AN INDEPENDENT APPRAISAL OF PROPOSALS FOR NORTON FOLGATE/BLOSSOM STREET, SPITALFIELDS

Application No. PA/14/03548

Location: Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street E1

Proposal: Redevelopment of the former Nicholls and Clarke urban block and adjoining former depot site, Loom Court and land and buildings north of Fleur de Lis Passage and Fleur de Lys Street, including retention and refurbishment of buildings, for commercially-led mixed use purposes comprising buildings of between 4 and 13 storeys to provide B1 (offices), A1 (retail), A3 (restaurants and cafes), A4 (public house) and residential units; together with new public open spaces and landscaping, new pedestrian accesses, works to the public highway and public realm, the provision of off-street parking, and all necessary ancillary and enabling works, plant and equipment.

Brief description of Proposals

1. The application site can be divided into three street blocks. On site S1, bounded by Norton Folgate/Shoreditch High Street, Folgate Street and Blossom Street (west side), an office development is proposed, with a proportion of ground-floor retail and public house. This retains elements of the facades of the Blossom Street warehouses, the interior of the warehouse north of Fleur de Lis Passage, and the facades and parts of the interiors of 15-19 Norton Folgate and 5-11a Folgate Street. The new office building rises to a height of 13 storeys at the north end of the site, where the offices span Fleur de Lis Passage.

Site S2, north of Fleur de Lis Street and bounded by Elder Street, Commercial Street and Blossom Street (east side), retains and remodells 4-8 Elder Street and the front façades of 27 Blossom Street and 161 Commercial Street. A new office building, rising to ten storeys, is proposed behind the facades, abutting the altered rear elevation of 4-8 Elder Street, and providing a new frontage to Fleur de Lis Street and Blossom Street.

Site S3 lies on the south site of Fleur de Lis Street, bounded by Elder Street and Blossom Street. The existing buildings and structures on the site are proposed to be demolished and replaced by a new six-storey block containing 40 generously-sized residential units.

2. In total the scheme proposes 34,807 square metres (gross) of B1 offices, 5,245 square metres of retail/restaurant/pub and 5,300 square metres of residential. At present the site contains 18,921 square metres of office and storage and 2,219 square metres of retail/pub, plus vacant land.

Method for appraising the Proposals

3. This document appraises the current proposals in terms of its various impacts on designated and undesignated heritage assets, and assesses its merits against the following material considerations:

- National Planning Policy Framework March 2012
- National Planning Policy Guidance March 2014
- Tower Hamlets Local Development Framework 2010
- Tower Hamlets City Fringe Action Area Plan 2007
THE SITE, THE HERITAGE ASSETS AND THEIR CONTEXT

4. The whole of the application site lies within the Elder Street Conservation Area, and comprises a substantial proportion of it (about 25%). The application site contains a variety of buildings from the 18th, 19th and 20th centuries, several of them robust warehouses which, although shabby, appear to be in sound condition. Part of the site is within a Scheduled Ancient Monument and there are likely to be medieval and possibly earlier remains beneath the existing buildings or within their basements. The site does not contain statutorily listed buildings, apart from the carriageway of Fleur de Lis Street, but there are many listed buildings very close to the site and within the rest of the conservation area. The designation of the Elder Street Conservation Area reflects its importance both historically and architecturally as part of the Spitalfields area, north of the City of London, and north of the historic Spitalfields Market.

5. In its wider context, with the large Bishopsgate Goods Yard to the north of Commercial Street, the site including the land lying between Norton Folgate and the top end of Elder Street is effectively the northern limit of surviving 18th century Spitalfields. The Victorian railway cutting and Commercial Street, when built, formed a new and effective boundary. To the west, the northwards extension of Broadgate, with the recently-built Bishopsgate Tower and Principal Place under construction, presents a totally different character comprising very large modern offices. Although the Elder Street Conservation Area is close to the historic boundary with the City of London, it has never been part of it. The Liberty of Norton Folgate has a long, extraordinary and independent history. It retains a markedly different character and appearance from the modern office developments of the financial district to the west and south facing Bishopsgate.

POLICY CONTEXT

Local Development Framework

6. Section 6 of Tower Hamlets LDF 2010, entitled ‘Designing a high-quality city’ contains relevant statements and policies:

- SO22 "Protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views."
- SO2 “Promote a borough of well designed, high quality, sustainable and robust buildings that enrich the local environment and contribute to quality of life.”

7. The map accompanying these polices on Page 80 of the LDF shows that the application site lies within an area shaded brown, identified as “Protecting areas of established character and townscape”. It is not within an area enclosed by red dots.
(such as Aldgate) identified for “Tall building locations for economic clusters of large floor plate offices”.

8. SP10 on Page 81 of the LDF states that heritage assets and their settings will be protected and enhanced, including Conservation Areas and Statutorily Listed Buildings. It particularly mentions areas that are identified through Conservation Area Character Appraisals and Management Guidelines,

9. SP10, section 3b, also promotes “Protecting, conserving, and promoting the beneficial reuse of old buildings that provide suitable locations for employment uses, including small and medium enterprises.” Section 3a states that “locally distinctive character and the context of each place should be acknowledged and enhanced.”

