

<b>Address:</b>	Kings Cross Central - Main site Development Zone P1 York Way, London N1C	
<b>Application Number:</b>	2012/4741/P	<b>Officer:</b> Neil McDonald
<b>Ward:</b>	St Pancras & Somers Town	
<b>Date Received:</b>	11/09/2012	
<p><b>Proposal:</b> Reserved matters in connection with Building P1 comprising up to thirteen storeys of mixed use accommodation for 178 open market residential units and 77 "key worker" sub-market rented affordable units on upper floors above (at ground and first floor levels) a new two-form entry primary academy school; a 26-place nursery school; new premises for the Frank Barnes School for deaf and hard of hearing children; community meeting facilities; a small retail unit; plus basement level car parking and plant and immediately adjoining elements of public realm; together with submission of associated details in compliance with conditions 9, 10, 14, 16-24, 27, 28, 31, 33-39, 42, 42A, 43, 45, 46, 48, 49, 50A, 51, 56, 60, 61, 64-65 and 66-67 of Outline Permission reference 2004/2307/P, dated 22nd December 2006 (for a comprehensive, phased, mixed-use development of former railway lands within the King's Cross Opportunity Area).</p>		
<p><b>Drawing Numbers:</b></p> <p><b>Architectural Drawing Package:</b> (prefix 1- ) 100 rev B, 105 rev C, 110 rev D, 111 rev E, 112 rev D, 113 rev D, 114 rev C, 115 rev D, 116 rev C, 117 rev C, 118 rev C, 119 rev D, 120 rev C, 121 rev C, 122 rev C, 123 rev D, 124 rev D, 125 rev C, 130 rev D, 131 rev D, 132 rev D, 133 rev D, 134 rev D, 135 rev D, 140 rev D, 141 rev D, 142 rev D, 143 rev D; (prefix 476-1- ) 151 rev B, 152 rev B, 153 rev B, 154 rev C, 155 rev C, 157 rev B; (drawings for information) 1-144 rev D; 1-145 rev D.</p> <p><b>Landscape &amp; Infrastructure Drawing Package:</b> [prefix TOWN279.23(08)] 5001 rev R03, 5002 rev R04, 3001 rev R04, 7101 Rev R02, 6101 rev R02, 6102 rev R02, 6103 rev R02, 6104 rev R02, 6105 rev R02, 6106 rev R02, 6107 rev R02, 6301 rev R02, 6302 rev R02, 6401 rev R02, 6402 rev R02, 6403 rev R02; (drawings for information) 20227/097/116/01.</p> <p><b>Compliance Report dated Sept 2012; Access Statement dated Sept 2012; Archaeological Written Scheme of Investigation dated Sept 2012; Earthworks &amp; Remediation Plan dated Sept 2012; Daylight &amp; Sunlight Report dated Sept 2012; Environmental Sustainability Plan dated Sept 2012; Urban Design Report dated Sept 2012; Details of Proposed Residential Accommodation dated Sept 2012; Email from Argent dated 19/09/2012.</b></p>		
<p><b>RECOMMENDATION SUMMARY:</b> Grant reserved matters subject to a deed of variation to the existing Kings Cross Section 106 Legal Agreement</p>		
<b>Applicant:</b>		<b>Agent:</b>

Argent (King's Cross) Ltd London and Continental Railways Ltd and Exel PLC C/O Argent (King's Cross) Ltd 5 Albany Courtyard LONDON W1J 0HF	Argent (Kings Cross) Limited 5 Albany Courtyard Piccadilly LONDON W1J 0HF
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## ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace (GEA)
Existing	<i>Vacant Site</i>		N/A
Proposed	C3	<i>Market Housing Intermediate (Dolphin Square Foundation) Housing Total Class C3 residential</i>	<i>19,106 m<sup>2</sup> 5,372 m<sup>2</sup> 24,478 m<sup>2</sup></i>
	D1	<i>Schools and community use (including 375 m<sup>2</sup> flexible community meeting space)</i>	<i>5,022 m<sup>2</sup></i>
	A1-A3, A5	<i>Retail / food and drink (flexible)</i>	<i>119 m<sup>2</sup></i>
	<i>Total Floorspace</i>		<i>29,619 m<sup>2</sup></i>

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Proposed	<i>Market flats</i>	63	75	40						
	<i>Intermediate</i>	50	27							

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	0	0
Proposed	34	5 (including 3 on-street)

## OFFICERS' REPORT

**Reason for Referral to Committee:** This application is being referred under part i) details of the siting, design and external appearance of more than 10 new dwellings; and (ii) details of the siting, design and external appearance of more than 1000sqm of non-residential floorspace of the King's Cross Delegation Agreement

**agreed by the Development Control Committee on 26 July 2007.**

**The application is a 'major development' as defined by the Department of Communities and Local Government. The application therefore needs to be determined within 13 weeks from the date of submission which expires on 11 December 2012.**

## **EXECUTIVE SUMMARY**

This report considers a reserved matters application submitted in respect of the King's Cross Central Outline Permission for development sub-zone P1.

The implemented Outline permission for the Kings Cross Central masterplan area has already gained approval for matters relating to means of access, siting and landscaping. Although matters of detailed design and external appearance were both reserved for subsequent approval, the principles upon which the detailed development would come forward was well established within the Urban Design Statement, Revised Development Specification and Parameter Plan documents that were approved under the Outline permission. These principles include subdivision of the masterplan site into a series of Development Zones (A-V) and sub-zone plots, fixing the type/quantum of land uses proposed within each Development Zone, and indicating building layouts, plot access points and scale parameters for the lower/upper limits for height, width and length of buildings within plots. This Reserved Matters application therefore is the final stage in a two stage planning application process for securing full permission for the development of this particular part of the Kings Cross Central regeneration –namely building P1.

A key component of Development Zone P as prescribed in the outline permission was the provision of a 2-form entry primary school to serve the proposed residential uses of the development. The reserved matters in this case seek to vary this provision by the additional inclusion of new premises for the Frank Barnes School for Deaf Children (FPS). Furthermore in order to facilitate this, a variation to the residential mix is proposed substituting additional school floorspace for an equivalent amount of affordable housing from the Outline Permission total. This necessitates a deed of variation to the Kings Cross Section 106 Agreement.

Accordingly, this report will consider:

- whether the proposed S106 deed of variation and the swapping of affordable housing for additional schools floorspace is appropriate in terms of planning policy and its impact on the Kings Cross Central Outline Planning Permission as a whole;
- whether the proposed development is in all other respects in full compliance with the Outline Permission's s106 legal agreement, conditions, guidelines and parameters;
- whether the matters of detailed design and external appearance are in line with the general parameters agreed under the Outline permission's design guidelines and local policies; and
- whether the details submitted for approval of the relevant Outline conditions comply with the requirements of those conditions and, where appropriate,

current local policies.

