



PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		
Date:	20th January 2015	

Application number	P2014/1103/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	Adjacent to Locally Listed Building – 30 Tabernacle Street / 8 Epworth Street; Opposite Locally Listed Building – 1 Bonhill Street
Conservation area	Adjacent to Bunhill Fields & Finsbury Square CA
Development Plan Context	Central Activities Zone; Bunhill & Clerkenwell Key Area; City Fringe Opportunity Area; Employment Priority Area (Offices); Moorfields Archaeological Priority Area
Licensing Implications	None
Site Address	Zimco House, 16-28 Tabernacle Street & 10-14 Epworth Street, Islington, London EC2A 4LU
Proposal	Refurbishment and extensions to the existing building comprising: demolition of existing rear two storey courtyard part of building including former caretaker's flat; demolition of existing fourth floor plant room on Bonhill Street; erection of rear infill extension at ground to fourth floor level; erection of fourth and fifth floor level roof extension along Bonhill Street and Tabernacle Street; recladding and alteration to external facades; together with internal reconfiguration; and change of use of the basement (1,778sqm) from B8 distribution warehouse to B1 office. The extensions would provide 2,503sqm of new B1 office accommodation (total 8,578sqm of B1 office floorspace) and the provision of six new residential flats with front terraces at fifth floor level, comprising one x three-bedroom flat and five x two-bedroom flats.

Case Officer	Ben Dixon
Applicant	Lawnpond LLP
Agent	Rolfe Judd

1 RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission:

1. subject to the conditions set out in Appendix 1 of the attached 4th September Planning Committee report (with amended wording to suggested conditions 2, 12 and 23 to include amended drawings, inclusion of a canopy and to alter servicing hours); and
2. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the attached 4th September Planning Committee report.

2 BACKGROUND

- 2.1 This application was presented to the Planning Committee on 4th September 2014 with an officers' recommendation for approval. That report is appended to this report (Appendix 2). However, the Planning Committee resolved that consideration of the application be deferred to;
 - enable the applicant to provide more detailed information and drawings, in particular in relation to the proposed improvements to the entrance to 10 Epworth Street,
 - to enable Committee Members to make a site visit; and
 - to obtain further information (of better quality and detail) in relation to the existing and proposed servicing arrangements for the site, in particular in relation to potential pedestrian/cyclist/vehicle conflicts.
- 2.2 A copy of the agreed 4th September 2014 Planning Committee minutes are attached as Appendix 1 to this report.
- 2.3 In response to these requests the applicants provided additional details and drawings on the 17th September 2014
 - showing the entrance to the residential block
 - Amended the layout of the service bay to provide greater clarity and separation between the residential parking (and access to it) and the servicing requirements for the commercial.
 - Relocated some of the servicing to basement level by increasing the size of the storage area accessed from the goods lift.
- 2.4 Residents were consulted on these amended details on the 2nd October 2014. Further, a site meeting was arranged on 8th October 2014 for the Vice chair of the Planning Committee along with residents; Rolfe Judd, architects Kyson, transport consultants Stilwells, and members of the Planning Committee.

- 2.5 Subsequent to the site visit and in light of the issues which were raised at that visit, further information was requested from the applicants about the current use of the vehicle parking area and the movements that take place over a period of time. A parking survey was carried out and the details submitted to officers. This is discussed further below.
- 2.6 Officers also queried if it was possible to consolidate the number of vehicle movements, either through restriction on vehicles/partial on-street servicing in order to reduce the potential for pedestrian conflict. (It should be noted that on-street servicing would be contrary to policy however this was suggested as a possible option only in order to overcome the particular issues in this case). The number of likely service trips is still confirmed as being a total of 22 daily vehicles of which 3 would be peak hour trips. Given the central location of the site within the wider London road network, it is anticipated that the majority of deliveries would be either 7.5 tonne box van, cars or motorcycles. Some larger 9m long vehicles may deliver but this is anticipated as being only 7-8% of trips.
- 2.7 Thus, the number of trips generated remains as originally presented to committee, however the applicants have confirmed that clear designated areas between service and residential car parking would be provided, that on-site management teams would be on hand to ensure safety and efficiency of the servicing and that pedestrian safety measures in the form of bollards and clear crossings are provided. The Servicing Strategy was amended accordingly.
- 2.8 The applicant also clarified the terms of the lease of the land on which the parking spaces are located. This is discussed further below.

