



C A B I N E T S U P P L E M E N T A R Y P A C K

Monday, 16th September, 2019

at 6.00 pm

Council Chamber Hackney Town Hall, Mare Street, London E8 1EA

Committee Membership

Mayor Philip Glanville (Chair)
Deputy Mayor Anntoinette Bramble (Vice-Chair)
Cllr Christopher Kennedy
Cllr Jon Burke
Cllr Feryal Clark
Cllr Clayeon McKenzie
Cllr Guy Nicholson
Cllr Rebecca Rennison
Cllr Caroline Selman
Cllr Carole Williams
Cllr Sem Moema

Tim Shields
Chief Executive

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The press and public are welcome to attend this meeting

AGENDA

Monday, 16th September, 2019

ORDER OF BUSINESS

Item No		Page No
12	South Shoreditch Conservation Area Proposed Extension	1 - 10
	This report proposes a small extension to the existing South Shoreditch Conservation Area. The area was first designated 1991 and was last Reviewed in 2011.	

NHQ14 SOUTH SHOREDITCH CONSERVATION AREA PROPOSED EXTENSION

Summary of Further Responses Received 05/09/19 - 09/09/19

	Name	Organisation	Date Received	Comment ID	Respondent's Comments	Council's Response
SSCA03	Simon Marks	Montagu Evans	09/09/19	0.01	Montagu Evans is instructed by the Estate Office Shoreditch Limite, who represent the landowner, to object on its behalf to a proposed extension to the South Shoreditch Conservation Area. Our client manage a building, on behalf of the landowner, on the land proposed to be incorporated into the Conservation Area.	Noted.
				0.02	In summary our client objects to the proposed extension on the following grounds:	Noted.
					1. The statutory test and the designation of areas of special architectural or historic interest	
				0.03	The justification for the extension set out in the proposed addendum to the conservation area assessment does not meet the 'designation' test. The test requires an area to exhibit special architectural or historic interest to justify designation so that its special character can be protected. As explained below the Council's reasons for seeking the extension to the conservation area do not meet the test and in our opinion the designation of the extension should be abandoned.	Disagree. The Council is obliged by Section 69 of the Planning (Listed Buildings & Conservation Areas) Act 1990 to consider which areas ought to be Conservation Areas "from time to time". It is accepted that this is flexible and a designation can be sought at any time. The designation test is whether the area has special architectural or historic interest. The buildings in the extension area have both and are remarkably similar to buildings on the opposite side of Shoreditch High Street, which are within the CA.
					2. The extension area - its architectural and historic interest	
				0.04	It follows that the Council has failed to establish that the extension area has an architectural or historic interest that is sufficiently 'special' to justify its designation by extension. Notably none of the buildings within the proposed extension are statutorily or locally listed.	Disagree. The buildings do have special architectural and historic interest as set out in the Addendum to the South Shoreditch Conservation Area Appraisal. Buildings do not have to be listed or locally listed to be included in a conservation area.
					3. The history of the designation of the conservation area and the proposed extension	
				0.05	The conservation area has been reviewed and extended previously. In October 2017 the Council published a comprehensive review of conservation areas. That study concluded that there was no reason to seek to extend the conservation area. No new evidence has emerged that is sufficient to justify the designation of the proposed extension area.	Disagree. The 2017 Conservation Areas Advisory Review Survey (CARS) is high level and advisory. It also contains a mechanism for the identification of new areas in exceptional cases. Discovery of architectural and historic interest as part of the work for the Site Allocations and Future Shoreditch AAP coupled with development pressure within the City Fringe prompted the prioritisation of the review and makes this an exceptional case.