## **1. SITE**

- 1.1 Building Plot P1 is located within the northern part of the Kings Cross Central development. Together with P2 which adjoins to the east, it is situated midway between the Eastern Goods Yard and the CTRL railway lines running north out of St Pancras Station. Regents Canal runs approximately 70 metres to the south, separated from the site by Zone N comprising the relocated gas holder “triplets” buildings approved under the Kings Cross outline permission for predominantly residential use, and ‘Gas Holder No.8’ which will provide a flux park forming part of the public realm. The railway line lies a similar distance to the west and is separated from the site by Canal Reach and building plot T1. Building T1 has already received reserved matters approval for a mix of uses comprising residential flats and the site-wide multi-storey car park (MSCP) sitting above the site wide district energy centre, an enclosed multi-use games area (MUGA) and café/bar and retail uses.
- 1.2 P1 comes forward as part of the Second Major Phase of development covered by the Kings Cross Outline Permission alongside plots P2, T1 and the relocated Gas Holder No. 8. The new access roads of Handyside Street and Canal Reach will also be delivered as part of Phase 2 defining the northern and western boundaries of the site and affording it access.
- 1.3 The outline consent for Zone P grants permission for mixed development including residential, employment (B1), a 2-form entry primary school and other uses within D1, a cinema and other uses within D2/night clubs, a supermarket and other shopping/food and drink (A1/A2/A3/A4/A5) uses, hotels and serviced apartments. Amenity space and/or play space is also to be provided for the benefit of residents and potentially others. The zone is divided into 2 roughly equal halves with Zone P2 adjoining to the east of P1 which will be brought forward in due course. The maximum permitted building height is up to +72.5 AOD, which would be the equivalent of a 15 storey residential building.
- 1.4 The site area covered by this submission is approximately 0.13 ha and is currently used as a BAM Nuttall site compound for the storage of construction materials. There are no trees or significant vegetation. Part of the site currently sits within the disused Western Goods Shed building which is due to be demolished under consent 2004/2321/C as amended by 2011/1526/P.
- 1.5 The south-eastern corner of the plot falls within the Regents Canal Conservation Area, which coincides with the footprint of the soon to be demolished Western Goods Shed. In terms of policy designation, a Planning Brief was adopted on 14 January 2004 and this informed the grant of Outline planning permission. Under Core Strategy policy CS1 the site forms part of the King’s Cross Growth Area and is also covered by saved UDP policy LU1 ‘Proposal Site 26’ (the King’s Cross Railway Lands). The UDP ‘proposals sites’ will soon be superseded by the LDF’s Site Allocations Document which includes Kings Cross Central as ‘Site 1’.

## 2. THE PROPOSAL

- 2.1 The proposals for plot P1 comprise a mixed use building of up to 14 storeys providing 255 residential units atop of a new primary school and a replacement building for the Frank Barnes School for Deaf Children (FBS). This is accompanied by other community facilities including a nursery, a retail shop, related playspace and amenity space and basement level car parking and plant. By including new schools accommodation and community facilities, P1 represents a vital element of the outline planning permission and the new urban quarter that is Kings Cross Central.

### *Background to the proposals*

- 2.2 The Kings Cross Section 106 Agreement secured extensive obligations for Zone P including a requirement for the developer to provide for a new two form entry mainstream primary school within the development (shell form only). A further obligation required the provision of a Sure Start/children's centre nearby in Development Zone T (to the west). However since the original outline permission was granted in December 2006, there have been changes in the environment for schools provision in Camden, partly related to the Council's Building Schools for the Future (BSF) programme and partly related to the cessation of Sure Start funding for new children's centres, that has necessitated a fresh look at the way these parts of the development is to take shape.
- 2.3 In the November 2009 Medium Term Financial Strategy report the Council's Executive agreed in principle that the Frank Barnes School (FBS) should be co-located with the proposed new primary school on the King's Cross site as part of the KXC redevelopment. This was to ensure ongoing long term provision for the Frank Barnes School following the redevelopment of its former site on Adelaide Road for the BSF funded 1150-pupil Academy school. In the interim the FBS would be provided with temporary accommodation within the Jubilee Waterside Centre where it is now currently based. A strategy for the Council to work with Kings Cross Central Limited Partnership (KCCLP) and take forward the co-location was agreed by Cabinet on 18 July 2012. This envisaged that the arrangements be secured in part through freestanding legal agreements and in part through amendments to the original Kings Cross Section 106 agreement which would have to be approved by the Council in its role as local planning authority.
- 2.4 In essence the strategy as agreed draws up an amended S106 agreement that removes the obligation to provide a children's centre and includes FBS plus two nursery classes for the mainstream school within P1. The schools provision would be delivered in accordance with fit-out and lease agreements between the Council and KCCLP. The vacated Jubilee Waterside Centre would be disposed of with £0.5m from the sale proceeds set aside to cover any Council-incurred contingencies for the FBS relocation project which would have a total projected budget of £13.35m overall.
- 2.5 Much of the costs in this regard relate to fit-out for which the Council would be 100% responsible, while the S.106 provided for the developer to be responsible for the shell and core. However since the two schools would occupy significantly more space than the original S.106 requirement for a primary school (without nursery)

and be more costly to provide, there would be an increased financial burden to bear. Detailed discussions have taken place with KCCLP regarding the principle of changes to the original S.106 as outlined above and the level of financial contribution the Council would need to make. In order to compensate KCCLP for the additional floor space required for the schools, further changes are now proposed. The reserved matters submission for the P1 building therefore comes forward alongside a request for a S.106 variation which amends both the provisions for the delivery of the new schools development and proposes a change to the housing mix.

- 2.6 All the section 106-related aspects of the strategy have been negotiated and agreed by officers of Camden's Children Schools and Families working in conjunction with Planning and Legal Services colleagues, and as advised by project management consultants, Developing Projects. The acceptance by Cabinet of these changes to the Kings Cross Outline Planning Permission as part of the overall strategy for the Schools provision in building P1 is dependent upon the necessary deed of variation being approved by Members of the Development Control Committee. The full extent of the changes involved in this deed of variation are summarised below.
- 2.7 During negotiations with Argent on behalf of KCCLP, it became clear that Argent are very interested in forming an academy trust to run the new primary school at King's Cross Central. This is in line with their long term commitment to the new King's Cross community and it is likely that they would seek to work with other key Kings Cross stakeholders such as UAL, as well as the Council in developing this project. Argent have had initial discussions with DfE officials on setting up an academy trust. The decision as to who forms the trust lies with the DfE.

