



<b>ADDRESS:</b> 33-35 Hoxton Square, London, N1 6NN	
<b>WARD:</b> Haggerston	<b>REPORT AUTHOR:</b> Ron Madell
<b>APPLICATION NUMBER:</b> (A) 2008/1321 – Full planning application (B) 2008/1322 – Conservation Area Consent  <b>DRAWING NUMBERS:</b> SK001 – 009 SK030 – 031 SK090, 100, 110, 120, 130, 140, 150 SK210, 220, 230/B SK330, 310, 320, 330, 340 SK400, 400.1, 400.2, 400.3, 400.4	<b>VALID DATE:</b> 18/09/2008
<b>APPLICANT:</b> Mr K Schachter c/o Agents	<b>AGENT:</b> Turley Associates 25 Savile Row London W1S 2ES
<b>PROPOSAL:</b> Erection of a part 4 storey, part 5 storey building plus basement to provide Class B1 and /or Class A1 (retail gallery on the basement and ground floors), Class B1 on part of the first and second floors and 8 residential units on the remainder of the upper floors.	
<b>RECOMMENDATION SUMMARY:</b> Grant conditional permission subject to a Section 106 agreement	

**ANALYSIS INFORMATION**

ZONING DESIGNATION:

CPZ		YES – South Shoreditch
Conservation Area		YES
Listed Building (Statutory)		Adjoining
Listed Building (Local)		NO
DEA		YES

LAND DETAILS:	USE	Use Class	Use Description	Floorspace
<b>Existing</b>		B1	Offices	1327 m <sup>2</sup>
		C3	Residential	80 m <sup>2</sup> (est)
<b>Proposed</b>		C3	Residential	1081 m <sup>2</sup>
		A1 / B1	Gallery	1135 m <sup>2</sup>

	B1	Offices	2327 m <sup>2</sup>
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RESIDENTIAL DETAILS:	USE	Residential Type	No of Bedrooms per Unit				
			1	2	3	4	5+
Existing		None			1		
Proposed		Flat	0	5	3	0	0
<b>Total</b>		8					

PARKING DETAILS:	Parking (General) Spaces	Parking (Disabled) Spaces
Existing	4 (Forecourt)	0
Proposed	0	0
Cycle Parking - Proposed	8	N/A

**OFFICERS REPORT**

**1. SITE DESCRIPTION:**

- 1.1 The site is occupied by a part 3, part 4 storey building, now largely vacant but occupied formerly by B1 business uses (total 1,427 sq m) and a related 3 bed flat on the upper floors. The main frontage of the site lies on the east side of Hoxton Square, towards the northern end of the South Shoreditch Conservation Area, but there is also a return/rear façade, at 13-21 Hoxton Street.
- 1.2 Hoxton Square is a distinctive ‘identity area’ within the Conservation Area, with an open, landscaped central space (shown as a London Square in the UDP). The buildings fronting it are of varied height, ages and styles, especially on the western side of the Square where heights of 5 and 6 storeys tend to dominate visually. The eastern side, where the application site lies is more consistently of 3 and 4 storeys, including the present late 1960’s building on the site. In terms of architectural styles, however, the eastern side is as varied as the remainder of Hoxton Square, with No 33/34 having flush window and panelling as a ‘curtain wall’; an Edwardian house to the south; two listed Georgian buildings immediately adjoining to the north; and a 1960’s former factory beyond.
- 1.3 To the rear, the site has a frontage to Hoxton Street which is occupied by the lower and much more horizontal 2 storey existing building, finished in cream render with square window openings. Most of the adjoining buildings on this west side of Hoxton Street are 3 storeys in height, with commercial and industrial uses.

- 1.4 The whole area lies within a CPZ, and is considered highly accessible by public transport modes with underground, rail and bus services in close proximity.

## **2. CONSERVATION IMPLICATIONS:**

- 2.1 The site is located within the South Shoreditch Conservation Area, on the eastern side of Hoxton Square, a distinct 'Identity Area' towards the northern end of the designated area. Conservation Area Consent was granted in 2006 for the total demolition of the existing post-war building, but the merits of the present proposal and response to statutory consultees' views are discussed in the body of this report, as they are central to the case as a whole.

## **3. RELEVANT PLANNING HISTORY:**

- 3.1 2005/0522 & 2005/0524: Planning and Conservation Area Consent applications for the erection of a part 3, part 4, part 5-storey building to provide 386 sq m Retail (Class A1) and 425 sq m (Commercial (Class B1) floorspace, plus 6 residential units comprising 4 x 2 bedroom and 2 x 3 bedroom units together with demolition of existing buildings on site. Both applications withdrawn 30.6.05.
- 3.2 2005/3073: Planning permission granted for the erection of a part four/part five storey building to provide Class B1 and/or Class A1 in basement, Class A1 (retail gallery) on ground floor, Class B1 on part of first floor and 6 residential units (1 x 1 bed, 3 x 2 bed, 2 x 3 bed) on upper floors.
- 3.3 2006/0245: Conservation Area Consent granted for the demolition of existing part 3, part 4 storey building in connection with the above development.

## **4. CONSULTATIONS:**

- Date Statutory Consultation Period Started: 29<sup>th</sup> September 2008
- Date Statutory Consultation Period Ended: 20<sup>th</sup> October 2008
- Site Notices were placed adjoining the site.

