

REPORT OF CABINET MEMBER FOR REGENERATION & PARTNERSHIPS		
DESIGNATION OF DALSTON LANE (WEST) CONSERVATION AREA [FP NO. 01.21] Cabinet – 31st January 2005	Classification Public	Enclosures Annexes A-D
	Ward(s) affected Dalston	AGENDA ITEM NO. 17

REASON FOR LATENESS

This report was submitted late following a requirement to consult all interested parties.

1. INTRODUCTION BY CABINET MEMBER FOR REGENERATION & PARTNERSHIPS

- 1.1 This report sets out the findings from the consultation exercise that was undertaken on the draft proposals for Dalston Lane (west) as submitted to Cabinet on the 25th October 2004.
- 1.2 The response has been positive and, alongside identifying local environmental issues, consultees have expressed a desire to take this proposal forward.
- 1.3 As touched upon in my introduction to the draft proposal in October, there is a desire to see such area designation as a constructive opportunity to build partnerships focussed on supporting and enhancing the Borough's existing streetscene improvement plan and it is in this spirit that the designation is being brought forward.
- 1.4 I commend this report to Cabinet.

2. SUMMARY

This report recommends that a section of Dalston Lane (see attached conservation area appraisal and map) be designated as a conservation area, namely the Dalston Lane (West) Conservation area, and that the conservation

area appraisal be adopted. This follows the preparation of, and public consultation on, draft proposals for the area, as agreed at Cabinet on the 25th October 2004. The response to consultation has been positive.

3. RECOMMENDATIONS

Cabinet is recommended to agree:

- 1. That the area shown on the plan attached as Annex B, be designated as a conservation area, to be known as Dalston Lane (West) Conservation Area, as provided for under Section 69 of the Planning (Listed Buildings & Conservation Areas) Act 1990. Also that (a) officers carry out the notification and publicity required under section 70 of the Act and (b) the designation be registered as a local land charge.**
- 2. That the conservation area appraisal prepared for the area (Annex A) be adopted as supplementary planning guidance.**
- 3. That officers be authorised to consider preparing for public consultation draft Article 4 directions (where appropriate), under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.**

4. FINANCIAL CONSIDERATIONS

- 4.1 There will be a potential increase in the number of Planning applications, which will lead to a minor increase in income. The additional work generated by these applications will be carried out by the Development Control section, and this is not likely to have a significant effect on capacity.
- 4.2 The financial controller has nothing further to add to this report.

5. COMMENTS OF THE MONITORING OFFICER

- 5.1 The Monitoring Officer is satisfied that the requirements under *Planning Policy Guidance 15: Planning and the Historic Environment (PPG15)* with regard to the proposed designation and consultation have been duly considered in this Report.

6. BACKGROUND

- 6.6 Section 69 of the Planning (Listed Buildings and Conservation areas) Act 1990 places an obligation on local authorities 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 The Council is committed to safeguarding the townscape of the whole borough through encouragement and by use of its development control powers. The Hackney Unitary Development Plan commits the council to safeguarding the character of conservation areas by resisting the loss of buildings, trees and other features that make a positive contribution to an area, and by promoting high standards of design in new development.
- 6.3 The preparation and adoption of Conservation Area Appraisals is an important tool in informing and controlling development in those areas. Appraisals which have been adopted following public consultation have greater weight in the planning process.
- 6.4 As part of previous reviews of existing and potential conservation areas within the Borough, a number of areas have been identified for potential designation as a conservation area: this section of Dalston Lane is one of those areas. As part of the Planning Service Plan, officers are working on a programme of assessing these areas and preparing conservation area appraisals for them.
- 6.5 Draft proposals for designation of Dalston Lane (West) Conservation Area, along with a conservation area appraisal, were prepared by Officers and brought before Cabinet on the 25th October 2004. At that meeting, Cabinet authorised Officers to undertake a period of public consultation on the proposals. Consultation was undertaken during November and December 2004, and the finalised proposals are now being returned to Cabinet for formal adoption. A summary of the background information presented to Cabinet on the 25th October 2004 is presented with this report as Annex C.