#### *Building P1*

- 2.8 The proposed building provides 11 floors of residential accommodation (on floors 2-13) above a shared learning environment at ground and first floors that brings together a new, mainstream two-form entry primary (academy) school for children aged 5-11 years, a 26-place mainstream nursery for 3-4 year olds along with the Frank Barnes School for deaf and hard of hearing children of ages 0-11, all under one roof.
- 2.9 The ground floor will also provide a new flexible community meeting space which has the capability of being used by/in conjunction with the schools or as an entirely separate entity. A small retail unit is included at the corner fronting Canal Reach and Handyside Street. At basement level provision of 36 car parking spaces for the residential elements is proposed, along with plant and refuse storage.
- 2.10 The upper residential floors are proposed to wrap around 3 cores, two of which would provide access to the open market residential and the third accessing the key worker flats. The key worker flats would be arranged over levels 2 to 11 at the north-east corner of the building. These would be provided as affordable housing and would be owned and managed by the Dolphin Square Foundation (DSF), a charitable trust set up to provide affordable housing within Central London. In terms of the unit mix, the DSF flats would comprise 25 studios, 25 x 1 bed, 11 x 2 bed 3 person and 16 x 2 bed 4 person units. 10 of the DSF apartments would be

wheelchair accessible. The private mix consists of 17 studios, 46 x 1 bed, 75 x 2 bed and 40 x 3 bed flats. 20 of these will be wheelchair accessible.

- 2.11 A podium courtyard garden would occupy the central part of the residential development at the 2<sup>nd</sup> floor level which lets in light to the inner faces of the building as well as allowing for skylights down into the school accommodation below. This will form a communal amenity space for the residential flats. Above this the building form is expressed as a series of vertical towers that step further back above level 9 incrementally, to create a series of roof terraces and sky gardens serving the high level apartments.
- 2.12 At ground level, the school accommodation is arranged around a double height 'street' that forms a communal central spine linking through the building from the school main entrance on the east elevation to the playground on the west. The school playground is contained within the building envelope and forms the lower part of a sequence of terraced amenity spaces along with the podium 'courtyard' and residential balconies that overhang it. The building massing is intentionally reduced at the south west corner to afford the most sunlight and views out from the playground and amenity spaces above to the new area of public realm focused around relocated Gas Holder No. 8 and the canal beyond.
- 2.13 The mainstream school, Frank Barnes School and nursery facilities are all accessed from the central street, along with the school halls and dining facilities which are to be shared spaces to be used separately between the schools at different times. The street itself is also intended as a flexible area to be used as an extension to the teaching environment and is openable onto the small hall, main hall and dining area to form a single large space when required. The first floor plan is similarly open and flexible with a generous circulation hub and library. Crossing above the central street is a bridge of staff accommodation (shared by both schools) at first floor level and linking the Frank Barnes classroom accommodation in the southern part of the first floor with the communal facilities on the opposite side.
- 2.14 The proposed design has two main types of façade treatment for the inner and outer facing elevations of the block. The outer skin will be a more robust and protected facing of brick, solid panels, metal balustrades and inset balconies; while in contrast the inner skin is informed by the desire to enhance daylight levels and create a complimentary green canvas to the environment created by the podium garden. Balconies would project into this space and natural-coloured reconstituted stone panels will reflect direct sunlight into the lower reaches of the garden space.
- 2.15 The submission for P1 also includes adjacent areas of infrastructure and public realm to be provided, namely a narrow portion of 'Canal Reach' along the side of the building to the west; a strip of public realm to the south of the building; the greater part of the street between plots P1 and P2; the southern footway of Handyside Street where it fronts plots P1 and P2 to the north. These details overlap and update, in part, some details already approved as part of the Reserved Matters for T1 (2009/0415/P) in order to relate better to the detailed design of P1 which was not known when T1 was approved.

*Section 106 deed of variation*

2.16 In line with the strategy recommended to Cabinet and set out in the July 2012 report (appendix 1), a deed of variation to the Kings Cross S106 agreement is to be considered in conjunction with this reserved matters application. This provides for the following changes:

- Replacement of the requirement to provide a two form entry primary school with a new clause relating to the co-located schools. The revised agreement would no longer require simply the delivery of a school but would require the schools to be built subject to a cap on funding and a contribution from the Council. New clauses would be included in the revised S106 agreement covering how the schools are to be designed and built. Fit out would be covered by a separate legal agreement outside the S.106.
- Removal of the requirement for a Sure Start/Children's Centre.
- Delivery of 52 out of the 77 DSF key worker units as a replacement for 38 Social Rented units from the original affordable housing requirement and 22 social rented units to be removed from the requirement altogether (a figure which has been calculated to be equivalent in value to the additional schools' floor space). The remaining 25 DSF flats would be counted as Intermediate Units in accordance with the terms of the existing S106 agreement.
- Amended definition of "Key Worker" based on household income to enable the 77 DSF 'Key Worker Sub-Market Rented' units to reflect the current London Plan approach for intermediate housing affordability as published in the Mayor of London's annual monitoring report.

*Approval of details*

2.17 In addition to the reserved matters, the application also considers the details required by the relevant conditions attached to the outline permission. The Compliance Report, accompanying the application, addresses these relevant conditions, which are summarised below:

<b>Condition number</b>	<b>Relevant matters</b>
9	Approval of Reserved Matters - Trees
10	Approval of Reserved Matters - Landscaping Programme
14	Phasing of approvals
16	Urban Design Report
17	Environmental Sustainability Plan
18	Earthworks and Remediation Plan
19	Access Statement
20	Illustrative Build Out Plan –overview and coordination with other KXC RM approvals.
21	Construction Timetable
22	Servicing Strategy
23	Highways Plan



24	Housing Delivery Plan
27	Details of floorspace figures, floorplans and layout of the uses
28	Details of refuse storage and collection
31	Development shall be carried out within the defined parameters
33	Limit of 713,090 sqm floorspace for the entirety of the King's Cross Central site
34	Limit of 468,480 sqm floorspace for development north of the canal
35	Uses and maximum floor areas permitted
36	Permitted uses as distributed between Development Zones
37	Maximum floorspace within basements
38	Details of basements
39	Minimum area of residential development (137,00sqm) and maximum number of units (1,700)
42	Residential floorspace by tenure type
42A	Residential mix
43	Residential daylight and sunlight assessment
45	Drainage infrastructure - Limit on peak discharge to existing combined sewers
46	At least 15% of the buildings shall have green and/or brown roofs
48	Requirement for necessary pipework to connect to the district heating/combined heat and power systems
49	Maximum car parking standards
50A	Additional condition added as non-material amendment (2012/0669/P) to provide details of the use of car parking spaces excluding the multi-storey car park
51	Cycle parking to be provided in accordance with 2006 UDP standards
56	Archaeological investigation and mitigation
60	noise impact of any plant
61	Ground borne noise from tunnels
64	Annual limit on spoil extraction
65	Annual limit on lorry movements associated with spoil extraction
66	Annual limit on lorry movements for importing infrastructure materials
67	Annual limit on lorry movements for importing construction materials

## Revision[s]

- 2.18 During the course of the application it was found necessary to make a minor amendment to the floor plans to provide for escape stops for a scenic lift serving duplex apartments at levels 12 and 13. The amendment provides a new corridor on levels 4 and 8. Although the unit mix is not affected and the unit layouts not materially changed, there is a minor impact on four of the affordable units and two

market studio units. This necessitates the need for 3 revised unit plans to reflect the following:

- Units C4.09 and C8.07 (type AR-1A) become type AR-1D
- Units C4.08 and C8.07 (type AR-1A) become type AR-2K; and
- Units B4.09 and B9.09 (type SB) become type SC

2.19 Amended schedules of accommodation for the market and affordable housing have also been submitted showing these as new unit types. The application has been assessed on the basis of this minor revision.