### **4.1 Neighbours**

- 4.1.1 A total of 357 surrounding occupiers were consulted. 13 letters and e-mails of objection have been received, on the following grounds:
- New uses out of character with the Conservation Area & South Shoreditch generally (1 respondent)

- Building would be architecturally out of character / an eyesore / too different in the area (7 respondents)
- Size & height of development in Conservation Area & street scene (8 respondents)
- Loss of daylight for nearby residential occupiers (mainly to rear in Hoxton Street) (5 respondents)
- Loss of view or outlook (from buildings to rear) (2 respondents)
- Use of reflective cladding materials, with potential to dazzle or reflect into adjoining windows to rear (3 respondents)
- Additional traffic from development (1 respondent)
- No parking available in area (1 respondent)
- Cumulative loss of historic heritage (1 respondent)
- More noise, pollution & refuse in Square
- Protracted disturbance from building works

4.1.2 The use, design-related architectural and townscape objections and concerns are discussed under the relevant headings in Officer Comment below, with other matters covered in the last part of that section.

## 4.2 Local groups

4.2.1 Invest in Hackney: No comments received.

## 4.3 Other Council Departments:

4.3.1 Waste Management: This application requires 1800 litres of waste storage plus provision for recycling. For domestic waste the drawing shows they have provision for 3 x 1100 litre Euro bins so two is plenty for residual waste, and the other one will be sufficient for unsorted recycling. There is also sufficient provision for commercial waste which is kept separate from domestic.

4.3.2 Planning Policy: No comments received.

4.3.3 Traffic and Transport: The proposed development is acceptable in transport terms. The site is located in a PTAL area of 5/6a and therefore has very good accessibility to public transport. It is envisaged that there will be very low car use associated with the development, given the small scale of the proposal; and that the site is located within a controlled parking zone [CPZ], which will discourage residents from owning a car. The cycle parking provision is satisfactory – 9 no. cycle parking places accords with the London Plan standards of 1 cycle place per residential unit. Adequate cycle parking has also been provided for B1 use [6 no. in the commercial lobby].

There is just one issue: the doors to the refuse store and commercial entrance in Hoxton Street opens outwardly onto the public footpath. This is unsafe for pedestrians and is therefore must be changed to inward opening doors.

- 4.3.4 Highways: The owner should be required to enter into agreement under Section 278 of the Highways Act to pay the Council to reinstate and improve the footway adjacent to the boundary of the site.

The original proposed highway works estimate of 2006 should still stand as the extent of the works included footway works either side of the development (*i.e. equating with the whole 33-35 frontage*). The estimated figure to take into account a percentage increase, hence the new figure is £38,200. The description of the works from the application in 2006 set out below still stands:

The works will include:-

- Take up existing bitmac paving and replace with new PCC (Pre-cast Concrete).
- Take up and dispose of granite kerbs and replace with new.
- Mesh reinforced slabs 75mm thick to be used across two cross over areas
- Install tactile paving where required.
- Upgrade/installation of road markings
- Adjustments to stats covers where acceptable

- 4.3.5 Conservation and Design: Views as follows:

(i) Introduction

The scheme is located at the vibrant and popular Hoxton Square, which is in the northern part of South Shoreditch Conservation Area (SSCA). It is proposed to create a building by the architect Zaha Hadid in a deep, rectangular site which stretches from Hoxton Square in the west to Hoxton Street in the east. Located in a conservation area, the proposed building is adjacent to Grade 2 listed buildings to the north.

In a conservation area, any new development must either preserve or enhance the character and appearance of the location. In addition, it is important to make sure that the new development does not have a detrimental effect on the setting of the neighbouring listed building. Therefore, the key issues for this scheme are how a unique building can fit into its spatial context and create a positive impact on a conservation area.

(ii) Context

Since the 1990s, at which time it was still a run-down area of light industry, the Hoxton Square area has been popular with the Young British Artists (YBAs). More recently this area has undergone extensive redevelopment, including clubs, restaurants and the attraction of media businesses, and Hoxton Square is a prime site with a central area of grass and trees.

Within the South Shoreditch Conservation Area, the Hoxton Square area 'has (and maintains) a very distinctive character of mainly four storey brick buildings, physically separated from the other zones by Old Street and forming a self-contained unit within SSCA.' (p69, South Shoreditch Conservation Area Appraisal, Hackney) However, the square was not originally a consciously designed space with a unity of scale and elevation design, the character of the square is not a 'set piece' with a 'formal' context, and there is a mixture of architectural styles.

Today, the buildings around the square have a distinct vertical emphasis, and the streetscape quality of the area derives from a mixture of tall, vertical frontages enclosing the central rectangular form of the green landscaping. The tallest building in the square is new build – the LUX Centre for Film, Video and New Media, which opened in September 1997 – which has a strong horizontal and vertical character of a 'grid' building form. Another important new development in the square is the White Cube gallery, which is housed in a refurbished 1920s light industrial neo-traditional building with a prominent glazed box on the top.

