



# ISLINGTON

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department  
PO Box 3333  
222 Upper Street  
London  
N1 1YA

<b>PLANNING SUB – A COMMITTEE</b>		<b>AGENDA ITEM NO:</b>	B6
<b>Date:</b>	24 April 2012		



Reason for lateness: Production of this report has been delayed due to a) the need to consider the responses made during the consultation period which expired on the 12 April 2012 and b) to consider a late offer by the applicant to enter into a s106 agreement. The eight week period for consideration of the application expires on 25 April 2012 and deferral of the report to a later Committee would mean that determination within the eight week period could not be made.

<b>Application number</b>	P120454
<b>Application type</b>	Full Planning
<b>Site Address:</b>	Land Rear of 28 Amwell Street (Engine / Pump House and adjacent Stores Buildings – also known as New River Head), London EC1
<b>Proposal</b>	Various alterations and extensions to the Engine / Pump House building, ancillary stores buildings and the windmill base in association with the conversion of existing buildings to a mixed use development comprising seven residential units and B1 (office) / D1 floorspace. Notable works include the rebuilding of a lean to structure, formation of lower ground floor and rear extensions to single storey stores south building, insertion of a new floor within southern building and various fenestration alterations to the buildings. Proposal also includes the formation of new pedestrian entrances and accesses from Myddleton Passage and Amwell Street, and various hard / soft landscaping works across the site including forms of enclosures. (Associated listed building consent application reference P120454 also submitted).

### **RECOMMENDATION**

That the Committee resolve to **GRANT** planning permission as set out in Appendix

## **Site**

1. The application site covers an area of approximately 0.17 hectares and is in a back land location to the rear of Charles Allen House, 28 Amwell Street. The site is to the northeast of Amwell Street, close to the junction of Amwell Street with River Street, and is southwest of Myddelton Passage. The site is within the New River Conservation Area.
2. The site is occupied by a historic pump house building and other associated buildings, all of which are Grade II listed. The buildings on the site comprise: (i) a large three storey pump house building to the centre of the site; (ii) a double height stores building adjoining the northeast of the pump house building; (iii) a linear single storey stores building extending from the double height stores building towards the northeast boundary of the site (the double height and single storey stores buildings are known as the 'Stores South Buildings'); (iv) a large detached single storey stores building located along the northwest boundary of the site (known as 'Stores North Buildings'); and (v) a single storey circular building which was formerly a windmill base located in the southwest corner of the site.
3. The land and buildings within the site are generally vacant and unused. However, Thames Water maintains an operational pump within the ground floor of the pump house building. The site has access to the west from Amwell Street and to the east from Myddleton Passage.

## **Surroundings**

4. The New River was created between 1609 and 1613 and allowed water to flow from Hertfordshire to the Round Pond at New River Head (located adjacent to the site and now gardens), from where water was supplied to surrounding houses. A later reservoir known as the Upper Pond was constructed in 1709 and this was then subsequently developed as Claremont Square. A windmill was built at this time to pump water from the Round Pond to the Upper Pond and the base of this windmill remains at the site.
5. The immediate area surrounding the site is predominantly residential in character. However, directly adjacent to the south of the site is a modern Thames Water storage and pumping facility.

## **Proposal (in Detail)**

6. Planning and listed building consent applications have been submitted for the proposed mixed use residential-led development of the site through the conversion of the existing buildings. The scheme would provide approximately 270 square metres of B1 / specified D1 (Office / Non

Residential Institutions) floorspace and seven residential units. The residential units would comprise of four x three-bedroom houses, two x two-bedroom flats and one x one-bedroom flat.

7. It is proposed to refurbish and alter the pump house building internally, in order to facilitate the use of the first floor to provide 120 square meters of B1 / specified D1 floorspace. The alterations to the internal fabric include the addition of a door cut through into an existing void and the addition of a new floor within this void to provide a WC. The ground floor of the Pump House would continue to be maintained and managed by Thames Water as an operational pump.
8. It is proposed to refurbish and alter the double height stores north building with the insertion of a new floor and alterations to the fenestration in order to create two self-contained two-bedroom flats.
9. It is proposed to refurbish and alter the single storey stores north building to the east in order to create four x three-bedroom terraced houses. The proposed alterations include: insertion of partitions, creation of new mezzanine floor, excavation to create habitable space at basement level with associated light wells, erection of single storey extensions to southeast elevation of the building, and demolition and rebuilding of the existing lean to section of the building re-using the original bricks and roof materials (the rationale for this is the current poor condition of the structure).
10. The single storey stores north buildings are proposed to be refurbished and altered to create a one-bedroom residential flat, together with two commercial units for B1 / specified D1 use providing a 113 square metres of floorspace. A central section of the stores north buildings would remain unchanged, due to the necessity for Thames Water to retain the existing access to an underground tunnel. However, this part of the building would be used to provide refuse and cycle storage facilities.
11. Various other alterations are proposed internally and externally to the buildings, including fenestration alterations and additions. It is also proposed to install structures and enclosures across the site as part of landscaping works to provide private garden and external amenity space for the proposed residential units.
12. As part of the proposal, the applicants have agreed to provide the first floor of the Pump House (with the potential future addition of the ground floor of the pump house if Thames Water can make this available) building and the windmill base building (both with right of access from Amwell Street) for a heritage (D1) use at a token peppercorn or nil.

## **Issues**

13. The main issues arising from this proposal relate to the:
- The impact on the special historic significance, character, appearance and setting of the listed buildings on the site;
  - The land use implications and suitability of the proposal;
  - The standard of commercial and residential accommodation proposed;
  - The impact on the amenities of neighbouring occupiers.

## **Relevant History**

14. P102766 (Full Planning) & P102775 (Listed Building Consent) applications in connection with various alterations and extensions to the buildings known as the pump house and adjacent stores buildings. The proposed works are in relation to the conversion of the existing buildings to a mixed use development comprising seven residential units and two commercial units providing B1/D1 floorspace. Notable works include the rebuilding of lean to structure, formation of lower ground floor and erection of rear extensions to single storey south stores building, insertion of a new floor within south stores building, various fenestration alterations to the buildings. Also proposed is the formation of new pedestrian entrance from Myddleton Passage and various hard/soft landscaping across the site including forms of enclosures and refuse storage facilities. These applications have not been determined by the Local Planning Authority and whilst still live are considered to have been superseded by the applications currently under consideration.
15. P101727 (Full Planning) & P101728 (Listed Building Consent) applications for the conversion of the first floor of Pump House to offices (B1) and various internal and external works including repointing and insertion of a door. Conversion of storage properties to residential to provide 9 residential units. Conversion of existing double-height building to residential, together with rebuilding of lean-to structure, formation of lower ground floor, single storey rear extensions and insertion of new floor within the original building. Conversion of single storey stores to residential units including associated internal and external alterations. Formation of new pedestrian access from Myddleton Passage and hard/soft landscaping. These applications were withdrawn on 18/10/10.
16. P040414 (Full Planning) & P040897 (Listed Building Consent) applications for the creation of opening and new gate in perimeter wall on Myddelton Passage. These applications were approved subject to conditions on 29/04/04.
17. 990955 – Planning permission for conversion of workshop in Hardwick Street to eight flats (Block A); erection of 5 storey building in corner of Hardwick/Amwell Streets to provide 59 flats (Block B) and erection of five storey building adjacent to the former Laboratory Building along Myddelton Passage to provide 42 flats (Block C). This planning permission had a S106 legal agreement attached with a clause seeking to secure the Pump House building site for heritage / community use purposes.
18. 970557 & 970558 – Planning permission and listed building consent for conversion of New River Head laboratory building (Grade II listed) into 35 flats. This planning permission had a S106 legal agreement attached with a clause seeking to secure the Pump House building site for heritage / community use purposes.

