



DESIGNATION OF PITFIELD STREET CONSERVATION AREA

FORWARD PLAN NO. NH 27

CABINET MEETING DATE

19 July 2021

CLASSIFICATION:

Open

WARD(S) AFFECTED

Hoxton West, Hoxton East and Shoreditch

CABINET MEMBER

Cllr Guy Nicholson

Deputy Mayor for Housing Supply, Planning, Culture and Inclusive Economy

KEY DECISION

Yes

GROUP DIRECTOR

Ajman Ali, Group Director, Neighbourhoods & Housing

1. CABINET MEMBER'S INTRODUCTION

- 1.1 Hackney Council has a statutory duty to regularly review its existing conservation areas in addition to assessing neighbourhoods for their suitability for designation as new conservation areas. In addition to the statutory duty, the Mayor's 2019 - 2022 manifesto sets a clear commitment for the Council to deliver an ambitious programme of Conservation Area reviews and designations.
- 1.2 The Council undertook a borough wide review of its existing and potential conservation areas in the 2017 Conservation Area Review Study (CARS), which identified several workstreams for ongoing review and designation. The CARS proposes ongoing review of existing conservation areas and the designation of a further 18 potential conservation areas.
- 1.3 The designation of potential conservation areas is generally given higher priority in the programme as these areas have more limited heritage protection than areas already designated.
- 1.4 The designation of Pitfield Street Conservation Area will therefore ensure that the area's important heritage and cherished local character is given the appropriate protection.
- 1.5 I commend this report to Cabinet.

2. GROUP DIRECTOR'S INTRODUCTION

- 2.1 This report proposes the designation of Pitfield Street Conservation Area, which is an area of architectural and historic interest that is currently unprotected by any statutory designation. Designation of the conservation area will ensure that its heritage significance is properly recognised.
- 2.2 The proposed designation 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 designation will serve to preserve and enhance the character of the conservation area and give it a coherent boundary.

3. RECOMMENDATION(S)

3.1 Cabinet is recommended to approve:

- Appendix A: the proposed designation of Pitfield Street Conservation Area;

- Appendix B: the Pitfield Street Conservation Area Appraisal and Management Plan;

4. BACKGROUND

- 4.1 The proposed Pitfield Street Conservation Area is one of 18 potential conservation areas identified in the 2017 CARS document.
- 4.2 The proposed designation of Pitfield Street Conservation will protect the area's special character and is considered to meet the statutory test regarding special architectural and historic interest.
- 4.3 The proposed conservation area is centred on linear development of Pitfield Street which rapidly grew in the 18th and 19th century. Terraces of 19th century housing were formerly located off this route but were largely replaced by post-war redevelopment.
- 4.5 The Conservation Area 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.
- 4.7 The designation of the conservation area will have various consequences. Buildings affected 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 works to trees.

5. CONSULTATIONS

- 5.1 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 has therefore carried out a public consultation with residents and stakeholders as appraisals that have been adopted following public consultation carry greater weight on appeal.

- 5.2 A 28 day community consultation with local residents and stakeholders on the Draft Appraisal (Appendix A) and boundary map (Appendix B) was undertaken between the 2nd and 30th June, 2021. A copy of the consultation responses can be found at Appendix C.
- 5.3 The proposal and consultation details were available on the Council's conservation webpages. The consultation material was also made available at Hackney Central and Shoreditch libraries and a virtual drop-in session was held. Historic England, the Hackney Society and Central & South Hackney Conservation Area Advisory Committee (CAAC) were also notified of the proposals.
- 5.4 A total of 18 responses were received. 13 responded in support of the proposals. 3 people responded who neither supported nor objected to the proposals but requested further information on what the implications would be for their property. 2 responded raising objections of concerns to the proposals. The Council's response to these matters can be found in Appendix C.

6. POLICY CONTEXT

- 6.1 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.
- 6.2 The proposal aligns with regional heritage policies in the London Plan and local policies, which seek to preserve and enhance Hackney's heritage assets. The proposal supports the policies in the Local Plan (2020), including policy LP3 (Designated Heritage Assets), which is underpinned by the 2017 Conservation Areas Review Study.

