

Title of Report	Review of the Underwood Street Conservation Area	
Key Decision No	CHE S263	
For Consideration By	Cabinet	
Meeting Date	27 November 2023	
Cabinet Member	Cllr Guy Nicholson, Deputy Mayor for Delivery, Inclusive Economy & Regeneration	
Classification	Open	
Ward(s) Affected	Hoxton West	
Key Decision & Reason	No	N/A
Implementation Date if Not Called In	06 December 2023	
Group Director	Rickardo Hyatt, Group Director, Climate, Homes and Economy	

1. CABINET MEMBER'S INTRODUCTION

- 1.1 Members may recall that the Council has a statutory duty to regularly review all existing Conservation Areas on a cyclical basis and assessing the built environment of undesignated neighbourhoods for their suitability for designation as Conservation Areas.
- 1.2 This appraisal report focuses on the Underwood Street Conservation Area, originally designated in 1990 and which has had a profound influence on the development of the built environment in west Shoreditch.
- 1.3 It has over the years encouraged and realised high quality development, sensitive to the heritage character of the urban townscape. The area marks the transition from the lowscale 19th century houses on Shepherdess Walk to the cluster of taller buildings towards City Road and the Old Street roundabout.
- 1.4 The appraisal has also identified a boundary extension to the east of the existing Underwood Street Conservation Area. The extension will ensure that the Conservation Area will conserve the unique built

heritage and its architecture of these important late 19th and early 20th century warehouse buildings.

1.5 The proposed extension has been identified through the work undertaken on the Underwood Street Conservation Area Appraisal and the Management Plan which are attached to this report.

1.6 I commend this report to Cabinet.

2. GROUP DIRECTOR'S INTRODUCTION

2.1 This report seeks a boundary extension to the east of the Underwood Street Conservation Area. The Council has a 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. Approval is also sought for the adoption of the Conservation Area Appraisal and Management Plan which will be used to help manage change in the future by identifying those areas that are of special architectural and historic interest.

2.2 The proposal is coming forward as part of the Planning Service's ongoing programme of Conservation Area reviews. The area is undergoing intense change and currently has no Appraisal or Management Plan to outline what elements contribute to the character and appearance of the area. The Conservation Area review will not hold back future development but instead will help provide guidance and clarity about the area. The proposed extensions to the Conservation Area include buildings of architectural and historic interest and are considered worthy of Conservation Area designation. The extension of the Conservation Area will ensure that intrinsically valuable heritage buildings are therefore protected through the designation.

3. RECOMMENDATIONS

3.1 **Cabinet is recommended to:**

- **Approve the adoption of the Underwood Street Conservation Area Appraisal and Management Plan (Appendix A)**
- **Approve the revised Underwood Street Conservation Area Boundary map (Appendix B)**

4. REASONS FOR DECISION

4.1 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, weaknesses and opportunities for enhancement of the historic built environment.

4.2 This decision is required in order to ensure that guidance for development proposals and alterations to existing buildings is in place in the form of a management plan that provides ways to address

weaknesses and manage change in the conservation area while preserving and enhancing its special interest and character.

- 4.3 This decision is required in order to ensure that the conservation area boundary accurately reflects the special architectural character and heritage context of the area and ensures that appropriate policy protections are in place.

5.0 DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5.1 Consideration was given to including other sites 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.
- 5.2 The option of doing nothing was rejected as the buildings' heritage significance is currently not recognised adequately. Moreover, there has been no appraisal or management plan since its designation. Historic England advice is that each Conservation Area be reviewed at least every five years.

6. BACKGROUND

- 6.1 The Council is obliged to designate as conservation areas any parts of the Borough that are of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. The Council also has a duty to review past designations from time to time to determine if any additional parts of the area should be incorporated as either a new conservation area or incorporated into the existing designation.
- 6.2 Historic England's advice, *Conservation Area Appraisal, Designation and Management*, 2019 recommends that conservation areas are "reviewed every five years" (at para.104). The Underwood Street Conservation Area has not been reviewed since its designation in 1990. This Conservation Area was identified as part of the 2017 Conservation Area Review as being of high priority to review as a result of the substantial change within the area and the lack of Appraisal and Management Plan which are designed to outline what is special about the character and appearance of the area which should be preserved/enhanced.
- 6.3 The proposed boundary alterations have been identified as part of this review and will ensure that the area's special character is protected. The alteration includes an extension to the east and includes a perimeter block of similar buildings on East Road and Vestry Street and adjacent buildings of a similar architectural character and appearance. It also includes the addition of Eagle House which although much extended helps to bookend the buildings on City Road.

- 6.4 Paragraph 191 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. A thorough review has been undertaken of the existing boundary and where changes are proposed the Council is satisfied that the proposed alterations meet paragraph 191 as detailed in the updated Underwood Street Conservation Area Appraisal and Management Plan (Appendix 1).
- 6.5 A full review of building contributions across the conservation area has been carried out. This assessment is based on the heritage value of each site and assessed in heritage and townscape terms identifying each site as a positive, neutral or negative contributor.