## **CONSULTATION**

### **Public Consultation**

19. Letters were sent to occupants of adjoining and nearby properties at River Street, Rosebery Avenue, Myddelton Square, Myddelton Passage, Amwell Street, and Naoroji Street on 15/03/2012. A site notice and press advert were displayed on 22/03/2012. The public consultation of the application therefore expired on 12/04/2012. However, it is the Council's practice to continue to consider representations made up until the date of a decision.
20. At the time of the writing of this report a total of six responses (one from a neighbouring occupier, one from an interested party, one from the Islington Building Preservation Trust, one from the Heritage of London Trust, one from the Amwell Society, and one from the Islington Society) had been received from the public or interest groups with regard to the application. The issues raised can be summarised as follows:
21. - The proposed mixed use residential-led development would be contrary to the guidance and objectives of Council planning briefs dated 1991 and 1999, and S106 legal agreements attached to planning permissions dated 1997 and 2000 at adjoining site, which identified and supported the provision of a heritage and community use of the site.
22. - Residential use and required alterations, interventions and extensions are inappropriate and would harm the historic and architectural significance of the listed buildings, which are of significant local and national historic importance, and would harm the character and appearance of the conservation area.
23. - Letter received from the Heritage of London Trust (HofLT) confirming that in conjunction with the Islington Building Preservation Trust (IBPT), they are seeking to secure greater public access to the New River Head site, with the creation and operation of a related heritage centre at the site, together with an associated office and café. HOLT is currently undertaking an Options Appraisal to demonstrate the viability of uses which would provide local, public and community access and involvement.
24. - The offer of provision of part of the site for office / community use purposes is unconvincing and tokenistic, and as the future residents at the site would require a high level of security and privacy, public access just to view the external site would be impossible. Furthermore, the proposal fails to provide adequate public access to the site.

### **External Consultees**

25. English Heritage were consulted and agreed that the scheme should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.
26. English Heritage (Greater London Archaeology Advisory Service) raised no objection to the proposal subject to a condition and informative being attached to the permission

## **Internal Consultees**

27. Conservation and Design Team – Consider the proposal to be an improvement on earlier proposals, with the proposed extensions reduced and more in keeping with the complex of building, having an improved relationship with the industrial aesthetic. Would not have automatically considered a residential use entirely appropriate for these buildings as they are fairly modest industrial buildings whose appearance can be more easily affected than one on a larger scale.
28. Raised concerns over future structures within the residential gardens which would soften the industrial edge of the buildings. Conditions should be utilised to ensure the quality of the materials and to secure a method statement in relation to the excavation works.
29. Access Officer - Objects to the proposal as the proposed new residential units proposed would not entirely comply with lifetime homes standards and also the standards of the accessible homes SPG.
30. Public Protection Division (Noise Team) – Raised no objection to the proposal subject to the imposition and compliance with conditions.
31. Tree Preservation and Landscape Officer – Raised no objection to the proposal subject to the imposition and compliance with conditions.

## **RELEVANT POLICIES**

### **National Guidance**

32. The following national and regional guidance is considered particularly relevant to this application:

National Planning Policy Framework (NPPF) – in particular Section 12 (Conserving and Enhancing the Historic Environment).

### **Development Plan**

33. The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002. The following policies of the Development Plan are considered relevant to this application:

#### **The London Plan 2011 - Spatial Development Strategy for Greater London**

##### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

##### **2 London's places**

Policy 2.9 Inner London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

##### **5 London's response to climate change**

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.4 Retrofitting

Policy 5.7 Renewable energy

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development

Policy 2.12 Central Activities Zone –  
predominantly local activities  
Policy 2.13 Opportunity areas and  
intensification areas  
Policy 2.14 Areas for regeneration

### **3 London's people**

Policy 3.1 Ensuring equal life chances  
for all  
Policy 3.2 Improving health and  
addressing health inequalities  
Policy 3.3 Increasing housing supply  
Policy 3.4 Optimising housing potential  
Policy 3.5 Quality and design of housing  
developments  
Policy 3.6 Children and young people's  
play and informal recreation facilities  
Policy 3.8 Housing choice  
Policy 3.9 Mixed and balanced  
communities

### **4 London's economy**

Policy 4.1 Developing London's  
economy  
Policy 4.2 Offices  
Policy 4.3 Mixed use development and  
offices  
Policy 4.4 Managing industrial land and  
premises  
Policy 4.5 London's visitor infrastructure  
Policy 4.6 Support for and enhancement  
of arts, culture, sport  
and entertainment provision  
Policy 4.10 New and emerging economic  
sectors

site environs  
Policy 5.13 Sustainable drainage  
Policy 5.14 Water quality and wastewater  
infrastructure  
Policy 5.15 Water use and supplies

### **6 London's transport**

Policy 6.1 Strategic approach  
Policy 6.3 Assessing effects of  
development on transport capacity  
Policy 6.9 Cycling  
Policy 6.13 Parking

### **7 London's living places and spaces**

Policy 7.1 Building London's  
neighbourhoods and communities  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and  
archaeology  
Policy 7.15 Reducing noise and  
enhancing soundscapes  
Policy 7.19 Biodiversity and access to  
nature  
Policy 7.21 Trees and woodlands

## **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)  
**Policy CS10** (Sustainable Design)  
**Policy CS11** (Waste)  
**Policy CS12** (Meeting the Housing  
Challenge)  
**Policy CS13** (Employment Spaces)



## Islington Unitary Development Plan (2002)

### **Environment Policies:**

- Env5 & 6** (Protecting Trees)
- Env9 & 10** (Street Furniture, Paving and the Streetscene)
- Env16 & 17** (Protection of Amenity)
- Env37** (Waste and Recycling)

### **Economic Regeneration Policies:**

- E1 & 2** (Business Development)
- E3** (Mixed Use in Business Schemes)

### **Conservation and Design Policies:**

- D3** (Site Planning)
- D4** (Designing in Context)
- D5** (Townscape)
- D6 & 7** (Landscape and Public Facilities)
- D8** (Boundary Walls, Paving and Street Furniture)
- D17** (Local Views)
- D20** (Land Use)
- D22** (New Development)
- D24** (Materials)
- D43** (Archaeological Heritage)
- D45** (Archaeological Assessment and Evaluation)
- D46** (Preservation in-situ of Archaeological Remains)
- D47** (Archaeological excavation and Recording)

### **Housing Policies:**

- H3** (New Housing and Changes of Use to Residential)
- H7** (Standards and Guidelines)
- H10** (New Development)

### **Sustainable Transport Policies:**

- T18** (Parking and Traffic Restraint)
- T34** (Cycle Parking)
- T45** (Land Use Planning)
- T52** (Facilities for Cyclists)
- T55** (New Development)

### **Implementation Policies:**

- Imp5** (Mixed Use)
- Imp6** (Efficient Use)
- Imp14** (Central London)
  
- C6** (New Community Facilities)
- C7** (Siting and Design)
- V1** (Tourist Facilities)

## **Planning Advise Note/Planning Brief**

34. The following Council Planning Briefs are considered material considerations in the assessment of the application:

- New River Head and Claremont Square Planning Brief – 1999
- New River Head and Claremont Square Planning Brief – 1991

## **Designations**

35. The site has the following designations under the London Plan 2011, Islington LDF Proposals Map 2011 and Islington Unitary Development Plan (2002):

- New River Conservation Area
- Grade II Listed Building
- Local Landmark
- CLA Central London Special Policy Area.
- Central Activities Zone (CAZ)

## **Supplementary Planning Guidance (SPG) / Document (SPD)**

36. The following SPGs and/or SPDs are relevant:

### **Islington UDP / LDF**

- Accessible Housing in Islington
- Car Free Housing
- Conservation Area Design Guidelines
- Green Construction
- Inclusive Landscape Design
- Planning Standards Guidelines
- Planning Obligations and S106
- Urban Design Guide

