

# Draft report in objection to proposal PA/15/02554

## Summary of key points

The application should be refused on four grounds based on relevant policy, guidance and precedent:

### 1. Failure to meet statutory affordable housing targets.

The application contains no statement on the future tenure of Balfron Tower's 146 flats. This omission indicates full privatisation and a resultant loss of 99 homes on social rent. This is in breach of two policies in the Mayor of London's *The London Plan* addressing 'existing housing' and 'areas for regeneration' which specifically state plans 'should resist loss of housing, including affordable housing'. Furthermore, the failure to account for affordable housing is in contradiction to policy followed by precedent planning applications addressing the refurbishment of listed post-war public housing buildings in Tower Hamlets - Carradale House and Keeling House.

### 2. Failure to meet best practice guidelines on inclusive consultation.

Consultation on the building's design and refurbishment works have been entirely hidden from residents, the local community and public scrutiny. The planning application identifies Balfron as a 'sensitive site' which, according to Tower Hamlets' *Statement of Community Involvement*, requires 'a range of additional consultation techniques'. These have not taken place.

### 3. Failure to meet adopted standards defining heritage significance.

It is wrong to submit this planning application for approval before Historic England have completed their ongoing investigation into upgrading Balfron Tower's listing to Grade II\*. Furthermore, the planning application recognises Balfron's original purpose as social housing as 'significant in historic and architectural terms'. Privatisation of all the tower's homes will destroy this heritage significance. Historic England's *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment* states 'The use and appropriate management of a place for its original purpose... illustrates the relationship between design and function, and so may make a major contribution to its historical values. If so, cessation of that activity will diminish those values, and in the case of some specialised landscapes and buildings, may essentially destroy them'.

### 4. Failure to meet best practice guidelines on accountable regeneration.

Regeneration consultation documents promised 'no resident will lose their home involuntarily' and 'there will be no loss of homes for rent on the Brownfield Estate'. These obligations have not been fulfilled. This lack of honesty and clarity is in breach of Poplar HARCA's best practice guidelines articulated in their *Social Housing Estate Regeneration Consultation Response*, which advises 'being honest from the outset and presenting residents with the facts in simple, unjargonistic language'. Furthermore, the planning application was lodged two days before the transfer of United House Group Holdings's stake in this regeneration development to Telford Homes. Their bearing could influence the plans by means unforeseen and unaccounted in the application.

The development partners repeat their aim for this refurbishment to be an ‘exemplar’ eighteen times in the planning application. However, rather than an exemplar, the proposals as they stand exemplify contemporary developments that segregate local communities and exemplify a unethical dispossession of social housing in London that constitutes a major contributing factor to the city’s current and much publicised housing crisis.

It is not too late for the the development partners to reconsider their approach and deliver a truly exemplar project. This could set the benchmark for estate regeneration and refurbishment schemes by addressing:

1. Affordable housing – retaining a proportion of social housing, genuinely affordable to local communities, in a flagship project.
2. Inclusive consultation – developing proposals together with current and former residents and the local estate community in which everyone is able to fully participate.
3. Informed heritage – identifying and conserving shared historical and communal values.
4. Accountable regeneration – opening full access to information in order to justify decisions and provide compelling evidence that every reasonable effort has been taken to minimise adverse impacts.

David Roberts, October 2015

## Methodology

### Matters that can be taken into account

In writing this statement I have followed the guidance provided in Tower Hamlets *Development Control Advice Note 3: How can I comment on a planning application?* This states ‘We welcome any comments, whether in support of an application or objecting to it, although we can only take account of planning considerations. Matters that may be taken into account include (these lists are not exhaustive):

Planning policies: Central government policies; The London Plan; The Tower Hamlets’ development plan. Other material considerations: Loss of light or overshadowing; Overlooking or loss of privacy; Visual appearance; Layout and density of buildings; Traffic generation, highway safety or adequacy of parking; Noise, smells and disturbance resulting from use; Loss of trees and; Effect on listed buildings or conservation areas’.<sup>1</sup>

In this report I have cited relevant planning policies: central government policies such as *National Policy Planning Framework* (2012), regional policies such as *The London Plan* (2015), and local policies such as *The Core Strategy Development Plan Document* (2010). I have also drawn attention to relevant heritage policies and conservation guidelines that fall within ‘other material considerations’ as Balfour Tower is a Grade II listed building within the ‘Balfour Tower Conservation Area’.

### Research

My statement is based on the following sources:

#### *Planning applications*

- i) Scrutiny of the 130 documents filed under two planning applications, PA/15/02554 and PA/15/02555, relating to the proposed refurbishment of Balfour Tower accessed from Tower Hamlets’ planning portal.<sup>2</sup>
- ii) Appraisal of material on the stock transfer and wider refurbishment of the Brownfield Estate since 2006 accessed from Tower Hamlets’ planning portal, through Freedom of Information requests and from email correspondence with Poplar HARCA.
- iii) Comparison with other precedent planning applications related to the refurbishment of post-war listed public housing blocks in Tower Hamlets – Carradale House (2010) and Keeling House (2000).

#### *Policy and guidance documents*

- iv) Analysis of national, regional and local policy documents referred to in the planning application accessed from Department of Communities and Local Government, Greater London Authority, Tower Hamlets and Historic England websites.
- v) Consideration of supplementary policy and guidance documents related to housing, regeneration and heritage relevant to the planning application accessed from Historic England and Tower Hamlets websites.