(iii) Proposed Scheme  
Character

The proposed building delivers a very distinctive feature – Zaha Hadid's interwoven multiple sloped planes – stretching from vibrant Hoxton Square to less active Hoxton Street, both of which are currently dominated by vertical/ horizontal architectural elements.

The angled shape and the reflective material of the frontage on Hoxton Street provide an eye catching view directly from the key arrival point at the intersection of Old Street, Hoxton Square (east-west road at south side of the Square), and Hoxton Street.

Hoxton Street has a completely different character and appears to be separated from Hoxton Square. It is much quieter at the south end, leading from Hackney Community College to the northern local street market. The proposed scheme plays an important role to extend the activities from Hoxton Square (the square) to Hoxton Street (south end) and to help integrate Hoxton Street into Hoxton Square.

Due to the stretch of the massing from Hoxton Square and Hoxton Street, and its unique building form, the new development will help create a more active area at Hoxton Street, and help make Hoxton Square more visible via this new 'landmark' building, which will easily attract greater attention outside the square from Old Street.

#### Massing & Infill building

In the pre-application process, there were some design discussions concerning the balance between the distinctive Hadid building and the character of the existing conservation area, and particularly the impact on the adjacent listed building.

As with the earlier permitted scheme, the highest point of the proposed building is the prominent north flanking. During the pre-application process, the scale and massing was modified to slightly reduce the volume and introduce relief elements to the wall.

In the final proposal, the building height has followed the design guidance - not exceeding 20m above street level, which is the current tallest building height around the square. The height of the north corner has been reduced, and the massing has also been relieved by the introduction of cut outs. The north flanking wall now has quite a harmonious massing relationship with the lower listed building to the north. Therefore, we think the final design of the flank wall, using a reduced height and cut-off corner treatment, is a good solution.

#### Elevation & Materials

The idea of a sculpted massing works well, meeting the visual and functional needs for external visual effect and the internal requirement for daylight, views and balconies. The horizontal lines on the façade respect the cornice lines from the neighbouring building, particularly the Grade 2 listed building at 32 Hoxton Square. It demonstrates a good relationship between the proposed building and its context. In addition, the dynamic diagonal elements of walls, windows, and balconies, and the use of reflective stainless steel and thin frame glass will attract great attention due to the dramatic form full of tension and reflectivity.

#### Street frontages

Facing Hoxton Square, the reintroduction of a basement frontage and a footbridge connecting the public walkway to the ground floor entrance, presents an innovative idea responding to its context. The basement frontage is common on the east side of the square where it is found at the adjacent Grade 2 listed building and at the Vicarage. We think it is a good idea to resurrect this historic element in Hoxton Square and to continue this from the adjacent buildings. In addition, the seating area around the front 'area' void helps to create an active frontage.

The street frontage at Hoxton Street is also very successful. The commercial lobby entrance, and the large window glass together with the horizontal and dynamic diagonal elements on the elevation create an active frontage and extend the activities from Hoxton Square to Hoxton Street.

#### Internal Layout

The massing, with interwoven multiple sloped planes, does not sacrifice the internal spatial quality. The internal layout actually provides a satisfying, exciting spatial experience, using sloped walls or non-horizontal/low ceilings.

#### (iv) Conclusions

The proposed building successfully delivers a distinctive new architectural element into Hoxton Square, which is dominated by vertical/ horizontal elements. The angled shape and the reflective material will provide an eye catching directly from the key arrival point at Old Street outside the square and, therefore, help make Hoxton Square more visible.

It will also help to extend the activities from the popular Hoxton Square to the quieter Hoxton Street. The massing and the elevation design provide an innovative although non-contextual solution. It means that this building works not only as Zaha Hadid's piece of sculpture, but also as a catalyst to form a more exciting place with a strong character.

To sum up, the scheme helps to create a more diverse and a more distinctive image for Hoxton Square with an acceptable massing and building form. The proposed building would preserve and enhance the character of the conservation area, and not adversely affect the setting of the adjoining listed building. In conclusion, we think the proposal creates a great solution in responding to the distinctive character of this area, and creates a stronger image for Hoxton Square. We strongly support this scheme.

#### (v) Conditions

It is recommended that approval of the following be reserved:

- Full details, including samples, of the materials to be used on the external surfaces
- Full details of all ground surface treatment to the site
- Detailed drawings/full particulars of
  - a) Windows, glazing bar profiles
  - b) Doors, profiles and sections of all openings

- c) All clear and obscure glazing
- d) Design and appearance of railings
- e) Ground floor elevations and signage of the building

#### 4.4 **Statutory & Other External Consultees:**

##### 4.4.1 English Heritage (Historic Buildings & Conservation): (*Recommendations*)

(i) English Heritage has no in-principle objection to the demolition of the existing buildings on the proposed development site. However, we wish to raise a strong objection to the proposed replacement scheme. As set out above, and in Hackney Council's own draft appraisal for the conservation area, 'the blending of eighteenth century, nineteenth century and modern development in and around the square has resulted in a surprisingly harmonious visual balance'. New developments within the square in recent years have respected their context through the use of brick as the prevailing material, the use of an architectural language that respects plot widths and the vertical emphasis that characterises the historic buildings around the square and throughout the conservation area.

