

Committee(s): Planning & Transportation Committee – for decision	Dated: 12th December 2023
Subject: Creechurch Conservation Area Proposal	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	2, 4, 7, 10, 11, 12
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain’s Department?	N/A
Report of: Bob Roberts	For Decision
Report author: Tom Nancollas, Environment	

Summary

As Local Planning Authority, the City Corporation has a statutory duty to consider, from time to time, the potential for new conservation areas. within the City’s boundary. Following authorisation by this Committee, between September and November 2023 a public consultation was held on a proposal for a potential new conservation area in the Creechurch locality, near Aldgate.

976 responses were received in total, a welcome and unprecedented level of engagement in a City conservation area proposal. The analysis and conclusions of this are contained within Appendix 2, while the redacted responses are compiled in Appendix 5.

Following this, it is proposed that one conservation area be designated, covering the area identified on the map in Appendix 1 and assessed in more detail in Appendix 3. The City Corporation have completed an equalities screening which is attached to this report as Appendix 4.

Recommendation(s)

Members are asked to:

- Consider the results of the public consultation, analysis and conclusions;
- Resolve to designate the area identified on the map in Appendix 1 as the Creechurch Conservation Area

Main Report

Background

1. The proposed area, located within the wards of Aldgate and Portsoken, is richly historic, comprising a critical mass of characterful, late Victorian/Edwardian

warehouses built on the site and echoing the layout of the Holy Trinity Priory, foremost amongst the medieval City's monastic foundations, and including three outstanding places of worship: Bevis Marks Synagogue, St Katherine Cree Church and St Botolph Aldgate Church (all listed Grade I).

2. In July 2023, a request to publicly consult on proposals for a conservation area in this locality was reported to Planning and Transportation Committee. Underpinning this was an assessment which identified that the area has a core group of buildings and spaces of sufficient special architectural and historic interest to warrant conservation area designation. Committee authorised a public consultation on this core group, hereafter referred to as 'Option 1', alongside two other options proposed by Members: 'Option 2', which included 31 Bury Street (which had not been included in Option 1), and 'Option 3': the separate proposal for a conservation area tabled by representatives of Bevis Marks Synagogue.
3. As a Local Planning Authority, the City Corporation has a statutory duty under s69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider which parts of their area are areas of special architectural or historic the character of which it is desirable to preserve or enhance, and to designate those areas as conservation areas.
4. S69(2) of the Act states that: 'it shall be the duty of a local planning authority 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 shall be designated as conservation areas; and if they so determine, they shall designate those parts accordingly'.
5. It is the duty of the City Corporation, as Local Planning Authority, from time to time to formulate and publish proposals for the preservation and enhancement of conservation areas. In the exercise of planning functions with respect to any buildings or other land in a conservation area, the City Corporation is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Relevant policy, to be taken into account when determining planning applications affecting the historic environment, is contained within the City's Local Plan 2015 (in particular in section 3.12), emerging City Plan 2040 (in particular in section 6.4), the London Plan 2021 (chapter 7) and the National Planning Policy Framework (NPPF) (chapter 16).
6. Paragraph 191 of the NPPF states that "When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest."
7. Historic England Advice Note 1 (Second Edition) Conservation Area Appraisal, Designation and Management provides information on conservation area appraisal, designation and management.

8. The designation of a conservation area brings certain demolition of unlisted buildings and structures (known as 'relevant demolition') within the area under the control of the local planning authority, in the absence of planning permission for redevelopment. Conservation area designation is unlikely to give rise to unduly onerous requirements for property owners to obtain planning permission. There are some minor permitted development rights which do not apply in conservation areas but (other than in respect of demolition) these are not significant. For example, it would not change permitted development rights in relation to changing windows. The Mayor of London's powers are unchanged whether the development is within or outside a conservation area. The character and appearance of the conservation area is a significant material consideration in the consideration of planning applications in that area. Some further controls would be exercised over the control of advertisements and there would be greater control over works to trees.
9. It is worth noting that even where a site does not fall within a conservation area, but neighbours or is adjacent to it, the local planning authority are still required to consider whether the redevelopment of that site would cause harm to a designated heritage asset. Paragraph 199 of the NPPF provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). Paragraph 200 of the NPPF goes on to provide that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
10. There are currently 27 conservation areas in the City, with the most recently designated being the Barbican and Golden Lane Conservation Area in October 2018. The City has previously carried out reviews of conservation areas and their boundaries on a comprehensive basis, with the last such review carried out in 2007, to ensure that conservation area boundaries continue to be clear, precise and meaningful. It is anticipated that the next be undertaken following the adoption of the City Plan 2040.

