

<b>Title of Report</b>		<b>Review of the Hoxton Street Conservation Area</b>	
<b>Key Decision No</b>		CHE S264	
<b>For Consideration By</b>		Cabinet	
<b>Meeting Date</b>		27 November 2023	
<b>Cabinet Member</b>		Cllr Guy Nicholson, Deputy Mayor for Delivery, Inclusive Economy & Regeneration	
<b>Classification</b>		Open	
<b>Ward(s) Affected</b>		Hoxton East and Shoreditch	
<b>Key Decision &amp; Reason</b>		No	N/A
<b>Implementation Date if Not Called In</b>		06 December 2023	
<b>Group Director</b>		Rickardo Hyatt, Group Director, Climate, Homes and Economy	

## 1. CABINET MEMBER'S INTRODUCTION

- 1.1 Members may recall that the Council has a statutory duty to regularly review all existing designated Conservation Areas in the borough on a cyclical basis and assess the built environment of undesignated neighbourhoods for their suitability for designation as Conservation Areas.
- 1.2 This appraisal report focuses on the Hoxton Street Conservation Area. This area was originally designated in 1983 but no appraisal of the Conservation Area has been written until now.
- 1.3 Hoxton Street is a historic commercial street with a number of quality heritage buildings surviving from the eighteenth and nineteenth centuries. The existing Conservation Area designation has helped to preserve its intimate townscape and scale which contrasts with the surrounding post war Local Authority-built homes.
- 1.4 The dense urban character of the Conservation Area derives from its long, linear form, consistent building line, fine historic grain of narrow building plots, a consistent building height of three to four storeys, and limited material palette. Although modest in architectural terms, surviving original features such as timber sash windows, decorative

ironwork, historic bollards and traditional shopfronts contribute to the interesting and varied heritage streetscape.

- 1.5 Following the appraisal the report also recommends three boundary extensions to the existing Hoxton Street Conservation Area. The extensions include some quality nineteenth and early twentieth century buildings including several locally listed buildings.
- 1.6 The extensions recognise the built heritage and architecture of this important historic neighbourhood and were identified by the work undertaken on the Hoxton Street Conservation Area Appraisal and the Management Plan which is attached to this report.
- 1.7 I commend this report to Cabinet.

## **2. GROUP DIRECTOR'S INTRODUCTION**

- 2.1 This report seeks approval for three boundary extensions to the Hoxton Street Conservation Area. The Council has a duty to review its conservation areas from time to time and to determine whether any parts or further parts of their area should be designated as conservation areas. Approval is also sought for the adoption of a Conservation Area Appraisal and Management Plan which will be used to help manage change in the future by articulating the significance of the area and providing guidance on how to preserve or enhance its character or appearance.
- 2.2 The proposal is coming forward as part of the Planning Service's ongoing programme of Conservation Area reviews. The Hoxton Street area is under increasing development pressure and currently has no Appraisal or Management Plan to assess what elements contribute to the character and appearance of the area. The Conservation Area review will not hold back future development but instead will help provide guidance and clarity about the area.
- 2.3 The proposed extensions to the Conservation Area include buildings of architectural and historic interest and are considered worthy of Conservation Area designation. The extension of the Conservation Area will ensure that intrinsically valuable heritage buildings are therefore better protected by being included within the Conservation Area designation.

## **3. RECOMMENDATION(S)**

### **3.1 Cabinet is recommended to:**

- **Approve the adoption of the Hoxton Street Conservation Area Appraisal and Management Plan (Appendix A)**
- **Approve the revised Hoxton Street Conservation Area Boundary map (Appendix B)**

#### **4. REASONS FOR DECISION**

- 4.1 This decision is required in order to ensure that the area's heritage is recognised and a full Conservation Area Appraisal is adopted. The Appraisal assesses the area's qualities and identifies threats, weaknesses and opportunities for conservation and enhancement of the historic built environment.
- 4.2 This decision is required in order to ensure that guidance for development proposals and alterations to existing buildings is in place. This is provided in the Management Plan that sets out guidance to preserve and enhance the special interest and character of the area.
- 4.3 This decision is required in order to ensure that the conservation area boundary accurately reflects the special character and heritage context of the area and ensures that appropriate policy protections are in place.

#### **5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 5.1 Consideration was given to including other sites close to the existing conservation area boundary. However, following a thorough site visit of sites bordering the boundary, no further areas meeting the tests for inclusion were identified.
- 5.2 The option of doing nothing was rejected as the heritage significance of the Hoxton Street Conservation Area is not adequately recognised at present. The lack of an Appraisal or Management Plan for the area was identified as a weakness in the 2017 Conservation Area Review programme, which this proposal seeks to remedy.