*Academic, archival and evidence-based literature*

vi) Review of architectural history, archival material and regeneration literature that explicitly addresses Balforn Tower accessed from Royal Institute of British Architects Library and Drawings Archives, Tower Hamlets Archives and London Metropolitan Archives.

vii) Consultation of the online archive, [www.balfrontower.org](http://www.balfrontower.org), which I launched in April 2015 as one output of my research. This collates hundreds of documents related to Balforn Tower which can be intimidating; difficult to access because they are hidden behind archival protocols, journal subscription costs and labyrinthine planning portals; or difficult to understand because of bureaucratic, academic or legal language. The lack of clarity and certainty can be a source of further discomfort for those caught up in complex and contested processes of urban change. The website aims to open these documents and processes to the public and help contribute to a more informed public debate. It is referenced in the Heritage Significance Report included as part of the Balforn Tower refurbishment planning application.<sup>3</sup>

viii) Evidence-based analysis of Balforn Tower through individual oral history interviews and performative group events I have conducted with 30 current and former Balforn residents comprising a wide range of tenure types; social rented, leaseholders, shorthold tenancies, property guardians, artists on live-work schemes; some of whom moved in 47 years ago as work on the tower was still being completed above them, some as recently as the beginning of 2014; and whose homes span the full height, from the ground to 26th floor.

### **Professional role**

I am a final year PhD student in Architectural Design at the Bartlett School of Architecture at University College London (UCL). I have worked as a course tutor on the MSc Urban Studies at UCL since 2012; as research assistant to the *Ethics in Built Environment Research* project led by Professor Jane Rendell and; as co-editor with Ben Campkin and Rebecca Ross of *Regeneration Realities*.<sup>4</sup> I am part of the collaborative art practice Fugitive Images and architecture collective Involve.

My thesis, *Make Public*, explores the history and future of two east London housing estates undergoing regeneration; Samuel House in the Haggerston West Estate, a 1930s London County Council perimeter block and; Balforn Tower in the Brownfield Estate, a 1960s high-rise designed by Ernö Goldfinger.<sup>5</sup>

My statement is based on research given *pro-bono* to assist Balforn residents in line with my long-term aims to protect and extend social housing provision. I have included links of all the documents to which I refer in the endnotes.

# 1. Affordable Housing

## Planning application

The planning application does not account for the future tenure of the tower. This can be identified in three respects.

### i) Omission of terminology and policy

In the application's 130 documents there is no mention of the terms 'tenure', 'social rent', 'affordable rent', 'intermediate housing', 'shared ownership', 'private rent', 'private sale', 'mixed communities', and only a single reference to 'leaseholders' and their choice over internal refurbishment details.<sup>6</sup> This omission is in contradiction to guidance given for precedent planning applications relating to listed building refurbishments. Furthermore, there is no reference to policy relating to affordable housing provision. This is in spite of very clear adopted standards in regional and local policy.

### ii) Ambivalence in application

In the form *Application for planning permission and listed building consent*, question 21, entitled 'Residential Units (Including Conversion)', asks 'Does your proposal include the gain, loss or change of use of residential units?'. This is ticked 'No', exempting the applicant from addressing supplementary questions below on the conversion of 'Market Housing', 'Social Rented', 'Intermediate' and 'Key worker'. Indeed, the entire page is crossed out by a diagonal line.<sup>7</sup>

The equivalent application form for the refurbishment of Carradale House was completed in precisely the same way.<sup>8</sup> In Carradale's case, this signified no change in tenure whatsoever. This was confirmed in its accompanying documents that explicitly stated there was be no change in tenure as a result of refurbishment works.<sup>9</sup> However, as stated, Balfroun's application features no such confirmation in accompanying documents.

### iii) Absence of comment

In a recent Freedom of Information request, Tower Hamlets revealed, before the transfer to Poplar HARCA, in November 2007, the tower comprised 99 households on social rent, 36 leaseholders and 11 void properties (which, if brought back into use, would be designated for social rent).<sup>10</sup> In October 2010, Balfroun's social rented tenants were informed by Poplar HARCA it was 'possible, but not probable' that they would be able to return to their homes in the tower following refurbishment works.<sup>11</sup> In the five years since this notification, it has been widely reported by the media that all flats in the tower will be converted to private sale, yet there has been no public statement by Poplar HARCA confirming or denying this.

Given these three conditions; the omission of key terms and relevant policy; the application's stipulated non-conversion of residential units and; the absence of statements issued, it is reasonable to assume there is to be no change from the previous levels of tenure in the building following the refurbishment works. It is vital that the applicant gives clarification.

It is of my opinion that the application is *inadmissible* without explicitly addressing the future tenure of the 146 flats and justifying whether this meets relevant regional and local policy. In the following sections I have given further details of relevant policy and precedent.

## **Policy: Regional**

The application's *Planning Statement* references Policies 7.8 and 7.9 of *The London Plan* addressing 'heritage assets' and 'heritage-led regeneration'. It does not refer to a number of policies relating to affordable housing and regeneration areas.

In terms of affordable housing, two policies are particularly relevant as they address the redevelopment of affordable housing and listed buildings: *The London Plan* Policy 3.82 reads '...Where redevelopment of affordable housing is proposed, it should not be permitted unless it is replaced by better quality accommodation, providing at least an equivalent floorspace of affordable housing';<sup>12</sup> Policy 3.14, 'Existing housing', reads: 'Loss of housing, including affordable housing, should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floorspace... In particular, boroughs should prioritise long-term empty homes, derelict empty homes and listed buildings to be brought back into residential use'.<sup>13</sup>

In terms of regeneration, Policy 2.14, 'Areas for regeneration', states plans 'should resist loss of housing, including affordable housing, in individual regeneration areas unless it is replaced by better quality accommodation, providing at least an equivalent floorspace'.<sup>14</sup> No reference to these policies or demonstration of how their intent will be met is made in this application.