Public Consultation – responses

11. Officers had originally hoped to run an eight-week consultation period, however, the start of the consultation period was delayed slightly to allow Officers to prepare the consultation material and respond to some questions raised by interested parties about the proposed consultation.
12. The consultation period ran from 21 September and 6 November, as set out in the consultation pages and documents and on the City's webpage.
13. Note that Officers were working to a timetable to allow the final report to be brought back to this Committee on 12 December.

14. The length of the consultation is considered to have been appropriate and fair in the circumstances and was made clear in the consultation documents.
15. Between 21 September and 6 November, a public consultation of over six weeks was carried out. Three public drop-in sessions were held when officers were available to answer questions:
 - Artizan Street Library (20th October) – 5 people attended;
 - Holland House (26th October) - 5 people attended; and
 - Bevis Marks Synagogue (30th October) - 8 people attended
16. A bespoke website hosted by Commonplace was created for the consultation, as well as a webpage in the City of London website, including information about the consultation and a link to Commonplace.
17. Hard copies of the consultation material were placed at: Artizan Street Library; Shoe Lane Library; Barbican Library; and the Planning Information Desk (Guildhall).
18. Notification emails were sent to 2,703 existing subscribers in the Commonplace database that have opted to be notified of new Commonplace engagements in the Creechurch Area. Notification emails were also sent to 495 recipients who are listed on the City's Local Plan Database,
19. The public consultation was advertised in the press including City Resident, and in September's Members' Briefing (which is a public document). In addition, 12 site notices were placed in and around the proposed conservation area.
20. 976 responses were received including from statutory bodies, residents, building occupiers in the area, individuals and local bodies. The main comments and responses to the issues raised are summarised in Appendix 2. Notably, 84.5% of the responses supported Option 3, the proposals tabled by representatives of the Bevis Marks Synagogue. The consultation responses contained a wealth of useful and relevant information which has fed into the current proposal.
21. Historic England, the government's heritage advisor, supported the proposals and recommended Option 2 extended to include two sites – One Creechurch Place and Cunard House – which would better recognise and reflect the unique Jewish history of the area, and also allow for a more coherent boundary. They recommended considering the inclusion of the buildings on Bevis Marks/Duke's Place and the production of a Management Plan to manage change if the conservation area were to be designated.
22. The consultation drew great interest from the heritage sector. Several of the statutory amenity societies provided lengthy responses: the Society for the Protection of Ancient Buildings, the Georgian Group, the Victorian Society and the Twentieth Century Society. SAVE Britain's Heritage provided a detailed response. All these respondents suggested variously extended versions of Option 3 to encompass additional buildings to the south, east or west.

23. Representatives of the Synagogue submitted several, comprehensive responses supporting Option 3; these included valuable new historical information relating to the special historic interest of the area identified in the revised Conservation Area proposal at Appendix 3. Additionally, the vast majority of the consultation responses supported Option 3 with many references to the importance of the existing Synagogue, former synagogues and their sites and the Jewish heritage of the area. Representatives of the two churches in the area supported this option.
24. Representations were received from commercial occupiers in the area, including from representatives of sites at 31 Bury Street, Cunard House, 10-16 Bevis Marks and 33 Creechurch Lane. These generally favoured Option 1, which excluded their sites from the proposed conservation area, and questioned the justification for a larger conservation area.
25. The City of London Conservation Area Advisory Committee supported the designation of Option 3, which they considered would include buildings of interest and would offer better protection to the buildings which form the core of the area in light of the provisions of the NPPF; and that this option would show and enhance the City's respect for diversity.
26. Full details of the public consultation, analysis and conclusions is included as Appendix 2 to this report. Redacted, printed copies of the responses are available in the Members' Reading Room.

Proposals

27. It is the statutory duty of the City Corporation to consider whether it should designate conservation areas which are defined as 'areas of special architectural or historic interest, the character of which it is desirable to preserve or enhance'.
28. Following the public consultation and taking into account the breadth and depth of new information and various alternative boundary proposals, it is now proposed that a single conservation area be designated. The proposed boundary would align with Option 3, that originally tabled by the representatives of the Synagogue.
29. Officers consider that this would (i) encompass the area which justifies status as a conservation area because of its special architectural or historic interest, and in particular, the Jewish and other heritage in this part of the City, (ii) best respond to and take into account the findings of the consultation and (iii), as a result, optimally capture the special architectural and historic interest inherent in the Creechurch locality. Officers are of the view that omission of the sites referred to in paragraph [21] above would result in a conservation area which did not encompass the extent of the area of special architectural or historic interest. Option 3 allows for a more coherent boundary.
30. A map of the proposed area and the designated heritage assets is included in Appendix 1.

