

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department

PLANNING SUB COMMITTEE A

Date: 27th March 2018

AGENDA ITEM NO: B2

NON-EXEMPT

Application number	P2017/3100/FUL
Application type	Full Planning Application
Ward	Barnsbury Ward
Listed building	Adjacent to Grade II Listed Building
Conservation area	Newington Green Conservation Area
Development Plan Context	<ul style="list-style-type: none">- Angel and Upper Street Core Strategy Key Area- New River Conservation Area- Central Activities Zone- Employment Growth Area- Local Views – Archway Road/Archway Bridge- Locally Listed Building- Rail Safeguarding – Crossrail 2- Within 100m TLRN – Pentonville Road, White Lion Street & Baron Street- Rail Land Ownership – TfL Tunnels- London Underground Zones of Interest- Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	Not Applicable
Site Address	46 - 52 Pentonville Road, London, N1 9HF
Proposal	Change of use to flexible Class B1(a) (offices) and Class D1 (University) floorspace. Inclusion of incubator start up space at ground floor level and retention of B1 (office space at ground floor plus the erection of cycle storage stands.

Case Officer	Joe Aggar
Applicant	Universite Paris-Dauphine
Agent	Boyer Planning

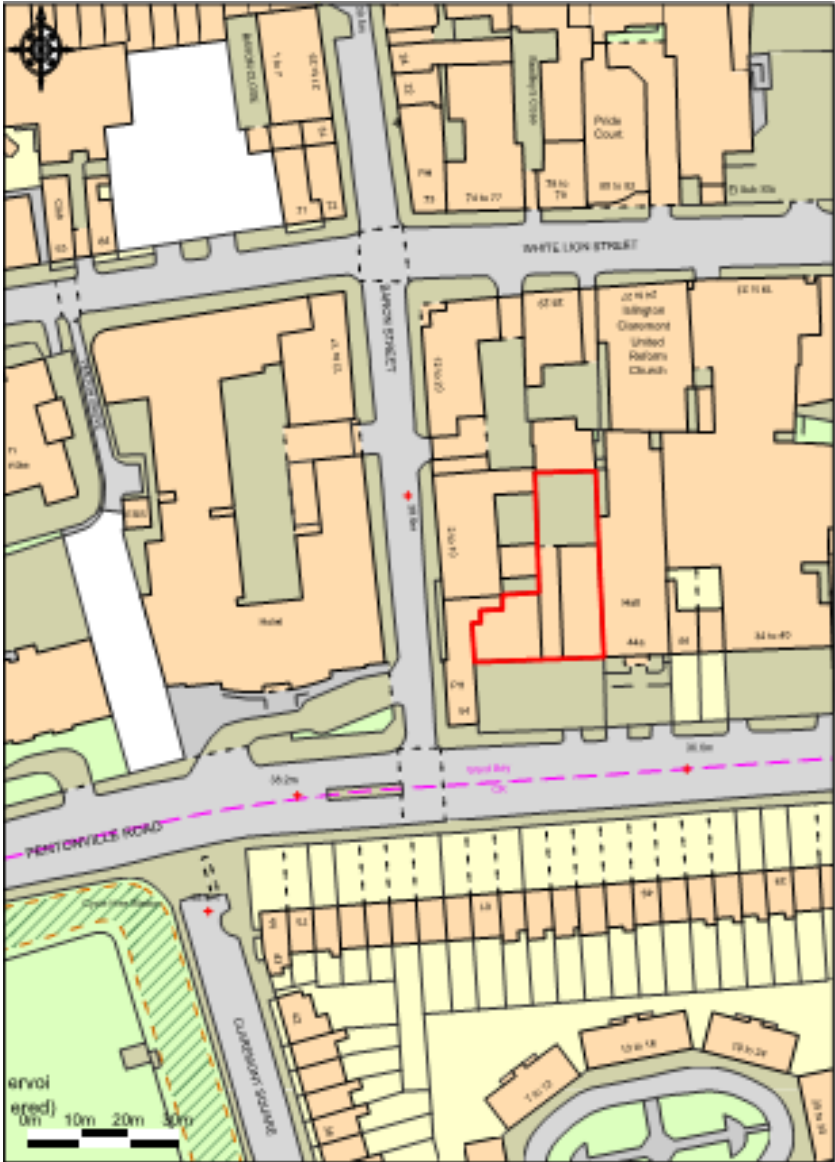
1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1; 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;

2.



3. PHOTOS OF SITE/STREET



Image 1 – Front elevation from Pentonville Road.

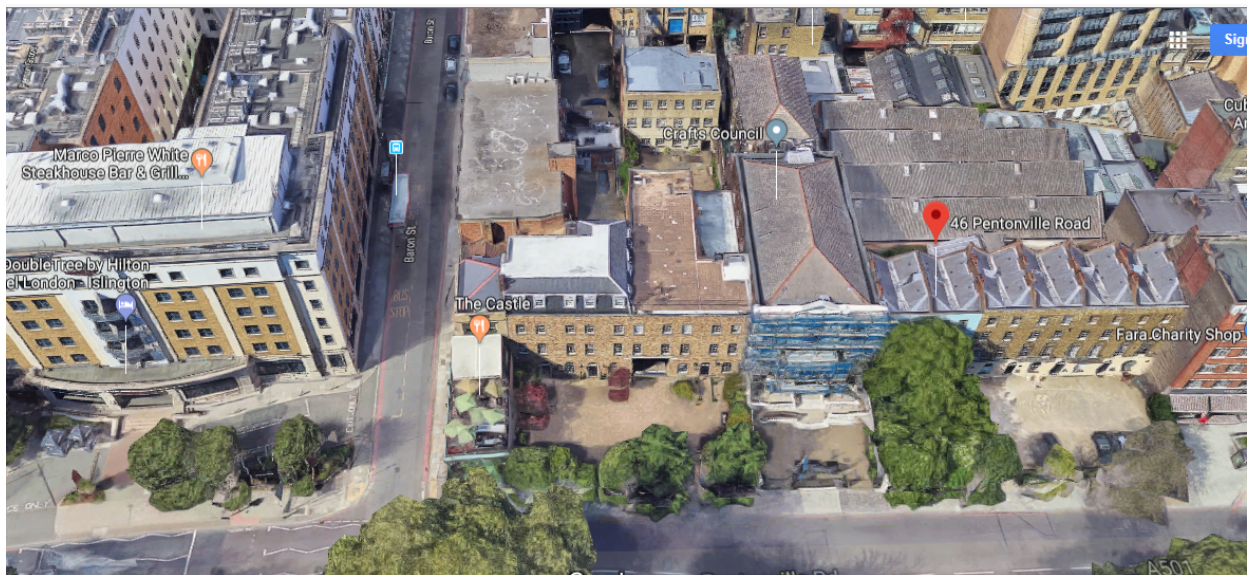


Image 2 – Ariel view of site and surroundings.



Image 3 – Ariel view of site and surroundings.

4. SUMMARY

- 4.1 The buildings current lawful land use is offices (B1). The application site has a frontage on to Pentonville Road and is located within the Angel and Upper Street Core Strategy Key Area, an Employment Growth Area and the Central Activities Zone (CAZ).
- 4.2 The application proposes the flexible change of use of the ground, first, second and third floors (1,197.9sqm) from offices (B1) to a university (D1 use) to enable a mix of employment generating uses. The majority of the building is currently vacant. Part of the second floor is currently occupied. Based on amended floor plans submitted, in effect, the application proposes change of use from office (B1) to education (D1) at part ground, first, second and third floors and change of use from flexible B1 to D1 at part of the ground floor. In relation to the flexible change this would enable the applicant at a later dated to amalgamate the self-contained office unit (as shown on the proposed plans at ground floor level) into the university based on demand and need.
- 4.3 An education-led use development (incorporating education floor space and facilities, office use and incubator space for 'start-ups') is on balance considered acceptable for the sites policy context. There is no in-principle objection to an element of D1 (education) use, an employment-led use, given the sites allocation within an Employment Growth Area. In weighing up the scheme that proposes a loss in the quantum of business floorspace, this is offset by an employment-led use (education). The scheme also offers reasonable public benefits in the provision of start-up space for local projects at a reduced market rate for businesses and entrepreneurs, and a programme of tutorials for schools within the vicinity. This will be captured in a legal agreement.

