



Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department
 PO Box 333
 222 Upper Street
 LONDON N1 1YA

PLANNING COMMITTEE REPORT

PLANNING COMMITTEE	AGENDA ITEM NO:
Date: 13 September 2016	NON-EXEMPT

Application number	P2016/0536/LBC
Application type	Listed Building Consent
Ward	Bunhill & Clerkenwell
Listed building	Grade II
Conservation area	Within 50 metres of St Luke's & Chiswell Street Conservation Areas.
Development Plan Context	Grade II listed vaults lie beneath the site. The listed Whitbread Brewery lies immediately to the south of the subject site.
Site Address	Shire House Whitbread Centre [including Car Park & Service Yard], 11 Lamb's Passage, London EC1Y 8TE
Proposal	The conversion and alterations to the existing grade II listed underground vaults to provide a mixed use development comprising of a part 4, part 7 storey building providing 35 residential units (15 affordable, 20 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floor-space (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D1), along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements. (Full planning permission ref: P2016/0488/FUL also submitted).

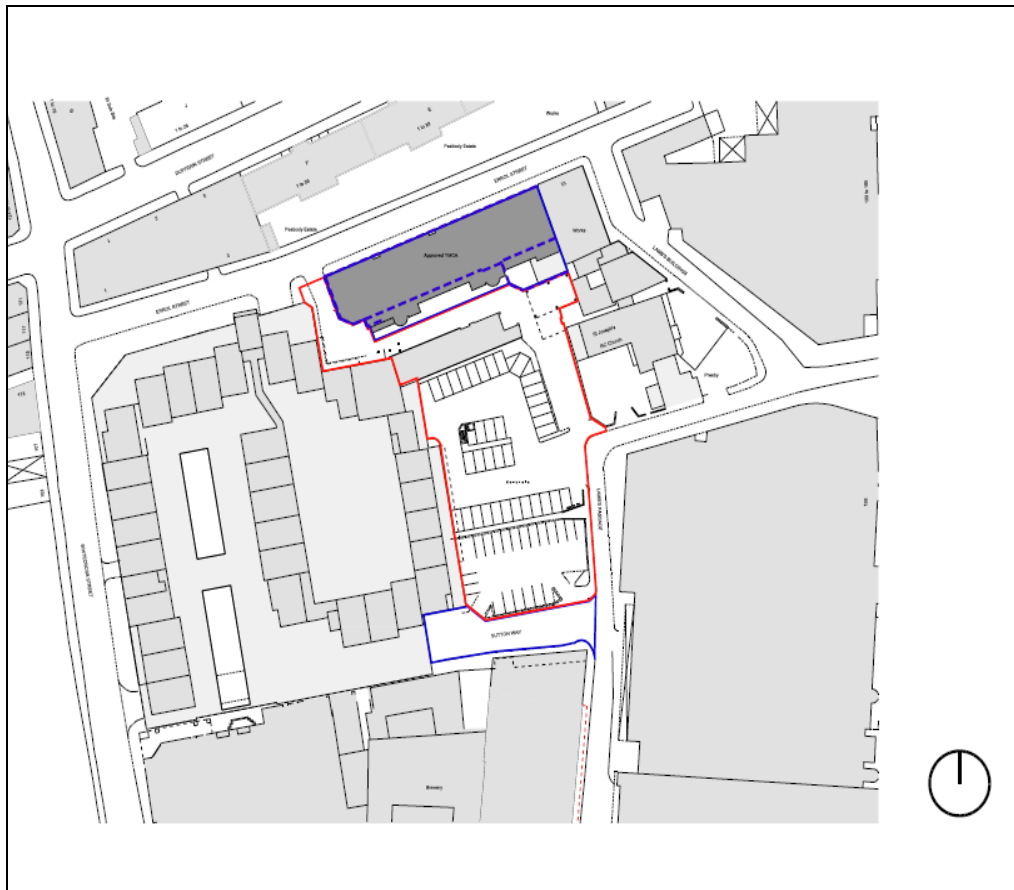
Case Officer	Matt Duigan
Applicant	London City Shopping Centre Ltd & Lamb's Passage Real Estate
Agent	Barton Willmore