#### **6. BACKGROUND**

- 6.1 The Council is obliged to designate as conservation areas any parts of the Borough that are of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. The Council also has a duty to review past designations from time to time to determine if any additional parts of the area should be incorporated as either a new conservation area or incorporated into the existing designation.
- 6.2 Historic England's advice, *Conservation Area Appraisal, Designation and Management*, 2019 recommends that conservation areas are 'reviewed every five years' (para.104), subject to resources and development pressure. The Hoxton Street Conservation Area has not been reviewed since its designation in 1983. This Conservation Area was identified as part of the 2017 Conservation Area Review programme as being of high priority to review because of increasing development pressure in the area and the lack of any Appraisal. The new Appraisal and Management Plan will provide helpful clarity to decision-making by providing an overview of what elements contribute positively to the character and appearance of the area. It will also set

out management guidelines to guide future development and enable the special architectural and historic interest of the area to be preserved or enhanced.

- 6.3 The proposed boundary alterations have been identified as part of this review, in line with Historic England good practice. The boundary alterations consist of three extensions to the north, west and south of the existing Conservation Area. To the north, this includes buildings in Hobbs Place and Wilmer Gardens, including a locally listed former public house; to the west, it is proposed to include the Hoxton Garden Primary School, a locally listed building; and to the south, it is proposed to include the Victorian former industrial buildings on Fanshaw Street and the residential building, Enfield Cloisters. These buildings have a consistent architectural character with the existing Conservation Area and are considered to meet the statutory test regarding special architectural and historic interest.
- 6.4 Paragraph 191 of the National Planning Policy Framework requires Local Planning Authorities to ensure that the designation of conservation areas is justified based on special architectural and historic interest. A thorough review has been undertaken of the existing boundary and where changes are proposed the Council is satisfied that the proposed alterations meet paragraph 191 of the NPPF.
- 6.5 A full review of building contributions across the conservation area has been carried out. This assessment is based on the heritage value of each site and its contribution to the historic townscape of the Conservation Area. Each site is identified as a positive, neutral or negative contributor.

### **Legal Powers**

- 6.6 The Council has the legal powers for this course of action. Section 69 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities from time to time to determine which parts of their borough are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and to designate those areas as conservation areas.
- 6.7 Section 69 (2 ) places a duty on local planning authorities from time to time to review the past exercise of functions under this section and to determine whether any parts or further parts of their area should be designated as conservation areas, and if they so determine, to designate those parts accordingly. The present proposal arises out of this duty.
- 6.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities, in the exercise of their planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 6.9 The conservation area character appraisal is taken into account in the planning process, including in appeals against refusal of consent for demolition and against refusal of planning permission in a conservation area.

### **Decision making principles**

- 6.10 The proposal conforms to the Council's principles of decision-making. Public consultation is not a statutory requirement for conservation area designation. The initial designation of the conservation area in 1983 followed public consultation with stakeholders and notification of all occupiers within the area. The proposed boundary extension to the conservation area will be published in the London Gazette and a local newspaper.
- 6.11 The proposal takes account of Historic England guidance on conservation areas, *Conservation Area Appraisal, Designation and Management*, 2019.
- 6.12 The extensions are consistent with human rights. Although it introduces additional controls, planning applications are individually assessed and personal circumstances can be taken into account in their exercise.
- 6.13 The extensions will further the Council's aim to conserve its historic environment.

## **7. POLICY CONTEXT**

- 7.1 Under the National Planning Policy Framework (NPPF) 2021, conservation areas are classed as designated heritage assets. The NPPF requires local planning authorities (LPAs) to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, LPAs should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 7.2 The proposal aligns with regional heritage policies in the London Plan and local policies set out in Hackney's Local Plan 2033, which seek to preserve and enhance Hackney's heritage assets. The proposal supports the policies in the Local Plan (LP33, 2020), including policy LP3 (Designated Heritage Assets), which is underpinned by the 2017 Conservation Areas Review Study.

## **8. EQUALITY IMPACT ASSESSMENT**

- 8.1 There will be no detrimental impact to groups with protected characteristics under the Equality Act 2010.

## **9. SUSTAINABILITY**

- 9.1 The extension of the Hoxton Street Conservation Area will protect the historic environment and in line with Para 189 of the NPPF (2021) recognises that *'These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.'*
- 9.2 The addition of these buildings within the Hoxton Street Conservation Area will help to recognise the embodied energy used in the construction of these buildings. It recognises that sensitive adaptation can offer a sustainable future that will preserve and enhance the historic environment.
- 9.3 The Management Plan provides guidance on retrofitting buildings within the area. This includes an overview of principles of retrofitting which promotes a whole building approach, where measures are considered in their totality rather than as individual retrofit elements. The Management Plan provides outline advice on key principles as more detailed retrofit guidance will be provided in other Supplementary Planning Documents that can be more easily updated and therefore more useful for property owners within Hackney.