(ii) The proposed scheme bears no relation to its context and while it is evident that attempts have been made to reference the listed building at No. 32 Hoxton Square in the Hoxton Square elevation, this has resulted in a building with a strong horizontal emphasis which is at odds with the character zone and the wider conservation area. In addition to this, the scale, mass and proposed materials result in a building alien to its sensitive context, forming an imposition on a finely grained London square which takes much of its character from the 'harmonious visual balance' where no one building acts as a dominant or overwhelming feature. The proposed scheme would have an overbearing, discordant and harmful impact on this balance and the sense of enclosure created by the buildings around the square which is emphasised by the pattern, materials and rhythm of their frontages.

(iii) The proposed scheme would also harm the setting of the square's listed buildings which contribute to the rich architectural variety of the area and also to its social and economic history. The listed buildings described above are very much part of the square, contributing to the area's historic and aesthetic value while respecting and strengthening the area's fine townscape. St Monica's Church, a key visual reference point and landmark blends with the other buildings in the square by use of brick, scale and height. The original context of No 32 Hoxton Square may be altered but the surviving similar plot

widths and arrangement of buildings provide reminders of the square's past with buildings that respect the character of the listed building and its setting.

- The draft appraisal for the SSCA identifies possible vulnerabilities and threats to the character of the zone. These include 'insensitive redevelopments which ignore the scale, massing and architectural character of the zone and which disrupt the fine grain elements of the townscape quality of the zone'. In order to mitigate against such inappropriate development, the South Shoreditch Supplementary Planning Document's (SSSPD) Conservation and Design Guidance (Policy 12.2) sets out that:

- Sites with potential for prominent new development should be of high architectural quality and follow principles of good urban design, well integrated with surrounding urban form.

- The amalgamation of plots into larger footprints will be resisted.

(iv) Our view is that the proposed scheme is contrary to this policy, particular when related to these points. In addition, the scheme does not accord with national policies and guidance. Paragraph 4.14 of Planning Policy Guidance 15: Planning and the Historic Environment sets out that section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, 'requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character of a conservation area. In addition, paragraph 2.16 set out that the Act requires 'authorities considering applications for planning permission...to have special regard to certain matters including the desirability of preserving the setting of the building.

(v) Due to the discordant and alien form of the proposed development in the context of the Hoxton Square Zone of the South Shoreditch Conservation Area and the fact that the scheme does not accord with local or national policy and guidance, we wish to raise strong objection to this scheme and urge that it be refused.

4.4.2 English Heritage (Archaeology): The site lies in an archaeological priority area. An evaluation was carried out in relation to the 2005/6 scheme, which showed survival of remains associated with post-medieval development of the area, but also areas where basement construction had removed all archaeological potential. Locally important remains would therefore be affected, and a condition requiring watching brief during demolition and construction should be imposed, supported by a condition requiring approval of a programme of archaeological work in case significant finds are encountered.

- 4.4.3 Environment Agency: Application is considered to represent a 'low environmental risk' and therefore there are no comments.
- 4.4.4 Thames Water (TW): Public sewers cross the site. No building works should be permitted within 3m of these sewers without TW approval. If such permission to build over or divert a sewer is required, the applicant should contact TW.
- 4.4.5 London Fire & Emergency Planning Authority: Proposals satisfactory in relation to fire precautionary arrangements, provided access maintained to Building Regulations B5 standard.

#### **4.5 Design Review Panel:**

- 4.5.1 As this is a significant scheme in a Conservation Area location, the Panel's views were invited.
- 4.5.2 The Panel agreed that the building has the potential to be an iconic addition to Hoxton Square. Alongside the Luxe building and White Cube the proposal could contribute to Hoxton Square's unique character as a centre of creativity. However, an inherently 'acontextual' building requires the highest calibre of materials and workmanship to make an appropriate contribution to this important piece of South Shoreditch townscape. The Panel suggested that as a condition of planning a mock up is built in Hoxton Square showing the roof and facade junctions to provide evidence that the details and materials are suitably robust. It would also be an opportunity to showcase the building and involve the community in the architecture.
- 4.5.3 The panel advised that the quality of materials and the detailing must be fully described within the planning application. The panel strongly suggests the submission of external materials prior to any consent being granted. The panel were concerned that the quality of the residential component of the scheme should not be at the expense of the building's sculptural aspiration. It was advised that the interior of the flats meet residential standards such as life time homes and that sufficient internal daylighting standards are achieved as described by the BRE. Presently, the flats were considered to be disappointing and to not sufficiently explore the volume of the building's envelope. Extending the qualities of the external envelope and the concept of the brand to the residential units, fittings and furniture to provide a unity of the architecture is suggested.

