

## CONSULTATION RESPONSE: **OBJECT**

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Our reference: 24017

14<sup>th</sup> February 2024

Dear Mr Hussain,

### **PA/23/02117/NC | Demolition of all buildings to include deconstruction of all facades fronting Whitechapel Road and Vallance road and storage of all salvageable and reusable materials | 193a-193b, & 195 - 195A Whitechapel Road, London, E1 1DN and 1 to 11 Vallance Road E1 5HS**

SAVE Britain's Heritage **objects** to the above planning application to demolish 193-195 Whitechapel Road, and 1-11 Vallance Road on heritage grounds. We consider this proposal would amount to substantial harm to a series of non-designated heritage assets and the designated Whitechapel Market Conservation Area, and we call on the Local Planning Authority to refuse planning permission.

#### **Proposal**

The total demolition of 193, 193a, 193b, 195 and 195a Whitechapel Road, and 1-11 Vallance Road. No replacement development is proposed. No 13 Vallance Road is excluded from this application.

#### **Significance**

The application site lies on a section of Whitechapel Road which retains an increasingly rare surviving group of historic buildings, typical of the scale and architectural style of the 'old' historic East End in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. Vallance Road is a historic thoroughfare which once formed a key route up to Bethal Green to the north. The site forms a prominent corner where Vallance Road meets Whitechapel Road and is fully within and the western extent of the Whitechapel Market Conservation Area [WMCA].

The existing buildings strongly affirm the prevailing historic character of the WMCA which is a distinctively small conservation area centred around the area's Victorian development, largely driven by the arrival of the District Underground Railway to Whitechapel and beyond in 1868. Given the WMCA's modest size, the current buildings form a proportionately large percentage of the overall designated conservation area and contribute positively to its historic and architectural special interest. The WMCA Character Appraisal and Management Plan (2021) recognises that the *'majority of buildings within the conservation area contribute positively'* to its special character, and that the buildings subject to this application are *'typical of the area'*.

The buildings themselves are all unlisted and were originally constructed as shophouses between 1873-76 (Vallance Road) and the early 20<sup>th</sup> century (Whitechapel Road). Together they form a distinctive and architecturally eclectic terrace of strong group value in architectural and heritage terms. The scale of the terrace - rising from two storeys on Whitechapel Road to three storeys moving up the road towards 13 Vallance Road (not subject to this application) reflects the

consistently low scale character of the surrounding conservation area. To the rear of the 'L' shaped terrace of buildings is a series of smaller brick warehouses and lean-to extensions which are of little or no architectural interest.

Nos. 193-195 Whitechapel Road comprise a series of early twentieth-century, red-brick shops. Whilst these have been subjected to a variety of modern shop front alterations, a range of architectural details still survive. These include the neatly chamfered corner, ornate rendered pilasters with scrolled console brackets above and an ornate triangulated pediment over one doorway. Turning the corner onto Vallance Street, nos. 1-11 comprises a row of Victorian shophouses dating from the 1870s. The construction and appearance of these former shophouses is intertwined with the history of the now lost Pavilion Theatre, and the expansion of the railway in the nineteenth century.

The New Royal Pavilion Theatre, which first opened its doors in 1827, was rebuilt in 1858 following a fire. At this time, it had been inherited by Elizabeth Munro and her husband Donald Munro, a Scottish linen-draper on the Mile End Road. In 1870, when Baker's Row (now Vallance Road) was widened to accommodate the railway, the Munros acquired the new frontage at the southern end of the road. They used this opportunity to remodel the Pavilion Theatre and redevelop the wider streetscape in 1873-6, to designs by Jethro T. Robinson. The Pavilion Theatre, as it stood until its demolition in 1961, and the facades of 3-11 Vallance Road were visually linked and architecturally harmonious. The exaggerated openings and a decorative window treatment of nos. 3-11 mirrored the dramatic design of the theatre.

The architectural and historic interest of these buildings in heritage terms was recognised in the Local Planning Authority's previous decision from 2014 to refuse permission to demolish the terrace. The buildings are identified by Historic England in its objection letter to the present planning application as Non-Designated Heritage Assets which make a positive contribution to the WMCA. Read together, these buildings are of an architecturally and historically coherent group value, reflecting the strong prevailing Victorian character of the WMCA and the area as a whole.