3 CONSULTATION

- 3.1 A further 14 day consultation period was carried out on the 2nd October 2014. This expired on the 16th October though any representations received up until the date of the application being presented to Committee have and will be reported.
- 3.2 A further 20 representations have been received since the re-consultation raising the following points:
- Loss of light, which although being within agreed limits, is a disbenefit to someone who is elderly and housebound;
 - The height and scale of the building will take too much light from nearby residents (*this issue has already been dealt with in the original committee report at 10.60 to 10.72*);
 - The submitted light study is not impartial (*the study is commissioned by the applicant but is conducted according to adopted guidelines by an independent surveyor. It has also been scrutinised by officers who have not identified any errors in the report*)

- Residents have had sole use of the car park and do not want it to be used for servicing;
- The maintenance and running costs of the service gates will be passed on as a service charge to tenants (*the applicant has confirmed that it is likely that the shared resident/office vehicle gate would be maintained by future officer occupiers and the resident's pedestrian entrance (into 10 Epworth Street) would be maintained by Habinteg, the registered housing provider.*);
- Enclosing the service yard at night will encourage rough sleepers rather than discouraging them (*access to the yard after 7pm will be restricted so there is in fact a lesser opportunity for people other than those with fobs to gain access*)
- It is unrealistic that deliveries be time managed to suit residents.

3.3 Emily Thornberry MP A letter was received from Emily Thornberry MP's office with concerns that the residents at 10 Epworth Street will see their outside space being overshadowed and that there would be a vast reduction in natural light to these homes. Officers responded advising that the impact of the proposed development on the amenity of the neighbouring occupiers at 10 Epworth Street has been reviewed in detail as part of the application assessment.

Internal consultees

3.4 Access Officer: Raised no further objections to the revised plans and details.

3.5 Transport Officer: Raised no objection to the revised design which makes a much stronger and clearer delineated footpath for pedestrians, which is welcome. In terms of the swept paths, these appear to be unchanged from the original proposals meaning vehicles can enter and exit in forward gear, which is in line with policy and welcome.

4 EVALUATION

4.1 The existing building is used for office floorspace (B1a use class), however, the existing basement is used by a distribution company attracting a large number of deliveries and collection vehicles each day. The ground floor is predominantly "open under-croft areas", accommodating car parking, servicing, and a number of amenity courtyards. The existing servicing area on Bonhill Street is small with limited opportunities for vehicles to turn on site so nearly all of the existing servicing trips involve vehicles reversing onto/off the highway.

4.2 A much larger service area to that of the existing service area would be provided, and a new goods lifts would be positioned within the service area with two new loading bays.

Parking Survey and servicing plans

4.3 Transport consultants Stillwell's completed a further three (3) day survey of the use of the current car parking spaces on Monday 20th to Wednesday 23rd October between the hours of 07.00 and 19.00. It recorded all vehicular movement into and out of the existing car park for the 8 car parking spaces that are available to residents of 12 and 14 Epworth Street. The report found:

- A maximum of 13 two way movements (8 in and 5 out) over a 12 hour period;
- A maximum of 7 cars parked on site at any one time;
- A maximum of 4 two-way movements in any one hour;
- 5 vehicles exited the car park on each of the 3 survey days.

It was also noted that the mobility van made use of the dedicated disabled bay on Epworth Street almost immediately opposite the entrance to 10 Epworth Street.