### 3. RELEVANT HISTORY

3.1 On 22<sup>nd</sup> December 2006 conditional outline planning permission (Ref. 2004/2307/P) was granted for:

*“Outline application for a comprehensive, phased, mixed-use development of former railway lands within the King's Cross Opportunity Area, as set out in the Revised Development Specification. The development comprises business and employment uses within the B1 use class; residential uses (including student accommodation), serviced apartments and hotels; shopping, food and drink and financial and professional services within the A1, A2, A3, A4 and A5 use classes; the full range of community, health, education, cultural, assembly and leisure facilities, within the D1 and D2 use classes; night clubs; multi storey and other car parking; re-erection of the linked triplet of gas holder guide frames to enclose new residential and other development, on the site of the Western Goods Shed; re-erection of the guide frame for gas holder no 8, alongside the re-erected triplet, to enclose new play facilities and open space; relocation of an existing district gas governor; works of alteration to other existing buildings and structures, to facilitate their refurbishment for specified uses; new streets and other means of access and circulation; landscaping including open space; new bridge crossings and other works along the Regent's Canal; the re-profiling of site levels; and other supporting infrastructure works and facilities.”*

3.2 The key document containing the approved outline proposal is the 'Main Site Revised Development Specification' and accompanying 'Revised Parameter Plans'. The approved development specification document included 6 annexes:

- Annex A Supporting Infrastructure Works and Facilities;
- Annex B Floorspace Schedule for Development Zones;
- Annex C Specification for Access and Circulation Routes;
- Revised Annex D Landscape Proposals Plans;
- Annex E Specification of Works to Retained Historic Buildings and Structures; and
- Annex F Summary of Scheme Revisions and Refinements.

3.3 The outline planning permission was subject to 68 conditions which covered reserved matters and other details and also a S106 legal agreement securing 40

heads of terms. The following conditions have already either been discharged in their entirety or compliance has been demonstrated:

- Condition 1 - commencement of development.
- Condition 2 - submission of first reserved matters within 5 years.
- Condition 13 - approval of reserved matters for at least 25,000sqm GEA of built accommodation prior to development commencing in Zones A, B, F, J, P, Q, R, S or T;
- Condition 14(a) - approval of reserved matters for at least 70,000sqm GEA of built accommodation within 3 years of the permission.
- Condition 14(b) - approval of reserved matters of not less than a further 70,000sqm GEA of built accommodation within 6 years of the permission, bringing the total to not less than 140,000sqm GEA of built accommodation.
- Condition 14(c) - approval of reserved matters of not less than a further 70,000sqm GEA of built accommodation within 9 years of the permission, bringing the total to not less than 210,000sqm GEA of built accommodation.
- Condition 59 - baseline noise monitoring - discharged site-wide by LBC letter 12/06/07.
- Condition 68 - survey for unexploded WW2 bombs - discharged by LBC letter 12/06/07.

- 3.4 In accompaniment to the Outline Planning Permission, were various heritage consents (4 listed building consents and 4 conservation area consents) including consent for demolition of the Western Goods Shed (2004/2321/C) which partly encroaches onto plot P1.

#### Build-out and phasing

- 3.5 Information submitted by the applicant in connection with condition 14 (phasing of approvals) confirms that Since Outline Planning Permission was granted, reserved matters submissions have been approved for the Eastern Goods Yard (zones G and L), Zone J, sub-zones T1, R2, R4, R5 (North), B1, B2, B3, B4, B6 and the Great Northern Hotel. Approvals of details in respect of infrastructure and enabling works have been granted for various components of a new public realm, either as part of the above reserved matters submissions or, in other cases such as Kings Boulevard, Pancras Road and Station Square, have comprising reserved matters submissions in their own right. In addition, full planning permission including a S106 agreement has been granted for student housing on Plot T6.
- 3.6 Subsequent to the above, and since the date of submission of the P1 proposals, reserved matters approvals have also been granted in respect of zones E1 (Stanley Building) south of the Regents Canal and K (Regeneration House) north of the canal.
- 3.7 Information submitted by the applicant in connection with condition 20 (Illustrative Build-out Plan) confirms that Phase 1 is now largely completed: UAL took occupation of the restored and converted Granary Building in September 2011 and Granary Square opened in June 2012. Building R4 was completed in July 2012 and many of the flats are already occupied. R5 is due for completion by the end of this year. Construction is underway for residential block J and the student block T6. The energy centre in T1 is currently being commissioned and will soon be serving the

needs of the development with Combined Heat and Power. South of the Regents Canal the buildings of B Zone are under construction and the Boulevard has been completed with an interim surface covering to serve as the principle north-south access route for the emerging development.

- 3.8 P1 comes forward as part of Phase 2 along with plots P2, T1 and the relocated Gas Holder No. 8. Elsewhere to the north of the canal Zones K, H, subzones T5 and R1, and the refurbishment of the Western and Eastern Coal Drops of Zone M will also follow as part of Phase 2; along with plot B5 and Zone A to the south of Regents Canal.
- 3.9 Pre-application discussions are also on-going regarding other development zones with a submission expected in the near future regarding revised reserved matters for the T1 residential block and MUGA.

#### 4. **CONSULTATIONS**

##### **Statutory Consultees**

- 4.1 **English Heritage GLAAS** – the submitted written scheme of investigation for archaeological watching brief accords with EH guidelines and will be monitored. Accordingly EH GLAAS has no objection to the discharge of condition 56 as it relates to site P1.
- 4.2 **Thames Water** – had stated that they cannot agree to the discharge of condition 45 (drainage infrastructure) until necessary documentation has been provided for them to consider the proposed connection points to the public sewer and proposed flows and anticipated volumes of discharge during storm conditions (e.g. 1 in 100 storm plus climate change allowance). Officers have since referred Thames Water to the submitted Environmental Sustainability Report (Section 2.7) which states at paragraph 2.7.2 that the connection to the Camden Sewer had already been agreed in principle by Thames Water at the time of the KXC Outline Approval. A Utilities Plan for P1 (20227/097/116/01) which formed part of the submitted Landscape Drawings Package and shows connections between the building and the site-wide infrastructure has also been drawn to their attention. In the light of this Thames Water are expected to confirm their agreement that the P1 proposals are in compliance with condition 45. Should any different situation from this pertain when this matter is reported to Committee, this shall be clarified on the Supplementary Agenda.
- 4.3 **London Underground Limited** - No reply to date
- 4.4 **Network Rail** - No reply to date.

