WARD(S) AFFECTED Lea Bridge Kings Park	
CABINET MEMBER Cllr Guy Nicholson Planning, Culture & Inclusive Economy	
KEY DECISION No	
GROUP DIRECTOR Ajman Ali, Interim Group Director, Neighbourhoods & Housing	

1. CABINET MEMBER'S INTRODUCTION

- 1.1** Lea Bridge Conservation Area was first designated in 2005 to include a group of 19th century buildings associated with the historic industrial character of the River Lea. The boundary was tightly drawn and the 2005 appraisal identified potential future extensions to the east. The Council's 2017 borough wide Conservation Areas Review recommended expansion of the boundary to also include both the Middlesex Filter Beds and Millfields Recreation Grounds.
- 1.2** Following careful review, it is proposed to extend the boundary to include the historic green, open spaces, which surround the core of the existing Lea Bridge Conservation Area. This extension will ensure that the area's special character is protected.
- 1.3** The proposal also includes a Draft Conservation Area Appraisal, which replaces the 2005 document.
- 1.4** 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 review of the existing Lea Bridge Conservation Area proposes extensions to the boundary along with an updated draft appraisal and management plan, which replaces the 2005 appraisal.
- 2.2** The proposal is coming forward now following work undertaken for the Council's 2017 Conservation Areas Review, which identified a number of workstreams for review and designation of conservation areas within the borough.
- 2.3** The proposed review and extension of the conservation area will ensure that the area's special character is given appropriate statutory protection and has an up to date appraisal. Accordingly, the proposed review and extension will serve to further complement, preserve and enhance the character of the conservation area and give it a more coherent boundary.

3. RECOMMENDATION

3.1 Cabinet is recommended to approve:

- i. The Draft Lea Bridge Conservation Area Appraisal & Management Plan (Appendix A) and Draft Lea Bridge Conservation Area Map (Appendix B) for a six week consultation with residents and other stakeholders.**

4. BACKGROUND

4.1 The Council undertook a borough wide review of its existing and potential conservation areas in 2017, which identified several workstreams for ongoing review and designation.

4.2 The proposed extension to the existing Lea Bridge Conservation Area to include the historic Middlesex Filter Beds and Millfields grounds will protect the area's special character and is considered to meet the statutory test regarding special architectural and historic interest.

4.3 These historic open spaces have existed for hundreds of years and been variously used as lammas land, millfields and filter beds. They are a significant part of the area's riverside history and make a positive contribution to the setting of the historic core of 19th century buildings. The research undertaken for this review has indicated that it would be desirable to preserve and enhance the historic qualities of the area through extension of the conservation area boundary.

4.4 Subject to Cabinet's approval to proceed, it is proposed to carry out a six-week community consultation on the Draft Lea Bridge Conservation Area Appraisal and Management Plan ('the Draft Appraisal') with local residents and stakeholders.

4.5 The Draft Appraisal follows best practice, as set out by Historic England and describes in detail what gives the conservation area its special character and interest along with identifying any weaknesses. The Management Plan makes recommendations on how to address the weaknesses in order to add to the special interest of the conservation area.

4.6 The preparation and adoption of Conservation Area Appraisals and Management Plans is an important tool in informing and controlling development in those areas and appraisals and management plans that have been adopted following public consultation have greater weight in the planning process.

5. POLICY CONTEXT

- 5.1** 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.
- 5.2** Under the National Planning Policy Framework (NPPF) 2019, conservation areas are classed as designated heritage assets. The NPPF requires local planning authorities (LPAs) 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.

6. LEGAL POWERS

- 6.1** 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.
- 6.2** 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.
- 6.3** 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.
- 6.4** A 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.

7. REASONS FOR DECISION

- 7.1** This decision is required in order to ensure that the area's heritage is recognised and a full and up to date conservation area appraisal clearly sets out the area's qualities and identifies threats and weaknesses.
- 7.2** This decision is required in order to ensure that guidance is in place in the form of a management plan that provides ways to address weaknesses in the conservation area and add to its special interest and character.
- 7.3** This decision is required in order to ensure that the conservation area boundary accurately reflects the special character and historic context of this area and ensures that appropriate protection is in place.

8. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 8.1** Consideration was given to extending the Lea Bridge Conservation Area to only include the Middlesex Filter Beds to the east of the River Lea. However, this was rejected as the Millfields Recreation Grounds to the west of the existing conservation area are considered to be equally important in terms of historic interest and contribution to the open setting of the historic core of 19th century buildings.
- 8.2** The option of doing nothing was rejected as the 2017 Conservation Areas Review identifies a need to review existing conservation areas where the special architectural and historic interest justifies it, in line with national legislation.

9. EQUALITY IMPACT ASSESSMENT

- 9.1** There will be no detrimental impact to groups with protected characteristics under the Equality Act 2010.

10. SUSTAINABILITY

- 10.1** 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.

11. CONSULTATIONS

11.1 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 Council will therefore carry out a public consultation with stakeholders as appraisals that have been adopted following public consultation carry greater weight on appeal.

11.2 Community Consultation on the Draft Appraisal (Appendix A) and boundary map (Appendix B) will be undertaken for six weeks following the Cabinet decision. A copy of the proposed consultation letter can be found at Appendix C. The proposal and consultation details will be publicised in the Hackney Gazette and made available on the Council's conservation webpages. The consultation material will also be available at Clapton and Hackney Central libraries and a drop-in session will be held in the local area. Historic England, the Hackney Society and Clapton Conservation Area Advisory Committee (CAAC) will also be notified of the proposals.

12. RISK ASSESSMENT

12.1 None required.

13. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

13.1 This report requests Cabinet to approve public consultation to be undertaken with respect to the proposed Draft Appraisal and expanded conservation area boundary map.

13.2 The recommendation in this report has no immediate financial impact and the cost of the consultation process outlined in section 10 will be managed within the Planning service revenue budgets.

13.3 The expanded conservation area, if it is adopted, will incur minimal costs for staff time and production of documents. These will be contained within the current Planning budgets.

14. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES

14.1 Cabinet is authorised to approve the commencement of public consultation of the proposed review and extension of the Lea Bridge Conservation Area by virtue of:

a) Section 9D(2) of the Local Government Act 2000 and Regulation 3(1) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;

b) Article 5 of the Council's Constitution, which states that the Mayor and Cabinet shall carry out all of the local authority's functions which are not the responsibility of any other part of the local authority whether by law or under the Constitution but only to the extent of the delegation from the Mayor; and

c) the Mayor's Scheme of Delegation, which expressly grants responsibility to the Mayor and Cabinet for making recommendations to the council on the declaration of Conservation Areas

14.2 There is no statutory requirement for the council to consult the public before designating a conservation area. The stated six week consultation period in this case is a legacy of now repealed planning regulations that are now established customary practice among planning officers. It is considered that this is an appropriate period in which to engage with landowners, occupiers and other stakeholders and consider their views before making a recommendation on whether to expand the conservation area boundary. If ultimately approved, the weight as a material consideration of the final Appraisal document is also enhanced if it has been through a public consultation process.

14.3 Section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) ('the Act') effectively defines conservation areas as "areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance". Section 69(2) of the Act places a local planning authority under an ongoing statutory duty to review its conservation areas from time to time and "to determine whether any parts or further parts of their area should be designated as conservation areas". The Draft Appraisal that was carried out to ascertain the architectural and historic merits of the Lea Bridge has addressed these statutory criteria and has concluded that the conservation area boundary should be expanded.

14.4 Statutory implications of the expansion of the conservation area boundary chiefly relate to management of future development. Under section 72 of the Act, the LPA must pay special attention to the desirability of preserving or enhancing the character or appearance of a

conservation area when determining planning applications. Furthermore, some permitted development rights (pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GPDO”)) are applied more restrictively or will not apply at all within conservation areas (e.g. additions to the roof of a dwelling house under class B of Part 1 of Schedule 2 of the GPDO etc.

- 14.5** A conservation area character appraisal and management plan is taken into account in the planning process, and in appeals against refusals of planning permission (including demolition) in a conservation area.

15. NEXT STEPS

- 15.1** Following the six week public consultation, all responses will be carefully considered and any necessary amendments to the appraisal or boundary map will be made before the item is brought back to Cabinet for approval to designate.

APPENDICES

- APPENDIX A** – Draft Lea Bridge Conservation Area Appraisal & Management Plan
APPENDIX B – Draft Lea Bridge Conservation Area Map
APPENDIX C – Draft Community Consultation Letter

BACKGROUND PAPERS

None

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