- 4.4 There are no proposed external alterations to the main building apart from the inclusion of four areas for bike stands with the provision of up to 30 bicycle spaces. These would be located within the front forecourt. The proposal is considered to have a neutral impact on the character and appearance of the conservation area. A landscaping scheme is recommended to be secured by condition. This would be considered to have a positive contribution to the character and appearance of the conservation area.
- 4.5 The development involves no external physical changes to existing building (apart from the inclusion of bicycle stands, capable of storing 30 bicycles to the front forecourt). Therefore, in terms of the impact upon the amenity of neighbouring residential occupiers no further assessment in respect of daylight and sunlight, outlook or privacy is considered necessary. Whilst there is some small potential for the new operation to result in noise and disturbance to nearby properties from comings and goings it is considered these impacts can be suitably mitigated by conditions which restrict hours of use, the use of the forecourt for parking and deliveries and the adherence to a Travel Plan.
- 4.6 The change of use is unlikely to have any additional adverse impacts in terms of deliveries and servicing over and above that of the existing office use. No significant transport and parking impacts are anticipated by the scheme having regard to access, servicing, parking, trip generation, potential public transport impact and promotion of sustainable transport behaviour, subject to Heads of Terms (Travel Plan). The scheme also benefits from a highly sustainable location with an excellent public transport accessibility rating.
- 4.7 The benefits of the proposed development have been considered in the final balance of planning considerations, along with the shortcomings of the proposed development (which include loss of office space). For these reasons and all the detailed matters considered in this report, the scheme is, on balance, considered acceptable subject to conditions, informatics and the S106 legal agreement to secure key public benefits in relation to the scheme as a whole.

5. SITE AND SURROUNDING

- 5.1 The application site is located on the northern side of Pentonville Road close to Angel (to the east) London Underground station which is within walking distance of the site.
- 5.2 No. 46-52 Pentonville Road comprises a terrace of three storey, originally comprising of three small houses, currently used as offices (B1a). These comprise stock brick, stone parapet, slate roof. There is a carriage entrance made later with exposed concrete beam and the windows to the front elevation exhibit segmented gauged brick arches. The buildings are Locally listed Grade B. Its principal qualities lie in its age, design and group value. The subject buildings have been significantly extended to the rear and also at roof level, with the addition of a mansard. The buildings are set away from the pavement (approximately 14m) with the presence of a forecourt. The site abuts the Grade II listed Craft Council (44A Pentonville Road).
- 5.3 Pentonville Road is a principal east-west route that was developed as part of the growth of London during the Georgian period. Once characterised by terraced housing on either side, remnants of which remain, the road is now more mixed in building types, heights, age and quality as well as the uses they accommodate. Building heights on the north side of Pentonville Road also relate more to the pre-existing townscape with buildings rising 5/6 storeys on average at the highest points.

The site is located within the New River Conservation Area which is one of the largest Conservation Areas in Islington.

- 5.4 The site has both vehicular and pedestrian access from Pentonville Road which is managed by Transport for London. The site is very well located in relation to public transport and has a PTAL rating of 6b, the highest rating. The site is located approximately 180 metres from Angel Underground Station, which provides London Underground services on the Northern Line (Bank branch). The site is located approximately 1km away from King's Cross Station, which provides London Underground Services on the Northern, Piccadilly, Victoria, Metropolitan, Circle and Hammersmith and City lines. It also provides East Coast and First Capital Connect services to various destinations in England and Scotland. The site is also well located in relation to buses, with five bus routes extending along this stretch of Pentonville Road (30, 73, 205, 214 and 476).
- 5.5 Although not a formal designation in planning terms, the site would be in proximity of the Knowledge Quarter (KQ). The KQ partners a consortium of over 85 academics, cultural, research, scientific and media organisations. These include the British Library, the University of the Arts London, the School of Life and the Aga Khan University located in a small area around Kings Cross, the Euston Road and Bloomsbury.

6. PROPOSAL (IN DETAIL)

- 6.1 The application sites current lawful is as offices (B1(a)). Based on amended floor plans submitted, the application proposes change of use from B1 to D1 at part ground, first, second and third floors and change of use from 'flexible' B1 to D1 at part of ground floor level (to the east of the site). The application in practice could result in the loss of all of the existing office floor space (1197.9sqm). The majority of the building is currently vacant. Part of the second floor is currently occupied.
- 6.2 The proposal, includes the retention of a separate office unit to the east of the site at ground floor as office (B1(a)), measuring approximately 175sqm. It is understood the applicant is seeking to retain this element of B1, at present, with the option to sub-let the space and seek the ability to amalgamate this area into the university use at a later stage (not specified).
- 6.3 Within the floor plate, the proposal also seeks the incorporation of 106sqm of incubator start up space. This would incorporate co-working flexible space, a board room and reception. This space is intended to be managed by the university to facilitate start up, office based, businesses. It is intended to let this space to local projects, businesses and entrepreneurs as well as be available to students.
- 6.4 The D1 use is proposed to be occupied by a total of 28 members of staff and 150 students. The whole of the third floor level is proposed to offer office space to serve as the administrative area for the proposed university (approximately 102sqm). The layout of the first and second floors would enable the creation of six classrooms (approximately 557sqm).
- 6.5 The university (D1) is also proposing to offer free Maths, French and mentoring tutorials to local school pupils. At present, Elizabeth Garrett Anderson School, City of London, St Mary Magdalene Academy and Central Foundation Boys School have been identified as schools which the university would co-operate with, however this has not been agreed or finalised. The university is offering maths lessons delivered by a university tutor for 2-5 hours per week for groups of 10-14 students, totalling 20-

70 hours per week. For French tutorials, the university is offering 2-5 hours per week delivered by a student for 2 pupils totalling 6-10 hours per week. In relation to mentoring the applicant is offering 3-5 hours per week, delivered by a student totalling 6-10 hours per week.

- 6.6 The university is also offering 90 minute monthly workshops from September to May on business related topics. It is proposed to hold workshops, midweek on campus for which there would be ranging prices from a standard fee, to a reduced 'local fee' and 'Incubator' fee. These workshops are proposed to cover basic bookkeeping, essentials of marketing, accountancy, using social media, powerful presentations, advanced marketing, human resources for small and medium enterprises and basic business law.
- 6.7 The servicing arrangements would occur within the existing forecourt. It is proposed also to locate 30 bicycle spaces for staff and student within this area. The proposal would not enable parking by staff or students within the site.

7. RELEVANT HISTORY

Planning Applications

- 7.1 The following previous planning applications relating to the application site are considered particularly relevant to the current proposal:
- 7.2 46-50 Pentonville Road, planning application re: 870266 for the '*Redevelopment to provide a 5 storey office block*' was REFUSED on the 25/08/1987.
- 7.3 46-50 Pentonville Road, planning application re: 870645 for the '*Demolition of existing buildings in connection with proposed redevelopment to provide a 5 storey office block.*' was REFUSED on the 25/08/1987.
- 7.4 46-52 Pentonville Road, planning application re: 872037 for the '*Redevelopment to provide 5 storey office building*' was REFUSED on the 02/03/1988.
- 7.5 46-52 Pentonville Road, planning application re: 901316 for the '*Redevelopment to provide a three storey building for B1 use together with ancillary parking servicing and landscaping*' was APPROVED on the 19/06/1992.
- 7.6 46-52 Pentonville Road, planning application re: 920617 for the '*Demolition of unlisted buildings in a Conservation Area*' was APPROVED on the 19/06/1992.
- 7.7 46-52 Pentonville Road, planning application re: 930422 for the '*Redevelopment to provide a three/four storey building for B1 use together with ancillary parking servicing and landscaping*' was APPROVED on the 06/07/1994.
- 7.8 46 Pentonville Road (rear building), planning application re: 932146 for the '*Certificate of Lawfulness in respect of the proposed use of the first and second floors as offices and the ground floor as conference rooms and lecture room*' was APPROVED on the 18/05/1994.

