

Public Consultation on the Proposed Designation of the Barbican and Golden Lane Estates, City of London

Clients: The Barbican Association and The Golden Lane Estate Residents' Association

Date: 2 February 2018

Summary: The City of London Corporation is proposing two new conservation areas, Barbican Conservation Area and Golden Lane Conservation Area. The proposal is currently out for public consultation. The Golden Lane Estate (Grade II; Grade II*) and the Barbican Estate (Grade II; Grade II*) are statutory listed and are therefore already designated heritage assets. The boundaries of the new conservation areas would be identical to the listed building boundaries.

Client concerns: In April 2017, the Clients approached the City Corporation with a proposal for a new conservation area. This was due to concerns around new developments affecting the setting of the area's listed buildings, notably those comprising the Golden Lane Estate and the Barbican Estate, as well as others in the vicinity. The Clients believe that a conservation area would help control the massing and appearance of future developments and allow more consideration of proposed demolitions within the area.

Scope of the review:

1. Review the consultation documents and set out the advantages and disadvantages of the City Corporation's proposal for two conservation areas
2. Give a view on the strengths and weaknesses of the proposal as set out in the consultation documents
3. Present observations and findings to a meeting of Members and the Clients
4. Summarise in writing the observations and findings to help inform the responses to the public consultation

Key observations:

1. Clarity required on the proposed boundaries of the conservation areas as currently put forward and whether a schedule of properties within these areas has been prepared. Point 6 of the 'Background' section of the Main Report states that "It is important that designation boundaries are precise and clear to avoid potential uncertainty". This review has indicated that the boundaries of the proposed conservation areas are imprecise and not very clear. Notwithstanding the reference to the proposed conservation area boundaries being identical to the listed building boundaries for consistency (point 14), there are possible attendant issues with the replication of listed building boundaries for conservation areas.

The Barbican has one list entry that covers the estate (Grade II, List Entry ID: 1352667) and an entry on the Register of Historic Parks and Gardens (Grade II*, List Entry ID: 1001668). However, the buildings and related objects and structures, where appropriate, of the Golden Lane Estate are individually listed (List Entry IDs: 1021946; 1021951; 1021950; 1021952; 1021949; 1021945; 1021941; 1021944; 1021943; 1021947; 1021948; 1021942). On this basis, it is therefore not immediately clear what the extent of the conservation area boundary will be and what is or isn't included, i.e. the space in between the individual listed buildings?

Furthermore, Historic England under the 'Extent of Protection' section in their 'Listed Buildings' Advice (<https://historicengland.org.uk/advice/hpg/has/listed-buildings/>) states,

"The list entry will identify the principal building or buildings that are listed. These will be identified by the formal list entry and not the narrative description, unless there is ambiguity in the list. The whole of any principal building is listed, including the interior.

Objects, structures and buildings affixed to a listed building or within its curtilage may also be protected by listing (see below).

These rules may mean that considerably more may be protected by the listing than is obvious from the list entry alone and there can often be considerable uncertainty as to what is covered.

This apparent unhelpfulness in the rules is mitigated somewhat by the fact that listed building consent is only required if works affect the special interest in the relevant structure. It may be unclear whether a structure is protected, but it may be clear it holds no special interest even if it is. Group value should obviously be considered in assessing the special interest of ancillary buildings."

Historic England guidance (2016) suggests that before finalising a conservation area boundary, it is worth considering whether the immediate setting also requires the additional controls that result from designation, or whether the setting is itself sufficiently protected by national policy or the policies in the Local Plan.

Once the area has been identified, a report will be submitted to the appropriate committee, and a resolution passed to designate the area. "The area should be specified accurately, since the designation will significantly affect the rights of property owners living within it. In most cases, this is best done by preparing a schedule of all properties to be included, which should also be appended to the resolution." (Mynors, C. (2006) *Listed Buildings, Conservation Areas and Monuments*).

2. Apparent absence of an adequate assessment of setting and a more qualitative approach that is to be expected from a conservation area assessment. Appendix 3 of the assessment incorporates the checklist for assessing conservation areas taken from Historic England guidance and this is considered appropriate. However, this guidance also proposes the efficacy of a Character Appraisal being a tool to demonstrate an area's special character and interest.