RECOMMENDATION

The Committee is asked to resolve to GRANT listed building consent:

1. Subject to the conditions set out in Appendix 1; and
2. Subject to members resolving to grant planning permission for the related planning application ref P2016/0488/FUL

SITE PLAN (site outlined in black)



1.0 SUMMARY

- 1.1 The site includes the Grade II listed Whitbread Brewery vaults which are beneath the car park. The site is in close proximity and within the setting of the grade II listed Whitbread Brewery buildings, in close proximity to St. Luke's and Chiswell Street Conservation areas and also within the Moorfields Archaeological Priority Area. The site is additionally within the setting of No.12 Errol Street which is a non-designated heritage asset.
- 1.2 The site is currently occupied by a surface level car park and 20th century building of no architectural or historic significance – there is no objection to the demolition of this building or the redevelopment of the site in principle.
- 1.3 The basement cellars are proposed to be converted to a restaurant, forming part of the hotel and accessed from its southern end. The rest of the basement cellars would be used as ancillary space for the southern residential block(gymnasium) and the less sensitive lower basement area would be used as office space.

- 1.4 There would be some alteration to the underground vaults as a result of their conversion into usable spaces, including loss of historic fabric, subdivision and masking of historic fabric as a result of damp proofing. The 'Archaeological and Built Heritage Assessment' submitted with the application is comprehensive and justifies the proposed interventions into the fabric. The interventions are limited so as to avoid harming the character and special interest of the spaces.
- 1.5 As well as the historic fabric and the internal spaces, there are other elements within the vaults which are considered to be of significance and should be retained wherever possible. These include the painted posters on the walls, which provide an indication of the variety of the beers being produced by the Whitbread Company, the surviving elements such as the tram and barrel tracks running within the floors of the vaulted areas and some of the machinery remnants all of which add to the historical and archaeological interest. Subject to conditions of consent the proposals are supported and acceptable.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site and its surroundings are described in the report for the accompanying application for planning permission (ref: P2016/0488/FUL).

3.0 PROPOSAL (in Detail)

- 3.1 The applicant seeks listed building consent for the conversion and alterations to the existing grade II statutorily listed underground vaults at lower and upper basement level to enable these spaces to be used for restaurant uses, ancillary spaces, gym, plant and machinery spaces.
- 3.2 The following interventions are proposed:
- I. Demolition of walls and some jack arches in north-east corner to provide new staircase and lightwell into cellars to create a welcoming entrance to the restaurant: The fabric of this area has been altered historically and is less sensitive to change. The lightwell and stairs have been orientated in respect of the existing basement footprint. Internal finishes are proposed to demonstrate the transition between new and historic. Downstands and nibs will be retained to indicate where the walls would have been. Tiled jack arches will be preserved to the south of the staircase.
 - II. Demolition of parts of walls to provide access from east side to the west side of cellar. This will enable the full area of the basement to be used. This level of intervention has been kept to a minimum and the majority of the spaces are to be retained and enhanced through a new use.
 - III. Insertion of foundations/piles through the existing structure to support the hotel above; Just as the foundations of the Shire House development have been inserted into the historic fabric so too are the proposed buildings foundations to be located within the walls of the cellars. The ground floor layout and structural design for the buildings has been specifically redesigned to account for the layout of the basement so that the piles do not fall within the centre of the spaces but retain the character and proportions of the long vaults.
 - IV. Insertion of partitions to split the restaurant demise from the private residential demise. The partitions are necessary for the development to be implemented but can be carried out in a sensitive manner to ensure the fabric of the structure is preserved. Any partitions will be removable and will not require demolition of any fabric.
 - V. Lowering of the floor level to provide adequate headroom and relaying of some of the metal tracks. In order to use the vaulted spaces for the proposed restaurant it is necessary to dig out the existing floor levels.