Enforcement

- 7.9 Not Applicable

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 52 adjoining and nearby properties on 29 August 2017. The public consultation of the application therefore expired on 21 September 2017, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report no objections had been received from the public with regard to the application.

External Consultees

- 8.3 Transport for London (land use planning): No comment
- 8.4 London Underground Zones of Interest: No comment.
- 8.5 Transport for London: The application documents state that up to 150 full time students and 28 employees are expected at the university in September 2017. The application documents do not make it clear of the total number of staff and students which will be registered at proposed site.

London Plan cycle parking standards are based on total number of staff and students registered at the development site, therefore the applicant should clarify staff and student numbers so an assessment can be made if the proposed cycle parking provision is sufficient.

The existing application documents include details of 30 cycle parking spaces to be provided in the front forecourt of the development site. Based on current staff and student levels, the proposed cycle parking provision does not meet London Plan standards for long and short stay cycle parking. It is recommended the applicant should reconsider cycle parking provision to ensure it meets London Plan standards.

The application details refer to a Travel Plan; however, no Travel Plan details have been submitted with the application documents. As the proposed development accommodates more than 20 employees, it is recommended a Travel Statement is submitted in accordance with TfL's Travel Plan Guidance. The Travel Statement should focus on measures to encourage 'active travel' (i.e walking and cycling).

Internal Consultees

- 8.6 **Policy Officer:** The applicants do commit to working with existing programmes in relation to teaching/mentoring which is welcomed although the teaching/mentoring is 30hrs less per week than previously discussed. There is no real public benefit of costed workshops. The applicant could potentially offer a number of free places per month for local individual/businesses as well as having the local discount.

In terms of the incubator space, there is no link between the what is being offered and space for local businesses. A list of market rates has been provided for flexible spaces but no information has been these spaces equate to the incubator space on offer, and therefore whether the rental values are a relevant comparison. Recommend condition attached to bind the applicant and the operation of incubator space with an agreed strategy with LBI.

- 8.7 **Public Protection Division (Noise Team):** No comments at the time of writing.
- 8.8 **Section 106 Officer:** secure undertakings within 'Community Engagement Strategy' in the S106. Require more information on bursaries & scholarships. The actual delivery is planned to become part of emerging 'community of Schools' initiative which has a strong CSR enrichment component.
- 8.9 **Economic Officer:** the policy says that for a workspace to be affordable it needs to be charging 80% of market rates, and the local authority is responsible for the process of making the space operational by selecting a suitable provider. The workspace offer doesn't demonstrate clear social value. If minded to approve, Small Medium Enterprises/Affordable Workspace should be secured at 20 years for peppercorn rent.
- 8.10 **Arts Development Officer:** This is an interesting local offer that potentially chimes with several of the signature projects currently being developed by the Employment, Skills and Culture Division within Children's Services (namely Creative Employment Pathways and Islington Curriculum) but in its current form provides too small-scale an offer to constitute meaningful 'community benefit'.

Paris-Dauphine Start-ups Incubator: Whilst the offer is specific and niche it is none the less very much needed in the borough. In particular, the 'Paris-Dauphine Start-ups Incubator' could provide an important step in the career progression pathway to establishing a creative enterprise. Whilst Islington provides workspace for creative entrepreneurs at Dingley Place we do not provide 'Incubator' provision in relation to the creative industries. It would be helpful to understand whether the offer is creative/culture specific or more general entrepreneur support. Further information in relation to the level of investment in entrepreneur projects would also be helpful in determining how much benefit this offer provides. A starting position of 5 start-up local projects seems a little low and again it would be helpful to confirm that the 25-35 start up supports can be reached by year 3.

Dauphine London Junior Consulting: This consulting service appears to be similar to that run by Central Saint Martins (and other universities) and whilst a useful resource is not necessarily a community benefit per se. Such services are often run on a cost basis with the fees paid by businesses offsetting the tutor's fees for overseeing the project/process. Whilst the consultation/advice provided may be helpful these services are established as much to help the students learn on the job. I would suggest that this is not additional to the core work of the university and of little planning gain re. 'community benefit'.

Free Mathematics and French Tutorials to the local community: These sessions are most welcome and would constitute a benefit to the local community. It would be helpful for this offer to be discussed with the Schools Improvement Service and Adult Community Learning colleagues to ascertain where this help is most needed (within schools or for adult learners). It would also be useful to talk through the best location for this offer and whether this is within the University or whether there would be better take up if the sessions were held in community locations. My main concern is that the scale of this offer is very small with potentially only 4 tutorial hours/week for 8 months of the year. For this to be considered as community benefit the scale of this offer would have to be substantially increased. It would be helpful to understand how many students are provided for in each tutorial.

Diverse student societies: These societies already exist and their ongoing activity is not an additional community benefit. Nor does the submission explain how Islington residents would benefit from these student clubs.

Knowledge Quarter and Islington Sustainable Energy Partnership: Membership of both these groupings is warmly welcomed but neither form a direct primary benefit to Islington residents. The Knowledge Quarter endeavours to use its combined acumen to facilitate knowledge exchange and Islington Council is itself a member of the consortium which spans boroughs. The ISEP is an Islington Council service promoting sustainable practice and it is very encouraging that P-D are taking up this opportunity.

Other comments

- 8.11 **UCL:** Welcome and support Paris-Dauphine within London. Allow students to integrate with UCL campus.
- 8.12 **Presdient de l'Universite Pais-Dauphine:** Welcomes the initiative and all the link between Paris and London to be reinforced.
- 8.13 **Ambassade De France Londres:** The initiative will benefit both London and the Borough of Islington. Will offer a valuable addition and given its international reputation, its academic mission and diverse and dynamic students the faculty would benefit the area.
- 8.14 **The British Library (Chair Franco-British Council):** Welcome initiatives which strengthen the links between Britain and France, especially those aimed at younger generations. Expectation that the University will contribute to vitality and local area.

9. RELEVANT POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

- 9.1 Islington Council (Planning Committee), in determining this planning application, has the following main statutory duties to perform:
 - To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan);
 - To have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
 - To pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area (s72(1)).

The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.3 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.4 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees. **Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following documents:**
- 9.6 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals. Since March 2014 Planning Practice Guidance for England has been published online.

Development Plan

The Development Plan is comprised of the London Plan 2016 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design, Conservation and Heritage
- Accessibility
- Neighbouring Amenity
- Highways and Transportation
- Planning Obligations, Community Infrastructure Levy and local finance considerations

The application proposes change of use from office (B1) to education (D1) at part ground, first, second and third floor levels and a flexible change of use of part of the ground floor (175 sqm) from B1 (office) to D1 (education). Based on the amended plans, it is important to distinguish at the stage the applicant is seeking a 'flexible' change use in relation part ground floor level (175sqm) to the east of the site. This is shown as a separate self-contained office unit which factors into the considerations of the assessment of the proposal, (discussed below). The applicant intention is to sub-let this space with the future aim of amalgamating the office space into the university at a later date (which has not been specified). At present the majority of the building is currently vacant. Part of the second floor is currently occupied.