An appraisal explains the reasons for designation and is an educational and informative document, sometimes created with the local community and in which it is expressed what the community particularly values about the place they live and work in. In summary, an appraisal allows for the greater understanding and articulation of an area's character which

can be used to develop a robust policy framework for planning decisions. A conservation area by its very definition means an area of special architectural or historic interest and so it is of the utmost importance to fully understand and articulate this. Although Planning Policy Guidance 15 is no longer in force (it has informed subsequent policy, guidance and best practice), it did present pertinent information about conservation areas that help us consider how they should be approached. It states that it is the quality and interest of the area, rather than individual buildings, which should be the prime consideration in identifying conservation areas. It further states that designation should be considered as the means of recognising the importance of a variety of factors, such as the historic layout of boundaries and thoroughfares; street furniture, vistas along streets and between buildings, amongst others, and of ensuring that conservation policy addresses the quality of the townscape in its broadest sense as well as protecting individual buildings. It is considered that the assessment does not fully extend to this, particularly in regard to vistas along streets and between buildings and setting as a whole.

Defining carefully the special architectural or historic interest and by default the significance of a heritage asset is of the utmost importance (see Appendix 1 for definitions and relevant legislation and planning policy). It may prove to be important when the local planning authority comes to determine planning applications, to enable it to establish whether (and if so how) proposed development would affect that character. Significance derives not only from a heritage asset's physical presence, but also from its setting. The conservation of heritage assets in a manner appropriate to their significance is a core planning principle and understanding significance is of the utmost importance. When considering planning applications, the local planning authority need to understand the level of harm to significance and not necessarily fabric.

Setting is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Setting references views which may be particularly helpful in allowing the significance of an asset to be appreciated. Elements of a setting may make a positive or negative contribution to the significance of an asset and it is therefore also the purpose of a character appraisal to set out the positive and negative contributors.

The rationale for the proposed designation is the clients' concerns around new developments affecting the setting of the area's listed buildings. Due to their listed status, the estates are designated heritage assets and consequently there are material considerations which apply under planning policy when the local planning authority consider the impact of proposals which may affect their significance, including by development affecting their setting. A conservation area is also a designated heritage asset and therefore considered in the same way as a listed building. It is therefore equally important to understand the significance of a conservation area and any contribution made to its significance by setting. As the significance of a conservation area can be derived from a variety of factors, it is important that an assessment of such references all available guidance to ensure a sound evidence base upon which designation can be put forward.

Summary

1. The review encompassed a) a desk-based assessment of the documents noted below,
 - The Planning and Transportation Committee Report authored by Carolyn Dwyer. Accessed through:
<https://www.cityoflondon.gov.uk/services/environment-and-planning/planning/heritage-and-design/conservation-areas/Documents/planning-and-transportation-committee-report-nov-2017.pdf>
 - Proposed Conservation Areas Assessment. Accessed through:
<https://www.cityoflondon.gov.uk/services/environment-and-planning/planning/heritage-and-design/conservation-areas/Documents/barbican-golden-lane-conservation-area-assessment-and-analysis.pdf>
 - Minutes of the Planning and Transportation Committee held on 14th November 2018. Accessed through:
<http://democracy.cityoflondon.gov.uk/documents/g18130/Printed%20minutes%2014th%20Nov-2017%2010.30%20Planning%20and%20Transportation%20Committee.pdf?T=1>

These documents were reviewed in the context of relevant legislation, planning policy and guidance noted below,

- Planning (Listed Building and Conservation Areas) Act 1990 – Sections 16, 66 and 72
 - National Planning Policy Framework (2012) – Paragraphs 126 - 141
 - National Planning Policy Framework Guidance (2014) – Conserving and enhancing the historic environment
 - Conservation Area Designation, Appraisal and Management. Historic Environment Good Practice Advice in Planning Note 1. Historic England (2016)
 - The Setting of Heritage Assets. Historic Environment Good Practice Advice in Planning Note 3 (Second Edition). Historic England (2017)
 - Understanding Place. Historic Area Assessments. Historic England (2017)
- b) general background research
 - c) a site visit conducted on the 25th January with a representative of one of the clients and an elected Member and followed by an unaccompanied brief site visit on 1st February.

2. Review Outcomes

See 'Key Observations' above for the main outcomes.

The Corporation's assessment (Appendix 6: Policy Context) detailed the relevant historic environment related legislative, planning policy and guidance context in which their assessment was undertaken. The Historic England guidance referenced was *Conservation*

Area Designation, Appraisal and Management. Historic Environment Good Practice Advice in Planning Note 1. This guidance recommends that it is read in conjunction with other relevant Historic England Good Practice Advice. For this exercise, this is taken to be, *The Setting of Heritage Assets. Historic Environment Good Practice Advice in Planning Note 3.* However, there does not appear to be any focus on setting within the assessment.

Furthermore, Historic England guidance advises that a Character Appraisal is a useful tool to demonstrate an area's special character and interest. An appraisal allows for the greater understanding and articulation of an area's character which can then be used to develop a robust policy framework for planning decisions.