City Fringe Action Area Plan

10. This document, adopted as interim planning guidance, provides advice on design and built-form in the Aldgate and Spitalfields sub-area (paragraphs 4.17-4.19). It states that “tall buildings are expected to form a cluster around the existing Aldgate Gyratory. Outside of the direct surrounds of Aldgate, tall buildings will be assessed on their merits in the context of existing development, design, scale and massing. New buildings should complement the important historic environment in their scale and nature. New development should complement the historical nature of the Conservation Areas and Listed buildings with modern structures in appropriate locations”.

11. The document identifies preferred land uses for various individual sites in the area. Site CF4, described as Fleur de Lis Street (Nicholls and Clarke) is allocated for employment (B1), residential (C3) and retail (A1, A2, A3, A4).

Conservation Area Policies

12. An appraisal and management guidelines exist for the Elder Street Conservation Area. In the absence of other detailed policies for the local area, this is an important document in assessing whether the proposals preserve or enhance the character or appearance of the Conservation Area. In its overview, the document states that “Overall this is a cohesive area that has little capacity for change. Future needs should be met by the sensitive repair of the historic building stock”.

13. The Appraisal notes the “series of high quality four-storey warehouses built from 1886 onwards” on the west side of Blossom Street, occupied until 2003 by Nicolls and Clarke. It notes the mixed frontage to Norton Folgate/Shoreditch High Street, including the remains of Georgian residential development, later 19th century mixed-use commercial buildings and a 1930s showroom frontage. “Although many of these buildings do not have exceptional intrinsic value, together they illustrate the area’s residential and commercial history. They front on to an ancient road where evidence of the area’s past is increasingly rare.”

14. In terms of scale, the Appraisal notes that “the area is predominantly 3-4 storeys high with 3-storey Georgian houses in the core of the area. The buildings along
Commercial Street are more substantial 5-6 storey buildings, to address the larger scale of the road.”

15. The Appraisal notes that “most of the public realm in this area takes the form of streets, defined by buildings with no setback.” It notes the survival of stone setts, making a positive contribution to their character. The Appraisal notes significant views along the historic streets of Elder Street, Folgate Street, Blossom Street and Fleur de Lis Street.

16. The Appraisal concludes “the character and appearance of the area, as described in the appraisal, define its special qualities. There are a few gap sites and some minor inappropriate buildings in the Conservation Area, but overall these have little impact on the qualities that led to its designation.”

17. The Management Guidelines are equally relevant, “prepared in consultation with the community, to set out the Borough’s commitment to high quality management of Conservation Areas and their settings”. Whilst noting that there are vacant sites that would benefit from sensitive redevelopment, the guidance states that “Historic structures and buildings should be retained, and new development should respect the urban form, scale and block structure.” Guidance is also given for the Blossom Street warehouses (see Paragraph 19 below).

EVALUATION OF PROPOSALS

Demolition

18. The proposals involve the demolition of a substantial amount of the existing site, including buildings and/or parts of buildings that contribute positively to the character and appearance of the Conservation Area. The proposals are assessed below.

Blossom Street Warehouses

19. Tower Hamlets’ Elder Street Conservation Area Management Guidelines gives clear and useful advice: “The Blossom Street warehouses were vacated by Nicholls and Clarke in the last few years, and there are proposals to bring these back into use as part of a mixed-use residential and office development. Assuming that interventions to historic construction are kept to a minimum, the creative re-use of these buildings is welcomed.”

20. The current proposals do not comply with this guidance, but involve substantial demolition which represents a very radical intervention into the historic fabric. The loss of so much of the interiors of the 19th century warehouses, clearly shown on the demolition drawings, is extremely regrettable, and harmful to their character. Only the warehouse north of Fleur de Lis Passage is being retained intact. To the south, all the interiors are totally demolished or, in the case of the warehouse abutting Fleur de Lis Passage, subject to ‘soft strip’.

21. The stated intention in the applicant’s Design Statement “to retain existing material where possible” is both vague and impossible to enforce. Short of a detailed specification for reclamation by the demolition contractor, safe storage and a precise schedule for re-use of particular materials, such words are meaningless.
22. Concerning Nos 12-15 Blossom Street, the Applicant’s Heritage Appraisal states (paragraph 4.29) “Internally, the warehouses are interesting and evocative of a late 19th century, significant commercial enterprise. The spaces within the warehouse retain a genuine patina which is emphasised through the surviving traces of hoists and wall cranes. The absorbing of adjoining buildings and plots by the company is visible in the complex floor layout of the building.” I agree with this assessment. However, the vast majority of this plan-form and fabric is swept away, including the delightful single-storey gallery on the north side of Blossom Court, top-lit at present by a timber roof light.

23. English Heritage’s formal letter dated 2nd February 2015 mistakenly appears to think that the interiors are being kept: “Whilst the facades of these unlisted buildings form the primary contribution to the conservation area, we are pleased to see that the proposals are for the substantial retention of the buildings as a whole, with both the interior and the exterior subject to sensitive restoration. In our view, this is a major heritage benefit of the scheme.” While English Heritage states that it broadly concurs with the Applicant’s supporting documents (including the Heritage Appraisal), it has failed to spot that the interiors are being substantially lost. As for the facades which are to be propped up, it is only the narrow vertical brick piers that are to be retained; the existing floor spandrels and timber windows are all removed and replaced together with the floor structures. According to the applicant’s demolition plan, all the roofs of the warehouses south of Fleur de Lis Passage are removed.