4.4 The applicants (Lawn pond Limited) have confirmed through their lawyers that they hold the freehold interest of the land where the existing parking spaces are located. (It should be noted that the lease specifies that there are 9 spaces on site when in fact it appears that no more than 8 spaces are used). Habinteg have a leasehold interest in the land and the demise of this lease includes the basement lift pit, the 9 ground floor parking spaces, the ground floor entrance hall and entrance and lift giving access to the flats, the concrete slab at first floor and the whole of the block of flats above this slab. The Habinteg lease also gives a right of way (with or without a vehicle) over the accessway serving the 9 parking spaces.

4.5 The parking arrangement exists as a result of the lease agreement. This proposal would make this arrangement formal from a planning perspective and would allow a setting out of delineated, accessible spaces. This would be an improvement on the existing situation providing formal planning approval for the use of these spaces by residents of 12-14 Epworth Street.

4.6 Notwithstanding the on-street disabled space on Epworth Street, it is acknowledged that there would be a need to ensure that carers/ disabled visitors/ ambulances have the opportunity at any time during the day to use the on-site car park and so the proposed scheme provides a safe and secure parking area for an ambulance/mobility van/disabled vehicle within the car park. This allows for an extra wide space to the side for access to the vehicle and also has an additional area to the rear within the marked out protected access path, for transfer of wheelchairs out of vehicles.

4.7 Two swept paths analyses have been submitted that demonstrates that vehicles up the size of a 7.5 tonne box van can manoeuvre into the site using the turning head to access the two loading bays next to the goods lift. The swept path diagrams also show that the protective bollards which delineate the protected access path do not compromise the ability of the delivery vehicles to make these movements. In addition, there are two marked out areas for pedestrian crossings so that cyclists and residential vehicle users can move across the yard in a safe manner.

4.8 The number of likely service trips is still confirmed as being a total of 22 daily vehicles of which 3 would be peak hour trips. This contrasts with the analysis of the existing situation which includes the existing distribution centre (B8 use class) where a total of 294 two-way movements were recorded within a 12 hour period in a survey conducted in November 2013 with the following patterns:

- 71 car movements (36 inbound and 35 outbound)
- 118 LGV van movements (58 inbound and 60 outbound)
- 5 HGV Movements (3 inbound and 2 outbound)
- 100 motor cycle movements (50 inbound and 50 outbound).

4.9 The significant decrease in the number of vehicle movements between the survey of existing / previous movements and the estimate of the proposed development is explained largely by the relocation the courier company who have already vacated to new premises. The applicant has not yet identified who the new occupiers of the premises would be, however as the application involves the loss of the existing B8 distribution use in favour of B1 office use (which is accepted as being a less intensive use in terms of vehicle movements) it is acknowledged that the potential for vehicle movements would inevitably substantially decrease from its existing situation should the development be implemented.

4.10 The current servicing area accessed via Bonhill Street is small with limited opportunities for vehicles to turn on site and nearly all of the existing servicing trips involve vehicles reversing onto/off the highway. In the proposed development layout, this service area is infilled to create the office entrance and so to re-instate this as a service area would involve a substantial amendment to the scheme and would also lose the benefit of the improved and unified street frontage on Bonhill Street.

4.11 The possibility for on-street servicing is restricted as Epworth Street is a one way street with entry from Tabernacle Street only. There are on street parking bays along the northern side of the road which are permit holders only or pay and display (Monday to Friday 8.30am – 6.30pm, Sat 8.30am – 1.30pm). The remainder of the road is restricted by single yellow lines along its length with double yellow lines at the junctions.

4.12 Tabernacle Street is a 'one-way' road with all traffic travelling north. There are a number of CPZ parking bays (Mon – Fri 8:30am – 6:30pm, Sat 8:30am – 1:30pm permit holder only) along Tabernacle Street, along with a mix of single and double yellow line waiting restrictions. Again, due to the restricted nature of the street layout and the lack of servicing opportunities, even if on-street servicing were to be encouraged as non-policy compliant solution, the opportunity to undertake it at this location would be limited.