## **10. CONSULTATIONS**

- 10.1 There is no statutory duty to undertake public consultation prior to the designation or extension of conservation areas, although it is Hackney's normal practice to do so. The Council has therefore carried out a public consultation with residents and stakeholders. Appraisals that have been adopted following public consultation carry greater weight on appeal against planning application decisions.
- 10.2 A 28-day community consultation with local residents and stakeholders on the draft Appraisal (Appendix A) and boundary map (Appendix B) was undertaken from 6 September to 4 October 2023. A copy of the consultation letter can be found at Appendix D.
- 10.3 The proposal and consultation details were available on the Council's conservation webpages. A drop in session was held where the new Appraisal and boundary extensions were discussed. Historic England, the Hackney Society and Central & South Hackney Conservation Area Advisory Committee (CAAC) were also notified of the proposals.
- 10.4 A total of 18 responses were received. 17 responded in support of the proposals. Several respondents recommended extending the boundary further to include Aske House on Fanshaw Street. One (1) neutral comment was submitted and there were no objections to the Appraisal and Management Plan. The Council's response to these matters can be found in Appendix C.

## **11. RISK ASSESSMENT**

- 11.1 If the Appraisal is not adopted, the area will lack a clear overview of its significance and guidelines for future development, affecting the Council's ability to preserve or enhance its character. If the Conservation Area is not extended as proposed, important elements of the historic environment will be unprotected and consequently liable to uncontrolled demolition. This has the potential to erode the setting and significance of the Hoxton Street Conservation Area through inappropriate development.

## **12. COMMENTS OF THE GROUP DIRECTOR OF FINANCE**

- 12.1 This report proposes three extensions to the boundary of the Hoxton Street Conservation Area and the adoption of a new Conservation Area Appraisal and Management Plan. The staff cost and additional publicity associated with enforcing the conservation area will be met by the existing Planning budgets within the Climate, Homes and Economy directorate. No other financial implications are identified at the time of this report.

## **13. COMMENTS OF THE ACTING DIRECTOR OF LEGAL, DEMOCRATIC AND ELECTORAL SERVICES**

- 13.1 Cabinet is authorised to approve the revised boundary of the Hoxton Street Conservation Area Appraisal by virtue of:
- 13.2 Article 5 of the Council's Constitution, which states that the Mayor and the Cabinet shall carry out all of the local authority's functions which are not the responsibility of any other part of the local authority whether by law or under the Constitution, but only to the extent of the delegation from the Mayor.
- 13.3 Cabinet is authorised to approve the recommendations in this report pursuant to the Mayor's Scheme of Delegation. Determining which areas in the Borough should be Conservation Areas is delegated to the Executive (i.e. Cabinet).
- 13.4 There is no statutory requirement for the council to consult the public before designating a conservation area. The stated 28 day consultation was adopted by Cabinet in June 2020 as part of a series of procedural changes to the Council's Conservation Area Review Programme. It is considered that this is an appropriate period in which to engage with landowners, occupiers and other stakeholders and consider their views before making a recommendation on whether to designate or extend a conservation area boundary. If ultimately approved, the weight as a material consideration of the final Appraisal document is also enhanced if it has been through a public consultation process.
- 13.5 Section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) ('the Act') effectively defines conservation areas as 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. Section 69(2) of the Act places a local planning authority

under an ongoing statutory duty to review its conservation areas from time to time and 'to determine whether any parts or further parts of their area should be designated as conservation areas'. The review of the Hoxton Street Conservation Area, including the drafting of an Appraisal and Management Plan for the area and a review of the boundaries, addresses these statutory criteria. It is concluded that the boundary should be extended and the new Appraisal adopted. The designation of any area as a conservation area shall be a local land charge.

- 13.6 Under Section 70(8) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in addition to notifying both the Secretary of State and Historic England, a local planning authority is required to publicise designation of a conservation area by a notice placed in the London Gazette and a local newspaper. The local authority must follow the same publicity procedures to vary or cancel a designation as are required to designate.
- 13.7 Statutory implications of designating the conservation area boundary chiefly relate to management of future development. Under Section 72 of the Act, the LPA must pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area when determining planning applications. Furthermore, some permitted development rights (pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the GPDO")) are applied more restrictively or will not apply at all within conservation areas (e.g. additions to the roof of a dwelling house under class B of Part 1 of Schedule 2 of the GPDO etc).
- 13.8 A Conservation Area Appraisal and Management Plan is taken into account in the planning process, and in appeals against refusal of planning permission (including demolition) in a conservation area.

#### **14. APPENDICES**

- Appendix A – Hoxton Street Conservation Area Appraisal and Management Plan, September 2023
- Appendix B – Map of Extended Hoxton Street Conservation Area
- Appendix C – Table of Consultation Responses
- Appendix D – Consultation Letter
- Appendix E – EIA form

#### **BACKGROUND PAPERS**

In accordance with Section 100D of the Local Government Act, 1972 – Access to Information, a list of Background Papers used in the preparation of reports is required.

Description of document	Location	Date



Historic England, <i>Conservation Area Appraisal, Designation and Management</i>	<a href="https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/heag-268-conservation-area-appraisal-designation-management/">https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/heag-268-conservation-area-appraisal-designation-management/</a>	2019
Hackney Council, Hoxton Street Conservation Area Appraisal and Management Plan	<a href="https://hackney.gov.uk/hoxton-street-ca">https://hackney.gov.uk/hoxton-street-ca</a>	2023

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