24. Justification for the proposed demolition appears to rest entirely on the applicant’s wish to achieve uniform floor plates across the site from Norton Folgate/Shoreditch High Street to Blossom Street. The existing fabric appears to be in sound condition, and indeed the premises are being used for occasional events and short-lets involving public access. There is no structural reason why the existing warehouses could not be kept in their entirety. If English Heritage considers the retention and sensitive restoration of the interiors to be a major heritage benefit, then surely the loss of the interiors is a major dis-benefit.

3-9 Shoreditch High Street

25. English Heritage’s letter merely notes that the demolition of the 1930s showroom has been allowed in previous decisions, and makes no further comment. The applicant’s Heritage Appraisal states that “The existing building is of some architectural value as a partial re-fronting of an earlier building and for its association with Nicholls and Clarke….The faience façade is unusual for this area of London but its interest has been diminished through lack of investment and alteration. It is evocative of the 1930s but is not an outstanding example of architecture from this period.” Of course, were it to be ‘outstanding’ the building would probably be statutorily listed. The lack of investment and alteration could be rectified by straightforward repairs. No mention is made, for example of the distinctive clock. It is a building which contributes positively to the historic and architectural character and appearance of the Conservation Area, whose loss will cause harm.

14 Norton Folgate
26. The current scheme proposes the total demolition of the remains of this early 18th century house, probably the earliest surviving fabric on the application site apart from archaeological remains below ground. Given the research previously undertaken, including commissioning a specialist report on its historic timbers, and the efforts made to retain and reconstruct the property in previous schemes, its demolition is very regrettable. Its loss, which is noted by English Heritage, will harm the historic character and appearance of the area.

15 Norton Folgate

27. While this 18th century house is being retained, its interior is gutted, and replaced with a lift shaft and toilets on the street frontage on the three upper floors.

16-19 Norton Folgate

28. While these domestic buildings are ostensibly retained, their interiors are gutted, including their individual staircases, and subsumed into the office scheme that embraces them. Two of the four bays of the ground floor become a way through to the main office entrance in Blossom Court at the rear.

5-11a Folgate Street

29. The frontages of this attractive locally listed group of Edwardian buildings are retained but much of the original compartmental plan form of the upper floors is proposed to be opened up for offices. The upper floors were almost certainly originally designed for residential, and it would be far more sympathetic were that to be reinstated.

27 Blossom Street

30. Only the 1927 frontage of this warehouse is kept. The building itself, probably older than 1927 according to English Heritage’s letter, is lost, together with the structures to the north, noted in the applicant’s Heritage Appraisal (paragraph 4.32) as warranting further inspection and assessment. These buildings, visible from Commercial Street across the railway cutting, appear to be 19th century, and have some group value with 4-8 Elder Street. The existing warehouse appears to be in reasonable condition, and is still partly in use with security guards present.

2 Elder Street and 161 Commercial Street

31. Only the façade of 161 Commercial Street is to be kept, and this will appear very much as ‘a piece of wallpaper’ stuck on the front of the much-large new building behind. The loss of the pretty two-storey frontage of No.2 Elder Street is regrettable, providing as it does a visual link between 161 Commercial Street and 4-8 Elder Street. The surviving front façade appears to be surprisingly sound.

4-8 Elder Street

32. These three purpose-built 19th century workshops are in good condition and are currently in beneficial use, occupied by about a dozen small businesses. While the
scheme retains the buildings, it proposes substantial internal alterations to provide larger floor plates serviced by a single staircase.

**Archaeology**

33. The excavation of deep and sometimes double basements (up to 8 metres) across much of the site will have a major impact on archaeological remains. Paragraph 6.1.2 of the MOLA Report submitted by the applicant states that:

“The development proposal would include the removal of scheduled buried heritage assets in the northern half and round the perimeter of S1. Any scheduled buried heritage assets present in S3 would also be removed. The proposed works would, therefore, clearly have an impact on scheduled archaeological remains including, in parts of the site, their complete removal, reducing their significance to negligible or none.”

National and local planning policies state a presumption in favour of preservation *in situ* for such heritage assets. While some archaeologist may relish the opportunity for a lucrative dig on the site, it would be better to leave the archaeology undisturbed.

**New Buildings**

34. There are several vacant sites in the area where new buildings are desirable to enhance the character and appearance of the conservation. The Council’s Conservation Area Management Plan states that “there are many vacant or under-used sites in the northern part of this Conservation Area which would benefit from sensitive redevelopment”. While architectural style can be considered to be a subjective matter, there are other issues which are can be assessed more objectively in terms of their impact on the area.

**Scale**

35. There is no doubt that the buildings proposed both for site S1 on Norton Folgate/Shoreditch High Street and on site S2 facing Commercial Street come within the remit of tall buildings. While they are not towers, English Heritage/CABE’s guidance (paragraph 4.1) is helpful: “It is clearly the case that a 10 storey building in a mainly 2 storey neighbourhood will be thought of as a tall building.” On the application site, the proposed new buildings at the north end of the site are substantially taller than their neighbours, rising to 13 storeys on site S1 and 10 storeys on site S2. Such a disparity in scale with the existing buildings is not what the Elder Street Conservation Management Guidelines had in mind.