- VI. Removal of infill bricks around piles to create views through the area. This will enhance the appearance of the spaces and provide a better understanding of the interaction between and scale of the vaulted areas, enhancing heritage significance.
- VII. Damp proofing to the lower half of the walls with the upper parts being left as exposed brick where possible. Damp proofing the lower part of the walls will enable the spaces to be usable without compromising the experience of being in a brick vault.
- VIII. Division of the 20th century concrete area on the western side of the cellars to provide kitchen and bathrooms.
- IX. Removal of later modern inserted staircases to split the lower basement from the basement level. Removing this stair will enable the entire basement vaulted area to be read as one historic entity with the sub-basement level an entirely separate space, as it would have been originally.
- X. Insertion of piles of the building above, the piles have been designed to sit as close to the existing walls or within them so as to maintain the spatial qualities of the vaults.
- XI. Insertion of new stair core and lift to west of double height jack arch cellars.

4.0 RELEVANT HISTORY

Planning Applications

- 4.1 The following previous planning applications relating to the application site are considered particularly relevant to the current pre-application proposal:

P060839 – *Listed building consent application for the erection of a 4-storey office building (B1a) with basement to provide 1617sqm of B1 floorspace, including demolition of the basement area.* The application was withdrawn by the applicant.

P060838 – *Listed building consent application for the erection of a 4-storey office building with basement to provide 1617sqm of B1 floorspace, including the demolition of the basement.* The application was appealed for non-determination.

The Council's statement of case notes refusal of the scheme due to the unacceptable loss of the grade II listed vaults, The appeal was withdrawn by the appellant.

P060460 – *Planning application for the erection of a 4-storey office building with basement to provide 1617sqm of B1 floorspace.* The application was withdrawn.

P060458 – *Planning application for the erection of a 4-storey office building (B1a) with basement, to provide 1617sqm of B1 floorspace.* The application was appealed for non-determination. The Council's statement of case provided four reasons for refusal, namely the unacceptable loss of the grade II listed vaults, the design and impact on townscape, the impact on residential amenity and the risk posed to the security of pedestrians and future occupiers. The appeal was withdrawn by the appellant.

P2013/3297/LBC dated 31 July 2014 was an application for Listed Building Consent seeking approval for the following: *"The conversion and alterations to the existing grade II listed underground vaults to provide a mixed use development comprising of a part 4, part 8 storey building providing 38 residential units (19 affordable, 19 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floor-space (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D1), along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements."*

The application was refused for the following reason:

“In the absence of a valid planning permission for the associated redevelopment of the site, the granting of listed building consent is considered to be premature. Without an associate planning permission there is no justification for the works to the listed vaults and it is therefore considered that the provisions of section 12 of the NPPF 2012 are not met.”

The Listed Building application had accompanied an application for full planning permission (ref: P2013/3257/FUL). The Council's decision was contested at a co-joined appeal (which considered both decision ref: P2013/3257/FUL and P2013/3297/LBC), where the Planning Inspectorate dismissed the appeal.

P2013/3257/FUL dated 31 July 2014 refused permission for the following: Demolition of existing works building and re-development of the existing surface level car park, along with the conversion of existing Grade II listed underground vaults to provide a mixed use development comprising of a part 4, part 8 storey building providing 38 residential units (19 affordable, 19 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floor-space (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D1), along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements.

The application was refused for the following reason:

“The proposed development, by reason of its inappropriate layout, height, massing and proximity to facing residential properties would result in unacceptable harm to the amenity of nearby residential buildings through loss of daylight receipt experienced by those properties, loss of outlook and sense of enclosure. This harm makes the proposal contrary to policy 7.6 of the London Plan (2011), policy DM2.1 of the Development Management Policies (2013) as well as BRE ‘Site layout planning for daylight and sunlight: a guide to good practice’ (Second Edition 2011) and the Lamb’s Passage Development Brief dated 2006. The benefits of the scheme are not considered to outweigh this harm.”