					4. The potential contribution of the extension area to the special architectural and historic interest of the conservation area.	
				0.06	The architectural and historic interest of the proposed extension is clearly differentiated from the special interest that justified the designation of the current conservation area. On this basis, the inclusion of the proposed extension within an enlarged conservation area cannot add to the special interest that is necessary to justify its extension.	Disagree. The buildings in the proposed extension area are remarkably similar in age and character to the buildings on the west side of Shoreditch High Street, which are in the Shoreditch High Street Zone of the conservation area. Paragraph 5.5.1 of the 2011 South Shoreditch Conservation Area Appraisal states: "The character of the Shoreditch High Street zone reflects its past and present role as the retail focus of South Shoreditch with shops, banks, offices, cafes and former furniture showrooms located in the zone". This is consistent with the buildings within the proposed extension area.
					5. The townscape contribution made by the area to its setting.	
				0.07	The extension area makes a negative contribution to the townscape character as a consequence of an extensive break in the building line of the principal street frontages that it addresses. This discontinuity in the building line results in unattractive views of the flanks and rear of the buildings from the streets within the extension area. Consequently the building lines on the principal streets are in need of completion both horizontally and vertically in order that the extension area can be integrated into the surrounding townscape. Designation will not assist in the restructuring required to complete the building lines of the principal street frontage.	Disagree. The discontinuity of the building line is a result of the railway cutting and does not undermine the special interest of the buildings within the extension area. The flank and rear of the buildings are similar to other buildings within the conservation area and are not considered unattractive.
				0.08	The above grounds are explained in more detail below:	Noted.
					The Shoreditch Triangle area: the proposed extension	
				0.09	The Council proposes to incorporate an area of 0.37 ha of land called "the Shoreditch Triangle" into an extension of the South Shoreditch Conservation Area. The 'Shoreditch Triangle' is sundered from adjoining land by two highways; Commerical Street to the east and Shoreditch High Street to the wesdt. The third element that encloses the resultant small triangle of land takes the form of a railway cutting.	Noted. However, the "Shoreditch Triangle" name is not a Council term. Rather it is a name ascribed by the respondent. Shoreditch Triangle more commonly refers to the triangular shaped area bounded by Great Eastern Street, Old Street and Shoreditch High Street.
				0.1	The irregular shape of the land within the Shoreditch Triangle and the particular environmental qualities arising from the intensive road and rail activity, have no doubt influenced the use made of the land far more profoundly than those factors that give South Shoreditch its special architectural interest.	Disagree. The buildings within the proposed extension area are remarkably similar to the age and character of the buildings on the opposite side of Shoreditch High Street, which are within the conservation area.

				0.11	The Shoreditch Triangle's most notable contribution to the townscape arises from the ability to view the rear of the buildings within the area from the public realm adjacent to the railway cutting. The incomplete nature of the building line fronting Commerical Street as it passes over the cutting represents negative contribution to the character and appearance of the area. This is in contrast to the carefully designed street frontages that characterise the conservation area.	Disagree. The most notable contribution to the townscape is the shared character and appearance with the townscape on the west side of Shoreditch High Street.
					The contribution that the extension makes to the special architectural or historic interests of the South Shoreditch Conservation Area	
				0.12	The principal factors that shape the 'Triangle's' history include two major infrastructure interventions, the construction of the railway cutting and the construction of Commercial Street, neither of which contributes to the special architectural or historic interest that justified the designation of the South Shoreditch CA.	Disagree. The infrastructure interventions have influenced the shape of the extension area. However, the age and character of the buildings share the same special interest as the buildings on the west side of Shoreditch High Street, which are in the conservation area.
				0.13	The architectural and historic interest of South Shoreditch has been much studied, a matter which will be considered briefly later in this representation. However, it is sufficient for current purposes to the Council's consultation webpage which helpfully explains that: "The special interest of the area (South Shoreditch CA) derives from the historic concentration of the furniture trade within South Shoreditch and Hoxton from the mid-1850s to the mid-1950s.	Noted.
				0.14	<u>The furniture trade has left but the area but the area has inherited a distinctive range of building types, from large showroom and warehouse buildings to small workshops, which have given South Shoreditch a particular character.</u>	Noted.
				0.15	The flexibility of the furniture trade buildings and their adaptability for new uses, coupled with the attractive scale of the streets and spaces, has helped Shoreditch to become a lively mixed use area..."	Noted.
				0.16	As the draft addendum to the South Shoreditch Conservation Area assessment notes, the current buildings on the Shoreditch Triangle take the form of: * a parade of shops from the Edwardian era; * a former public house and a former bank; and, * a building which the Council do not ascribe a use (167 - 169 Commercial Street).	Noted.