## **5. POLICIES:**

### **5.1 Hackney Unitary Development Plan 1995**

EQ1	Development Requirements
EQ12	Protection of Conservation Areas
EQ13	Demolition in Conservation Areas
EQ14	Alterations & Extensions of Buildings in Conservation Areas
EQ16	Protection of Listed Buildings
EQ18	Setting of Listed Buildings
EQ20	Buildings of Local Significance
EQ29	Archaeological Heritage
HO3	Other Sites for Housing
TR19	Planning Standards

Proposals Map: Within the South Shoreditch Defined Employment Area (Saved designation)

#### **South Shoreditch SPD**

Policy 1.2 Mixed uses  
Policy 2.3 Retail

### **5.2 Other Relevant Planning Policies / Guidance**

SPG1	New Residential Development
SPG11	Access for People with Disabilities
SPD	Planning Contributions
PPS1	Delivering Sustainable Communities
PPS3	Housing

### **5.3 London Plan Policies**

3A.1	Increasing London's Supply of Housing
3A.5	Housing Choice (Inc Lifetime Homes)
3A.6	Quality of New Housing Provision
3C.2	Matching Development to Transport Capacity
3C.23	Parking Strategy
4A.3	Sustainable Design and Construction
4B.1	Design Principles for a Compact City
4B.2	Promoting World-Class Architecture
4B.5	Creating an Inclusive Environment
4B.11	London's Built Heritage

## **6. OFFICERS COMMENT:**

- 6.1 The following issues are raised by the proposals: replacement uses; demolition, design and relationship with the South Shoreditch Conservation Area; effect on the immediate setting of two statutorily listed buildings; daylight and sunlight impacts for occupiers of adjoining buildings; outlook and overlooking; transport issues including car parking; consequential highway works; and response to other consultation replies.

#### Proposed Uses

- 6.2 The existing building has accommodated mainly B1 business uses, with a large flat on its upper floors. The new building would contain 1,135 sq m of Class B1 and /or Class A1 (retail gallery) on the basement and ground floors, Class B1 (2,327 sq m) on part of the first and second floors and 8 residential flats (5x two-bed and 3x three-bed) on the remainder of the upper floors new building. As such there would be a reasonable increase in employment floorspace in the South Shoreditch Defined Employment Area (this designation proposed to be superseded by a Priority Employment Area in the LDF Core Strategy). There would also be a substantial residential gain, including two additional family units. A new art gallery or other retail would also advance the Council's aims for supporting and encouraging creative industries in South Shoreditch. Such smaller-scale B1 uses are long-established in the area, as well as constituting the present lawful use.

#### Demolition, Design and Relationship with Conservation Area

- 6.3 Demolition of the larger, relatively modern existing building (No 33/34) in the Conservation Area has already been approved, and was not opposed by English Heritage in relation to the scheme considered in 2006. The present scheme (including Application No 2008/1322 – Conservation Area Consent for demolition) would also incorporate No 35, a low-rise and reasonably undistinguished brick building, which would have sat rather uneasily with the approved building. No objection is raised to this demolition. Redevelopment of this site, lying mid-way along the eastern side of Hoxton Square raises issues of townscape and visual impact in this very well-defined part of the Conservation Area. Before considering these 'external' issues, it is appropriate to note the quality of what is quite a radical design, based on a geometric prism, with the organised cutting away of its mass by a series of 'interwoven' multiple-sloped planes. These are intended to reveal in part the internal function and layout through its openings, and also modulation of the pinnacle at the northern end to acknowledge the abutting listed, domestic-scale Georgian building at No 32 Hoxton Square. It is not considered that the design of the new

building would unduly 'overpower' its neighbour, contrary to the English Heritage view.

- 6.4 For guidance on the specific character and recommended approach to redevelopment, the 1991 designation report to the Council for the South Shoreditch Conservation Area sets out a number of requirements for all new development. These include a harmony of design not exceeding 20m in an individual frontage; maximum overall height for the main facade of 3 – 5 storeys; mainly vertical emphasis with some horizontal; clear ground floor middle and top level elements; and full development to pavement edge with flat facades.
- 6.5 The new building would broadly encompass all these objectives, but as the observations of the Conservation and Design team indicate, the proposal would introduce a 'distinctive new architectural element into Hoxton Square, which is (currently) dominated by vertical and horizontal elements'. In other words, the design would represent a departure from the relatively conventional interpretation of the Conservation Area guidelines. That is to underplay, however, how the treatment of the Hoxton Square elevation and its massing has been tailored to reflect the main ground and first floor level bands to either side, give interest at pedestrian scale with a striking entrance area (and creation of a traditional front basement area), as well as the use of cut away window areas and canted pinnacle to respect the modest roof level of the listed No 32 Hoxton Square, relatively low in the context of even this side of the Square. For these reasons, the understandable concerns of English Heritage are not supported.
- 6.6 To the rear the return frontage is even more conforming in street scene terms.
- 6.7 There is also an implicit relationship between the character and appearance of a Conservation Area. As the northern part of South Shoreditch, running into Hoxton has evolved to become an international centre for artists, galleries and associated catering entertainment facilities, there have only been limited embodiments of this change in architectural terms. Rather than a policy-led move in this direction, the proposal seeks to create a 'one off' example of a building as an art form. Given that most of the parts of Shoreditch and Hoxton now home to such creative industries are also designated as Conservation Areas, it is fairly inevitable that such a scheme will call for the weighing of architectural quality and area-wide conservation approaches. The scheme is considered to combine individual panache and respect for the main tenets and overall scale of the South Shoreditch street scene.

- 6.8 Finally, objections have been made by a number of neighbours that the stated roofing material of reflective metal cladding could well generate dazzle in sunlight, or otherwise focus light into the enclosed courtyard areas and windows beyond at the rear of flats fronting Hoxton Street. To overcome these concerns, roof planes facing southwards should only be clad with material that is chosen or treated to avoid reflection of sunlight, with details of all materials to be reserved by condition. Nevertheless, given the importance of the cladding and glazing to a successful implementation of the overall concept, representative panels will be displayed at the meeting.