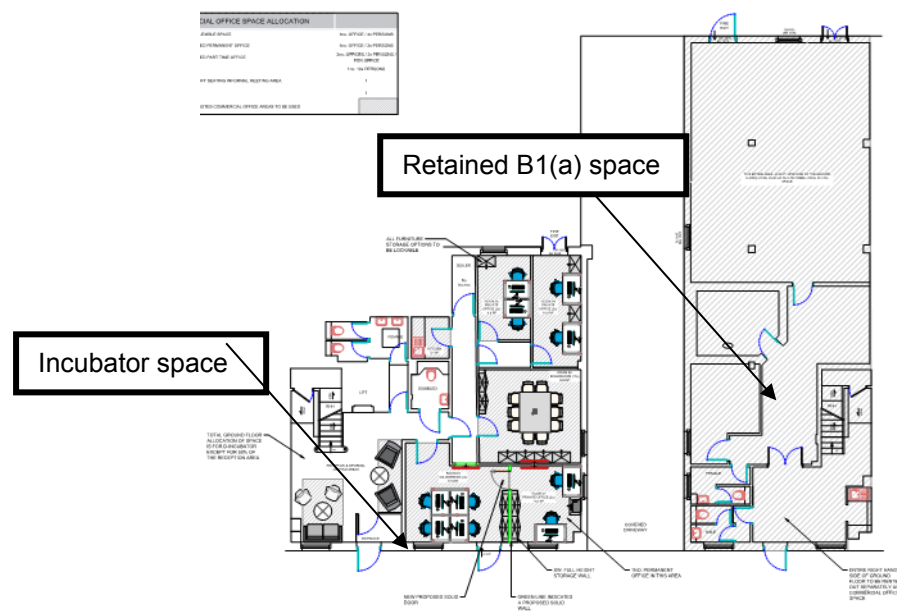


Figure 1: ground floor –proposed start-up space and retained office space (B1(a))

- 10.2 The university (D1 use) is proposed to be occupied by a total of 150 students and 28 members of staff. The third floor level is proposed to offer office space to serve as the administrative area for the proposed university (approximately 102 sqm). The layout of the first and second floors would enable the creation of six classrooms (approximately 557sqm).
- 10.3 Also within the existing floor plate, the proposal seeks the incorporation of 106sqm of incubator start up space. This would include co-working flexible space, a board room and reception. This space is intended to be managed by the university to facilitate start up, office based, businesses. It is intended this space would be let to local projects, businesses and entrepreneurs as well as be available to students. The key issues to consider within the merits of this application are the loss of the office space, the suitability of an educational use at this location and whether the proposal offers any exceptional circumstances demonstrating public benefit.

Loss of B1

- 10.4 The application in practice could result in the loss of all of the existing office floor space (1197.9sqm). The Local Development Framework policy generally seeks to prevent the loss of B1 (office) space. The Mayor of London's London Plan Consolidated with Alterations since 2011 March 2016 (LP) places importance upon office use. Amongst other things, Policy 4.2 expresses support for the management and mixed use development and redevelopment of office provision to improve London's competitiveness and to address the wider objectives of the London Plan, including enhancing London's varied attractions for businesses of different types and sizes and in relation to small and medium sized enterprises. It also seeks increases in the current stock where there is authoritative evidence of sustained demand.
- 10.5 Of further relevance to the application site is reference in the Mayor of London's Central Activities Zone Supplementary Planning Guidance March 2016 (the CAZ SPG) to a CAZ fringe, the boundaries to which are to be defined locally. The CAZ SPG acknowledges the relationship between the CAZ and its fringe to be an important one, and urges its full potential be secured so as to enhance and complement the functions and activities of the CAZ whilst meeting more local needs. It suggests that employment land reviews and local plan policies within the fringe should ensure the availability of office and related workspace, including small units for start-ups, small and medium sized enterprises and, where there is local evidence of need and viability, of 'affordable' workspace. It is recognised the need for B1 space will also reflect Islington's wider strategic role within the capital.
- 10.6 At a local level, the Islington Employment Land Study by Ramidus Consulting Limited dated 26 January 2016 (the ELS) generally underlines the need to protect business floorspace and provide new office floorspace if London Plan forecasts of employment growth in Islington from 196,000 to 249,000 jobs by 2036 are to be met. It also, amongst other things, highlights a large amount of commercial floorspace in the Borough lost to residential use and makes reference to the market for small occupiers and for flexible space. The ELS identifies the biggest threat to growth as likely to come from restricted supply as potential office premises are outbid in value terms by residential use. If, as set out in the Mayor's SPG, the CAZ is to accommodate projected employment growth and remain globally competitive, it recommends that policy should seek to retain land for commercial office development.

- 10.7 Policy CS5 (Angel and Upper Street), Part C seeks to protect business floor space from change of use. An expected 775 jobs are anticipated from B-use floorspace which while encouraged within the town centre is also expected to be delivered specifically along White Lion Street and Pentonville Road. Policy CS 13B of the Core Strategy, also seeks to protect 'existing business spaces' against change of use to non-business uses, and includes units suitable for small and medium enterprises by reason of their type and size. Further, the Glossary to the Core Strategy defines 'business floorspace/ buildings/ development/ uses' to be 'activities or uses that fall within the B-use class (i.e. offices, industry, or warehousing).
- 10.8 Policy DM5.1A of the Islington's Development Management Policies encourages the intensification, renewal and modernisation of existing business floorspace within Employment Growth Areas. It advises that proposals for redevelopment or change of use of existing business floorspace are required to incorporate the maximum amount of business floorspace reasonably possible on the site, and a mix of complementary uses, including active frontages, where appropriate.
- 10.9 DMP Policy DM5.2A states that proposals that would result in a loss or reduction of business floorspace will be refused unless the applicant can demonstrate exceptional circumstances, including through the submission of clear and robust evidence which shows there is no demand for the floorspace. This evidence must demonstrate that the floorspace has been vacant and continuously marketed for a period of at least two years. The applicant has not submitted two years of marketing evidence, nor have they stated the period of under occupation or vacancy. Moreover, no information has been given on the existing layout, floorplates, maximum floor load factors, ceilings or quality of services to inform whether the existing accommodation is capable of attracting occupiers. It is evident however the building remains largely vacant, albeit, it has not been specified for how long.
- 10.10 As outlined above, a key objective of Islington's Local Plan is to provide for employment growth with business floorspace making up a significant proportion of this. Policies consequently seek to maximise opportunities for the provision of new business space, particularly within Employment Growth Areas (EGAs); this has been further magnified by a significant further loss of business floorspace as a result of permitted development rights. In summary, the development plan gives significant support for providing and retaining B1 floorspace. The proposal could involve loss of up to 1197.9sqm of authorised Class B1 units and would thereby be contrary to the aims of London Plan Policy 4.10, Policy CS 13 of the Core Strategy, and contrary to Policy DM5.1 and DM5.2 of the Development Management Policies.

Employment Growth Area

- 10.11 The Glossary to Islington's Core Strategy February 2011 (the Core Strategy) defines 'Employment-led development' as 'development where the majority of floorspace is for employment uses'. 'Employment floorspace/ buildings/ development/ uses' are then defined as 'activities or uses that generate employment, including offices, industry, warehousing, showrooms, hotels, retail, entertainment, educational, health and leisure uses'. The proposed university would fall within the term employment-led development and is a use that is considered compatible with the site's location within the Employment Growth Area. These locations accommodate a diverse range of businesses and enterprises and are focused on the CAZ and the Angel Core Strategy Key Area.