## **Policy: Local**

The application's *Planning Statement* references policies related to conservation areas, historical and heritage assets in LBTH's *Core Strategy Development Plan Document 2025*. It does not reference Strategic Objective 8 (distinct from SO7 which refers to new housing): 'Ensure housing contributes to the creation of socially balanced and inclusive communities by offering housing choice reflecting the Council's priorities for affordable and family homes'.<sup>15</sup>

Paragraph 1.2 of the *Core Strategy* states it 'is not a stand-alone document; it is one piece of a wider spatial framework for the borough'.<sup>16</sup> As such, I have consulted a wider array of local policy documents.

The first point on LBTH's *Strategic Plan 2015/16* reads 'The high cost of housing in the borough continues to be a key issue. As such, supporting affordable homes will be a key focus'.<sup>17</sup> It continues, 'There is a crisis of affordability in boroughs such as Tower Hamlets. Homes that meet the Government's definition of 'affordable' are out of reach to many local people, including those on low and middle incomes. The Strategic Plan sets out a focus on building Council homes and holding Registered Providers to account'.<sup>18</sup> As a consequence, the first 'Strategic priority' reads: '1.1: Provide good quality housing and tackle the crisis of affordability'.<sup>19</sup> It continues, 'In 2015/16 we will endeavour to maximise the number of new affordable homes delivered whilst delivering the infrastructure needed to maintain sustainable communities, increase the number of existing homes that meet the Decent Homes Standard and tackle fuel poverty'.<sup>20</sup> This is further set out in *Tower Hamlets Strategic Action Plan 2015-2016* which reads 'Ensure that each planning application has as close to a policy compliant offer of affordable family sized homes Work with RPs and Planning to increase the delivery of affordable housing'.<sup>21</sup>

LBTH's *Planning Obligations: Supplementary Planning Document* includes sections on viability and affordable housing: '4.15 It is essential that all proposals where viability is considered to be a concern are submitted with a full Viability Assessment which contains sufficient evidence to enable officers to properly assess a scheme';<sup>22</sup> 5.10 includes the following 'Affordable Housing will be sought for: All major residential development. In line with Core Strategy Spatial Policy 02, all residential developments above the set threshold will be required to provide 35%-50% affordable homes on-site (subject to viability)'.<sup>23</sup> These points are reinforced in LBTH's *Affordable Housing Supplementary Planning Document*, for example: 'S.10 Tower Hamlets consistently delivers more affordable housing than any other London borough. Our Core Strategy sets an ambitious target for new homes and affordable homes over the period to 2025. As a Council we are committed to working with the development industry and our partner agencies to ensure we meet the targets...'.<sup>24</sup> The submitted application does not provide documentation in the form of a viability assessment or otherwise to justify any derogation from the intent of local policy to support and improve affordable homes provision.

### **Precedent planning applications: Carradale House**

The planning application for refurbishment works to Balfron's neighbour, the Grade II listed Carradale House, repeatedly cites national, regional and local policy related to affordable housing and explicitly sets out its tenure breakdown. PRP's *Carradale House Design and Access Statement* gives a full breakdown of tenure;<sup>25</sup> Leaside Regeneration's *Carradale House Listed Building Application and Full Application for Alterations to a Listed Building* begins with the following: '3.1 The application proposes to bring the existing Grade II listed Carradale House to decent homes standards. The scheme will not alter the amount of housing, nor the mix or tenure...'.<sup>26</sup>

In terms of national policy, Carradale's application refers to *Government Planning Policy Guidance Notes*: '7.14 The overarching aspiration for Carradale House with regard to the affordable housing is to provide better quality homes in refurbished accommodation, to bring the dwellings up to "decent homes" standard. These aspirations are supported by PPS3: Housing, which highlights the need to retain and increase the amount of affordable housing across the Country. 7.15 Carradale House comprises of 88 dwellings, of which 20 are owned by leaseholders (77% affordable housing overall). The development proposals do not seek to alter any aspect of the tenure of the block and therefore the proposals will not impact upon the amount of affordable housing or the tenure mix which will remain well above the required level of 35% affordable homes which applies to new developments'.<sup>27</sup>

In terms of regional policy, Carradale's application refers to *The London Plan* policies on affordable housing: '5.14 *The London Plan* provides London-wide planning guidance of relevance to the proposed development. In the context of the proposal, the following policies are relevant. 5.15 Policy 3A.15 states that DPD policies should prevent the loss of housing, including affordable housing, without its planned replacement at existing of higher densities...'.<sup>28</sup>

### **Precedent planning applications: Keeling House**

The final precedent planning application relates to Keeling House which also lies within Tower Hamlets. It is a Grade II\* listed building which was eventually privatised. The planning application's *Heritage Statement* repeatedly refers to the full history of the building and how significant attempts were made to retain it as social housing.<sup>29</sup>

## 2. Inclusive Consultation

### Planning application

The *Planning Statement* claims the refurbishment application is the result of ‘thorough consultation’ yet it falls short of this in three respects.<sup>30</sup>

#### i) Focus

The planning application’s *Statement of Community Involvement* explains ‘The two main areas of focus for consultation were the landscaping proposals and the building design and refurbishment proposals’.<sup>31</sup>