36. English Heritage’s letter of 2nd February 2015 implies that the height is intrinsically undesirable. “The proposed building on this part of the site will rise to 13 storeys, and are much larger than the traditionally scaled buildings that characterise the development site. In our view, however, the impact of these taller buildings is mitigated by their high quality design and materials.” The implication is that the impact in terms of scale is harmful, but that because the design quality is considered to be better than previous schemes, the harm is therefore somehow acceptable.
37. The current proposals are, in fact, three storeys higher than the 2011 scheme for site S1. On the north side of Fleur de Lis Passage the full thirteen storeys rises sheer alongside the retained four storey warehouse on Blossom Street, in the most uncompromising fashion.

38. English Heritage makes no adverse comment about the scale of the ten storey buildings on site S2. The letter claims that in relation to the retained façade of No.27 Blossom Street, the higher elements are set back and angled away, but the plans show this to be only marginally so. The acute corner of the eighth floor will be extremely prominent on the junction of Fleur de Lis Street and Blossom Street, with very little set-back from the frontage. It will be visible from the other side of the street, as well as from longer views. On Commercial Street the new block will rise massively against the retained façade of No.161, and the rear of the modest terrace of 4-8 Elder Street, much taller than other frontages further south-east along Commercial Street.

39. Impact on existing views will be considerable. While a few images have been provided by the applicant, these are by no means comprehensive. It is clear however that the view northwards along Blossom Street will be greatly affected by the scale of the new development behind and beyond the retained façade of No.27. This view is described in the Elder Street Conservation Area Appraisal: “The view north from the south end of Blossom Street gives a dramatic and accurate glimpse of mid 19th century commercial London, including the warehouses, loading gateways, gas street lights, bollards and road setts. This includes the 1928 warehouse on the east side of the north end of Blossom Street.” English Heritage acknowledges that this impact causes harm: “the contrast between the large new building and the retained façade will cause a degree of harm to this part of the conservation area.”

40. The 10 storey building on site S2 will be visible from longer and more distant views along Elder Street, Fleur de Lis Street, Commercial Street, and Shoreditch High Street (including views from within Hackney. It will impact on the background setting of statutorily listed buildings.

41. It is my opinion that views of the warehouses on the west side of Blossom Street from Elder Street, Fleur de Lis Street and Commercial Street will be detrimentally dominated by the scale of the new offices immediately behind. The applicant may argue that the backdrop is already that of the Bishopsgate Tower (and Principal Place), but these are much further away. The human eye is far more sophisticated than the camera or photomontage at judging distance. The new offices will appear to be growing out of the roofs of the warehouses.

42. The Council’s Conservation Area Appraisal notes that “The historic character of the area has been affected by large scale office development to the south, of 12 storeys or more, and by the 35-storey Broadgate Tower under construction to the west”. It does not say whether the ‘effect’ is good or bad, but the implication, given that there is a greater contrast now between the established character and appearance of the Elder Street Conservation Area and its wider context, is that the impact is negative rather than positive. The Conservation Area Management Guidelines do not state that, because of Broadgate, taller buildings should be allowed in the Conservation Area.
43. The applicant’s Heritage Appraisal, however, goes to great lengths (paragraphs 6.19 – 6.28) to justify the scale of the proposed new buildings on the basis of what has been built at Broadgate/Bishopsgate, Principal Place (under construction) and what may happen on the Bishopsgate Goods Yard. The applicant’s argument that the site has the potential to become part of a ‘gateway’ into the City is crude and simplistic, and an over-used term by developers and their consultants. The City got rid of its gateways in the 18th century. Approaches to the City are not necessarily marked by ‘gateways’ of tall buildings (note, for example, Fleet Street, Holborn, Victoria Embankment, Tower Hill, Southwark Bridge); the griffin statue usually demarcates the City boundary in a rather more subtle manner. In any case, the application site is not in the City, despite its ownership by the City Corporation; indeed, given the long and proud history of Norton Folgate being outside the City, that in itself is a good reason for keeping its scale low, as a contrast to the behemoths to the south and west.

44. The Bishopsgate Goodseyard site to the north is a large area with its own development brief and has been identified as a site with the potential to take tall buildings. That does not mean that tall buildings are ‘fair game’ anywhere in the Shoreditch/Spitalfields area. The applicant argues that the tall new buildings on the application site would actually benefit the Conservation Area by allowing it to integrate better with the context of tall buildings by reducing “the striking disjunction in scale” across the street. The applicant’s heritage consultant claims that “it does not benefit the CA that such a sharp relationship exists, and the proposed scheme would help improve that relationship.” It is a dreadful and fatuous argument. To suggest that sites in conservation areas that are close to existing or proposed towers should also be allowed to have tall buildings in order to ‘cushion’ their impact is as absurd as it is dangerous. Were such an argument to prevail, then any non-statutorily listed building in the shadows of Broadgate, such as the warehouse buildings in Worship Street, Curtain Road or Clifton Street, would be under threat.