Proposed Education Use

- 10.12 The proposed university offers a range of full-time degree programs at Bachelors/Masters and Doctorate level. The university also offers Executive and continuing Education programs designed to acquire expertise or reinforce management skill-sets. The university strategic priorities within London, within which they are already located include: developing internal research partnerships; to encourage students to study abroad; recruit faculty and students and create degree programs to be taught exclusively in English.
- 10.13 The university would be sited within the CAZ. The policy emphasis of the CAZ is explained in policy 2.10. The many faceted objectives of the policy reflect the mixed character of the CAZ, including higher education uses such as the one proposed. The London Plan (LP) para. 1.21 recognises London as a pre-eminent global business location. The LP acknowledges, among the reasons for this, are London's world class higher education and research institutions. London's universities make a significant contribution to its economy and labour market (Policies 3.18 and 4.10). These policies, taken as a whole, can be summarised as encouraging development that sustains, enhances and promotes the unique international, national and London wide roles of the CAZ. This includes higher education institutions, which is being presented in this instance.
- 10.14 Policy 3.18 of the LP supports provision of childcare, primary and secondary school, and further and higher education facilities adequate to meet the demands of a growing and changing population and to enable greater educational choice. Part C specifically states development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Part E states development proposals which maximise the extended or multiple use of educational facilities for community or recreational use should be encouraged. In addition, Part I states boroughs should support and maintain London's international reputation as a centre of excellence in higher education.
- 10.15 The policy emphasises here, suggests that it essential that this infrastructure be maintained and enhanced so that the borough retains its diversity and vitality. This approach is integral to helping to deliver the vision of Islington's Core Strategy and is supported by the London Plan.
- 10.16 The Social Infrastructure SPG, says that the Mayor will support provision of childcare, primary and secondary school, and further and higher education facilities adequate to meet the demands of a growing and changing population and to enable greater educational choice. It is noted that Appendix A has been submitted entitled Statement of Need, this does not seem to indicate a shortfall or identified need for higher education places notably of an institution which focuses on business. Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes.
- 10.17 The SPG states the Higher Education Institutions (HEI) sector is becoming increasingly competitive and universities face challenges in seeking to expand and offer better facilities and accommodation. The ability to attract the best students and staff to study and work in London's universities is essential to the future success of the higher education sector and in maintaining London's international reputation as a centre for excellence for higher education. Higher and further education providers should play a full role in supporting London in its growth by raising levels of

innovation, creativity and global competitiveness and working towards assisting more people to join the labour force by removing barriers to work and enhancing skills levels.

10.18 The contribution educational uses can make is recognised by DM4.12 of the Development Management Policies. Policy DM4.12 is very supportive of new social and community infrastructure provision, which the proposed university would represent. Policy DM4.12C sets out criteria for new social infrastructure, which must:

- i) be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;
- ii) provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;
- iii) be sited to maximise shared use of the facility, particularly for recreational and community uses; and
- iv) complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.

10.19 In terms of location and character (criteria i) and iv) this location on the very fringe of the CAZ, with a PTAL of 6B (the highest possible) is considered to be very convenient for the community it would serve, albeit not accessible by all – being currently located in close proximity - and is accessible by a significant range of sustainable transport modes. Criteria ii) and iii) are assessed elsewhere in this report under sections relating to accessibility and neighbourhood amenity.

10.20 The applicant has not specified local shortfall in the provision of higher education places. Nor is the use proposed considered to provide a community benefit, in the same way as a primary school for example. The students would be fee paying and therefore there would not be full access offered to the community. The applicant has stated the 3rd floor (75sqm) would be B1 space. However, these rooms would be used in conjunction with the administration of the university and therefore would not be considered office space or have weight in favour the proposals assessment. However, the imminent takeover of the premises by the end user would indicate a demand for the higher educational use which is of note in the consideration of the application, given the under occupancy of the building at present.

10.21 Whilst this is not a wholly and fully accessible education resource, the main thrust of the policy, in the provision of a higher education use is considered in compliance with DM4.12 and London Plan. Therefore, it is possible to say that the provision of the university at this location would broadly be consistent with the development plan policies (loss of B1 use aside).

Incubator/Start-up space

10.22 The application proposes a London Branch of the Paris Dauphine start-ups incubator (106sqm) which would assist both students and local projects/ businesses/ entrepreneurs, through the provision of physical space and intellectual capital resource. The applicant is proposing to offer these spaces at a 'discounted rate' with the provision of 5 start-up local projects in the first year, with the ability to support 25-35 start-up projects/year.

- 10.23 Policy 4.10 (New and Emerging Economic Sectors), Part C states, boroughs should give strong support for London's higher and further education institutions and their development. Part B states boroughs should work with developers, businesses and, where appropriate, higher education institutions and other relevant research and innovation agencies to ensure availability of a range of workspaces, including start-up space, co-working space and 'grow-on' space.
- 10.24 Relevant policy DM5.4 states that 'where affordable workspace is to be provided, evidence should be submitted demonstrating agreement to lease the workspace for at least 10 years to a Council – 'approved Workspace Provider.'
- 10.25 The Council has a bespoke affordable workspace methodology. Normally, in that the Council seeks to be assigned the head-lease on the relevant space from the developer/owner. The lease will be granted at a peppercorn rent for a rent review free period. This offer or obligation is then almost always passed on via a bidding/commissioning process to any one of a number of Affordable Workspace providers who are on the Council's approved provider list. These providers, in agreement with the Council, will either place organisations within the space provided resulting in an amount of quality control as to the incoming tenants. Terms of any under-lease will include a genuinely affordable level of rent (no more than 80% of full market level), a fit out to the same standard as the remaining open market office space, subsidisation of the estate service charges regime, no sub-assignment and the Council to have the ability to terminate the lease at any time on giving 6 months' notice. Criterion C) of Policy DM5.4 explains, where work space is to be provided for small or micro enterprises, but is not within physically separate units, the applicant will be required to demonstrate that the floorspace will meet the needs of small or micro enterprises through its design, management and/or potential lease terms.
- 10.26 After negotiation with the applicant, the start-up floorspace is to be secured at a significantly reduced market rate (to be secured via legal agreement). Based on the start-up floor area space forming part of the functions of the university that are not physically separate, it is considered acceptable in this instance that the university manage this space rather than the Council assigned the head-lease. To ensure the effective management of the space for overall community benefit the functions of the start-up space will need to be reported to the council (to be secured in the legal agreement).
- 10.27 Employment studies in Islington (para 5.23, DMP) have identified significant gaps in the borough's supply of work spaces, particularly for small service-based and light industrial businesses, niche sectors requiring flexible premises in key locations, and new/young businesses seeking small offices, studios or workspace with favourable lease or license conditions which this is considered to offer and weighs in favour of the application. The assistance the university could offer (as an institution that specialises in business) to start-up companies and local businesses and the ties that could be formed within the borough is also recognised.
- 10.28 There is a strong policy emphasis on the provision of space suitable for SMEs as set out in Core Strategy Policy CS13 and DM Policy 5.4. The links that would be created between the university and the incubator space on offer is considered acceptable. Moreover, significant weight given to the level of affordability at which the space is to be let.

Lessons to the Local Community

- 10.29 The university is offering maths lessons delivered by a university tutor for 2-5 hours per week for groups of 10-14 students, totalling 20-70 hours per week. For French tutorials, the university is offering 2-5 hours per week delivered by a student of the university for 2 pupils totalling 6-10 hours per week. In relation to mentoring the applicant is offering 3-5 hours per week, delivered by a student, totalling 6-10 hours per week.

Subject	Delivered by	Hours per week	Pupils Per group	Tot Pupil hrs PW
Maths	University Tutor	2-5	10-14	20-70
French	Student	3-5	2	6-10
Mentoring	Student	3-5	2	6-10
Total		8-15		32-90

Figure 2: table of proposed lessons.