With regards to the first area of focus, ‘The local community were consulted on the landscaping proposals as this was the main element of the overall proposals where their comments could potentially be incorporated and also from which they would benefit most’.<sup>32</sup> With regards to the second area of focus, ‘A number of stakeholders, including the LBTH Planning and Conservation Officers, Historic England and the 20th Century Society, were consulted with regard to the proposed design and refurbishment works to the building along with the landscaping proposals. As the building is Grade II Listed with design and refurbishment works needing careful consideration to comply with complex planning and heritage requirements, it was not felt appropriate to consult more widely on detailed design and heritage matters’.<sup>33</sup>

Contrary to this final point, it is *entirely appropriate* to consult widely on the building design and refurbishment proposals. Of the current and former residents of the tower, many have lived there for many decades and indeed some for the entire 47 years of the Balfour’s life. In terms of current and former Poplar HARCA staff, there are caretakers who have visited every corner of the building for fifteen years. Their collective knowledge and experience is vast. To assume these members of the local community could not engage meaningfully in complex discussions is contemptible. To exclude those that know the building most intimately and expertly is a significant omission.

For example, in the laudable proposal to re-establish ancillary uses throughout the tower, the *Sustainability Statement* claims ‘Through careful consideration of the needs of residents with sales agents, the client and the management company the following uses have been identified: cinema room; hobby room; music room; yoga room; library room; cookery room and; dining room’.<sup>34</sup> It is revealing that estate agents have been consulted on the needs of residents rather than the residents themselves, considering, even if the building is privatised, 11 leaseholders are due to return. They, at the very least, should have been consulted on what activity spaces would be most useful to them.

This blinkered focus stems from an incomplete reading of heritage (of which more in the following section). Historic England’s *Conservation Principles* identify four groups of values – ‘evidential’, ‘historic’, ‘aesthetic’ and ‘communal’. Only the aesthetic seems to have been given due consideration for consultation and, as such, is only open to built environment ‘experts’.

#### ii) Approach

Regeneration works began on site on the Brownfield Estate in 2011 and the architects Studio Egret West were appointed in December 2013. Despite this generous programme, community involvement in the landscaping plans was limited to six events (only two of which were open to the public)

spanning less than three months over the summer of 2015. 12 people participated in the first event and, of these, not everyone completed the full set of questions.<sup>35</sup> 60 participated in the second event, however this took place within an existing community event and it cannot be assumed participants were able to be fully engaged. These numbers are especially small considering the Brownfield area includes around 800 homes and thousands of residents.<sup>36</sup> Furthermore, there is no evidence that translation for Bengali and Somali communities was readily provided at these consultation exercises.

### iii) Omissions

Moving on from the pre-planning consultation, the documentation of this planning application for public and council scrutiny is incomplete. The *Drawing Issue Sheet* details all the drawings that should be included, but is missing 27 drawings comprising; 4 'general arrangement', 16 'apartment type' and 7 'detailed' drawings.<sup>37</sup> There cannot be full scrutiny if these are not made public.

Based on the focus, approach and omissions in the planning application it is of my opinion that the consultation as it stands is *insufficient*. Consultation on Balfron's design proposals – external, internal and communal spaces - must be opened to current and former residents of the tower and the wider estate community. This is advocated in relevant national, regional and local policy and cannot be argued to be prohibitive or onerous as it has been achieved in precedent planning applications.

### **Policy: National**

Historic England's *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment* are cited in the planning application in relation to management of heritage but not in relation to consultation. There are some important policies that should be addressed in Balfron concerning the responsibility to include people in the decision-making process and to pass on specialist knowledge during this process. Policy 2, 'Everyone should be able to participate in sustaining the historic environment' reads: '2.1 Everyone should have the opportunity to contribute his or her knowledge of the value of places, and to participate in decisions about their future, by means that are accessible, inclusive and informed. 2.2 Learning is central to sustaining the historic environment. It raises people's awareness and understanding of their heritage, including the varied ways in which its values are perceived by different generations and communities. It encourages informed and active participation in caring for the historic environment. 2.3 Experts should use their knowledge and skills to encourage and enable others to learn about, value and care for the historic environment. They play a crucial role in discerning, communicating and sustaining the established values of places, and in helping people to refine and articulate the values they attach to places'.<sup>38</sup>

Paragraph 66, on a sound basis for management, recommends identifying the people and communities who are likely to attach heritage values to a place 'and the range of those values understood and articulated, not just those that may be a focus of contention. This involves engaging with owners, communities and specialists with a sufficient range of knowledge of the place...'.<sup>39</sup>

## **Policy: Regional**

An important section of *The London Plan* addressing the need for regeneration programmes to empower communities should also be considered: ‘2.64 The Mayor will expect regeneration programmes to demonstrate active engagement with residents, businesses and other appropriate stakeholders... Consultation and involvement activities should also seek to empower communities and neighbourhoods, and support development of wider skills’.<sup>40</sup>

## **Policy: Local**

The applicant’s method of consultation was developed ‘considering the relevant provisions of Tower Hamlets Council’s *Statement of Community Involvement* which informs best practice for consultation in the borough’.<sup>41</sup> They state ‘Particular attention was paid to Section 10, informing residents of when and how they can get involved in the planning application process. Paragraph 10.7 states that in the case of a locally sensitive site (such as Balfron Tower), “a range of additional consultation techniques will be used to ensure that the development receives appropriate publicity so people know about it and can have their say”’.<sup>42</sup> There are other sections to which it is important to pay attention. 3.1 states, by law, ‘consultation must be tailored to the make up, needs and interests of all the different groups in the area to help them participate in planning issues’;<sup>43</sup> 3.2 recognises ‘the importance of community involvement from the earliest stages of the planning process’ and, encourages running workshops ‘to look at complicated issues’;<sup>44</sup> 5.3 advocates for ‘consultation experts and translators’ to provide help ‘to ensure all individuals and organisations have an opportunity to participate in the planning process’.