				0.17	Clearly none of these buildings were designed for use by the furniture trade; the building typology that the Council explains gives South Shoreditch its 'special character'. Similarly the Shoreditch Triangle Area does not exhibit an attractive streetscape or reflect the character and appearance of the townscape found in the conservation area.	Disagree, the streetscape and townscape are remarkably similar to buildings on the west side of Shoreditch High Street, which are in the South Shoreditch CA and also date from the Victorian/Edwardian era. These buildings form part of the Shoreditch High Street Zone. Paragraph 5.5.1 of the 2011 South Shoreditch Conservation Area Appraisal states: "The character of the Shoreditch High Street zone reflects its past and present role as the retail focus of South Shoreditch with shops, banks, offices, cafes and former furniture showrooms located in the zone". This is consistent with the buildings within the proposed extension area. Furthermore, the 2007 English Heritage document "An Industrial Suburb: The Commercial Buildings of South Shoreditch 1850 - 1980" identifies No. 31 Shoreditch High Street as the former premises of a looking-glass and frame maker called Antonio Biachi, demonstrating an association with the Shoreditch Furniture Trade.
				0.18	It is quite clear from the above assessment that the physical, historic and architectural factors that shape the Triangle's architectural and historic interest are particular to this site and easily differentiated from those that make South Shoreditch special.	Disagree. The architectural and historic interest of the buildings within the conservation area is remarkably similar to the buildings on the west side of Shoreditch High Street, which are within the conservation area.
				0.19	It is worthy of note that the Council's draft addendum to the South Shoreditch Conservation Area makes no reference to the architectural or historic interest of the Shoreditch Triangle Area, special or otherwise.	The area that the respondent describes as the 'Shoreditch Triangle' is the area of special architectural and historic interest, as outlined in the Addendum to the South Shoreditch Conservation Area.
				0.2	The Council's web page that announced the consultation exercise on the proposed designation of the Shoreditch Triangle helpfully explains that: "Conservation Areas have special architectural or historic interest and are designated in order to protect and enhance the character and appearance of the historic areas. It is the area as a whole rather than the quality of specific buildings that is of importance. The historic layout of road, paths, gardens and trees all contribute to special character."	Noted. The buildings within the extension area are similar to the age and character of buildings on the west side of Shoreditch High Street, which are in the conservation area. The extension area therefore contributes to the conservation area as a whole as well as the buildings having individual townscape value.