The Council's decision was contested at a co-joined appeal (co-joined with the listed building decision ref: P2013/3297/LBC), where the Planning Inspectorate dismissed both appeals, and noted the following:

“The proposal the subject of Appeal A would undermine the living conditions of residents of No.1 Lamb’s Passage and Shire House through loss of daylight and visual impact. It would however bring forward significant environmental improvements in townscape terms, provide a new use for an under-used part of a listed building and bring forward much-needed open-market housing and employment generating uses. However, the approach to the provision of affordable housing fails to accord with the requirements of CS Policy CS 12 in that in certain circumstances, the proposal would not bring forward the amount of affordable housing it could, or indeed should.

Bringing all these points together, I find that the benefits of the proposal, in the form it is presented, are not sufficient to outweigh the harmful impacts identified. I reach that conclusion because much the same benefit could be secured by a proposal that addressed the issue of affordable housing in a way that better reflected the objectives of CS Policy CS 12.

In the light of that conclusion on Appeal A, there is no larger scheme to underpin a grant of consent for the works proposed to the listed building that form part of it. It would not be correct to grant consent for those works in that overall context.

For the reasons given above I conclude that the appeals should be dismissed.”

Relevant Planning Applications for Adjoining Sites

1 Lamb's Passage - planning permission (ref. P052334) was granted on 9th October 2006 for the redevelopment of 1 Lamb's Passage to provide a seven storey building accommodating 87 residential units and 564 sqm of office floorspace. This development has now been completed.

YMCA, Errol Street - planning permission (ref. 2012/0637/FUL) was granted on 7th May 2014 for the demolition of the existing YMCA building and the redevelopment of the site to provide a seven storey building with a new hostel facility with associated facilities and commercial uses.

5.0 CONSULTATION

- 5.1 Letters were sent to occupants of 290 adjoining and nearby properties, including along Errol Street, Dufferin Street, Whitecross Street, Sutton Way, Chiswell Street and Lamb's Passage on the on 10 March 2016. A site notice was erected near the site and a press advert displayed in the Islington Gazette. The public consultation of the application therefore expired on 31 March 2016, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 5.2 A total of 23 letters objection have been received from the public with regard to the application. The issues raised have been summarised and detailed within the accompanying full planning application ref: P2016/0488/FUL.
- 5.3 In relation to listed building issues an objector was concerned that the proposal would result in the loss through demolition of the historic vaults. This is not the case; it is proposed to refurbish the vaults and to use these as restaurant space.
- 5.4 The application was revised in June 2016 to address concerns over the impact the scheme would have on the amenity of neighbours and to ensure the mix and balance of uses better aligns with newly adopted policy guidance.
- 5.5 Following receipt of the revised plans and details a second round of consultation was undertaken on 20 June 2016 (expiring on 14 July 2016). While the consultation period ended on 14 July 2016, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 5.6 At the time of the writing of this report a total of 7 (3 of which were from the same respondent) responses had been received from the public with regard to the application, which reiterated earlier concerns.

External Consultee

- 5.7 **Historic England (Greater London Archaeology Advisory Service) and Historic England**

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

The proposed new access and change of use is unlikely to cause significant harm to archaeological interest given the relatively small-scale of proposed groundworks. Although of historical interest in themselves the cellars will have removed earlier remains over most of the site.

No further assessment is therefore necessary.

Internal Consultees

- 5.8 Design and Conservation Officer noted that the proposals are near identical with regard to the effect on the special architectural or historic interest of the site as those proposed under application P/2013/3257/FUL and P/2013/3297/LBC (where no objection was raised). As such, subject to the same conditions there would be no objections to the proposal.

6.0 RELEVANT POLICIES

- 6.1 Details of all relevant policies are attached in Appendix 2.