## **Precedent planning applications: Brownfield Estate**

In the *Brownfield Estate Phase II Planning Application*, Leaside Regeneration identify fears of gentrification in the local community, ‘The strength of the Brownfield community lies in its longevity and its adaptability. There are numerous individuals and families who have long local lineages, stretching back several generations with personal histories bonded with their sense of place. Equally, there is a generally accepting and embracing attitude to the changing nature of the community, which has included cultural and growingly, socio-economic shifts. There is a notable fear in some quarters around ‘gentrification’ and loss of identity through a large influx of new and different residents’.<sup>45</sup> To address this, they state ‘It’s vital that the current local community identifies with their changing community, feels empowered by the regeneration and ready to embrace new residents and a growing community. To this end, it is proposed that certain community initiatives run alongside the more traditional engagement and consultation’.<sup>46</sup> There is no evidence of these community initiatives in the planning application.

## **Precedent planning applications: Carradale House**

In the planning application for refurbishment to Carradale House, the *Design and Access Statement* gives context to the established and newer communities in the building, ‘Whilst others have moved in to the area, notably a sizeable Bengali population, the presence of second and third generations of original occupiers has created a settled resident base with a strong local identity’.<sup>47</sup> From this, it states ‘Regeneration will take a holistic approach to improving the existing properties. A key principle will be to provide a quality built environment for the people who live on the estate, particularly in responding positively to issues raised by residents during consultation’.<sup>48</sup>

These consultation exercises are detailed as ‘three drop-in sessions... held for leaseholder and tenants’ that ‘continued to influence the design of the proposals’.<sup>49</sup> Though this consultation procedure also seems limited, it opened up consultation on the design and refurbishment of the building to local residents (not just ‘experts’) at a stage in the design process when their input could meaningfully contribute to the development of the proposal.

### **Precedent consultation: *Balfon Tower***

The final precedent is Ernő and Ursula Goldfinger’s own methods of engaged consultation with Balfon’s first tenants 47 years ago. Ernő Goldfinger dedicated significant time and attention to meeting Balfon’s residents, asking questions and responding to feedback. He attended an array of meetings including with the Tenants’ Association and composed letters in response to sincere queries from members of the public. Ursula Goldfinger diligently wrote a diary which concentrated on the day to day use of the building. Together, their records reveal a balance of praise and criticism through observation and conversation with other residents.<sup>50</sup> They seemed to establish a strong relationship with residents who made Goldfinger an honorary member of the Tenants’ Association and based on their engagement, propose the specific uses of the service tower’s ancillary rooms. There is an empirical conviction to this endeavour as it led to significant changes in following designs.<sup>51</sup>

### 3. Informed Heritage

#### Planning application

‘The whole design team’, the application’s *Design and Access Statement* proclaims, ‘has worked tirelessly to understand both the history of the building and Goldfinger’s architectural theories’.<sup>52</sup> The *Heritage Statement* goes further, framing the proposals as ‘based on extensive historical research’, ‘in harmony with the design aims and ideas developed by Ernö Goldfinger’.<sup>53</sup> However the reading and practice of heritage in the proposal has not been fully integrated.

##### i) Principles

The *Heritage Significance Report* describes Goldfinger as ‘a social idealist and also a lifelong Marxist’ who believed in ‘the concept of social ownership and communal space’ and ‘the importance of the neighbourhood in forging social cohesion’.<sup>54</sup> It identifies his lifelong support of high rise living as the ‘direct product of the idealist tradition in modern architecture. The basic principle of the tower block as social housing was to provide light and well-planned living space, while leaving room for parks, playgrounds and road access at ground level’.<sup>55</sup>

The misconception at the heart of these design proposals is a fundamental distinction between heritage that pays tribute to these egalitarian principles and heritage that enacts these principles. On Balfour Tower, architecture critic and historian Owen Hatherley has written: “These pieces of inner city architectural sculpture are fragments of a better, more egalitarian and more fearless kind of city than the ones we actually live in’.<sup>56</sup> If Balfour is privatised, these egalitarian principles, integral to the vision and function of the tower as social housing, will be lost.

##### ii) Purpose

The *Design and Access Statement* describes Balfour Tower as being ‘designed with an exceptional attention to detail for a social housing project’ and ‘conceived with a spirit of 1960’s optimism, designed to create contemporary housing for the masses and nurture a sense of community’.<sup>57</sup> ‘Goldfinger designed the access galleries to simulate the sense of community experienced on a typical East London Street. Almost all of the families in Balfour Tower were re-housed from the adjoining streets and... [w]here it was possible people from the same area were rehoused together’.<sup>58</sup> From these statements, the purpose of the tower as social housing is clear. Privatising Balfour would be contrary to the intended use of the building and would deprive local communities of a place in the tower.

The importance of the tower’s original social purpose is reinforced by the *Heritage Significance Report’s* ‘Hierarchy of significance’. The first point in this section addresses the ‘social and political context - The need for high quality housing to serve a modern post-war Britain informed Balfour’s design. This is significant in historic and architectural terms’.<sup>59</sup> The *Report’s* ‘Summary of significance’ concludes ‘The iconic nature of the building, being a major selling point, needs to be conserved in its essence, according to the hierarchy of the above attributes’.<sup>60</sup> Any intention to conserve the nature of the building must first and foremost require the social and political context of the building as social housing be maintained. To privatise would be to do substantial harm in historic and architectural terms. This is validated in the *Conservation Area Appraisals and Management Guidelines* (details below).