### **London Plan**

- Housing
- Sustainable Design & Construction

## **EVALUATION**

### **Land-use**

37. The application site is currently largely vacant. However, Thames Water still maintain and operate a pumping station within the ground floor of the main pump house building. The stores buildings have largely been used for ancillary storage purposes. The current lawful planning use of the site buildings would fall outside any of the designated use classes and is therefore considered to be sui generis.
38. The proposed scheme is a residential-led mixed use development that would provide a total of seven residential units together with approximately 270 square metres of flexible floorspace to be occupied as either B1 or specified D1 floorspace. The specified D1 uses include subclasses d) for the display of works of art (otherwise than for sale or hire),(e) as a museum and(g) as a public hall or exhibition hall. The scheme has been designed to allow the continued operational access that Thames Water require with respect to ongoing water infrastructure operations at and under the site. The loss of the existing planning use of the site buildings, is considered to be acceptable subject to the retention of the operational facilities and access required by Thames Water and the provision of a heritage use on the site..
39. The site is located within the Bunhill and Clerkenwell key area as designated within policy CS7 of the Islington Core Strategy. This policy seeks to secure employment-led development within the key area, with creative industries and small/medium enterprises (SMEs) supported and encouraged through provision and retention of suitable accommodation. Housing growth is also sought within the key area and a range of dwelling types, affordable tenures and family sized homes is encouraged.
40. The site is located within the Central Activities Zone (CAZ) of London, a premier business location, which has a regional, nationwide and international role. The site is located within a predominantly residential area of the CAZ, and in purely land use terms is considered a suitable location for a residential-led mixed use development without compromising the wider policy aims for the CAZ. Policies CS12 and CS13 of the Core Strategy also identify and provide policy support for the delivery of housing to meet the borough's housing challenge, and the provision of additional employment space, specifically within the CAZ.

41. The application seeks a flexible permission for commercial uses to be either office (B1) or non-residential institution (D1) uses. The four proposed commercial units measure approximately 37, 56, 59 and 120 square metres respectively. The smallest unit comprises the circular windmill base building, the two similar size units would be provided within the eastern end of the stores north buildings and the larger unit would be provided on the first floor of the pump house building. Policy CS13 of the Islington Core Strategy requires new commercial floorspace to be flexible in order to meet future business needs and offer a range of unit types and sizes including those suitable for Small and Medium Enterprises (SMEs). The proposed commercial offer is considered to appropriately provide for a range of unit size and type and to provide for SMEs in accordance with policy CS7 of the Core Strategy. If the proposed units were occupied for a specified D1 use it is considered that such a use would be acceptable in this location.
42. In assessing the acceptability and appropriateness of the proposed land uses, thorough consideration has been given to potential alternative uses of the site, the previous planning history and other material considerations for the site. The Council has received representations which argue that the proposed use / mix of uses does not comply with previous planning guidance and other associated agreements for the future use of the site. The identified documents include the New River Head and Claremont Square planning briefs dated 1991 and 1999 and two S106 agreements for neighbouring residential developments dated 1997 and 2000.
43. The planning brief from 1991 identifies that the buildings on the site provide 'a nucleus of important historic buildings, to which access for the public could be greatly improved'. The 1991 brief also identifies that 'potential uses include community facilities, urban studies centres, meeting rooms, exhibition space or museum facilities, as well as more commercial uses, such as a restaurant or café'. The 1999 brief identifies that 'it remains the wish of the Council that when redundant the Engine House / Pump House and Mill base, together with ancillary buildings, should form the nucleus of a heritage and community facility'.
44. The residential-led mixed use development currently proposed does not accord with the vision for the future use of the whole of the site for heritage / community use as envisaged in the 1991 and 1999 planning briefs. However, the proposal does go some way towards meeting the brief, as the applicants have agreed to offer the use of the first floor of the pump house (with the potential future addition of the ground floor of the pump house if Thames Water can make this available) and the windmill base building for a heritage (D1) use at a token peppercorn or nil rent. This would include the provision of public access to the pump house and windmill base building from Amwell Street.
45. The merits of the envisaged use of the whole of the site for heritage / community use purposes, as identified within the earlier briefs for the site, are clear and it is evident,, that the principle of such heritage / community uses operating across the whole of the site, would be of benefit to the historic significance of the site and the surrounding New River Head area. However, the Local Planning Authority has a duty to determine the planning application, as submitted, assessed against current relevant planning policies and material considerations. Therefore, the land uses proposed at the site have been assessed against national guidance provided in the National Planning Policy Framework (NPPF), and the relevant policies contained in the London Plan 2011 and Islington Core

Strategy 2011 together with other relevant documents. The policies contained in the London Plan 2011 and the Islington Core Strategy 2011 form part of the Islington Development Plan and are of significant weight in the assessment of this application.

46. Advice has been sought from the Council's Planning Legal Officer in relation to the status and weight to be attached to the identified planning briefs. Advice has been provided that the planning brief it is not a planning document that forms part of the Islington Development Plan. A brief does not oblige or require the developer to carry out the development in a particular way. It is purely a guidance document, which has status and weight as a material consideration, but does not carry the same weight as Development Plan policy. Applications must be determined in accordance with Development Plan policies unless material considerations indicate otherwise.
47. Given the time that has elapsed since the adoption of the planning briefs and the existence of up to date policy documents within the development plan, it is considered that, the proposed development should not be refused permission solely on the basis of the proposed land use failing to provide a heritage / community use on a scale that would be in accordance with that identified within the planning briefs. The relevant considerations with respect to the acceptability of the proposed alterations to the listed buildings is provided in the 'Conservation and Design' section below.
48. The two S106 legal agreements identified in representations to the Council relate to planning permissions for development at adjoining sites within the wider New River Head area. The two S106 agreements included the following clauses, which have relevance to the current application site:
49. S106 Agreement dated 17/12/97 - Planning reference 970557.

*Heritage Centre*

*'No more than 50% of the Development shall be occupied until the Second Owner was paid to Islington Building Preservation Trust the sum of £50,000 to be used for the provision of a heritage centre and/or community use of the Pump House and/or Mill Base on the area shown edged yellow on the plan PROVIDED THAT if the Pump House and/or Mill Base do not become available for such heritage centre and/or community use within 5 years of the date hereof, the contribution may be used upon such scheme or schemes for the preservation or enhancement of the heritage of the area in the vicinity of the site as shall have been first approved in writing by the Council and the First Owner such approval not be unreasonably withheld or delayed.'*

50. S106 Agreement dated 16/03/00 - Planning reference 990955.

*Contribution to Pump House Development*

*'3.1 On the date of this Agreement to pay to the Council the sum of FIFTY THOUSAND (£50,000) as a contribution towards the development of the Pump House as an heritage centre or for community use in the reasonable discretion of the Council.*  
*3.2 Kennet shall use reasonable endeavours to procure that if the Pump House shall not be required by Thames Water Utilities Limited for any operational use it will offer the Pump House to the Council upon terms and subject to such conditions as may be agreed for use as an heritage centre or such other community use as the Council may in its reasonable discretion determine. Provided that if the Pump House has not been offered to the Council as aforesaid within 5 years of the date of this Agreement the Council may expend the contribution referred to in paragraph 3.1 hereof upon such*

*schemes for the preservation or enhancement of the heritage in the area of the Property as Kennet may first in writing approve (such approval not to be unreasonably withheld or delayed).'*