4.13 In terms of cycle parking, secure storage would be provided in line with TfL standards. 60 spaces would be provided for the offices (1 space per 150sqm) and 7 spaces would be provided for the apartments. The spaces would be provided at ground floor level and the office floorspace would be provided with changing rooms and showers in the basement. Cyclists who park their cycles

in the storage area accessed from the service yard, are then able to use the delineated pathway and zebra crossing to exit the service yard on foot or to access the basement areas to use the showers. (This provision is safeguarded by the details of Condition 5 within the Servicing Management Plan). Currently the site offers very little cycle parking and therefore, this new provision will provide a significant benefit.

4.14 Maintenance staff would be on-site from 7am-7pm. Between these times the service access gates would be open. The on-site operatives will be able to assist residents using the service area.

4.15 Waste is likely to be collected on a daily basis by registered waste carriers with collections made out of office hours where possible so as to minimise disruption to traffic external to the building.

4.16 Within the updated Servicing strategy submitted since the 4th September Planning Committee; there are details of the proposed Service Management Plan (SMP) which would be completed for the site and secured via the details to be agreed within condition 5 of the original Committee report (see Appendix 2). This would ensure that the Highway Authority would have a continued assurance that servicing would be undertaken as first agreed. It would also allow officers to monitor the number and types of vehicles at the site.

4.17 This SMP would cover the following:

- Service bay provision / nature of goods to be delivered and size of vehicles
- Routes for service vehicles to / from the main roads in the area
- Frequency of deliveries and expected turnaround
- Reducing and minimising trips and service vehicles
- Pedestrian and highway safety
- Refuse collection
- Monitoring and review

4.18 In comparison to the existing situation, the parking spaces would be marked out with additional protective and clear pedestrian routes across the parking area. An extra wide space would be safeguarded for the use of ambulances/mobility van.

4.19 Given the limited number of vehicular movements that currently occur in and out of the resident's car park, the servicing arrangement demonstrates that any conflicts between pedestrians and service vehicles would be controlled and could be conducted in a safe manner. The provision of these spaces is in accordance with Islington's Inclusive Design SPD and both the Transport Officer and Access Officer have viewed the details and not raised any objections.

4.20 At present there are no gates to the parking area to prevent people from accessing this area. The proposal would see a bronzed sliding metal gate (final detail to be agreed by condition 3) with a filigree pattern. The door entry system would also be controlled by a waist high disabled over-ride system

positioned to the side of the entrance. For residents, the entrance doors would also be accessed by a secure entry system (e.g. access fobs) and would provide visible and audible warnings when they are in motion. There would also be a safety stop activated if a door begins to close when a person is passing through and it would revert to manual control in the event of a power failure.

4.21 It was also confirmed that there is as yet no pre-let in place for the future occupation of the building so it was not possible to tailor the servicing requirements to a particular end user. The servicing arrangements put forward would thus be suitable for either multiple occupants of the building or a single user.