There is a significant omission to the application's *Heritage Significance Report*: former Tower Hamlets Council heritage expert Martin O'Rourke's article on Balfron Tower for the English Heritage edited collection *Preserving post-war heritage: the care and conservation of mid-twentieth century architecture*. In his article, *Conservation issues and the architecture of social intent*, O'Rourke argues convincingly for the pressing importance of preserving the social and political values of Balfron's heritage today.

Providing a historical overview, O'Rourke states, 'The wave of optimism that characterised the post-war period of fifty years ago is difficult to appreciate in our more guarded and cynical times. It was an era when market forces and spending limits counted for less than social cohesion and better living standards for all'.<sup>61</sup> He argues Balfron's distinctive design, logic of planning and egalitarian intent seem both more radical and more necessary now, when these qualities are all too often deficient elsewhere in London: 'It is therefore especially relevant to revisit earlier modern attempts to reshape the city with high-density urbanism, based on an egalitarian architectural programme employing twentieth-century aesthetic forms. Can we regain a faith in recasting the city in exciting but humane forms?'

O'Rourke reinforces the heritage significance of Balfron Tower's purpose as demonstrative that 'a social housing programme can be achieved with dramatic and high-quality architecture'. He concludes 'The substantial new government funding is a spectacular opportunity to recover post-war optimism, rediscover the hidden riches of modern social architecture and enhance the lives of some of the most deprived people in our cities'.

### iii) Premature

The application acknowledges that 'Historic England recently received an application to upgrade the Balfron Tower and Carradale House to Grade II\* and list the buildings that were designed by Ernő Goldfinger and his office during the three phases of the Rowlett Street Housing scheme, as Grade II. Following consultation, HE is now preparing its listing recommendations for submission to the Government'.<sup>62</sup>

The listing upgrade nomination submitted to Historic England by James Dunnett on behalf of DOCOMOMO argues for the 'the social purpose of this housing, reflecting Goldfinger's life-long closeness to Socialist groups, and the social elements in the design' to be formally recognised.<sup>63</sup> Dunnett concludes 'It would therefore be regrettable if the Tower were to be converted into just more housing units on the private open market – as is in prospect: its architectural 'message' would be compromised'.<sup>64</sup> In his supporting statement, Owen Hatherley agrees, 'On this basis I support the listing of the Brownfield Estate as a whole as a coherent, well made and complete example of public housing well above the current standard of private housing - and which must stay as public housing, in an area that desperately needs it. On both architectural and social grounds, this is a place which needs preserving'.<sup>65</sup>

The application ignores these inextricable aesthetic and social values when it asserts: 'a potential upgrade of Balfron Tower's listing to Grade II\* would make little difference to the proposed design and the overall approach that the design team has followed. At every stage of the design process, consideration has been given to the special significance of the building as a designated heritage asset in such a way as to enhance the building, and sustain its life'.<sup>66</sup> To claim that the proposals would meet more extensive and exacting heritage standards of Grade II\* before they have been set is

presumptuous. The category of listed post-war public sector housing is incredibly rare. Given this rarity it must be treated with utmost care. To close the design before this decision has been made is wrong.

#### iv) Mistakes

The *Planning Statement* describes a ‘forensic approach’ to their understanding of the ‘heritage asset’ however there are vital mistakes and omissions that damage confidence in this statement.<sup>67</sup>

The Brownfield Estate is described in the application as ‘a predominantly residential neighbourhood that was developed by the LCC between 1963 –1973’.<sup>68</sup> This omits the vast majority of the estate that was built in the 1950s, well before Goldfinger’s additional three phases. The stock transfer is erroneously dated to ‘1998’ not 2008.<sup>69</sup> And Balfour Tower is identified as ‘Goldfinger’s first public housing project’ when his Abbots Langley block was completed ten years earlier.<sup>70</sup>

The assessment and practice of heritage is *incomplete* without connecting Balfour’s egalitarian principles and social purpose to the application’s design and function, and by taking premature action before the decision on an upgraded listing has been taken. To meet the adopted standards specified by Historic England’s *Conservation Principles* below, the heritage significance assessment and design must identify and conserve the tower’s enduring historical and communal values.

#### **Policy: Local**

The Balfour Tower Conservation Area was designated in October 1998. The Conservation Area boundary protects the listed Balfour Tower and Carradale House, and other buildings in the Brownfield Estate, including Glenkerry House, a community centre, shops and associated low-rise housing development.

The *Conservation Area Appraisals and Management Guidelines* recognises the Brownfield Estate ‘as a fine example of planned 1960s social housing’. The section, ‘Character’, reads: ‘The Balfour Tower Conservation Area mainly consists of the low and high-rise council flats of the Brownfield Estate... Balfour Tower dominates this landmark development and is representative of the post-war aspirations for good quality public housing. The tower is a significant realisation of many design concepts of the modern movement, expressing the social idealism of the time’.<sup>71</sup> This appraisal clearly recognises Balfour’s purpose as ‘good quality public housing’ and its ‘social idealism’ as a significant element of its character.

The document concludes ‘This is an area of particular special architectural and historic interest, illustrated by its rich history and significant architecture, dating from the 20th century. The character and appearance of the area, as described in this appraisal, define its special qualities’.<sup>72</sup>

#### **Policy: National**

The application repeatedly cites Historic England’s *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment* within the sections detailing ‘relevant policies and guidance [sic]’. However it is only once quoted from, in the *Heritage Significance Report’s* ‘Assessment of significance’ outlining the four categories of heritage values: ‘Evidential value: the potential of a place to yield evidence about past human activity; Historical value: the ways in which past people, events

and aspects of life can be connected through a place to the present – it tends to be illustrative or associative; Aesthetic value: the ways in which people draw sensory and intellectual stimulation from a place and; Communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory'.<sup>73</sup> The *Heritage Significance Report* assures these four categories have been taken into consideration when defining Balfron's heritage significance but I believe 'historical' and 'communal' values have been disregarded in design proposals.