51. The clauses clearly provide funds for the provision of a heritage and community use on the site. The clauses also provide an opportunity for the funds to be used for an alternative purpose if the site buildings do not become available for such use. In relation to clause 3.2 of the 2000 agreement it is noted that the Pump House has not been offered to the Council according to records. However, a sum of £50,000 has been paid to the Islington Building Preservation Trust.
52. Legal advice has been provided that the 2000 agreement did not unfortunately achieve the intention that it set out to achieve. First, the Pump House is owned by Thames Water not a party to the 2000 Agreement. Thames Water's interest in the Pump House was not therefore bound by the agreement. Thus, the obligation was on Kennet (who were a party in the Agreement) to use its reasonable endeavours to procure for the Council (from Thames Water) the Pump House for the specified purposes. There is no obligation on Thames Water to offer the Pump House to the Council. A requirement on a non-owner to use reasonable endeavours to get the owner to offer the Pump House for a heritage / community uses is, unfortunately, unenforceable against the Pump House itself. Second, the Pump House Land was not within the red line of the 2000 Agreement. Thus, even Kennet's land at the Pump House Land was not bound by the obligation in clause 3.2 of the agreement. The obligation was only binding on the neighbouring Lab Buildings and on Kennet personally and not on its land. Advice has also been provided that clause 3.2 of the 2000 agreement has not been triggered, as the Pump House is still required by Thames Water for some operational use. The obligation in clause 3.2 is only triggered if / when the whole of the Pump House is no longer required for some operational use. Consequently, if the 2000 agreement is read on its face value, there is no actionable contractual arrangement regarding the Pump House's future. Therefore, whilst the Council intended (and granted planning permission for the neighbouring Lab Building on the assumption) that the heritage / community use of the Pump House Land would be secured, it did not succeed in making a legally enforceable link. In summary, the conclusion of the legal advice is that there is unfortunately nothing in either of the two S106 agreements referred to in representations to the Council that compels the future use of the site for heritage or community use.
53. As identified above, a number of objections have been received by the Council in relation to the proposal and the failure of the proposal to provide a heritage / community use across the whole site, as identified within the planning briefs. However as stated above, the applicants have now agreed in writing to offer the use of the first floor of the pump house (with potential future addition of the ground floor of the pump house subject to Thames Water making this available) and the windmill base building (both with right of access from Amwell Street) for a heritage (D1) use at a token peppercorn or nil rent. This would be secured within a properly constructed S106 legal agreement. The current offer is considered to represent an improvement on the applicants' previous offer of the establishment of a publicly accessible static display illustrating the history of the site within the windmill base, with a potential for IBPT / HofLT, to lease the first floor of the pump house at the open market rent.
54. In summary, the historic S106 Agreements referred to above, do not unfortunately secure the future use of the site for heritage / community uses. However, although the two planning briefs are considered to carry less weight than current Development Plan

policies, they do still represent a material consideration. They also clearly show the Council's intention that the site should be developed for heritage / community purposes. It is therefore considered that the current proposed offer from the applicants with respect to provision of the Pump House and windmill base building for heritage use purposes at a token or nil rent, to be secured by S106 agreement, provides the appropriate balance to make the proposal acceptable in principle when considered in light of all relevant Development Plan policies and other material considerations.

### **Conservation and Design**

55. Representations received by the Council highlight the unique historic and architectural importance of the site and suggest that the proposed residential use of the site and consequent alterations to the buildings are in conflict with this heritage value. The objectors also argue that the proposed alteration and subdivision of the buildings required for their conversion to residential use are inappropriate and harmful to their significance as a heritage asset. The objectors also advise that they believe that they are able to promote a viable alternative use for the site which would retain it for a heritage use in its entirety. However, no substantial evidence to support this alternative scheme has been provided to date.
56. The application must be assessed against Section 12 of the very recently adopted National Planning Policy Planning Framework (NPPF) which seeks to conserve and enhance the historic environment. Paragraph 129 of the Framework states that:  
  
“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal..... They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal”.
57. The glossary to the NPPF defines significance as “the value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic.”
58. The site and the buildings within it are clearly of considerable historic and architectural interest which is reflected in their designation as Grade II listed buildings. The site is also identified as a Local Landmark as designated by policy D18 of the Islington Unitary Development Plan 2002.
59. Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of the “desirability of sustaining and *enhancing* the significance of heritage assets and putting them to viable uses consistent with their conservation”. The NPPF therefore sets out the desirability of enhancing as well as protecting the significance of the heritage asset.
60. Paragraph 132 of the NPPF continues 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. The more important the asset the greater the weight should be. Significance can be harmed or lost through the alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a Grade II listed building should be exceptional”.

61. Any works to alter, extend or subdivide the listed buildings therefore need to be assessed to consider any potential harm to the significance of the buildings as a heritage asset.
62. It is proposed that four extensions would be added to the southeast elevation of the single storey stores south building. Each of the four x three-bedroom terraced houses, created within the stores south building, would be provided with a half-width, glazed, cubic shaped extension (3.2m wide, 3m deep, and 3.4m high above ground) finished with a high quality copper cladding surround. Within the areas of elevation not covered by new extensions, full size windows would be reinstated within the arches. It is also proposed to excavate under the stores south building to provide additional habitable space at basement level for each of the four houses with the provision of lightwells in the areas adjacent to and between the proposed extensions.
63. The proposed extensions, excavations and other alterations have been considered by the Council's Conservation and Design officer. In negotiation with the applicants, the size of the extensions has been significantly reduced and the design and appearance altered from a nearly entirely glazed structure to one that includes a copper cladding surround which sits more comfortably with the historic industrial host building. The Conservation and Design officer has noted that, in comparison with the original proposals, the extensions are 'more in keeping with the complex of buildings, having an improved relation with the industrial aesthetic'. The glazed lightwells are considered to be acceptable.
64. Various alterations are proposed to the fenestration on the southeast elevation of the double height stores south building adjacent to the Pump House building. The fenestration alterations involve the creation of new openings and the insertion of grey powder coated windows. No alterations are proposed to the external elevations of the main Pump House building itself, with the exception of the refurbishment of existing windows.
65. Various fenestration alterations are proposed to the stores north buildings and the northern elevation of the stores south buildings. It is considered that conditions are required in order to ensure the quality of materials and detailed design is appropriate for the listed buildings. The fenestration alterations have been sympathetically designed to utilise existing openings where possible and to retain the industrial character and appearance of the buildings.
66. Within the area of the site to the south of the stores south buildings, various landscaping works are proposed in connection with the provision of external garden amenity space for the proposed residential units. At present, this area is covered with concrete hardstanding. It is proposed to replace this surfacing with hard landscaping (york stone or granite surface) directly adjacent to the buildings and soft landscaping toward the boundary. The gardens proposed in this area would be separated by low level tensile fencing, with planting located to the south boundary of the site. It is recommended that details of all landscaping and boundary treatments should be secured and controlled by condition.
67. The NPPF requires an evaluation of whether the proposed alteration, extension and sub-division of the buildings sustains and enhances the significance of the site as a heritage asset. Where it is considered that there is harm to the heritage asset this must

be clearly and convincingly justified. If it is deemed that the proposal will lead to less than substantial harm, this harm should be weighed against the benefits of the proposal. If the harm is considered to be substantial, the NPPF states that the application should be refused unless it can be demonstrated that the loss is necessary to achieve substantial public benefits that outweigh the harm or loss or that a number of other criteria are met. These criteria include:

- the nature of the heritage assets prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

68. Whilst reasonably sympathetic to the character of the buildings, the proposed alterations to the buildings and in particular the sub-division of the buildings to form a residential use are considered to represent harm to the architectural and historic significance of the heritage asset. However, most of the floor space within the buildings has been unused in recent times. The proposed development would provide an active use for the listed buildings which in both the short and long term is likely to have a positive effect on the maintenance and preservation of the buildings compared to if they were left unoccupied and largely unused as at present. Further, the windmill base and pump house buildings would also be secured for a heritage use with public access. On balance, it is considered that the harm to the significance of the heritage asset caused by the alterations is balanced by the benefit of bringing the site back into a viable use, and importantly, by the provision of a heritage use within the pump house and windmill base buildings. However, this weighing and evaluation of harm and benefit is considered to be very finely balanced particularly as the NPPF underlines the importance of both sustaining and *enhancing* the significance of a heritage asset. It also requires that the test as to the justification for harm is dependent upon the assessment of the heritage value of the buildings.

69. The site is included within the New River Conservation Area Design Guidelines 2002, which note that the site buildings 'are designated as a local landmark, with important views from Rosebery Avenue, Hardwick Street and Amwell Street. The Council will protect views of this local landmark and new development should not try to compete in terms of height and scale, or block views to it'.

70. A key view of the site is from Rosebery Avenue. This view looks across the southeast elevation of the buildings. An assessment of the impact of the proposed works to the southeast elevation of the buildings on the wider appearance of the buildings and site when viewed from Rosebery Avenue has been undertaken. It is considered that the cumulative impact of the proposed works would not result in a level of harm to the character and appearance of the buildings and site when viewed from this location, which would warrant the refusal of the planning application on these grounds.