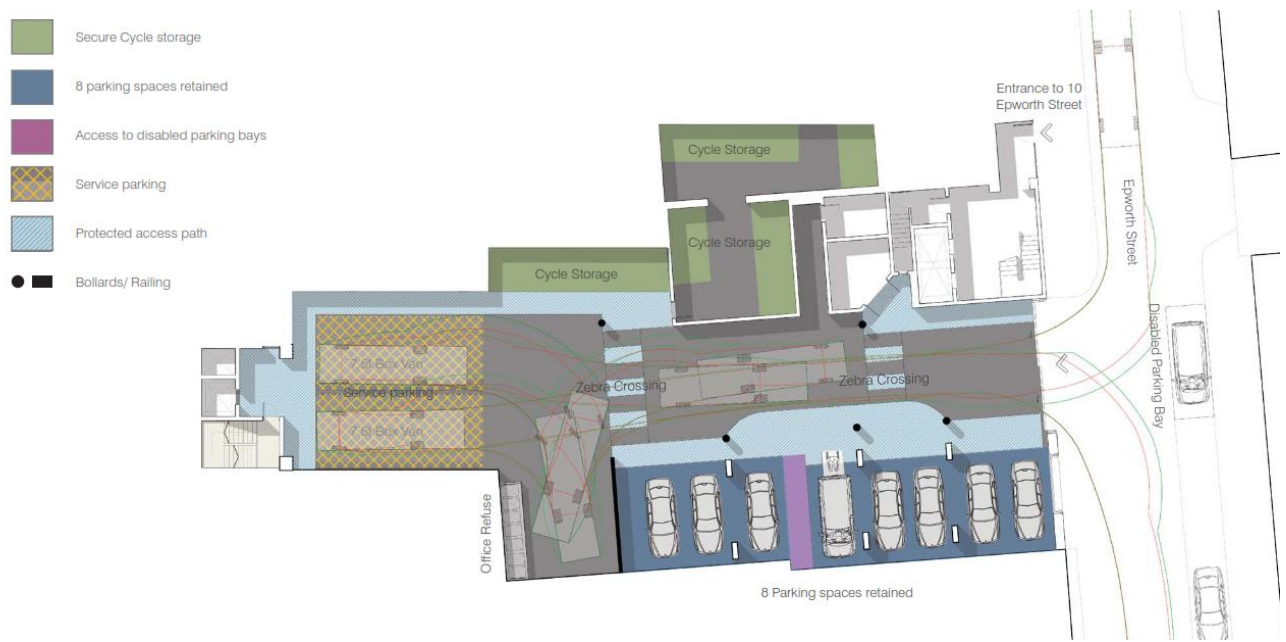


Figure 1; proposed servicing layout

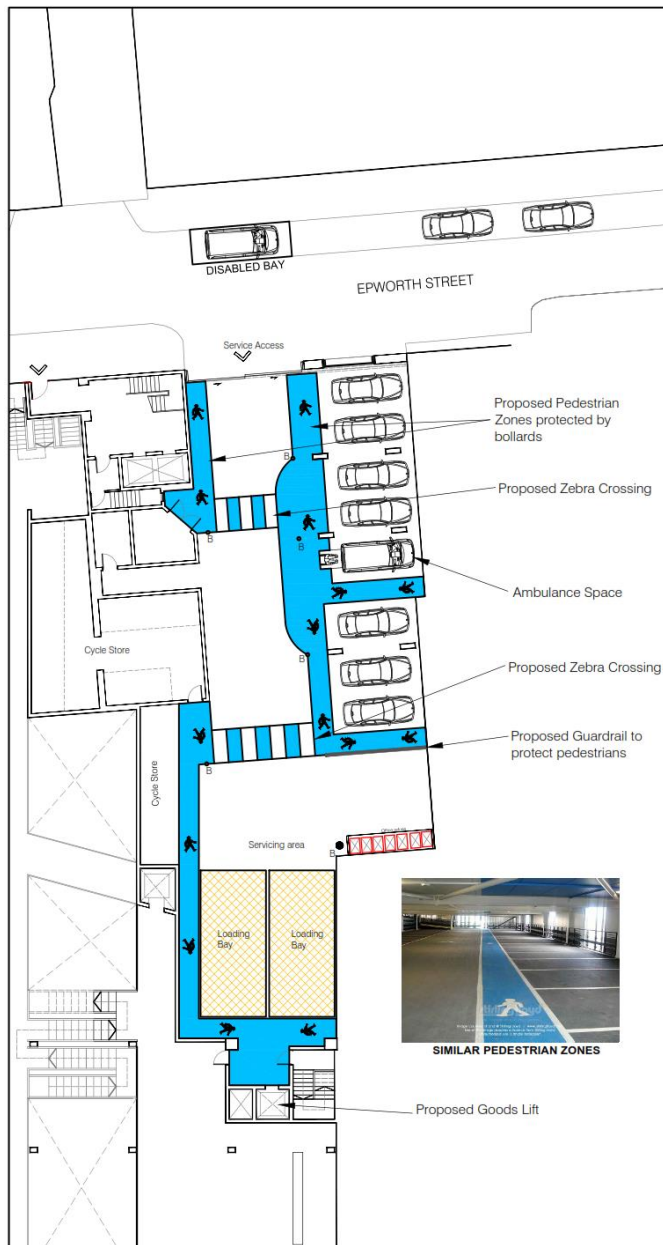


Figure 2; Proposed servicing arrangement

Alterations to Epworth Street elevations

4.22 The applicants have provided further details of the amended residential entrance at 10 Epworth Street (Figures 3 and 4) The existing arrangement has the entrance set at 90 degrees to the pavement in a recessed area. A stepped entrance to the offices is adjacent to this with a first floor overhang.

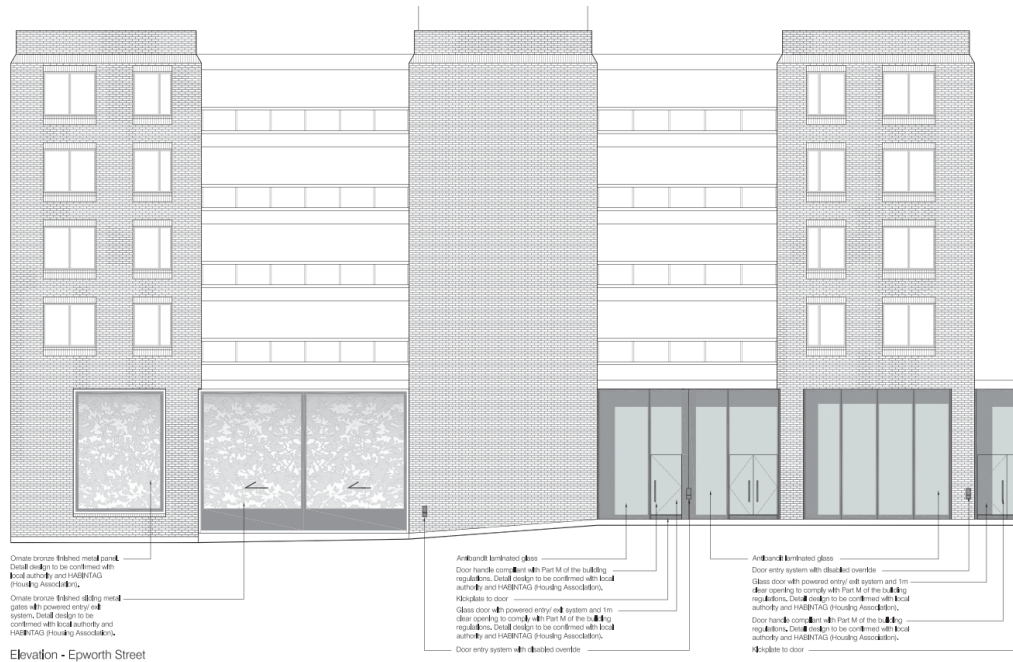


Figure 3. Proposed elevation to show no.10 Epworth Street

- 4.23 The proposed arrangement would turn the entrance to the residential flats at 10 Epworth Street from its current position at 90 degrees to the pavement so that it is flush to the back edge of pavement. The internal lobby arrangements would not alter.
- 4.24 The adjacent recessed area would then be infilled to give level access from the street to the new office layout and a separate entrance to the newly created flats on the upper floors of the proposal. All of these entrances would have a laminated glazed frontage and a powered entry/exit system to allow for accessible and level entrance to each of the office / residential uses. They also allow for active frontages onto the street. In order to give added protection from the elements to residents of 10 Epworth Street when entering and leaving the flats entrance, officers have suggested the inclusion of a canopy on the street elevation. This would be secured through amended wording to Condition 12 “New Entrance to 10 Epworth Street Flats (details)”. In this way, residents achieve the same level of weather protection as they do currently.