##### **Non-Statutory Consultees**

- 4.5 **Regents Canal Conservation Area Advisory Committee** – No reply to date

4.6 **Kings Cross Development Forum – No reply to date**

**Adjoining Occupiers**

- 4.7 There are no residential or other occupiers in the immediate vicinity of the site for written notifications to be sent, however a site notice was displayed from 14/09/2012 to 05/10/12 and a press notice advertising the application was published in the Ham & High newspaper on 20/09/12. No responses have been received.

5. **POLICIES**

- 5.1 The December 2006 outline planning approval forms the basis for determining the reserved matters approvals for the various development zones that make up Kings Cross Central.
- 5.2 The outline approval was itself based on an assessment of national, regional and local policies existing at the time. Where these policies change, their influence can only over-ride on matters which have not already been set down in principle by the outline permission.
- 5.3 In the case of the current reserved matters submission and details for approval, the LDF policies considered to be of particular relevance are set out below. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations:

**LDF Core Strategy and Development Policies adopted 8<sup>th</sup> November 2010**

CS1 - Distribution of growth

CS2 - Growth areas

CS5 - Managing the impact of growth and development

CS6 - Providing quality homes

CS7 – promoting Camden's Centres and shops

CS9 - Achieving a successful Central London

CS10 - Supporting community facilities and services

CS11 - Promoting sustainable and efficient travel

CS13 - Tackling climate change through promoting higher environmental standards

CS14 - Promoting high quality places and conserving our heritage

CS15 - Protecting and improving our parks and open spaces and encouraging biodiversity

CS16 - Improving Camden's health and well-being

CS17 - Making Camden a safer place

CS18 - Dealing with waste and encouraging recycling

CS19 - Delivering and monitoring the Core Strategy

DP1 - Mixed use development

DP2 - Making full use of Camden's capacity for housing

DP3 - Contributions to the supply of affordable housing

DP4 – Minimising loss of affordable housing

DP5 - Homes of different sizes

DP6 - Lifetime homes and wheelchair housing

DP12 – supporting centres and managing the impact of food, drink and entertainment uses  
 DP15 Community and leisure uses  
 DP16 - Transport implications of development  
 DP17 - Walking, cycling and public transport  
 DP18 - Parking standards and limiting the availability of car parking  
 DP19 - Managing the impact of parking  
 DP20 - Movement of goods and materials  
 DP21 - Development connecting to the highway network  
 DP22 - Promoting sustainable design and construction  
 DP23 - Water  
 DP24 - Securing high quality design  
 DP25 - Conserving Camden's heritage  
 DP26 - Managing the impact of development on occupiers and neighbours  
 DP27 - Basements and lightwells  
 DP28 - Noise and vibration  
 DP29 - Improving access  
 DP30 - Shopfronts  
 DP31 - Provision of, and improvements to, public open space and outdoor sport and recreation facilities.  
 DP32 - Air quality and Camden's clear zone

#### 5.4 **Supplementary Planning Policies**

Camden Planning Guidance (CPG) 2011

Regents Canal Conservation Area Appraisal and Management Strategy 2008

#### 5.5 **London Plan July 2011**

#### 5.6 **National Planning Policy Framework**

On 27<sup>th</sup> March 2012 the Government published the National Planning Policy Framework (NPPF). The policies contained in the NPPF are material considerations which should be taken into account (from 27<sup>th</sup> March 2012) in determining planning applications. The NPPF replaces a number of national planning policy documents (listed at Annex 3 of the NPPF).

### 6. **ASSESSMENT**

6.1 The executive summary paragraph, at the outset of this report, explains how this Reserved Matters application must be assessed.

6.2 The main considerations material to the determination of this application are summarised as follows:

- Land use and proposed variation to the Kings Cross Section 106 Agreement
- Development context (compliance with the parameters and development specification defined in the outline permission)
- Residential provision in terms of standards, amenity and overall quality
- Schools provision and other uses, in terms of standards, amenity and overall quality

- Design quality
- Transport and servicing
- Access and community safety
- Sustainability
- Environmental issues including noise, earthworks and remediation
- Archaeology

### **Land use and proposed section 106 variation**

- 6.3 The proposals for the development of sub-zone P1 entail a mixed use building to accommodate schools and community use at ground and first floor and residential flats on the floors above. The uses also include a retail/food and drink unit at ground floor level. Whilst these uses are all approved in principle for sub-zone P1 under the Outline Planning Permission, the details of the housing mix along with the type and quantum of community use (Class D1) provision are now proposed to be varied from those originally approved. The reason for these changes is principally in order to make provision for the relocation of the Frank Barnes School for the deaf within the Kings Cross Central development.
- 6.4 Since these changes have an effect on the composition of uses approved under the Outline Permission as set out in its accompanying Section 106 Agreement, it is necessary for these changes to be addressed by way of a Deed of Variation.
- 6.5 The background to the changes within P1 along with the terms of the related deed of variation to the Section 106 Agreement have already been set out in some detail in 'The Proposal' section of this report. The following sections consider the implications of the proposed changes on the existing Kings Cross Section 106 agreement, the Council's current planning policies as contained in the LDF and the Outline Planning Permission as a whole.

### Impact on existing Section 106 Agreement

#### *School(s) provision*

- 6.6 The changing requirements of the Council in connection with the Building Schools for the Future programme and the need to find new accommodation for the Frank Barnes School have brought about a need for the school provision in building P1 to come forward sooner than was originally envisaged. The proposed amendments to the section 106 agreement have therefore been devised by the Council working in partnership with Argent to enable this through varying the trigger in Section J of the Agreement from occupation of 800 residential units within the Kings Cross Development to the lower figure of 150 market units within building P1 itself. The amended clause would also offer a back-up of 1,150 residential (market and affordable) units within the development overall, which considering the site total of 1700 units to be delivered (of which 950 will be affordable) is still considered to leave sufficient market housing to offer a reasonable incentive.
- 6.7 In terms of floorspace, Section J of the S106 Agreement requires a two form entry primary school of not less than 2,100sqm (gross internal area) within Plot P1. The proposed variation is to increase this provision to not less than 3,104 sqm (GIA) to

make additional accommodation for “Collocated Schools” for the purposes of a two-form entry primary school and the Frank Barnes School for Deaf Children. Provision was also included for a Sure Start children’s centre of not less than 643 sqm. This is now superseded by government changes in the way children’s services are to be provided and the cessation of the Sure Start Programme and the proposed variation would remove this from the S106.