Although the assessment references five character zones and does provide some descriptive text, it is not clear whether the wider area under consideration has been the subject of a Historic Area Assessment (Historic England, 2017) based on a historic characterisation approach to define discernible character areas or zones. There are evident relationships between the zones, for example, Zones 1, 3 and 5 are examples of post-war planning and it would be helpful to have a more in-depth understanding of the pre- and post-war narrative of the wider area and the relationship between the zones explored in more depth. The individual zoning of the estates appears sensible based on their separate listed status. However, it is considered that the wider area comprised of Zones 1 – 5 would benefit from a holistic historic area assessment which can then form part of the evidence base upon which designation is considered, and more importantly, the drawing up of conservation area boundaries.

It is considered that the published consultation materials may not extend to a larger body of work which may have been undertaken. However, the consultation leaflet provides a link to "The full assessment" (documents detailed above) and so it is taken that the publicly available materials comprise the full assessment.

The assessment helpfully sets out the protections that would be gained from designation and compares them with the protections gained with listed building status. It is evident that designation would not significantly alter the material considerations in the planning process.

3. Present observations and findings to a meeting of Members and the Clients

It is important that stakeholders are aware of the legislation, planning policy and guidance relating to conservation areas and a handout covering pertinent details from these was distributed (word version attached in Appendix 1) at the meeting held on 1st February to facilitate the discussion and inform the consultees' responses. The consultees were advised of the efficacy of measured, informed, objective responses to the proposals, framed within, and referring to the relevant legislative, planning policy and guidance framework.

The key observations noted above were presented at the meeting. Emphasis was placed upon the necessity to have an informed and holistic understanding of the architectural and historical character and interest of the area in its entirety, to effectively manage change and draft policies and guidance. The conservation of heritage assets in a manner appropriate to

their significance is a core planning principal. Understanding significance is of the utmost importance. When considering proposals, it is necessary to understand if it is harm to significance which may arise and not necessarily fabric. As recommended by the Historic England guidance, a full appraisal of the area assessing its quality and interest, would help in this regard.

It was also considered important to point out that conservation area designation is within the local planning authority's remit and that they are directed by Paragraph 127 of the National Planning Policy Framework (2012), when considering designation, that the concept of conservation is not devalued through the designation of areas that lack special interest. Furthermore, it was communicated that when fulfilling their duty, the weight to be given to any particular factor is for the authority (*R. v Surrey CC ex p. Oakimber Ltd (1995) 70 P. & C.R.649. Mynors, C (2006) Listed Buildings, Conservation Areas and Monuments*) and that there is no statutory duty placed upon them to consult on proposed designations.



Appendix 1

Conservation Areas In The City of London – Public Consultation

Discussion Notes: 1st February 2018

Page 1. What is a Conservation Area?

An area “of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.”

S69(1)(a) Planning (Listed Building and Conservation Areas) Act 1990

Page 2. Conservation defined

“Conservation is “the process of maintaining and managing change to a heritage asset in a way that sustains and where appropriate enhances its significance.”

Annex 2: Glossary, National Planning Policy Framework (2012)

Page 3. Legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990 contains legislation relating to listed buildings and conservation areas.

In the exercise of planning functions relating to listed buildings,

Sections 16 and 66 direct the decision-maker to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

In the exercise of planning functions relating to conservation areas,

Section 72 directs the decision-maker, with respect to any buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Page 4. National Planning Policy

The National Planning Policy Framework (2012) sets out twelve core land-use planning principles which should underpin both plan-making and decision-taking.

One of these (Section 12) addresses heritage assets and directs that they are conserved in a manner appropriate to their significance so that they can be enjoyed by future generations.

A listed building is a designated heritage asset. A conservation area is a designated heritage asset.

Paragraphs 126 to 141 address conserving and enhancing the historic environment.

Page 5. Designation of Conservation Areas

“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”

Paragraph 127, National Planning Policy Framework (2012)

Page 6. Significance defined

“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”

Annex 2: Glossary, National Planning Policy Framework (2012)

Page 7. Setting defined

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

Annex 2: Glossary, National Planning Policy Framework (2012)

Page 8. (Parts) of the designation process

- Normally, a survey is carried out of the area to determine whether it is of special architectural or historic interest and to define carefully what is its special architectural or historic character. Defining its special architectural or historic character may prove to be important when the authority comes to determine planning applications, to enable it to establish whether (and if so how) proposed development would affect that character.
- Once the area has been identified, a report will be submitted to the appropriate committee, and a resolution passed to designate the area. “The area should be specified accurately, since the designation will significantly affect the rights of property owners living within it. In most cases, this is best done by preparing a schedule of all properties to be included, which should also be appended to the resolution.” (Mynors, C. *Listed Buildings, Conservation Areas and Monuments*).



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