7. LEGAL POWERS

- 7.1 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.
- 7.2 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.

7.3 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.

7.4 The conservation area character appraisal is taken into account in the planning process, and in appeals against refusals of conservation area consent for demolition and against refusals of planning permission in a conservation area.

8. REASONS FOR DECISION

8.1 This decision is required in order to ensure that the area's heritage is recognised and a full conservation area appraisal clearly sets out the area's qualities and identifies threats and weaknesses.

8.2 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.

8.3 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.

9. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

9.1 Consideration was given to designating other potential conservation areas before Pitfield Street Conservation Area. However, this was rejected as this area is undergoing a period of change, has development pressures and threats in the form of roof extensions and inappropriate developments and has undervalued heritage, which would benefit from statutory protection. There is therefore a robust case for designating the conservation area at this time.

9.2 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.

9.3 Consideration for extending the South Shoreditch Conservation Area to Pitfield Street was rejected as the area is considered to be of substantially different character warranting a separate designation.

10. EQUALITY IMPACT ASSESSMENT

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

11. SUSTAINABILITY

- 11.1 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.

12. DECISION MAKING PRINCIPLES

- 12.1 The proposal conforms to Council's principles of decision-making and the property owners and other key stakeholders will be notified post designation in line with best practice. As noted, public consultation is not a statutory requirement for conservation area designation, but is normal practice for Hackney and a 28 day community consultation has taken place with residents and other stakeholders. The designation of the conservation area will be published in the London Gazette and one local newspaper.
- 12.2 The proposal takes account of Historic England guidance on conservation areas, *Conservation Area Appraisal, Designation and Management, 2019*
- 12.3 The proposal is consistent with human rights. Although it introduces additional controls, planning applications are individually assessed and personal circumstances can be taken into account in their exercise.
- 12.4 The designation will further the Council's aim to conserve its historic environment, and produce a more rationally-defined conservation area.

13. RISK ASSESSMENT

- 13.1 If the conservation area is not designated as proposed, a significant element of the historic environment will be unprotected and consequently liable to uncontrolled demolition and to erosion of its historic fabric by inappropriate alterations and other development.

14. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND RESOURCES

- 14.1 This report requests Cabinet to designate the proposed Pitfield Street Conservation Area and associated appraisal and conservation area boundary map.

14.2 The recommendation in this report has no immediate financial impact and the cost of the consultation process outlined in section 5 has been managed within the Planning service revenue budgets.

14.3 The 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.

15. COMMENTS OF THE GROUP DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

15.1 Cabinet is authorised to approve the designation of the proposed Pitfield Street Conservation Area by virtue of:

a) 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

b) Cabinet is authorised to approve the recommendations in this report pursuant to the Mayor's Scheme of Delegation, the determining what areas in the Borough should be Conservation Areas are delegated to the Executive (ie Cabinet)

15.2 There is no statutory requirement for the council to consult the public before designating a conservation area. The stated 28 day consultation was adopted by Cabinet in June 2020 as part of a series of procedural changes to the Council's Conservation Area Review Programme. 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 designate 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.

15.3 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 Appraisal that was carried out to ascertain the architectural and historic merits of the Pitfield Street area has addressed these statutory criteria and has concluded that the conservation area should be designated. The designation of any area as a conservation area shall be a local land charge.

- 15.4 Under section 70(8) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in addition to notifying both the Secretary of State and Historic England, a local planning authority is required to publicise designation of a conservation area by a notice placed in the London Gazette and a local newspaper. The local authority must follow the same publicity procedures to vary or cancel a designation as required to designate.
- 15.5 Statutory implications of designating 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.
- 15.6 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.

16. APPENDICES

APPENDIX A – Pitfield Street Conservation Area Appraisal & Management Plan

APPENDIX B – Pitfield Street Conservation Area Map

APPENDIX C – Table of Consultation Responses

BACKGROUND PAPERS

None

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