				0.21	In conflict with the guidance above, the Council in its draft addendum sets out its justification for the extension of the South Shoreditch Conservation Area by the incorporation of the Shoreditch Triangle area as follows: "The area is now being extended to include a small number of Victorian and Edwardian properties, which have recently been discovered to have heritage interest by virtue of their age and architecture, which is similar to other buildings within the conservation area". As the Council acknowledges the purpose of designating a conservation area or extensions to a conservation area, is to protect an area of special architectural or historic interest. It is the area as a whole rather than the quality of specific buildings that are important. The justification set out in the addendum fails to conform with the designation test.	Disagree. The designation test is whether the area has special architectural or historic interest. The buildings in the extension area have both and are remarkably similar to buildings on the opposite side of Shoreditch High Street, which are within the CA. They are a small number of historic buildings which the Council rightly sees as forming part of the wider conservtion area.
				0.22	It is perhaps unsurprising given the above assessment, that the Shoreditch Triangle area was not included within the Conservation Area when originally designated, nor considered for incorporation during two comprehensive reviews. The most recent review was published by the Council in October 2017 as part of its preparation for the Hackney Local Plan.	Disagree. The 2017 CARS is high level and advisory only. The decision to designate can be made at any time. It appears to be an oversight, that the extension area was not previously included within the CA, perhaps because it was mistakenly thought to be in an adjoining borough as it is where three boroughs converge.
				0.23	The Shoreditch Triangle area's architectural and historic interest is simply not aligned in a meaningful way with the special architectural or historic interest of the South Shoreditch Conservation Area. The physical features of the 'Triangle' area result in an awkward and incomplete townscape due to the effect of the railway cutting on the Commercial Street and arguably on the Shoreditch High Street frontages. Furthermore, as noted earlier, none of the buildings are statutorily or locally listed, which is suggestive that they would not contribute to the special architectural or historic interest of the conservation area.	Disagree. The buildings within the proposed extension are remarkably similar in age and character to the buildings on the west side of Shoreditch High Street, which are in the CA. Buildings do not have to be statutorily or locally listed to merit inclusion in a conservation area.
				0.24	For the above reasons, our client considers the grounds that the Shoreditch Triangle incorporates buildings of Victorian and Edwardian vintage are insufficient to justify incorporation of the Shoreditch Triangle site within the South Shoreditch Conservation Area.	Disagree. The extension area has the same special architectural and historic interest as the buildings on the west side of Shoreditch High Street, which are in the conservation area.
				0.25	As is evident from the above review the Shoreditch Triangle area never had nor has it acquired the special architectural or historic interest required to justify its designation. Its architectural and historic interest is distinct from that of the wider conservation area, and for the above reasons cannot add to its special architectural or historic interest.	Disagree. The extension area has the same special architectural and historic interest as the buildings on the west side of Shoreditch High Street, which are in the conservation area. The respondent has produced no evidence about the age or use of the buildings to contradict the Council's view that there is special architectural and historic interest.

				0.26	Please do not hesitate to contact Simon Marks at Montagu Evans LLP, who will be pleased to provide assistance.	Noted.
SSCA04	Julian Shirley	DP9	09/09/19	0.01	We hereby submit representations on behalf of our client, RT Group Property Investments Limited and the City of London Corporation, in respect of the proposed extension to the South Shoreditch Conservation Area. Our client strongly objects to the proposed extension to the conservation area for the reasons set out in this letter.	Noted.
				0.02	We note that the proposed extension to the conservation area includes the entirety of the site at the Junction of Shoreditch High Street and Commercial Street ("the Site"). RT Group Property Investments Limited ("RT") own the entire site, with the exception of three corner buildings that are owned by the City of London Corporation and The Estate Office Shoreditch Limited. Separate representations are being submitted by the The Estate Office Shoreditch Limited.	Noted.
				0.03	The Site is identified as a 'Site Allocation' (site ref. FSOS 08) in the draft Future Shoreditch Area Action Plan as a future major development opportunity. As such, your officers will be aware that representations to the Draft Future Shoreditch AAP were also submitted on behalf of all the landowners of the Site.	Noted.
				0.04	Our client's Heritage Consultants have reviewed the 'Addendum to the South Shoreditch Conservation Area Appraisal' published to inform the consultation process and we wish to make the following comments.	Noted.
					Background to the Conservation Area Designation	
				0.05	At the outset, it is important to note that the Site was not included in the 'South Shoreditch Conservation Area' when designated in 1991, nor included in an extension when the conservation area was re-assessed in 2009. Moreover, it would appear that the site was specifically excluded from the conservation area designation.	Disagree. There is no record of the site being specifically excluded. It appears that it may have been excluded because of an oversight, perhaps mistakenly thought to be in an adjoining borough as it is where three boroughs converge.
				0.06	More recently, in October 2017, we note that the Council carried out a borough-wide 'Conservation Areas Review Study'. The purpose of this review was to: *identify those areas of the borough which should be Conservation Areas. * Provide a programme for the designation of new Conservation Areas and the revision of existing Conservation Areas. * Guide the future management of Conservation Areas in a way which preserves and enhances their significance."	Noted. The CARS also includes a mechanism for identifying new areas in exceptional cases.