- 6.8 The S106 agreement also provides for at least 1,075sqm of outdoor space including playground and external playdecks to be provided alongside the schools and this is not proposed to be changed.
- 6.9 The original S106 requirement was for the school provision to be shell and core only. The revised agreement would no longer require simply the delivery of a school but would require the schools to be built subject to a cap on funding and a contribution from the Council. New clauses are included in the revised S106 agreement covering how the schools are to be designed and built. Fit out would be covered by a separate legal agreement outside the S.106 and the cost of the fit out would be born by the Council as was always envisaged.
- 6.10 Although the school provision was, and is still intended to be an absolute requirement to build, the S.106 set out a ‘bond’ amount to be held by the Council in case it became necessary for a cash alternative to be invoked. The bond amount originally agreed would at today’s prices be £3.47m. Officers have negotiated with KCCLP for this to be increased to £4.05m.
- 6.11 The increased provision for schools use in the Kings Cross Central development is to be strongly welcomed and in line with the support given to community facilities and services by Core Strategy policy CS10.

### *Housing*

- 6.12 The Section 106 provides for the delivery of 750 affordable units across the site to be provided in line with a ‘Baseline Mix’ of 250 units for intermediate affordable housing and 500 as social rent. This is to be read in the context of Condition 39 of the Outline Permission which sets a maximum parameter of 1,700 on the number of units (affordable and market) to be provided overall and delivery of a minimum of 137,200 sqm gross external floorspace.
- 6.13 On the King’s Cross development site overall, reserved matters approvals have so far made some changes to the affordable housing numbers, reducing 750 units to 707 units as a result of requests from the Council reflecting changes in demand for housing (see ‘Table 1’ below). It is important to note however that, despite this reduction in unit numbers, the total amount of affordable housing floor space remains the same. In order to compensate KCCLP for the additional floor space required for the schools, further changes are now proposed. The reserved matters planning submission for the P1 building is therefore being made alongside a request for a S.106 variation which details requirements for the delivery of the new schools development and proposes a changed housing mix.



6.14 Seventy seven intermediate housing units for rent will be delivered and managed by Dolphin Square Foundation (DSF); a charitable trust that delivers key worker housing. These units would be reserved primarily for Camden residents working in Westminster. In order for this to be achieved and to make space for the school the existing S.106 agreement will need to be varied in three ways:

- 25 DSF units will be key worker sub-market rented studios under the terms varied for this purpose in the S.106
- 52 DSF 1 and 2-bed key worker sub-market rented units to be a replacement for 38 Social Rented units from the original Baseline Mix
- 22 Social Rented Units to be removed from the Baseline Mix, to make way for the additional schools' floor space

6.15 Table 1 below assesses the impact of P1 on the baseline mix cumulatively with other reserved matters approvals for the Kings Cross site granted to date.

**Table1: Changes to site wide affordable housing unit provision to date and additional effect of proposed P1 deed of variation:**

	Social rented units	Intermediate units	Totals
<b>Site-wide baseline</b>	<b>500</b>	<b>250</b>	<b>750</b>
Building R4	99 equivalent <i>Actual 78 SR plus 15 supported</i>	33 equivalent <i>Actual 24 'rent to buy'</i>	132 <i>Actual 117</i>
R5 North	131 equivalent <i>Actual 63 SR plus 40 extra care</i>	40	171 <i>Actual 143</i>
Net difference to baseline to date	-34	-9	-43
<b>Actual adjusted site-wide total to date</b>	<b>466</b>	<b>241</b>	<b>707</b>
Proposed Building P1	60 equivalent (in the form of extra schools floorspace and 52 DSF intermediate units) <i>Actual 0 (zero)</i>	25 DSF units <i>Actual 77</i>	85 <i>Actual 77</i>
Net difference to baseline taking into account P1 proposals	-60	+52	-8
<b>Actual adjusted site-wide total with P1</b>	<b>406</b>	<b>293</b>	<b>699</b>

6.16 The 22 social rented units to be displaced would consist of 6 x 1 bed; 9 x 2 bed; 4 x 3 bed and 3 x 4 bed units. In floorspace terms these would total to 1,480 sqm (Net Internal Floor Area) to be removed from the Outline Permission and replaced by additional schools floorspace. The remaining 38 social rented housing units involved in the proposal would consist of 7 x 1 bed; 16 x 2 bed; 11 x 3 bed; and 4 x 4 bed units. These would equate to 2,678 sqm (NIFA) and would be replaced by 2,932 sqm (NIFA) of 1 and 2-bed key worker sub-market rented units.

- 6.17 These amendments involve two main changes. Firstly a change in the residential mix with social rented housing including family housing, being replaced by intermediate 1 and 2-bedroom sub-market rented units. Secondly, a net reduction of 1,226 sqm of affordable housing from the scheme overall. However, this enables the provision of additional school floorspace and the creation of a co-located facility to be achieved. This is a significant benefit in terms of fulfilling a long-standing obligation of the Council towards the Frank Barnes School well in advance of when the original agreement envisaged a school being provided. It would enable the school's temporary home of the Jubilee Waterside Centre to be released for other purposes.
- 6.18 The financial implications to the Council from the revised S.106 arrangements have been closely scrutinised by Council Officers after having taken into account the advice of external consultants especially appointed for the purpose. The quantum and type of affordable housing floorspace involved in the proposal has been calculated to achieve the best possible value to the Council while at the same time having the least impact upon the mix and balance of the affordable housing offer of the Kings Cross outline permission overall.

#### Impact on LDF housing policies

- 6.19 In terms of current LDF policy, the Core Strategy envisages that scenarios will from time to time arise where key benefits are to be achieved which do not necessarily fit neatly with individual land use policies. A balanced approach is called for in the face of competing pressures on land, particularly in Boroughs like Camden where sites for all uses come at a premium. The key is finding a way of managing growth in a way that impacts positively on the Core Strategy objectives and promotes strong and successful communities (CS5). This is pertinent as the Core Strategy (CS1 para 1.8) identifies housing as being the priority use within Camden, while CS5 does not let us forget the importance of ensuring that the Council's vision for the borough is achieved and ensuring that growth brings benefits and opportunities to all (para 5.2).
- 6.20 Policy CS6 is the primary policy for setting out the Core Strategy's approach in respect of housing. The policy seeks to secure that full use is made of Camden's capacity for housing. The proposed section 106 deed of variation has minimal impact on the level of housing to be provided by the Kings Cross Central Development reducing the net provision by only 8 units as can be seen from table 1 above. Whilst the Council's housing targets do not discriminate between affordable and market housing, it is still relevant to note that the 8 units lost are affordable housing and the relative impact on social housing is greater due to the substitution of social housing for intermediate key worker units involved in the arrangement. However, it must be acknowledged that building P1 and the proposed section 106 variation comes at a time with markedly reduced funding arrangements available for social rented housing than were envisaged at the time of the Outline Permission which is impacting on the ability of the approved housing mix to be delivered regardless of the specific circumstances of the proposal in this case.
- 6.21 In conclusion, the provision of housing cannot be seen in isolation of the community uses that are needed to serve its residents. Providing for the FBS in the proposed

building P1 helps in delivering the needs of a fully inclusive community providing for the education of children with special needs, as well as helping achieve a satisfactory outcome to an arrangement made by the Council to secure funding for the wider education needs of the Borough through the Building Schools for the Future programme. The proposed S106 deed of variation is therefore justifiable in policy terms and can be accepted in principle.