Legal Powers

- 6.6 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.
- 6.7 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.
- 6.8 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.
- 6.9 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.

Decision-making principles

- 6.10 The proposal conforms to Council's principles of decision-making. Public consultation is not a statutory requirement for conservation area designation. The initial designation of the conservation area in 1991 (and extension in 2011 and 2019) and the adoption of its appraisal followed public consultation with residents and other stakeholders. The boundary alterations of the conservation area would be published in the London Gazette and a local newspaper.

- 6.11 The proposal takes account of Historic England guidance on conservation areas, *Conservation Area Appraisal, Designation and Management*, 2019
- 6.12 The extensions are 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.
- 6.13 The extensions will further the Council's aim to conserve its historic environment, and produce a more rationally-defined conservation area.

7. POLICY CONTEXT

- 7.1 Under the National Planning Policy Framework (NPPF) 2021, 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.
- 7.12 The proposal aligns with regional heritage policies in the London Plan and local policies set out in Hackney's Local Plan 2033 , which seek to preserve and enhance Hackney's heritage assets. The proposal supports the policies in the Local Plan (LP33 2020), including policy LP3 (Designated Heritage Assets), which is underpinned by the 2017 Conservation Areas Review Study.

8. EQUALITY IMPACT ASSESSMENT

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

9. SUSTAINABILITY

- 9.1 The extension of the Underwood Street Conservation Area will protect the historic environment and in line with Para 189 of the NPPF (2021) recognises that *"These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."*
- 9.2 The addition of these buildings within the Underwood Street Conservation Area will help to recognise the embodied energy used in the construction of these buildings and that sensitive adaptation can offer a sustainable future that will preserve and enhance the historic environment.
- 9.3 The Management Plan provides additional guidance on retrofitting buildings within the area. This includes a detailed breakdown of principles of retrofitting which promotes a whole building approach where they are considered in their totality rather than individual retrofit

elements. This will be further built upon within the forthcoming Extensions and Alterations Supplementary Planning Document. The Management Plan provides details on key principles rather than detailed retrofitting guidance as the Extension and Alterations SPD can provide clearer more detailed guidance that can be more easily updated and therefore more useful for property owners within Hackney.

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 to do so. The Council has therefore carried out a public consultation with residents and stakeholders. Appraisals that have been adopted following public consultation carry greater weight on appeal against planning application decisions.
- 10.2 A 28-day community consultation with local residents and stakeholders on the Draft Appraisal (Appendix A) and boundary map (Appendix B) was undertaken between 6 September and 4 October 2023. A copy of the consultation letter can be found at Appendix D.
- 10.3 The proposal and consultation details were available on the Council's conservation webpages. An in person drop in session was held on 25 September at where the revised appraisal and boundary alterations were discussed. Historic England, the Hackney Society and Central & South Hackney Conservation Area Advisory Committee (CAAC) were also notified of the proposals.
- 10.4 A total of 3 responses were received. 3 responded in support of the proposals. The Council's response to these matters can be found in Appendix C.

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 INTERIM GROUP DIRECTOR, FINANCE

- 12.1 This report proposes an extension of the Underwood Street Conservation Area and the adoption of a Conservation Area Appraisal and Management Plan. The staff cost and additional publicity associated with enforcing the new conservation area will be met by the existing Planning budgets within the Climate, Homes and Economy directorate. No other financial implications are identified at the time of this report.

13 COMMENTS OF THE ACTING DIRECTOR OF LEGAL, DEMOCRATIC AND ELECTORAL SERVICES

- 13.1 Cabinet is authorised to approve the revised boundary of the Underwood Street Conservation Area Appraisal by virtue of:
- 13.2 Article 5 of the Council's Constitution states that the Mayor and the 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.
- 13.3 Cabinet is authorised to approve the recommendations in this report pursuant to the Mayor's Scheme of Delegation. Determining what areas in the Borough should be Conservation Areas is delegated to the Executive (i.e. Cabinet).
- 13.4 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.
- 13.5 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 Underwood Street Conservation Area and examine any boundary alterations and concluded these boundary alterations address 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.
- 13.6 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.
- 13.7 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.

- 13.8 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.

14 APPENDICES

Appendix A - Underwood Street Conservation Area Appraisal and Management Plan November 2023

Appendix B - Map of Extended Underwood Street Conservation Area

Appendix C - Table of Consultation Responses

Appendix D - Consultation Letter

Appendix E - EIA form

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	https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/heag-268-conservation-area-appraisal-designation-management/	2019
Hackney Council, Underwood Designation Report	https://hackney.gov.uk/underwood-ca	1990

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