- 10.30 These sessions are welcome and constitute a local community benefit in the way the Development Management Policies imply. Up to 90 hours per week total would be offered in Maths, French and Mentoring. Overall the amount of teaching hours is considered relatively low. As such the details are to be reserved in the legal agreement to ensure a sufficient amount of teaching hours is provided. Although this offer is welcomed, the realistic implications of this are very small with potentially only 5 tutorial hours/week for each subject. For this to be considered as community benefit the scale of this offer would have to be substantially increased and limited weight is attached to this element of the scheme. The final amount of teaching hours is to be agreed and secured via a legal agreement.

Complimentary Nature of the Proposed Use

- 10.31 The university has an existing cooperation agreement with University College London that currently enables bachelor students in London to attend foreign language courses at UCL on a weekly basis. Paris Dauphine also works in Partnership with Regents University and the University of Westminster, through a student exchange program for students enrolled in Bachelors in Management Program.
- 10.32 Policy 4.10 Part E of the LP promotes clusters of research and innovation as focal points for research and collaboration between businesses, HEIs, other relevant research and innovation agencies and industry. The special status of the parts of London where Universities are located, particularly the Bloomsbury/Euston and Strand university precincts is recognised by policy.
- 10.33 At the same time, the local policy (DM4.12) recognises that there are advantages of locating organisations together so that they can share resources, network and support small developing organisations in appropriate locations. The area around Kings Cross is known as the 'Knowledge Quarter' (KQ) which incorporates the Euston precinct. The KQ partners a consortium of over 85 academic, cultural, research, scientific and media organisations large and small including the British Library, the University of the Arts London, the School of Life and the Aga Khan University. The proposed site therefore is considered to benefit from the proximity and networking of a number of high profile academic, research and scientific institutions. It is also evident that the Paris-Dauphine University has a number of related programmes and connection with similar institutions. The site would therefore benefit from and encourage further integration and collaboration between fellow

partners which is considered to be of benefit to this area and those existing academic organisations.

Balancing

- 10.34 It is not unusual for development plan policies to pull in different directions, and that there may be some points in a plan which support a proposal but there may be some considerations pointing in the opposite direction. It is established that a decision-maker may need to decide which is the dominant policy, and to address matters of relevance and weight. It will be necessary to assess all relevant matters and then decide whether there is accord between the proposal and the plan as a whole. It does not follow that if there is a breach of any one policy a proposal cannot be said to accord. Given the numerous conflicting interests that development plans seek to reconcile, it would be difficult to find any project of any significance that was wholly in accord with every relevant policy.
- 10.35 Homes and Community Agency Guidance (2015) advises employment density of 12sqm per employee which would equate to 100 employees. Looking at potential employment numbers, bearing in mind the possible (but unlikely) full occupation of the existing building, the likely number of employees in a building on the developed site and the employment levels in the proposed university (28), there is no doubt that office use would provide substantially more jobs.
- 10.36 However, the existing Class B1 use would not be replaced by residential or some other form of non-employment generating use but by an employment use as formally recognised and defined within the Core Strategy. It is not questioned that the proposed D1 use would bring economic and growth benefits. It is also recognised there would be a qualitative difference between Class B1 and D1 employment as each would be likely to involve different skill sets and serve different activities, but each would still be part of a wider picture of contributing to a significant range of job opportunities within the diverse commercial centre of the CAZ.
- 10.37 The development plan does not prevent all changes of use. The overwhelming need is for employment activity that supports the CAZ functions in their many faceted forms, but also brings in training and opportunities. This may include other activities apart from offices. The need to sustain a mixed character with a diverse range of activities is important, as envisaged in LP 2.10 and the CAZ SPG. In this context, the principle of universities is encouraged.
- 10.38 In relation to the outstanding policy references, the above policies pull both for and against the development. With respect to DMP Policy DM5.2, whilst resulting in the loss of business floorspace, the flexibility sought by the application scheme is still seeking to progress such prospects for business floorspace, as may be reasonably possible, and to advance a mix of complementary uses and would involve a scheme which complies with other relevant planning considerations.
- 10.39 A key issue in considering the application is the extent to which the B1 and D1 uses could function independently should the tenants change as well as to ensure that the university use is clearly separate from the general office accommodation (proposed at ground floor). It is evident that the University seeks 'flexibility' through the application, however the layout and floorplans show a clear separation between the D1 and B1 uses at ground floor level. The applicant intends to sub-let part of the ground floor as a separate office unit which is very much capable of being self-contained. As such to mitigate the loss of office space, it is considered necessary to

retain this element in use as B1 (*condition 3*) to reduce the overall loss of the overall B1 floorspace.

- 10.40 The applicant advise that they are seeking a 10-15-year lease for the premises, which is not an insignificant period of time. The applicant has also stated a willingness for a condition (*condition 4*) in relation to a personal permission. In considering the loss of the B1 floorspace, in the event that the applicant vacates the building, the use would revert back to B1 office use, as shown above, policy seeks to protect. Given that weight would be given to specific education and start up premises unique to the application in the consideration of this case, a personal permission is considered.
- 10.41 Notwithstanding legitimate in-principle policy concerns regarding the loss of the extant Class B1 floorspace, the development plan supports higher education development of this particular site as part of a mixed use, employment-led scheme, and through the use of conditions (retention of part B1 and personal permission) and S106 agreement (to secure start-up space at affordable rent and free tutorials) whilst the benefits are very finely balanced , the benefits are considered to out-weigh the loss of floorspace.
- 10.42 The proposal broadly is considered consistent with the strategic parts of the development plan in, given the focus of the particular circumstances in question.

Design and Conservation

- 10.43 The site is located within the New River Conservation Area and the buildings are Locally Listed. Whilst not statutorily listed this represents their local significance.
- 10.44 Islington's Development Management Policies DM2.1 and DM2.3 carry forward the statutory requirement that special consideration be given to preserving or enhancing the character or appearance of Conservation Areas and the advice in the National Planning Policy Framework ('the Framework') as to the treatment of development that affects heritage assets.
- 10.45 There are no external alterations proposed other than the installation of the cycle stands which is welcomed in terms of cycle parking and transport. A condition is recommended to ensure appropriate details are submitted including in relation to design (*condition 11*). The applicant has also agreed to the principle of landscaping to the front forecourt, which is considered to offer enhancement to the character and appearance of the conservation area (*condition 16*).
- 10.46 Overall the proposal is considered to preserve the character and appearance of the conservation area and the host, locally listed buildings. Therefore, the development, as proposed, would not conflict with the Framework, Policies CS 9 of the CS and DM2.1 and DM2.3 of the DMP, or the UDG.

Accessibility

- 10.47 London Plan Policy 7.2 states development should achieve the highest standards of accessible and inclusive design, ensuring that developments can be used safely, easily and with dignity by all regardless of disability, age gender ethnicity or economic circumstances.