#### Impact on the Kings Cross Outline Planning Permission

- 6.22 The proposed changes impact on the baseline mix of the outline permission as assessed above. The Section 106 agreement allows for changes to the baseline mix to be agreed in writing without a deed of variation being entered into; however the proposals in this case go further by impacting upon the overall housing floorspace permitted by the outline scheme. The 1,226 sqm reduction in affordable housing floorspace would in turn be accompanied by a commensurate increase in schools and community accommodation. No other aspects of the outline permission would be affected including the site-wide maximum floorspace parameters set by conditions 33-35 and condition 36 (floorspace and development zones). It is important to note in relation to condition 36 that the maximum permissible Class D1 floorspace threshold for Development Zone P is not exceeded notwithstanding the fact that the P1 schools proposals now represent more D1 space than originally envisaged at the outline stage.
- 6.23 In assessing the impact on the outline permission as a whole, the proposed floorspace involved is very small in relative terms representing only 1.2% of the total permissible residential floorspace, or 0.2% of the floorspace overall. The proposals are therefore of such a nature that can be appropriately dealt with through a reserved matters application accompanied by a deed of variation to the relevant clauses of the Section 106 agreement as has been submitted in this case, rather than an application for revisions to the outline permission.

#### *Environmental Impact Statement*

- 6.24 The 2011 EIA Regulations which came into force on 24 August 2011, among other changes, clarify how multi-stage consents such as these current reserved matters following the KXC outline permission are to be dealt with. It is down to the Local Planning Authority's discretion to consider whether the original Environmental Statement is adequate for the purposes of determining any subsequent application, in which case there is no need to re-consult/publicise (Regulation 8).
- 6.25 An Environmental Statement (ES) was submitted with the original outline planning application in accordance with the relevant EIA Regulations and was given due consideration at the time prior to the 2006 outline planning permission being granted.
- 6.26 The ES addressed the socio-economic impacts of the proposed housing mix and education provision within Part 5.4. This assessed that the proposed housing would have a beneficial effect on the area by reintroducing a 24-hour presence, would create between 555 and 1,275 affordable/low cost units and help balance the tenure profile in an area currently dominated by social rented property. The ES did

not give any commitment towards a particular housing mix but noted that if the provision of affordable/low cost housing provision was reduced (for example, below 600 units) coupled with a heavy bias towards social renting, then the environmental benefits in terms of the socio-economic criterion would become more minor. The proposed education provision for the site was to mitigate the “moderate adverse” impact from the housing provision of the proposals placing additional capacity pressures on existing local facilities. In as far as the P1 proposals make a modest change to the affordable mix in favour of intermediate tenure with relatively little affect on overall unit number; and schools provision is proposed to be increased, it is not considered that the proposals will generate any additional impact to be considered on the socio-economics of the wider area.

- 6.27 Other environmental impacts are considered to remain well within the scope of those considered by the original ES since the proposed overall quantum of built floorspace, building form and function would remain the same as provided for in the outline permission (refer to the assessment of compliance with relevant parameters as set out in the section below).
- 6.28 Officers are therefore satisfied that the environmental information already before the Council is adequate to assess the environmental effects of the development and that further environmental information is not required.

### **Compliance with the Parameters of the outline permission**

- 6.29 This section considers compliance with the parameters and related Outline conditions insofar as they are relevant to development sub-zone P1. The applicant has provided a detailed commentary addressing each relevant outline condition in the form of a ‘Compliance Report’ accompanying the submission, which has aided the assessment of this application as set out below.
- 6.30 Conditions 31-37 of the outline planning permission set a requirement for subsequent reserved matters applications to comply with the various parameters set out as a series of drawings and tables included as annexes to the ‘Outline Planning Revised Development Specification’ document. These set the context for a whole range of issues including appropriate land use(s), floorspace, landscape issues, access and circulation, heights and levels. The P1 reserved matters proposals have been prepared with reference to the relevant parameters as prescribed by conditions 31 and 33-37. Condition 32 is not relevant to P1 as it relates to retained structures such as listed buildings. In respect of condition 31, it should be noted that all parts apply to the proposed P1 development except for (c) Regents Canal, (m) utilities and (n) gas holders.

#### Principal Public Realm Areas (condition 31 a)

- 6.31 Condition 31 (a) states that development should accord with parameter plan KXC004 Rev. S, which defines the principal public realm areas. The proposals for P1 include narrow strips of public realm only where they relate to the building for immediate access or are immediately adjoining. These include a narrow part of Canal Reach opposite Building T1, a strip of public realm along the south side of the proposed building, the greater part of Holder Street between plots P1 and P2 and a section of the southern footway of Handyside Street. The details overlap to a

certain extent with those already approved for plot T1 and differ only slightly to accommodate the proposed design of P1 which was not known at the time when T1 was approved. The proposed built layout does not encroach upon the defined areas of public realm and is therefore compliant.

Access and servicing (conditions 31b & l)

- 6.32 The sole vehicular access to the building would be the car park entrance on Holder Street which avoids conflicting with any frontage defined on parameter plan KXC017 where there should be no direct servicing or car-park access. Holder Street conforms to the defined access/drop-off for zone P as shown on KXC007.

Development Zones and uses (conditions 31b, e and f)

- 6.33 Building plot P1 sits within Development Zone P as defined on parameter plan KXC005. Insofar as it contains a mix of uses including residential, school and other D1 uses and a small retail unit, it complies with the relevant zone summary contained in table 2 of the Development Specification. The upper floors are predominantly residential which along with the D1 and retail uses on the ground floor are in compliance with the use ranges specified on parameter plans KXC008 & 009.

Finished levels, heights and massing (conditions 31g-i)

- 6.34 The finished site level for Zone P is set by parameter plan KXC012 at +24.5 A.O.D. with a permissible limit of deviation of +2000mm/-1000mm. The massing criterion of KXC013 specifies that no more than 25% of the total floorspace for Development Zones P and S (assessed together) may be constructed above 30m above finished ground levels. This height would apply to levels 10-13 of the proposed block measured from the finished level (+26.05 A.O.D.) of the main entrance to the principal use—i.e. the private residential. Levels 10-13 represent 5,964 sqm which is substantially below the parameter plan maximum for zones P and S of 37,632 sqm GEA –being 25% of 150,530 sqm. Since P1 is the first plot to come forward within zones P and S, it is also relevant to note that the massing would comply individually with the criterion since levels 10-13 would represent only 20.1% of the 29,619 sqm GEA for the proposed building as a whole.