**Footprint**

45. An important characteristic of the application site and the Elder Street Conservation Area as a whole is its fine grain. At present the site comprises a large number of buildings, spanning three centuries of incremental and piecemeal development. The largest historic buildings are the late 19th century warehouses facing Blossom Street. Even though Nicholls and Clarke ended up occupying several of these buildings for their wholesale ironmongers business, this was done in an incremental and low-key way, retaining dividing and party walls, staircases, and different floor levels. The layout is complex and fragmented. The largest single building in the application site is the late 1970s office on Elder Street/Fleur de Lis Street. The proposal replaces this fine grain with a much simplified arrangement. This provides large floor-plate offices on site S1, with level floors running from Norton Folgate through to Blossom Street, with a central lift and service core. Site S2 is similarly developed with large floor plates and a single central service core.

**Land Use**
46. While the proposed scheme does provide for an overall mix of uses, these are concentrated in monolithic blocks on different parts of the site. Although it may be claimed that the large level floor-plate offices on S1 and S2 are capable of letting in smaller chunks, they are single core buildings, and more likely to be let to larger firms than small businesses. As has been pointed out, the number of existing staircases across the site is vastly reduced. In the desire for single-use blocks (except for ground-floor retail serving the office workers), even the upper floors of 5-11a Folgate Street and 15-19 Norton Folgate are used for open-plan, whereas their character would be best suited to residential or small individual offices. Just as important as the use classes and their configuration, is the quality and rental-levels of the spaces created, and the type of tenant that they will attract (see paragraphs 60-62 below).

Public realm and permeability

47. The scheme claims to improve permeability by providing new pedestrian routes. There is nothing in the Conservation Area Management Guidelines that suggests these are needed. Indeed within the whole elder Street Conservation Area the existing streets provide a fine network of public realm, with buildings hard to the back-edge of pavement. There is no lack of permeability through the area at present. Fleur de Lis Passage is one of Spitalfields’ most evocative historic alleyways.

48. The creation of a new through-route beneath two bays of 16-19 Norton Folgate and via Blossom Court into Blossom Street is held to be a public benefit. This is misguided or misleading in several respects:

- Blossom Court is already a charming private open space, used by the pub/restaurant to very good effect, rather more than the ‘trace’ mentioned in Paragraph 4.27 of the applicant’s Heritage Appraisal. There are existing views from here of the rear elevations of 15 – 19 Norton Folgate, including the unusual wash-houses and chimney stacks.
- The proposals demolish the single-storey top-lit gallery on the north side which contributes to the existing charm of Blossom Court.
- The wide openings in the ground floor of 16-19 Norton Folgate will be an alien feature, taking space which should be occupied by A1/A3/A4 units and shop fronts, possibly double-fronted to the courtyard behind.
- The route will be secured by gates and will be a private space through which the public may be permitted at certain times. The primary function of Blossom Court will be as the main entrance to the offices, with a much-reduced area for outside seating for the pub.

49. A new route is also created through the new building on Site S2, but again this appears mainly to serve the central core of the offices. It seems unlikely that the general public would use it, particularly as the street offers a more direct and equally attractive route, as opposed to the dog-leg through the building.

50. The excavation of basements will involve the destruction and re-construction of the existing Fleur de Lys Passage and the northern arm, beyond Fleur de Lis Street, of Blossom Street. There is a high risk that the fragile patina of age of these historic flagstones and stone sett carriageways, hitherto undisturbed, will be irrevocably lost.
51. Fleur de Lis Passage becomes a tunnel and a canyon, with many floors of modern office rising above and beside it. Its existing remarkable and historic character will change out of all recognition.

52. The whole of the carriageway of Fleur de Lis Street, with its statutorily listed sets, is specified for ‘repair and replacement’, as proposed by Listed building Consent application PA/14/03618, submitted on 19th December 2014.

**Sustainability**

53. The ambitious and comprehensive scope of the proposed scheme is well demonstrated by the proposals for site S3. The demolition of the existing late-1970s neo-Georgian offices fronting Elder Street and Fleur de Lis Street, together with the small vacant site on the east side of Blossom, provides a site large enough to concentrate all the proposed residential element into a single block. The existing office building on the site, however, is well constructed and beneficially occupied, and by no means at the end of its useful life. Its demolition is extraordinarily wasteful of resources, both in terms of embodied energy and the materials required for new construction. It would be more efficient to retain the existing offices as they are and to construct new residential on the existing vacant sites north and south of Fleur de Lis Street, together with a greater mix of uses, including residential, within converted existing buildings. In terms of true sustainability, the operational energy efficiency of new buildings is a minor matter compared to the loss of embodied energy through demolition and the use of resources in new construction.

54. Experience gained over the last thirty years from the light-touch conversion of 19th century warehouses and workshops in inner London has shown that they provide extremely flexible and adaptable space, and can accommodate changes in technology and different types of use with little intervention. With their generous floor heights, large windows, robust structures, and good floor-loadings they can reinvent themselves seemingly indefinitely. Modern offices, by comparison, rarely have such inherent flexibility.

**BALANCE OF HARM AGAINST PUBLIC BENEFITS**

55. Not withstanding previous schemes and consents for the application site, or parts of its, the new National Planning Policy Framework (2012) requires the local planning authority to consider the current proposals on their merits, and in particular to balance the harm caused to designated and non-designated heritage assets against the public benefits produced by the scheme.