- 10.48 Further, Development Management Policy DM2.2 seeks all new developments to demonstrate inclusive design. The principles of inclusive and accessible design have been adopted in the design of this development in accordance with the above policies.
- 10.49 The Planning Statement does not address a number of matters relating to inclusive design and whether the proposal would meet the requirements set out in the Council's Inclusive Design SPD. These considerations relate to internal corridors, types of glazing, clearance width of doors, security systems, inclusive receptions, provision of lifts and turning circles outside lift areas, accessible WC facilities, shared refreshment facilities, stair types, internal ramps and level landings within the development.
- 10.50 Therefore, a condition is recommended requesting the above details being provided to demonstrate how the requirements of the Council's Inclusive Design SPD are met (Condition 5)

Neighbouring Amenity

- 10.51 Policy 7.6 of the London Plan provides that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings while Policy 2.12 (Central Activities Zone – predominantly local activities) encourages boroughs to develop policies that balance economic functions whilst affording protection to predominantly residential areas in the CAZ. These policies are reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, overshadowing, overlooking, privacy, direct daylight and sunlight, over-dominance, sense of enclosure and outlook.
- 10.52 Given that there are no physical changes to the site or buildings it is considered that there will be no resulting issues of overshadowing, overlooking, privacy, loss of daylight and sunlight, over-dominance, sense of enclosure or outlook.
- 10.53 The matter of potential noise disturbance should however be considered with particular regard to the terraced properties located opposite the application site on Pentonville Road. The proposal site is within the vicinity of a number of commercial buildings including a public house, museum, hotel and offices. However, the site itself is located on a major thoroughfare, connecting Angel and Kings Cross with a number of commercial activities in the immediate vicinity. The road is a significant noise source in itself.
- 10.54 There is a terrace of residential properties located opposite the site, located on Pentonville Road. The most likely source of noise will be from students and staff accessing and leaving the premises particularly during the evening, servicing and delivery vehicles. Servicing and delivery matters will be considered in more detail later in this report.
- 10.55 The applicant has confirmed there would be 150 students and 28 staff on site. Comparative figures in relation to the existing use would allow for approximately 100 workers within the existing office space (1 person/12sqm, HCA). It is acknowledged the use as a University would materially increase the use of the site. The proposal is not considered to generate an unacceptable level of activity given its location within a busy Town Centre and in relation to its current existing use. Given the proximity of neighbouring residential properties it is considered appropriate to add a condition in

relation to operation to ensure night time noise levels of residents are protected (*Conditions 8*).

- 10.56 The proposals can therefore be said to be in accordance with Policy DM2.1 of the Islington Development Management Policies Document which seek to protect neighbouring amenity.

Highways and Transportation

- 10.57 The site is very well located in relation to public transport and has a PTAL rating of 6b, the highest rating. The site is located approximately 180 metres from Angel Underground Station, which provides London Underground services on the Northern Line (Bank branch). The site is located approximately 1km metres away from King's Cross Station, which provides London Underground Services on the Northern, Piccadilly, Victoria, Metropolitan, Hammersmith and City and Circle Lines. It also provides East Coast and First Capital Connect services to various destinations in England and Scotland.
- 10.58 St Pancras International Station is located slightly further from the site and provides East Midlands and First Capital Connect services to various destinations in England, and Eurostar Services to France and Belgium. The site is also well located in relation to buses, with five bus routes extending along this stretch of Pentonville Road (30, 73, 205, 214 and 476). Additionally, the site has excellent links to local cycle networks.

Vehicular Parking

- 10.59 The application site has a forecourt with vehicular access from Pentonville Road. The applicants Planning Statement does not propose any car parking. The applicant has also stated a willingness to submit an approval of details in relation to landscaping of the front forecourt. It is considered that this would restrict vehicular parking, also be secure via Travel Plan within the S106 and would allow for servicing and deliveries off-street and as such this aspect of the proposal is considered policy compliant.

Cycle Parking

- 10.60 Development Management Policy 8.4 (Walking and Cycling), Part C requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking. For universities, cycle parking should be provided at a rate of one space per seven members of staff and one space per 7 peak hour students. A total of 28 members of staff and 150 students are proposed.
- 10.61 Four cycle racks are proposed (Sheffield bike stands) to the front forecourt in conjunction with the existing cycle stands currently located to the rear of the building. Taking into account the remaining 175sqm of B1 floor space (as conditioned) and start-up space the provision of 30 cycle parking for this mixed use scheme (B1/D1) proposed in this instance require 1 space per 7 staff and 1 space per 7 peak time students. The remaining office space would require 1 space per 250sqm. Based on 150 students, 28 staff (4 spaces) and approximately 175sqm (1 spaces) of retained office space that would equate to a total of 26 spaces required.
- 10.62 Whilst the quantum of spaces is a welcome addition, they do not meet the qualitative tests of Part C of DM Policy 8.4, which requires cycle parking to be secure, sheltered, integrated and adequately lit as stated by TfL.

- 10.63 Therefore, should planning permission be granted a condition (*condition 11*) requesting the provision of 30 cycle spaces for the D1 and B1 use will be imposed, along with the necessary details meeting the requirements of the above policy. Additionally, the cycle provision will be required to include an adequate element of parking suitable for accessible bicycles and tricycles (*Condition 10*).
- 10.64 A condition requiring cyclist facilities (showers, lockers and changing areas) for staff and students of both the office and university uses is also recommended to address the comments provided by TfL (*Condition 12*).

Refuse and Recycling

- 10.65 Storage has not been shown within the details of the application. No details have been submitted with regard to whether an adequate number of bins and type of bins have been provided for the extent of floorspace being proposed. Furthermore, refuse and recycling arrangements are not clear. It is important to note that the site is within a conservation area and if placed inappropriately or considered unsightly this aspect could adversely impact the character and appearance of the conservation area. Consideration therefore should be given to internal storage as well as with the number and type of bins which are recommended to be secured by condition (*Condition 13*).

Servicing and Deliveries

- 10.66 Part A of DM Policy 8.6 (Delivery and servicing for new developments) requires that delivery/servicing vehicles are accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on-street, Development Management Policy DM8.6 (Delivery and servicing for new developments) Part B requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.
- 10.67 In this instance off-street servicing is practical given the presence of a front forecourt. A delivery and servicing plan is recommended to be secured by condition to ensure that the development has no adverse impact on the highway. This condition will require details to be submitted as required by Development Management Policy 8.6 and the servicing and delivery plan addressing the list of required information at section 8.39 of the Development Management Policies SPD (*Condition 14*).

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 10.68 The application site does not involve the creation of new floorspace and therefore collection of a Crossrail contribution is not required.
- 10.69 The Mayoral Infrastructure Levy does not apply to this development also based on there being no new floorspace.
- 10.70 The officer recommendation of approval is subject to the Heads of Terms as set out in Appendix 1 – Recommendation B, to be included in a Section 106 Agreement attached to any planning permission, in order to secure compliance with planning policy and mitigate the impacts of the development on surrounding infrastructure.

- 10.71 These contributions are necessary to make the development acceptable in planning terms; the impacts are directly related to the development and fairly and reasonably related in scale and kind to the proposals.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The change of use of this building from B1(a) (office) to provide an education led mixed use scheme with business floorspace would on-balance be appropriate in a highly accessible location. Subject to appropriate contributions the development would mitigate its impacts on local infrastructure and would contribute towards the provision of start-up office space for up to 5 start-ups within the first year with the potential to grow to 25 start-ups per year at a reduced market rent plus tutorial lessons for local school children.
- 11.2 The development would reduce the impact on the local road network by being 'car-free and suitable and sustainable forms of travel have been secured via legal agreement and condition. Reserving the forecourt landscaping details also has the offer of enhancement to the character and appearance of the conservation area as well as minor biodiversity benefits.
- 11.3 The proposal, subject to condition would have no adverse impact on neighbouring occupier's living conditions in terms of loss of daylight or sunlight, increased sense of enclosure, outlook or noise (either by comings and goings or the use in general) with the hours of operation restricted appropriately for the Town Centre site.
- 11.4 Whilst the proposed development would result in the loss of office space, on balance the harm is considered acceptable given the personal permission that would allow for the site to revert back to office use and the benefits that would be secured from the scheme including an employment generating use and the provision of start up space at an affordable rate, mentoring and tutorials to schools and the promotion of higher education support of diversifying the employment characteristics of this part of London. The scheme on balance would deliver an employment led use, incorporating SME workspace. It is therefore considered acceptable and recommended for approval subject to appropriately worded conditions and s106 obligations and contributions to mitigate against its impact.