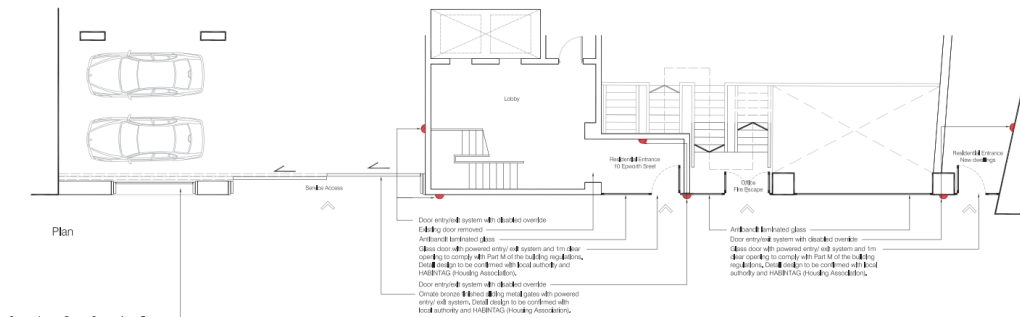


Figure 4. Proposed ground floor entrance to 10 Epworth Street

- 4.25 The car park/service yard which is currently ungated would have a sliding metal gate with powered entry system as detailed above. An existing void in the wall would be filled with an ornate bronze metal panel finished in the same material and to the same pattern as the sliding gate. This would allow the car park area to be fully secure.
- 4.26 The scheme as originally submitted included a massing streetscape study which analysed the existing design features displayed within the area. This included a study of the architectural features and common materials within the area. Along with the detailed floor plans and elevations, a series of CGIs were submitted to demonstrate how the new elevations would be seen in the context of the surrounding buildings and how the existing, confusingly laid out undercroft areas would be improved by the infilling of uniform building lines and active street frontages. The brushed bronze material (together with facing brickwork used to clad the roof level and courtyard extensions) is carried through to the ornamental brushed bronze sliding gates at the vehicular entrance on Epworth Street and this is considered to be an elegant addition to the street scheme.
- 4.27 Overall, the proposed development is considered to be acceptable in terms of its height, bulk, scale, massing, design and external finish, subject to the further details to be secured by conditions. The further plans submitted since the application was presented to 4th September supplement those already presented and add further detail specifically on the access arrangements for residents of Epworth Street and for visitors to the service yard, flats and offices on Epworth Street elevation. It is considered that they are of sufficient detail to clearly show the relationship of the different entrances on the Epworth Street elevation to each other and the detailed design of these entrances. The Access Officer has viewed the newly submitted details and subject to confirmation and agreement of the details in conditions 12 and 14 (wheelchair access and security lighting) has not raised any objection to the plans.
- 4.28 From a security viewpoint, elimination of the undercroft areas, which are shaded, confusingly laid out and allow for people to be easily concealed, is a welcome addition. The proposed layout will more clearly delineate private and public space and allow the parking/servicing area to be carefully managed through the presence of service yard operatives within office hours and the addition of secure gates which would be closed overnight. Entry at night-time will be for residents and visitors of 10 Epworth Street with access

by fob which is an improvement on the existing unregulated situation. Security lighting will be required by virtue of Condition 14 in order to ensure that the routes across the service yard and at the service yard entrance and the main flats entrance are well lit to create a safe environment.