### **Neighbouring Amenity**

71. Consideration has been given to the effects of the development on neighbouring amenity. It is noted that there are numerous existing residential properties located in close proximity surrounding the site, notably including those found to the north of the site within the terrace fronting River Street, west of the site at 28 Amwell Street, south of the



site within the New River Head Buildings, and east of the site within the Nautilus Building and Benyon House.

72. The proposed development largely concerns the conversion of the existing buildings with alterations and extensions not considered to be of such a scale as to cause harm to the amenities of any neighbouring occupiers with respect to light provision, outlook, or undue sense of enclosure.
73. The principle matter for consideration with respect to the potential impact on neighbouring amenity, is the effect of the conversion of the property from its current use, with its occupation as a primarily residential development. It is not considered that this change would have a harmful effect on neighbouring residential properties to the north and east given the existing distance between properties and the orientation of the residential units. With respect to the Nautilus Building located to the east of the site and the communal amenity space they enjoy to the south of the site, it is not considered that the proposal would result in undue overlooking of any neighbouring properties in this location. Furthermore, it is considered that the provision of new private gardens adjacent to the existing communal gardens for residents of the Nautilus Building would not result in any harm to amenity. It is recommended that conditions should be used to control the hours of operation of the commercial uses at the site.

### **Dwelling Mix**

74. The scheme proposes the creation of a total of seven residential units, comprising four x three-bedroom houses, two x two-bedroom flats and one x one-bedroom flat. Policy CS12 of the Core Strategy identifies that a range of unit sizes are required to meet existing and future needs in the borough. It is also noted that policy CS12 specifically seeks to maximise the proportion of family sized housing provided for both affordable and market housing.
75. In a dense borough such as Islington this site offers a relatively rare opportunity to provide good quality family housing with large private gardens. Such a provision is often not possible on more constrained sites. With an appreciation of this and with consideration of the policy aims identified above, it is considered that the proposed residential mix is acceptable.

### **Quality of Resulting Residential Accommodation**

76. All of the proposed dwellings would be self-contained, with all rooms of appropriate size and regular shapes allowing full use and functionality. All the residential units would benefit from dual aspect and are, therefore, considered to provide good outlook for future occupants. All units meet the minimum space standards as identified within the London Plan 2011. Private outdoor amenity space is provided to all residential units, except for one. The scheme is considered to generally provide an adequate and suitable amount of amenity space for future occupants with an appreciation of the site and design constraints. The proposal includes adequate provision of refuse and cycle storage facilities for occupants, these will be located within the stores north buildings.
77. The Council's Accessibility Officer has raised objections to the proposal on account of the development's failure to meet the standards of the Accessible Housing SPG. However, it is noted that meeting these standards in full would not be possible without requiring significant and unsympathetic alterations to the listed buildings, which would

be unacceptable on account of the harm to the special interest and historic fabric of the listed buildings.

78. A noise survey and report has been submitted as part of the application. The report has been considered by the Council's Noise Officer who has raised no objection. To ensure an acceptable level of amenity is provided for all new residential units, conditions are required to ensure maximum internal noise levels within the new residential units in line with the details of the submitted noise report.

### **Density**

79. The scheme proposes a total of seven residential dwellings comprised of 25 habitable rooms (hr) within a gross site area calculated in accordance with the method expressed within the Islington Planning Standards Guidelines SPG equal to approximately 1700sqm or 0.17ha. The scheme results in a residential density of 147 habitable rooms per hectare.
80. It is apparent that the residential density of the proposed development falls significantly short of the target density range for this location as set out in the London Plan 2011. However, this policy has to be applied with an appreciation of the site context and constraints. In this case, given the historic designation and importance of the listed buildings on site, significant extensions or new build development on the site would be extremely unlikely to be acceptable. Therefore, it is unlikely that a significantly higher density could be provided within an acceptable development scheme for the site.

### **Affordable Housing**

81. The proposal as currently proposed provides seven residential units. Core Strategy 12 (meeting the housing challenge) outlines the Council's policy approach to affordable housing. A key objective of this policy is to require all sites capable of delivering 10 or more units gross to provide affordable homes on-site.
82. As established in the policy, if the site is capable of providing 10 residential units then affordable housing should be provided on site. In determining what provision can be made at a site, it is necessary to consider the opportunities and physical constraints / limitations of the site, which determine the overall scale and bulk that is possible. It is then necessary to consider whether the resulting internal accommodation has been adequately maximised. Within this assessment, considerations such as dwelling mix and standards of accommodation are of primary concern. For instance, a dwelling mix of all one-bedroom units which are below the minimum planning standard guidelines may provide more than 10 units but would provide a standard of accommodation and mix of units which fails to address the housing needs of the borough as established by the Islington Housing Needs Assessment and other Council policies.
83. As established in the dwelling mix section of the report above, the mix of the units is considered an appropriate response to the needs of the borough in terms of market housing provision and other relevant planning policies. However, it is apparent that a 10 unit scheme would include affordable housing, which as established by the Islington Housing Needs Assessment, has differing requirements in the borough in terms of unit mixes than for market housing.

84. As established in the standard of residential accommodation section above, the standard and size of units is considered appropriate. The three- bedroom units are of a significant floor area, but following critical evaluation it is considered extremely difficult to deliver an alternative partition of the space while providing a workable layout, not damaging the historic fabric and ensuring appropriate amenity is provided to the units. It is apparent that there are significant constraints in relation to the extension and alterations that would be permissible on the site given the status of the buildings as listed buildings.
85. In considering the proposal in relation to this policy consideration has to be given to the fact that not all available floorspace is provided as housing. Providing the entire stores north buildings as residential units would not be permissible given the poor amenity and standard of accommodation provided. In addition it is noted that while the Council has policies that support the provision of affordable housing, there are also policies which support the other commercial and community uses proposed.
86. In summary, it is not considered that the development can be seen to be avoiding the provision of 10 residential units on site.

### **Sustainability, Energy Efficiency and Renewable Energy**

87. As the proposal relates to the conversion of listed buildings, there are significant constraints which limit the level of sustainability that can be achieved in terms of energy efficiency and provisions for renewable energy, as all works at the site must be sympathetic to the special historic fabric and character of the buildings. Notwithstanding this, an environmental statement in relation to developments proposals and efficiencies to reduce CO2 emissions has been submitted with the application. Taking into consideration the constraints resulting from the buildings being listed, it is considered that the approach proposed in the environmental statement is appropriate and acceptable.

### **Highways and Transportation**

88. The site has a Public transport Accessibility Level (PTAL) rating of 5, and is located within a Controlled Parking Zone (CPZ). The Council has policies which seek to facilitate and encourage the use of sustainable methods of transport and reduce the dependency on vehicular modes of transport, in order to bring benefits for the environment and relieve pressure on the congested transport network. In accordance with the Council's strategic transport policy, none of the occupants of the residential and commercial units, created at the site, would be eligible to apply for parking permits, with the exception of registered disabled persons. Conditions are recommended to secure servicing details for the commercial elements of the scheme.

### **Archaeology**

89. The site is situated in an area where it is anticipated that archaeological remains may be located. This is primarily due to the presence of past and standing structures and other elements associated with the development of the New River and New River Head. The proposed development includes the excavation of new basement areas underneath standing structures as well as extensions. Any ground work has the potential to affect archaeological remains. The English Heritage Archaeology officer has considered the application and does not advise that any further work needs to be undertaken prior to

determination of this planning application. However, it is recommended that the archaeological position should be reserved through a condition.