#### Daylight and Sunlight

- 6.9 At the time of the 2005 application, a technical assessment was made of the maximum design envelope available to protect amenity of nearby residential occupiers, that would accord with the recommendations of the Building Research Establishment (BRE) guidelines 'Site Layout Planning for Daylight and Sunlight'. This has been revisited for the current scheme. For daylighting, the Vertical Sky Component (VSC) and the more pragmatic Average Daylight Factor (ADF) are taken from the BRE guidance; for testing of sunlight, those properties with windows facing broadly towards south should continue to receive at least the target number of annual sunshine hours, pro rata during September to March (ie an 'intermediate' stage of the year).
- 6.10 The properties which have residential usage (mainly but not entirely on upper floors) are 32, 36 and 38 Hoxton Square; and 4/6, 23/25 and 27 Hoxton Street. In terms of daylight, all of these will exceed the ADF standard, and No 27 Hoxton Street will maintain daylight to VSC standards. No windows to residential accommodation are predicted to fall below the BRE target number of hours at the median autumn – spring period of the year.

#### Outlook and Overlooking

- 6.11 Two of the objectors are concerned about loss of outlook, in relation to views from the rear of Hoxton Street upper floor flats across the application site into the general direction of Hoxton Square. Although there will be a reduced field of sky view from this direction, even the existing building effectively blocks direct vistas of the Square, and the building approved under the 2006 permission is only slightly lower overall.
- 6.12 In terms of overlooking, the building has been designed to ensure that no new windows directly face towards the rear elevations where flats

are located. There will be oblique views, and indeed the existing building has windows facing south towards the adjoining courtyard at the rear of 1/11 Hoxton Street.

#### Transport and Parking

- 6.13 The site is in an area of high public transport accessibility (PTAL level of 5/6a). No off-street parking is proposed, and in any case there will be very little car usage generated by the commercial development, given the small scale of the proposal. The site is within a controlled parking zone [CPZ], which will discourage residents from owning a car. Nevertheless a condition is recommended to ensure that no applications for residents' parking spaces are made. Service bays are available in this part of the Square, and applications can be made for conversion to disabled status of adjoining parking bays if required. It would be impractical to provide such spaces on-site with the limited site area and need to maintain a conservation-related forward building presence.

#### Highway Works

- 6.14 A range of consequential highway works will need to be carried out, mainly relating to pavement reinstatement to current specification. Completion of the necessary Section 278 Agreement should be secured by condition.

#### Response to Other Consultation Replies

- 6.15 In relation to comments about increased noise and pollution, the proposed commercial / gallery uses are not significantly above those in the existing building or 2006 approved scheme. On-site waste and recycling storage is sufficient to meet the Council's standards.

### **7. PLANNING OBLIGATIONS:**

- 7.1 As the present scheme submitted after the adoption of the Planning Contributions SPD in November 2006 (after approval of the 2006 redevelopment of the site) includes new residential accommodation, a contribution through a Section 106 Agreement is required towards the provision of primary and secondary school places. Application of current Child Yield figures gives a total contribution of £24,440 for the 8 new flats. The SPD also seeks contributions to library facilities, amounting in this case to £553.

7.2 The joint Section 106/ Section 278 Planning and Highways Agreement concluded in respect of the 2006 scheme also contained provisions for:

- Agreement and compliance with an implementation plan under the Considerate Contractor scheme
- Achievement of a car-free scheme by no entitlement to residents' parking permits in CPZ
- Highway re-instatement works (S278)- mainly footways and carriageway markings – total estimated cost of £38,200
- Measures to recruit local employment both in construction and within the completed development
- Training opportunities for 2 local employees during construction
- Completion of employment & retail uses prior to occupation of new residential

## 8. **CONCLUSION:**

7.1 The new scheme for redevelopment of 33-35 Hoxton Square expands the approved redevelopment from the more substantial newer building to all of 33-35 Hoxton Square, avoiding a somewhat unsatisfactory relationship with the lower No 35 remaining. The very distinctive design of the proposal, its fine-grained design approach to modulation and architectural detailing within a strong overall concept, and avoidance of direct overlooking all help to render the scheme acceptable here.

## 9. **RECOMMENDATION:**

### **RECOMMENDATION A**

9.1 **The proposal is considered to be acceptable and is recommended for PERMISSION subject to the following conditions:**

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: In order to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 as amended.

2. The Development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

3. Details including samples, of all materials to be used on the external surfaces of the building shall be submitted to and approved by the Local Planning Authority, in writing, before work on the external surfaces commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

4. No roof planes facing southwards or south of the highest part of the roof shall be clad in reflective materials. The details, including samples submitted for approval under condition (3) above shall incorporate all necessary information to demonstrate that no undue reflection of sunlight is likely to occur.

REASON: To ensure that no dazzle or concentrated sunlight is focussed on the enclosed courtyard and surrounding windows of the properties to the rear of the site in Hoxton Street.