## Policy

- Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance'* of any building or other land in a conservation area.
- The Whitechapel Market Conservation Area Character Appraisal and Management Plan (adopted 2021) states, with regards to Vallance Road, that: *'a sensitive refurbishment of the buildings...is encouraged'*
- National Planning Policy Framework (NPPF, 2023) Para 157 (formerly 152) sets out a core principle of the planning system is to: *"support the transition to a low carbon future in a changing climate [...] [and] encourage the reuse of existing resources, including the conversion of existing buildings."*
- NPPF Para 202 (formerly 196) requires that: *"Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision."*
- NPPF Para 205 requires that: *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation'*.
- NPPF Para 206 provides that: *'any harm to, or loss of, the significance of a designated heritage asset...should require clear and convincing justification.'*
- NPPF Para 207 states that: *'where a proposed development will lead to substantial harm to...a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits.'*
- NPPF Para 210 requires that: *'local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'*

## Assessment

### 1. Substantial harm to a conservation area

We strongly **object** to this proposal on the grounds that it would cause substantial harm in heritage terms to the special character and appearance of the Whitechapel Market Conservation Area [WMCA]. The current scale, massing and materiality of the existing buildings is harmonious with the varied and distinctive architectural grain of the area. The adopted WMCA Appraisal identifies that this variety contributes to the special historic interest and cultural significance of the CA. We also note that this is a very small conservation area, with a tightly bound and highly distinctive character and appearance.

This application is proposing the removal of a significant proportion of the conservation area's built fabric. The loss of so much of the conservation area could not but irreversibly diminish its character and significance, permanently severing the area's historic link to the Pavilion Theatre, of which fragments still survive in the decorative facade and window surrounds of Vallance Road.

National policy in both the NPPF (2023) and The 1990 Act requires that great weight be given to a designated heritage asset's preservation and enhancement. SAVE considers these buildings make a significant contribution to the WMCA and embody the key historic and architectural elements of special interest for which it is designated. The harm of their loss is therefore considered substantial. Given that no development is proposed in their place, we consider the NPPF tests for weighing harm against benefits cannot be met by this application in its current form.

## **2. Unjustified demolition of NDHAs**

It is not in dispute that these buildings are non-designated heritage assets (NDHAs). Para 203 NPPF requires an LPA to consider the effect of an application on the significance of a non-designated heritage asset and to make a balanced judgement "*having regard to the scale of any harm or loss and the significance of the heritage asset*". In this case, the scale of the harm or loss is the total loss of a series of NDHAs whose local heritage significance is considerable. Accordingly, SAVE considers the demolition proposed to be a disproportionate approach which cannot satisfy the balancing exercise of NPPF 203. In general Framework terms, we consider the scale of this heritage harm to be substantial.

Whilst we acknowledge the condition of these buildings is poor, we believe inadequate justification has been proposed for their wholesale demolition. Nos. 193-195 are not considered within the applicant's structural report, and so their demolition at this stage cannot be justified on grounds of public safety. Nos. 3-11 Vallance Road, which have been examined, are considered 'beyond economic repair'.

Without sight of the detailed assessment of these purported conclusions on cost, we consider that further information is required in order to properly assess the necessity for total demolition. Furthermore, we note that the condition assessment of these structures was not carried out by a CARE accredited structural engineer. Given the historic significance, age and location of these buildings within an important conservation area, we consider assessment by a conservation accredited engineer to be essential.

## **3. Evidence of neglect**

The applicant clearly states in their justification for this application that these buildings have been allowed to deteriorate to such a degree that they may now pose a public safety risk or are no longer economically viable to repair. However, para 202 of the NPPF makes it clear that: "*where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.*" In this case, scaffolding was erected over much of terrace in 2012, but no work has yet been carried out to repair or stabilise the historic buildings in the Council's own care. This is despite them being declared potentially dangerous structure over a decade ago.

Comparing the condition reports supplied with the current application, and those of the previous planning application in 2014, there is clear evidence of deterioration which has arisen as a direct result of neglect. Simple measures could have been put in place to protect the buildings from deteriorating to this extent, including using the scaffolding to undertake basic remedial repairs. SAVE therefore considers the current state of the building should not be taken into account in determining this planning application.

## **4. Prospect of redevelopment and NPPF Para 210**

The harms identified above are further compounded by the lack of any proposals to replace the existing NDHA. Without any detailed plans to consider in relation to the site's future redevelopment, it is impossible to mitigate the impact of the demolition proposed, with no public benefits to weigh against the harms identified above in heritage and sustainability terms. The duties of NPPF (2023) para 210 cannot therefore be met.

## **5. Unsustainable development**

Demolition of the scale proposed in this application would have a highly negative embodied carbon cost, contradicting the objectives of paragraph 157 (previously 152) of the NPPF (2023) which sets out that the planning system should promote a radical reduction in greenhouse gases, and encourage the reuse of existing building through conversion.

We also note that London Borough Tower Hamlets Council declared a Climate Emergency in March 2019, pledging substantive commitment to reducing its carbon emissions. Approving demolition on this scale would run counter to this commitment and national policy.

## Conclusion

For the reasons outlined above, SAVE **objects** to this planning application on heritage grounds, and we call on the Local Planning Authority to **refuse** planning permission. I trust that these comments are useful to you, and I ask that you keep SAVE informed of further decisions or consultation regarding this application.

Yours sincerely,

A handwritten signature in black ink that reads "Ben Oakley". The signature is written in a cursive, slightly slanted style.

**Ben Dewfield-Oakley**

Senior Conservation Officer, SAVE Britain's Heritage