7.0 ASSESSMENT

Principle of Development

- 7.1 The redevelopment and alterations to the existing underground listed vaults would bring back into productive use these architecturally significant yet redundant features. The proposed use would ensure that the existing vaults are comprehensively renovated and maintained to create a use which would facilitate the enjoyment of these unique historical spaces of the site, providing an opportunity to bring these unique spaces back into commercial use and allowing public access to the sites.

Land Use

- 7.2 The proposed uses of the existing vaults for restaurant, gym, office and related spaces are considered appropriate to its history and character. These uses will create the opportunity for patrons of the uses to visit and experience this historical space which is not the case at present.

Proposed works

- 7.3 The basement cellars would be converted to a restaurant, forming part of the hotel and accessed from its southern end. The rest of the basement cellars would be used as ancillary space for the southern residential block.
- 7.4 The proposals offer opportunities to both conserve and reveal the significance of the vaults through sympathetic conversion of the cellars. Inevitably such conversion will entail some loss or alteration of historic fabric, including subdivision and masking of historic fabric as a result of damp proofing. The 'Archaeological and Built Heritage Assessment' submitted with the application is comprehensive and justifies the proposed interventions into the fabric. The works are limited so as to avoid harming the character and interest of the spaces.
- 7.5 As well as the historic fabric and the internal spaces, there are other elements within the vaults which are considered to be of significance and should be retained wherever possible. These include the painted posters on the walls, which provide an indication of the variety of the beers being produced by the Whitbread Company, the surviving elements such as the tram and barrel tracks running within the floors of the vaulted areas and some of the machinery remnants all of which add to the historical and archaeological interest.
- 7.6 Concerns raised by residents regarding the potential to damage the integrity of the existing vaults have been considered fully. The evidence provided and the proposals generally are considered to refurbish and bring the vaults back into productive use which will ensure their long term viability and use into the future. Various conditions to ensure the protection of the historic fabric, overall character and significant remnants shall be attached to the listed building application.

National Planning Policy Framework

- 7.7 The proposal is considered to be compliant with the NPPF's planning policies regarding conserving and enhancing the historic environment (section 12) and in particular paragraph 134.

8.0 SUMMARY AND CONCLUSION

Summary

- 8.1 The proposed conversion, alterations and refurbishment of the existing listed vaults beneath the application site is acceptable in principle, with public benefits to be gained. Subject to appropriate conditions there would be benefits which weigh positively in favour of granting listed building consent, and which help to outweigh the minimal impact on the listed building that the proposed works would cause. The proposal would comply with policies 7.6, 7.8 and 7.9 of the London Plan (2015), policies CS7, CS8, CS9 of the Islington Core Strategy 2011, policy DM2.3 of the Development Management Policies (2013).
- 8.2 Conditions relating to specific aspects of the proposed works to the listed building are recommended.
- 8.3 Given the proposed development's level of compliance with planning policies (including those of the NPPF and the London Plan), as a result of the public benefits of opening up access and beneficial use of the vaults it is recommended that listed building consent be granted.

Conclusion

- 8.4 It is recommended that listed building consent be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the Committee resolve to GRANT listed building consent subject to the Council's resolution to approve the accompanying application for planning permission (ref: P2016/0488/FUL).

RECOMMENDATION B

That the grant of listed building consent be subject to conditions to secure the following:

List of Conditions:

1	Commencement
	<p>The works hereby permitted shall be begun not later than three years from the date of this consent.</p> <p>REASON: To comply with the provisions of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>The development hereby approved shall be carried out in accordance with the following approved drawings and information:</p> <p>Updated Planning and Regeneration Statement ref: 25777/A5/Reports (15 June 2016), Financial Appraisal Amended Scheme (8 June 2016), Design and Access Statement and Design and Access Statement Addendum Rev A (August 2016), GIA Daylight and Sunlight ref: 4749 (14 June 2016), Sustainability Statement XCO2 Energy ref: 8319 issue 02, Energy Statement XCO2 Energy ref: 8319 (13 June 2016), Proposed Hotel Indigo, Barbican, London, Market and Viability Study, London City Shopping Centre Ltd & Lamb's Passage Real Estate Ltd (June 2016), Lambs Passage Li56:183 Area Schedule Rev M (13 June 2016), Hotel & Office Management Document (June 2016), Structural Method Statement ref: 061620 Rev: 01 (1 July 2016), Email from Hyde Housing (29 April 2016), Architectural and Built Heritage Assessment Heritage Collective ref: L\Jen's HC documents\Lambs Passage\2016 Application\2016.01.29 Lambs Passage Heritage and DBA report1.docx (February 2016), Noise and Vibration Assessment WSP, Parsons Brinkerhoff Rev 1 (February 2016), Air Quality Assessment WSP, Parsons Brinkerhoff Rev 1 (February 2016), Transport Assessment and Travel Plan Template SCP REF: JRB/13814/TA/01 (February 2016), Structural Strategy Report LO1403-REP-001 Lamb's Passage, Statement of Community Involvement (February 2016), Geotechnical and Geo-Environmental Desk Study ref: GE15288-DSR-JAN16 Ver 1.0, Drainage Strategy Report, Curtins Ref: LO1403-REP-002 Rev 02 (29 January 2016), Public Realm Strategy BMD REF: BMD197.PRS.001 Rev 9 (February 2016), Over Heating Analysis XCO2 Energy February 2016, 02-01-001 A, 02-02-001 I, 02-03-001 J, 02-03-002 L, 02-03-003 O, 02-03-004 I, 02-03-005 I, 02-03-006 I, 02-03-007 H, 02-03-008 J, 02-03-09 I, 02-03-010 J, 02-03-012 B, 02-04-001 D, 02-04-002 E, 02-05-001 F, 02-05-002 F, 02-05-003 E, 02-05-004 H, 02-05-005 E, 02-91-001 A, 02-91-002 C, 02-91-003 A, 02-91-004, 02-91-005, 02-91-006, 02-91-007, 02-91-008, 02-91-009, 02-91-010.</p> <p>REASON: For the avoidance of doubt and in the interests of proper planning.</p>

<p>3</p>	<p>Details to match-Listed buildings</p> <p>All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
<p>4</p>	<p>Details of vaults excavation</p> <p>Notwithstanding the plans hereby approved, full details of the excavation proposed within the vaults in relation to increasing floor to ceiling heights shall be submitted to and approved in writing by the LPA prior to the commencement of any works on the vaults (including piling and foundations of the approved buildings above).</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
<p>5</p>	<p>No removal of historic fabric</p> <p>Notwithstanding the plans hereby approved, no historic fabric including wall posters, historic machinery or tracks or any other historic artefact shall be removed or repaired prior to full details detailing their protection, repair or relocation have been submitted and approved by the Council.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
<p>6</p>	<p>Details of final fixtures and fittings</p> <p>Notwithstanding the plans hereby approved, full details and detailed drawings of the proposed treatment of all historic fabric, fixtures and fittings including damp proofing measures, within the vaults shall be submitted to the LPA, prior to the commencement of any works on the vaults (including piling and foundations of the approved buildings above).</p> <p>These shall include, but are not limited to:</p> <ul style="list-style-type: none"> a) Any staircases at below ground level b) Light fittings (including cabling) c) Ductwork (including trunking locations) d) Flooring <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>

7	Details of kitchen ventilation/extraction
	<p>Details of kitchen ventilation/extraction and intake and related plant for any A3 and gym uses within the listed vaults shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is of a high standard and to ensure the significance of the listed building is not harmed.</p>

APPENDIX 2 – RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

1 **National Guidance**

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2 **Development Plan**

The Development Plan is comprised of the London Plan 2011, Islington's Core Strategy 2011, Islington's Development Management Policies 2013, the Finsbury Local Plan 2013 and Islington's Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2011 – Spatial Development Strategy for Greater London

7 London's living places and spaces
Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology
Policy 7.9 Heritage-led regeneration

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS7 (Bunhill and Clerkenwell)
Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

C) Islington's Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.3 Heritage