56. In my opinion, the amount of demolition proposed, involving the loss of historic fabric and plan-form, causes substantial harm to the character and appearance of the Elder Street Conservation which is a designated heritage asset. It also causes substantial harm to undesignated heritage assets, notably the Blossom Street warehouses that are demolished behind facades, 14 Norton Folgate and 3-9 Shoreditch High Street which are totally lost. Harm is also caused to the undesignated heritage assets of 15-19 Norton Folgate, 5-11a Folgate Street and 4-8 Elder Street by way of unsympathetic internal alterations to fabric and plan-form.
57. The excavation of basements across most of the site causes substantial harm through the probable destruction of important archaeological remains that are part of a Scheduled Ancient Monument.

58. It is my opinion that the scale and massing of new development on sites S1 and S2, owing to the height, bulk and disposition of the new buildings, cause substantial harm to the character and appearance of the Elder Street Conservation Area, and harm the setting of listed buildings in Elder Street.

59. Public benefits of the scheme can be summarised as follows:

- provision of business space and employment opportunities
- provision of housing including affordable units
- repair and re-use of historic buildings
- repair of the public realm

In terms of the weight to be attached to the suggested public benefits, I comment as follows:

**Employment**

60. The employment opportunities provided are likely to be mainly in the Grade A office sector, given the construction and investment costs of the scheme and the specification of the new buildings, together with a smaller element in the retail sector. It is unlikely to provide cheap rented accommodation for start-up businesses or small firms. Tower Hamlets’ City Fringe Action Area Plan (paragraph 4.10) notes the importance of a variety of employment opportunities: “Small businesses have an important role to play in the City Fringe, particularly in the creative and cultural industries.”

61. The issue of both retaining and providing affordable accommodation for small businesses in the City Fringe is one of the drivers behind the recent preparation by the Greater London Authority of the City Fringe Opportunity Area Planning Framework. It was published on 19th December 2014 as a consultation draft, and therefore does not carry the weight of an approved plan. Nevertheless it voices some of the issues that are pertinent to the current application. The Executive Summary notes that “The availability of plentiful cheap business space associated with the industrial legacy of the City Fringe has been one of the most significant factors in the rise of Tech City. Many of the old warehouses have now either been redeveloped or refurbished and competition for leases is increasing as the core office market expands and more traditional City businesses look to locate in the area.” The finite stock of this type of cheap accommodation, and its potential erosion by redevelopment “could contribute to the weakening and dissipation of the digital-creative cluster. This would be detrimental to London’s wider knowledge economy and the ambition to create a world leading digital-creative business hub around Tech City.” It is also worth noting that often the only practical way of protecting or retaining the industrial/warehouse legacy has been through conservation area controls. The correlation between the Tech/Media sector and conservation areas is striking.
62. All the above is relevant to the proposals for Norton Folgate. It is ironic perhaps that one of the dozen or so small businesses that will be evicted from 4-8 Elder Street is called The Ministry of Start Ups. However it precisely illustrates the issue. New high-specification buildings, or conversions of existing buildings which involved radical interventions, are expensive to construct and will not provide cheap accommodation for start-up businesses. The existing warehouses and workshops on the application site are an increasingly rare resource in the employment and business market, and should be highly valued as such, not only for their heritage qualities.

Residential

63. The provision of 40 new residential units is a disappointingly small number considering the overall size of the site, and bearing in mind Tower Hamlets’ site allocation (CF4) in its City Fringe Action Area Plan. Affordable housing is a high priority, yet only 25% of the habitable rooms (and 19% of the residential floor area) are in affordable units, well below Tower Hamlets’ normal targets.

Heritage

64. The repair and re-use of a small proportion of the existing historic fabric does not outweigh the harm caused by the substantial demolition and loss of historic fabric which is capable of retention, repair and re-use. There is therefore no overall heritage benefit.

Public Realm

65. The proposed routes through the new buildings on sites S1 or S2 are not a significant public benefit. They primarily benefit the development itself, by providing access to central cores of lifts, but provide little to the wider public that the existing public realm does not fulfil.

OPTIMUM VIABLE USE

66. The NPPF (paragraph 134) requires that when considering proposals that cause less-than substantial harm to heritage assets, this harm should be weighed against the public benefits of the proposal, including securing it optimum viable use. Recent National Planning Policy Guidance (March 2014) gives further clarification in this respect:
   “If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use is not necessarily the most profitable one.”

67. This therefore requires the consideration of whether there might be alternative schemes that are viable which do less harm to the heritage assets (designated or undesignated) whilst also achieving equivalent public benefits. It is not a requirement for the applicant to propose alternative scenarios, nor is it necessary for a local community group such as the Spitalfields Trust to prepare an alternative scheme, but it is for the LPA to consider what alternatives there might be.
68. It seems patently obvious that there is an alternative scenario. Given the successful re-use of very many 19th century warehouse buildings in Shoreditch and Clerkenwell, adapted for a wide variety of uses, the existing buildings on the site could be retained, repaired and re-let for a mixture of commercial, residential, retail, entertainment and leisure uses. Most of the existing fabric is in reasonable condition, certainly not in such a bad state that refurbishment would be unrealistic. Such a scheme would cause far less harm in terms of loss of historic fabric. Empty sites could be redeveloped to heights of 4-5 storeys, in keeping with the neighbourhood and the Conservation Area Appraisal and Management Guidelines, again causing far less harm than the proposed new buildings.