In terms of historical value, Paragraph 45 of *Conservation Principles* reads: 'The use and appropriate management of a place for its original purpose, for example as a place of recreation or worship, or, like a watermill, as a machine, illustrates the relationship between design and function, and so may make a major contribution to its historical values. If so, cessation of that activity will diminish those values and, in the case of some specialised landscapes and buildings, may essentially destroy them...'<sup>74</sup> As has been set out in the application's *Heritage Significance Report*, Balfron Tower's original purpose as social housing is a major contribution to its historical values. To privatise the building will destroy these values.

In terms of communal value, Paragraphs 54-6 read: 'Communal value derives from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. Communal values are closely bound up with historical (particularly associative) and aesthetic values, but tend to have additional and specific aspects. 55 Commemorative and symbolic values reflect the meanings of a place for those who draw part of their identity from it, or have emotional links to it. 56 Social value is associated with places that people perceive as a source of identity, distinctiveness, social interaction and coherence. Some may be comparatively modest, acquiring communal significance through the passage of time as a result of a collective memory of stories linked to them. They tend to gain value through the resonance of past events in the present, providing reference points for a community's identity or sense of itself'.<sup>75</sup>

Without consultation with current and former residents and the wider estate community, the primary step of understanding the enduring communal value of Balfron Tower has not been met. Indeed Policy 3 of *Conservation Principles* 'Understanding the significance of places' reads: '3.3 In order to identify the significance of a place, it is necessary first to understand its fabric, and how and why it has changed over time; and then to consider: who values the place, and why they do so; how those values relate to its fabric; their relative importance; whether associated objects contribute to them; the contribution made by the setting and context of the place and; how the place compares with others sharing similar values. 3.4 Understanding and articulating the values and significance of a place is necessary to inform decisions about its future. The degree of significance determines what, if any, protection, including statutory designation, is appropriate under law and policy'.<sup>76</sup>

### **Precedent planning applications: *Keeling House***

In his article on listed post-war social housing estates in Tower Hamlets, Martin O'Rourke addresses Keeling House's privatisation and concludes, 'It is regrettable that a fine example of modern social architecture built as affordable housing should no longer provide for its original need.'<sup>77</sup> Before his death, Keeling's architect Denys Lasdun is recorded as regretting 'it was no longer going to be housing for the poor.'<sup>78</sup>

## 4. Accountable Regeneration

### Regeneration process

The planning application does not contextualise the refurbishment of Balforn Tower within the regeneration of the Brownfield Estate. As such it does not take into consideration the stock transfer agreement or any of the wider regeneration material that should apply to this development. In this final section I have measured the accountability of the regeneration process against Poplar HARCA's own best practice advice in their *Written Submission to London Assembly's Housing Committee investigation into Social Housing Estate Regeneration* as well as external guidance by the Spatial Planning and Health Group commissioned by Poplar HARCA to identify potential risks in the regeneration process and propose solutions to mitigate these risks.

#### i) Right to return

Poplar HARCA's submission to the GLA advocates 'Where possible, a right to return should be offered so that long standing communities are not broken up. Many local ties go back generations and these should be preserved wherever possible'.<sup>79</sup> The Spatial Planning and Health Group warn of the impacts on communities during the 'decanting' period: 'Residents moved to unfamiliar locations with unfamiliar neighbours can contribute towards anxiety, uncertainty and fear. Compulsory relocation has potentially far greater negative health impacts'.<sup>80</sup>

Before the stock transfer vote in 2006, residents of the 146 flats of Balforn Tower and 88 flats of the neighbouring Carradale House were sent consultation documents, transfer agreements and a redevelopment video proposing that approximately 130 flats between the two buildings would be sold on the open market but that existing residents would have a 'real choice' over their homes, 'We feel that returning an element of choice to existing and potential residents would stimulate greater investment in the buildings and ultimately enhance perceptions of them... This option means no resident will lose their home involuntarily and will give families who choose the home they want'.<sup>81</sup> The word 'choice' is repeated ten times in the video.

The *East India Estates Offer* stated that, in Balforn and Carradale, 'consultation undertaken has shown that approximately half of the residents in the two blocks said that they would prefer to move out', which suggests approximately half would prefer to stay put.<sup>82</sup> But in the years that followed the stock transfer vote, the option for social rented tenants to return to their flats following the refurbishment works changed. In October 2010, with the program of major refurbishment works on the estate well underway and the first bricks about to be laid for new builds, Poplar HARCA informed residents of Balforn Tower they will have to move out from their homes during the redevelopment, citing a report which details safety risks to their remaining in place during the works. Crucially, the information offers no recourse on whether they will be able to return to their flats.

Tower Hamlets contended, 'the global financial downturn is also having an impact on the deliverability of certain aspects of the scheme due to provide the required cross subsidy. Poplar HARCA has been looking at alternative solutions and funding models to ensure they are able to achieve the promises made in the offer document'.<sup>83</sup> From October 2010 to January 2015 Poplar HARCA publicly stated that it is 'possible but not probable' that tenants will have a right of return.<sup>84</sup>

To date, in October 2015, Poplar HARCA have not issued any updated public statement addressing the tenure of the refurbished tower.