### **Landscaping and Trees**

90. No protected trees are located on the site. However, five trees of significant amenity value and protected by a tree preservation order are situated directly adjoining the northern and eastern boundaries of the site. Concern was previously raised in relation to post development pressures on these trees that would result if two additional residential units were approved at the east end of the stores north buildings. However, for this reason, these units were removed from the previous application and do not form part of the current proposal. The east end of the stores north buildings are proposed to be developed for a B1/D1 use which would not cause the same post development pressure as the previously proposed residential units.
91. An arboricultural statement has been submitted and considered by the Council's Tree Officer. The statement relates to a previous iteration of the proposal, but its findings are still considered valid. The amendments to the proposal are considered to have been a positive change in terms of any potential effect on neighbouring trees.
92. It is considered that the significant excavation works proposed under and around the stores south buildings would not result in undue harm to identified tree root systems. This view is taken with an understanding of the distance between the trees and the root system, the likely root protection area and the existing surfacing and built environment which would have previously affected root growth in the area.
93. The stores north buildings are to be converted with various alterations. However, confirmation has been provided that the proposal would not involve excavation beyond the existing floor slab level of these buildings, therefore, these works would not result in material harm to the adjacent protected trees.
94. Conditions are recommended by the tree officer with respect to securing details of the works affecting trees and providing appropriate protection of neighbouring trees. A condition is also recommended by the officer with respect to securing details of proposed landscaping works.

### **S106 Obligations**

95. As agreed with the applicant, it is the Council's intention to secure the provision of the first floor (and potentially also the ground floor at a future date if Thames Water make this area available) of the Pump House building together with the windmill base building (with all internal works to the Pump House building as shown on the approved drawings completed) for a suitable heritage use, which would reflect and preserve the historic use of the site. The lease of the Pump House building and windmill base would be provided to a suitable heritage organisation (to be agreed by the Council) at a token peppercorn rent (possibly nil rent) by the applicant, Thames Water or any other party which has ownership of the buildings, subject to the fit out works to create the heritage use being substantially complete within an agreed timeframe.
96. A S106 legal agreement is required in order to secure and ensure the delivery of the heritage use for the pump house and windmill base building, which the applicants have agreed to. The following heads of terms have been proposed by the applicants:

- The first floor of the Pump House building (with access through the ground floor) and the windmill base building, together with a right of access from Amwell Street, shall be provided by the applicant, Thames Water, or other relevant land owner (works to the internal shell of the Pump House building as shown on the approved proposed drawings shall be completed and paid for by the applicant / developer / Thames Water) on a leasehold basis to a suitable heritage organisation (to be agreed by the Council) for the sole purpose of providing a heritage use that appropriately reflects and conserves the historic use at the site. The lease shall be provided at a token peppercorn or nil rent.
- If all or part of the ground floor of the Pump House (not including the ground floor access to the first floor) is made available by Thames Water, this shall be offered as additional floorspace to be used in conjunction with the heritage use on the first floor of the Pump House building at no additional cost.
- The works to fit out the heritage use shall be substantially completed within an agreed timeframe, after which time, if the works are not complete the offer shall be withdrawn and the use of the Pump House building and windmill base building shall be open to the approved B1 office / specified D1 uses at market rent.

## **SUMMARY AND CONCLUSION**

### **Summary**

97. The proposed conversion of the existing building to a residential-led mixed use development would bring an underused and largely vacant site back into use in accordance with the borough's stated policy objectives of securing additional residential units and providing either employment or community use floorspace.
98. It is noted that other heritage / community uses across the whole of the site, connected to its historical significance, were previously envisaged and would certainly be extremely desirable. However, it must be noted that the proposed scheme, including the current proposed offer from the applicants, with respect to provision of the Pump House and windmill base building for heritage use purposes at a token or nil rent (to be secured by S106 agreement), is considered to provide the appropriate balance, to make the proposal acceptable in principle, when assessed against all relevant planning policies contained within the Islington Development Plan (London Plan 2011, Islington Core Strategy 2011, and Islington Unitary Development Plan 2002) and national guidance contained in the National Planning Policy Framework (NPPF), and in light of all other material considerations. However given the historic and architectural importance of the buildings this assessment is considered to be very finely balanced.
99. The proposed development is considered to be appropriately sympathetic to the special historic interest and setting of the listed buildings and also the appearance and character of the surrounding conservation area. Conditions shall be applied in order to ensure that all alterations to the building are of the required detail and quality.

100. The development would provide good quality residential accommodation in relation to the layout and amenity spaces provided. It is considered an appropriate mix of units that would be provided, utilising the site's ability to provide significant areas of external amenity space for family sized units. The density of the development with respect to the specific constraints of the site has been established as being appropriate.
101. It is not considered that the proposal would cause material harm to neighbouring amenity in relation to considerations such as privacy, outlook, noise, light provision, refuse and or parking provision in the locality.

### **Conclusion**

102. It is recommended that planning permission be granted for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

SCHEDULE OF APPLICATION DETAILS	
<b>Application reference</b>	P120453
<b>Proposal</b>	<p>Various alterations and extensions to the Engine / Pump House building, ancillary stores buildings and the windmill base in associated with conversion of existing buildings to a mixed use development comprising seven residential units and B1 (office) / D1 floorspace. Notable works include the rebuilding of lean to structure, formation of lower ground floor and rear extensions to single storey stores south building, insertion of a new floor within southern building and various fenestration alterations to the buildings.</p> <p>Proposal also includes the formation of new pedestrian entrances and access's from Myddleton Passage and Amwell Street, and various hard/soft landscaping across the site including forms of enclosures. (Asscoaited listed building consent alppication reference P120454 also submitted).</p>
<b>Drawing numbers</b>	<p>CGMS Consulting Archaeological Desk Based Assessment February 2012; CGMS Consulting Planning Statement February 2012; H&amp;H Acoustic Consultancy Division Ref HHACY/50089/01/JT Site Rear of 28 Amwell Street Environmental Noise Assessment dated 22/02/2012; Letter from Ian Keen Limited Re: Trees adjoining site Rear of 28 Amwell Street dated 21/02/2012; Tassou Associates, Planning Application Document, Revised February 2012 Pages 1-8; EX/000 REV A; EX/PHOTOS 1; EX/PHOTOS 2; EX/PHOTOS 3; EX/PHOTOS 4; EX/002 REV A; EX/003; EX/010; EX/011; EX/301; EX/303; EX/304; EX/501; EX/502; EX/503; EX/504; PP/001 REV B; PP/002 REV F; PP/003; PP/004 REV C; PP/010 REV B; PP/011 REV B; PP/101 REV B; PP/102 REV C; PP/103 REV C; PP/201 REV C; PP/202 REV C; PP/203; PP/301 REV D; PP/302 REV B; PP/303 REV B; PP/304 REV B; PP/501 REV B; PP/502 REV B; PP/503 REV B; PP/504 REV B; PP/505; PP/701; PP/702; PP/703; PP/704; PP/801; PP/802 REV A; PP/803 REV A; PP/804; PP/805; PP/901 REV A; PP/905; PP/906; Area Schedule</p>

<b>Type of application</b>	Full Planning Application
<b>Application received</b>	29 February 2012
<b>Application completed</b>	29 February 2012
<b>Name of applicant</b>	Turnhold (Islington) Limited
<b>Name of agent</b>	Kevin Goodwin – CgMs Ltd
<b>Case officer</b>	Ben Dixon
<b>Area Team</b>	North / South
<b>Heritage information</b>	Grade II listed buildings New River Conservation Area
<b>Ward</b>	Clerkenwell
<b>PS2 code description</b>	Dwellings Minor
<b>56th day</b>	26 April 2012

## RECOMMENDATION A

That planning permission be granted subject to the applicant and any mortgagees entering into a Deed of Planning Obligation by means of a legal agreement under **Section 106** of the Town and Country Planning Act 1990 (as amended) in order to secure the following matters to the satisfaction of the Head of Law and Public Services and the Service Director Planning and Development / Head of Service – Development Management or in their absence the Area Team Leader:

1. The first floor of the Pump House building (with access through the ground floor) and the windmill base building, together with a right of access from Amwell Street, shall be provided by the applicant, Thames Water, or other relevant land owner (works to the internal shell of the Pump House building as shown on the approved proposed drawings shall be completed and paid for by the applicant / developer / Thames Water) on a leasehold basis to a suitable heritage organisation (to be agreed by the Council) for the sole purpose of providing a heritage use that appropriately reflects and conserves the historic use at the site. The lease shall be provided at a token peppercorn or nil rent.
2. If all or part of the ground floor of the Pump House (not including the ground floor access to the first floor) is made available by Thames Water, this shall be offered as additional floorspace to be used in conjunction with the heritage use on the first floor of the Pump House building at no additional cost.
3. The works to fit out the heritage use shall be substantially completed within an agreed timeframe, after which time, if the works are not complete the offer shall be withdrawn and the use of the Pump House building and windmill base building shall be open to the approved B1 office / specified D1 uses at market rent.