69. In terms of the benefits created by a refurbishment scheme, the overall amount of Grade A office floor space would be considerably less, but there are plenty of other sites within the City of London itself on the City fringe where large Grade A office schemes are permitted and awaiting or under construction. The issue of demand for office floor space was very well tested at the Smithfield Market Public Inquiry in 2014, where the City of London’s case was firmly rebuffed by the Secretary of State. A light-touch refurbishment scheme is likely to be more successful in providing affordable space for small and starter business, arguably far more beneficial to the local economy of Tower Hamlets and Shoreditch. The existing offices on site S3 would remain.

70. Equal or larger amounts of housing could be built on the vacant sites and included within the conversion of existing buildings. The vacant sites would be ideal for new-build social housing. Loft apartments in converted warehouses attract a very high premium in the private sector.

71. Overall, a refurbishment scheme, with sensitively-scaled infill on the vacant sites, could achieve equally valuable or greater public benefits than the proposed application scheme, with far less harm to the heritage assets. In his decision on Smithfield Market, Secretary of State was clear that it did not require any interest in the land, detailed proposals or demonstration of funding to show that an alternative, less harmful, development of the heritage asset stood a reasonable chance of being viable, and was thus likely to be the Optimum Viable Use rather than the applicant’s scheme. The same, or better, circumstances exist here at Norton Folgate, with the added advantage that the heritage assets are in better condition, requiring less costly repairs.

PREVIOUS SCHEMES FOR NORTON FOLGATE

72. Previous consents for the application site, or parts of it, are a material consideration, although no more than that. Each new application requires careful consideration on its own merits, judged against current policy. The much-quoted 2011 scheme, Ref. PA/10/02764, was approved on 5th October 2011. The site was considerably smaller than the current scheme, comprising that part of site S1 south of Fleur de Lis Passage and the depot/sheds on the east side of Blossom Street that now make up the western part of site S3. It did not include site S2 or the triangular site north of Fleur de Lis Passage now included in site S1, or the existing offices on site
This 2011 scheme followed a planning appeal decision in 2008 which had dismissed a proposal that involved the demolition of 16-19 Norton Folgate. The 2011 scheme provided 14,000 square metres of new B1, 4050 square metres of B1 in restored and converted buildings, and 2,400 square metres of A1/A3/A4 (retail, restaurant and pub).

73. It is stated by the applicant that the current scheme is far better than the previously consented scheme of 2011. English Heritage also suggests that the previous schemes left much to be desired. However, having compared the current application with the 2011 scheme, I am far from convinced that this is the case, for the following reasons:

- The proposed new building at the north end of site S1 now rises to 13 storeys, as opposed to the 10 previously proposed. The disparity in height between new and existing buildings is thus even greater, and more harmful to the character and appearance of the area.
- The proposed new building on site S1 is far bulkier than the previous scheme. A comparison, for example, of the proposed seventh and eighth floor plans for the different schemes shows that the 2011 proposal was set back considerably from the street frontage, and impinged less on the warehouses at the rear on Blossom Street than the current scheme. The footprint of the 2011 scheme was smaller and more broken up.
- The 2011 scheme had much less harmful impact on the warehouse north of Blossom Street or on the character of Fleur de Lis Passage.
- A greater sense of the footprint of the warehouses in Blossom Street was retained in the 2011 scheme, including party walls and a rear elevation. They were not completely subsumed within the new office block.
- The 2011 scheme retained and restored No.14 Norton Folgate, the remains of an early 18th century house, and went to considerable lengths to do so. The current scheme demolishes No.14.
- The plan form and historic layout of Nos.15-19 Norton Folgate were retained more sympathetically in the 2011 scheme, including using all the ground floors for individual retail units. In the current scheme, No.15 becomes a lift and service core for the offices.
- The entrance to the new offices in the 2011 scheme was from Norton Folgate, not through the ground floor of 18 and 19 Norton Folgate.
- PA/10/02764 has no proposals for site S2, and the scheme therefore causes none of the harm produced by the current scheme.

74. It is noted that the 2011 has been ‘implemented’, with a start on site made in 2014, and confirmed by a Certificate of Lawfulness approved by the Council on 14th January 2015. This was achieved by the granting of consent under officers’ delegated powers on 9th April 2014 for a ‘minor drainage ditch’ in 3-9 Shoreditch High Street (Ref. PA/00043). However, it appears to have been little more than a technical device to prevent the consented scheme from lapsing after its three year time limit. As English Heritage’s observations to the Tower Hamlets’ planning office regarding archaeology stated on 23rd June 2014, “As Schedule A refers only to the drainage ditch and appears to be intended to keep the various consents alive rather than trigger full development, it should be permitted to go ahead.”

75. There is no evidence that any substantial work is proceeding on the rest of the site. Conditions on the 2011 Conservation Area Consent which prevent any demolition on
site until a contract had been let for the full redevelopment scheme and which require the letting of a contract for full archaeological investigation, recording and analysis (not just the desk-top appraisal submitted with the application) remain in force.