7 RESPONSE TO CONSULTATION

- 7.1 Responses to the public consultation
- 7.2 A total of 10 responses were received.
- 7.3 English Heritage, the Georgian Group, the Hackney Society and SAVE Britain's Heritage all supported the designation of the Conservation Area. SAVE Britain's Heritage suggested extending the boundary of the Area to the west to include the former Dalston Lane Theatre and buildings in Ashwin Street and Roseberry Place. The Spitalfields Trust also supported the proposals and suggested taking in the former theatre building.
- 7.4 The Kingsland Conservation Area Advisory Committee raised concerns regarding the condition of the buildings within the proposed conservation area. They also raised concerns regarding the lack of effective enforcement action in existing conservation areas, and the potential of unauthorised works in eroding the special interest of those areas.
- 7.5 Four responses were received from individual members of the public: three in support of the proposals. One of the three responses recommended wider boundaries to the conservation area. The fourth response supported the principles

of environmental enhancements for the area and protection of the trees / open space.

- 7.6 A more extensive boundary to the conservation area was initially considered when the draft appraisal was prepared. However, it was considered that the small group of historic buildings of interest around the Dalston Lane / Beechwood Road junction were too isolated from the core of the historic buildings of the proposed conservation area, given the recent redevelopment of nos. 32-44 Dalston Lane and the CLR James Library.
- 7.7 Given the condition of the existing buildings within the conservation area it is considered important that environmental improvement schemes, and potential sources of funding, be identified and implemented. It is hoped that a mechanism by which potential contributions from future developments around the proposed Dalston Lane East London Line Station could be used as match funding for a grant scheme to cover the Dalston Lane (West) Conservation Area.

8 CONCLUSION

- 8.1 As a result of the period of public consultation the proposals and conservation area appraisal for the Dalston Lane (West) Conservation Area has been revised, and is now recommended for approval.

9 IMPLICATIONS OF DESIGNATION

- 9.1 Conservation area designation allows the Council to ensure, through the planning system, that the special quality and value that has been identified in these conservation areas will be protected. Extension of existing conservation areas allows this control to be extended over a slightly larger area.
- 9.2 Conservation area designation means that development within the area is more closely controlled. The Town and Country (General Permitted Development) Order 1995 outlines how permitted development rights that exist generally are restricted in conservation areas. In particular, Article 4 of the Order allows the Council to exercise greater control over alterations to individual properties including changes to windows and front doors, porches, extensions, alterations to front boundary walls and fences, and vehicle hard standings. Such changes, if uncontrolled, can cumulatively erode the character of a conservation area, especially if the existing buildings are well preserved and retain most of their original architectural features.
- 9.3 Conservation area designation also gives the council powers under section 54(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to require an owner to carry out urgent repairs to an unlisted building in a conservation area. The council must first seek a direction from the Secretary of State, under section 76 of the Act, on the basis that the building makes a positive contribution to the conservation area. The types of works covered by the powers are restricted to

emergency repairs, for example works to keep a building wind and weatherproof and safe from collapse, or action to prevent vandalism and theft. In the absence of suitable action by the owner, the council can carry out the repairs and recover the costs involved.

10. NOTIFICATION PROCEDURES

- 10.1 Section 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the council to notify the Secretary of State and English Heritage of the designation, and to advertise the designation in the London Gazette and a local newspaper (e.g. Hackney Today).

Councillor Guy Nicholson - Cabinet Member for Regeneration & Partnerships

Tom McCourt - Acting Deputy Director of Environment

Report Originating Officer: Simon Ramsden ☎ 020-8356 8033
 Financial considerations: Nick Hutchins ☎ 020-8356 8267
 Monitoring officer comments: Gwen Markham ☎ 020-8356 6107

Background papers

The following documents have been relied upon in the preparation of this report:

Description of document	Location	Date
Dalston Lane (West) Conservation Area Appraisal	Annexe A attached	January 2005
Dalston Lane (West) Conservation Area Map	Annexe B attached	January 2005
Background Information presented with Report to Cabinet on the 25 October 2004	Annexe C attached	January 2005
Consultation Methodology	Annexe D attached	January 2005
Council's Unitary Development Plan	Planning Department	1995
Borough Services Committee report	Planning Department	14 February 2000
Planning and Transport Committee report	Planning Department	21 January 1985
Planning and Economic Development Committee report	Planning Department	5 January 1989
Planning and Transport Committee	Planning Department	14 January 1986
PPG15: Planning and the Historic Environment	Planning Department	September 1994

ANNEX C:

**BACKGROUND INFORMATION PRESENTED WITH THE REPORT TO
CABINET ON THE 25th October 2004**

- C1.1 The Dalston Lane / Graham Road area is identified as a 'proposed conservation area' in the Council's Unitary Development Plan (1995, proposal no. 20) and was also included in the Borough Services Committee report of the 14 February 2000 as being a high priority for designation as a conservation area. Dalston Lane was also previously included in both the Planning and Transport Committee report of the 21 January 1985, and the Planning and Economic Development Committee report of the 5 January 1989 as a potential conservation area.
- C1.2 It was previously recommended that officers consult on designation of Dalston Lane and Graham Road as a conservation area at the Planning and Transport Committee of the 14 January 1986. Historical analysis and further consideration indicated that the special interests of Graham Road and Dalston Lane were distinct and individual. Therefore, the Graham Road area was taken forward for designation individually in 1997. Officers are now seeking to consult on the designation of the other section identified in that report (Dalston Lane) as a conservation area.
- C1.3 As part of area based planning policies for Dalston which are being developed, this area (along with a number of others) has been identified as being of special interest. A number of buildings within the proposed Dalston Lane (West) Conservation Area have been identified as being under threat of demolition, and therefore speedy designation is considered appropriate. Designation as a conservation area would give the Council greater controls over demolition of buildings within the area and also over the quality of re-instated shopfronts, through use of the Council's *Shopfronts Design Guide*.
- C1.4 Designation of this area is consistent with the regeneration aims being considered as part of the wider area based planning policies for Dalston. It also accords with accepted principles of conservation led regeneration; the benefits of which could in future be maximised through an area based grant scheme, funded in conjunction with either English Heritage or the Heritage Lottery Fund. Potential sources of match-funding from within LBH would have to be explored.
- C1.5 In line with Government guidance (PPG15: Planning and the Historic Environment) LBH have prepared a Conservation Area Appraisal for the proposed Dalston Lane (West) Conservation Area. Cabinet is asked to approve the draft appraisal for public consultation.
- C1.6 The appraisal has been prepared following best practice as set out in guidance from English Heritage and the Royal Town Planning Institute. It begins with an explanation of the national and local planning policies concerning conservation area controls. The historical development of the area is then described, followed by a general description of the area today. Key buildings (Listed, Locally Listed,

and those of townscape merit) are then described, followed by a SWOT analysis of the area.

- C1.7 The area identified as being of special historical or architectural interest is characterised by a core of nineteenth century buildings surrounding a widening of Dalston Lane, as it curves north around what were historic boundaries between areas of different land ownership. The area to south of the Dalston Lane retains its early nineteenth century domestic buildings, behind later shop-fronts, whilst the area to the north contains largely late-Victorian buildings. The widening in the road now contains mature trees around which the buildings are clustered in an informal grouping, which contrasts with the more formal street patterns of the surrounding residential estates.
- C1.8 The Council has had previous responses from English Heritage, the Georgian Group, SAVE Britain's Heritage and the Hackney Society, all supporting the principle of designating this area as a conservation area.

ANNEX D:

CONSULTATION METHODOLOGY

D Method of Consultation

- D1.1 Consultation letters, with copies of the appraisals, were sent to the relevant Conservation Area Advisory Committee, Hackney Society, English Heritage, the National Amenity Societies (the Ancient Monuments Society, The Society for the Protection of Ancient Buildings, the Georgian Society, the Victorian Society, and the Twentieth Century Society), Stoke Newington Neighbourhood Committee, and Hackney Historic Buildings Trust.
- D1.2 Consultation letters (or emails) were also sent to the respective elected Ward Members, officers of the Planning Department (North, Major Applications and Fast-Track Teams), the LBH's Parks Department (Gary Thomas), and LBH's Community & Leisure (Carole Stewart).
- D1.3 Properties in the proposed area were sent information leaflets regarding the proposals.
- D1.4 A4 posters, for display on public notice boards, were sent to: libraries, Hackney Museum, Hackney Archives, the Round Chapel and the Building Exploratory. Copies of the posters were also circulated to many of the local groups listed above, and they were requested to display them on any suitable notice boards.
- D1.5 Hard copies of the Appraisals, along with feedback forms, were made available for public inspection in the reception of the Planning Department, from 11th November – 31st December 2004.
- D1.6 A public exhibition (large A1 information board) was placed in the upper foyer of Hackney Town Hall during December 2004.
- D1.7 The Appraisals were put on the Planning Department's Consultation pages on the Council's website from 16th November – 31st December, with links from elsewhere on the Conservation and Design Team's pages. The public was encouraged to use the on-line consultation forms to respond to the proposals.
- D1.8 An article outlining the proposals was placed in the Department's *Planning Update*, on 11 November 2004. This is circulated to all Officers in the Planning Department, Members, and Head's of Service in the Environment Directorate. It is made available to the public in Planning Reception and is published on the Council's web-site. A press release was prepared and circulated, by the Communications Team, in December 2004.