## RECOMMENDATION B

That the grant of planning permission be subject to **conditions** to secure the following:

### List of Conditions:

<b>1</b>	<b>Commencement</b>
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
<b>2</b>	<b>Approved plans list</b>
	CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:  CGMS Consulting Archaeological Desk Based Assessment February 2012; CGMS Consulting Planning Statement February 2012; H&H Acoustic Consultancy Division Ref HHACY/50089/01/JT Site Rear of 28 Amwell Street Environmental Noise Assessment dated 22/02/2012; Letter from Ian Keen Limited Re: Trees adjoining site Rear of 28 Amwell Street dated 21/02/2012; Tassou Associates, Planning



	<p>Application Document, Revised February 2012 Pages 1-8; EX/000 REV A; EX/PHOTOS 1; EX/PHOTOS 2; EX/PHOTOS 3; EX/PHOTOS 4; EX/002 REV A; EX/003; EX/010; EX/011; EX/301; EX/303; EX/304; EX/501; EX/502; EX/503; EX/504; PP/001 REV B; PP/002 REV F; PP/003; PP/004 REV C; PP/010 REV B; PP/011 REV B; PP/101 REV B; PP/102 REV C; PP/103 REV C; PP/201 REV C; PP/202 REV C; PP/203; PP/301 REV D; PP/302 REV B; PP/303 REV B; PP/304 REV B; PP/501 REV B; PP/502 REV B; PP/503 REV B; PP/504 REV B; PP/505; PP/701; PP/702; PP/703; PP/704; PP/801; PP/802 REV A; PP/803 REV A; PP/804; PP/805; PP/901 REV A; PP/905; PP/906; Area Schedule</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Security Details</b>
	<p>CONDITION: The security details relating to each of the communal residential entrances of the development as shown on drawing number PP/801 shall be provided prior to first occupation of any residential units hereby approved. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To ensure that the security details relating to the communal entrances are appropriate and adequately secure the residential component of the development in accordance with policy 7.3 of the London Plan 2011 and policy Env12 of the Islington Unitary Development Plan 2002.</p>
<b>4</b>	<b>Pipework</b>
	<p>CONDITION: No additional plumbing, down pipes, rainwater pipes or foul pipes than that shown on the drawing hereby approved shall be located / fixed to the external elevations of the buildings.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the listed buildings. The prevention of the installation of plumbing and pipes in the specified location would ensure compliance with the NPPF; policy 7.4; 7.6; 7.8 of the London Plan 2011, policy: design policies of the Islington Unitary Development Plan 2002 and policy CS9A and G of the Islington Core Strategy 2011.</p>
<b>5</b>	<b>Cycle Storage</b>
	<p>CONDITION: The bicycle storage area hereby approved as shown on drawing number PP/002 REV F, shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport in accordance with policy 6.9 of the London Plan 2011, policies: T34 and T52 of the Islington Unitary Development Plan 2002 and policy CS10H of the Islington Core Strategy 2011.</p>
<b>6</b>	<b>Refuse</b>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. PP/002 Rev F shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p>

	<p>The refuse enclosure shall at all times provide provision and be managed in accordance with the details as identified within page 6 of approved drawing 'Tassou Associates, Planning Application Document, Revised February 2012'.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to in accordance with policy 3.5 of the London Plan 2011, policy: D3 of the Islington Unitary Development Plan 2002 and policy CS11B of the Islington Core Strategy 2011.</p>
<b>7</b>	<b>Roof not for amenity use</b>
	<p>CONDITION: None of the roofs of the buildings and extensions on site shall not be used for the purposes of amenity or sitting out space of any kind whatsoever and shall not be accessed other than for essential maintenance and repair, or escape in case of emergency.</p> <p>REASON: To prevent the overlooking of neighbouring residential properties and subsequent harm to neighbouring residential amenity in accordance with policy D3 of the Islington Unitary Development Plan 2002.</p>
<b>8</b>	<b>Tree Protection Method Statement</b>
	<p>CONDITION: No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been agreed in writing by the Local Planning Authority. These measures shall be carried in full in strict accordance with the details so approved. In particular the arboricultural method statement (AMS) shall adequately describe how the trees will be protected throughout the construction both above and below ground and detail the method of demolition within the Root Protection Area (RPA). The AMS will include the tree protection plan, and for the duration of the work no access to this hoarded off area is to be permitted without the express written consent of the Islington Greenspace Tree Service.</p> <p>The AMS shall specify all tree pruning works, and these are to be approved in writing by the Local Planning Authority. Notwithstanding any other plans or documents hereby approved, no pruning of trees adjacent the site (including branches or roots) other than those submitted and approved in the AMS are permitted without first obtaining written approval of the Local Planning Authority. Tree pruning shall be carried out strictly in accordance with the details so approved.</p> <p>REASON: To ensure that proper and effective planning is given to the tree protection that can be fully integrated into the overall development management plans, budgets and schedules thereby enabling successful tree protection on site throughout the development process. To protect the health and stability of trees to be retained on the site, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policy 7.21 of the London Plan 2011 and policy Env6 of the Islington UDP 2002.</p>
<b>9</b>	<b>Landscaping</b>
	<p>CONDITION: No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out in strict accordance with the</p>

	<p>details so approved. These details shall include:-</p> <ul style="list-style-type: none"> <li>* Proposed finished levels or contours;</li> <li>* Cross section drawings</li> <li>* Boundary treatments</li> <li>* Fencing / partitioning within the site</li> <li>* Hard surfacing materials. Details to include the use of permeable paving within the root protection area of the retained trees.</li> <li>* Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)</li> <li>* Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports.)</li> <li>* Trees to be retained</li> </ul> <p>Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities.</p> <p>REASON: To avoid inappropriate excavations, protect the health and stability of trees to be retained adjacent to the site with minimal root damage or excavations. To ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies 7.4, 7.8 and 7.21 of the London Plan 2011 and policy Env6 of the Islington Unitary Development Plan 2002.</p>
<b>10</b>	<b>Utilities</b>
	<p>CONDITION: A plan showing all existing and proposed underground services, sewers, drains, water, gas, electricity and telecommunications pipes and cables shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. Any agreed excavations for services within the canopy spread of any tree or within the defined Root Protection Area (RPA) on the site must be undertaken in accordance with the guidance set out in NJUG 10, Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to Trees. 1995. The development shall be carried out strictly in accordance with the details so approved and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To avoid inappropriate excavations, to protect the health and stability of trees to be retained adjacent to the site with minimal root damage or excavations, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policy 7.21 of the London Plan 2011 and policy Env6 of the Islington Unitary Development Plan 2002.</p>
<b>11</b>	<b>Removal of PD Rights</b>
	<p>CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any amended/updated subsequent Order) no additional windows, extensions or alterations to the dwelling houses hereby approved shall be carried out or constructed without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwelling houses in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the special interest of the listed buildings and wider character and appearance of the conservation area. The removal of Permitted</p>