#### ii) Housing choice option

Item 2.26.5 of the fifth schedule of the Stock Transfer Agreement between Poplar HARCA and Tower Hamlets, 'Regeneration Works and General Estate Improvement' reads: 'The Company hereby agrees that it shall (subject to receiving all necessary consents for the same) use all reasonable endeavours/to build or procure to be built 130 Dwellings or an equal number of habitable rooms to those sold to enable the Housing Choice Option to be exercised by residents of Balfro Tower and Carradale House'.<sup>85</sup>

This clause requires Poplar HARCA to build an equal number of social homes in its surrounding sites that it plans to sell in Balfro Tower. There is no evidence that Poplar HARCA has built sufficient homes on social rent equal to the number of homes it plans to sell in Balfro.

#### iii) Net loss of homes on rent

In Tower Hamlets Council Minutes addressing this transfer, Item 6, 'Outline of the Regeneration Proposals' concludes: 'Overall there will be no loss of homes for rent on the Brownfield Estate'.<sup>86</sup> In email correspondence with Poplar HARCA, I enquired whether 'there will be a net gain or loss of social rented accommodation within the Brownfield Estate following the regeneration works?' Poplar HARCA answered: 'We've increased the number of social rented homes in Brownfield and across Poplar'.<sup>87</sup> Since this does not address the precise question posed, I have scrutinised the publicly accessible documents for more detail. Based on the public information to hand relating to regeneration works to the Brownfield Estate, cross-referencing eleven documents from 2006-14, I have calculated there is likely be a net loss of between 42 and 83 social rented homes on the footprint of the estate.<sup>88</sup>

This must again be considered within regional policy. *The London Plan* policy 3.82 reads '...Where redevelopment of affordable housing is proposed, it should not be permitted unless it is replaced by better quality accommodation, providing at least an equivalent floorspace of affordable housing';<sup>89</sup> Policy 3.14, 'Existing housing', reads: 'Loss of housing, including affordable housing, should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floorspace...'<sup>90</sup> There is no evidence that Poplar HARCA has met either of these two policies.

#### iv) Mixed communities

The stock transfer consultation documents, transfer agreements and redevelopment video promised regeneration works would facilitate 'the building of a real, mixed community within these buildings', 'a mixed community of people who want to live in them'.<sup>91</sup> Indeed, the commitment to creating 'mixed communities' is repeated four times. However, without any proposed flats on social or affordable rent, the commitment to creating a mixed community in Balfro Tower as a result of regeneration works also appears to have been disregarded.

#### v) Honesty from the outset

To 'reconcile any conflicts between what estate residents might want and what represents sound asset management strategy', Poplar HARCA's submission to the GLA advocates 'Being honest from the outset and presenting residents with the facts in simple, unjargonistic language always helps'.<sup>92</sup> This

commitment to clarity follows a strategic guidance report by the Spatial Planning and Health Group. They identify the period before regeneration works commence is a ‘time of anticipation, delay and worry’. To reduce the impact of works, they advise to: ‘Develop a clear, coherent residential relocation strategy for whole house and high-rise refurbishments and new build; define open, transparent and equitable housing relocation systems and processes; make the strategy publicly accessible through a website and; involve tenants in the development of the strategy’.<sup>93</sup>

There is no evidence that these principles have been satisfactorily met. For example, there appears to have been a distinction between the statement repeated publicly between October 2010 and January 2015, that it was ‘possible but not probable’ that tenants will have a right of return, and the organisation’s confidential financial viability documents and internal annual reports that attested, from August 2012, that ‘Balfron will become a leaseholder-only block’ and converted ‘from a social rented block to all private sales’.<sup>94</sup>

#### vi) Consultation with the Council

Item 2.22 of the fifth schedule of the Stock Transfer Agreement between Poplar HARCA and Tower Hamlets, ‘New Developments and Redevelopment’ reads: ‘The Company shall for so long as it retains its status as one of the Council’s approved development partners consult with the Council and its partners about the nature and type of the accommodation, the form of its tenure and its management requirements prior to undertaking any development or new development of the same in the Borough of Tower Hamlets...’

It does not appear that this requirement has been consistently fulfilled as, for example, in November 2011, a tenant submitted a question to Tower Hamlets Council: ‘Poplar HARCA, our landlord, is verbally now refusing and not at all forthcoming with information on whether any tenants will be able to return to their homes when the works are completed. Balfron Tower was built in the late 1960s and originally all 146 homes were for rent to Council tenants. We are concerned that Poplar HARCA is planning to sell all the homes in this block on the open market rather than let them to social housing tenants’.<sup>95</sup> Having read the consultation booklet, the council replied in agreement, ‘This document seems to indicate that residents are indeed entitled to return’.<sup>96</sup>

The regeneration process is *inconsistent* based on the promises given to Balfron’s residents in the stock transfer and regeneration consultation documents. There is a discrepancy between clarity of principles in Poplar HARCA’s published advice and vagueness on their specific actions in Balfron. Poplar HARCA have not met their own best practice guidelines articulated in their *Social Housing Estate Regeneration Consultation Response* relating to a right of return and honesty from the outset.

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- <sup>5</sup> To ‘make public’ expresses a demand and an aspiration; *materially* – to protect and extend public housing provision at a time when austerity measures are dismantling it in ideal and form; *procedurally* – to make visible problematic processes of urban change that are increasingly hidden from public view under the pervasive metaphor of regeneration; and *methodologically* – to make public the act of research through long-term collaborations with residents and other practitioners, using archival research and engaged practice that reveals spatial changes and their affects on social relations.
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