5. Detailed drawings showing the following shall be submitted to and approved by the council before any work is commenced on site and the development shall be completed only in accordance with the details thus approved:

- a) Details and representative cross-sections of windows, doors and balconies and glazing to all elevations;
- b) Detailed design and materials of the open front basement area and railings at pavement level;
- c) Signage planned for the building;
- d) External landscaping of any part of the development;
- e) Details of the location and capacity of storage facilities for refuse and waste stored for recycling from the premises.

REASON: To ensure that the external appearance of the development building is satisfactory and does not detract from the character and visual amenity of the area, and enables waste materials to be stored satisfactorily.

6. Three of the residential units hereby approved shall be constructed to conform to the Lifetime Homes standards as specified in 'Meeting Part M and designing Lifetime Homes' (published in 1999), in accordance with the submitted information, unless otherwise agreed by the Local Planning Authority.'

REASON: As proposed in the scheme, in order to ensure that a significant proportion of the dwellings are capable of use or adaptation

for a wide range of future household needs, including people with disabilities.

7. A level access shall be provided to all ground floor units hereby approved before the use is first commenced.

REASON: In order to ensure that people with disabilities are able to gain proper access to the development

8. No soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to either of the street frontage elevations of the building.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

10. Level access shall be provided to all ground floor units or accommodation hereby approved before the use is first commenced.

REASON: In order to ensure people with disabilities are able to gain proper access to the development.

11. No construction shall commence until such time as the Applicant has entered into a legal Agreement with the Council pursuant to S278 Highways Act 1980 substantially in the format appended at Second Schedule to cover the following works to the public highway:

- Take up existing bitmac paving and replace with new PCC (Pre-cast Concrete).
- Take up and dispose of granite kerbs and replace with new.
- Mesh reinforced slabs 75mm thick to be used across two cross over areas
- Install tactile paving where required.
- Upgrade/installation of road markings
- Adjustments to stats covers where acceptable

11. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation for each Quarter, which has been submitted and resubmitted until such time as approved in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

REASON: To safeguard the archaeological interest of the site, which is within an Area of Archaeological Priority.

12. Prior to occupying any residential dwelling forming part of the Development each new resident of the Development shall be informed by the relevant Owner of the Council's policy that they shall not be entitled (unless they are the holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970) to be granted a Residents Parking Permit to park a vehicle in a Residents Parking Bay and will not be able to buy a contract to park within any car park owned, controlled or licensed by the Council.

REASON: To ensure that the development advances the principles of sustainable transport embodied in the London Plan

13. The approved mixed use housing and commercial building shall be constructed to take account of the best practice sustainable development principles embodied in the Building Research Establishment Code for Sustainable Homes and BRREAM assessment methods. Details of an independent code assessor's report (based on a submission aiming for the highest practicable level based on the submitted scheme and incorporating all relevant and readily available environmental management measures) and utilising either separate assessments or a bespoke overall assessment shall be submitted prior to any work commencing on the development. Details of the final Code Assessment for dwellings or groups of dwellings shall be submitted and approved in writing as soon as they have been carried out, prior to first occupation of any relevant part of the development.

REASON: To ensure that the development makes a contribution to the Council's energy and resource efficiency priorities and other sustainable planning objectives, by reference to the government's Code for Sustainable Homes and/or the BREEAM accreditation scheme, as appropriate.

14. Before development commences in each Phase, details of the following shall be submitted to and approved in writing by the Local Planning Authority and the approved measures implemented:

- soundproofing of premises;
- insulation of premises (including ventilation);
- extraction of fumes (for any Class A3, A4 and A5 uses);
- Details of insulation of plant/machinery before use on the non-residential parts of the building

REASON: To ensure no undue loss of amenity for nearby occupiers or prospective occupiers or prospective occupiers of the development

15. The A1/B1 Gallery use hereby permitted may only be carried out between 08:00 hours and 23:00 hours on any day, and 09.00 hours and 20.00 hours on Sundays and Bank Holidays.

REASON: To ensure that the use is operated in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally.

16. Except on day(s) of collection, all refuse and waste shall be stored in sealed containers in the refuse area shown on the details required by condition (4) above, as subsequently approved.

REASON: To ensure refuse is not left in the street in the interests of visual amenity and to reduce the likelihood of infestation.

17. No roof plant enclosures, machinery or other installations shall be placed upon or attached to the roof or other external surfaces of the building unless otherwise approved by the Local Planning Authority.

REASON: To safeguard the appearance of the property.

18. Internal lockable storage space shall be made available for the secure parking of 8 cycles within the building as shown on the plans hereby approved before the first occupation of the development.

REASON: To ensure that a reasonable provision is made within the site for the parking of cycles in the interest of relieving congestion in surrounding streets and improving highway conditions in general.

19. The use of the basement, ground floor and non-residential part of the first floor shall be within Use Classes B1 and A1 only.

REASON: To ensure that the proposal gives the opportunity to maximise and maintain both employment and commercial floorspace within this Defined Employment Area in the Hackney USP (Saved designation).

20. The entrance doors in the Hoxton Street elevation shall open inwards clear of the public footway.

REASON: To avoid any obstruction of the public highway, in the interests of pedestrians and other highway users.