				0.07	To inform the results of that study, the Council adopted various criteria for prioritising the review of each conservation area, as follows: "1. Development pressure and inappropriate development within an area. Conservation Areas subject to greater development pressures are more likely to suffer from inappropriate changes. This might trigger a need to introduce Management Plans and Article 4 Directions. 2. Age and quality of the existing documentation. Conservation Areas are more likely to suffer from harmful change if documentation such as Conservation Area Appraisals and Management Plans are incomplete or aging. New special architectural or historic interest may have been identified which triggers a boundary review. 3. The potential for contributing to other policy and regeneration initiatives, such as developing area based planning policies and grant schemes."	Noted. Discovery of architectural and historic interest as part of the work for the Site Allocations and Future Shoreditch AAP coupled with development pressure within the City Fringe prompted the prioritisation of the review. The CARS also includes a mechanism for identifying new areas in exceptional cases.
				0.08	In respect of the 'South Shoreditch Conservation Area', this was given a Level 3 Priority for Review and was considered should be reviewed within "Years 7 to 9" of the fifteen year cycle for review period (2018 - 2033). Therefore, according to the Council's own programme for review, the conservation area should not need to be reviewed until 2025 - 2027. As set out in Appendix A of the review, whilst noting at the time that the conservation area "is under extreme development pressure, in particular on its southern boundary", the Council considered that no boundary changes to the conservation area were recommended.	Noted. The CARS also includes a mechanism for identifying new areas in exceptional cases. Discovery of architectural and historic interest as part of the work for the Site Allocations and Future Shoreditch AAP coupled with development pressure within the City Fringe prompted the prioritisation of the review making this an exceptional case.
				0.09	The existing buildings on Site have remained the same since the last review and nothing has changed to warrant their consideration as now having heritage value because of their age and architecture. Indeed, at the time of the last review, the Council did not consider the timing for the next revision of the conservation area to be a priority. Therefore, given the previous review was only carried out as recently as October 2017, there is therefore no need or justification for carrying out a boundary review of the conservation area to include the Site at this stage.	Disagree. The buildings appear to have been previously excluded as an oversight, perhaps mistakenly thought to be in an adjoining borough as it is where three borough boundaries converge. The CARS includes a mechanism for identifying new areas in exceptional cases. Discovery of architectural and historic interest as part of the work for the Site Allocations and Future Shoreditch AAP coupled with development pressure within the City Fringe prompted the prioritisation of the review, making this an exceptional case.
					Proposed Conservation Area Extension	
				0.1	The NPPF (2019) is clear 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." (paragraph 186).	Noted.