76. Until such contracts are forthcoming, and necessary conditions cleared, the 2011 scheme cannot be implemented. There is presumably little enthusiasm for doing so from the owner/developer given the amount of effort and resources put into the current application. Given that the current proposals provide 33,000 square metres of offices, and 3,600 square metres of A1-A4, together with 40 residential units, one imagines that it is a more profitable scheme.

77. The previous scheme provided no housing. The current proposals continue to offer no housing on Site S1, but by incorporating a large area, they do offer a residential content on Site S3 that may be attractive to the Council, providing an element of affordable housing. However, if social housing is a high priority for the Council, then greater amounts could be provided than are being proposed in the current scheme.

CONCLUSION

78. At the heart of this scheme are the aspirations of the land owners and their development partners for large floor-plate offices. It is an ambitious and expensive scheme to construct, and will require high rents from tenants to pay for it. It is the opposite of a light touch. While it is true that the empty sites need developing, this need not require or entail the demolition of so much of what exists.

79. In my opinion the proposals cause harm to designated heritage assets, particularly to the character and appearance of the conservation area and to the setting of statutorily listed buildings, as well as to non-designated heritage assets caused by the demolition of unlisted buildings of historic and architectural interest. There is a strong case to be made that this is substantial harm, particularly given the loss of so much of the existing fabric. Even were it held to be less than substantial harm, it is considered that the harm is not outweighed by public benefits, and that the issue of Optimum Viable Use has not been adequately explored or tested by the Local Planning Authority. The applicant’s proposals are not the only way to renovate and develop this area.

80. A scheme with less intervention, which retained existing buildings, incorporated smaller scale infill, and provided a wider mix of uses in smaller units, would be cheaper to implement and more flexible for the future. That would be the Optimum Viable Use of the application site; perhaps not the most profitable, but causing less harm and bringing equal or better public benefits. A scheme which retained and re-used the existing fabric could provide more housing, including more affordable housing, and ‘affordable’ commercial space, certainly with lower rents than the Grade A offices proposed. The loss of existing commercial space that currently provides accommodation for businesses and activities that can only afford modest rents (such as those in 4-8 Elder Street) is a serious matter, not only for this part of Spitalfields but for the City Fringe in general.

81. Tower Hamlets’ planning policies do not identify this site as one where tall buildings would be encouraged, or where large floor-plate offices would be preferred over accommodation for small businesses. The site is not within the City of London,
and there is no justification for it now appearing to be so. If this site, with its fine grain of individual buildings, happened to be in more fragmented ownership, its renovation and rejuvenation would probably occur in a very different manner to that currently proposed. This has happily been the case elsewhere in much of Shoreditch and Clerkenwell. Nor is it inevitable that a comprehensive scheme under single ownership need involve so much demolition. Examples such as the Regent Quarter in King’s Cross, owned by P&O, show that a mixed-use scheme, retaining unlisted buildings and inserting modest-scale new buildings on vacant sites, can be highly profitable and successful, genuinely preserving and enhancing the character and appearance of a conservation area.

82. While it is acknowledged that there is a previous consent for development of part of the current site, granted in 2011 following a Planning Inspector’s decision in 2008, the current scheme is a fresh application which should be judged against current policy, particularly NPPF. It is an opportunity to re-assess the situation. Whilst mindful of previous history, the Council should not feel obliged to approve the current scheme simply because of the previous consent. Indeed, it would be better to let the consented scheme be implemented and to negotiate better proposals for sites S2, S3 and the triangular part of S1 north of Fleur de Lis Passage. New proposals for these sites could include larger amounts of affordable housing, as well as retaining the existing office building on S3.

83. Measured against up-to-date national and local policy the current proposals are unacceptable and should be refused. They are contrary to Tower Hamlets’ planning and conservation policies and the Management Guidelines for the Elder Street Conservation Area.

84. If, however, it is the case that the Council and its officers do wish to approve the current scheme, and permit large-scale offices developed along the Norton Folgate frontage and elsewhere on the application site, it would be a more honest approach if the Council were to de-designate those parts of the Conservation Area so affected, rather than undermine the potential protection of all its conservation areas by setting such a dangerous precedent for large-scale demolition and redevelopment. To approve the current scheme would be to threaten the very survival of not only the small Elder Street Conservation Area, but would put the wider Spitalfields and Shoreditch areas under further and greater threat.

Alec Forshaw
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The Author
Alec Forshaw (MRTPI, IHBC) worked as a town planning, urban designer and conservation officer with the London Borough of Islington from 1975 to 2007. He appeared as an expert witness at the 2014 Public Inquiries on Smithfield Market and the Liverpool Welsh Streets. He lectures, campaigns and acts as a trustee in a volunteer capacity for many heritage organisations, including the Victorian Society, the 20th Century Society, the Heritage of London Trust, the Churches Conservation Trust, SAVE Britain’s Heritage and the Islington Building Preservation Trust. He is the author of The Markets of London (1989), Smithfield, Past and Present (1990), 1970s London (2012), and New City: Contemporary Architecture in the City of London (March 2013).