Conclusion

- 11.5 It is recommended that planning permission be granted subject to conditions and s106 legal agreement (heads of terms) as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations 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 Deputy Head of Service:

1. Minimum of 69.9sqm of incubator space to be secured at ground floor level and offered to local business/projects/persons.
2. Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
3. Strategy of Community Engagement to secure the provision of free Maths, French and Mentoring tutorials to local schools within the borough. This offer to be discussed with the Schools Improvement Service and Adult Community Learning colleagues to ascertain where this help is most needed (within schools or for adult learners). A commitment to fulfil agenda (below) within the first year of operation with a written strategy to grow teaching hours within the first three years to double this level of provision and to be continued thereafter. At the end of every university year (May/June) a written review shall be provided setting out the success of tutoring hours provided and making recommendations for improvements each following year for approval and adoption by the Council.

Subject	Delivered by	Hours per week	Pupils Per group	Tot Pupil hrs PW
Maths	University Tutor	2-5	10-14	20-70
French	Student	3-5	2	6-10
Mentoring	Student	3-5	2	6-10
Total		8-15		32-90

4. Employment and Training Courses offered to local residents and businesses at a discounted rate.
5. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

All payments to the Council are to be index-linked from the date of Committee are due upon implementation of the planning permission.

That, should the **Section 106** Deed of Planning Obligation not be completed within 13 weeks / 16 weeks (for EIA development) from the date when the application was made valid, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may

refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

RECOMMENDATION B

That the grant of planning permission be 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	Approved Plans List
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site Location Plan; Bicycle Parking; 2851-01; 2581-02; Universite Paris Dauphine London – Our Commitment to the Islington Community; Planning Statement; Ground Floor 01 REV 1; Third Floor 01 REV 1.</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>
3	Class B1 Use Restrictions – A Single Planning Unit
	<p>CONDITION: The B1 (Business) floorspace shall be confined the ‘entire right hand side of ground floor’ plan no. 01, on the approved plans list shall be strictly limited to uses within Use Class B1(a) and B1(b). No planning permission is hereby granted for purposes within Use Class B1(c) – for any industrial process – 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: The restriction of the use invokes the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995.</p>
4	Personal Permission
	<p>CONDITION: This permission shall operate for the benefit of the Director of the 'University of Paris Dauphine' (directors name to be inserted here) only and shall not endure for the benefit of the land nor of any other person/company having an interest therein.</p> <p>On the cessation of the personal planning permission hereby granted the building and</p>

	<p>land shall revert to the use/purpose for which it was normally used prior to the grant of this planning permission.</p> <p>REASON: The circumstances of the particular case warrant an exception being made for the benefit of the applicant.</p>
5	Inclusive Design
	<p>CONDITION: Notwithstanding the drawings hereby approved, prior to commencement of any works above ground level, details (including plans and sections) of the development against all relevant requirements of Islington's Inclusive Design SPD and other relevant policies and guidance shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>These considerations relate to internal corridors, types of glazing, clearance width of doors, security systems, inclusive receptions, provision of lifts and turning circles outside lift areas, accessible WC facilities, shared refreshment facilities, stair types, internal ramps and level landings within the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved.</p> <p>REASON: The council in determining the planning application consider that permission should only be granted subject to its limitation on a personal basis. It is considered that the grant of planning permission on a non-personal basis may cause harm by the virtue of the loss of B1.</p>
8	Hours of Operation
	<p>CONDITION: The University (D1 use) shall not be used outside the following times:</p> <p>Monday to Friday: 0600-2200 hours Saturday: 0700-1800 hours Sunday: 0800-1700 hours.</p> <p>REASON: To ensure the proposal do not have a detrimental impact on residential amenity.</p>
10	Visitor Cycle Parking Provision
	<p>CONDITION: Details of the visitor's cycle parking, which shall comprise no less than 10 spaces shall be submitted to and approved in writing by the Local Planning Authority, and installed, prior to the first occupation of the development hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure adequate visitor cycle parking is available to support the resulting use(s) and to promote sustainable modes of transport.</p>
11	Cycle Parking Provision
	<p>CONDITION: Notwithstanding the approved drawings, details of the layout, design and appearance (shown in context) of the bicycle storage area(s) shall be submitted to the Local Planning Authority and approved in writing prior to any development commencing. The storage shall be covered, secure and provide for no less than 30 spaces for the B1 Use and D1 use and shall show compliance with London Plan bike facilities standards as set out within the London Plan.</p>

	<p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, 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, as well as to reduce opportunities for crime.</p>
12	Cycle Facilities
	<p>CONDITION: Details of shower and changing facilities (including lockers) that would help promote cycling as a mode of transport shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.</p> <p>The facilities shall be installed and operational prior to first occupation of that part of the development and maintained as such permanently thereafter.</p> <p>REASON: In the interests of ensuring that sustainable forms of travel to work (cycling) is promoted and robustly encouraged.</p>
13	Refuse and Recycling
	<p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing. The details shall include:</p> <ul style="list-style-type: none"> a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s); b) a waste management plan <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development and shall be maintained as such thereafter.</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.</p>
14	Delivery & Servicing Plan
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated 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 ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
15	Travel Plan
	<p>CONDITION: Prior to the commencement of development the applicant shall submit for the written approval of the Local Planning Authority a Travel Plan.</p>

	REASON: To ensure the development is 'car-free' and enable sustainable methods of travel.
16	Landscaping (Details)
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> a) an updated Access Statement detailing routes through the landscape and the facilities it provides; b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity; c) existing and proposed underground services and their relationship to both hard and soft landscaping; d) proposed trees: their location, species and size; e) soft plantings: including grass and turf areas, shrub and herbaceous areas; f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges; h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and i) any other landscaping feature(s) forming part of the scheme. <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>

List of Informatives:

1	S106
	<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>
2	Superstructure
	DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'

	<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>
3	<p>Community Infrastructure Levy (CIL) (Granting Consent)</p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions: These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
5	<p>Car-Free Development</p> <p>INFORMATIVE: 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>
6	<p>Schools Improvement Service</p> <p>INFORMATIVE: Please discuss with the Schools Improvement Service and Adult Community Learning colleagues to ascertain where this help is most needed (within schools or for adult learners).</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

Since March 2014 Planning Practice Guidance for England has been published online.

2. Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2016 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.1 London in its global, European and United Kingdom context

Policy 2.2 London and the wider metropolitan area

Policy 2.9 Inner London

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.16 Protection and enhancement of social infrastructure

Policy 3.18 Education facilities

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.10 New and emerging economic sectors

Policy 4.11 Encouraging a connected economy

Policy 4.12 Improving opportunities for all

6 London's transport

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 6.14 Freight

7 London's living places and spaces

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

8 Implementation, monitoring and review

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS5 (Angel)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS13 (Employment Spaces)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM6.5 Landscaping, trees and biodiversity

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

Shops, culture and services

DM4.12 Social and strategic infrastructure and cultural facilities

Employment

DM5.1 New business floorspace

DM5.2 Loss of existing business floorspace

DM5.4 Size and affordability of workspace

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

3. Designations

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- v) Angel and Upper Street Core Strategy Key Area
- vi) New River Conservation Area
- vii) Central Activities Zone
- viii) Employment Growth Area
- ix) Local Views
- x) Locally Listed Building
- xi) Rail Safeguarding Area
- xii) Within 100m TLRN
- xiii) Within 50 of Conservation Area
- xiv) Rail Safeguarding
- xv) Rail Land Ownership
- xvi) London Underground Zones of Interest
- xvii) Article 4 Direction A1-A2

4. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Inclusive Design in Islington (Feb 2014)
- Planning Obligations & S106 (Nov 2013)

London Plan

- Accessible London: Achieving and Inclusive Environment
- Planning for Equality and Diversity in London
- City Fringe Opportunity Area Planning Framework