- 4.29 In addition, the removal of the existing recess which gives access to the flats of 10 Epworth Street, will remove the opportunity for persons to be concealed at this entrance and to provide a uniform building line giving immediate, clear and unobstructed views of Epworth Street when a person exits that building. These physical changes along with the incorporation of additional security features (use of glazing panels on doors, security lighting, fob entry system) are considered to improve the level of security for users of the building in comparison to the existing arrangement.
- 4.30 As a result of amended details being received the following plans should be added to/supersede the relevant plans in the Condition 2 of the previously recommended conditions. This will ensure that the measures within the servicing strategy can be safeguarded.

Servicing and Parking Diagram Revision B; Accessible Parking Spaces 3001; Accessible Entrances Diagram; 2002 Rev.D; 2001 Rev.A; 2000 Rev.A; 22012 Rev.A; 2200 Rev.A; 2102 Rev.A; Integrated Planning Brochure Revision E; Service Strategy and Management Plan Framework version 4.0

- 4.31 In order to accord with the Servicing strategy details (specifically that there will be on-site management between 7am and 7pm) it is intended at Condition 23 be amended so that servicing will only occur between 08:00 and 19:00pm.

Small Sites

- 4.32 Since the application was originally presented to Committee in September, the Government has introduced a new section to the National Planning Practice Guidance (NPPG) as a result of a Ministerial Statement in November (effective from the 1st December) which has an impact on the ability of local authorities to charge 'affordable housing and tariff-style section 106 contributions' from developments of ten or fewer dwellings, and which have a combined gross floorspace of less than 1,000sqm.
- 4.33 Islington currently requires developments of nine or fewer dwellings to make a financial contribution to off-site affordable housing in lieu of on-site provision. This is secured through an SPD, which implements Core Strategy policy CS12, part G. The Core Strategy is part of our Development Plan along with Development Management Policies, the Finsbury Local Plan and the London Plan.
- 4.34 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. This legislation has not been changed. NPPG is not legislation, but it is a material consideration in determining a planning application.

- 4.35 The original Committee report (attached in Appendix 2) details at para. 10.28 and 10.29 that the proposal would result in a net increase of five residential units at the site with the applicant agreeing to pay the full £300,000 contribution towards off-site provision of affordable housing in accordance with the requirements of policy CS12 and the Islington Affordable Housing Small Sites Contributions SPD, which requires a contribution of £60,000 per new residential unit created (net).
- 4.36 Having taken legal advice, Islington officers are of the view that the guidance does not outweigh the development plan and that the small sites contribution is not a disproportionate burden on development of sites in the borough. The agreed offer of £300,000 from the applicants is therefore unchanged.

5 SUMMARY AND CONCLUSION

Summary

- 5.1 Members had requested a deferral of the application to enable further submission of plans and details that would address concerns over the potential for conflict within the service yard and concerns over the quality of the elevations to Epworth Street. It is considered that the submission of details and explanatory information has provided sufficient details for a determination to be made. The additional information has been examined by officers and is considered acceptable and reasonable. In addition, members of the Committee have been able to go on site and view the current arrangements.
- 5.2 It is considered that the additional information does not raise any further new issues and therefore the summary and conclusion to the original report remains unchanged. The new servicing layout would provide a policy compliant on-site servicing arrangement, laid out in a manner that would provide safe routes and delineation of pedestrians and wheelchair users from vehicles.
- 5.3 The dwelling mix proposed and the standard of the proposed new residential accommodation are both considered to be acceptable. The applicant has agreed to pay £300,000 towards the off-site provision of affordable housing elsewhere in the borough in line with the Small Sites Affordable Housing SPD.

Conclusion

- 5.4 It is recommended that planning permission be granted subject to conditions 2, 12 and 23 as amended above and s106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS of the original report presented to members on the 4th September 2014 (attached as Appendix 2 to this report).

APPENDIX 1 – 4th September 2014 Planning Committee Minutes

APPENDIX 2 – Report to 4th September 2014 Planning Committee