21. The eastward-facing windows of the western bedroom in flats 2 and 5 (First and Second Floor respectively), and the eastern-facing edge of the external terrace of flat 7 (Third Floor), all as annotated in red on submitted plan Nos A-SK110, 120 and 130, shall be glazed in obscured glass and so maintained thereafter.

REASON: To ensure that no direct or perceived overlooking of nearby residential accommodation takes place.

## **RECOMMENDATION B**

**9.2 That Conservation Area Consent be GRANTED subject to the following conditions:**

9.2.1 The development hereby permitted must be begun no later than the expiration of three years beginning with the date of this consent.

REASON: In order to comply with the provisions of Section 18 (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.2.2 The demolition works hereby permitted shall not be carried out otherwise than as part of the completion of development for which planning permission reference 2006/3381 is granted and such demolition and development shall be carried out without interruption and in complete accordance with the plans referred to in this consent and any subsequent approval of details.

Reason: As empowered by Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the character and appearance of the Kingsland Conservation Area.

### **RECOMMENDATION C**

9.3 That the above recommendations be subject to the applicant, the landowners and their mortgagees enter into a deed of planning obligation by means of a Section 106 Agreement of the Town and Country Planning Act 1990 (as amended) in order to secure the following matters to the satisfaction of the Assistant Director of Regeneration and Planning and the secretary and solicitor to the Council:

- (i) Payment by the landowner/developer of an education contribution of money with respect to anticipated child yield from the additional residential housing units being provided in accordance with the DFES cost of providing a school place. - total contribution of £24,440
- (ii) Contributions to library facilities, amounting to £553.
- (iii) Agreement and compliance with an implementation plan under the Considerate Contractor scheme
- (iv) Achievement of a car-free scheme by no entitlement to residents' parking permits in CPZ
- (v) Highway re-instatement works (S278)- mainly footways and carriageway markings – total estimated cost of £38,200
- (vi) Measures to recruit local employment both in construction and within the completed development
- (vii) Training opportunities for 2 local employees during construction
- (viii) Completion of employment & retail uses prior to occupation of new residential

### **RECOMMENDATION D**

- 9.4 That in the event of the Section 106 agreement referred to in Recommendation B has not been completed by 29 June 2007, the Head of Planning be given the authority to refuse the application for the following reasons:
- The proposed development, in the absence of a legal agreement for securing educational and library facilities contributions, would be likely to contribute to pressure and demand on the Borough's education provision contrary to policies EQ1, H03, CS2, and CS10 of the Hackney Unitary Development Plan and policy 3A.21 of the London Plan 2004.
  - The proposed development, in the absence of a legal agreement for securing a commitment towards local employment and training initiatives sustainable travel initiatives/ walking and cycling/ and public transport in the area, would be contrary to policy E15 of the Hackney Unitary Development Plan and policy 3B.11 of the London Plan 2007.
  - The proposed development, in the absence of a legal agreement for securing highway reinstatement contributions and a commitment towards achievement of a car-free housing element through restriction of parking permit applications would fail to contribute to sustainable travel in an area of excellent public transport availability, contrary to policies TR6 and TR19 of the Hackney Unitary Development Plan and policy 3C.23 of the revised London Plan 2007.

## 10. **REASONS FOR APPROVAL**

- 10.1 The following policies contained in the Hackney Unitary Development Plan (1995) are relevant to the approved development and uses and were considered by this Council in reaching the decision to grant planning permission:

### Hackney Unitary Development Plan 1995:

EQ1	Development Requirements
EQ12	Protection of Conservation Areas
EQ13	Demolition in Conservation Areas
EQ14	Alterations & Extensions of Buildings in Conservation Areas
EQ16	Protection of Listed Buildings
EQ18	Setting of Listed Buildings
EQ20	Buildings of Local Significance
EQ29	Archaeological Heritage
H03	Other Sites for Housing
TR19	Planning Standards

Proposals Map: Within the South Shoreditch Defined Employment Area (Saved designation)  
South Shoreditch SPD:  
Policy 1.2 Mixed uses  
Policy 2.3 Retail

London Plan Policies:

- 3A.1 Increasing London's Supply of Housing
- 3A.5 Housing Choice (Inc Lifetime Homes)
- 3A.6 Quality of New Housing Provision
- 3C.2 Matching Development to Transport Capacity
- 3C.23 Parking Strategy
- 4A.3 Sustainable Design and Construction
- 4B.1 Design Principles for a Compact City
- 4B.2 Promoting World-Class Architecture
- 4B.5 Creating an Inclusive Environment
- 4B.11 London's Built Heritage

**INFORMATIVES:**

The following informatives should be added:

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.24 Naming and Numbering
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act 2005
- SI.28 Refuse Storage and Disposal Arrangements
- SI.32 Consultations with TWU
- SI.33 Landscaping

The applicants are reminded about the provisions of the Building Regulations in relation to fire precautions and access to buildings.



Signed.....

Date: 24 November 2008

**Sue Foster**  
**ASSISTANT DIRECTOR, NEIGHBOURHOODS & REGENERATION**  
**DIRECTORATE**

NO.	BACKGROUND PAPERS	NAME/ DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney UDP 1995	Ron Madell x8042	263 Mare Street, E8
2.	The London Plan		3HT