31. It is the view of officers that the area identified is of sufficient architectural or historic interest to be considered to be special. That special interest is experienced through both character and appearance, in particular the strong and visible associations with the Roman and medieval City wall, Holy Trinity Priory and the rich Jewish history of the area exemplified by Bevis Marks Synagogue, the characterful group of historic warehouses that illustrate the area's later development, and the rich sense of diverse historic uses, and in particular faiths, exemplified by the historic places of worship, and that it is desirable for that character or appearance to be preserved or enhanced. Designation could ensure that special attention will be paid to the desirability of preserving or enhancing the character or appearance of the whole area identified in Appendix 1, when exercising planning functions in relation to buildings and land within that area.
32. Notice of designation, with particulars of its effect, must be published in the London Gazette and at least one newspaper circulating in the local planning authority's area. Notice of designation must be given to the Secretary of State and Historic England and the designation of the area must be registered as a local land charge.
33. Following the decision of this committee to designate, the proposal would be taken to Court of Common Council for final approval in Spring 2024, in line with past procedure.
34. Following designation, a Conservation Area Appraisal and Management Strategy would be prepared. It is currently anticipated that this would take place over Spring 2024, with a public consultation on the draft in late Spring/early Summer 2024.

Corporate & Strategic Implications

35. The City Plan 2040 is undergoing review. This decision is separate from the City Plan process.

Financial implications

36. None

Staff resource implications

37. Staff time to support the designation of the conservation area and production of the follow-up Appraisal and Management Strategy will be met through the ongoing work of the Planning & Development Division

Legal implications

38. The legal framework and the implications of designating a conservation area are set out in the body of the report.

Equalities implications

39. Section 149 of the Equality Act 2010 requires that the City Corporation, as a public authority must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

40. The characteristics protected by the Equality Act are age, disability, gender, reassignment, pregnancy and maternity, race, religion or beliefs, sex and sexual orientation.

41. A proposed range of draft boundaries were consulted on. The City Corporation have completed an equalities screening which is attached to this report as Appendix 5. The equalities screening was carried out on the recommended option (option 3) which is the most extensive proposed conservation area, and is the area proposed by representatives of Bevis Marks Synagogue. The equalities screening concluded that the option recommended would have positive impacts on the persons who share the protected characteristics of marriage and civil partnership, religion or belief, and race. There were no negative impacts identified for persons who share any other relevant protected characteristics.

42. Counsel acting on behalf of Bevis Marks Synagogue and the Spanish and Portuguese Synagogue has provided a letter as part of the consultation responses which provides that the proposals would *'particularly and disproportionately affect the Jewish community of Great Britain which worships at the Synagogue and for whom the Synagogue and surrounding Jewish sites hold incalculable religious and historic value'*. The letter expresses that *'the wider the conservation area the greater the level of protection to the Jewish sites, particularly Bevis Marks Synagogue and its wider setting and that option 3 would have the most positive impact on the Jewish community and its relations with other groups'*. The view is expressed that the alternative options offer far less protection to the Jewish sites and that exclusion of the sites of the former Creechurch Lane and Great Synagogues and the potential development site of 31 Bury Street would negatively impact the Jewish community. The full response which sets out why the wider boundary is considered to have the most positive impact, is included in Appendix 5. These views are supported by other consultation responses.

43. Should members wish to approve a narrower boundary this remains an option open to members if it is properly reasoned by reference to the statutory test and taking account of Historic England guidance, however members should take into account (have due regard to the fact) that whilst a smaller area with a narrower boundary would still have positive impacts on those sharing relevant protected characteristics compared to the current situation, the full equality benefits that would come through protecting the wider area would not be achieved.

Risk implications

44. None

Climate implications

45. The previous report to committee proposed the production of a Sustainability Appraisal in the event of a recommendation to designate a conservation area. Having further examined the relevant legislation and regulations, officers are of the view that this is not required for the purposes of conservation area designation, which is not considered to have direct implications for sustainability and climate change.

Security implications

46. None

Conclusion

47. Following the assessment of the area and consultation responses, it is recommended that your Committee resolves that the revised Conservation Area proposed in Appendix 3 be designated as a new conservation area called 'Creechurch Conservation Area'.

48. The proposed boundary is identified on the map in Appendix 1.

Appendices

- Appendix 1 – Creechurch Conservation Area – Proposed Boundary Map
- Appendix 2 – Consultation Statement
- Appendix 3 – Creechurch Conservation Area proposal
- Appendix 4 – EIA Screening
- Appendix 5 – Consultation Responses (redacted)

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