



ISLINGTON

Development Management Service
Planning and Development Division
Environment and Regeneration Department
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PLANNING SUB – A COMMITTEE		AGENDA ITEM NO:	B7
Date:	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 a decision on the application could not be made within the eight week period.

Application number	P120454
Application type	Listed Building Consent
Site Address:	Land Rear of 28 Amwell Street (Engine / Pump House and adjacent Stores Buildings – also known as New River Head), London EC1
Proposal	LBC - 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;

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 Myddleton 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 Myddleton 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.

Internal Consultees

26. 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.
27. 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.

RELEVANT POLICIES

National Guidance

- 28.. 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

29. 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

7 London's living places and spaces

Policy 7.8 Heritage assets and archaeology

Islington Core Strategy 2011

Spatial Strategy

Policy CS7 (Bunhill and Clerkenwell)

Strategic Policies

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

Planning Advise Note/Planning Brief

30. 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

EVALUATION

Land-use

31. 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.
32. 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.
33. 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.
34. 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.
- 35.. 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.

36. 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.
37. 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'.
38. 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.
39. 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.
40. 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.

41. 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.
42. 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:
43. 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.'

44. 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).'

45. 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.

46. 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.
47. 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.
48. 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.

Listed Building Considerations

49. 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.
50. 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”.
51. 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.”
52. 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.
53. 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.
54. 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”.
55. 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.
56. 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.

57. 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.
58. 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.
59. 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.
60. 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.
61. 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.

62. 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.
63. 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’.
64. 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.

S106 Obligations

65. 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.

66. 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

67. 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.
68. 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.
69. 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.

Conclusion

70. 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	
Application reference	P120454
Proposal	LBC - 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. 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).
Drawing numbers	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 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

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

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>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).</p>
2	Method Statement
	<p>CONDITION: No development, demolition or excavation works shall be commenced unless and until a method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the measures to ensure the safety, stability and protection of the building fabric to be retained on the site throughout the period of demolition, excavation and construction.</p> <p>The demolition, excavation and construction as well as the retention and protection method(s) shall be carried out strictly in accordance with the method statement so approved and all retained building fabric shall be supported and protected as such for the duration of the works.</p> <p>REASON: To ensure the protection and stability of the fabric during the construction phase in accordance with the NPPF, policy 7.8 of the London Plan 2008, policies: D4; D5 and D21 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>
3	All External and Internal Works to Match
	<p>CONDITION: 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 in accordance with the NPPF, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>
4	New Brickwork to Match
	<p>CONDITION: All new facing brickwork shall be reclaimed and shall match the existing brickwork adjacent with regard to colour, texture, face</p>

	<p>bond and pointing and the brickwork shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset in accordance with the NPPF, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>
5	Pointing
	<p>CONDITION: Any new pointing connected with only the rebuilding of the lean to shall be carried out using a lime mortar which is of the same colour and texture and of the original pointing style of the brickwork.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset in accordance with the NPPF, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>
6	Re-Pointing Not Permitted
	<p>CONDITION: No permission is hereby granted for any re-pointing of brickwork other than that connected with the rebuilding of the lean to. Should re-pointing of the brickwork be proposed, no work shall commence unless and until full details of the re-pointing has been submitted to and approved in writing by the Local Planning Authority. In the event of re-pointing being approved the development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset in accordance with the NPPF, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>
7	Cleaning of Masonry Not Permitted
	<p>CONDITION: No permission is hereby granted for cleaning of masonry, other than a gentle surface clean using a nebulous water spray. Should an alternative method of cleaning be proposed, no work shall commence unless and until full details of the alternative method has been submitted to and approved in writing by the Local Planning Authority. In the event of an alternative method for the cleaning of masonry being approved the development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset in accordance with the NPPF, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>

8	Window/Door Details
	<p>CONDITION: Details of all new windows and doors including glazing if included shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The details shall include materials, profile, reveal depth and detailing. The details shall include:</p> <ul style="list-style-type: none"> • 1:5 scale drawing elevation and section • Frame Section Samples • Door Samples • Glazing samples <p>Double glazing units with unsympathetic/inappropriate proportions and UPVC windows will not be considered acceptable.</p> <p>The development shall be carried out 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 in accordance with the NPPF, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>
9	Conservation Rooflights
	<p>CONDITION: The rooflights shall be 'conservation rooflights' sit flush with the roof and shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset in accordance with the NPPF, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>
10	Rainwater Goods and Soil Pipes
	<p>CONDITION: All new external rainwater goods and soil pipes on the visible elevations shall be of cast iron and painted black.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset in accordance with the NPPF, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>
11	No Grilles, Security Alarms, Lighting, Cameras etc
	<p>CONDITION: No new grilles, security alarms, lighting, cameras or other appurtenances shall be fixed on the external faces of the building.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset in accordance with the NPPF, policy D24 of</p>

	the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.
12	No Plumbing on External Elevations
	<p>CONDITION: No new plumbing, pipes, soilstacks, flues, vents or ductwork other than shown on the approved drawings shall be fixed on the external faces of the building.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset in accordance with the NPPF, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>
13	Details
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ol style="list-style-type: none"> a) Timber Fence to private garden of Studio 3; b) Planter Boxes c) Tensile Fencing d) York stone or Granite paving e) glazed balustrading treatment (including sections); f) Louvered Screens g) Bollards shown on drawing PP/503 Rev B h) any other materials to be used. <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 the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard in accordance with the NPPF, policies: D4, D11 and D24 of the Islington Unitary Development Plan 2002 and policies: CS9A, B and G and CS10F of the Islington Core Strategy 2011.</p>
14	Approved plans
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>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 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;</p>

	<p>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>
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List of Informatives:

1	<p>Superstructure</p> <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>
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RECOMMENDATION B

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 guidance provided 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 alterations and extensions to the listed buildings and their surrounds connected to the occupation of the building as a residential-led mixed use development are considered, subject to compliance with conditions, to appropriately safeguard the special interest and historic fabric of the statutory listed buildings. It is noted that this proposal will provide an active use for the buildings, to the likely benefit of their long term maintenance, without causing undue harm to their special historic significance. The proposed development is considered to be acceptable when considered against the objectives of the following relevant planning policies, 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, policy CS8 and CS9 of

the Core Strategy 2011 and the New River Conservation Area Design Guidelines 2002.