	Development Rights ensures compliance with policy D3 of the Islington Unitary Development Plan 2002.
<b>12</b>	<b>Delivery / Servicing Management</b>
	<p>CONDITION: A delivery and servicing management plan / strategy shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved. The plan shall include arrangements for the specified D1 / B1 units and the residential accommodation. The development shall be carried out strictly in accordance with the details and management strategy approved and maintained as such thereafter.</p> <p>REASON: To ensure that responsible management practices are adhered to in the interests of public safety and neighbouring amenity in accordance with policy 7.15 of the London Plan 2011.</p>
<b>13</b>	<b>Servicing Hours</b>
	<p>All deliveries / collections / visits from service vehicles to the (flexible use) B1 / specified D1 units hereby approved shall only take place between the hours of: 08:00 – 18.00 on Monday to Saturday and not at all on Sunday / Bank Holidays.</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity in accordance with policies: 6.7, 6.13 and 6.14 of the London Plan 2011 and policies: D3; T15; and T55 of the Islington Unitary Development Plan 2002.</p>
<b>14</b>	<b>Hours of Operation for specified D1 use</b>
	<p>CONDITION: The operating hours for any Specified D1 use operating from the units hereby permitted shall be limited to the following hours:  Monday to Friday 08.30 – 19.00  Saturday 10.00 – 19.00  Sunday / Bank Holidays 10.00 - 16.00</p> <p>REASON: To ensure that the operations and associated activities do not adversely impact on future residential amenity in accordance with policies: 6.7, 6.13 and 6.14 of the London Plan 2011 and policies: D3; T15; and T55 of the Islington Unitary Development Plan 2002.</p>
<b>15</b>	<b>Specified D1 Uses Only</b>
	<p>CONDITION: The D1 (non-residential institutions) floorspace shall be strictly limited to uses within Use Class D1 (d, e, &amp; g). No planning permission is hereby granted for purposes within Use Class D1 (a, b, c, f &amp; h) – including a place of worship – of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order).</p> <p>REASON: It is considered that the operation of an unfettered place of worship in this location may have impacts, which should be subject of public consultation and a full planning application. The restriction of the use invokes the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 and would ensure compliance with policy D3 of the Islington Unitary Development Plan 2002.</p>

<p><b>16</b></p>	<p><b>Archaeology</b></p> <p>CONDITION: No development shall take place unless and until the applicant, their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted to and approved in writing by the Local Planning Authority (in consultation with English Heritage).</p> <p>REASON: Important archaeological remains may exist on this site. Accordingly the Local Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the NPPF, policy 7.8 of the London Plan 2011, policies: D43; D44; D45; D46 and D47 of the Islington Unitary Development Plan 2002 and policy CS9B of the Islington Core Strategy 2011.</p>
<p><b>17</b></p>	<p><b>Noise (i)</b></p> <p>CONDITION : A noise assessment and a scheme for sound insulation and noise control measures shall be submitted to, approved in writing by, and implemented to the satisfaction of the Local Planning Authority prior to the first occupation of the development hereby approved. The sound insulation and noise control measures shall achieve the following internal noise targets:  Bedrooms (23.00-07.00 hrs) 30 dB LAeq, and 45 dB Lmax (fast)  Living Rooms (07.00-23.00 hrs) 35 dB LAeq,  Kitchens, bathrooms, WC compartments and utility rooms (07.00 –23.00 hrs) 45 dB LAeq</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To secure an appropriate internal residential environment in accordance with policy: 7.15 of the London Plan 2011 and policies: D3; Env17 and H3 of the Islington Unitary Development Plan 2002.</p>
<p><b>18</b></p>	<p><b>Noise (ii)</b></p> <p>CONDITION: Full particulars and details of a scheme for sound insulation between the ground floor of the pump house and B1 / specified D1 floorspace on the first floor of the pump house above, and between the pump house and the neighbouring residential units, shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To secure an appropriate internal commercial environment on the first floor of the pump house and to provide an appropriate standard of amenity for future occupiers of the neighbouring residential units, in accordance with policy: 7.15 of the London Plan 2011 and policies: D3; Env17 and H3 of the Islington Unitary Development Plan 2002.</p>

<b>19</b>	<b>Windows Obscured</b>
	<p>CONDITION: All windows shown on the plans hereby approved as being angled or obscurely glazed shall be provided as such prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: In the interest of protecting neighbouring residential amenity in accordance with policy D3 , H3 and H7 of the Islington Unitary Development Plan 2002.</p>

**List of Informatives:**

<b>1</b>	<b>S106</b>
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
<b>2</b>	<b>Superstructure</b>
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
<b>3</b>	<b>Materials</b>
	<p>MATERIALS</p> <p>Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.</p>
<b>4</b>	<b>Car Free</b>
	<p>CAR-FREE DEVELOPMENT</p> <p>All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
<b>5</b>	<b>Thames Water</b>
	<p>THAMES WATER</p> <p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p> <p>With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on</p>

	<p>or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.</p> <p>Thames Water requests that the Applicant should incorporate within their proposal protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.</p>
<b>6</b>	<b>Roller Shutters</b>
	<p>ROLLER SHUTTERS</p> <p>The scheme hereby approved does not suggest the installation of external roller shutters to any of the elevations of the building. The applicant is advised that the council would consider the installation of external roller shutters to be a material alteration to the scheme and therefore constitute development. Installation of internal roller shutters would require Listed Building Consent. Should external roller shutters be proposed a new planning application and listed building consent application must be submitted for the council's formal consideration.</p>
<b>7</b>	<b>Archaeology</b>
	<p>ARCHAEOLOGY</p> <p>The development of this site has the potential to cause damage to historic assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.'</p>

## RECOMMENDATION C

That if members are minded to approve this proposal officers recommend that the following summary forms the **reasons for grant** to be published on the decision notice:

This proposal has been approved following consideration of all the relevant policies in the Development Plan (London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002), Government Planning Policy Guidance contained in the National Planning Policy Framework and other material considerations.

- This decision was made by the Members of the Planning Sub A Committee on the 24/04/2012.
- The proposed change of use and conversion and extension of the site buildings to provide for a residential led mixed use development is considered acceptable in this location and accord with relevant land use policies. The proposed development will bring back into active use and make efficient use of a currently underutilised site. The proposed development will provide housing and employment opportunities, whilst also delivering a heritage use at the site in accordance with policy aims of the Council. The development complies with policies: 2.10; 2.11; 2.12; 3.3; 3.4; 3.5; 3.8; 3.9; 4.1; 4.2; 4.3; 4.5 and 4.6 of the London Plan 2011, policies E1; E2; E3; H3; imp 5; Imp6; Imp 14 and V1 of the Islington Unitary Development Plan 2002, and policies CS7, CS12 and CS13 of the Core Strategy 2011.

- Overall, the development, including the alterations and extensions to the building, is considered to be of an acceptable design in terms of the appropriateness of the works and the effect on the character, appearance and setting of the listed buildings and the surrounding conservation area. The development in this regard is considered to comply with the guidance provided in the National Planning Policy Framework (NPPF); policies 7.1; 7.4; 7.6 and 7.8 of the London Plan 2011, and policies: D3, D4; D5; D6&7; D8; D18; D22 and D24 of the Islington Unitary Development Plan 2002 and policy CS8 and CS9 of the Core Strategy 2011.
- The proposal is not considered to have an unacceptable impact on neighbouring residential amenity in terms of: noise and nuisance; loss of sunlight; daylight; privacy; or outlook. The development is in accordance with policies 7.15 of the London Plan 2011, policies, Env17, D3 of the Islington UDP 2002 and policies CS10 of the Core Strategy Document 2011 which seek to ensure that new developments do not have an unacceptable impact on existing / future residential amenity.
- The proposed residential density is considered to be appropriate given the Site's location, and designation. The proposed dwelling mix is considered to be acceptable and would provide for housing that would go towards meeting identified need within the borough. The residential accommodation provided is considered to be of an appropriate residential standard. The development in this regard complies with policies 3.4 of the London Plan 2011, policies H7 and H10 of the Islington UDP 2002 and policy CS12 Core Strategy 2011.
- The development would provide for appropriate servicing arrangements and refuse/recycling enclosures. The scheme is not considered to adversely impact on the existing surrounding street network. The development is in line with policy 3.5 of the London Plan 2011; policies T34, T45, T52 and T55 of the Unitary Development Plan 2002 and policy CS12 of the Islington Core Strategy 2011, which seek to ensure that developments are appropriately planned in terms of their highway and transportation implications.