				0.11	The proposal to extend the 'South Shoreditch Conservation Area' over the Site is considered to be wholly inappropriate for the following reasons: 1) The existing buildings on the Site are not typical of the special character of the conservation area with its industrial architecture. 2) The position of the Site is outside the critical mass of special buildings that make up the conservation area. The Site relates weakly to the group on the opposite side of Shoreditch High Street, which can stand on its own merits.	Disagree. Buildings within the proposed extension are remarkably similar to the buildings on the west side of Shoreditch High Street, which are in the CA and date from the Victorian and Edwardian era. These buildings form part of the Shoreditch High Street Zone and the buildings on both sides of the high street area consistent with its character. In views south along Shoreditch High Street both sides of the road are visible and the buildings within the extension area are located on a prominent corner.
				0.12	It is recognised that the four-storey buildings at Nos. 30, 31 and 32 Shoreditch High Street, 167 and 169 Commercial Street do possess some limited townscape value for their corner shape and relationship with the junction. However, they are architecturally conventional and lack the distinctive character associated with 'Buildings of Townscape Merit' in the Shoreditch High Street zone, such as 6 - 15 Great Eastern Street.	Disagree. These buildings are considered to make a positive contribution to the conservation area and have more than limited townscape value.
				0.13	The two-storey buildings at 20 - 26 Shoreditch High Street possess no townscape value whatsoever. Their conspicuously low height means that they relate weakly to the conservation area buildings on the opposite side of the road which are of four storeys. This anomaly is thought to result from engineering constraints at the time of their construction, relating to the railway tunnel beneath. The parade is architecturally unremarkable, relatively late in date (early twentieth century) and possesses negligible heritage value.	Disagree. These buildings are considered to make a positive contribution to the conservation area and have more than limited townscape value. Buildings within the existing conservation area are a variety of heights, which adds to its special interest and character. The limited height of the buildings at 20 -26 Shoreditch High Street is part of their story.
				0.14	As described in LB Hackney's 2009 'Conservation Area Appraisal' document: "The distinctive character of South Shoreditch comes from the mix of quite grand, four and five storey former retail and warehouse buildings that line the main thoroughfares in combination with smaller, lower-scale buildings set behind the main frontages" (paragraph 1.3.2). It is clear therefore that Nos. 20 - 26 Shoreditch High Street are not part of this distinctive character and should not be considered Buildings of Townscape Merit.	Disagree. The South Shoreditch CA has character zones and the buildings within the conservation area are the same character as buildings on the west side of Shoreditch High Street, which are in the CA.
				0.15	Furthermore, the blank wall on Commercial Street that is now proposed for designation is also clearly not part of this distinctive character, as described in the 2009 appraisal document. It is not a screen wall. It is part of a single storey building of no interest. It is wholly inconsistent with the rest of the conservation area to propose to designate a facade in this way.	Disagree. This wall is contemporary with the Victorian railway cutting and similar to the wall surrounding Bishopsgate Goods Yard opposite, part of which is statutorily listed. The wall does not form part of the 1960s buildings behind, which are a separate structure and are not considered to have any special interest.
					Conclusions	

				0.16	This is a distinctive conservation area, designated for its richly characterful commercial and industrial buildings. It is clear that this special character would be devalued, rather than maintained, if the Site were to be included within the conservation area. As set out above, if the conservation area was extended to include the Site, this would be contrary to paragraph 186 of the NPPF.	Disagree. The buildings within the proposed extension area share the same special character as the buildings on the west side of Shoreditch High Street. Inclusion would therefore add to the character of the CA.
				0.17	In conclusion, the Site relates weakly to the South Shoreditch Conservation Area, both in terms of its position and its character. The Site was not included (and specifically excluded) in the conservation area when originally designated in 1991, not included when the conservation area was reassessed in 2009 or later extended in 2011 when the former 'Shoreditch High Street' Conservation Area was included. Furthermore, as recently as 2017, the Council did not consider a revision to the boundary of the conservation area to be a priority in the short term and should not be reviewed until 2025 at the earliest. There have been no changes in circumstances that require an early review of the conservation area boundary.	Disagree. There is no record of the proposed extension being specifically excluded under previous reviews. It appears that it may have been excluded because of an oversight, perhaps mistakenly thought to be in an adjoining borough as it is where three boroughs converge. Discovery of architectural and historic interest as part of the work for the Site Allocations and Future Shoreditch AAP coupled with development pressure within the City Fringe prompted the prioritisation of the review.
				0.18	Furthermore, nothing has changed to warrant the consideration of the existing buildings as now having heritage value because of their age and architecture. The existing buildings were not considered to be of heritage value in 2017 and so this must remain the case.	Discovery of architectural and historic interest as part of the work for the Site Allocations and Future Shoreditch AAP coupled with development pressure within the City Fringe prompted the prioritisation of the review.
				0.19	Therefore, for the above reasons, there is no justification to extend the South Shoreditch Conservation Area to include the Site or designate the buildings and perimeter wall as 'Buildings of Townscape Merit/Positive Contributors'	Discovery of architectural and historic interest as part of the work for the Site Allocations and Future Shoreditch AAP coupled with development pressure within the City Fringe prompted the prioritisation of the review.

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