Strategic viewing corridors (condition 31j)

- 6.35 The total height proposed is +72.47m A.O.D. which is just under the plot maximum of +72.50m A.O.D. This is approximately 2 metres below the critical height for the Parliament Hill to St Pauls Strategic View as shown on the relevant parameter plan. The strategic viewing corridor has changed slightly since this plan was approved in the context of revised London View Management Framework document. However, as long as the maximum development height set in KXC014 for Zone P (i.e. 72.50m AOD) is complied with the revised strategic viewing corridor constraint would still be met.

Basement zones (condition 31k)

- 6.36 Site P1 is within an area where new basements are permissible and the partial basement proposed falls well within the criterion.

Priority zones for green and brown roofs (condition 31o)

- 6.37 Zone P is within a priority zone for green/brown roofs and as such the building will have green/brown roofs totalling 734 sqm.

Floorspace (conditions 33-37)

- 6.38 Condition 33 sets the maximum limit on development floorspace site-wide. Condition 34 then divides that floorspace setting maximum limits north and south of the canal. Condition 35 sets out the permitted range of uses and refers to Table 1 of the revised development specification document which sets floorspace limits for each use north and south of the canal. Condition 36 then distributes those use limits across the individual development zones.
- 6.39 Table 2 below sets out the proposed floorspace amounts in each use for building P1 set against the relevant amounts already approved for the various development zones and sub-zones to have come forward so far to the north of Regents Canal. The corresponding floorspace totals to the south of Regents Canal are also taken into account to show how the approved amounts compare with the site-wide permissible allowance. It can be seen from the table that the floorspace totals remain within the maximum thresholds set by Table 1 and Annex B of the outline permission and therefore compliant with conditions 33-36.

**Table 2: Floorspace monitoring table**

Development Zone and sub-plots	Total GEA m <sup>2</sup> *	Comparison of Use Class totals to date with the outline's maximum permitted allowances m <sup>2</sup>				
		Resi (C3)	Class B1	Class A1-A5	Class D1	Class D2
P1 (proposed)	29,619	24,478	0	119	5,022	0
<b>Zone P/S allowance</b>	<b>150,530</b>	<b>65,375</b>	<b>14,600</b>	<b>6,155</b>	<b>6,065</b>	<b>8,475</b>
Eastern Goods Yard approved	55,370		6,881	5,641	45,653	0
R2 approved	48,522	0	45,002	1,681	258	569
T1 approved	29,045	14,950	0	587	0	0
R4 approved	11,761	11,274	487	487	0	0
T6 approved	16,292	15,973	0	319	0	0
J approved	16,265	15,012	1,253	1,253	1,253	0
R5 north approved	14,214	13,545	669	599	599	0
Regeneration House (proposed)	1,002	0	1,002	0	330	0
<i>North of canal total to date</i>	<i>222,090</i>	<i>95,232</i>	<i>55,294</i>	<i>10,686</i>	<i>53,115</i>	<i>569</i>
<b>North of canal allowance</b>	<b>468,480</b>	<b>171,275</b>	<b>234,000</b>	<b>30,865</b>	<b>67,880</b>	<b>24,275</b>
<i>Site total to date**</i>	<i>339,254</i>	<i>95,232</i>	<i>154,321</i>	<i>14,683</i>	<i>55,181</i>	<i>3,341</i>
<b>Site total allowance</b>	<b>713,090</b>		<b>455,510</b>	<b>45,925</b>	<b>71,830</b>	<b>28,730</b>

\* The 'total' floorspace include shared circulation figures, whereas the 'use class totals to date' figures do not.

\*\* Figures include the 117,164sqm 'south of canal' floorspace approved to date.

- 6.40 Finally condition 37 sets the limits for basement floorspace provision, both site wide (83,500sqm) and north of the canal (51,500sqm). The proposed GEA of 2,751 sqm for P1 results in a cumulative total of 31,853sqm site wide which is well within the prescribed limits. It should also be noted that the proposed uses, namely plant, refuse storage and car parking, plus associated lifts and circulation is consistent with the limits on basement usage set out in condition 38.

#### Residential floorspace and mix

- 6.41 In regard to residential uses, the floorspace and unit mix is controlled by various conditions (39, 42 and 42A), together with Section NN of the S106 Legal Agreement relating to affordable housing in specific. The provision within the section 106 agreement for a baseline mix has already been discussed in some detail earlier in this report assessment. This is to be read in conjunction with the limits set by the above mentioned conditions on the minimum amounts of residential provision to be delivered; namely
- 137,200 sqm GEA for all housing tenures site-wide (while not to exceed more than 1700 units) (condition 39)
  - 53,670sqm to be affordable housing and 41,175 sqm of that to be social rented housing (condition 42); and
  - 23% of all residential units are family sized providing 3 or 4 bedrooms (condition 42A)

These controls require on-going monitoring as relevant reserved matters come forward.

- 6.42 Although the proposed building P1 provides 255 dwellings including 77 key worker sub-market rented intermediate affordable units, the proposed S106 deed of variation substituting social rented housing floorspace for additional schools floorspace and 52 intermediate units means that for the purposes of monitoring compliance with conditions 39, 42 and 42A, the following mix would be taken into account:

- 178 market housing units
- 25 key worker sub market rented units
- 60 general needs social rented units
- 263 units overall

- 6.43 Accordingly the actual proposed residential floorspace total of 24,478sqm (GEA) would become 26,328 sqm (GEA); including 7,222 sqm (GEA) affordable floorspace of which 5,198 sqm would represent social housing. These are the figures used in the submitted "Compliance Report" for the information set out in regard to conditions 39, 42 and 42A. Taken together with the reserved matters to have come forward within Kings Cross Central so far; namely buildings T1, R4, J, R5 North and T6, the running totals for the respective components are set out in Table 3 below:

**Table 3: Residential monitoring for the purposes of conditions 39, 42 and 42A**

Building	No. of dwellings	Residential floorspace (GEA m <sup>2</sup> )	Affordable floorspace (GEA m <sup>2</sup> )	Social Rented (GEA m <sup>2</sup> )	% 3/4-bed dwellings
T1	102	14,950	6,040	3,670	18.6%

R4	117	11,275	11,274	9,161	32.5%
J	143	15,012	3,061	3,061	27%
R5 North	14	13,562	13,482	10,005	14.6%
T6 (student resi)	N/A	15,937	N/A	N/A	N/A
P1 incl. S106 DoV	263	26,328*	7,222*	5,198*	23.6%
<b>Total to date</b>	<b>769</b>	<b>97,099</b>	<b>41,079</b>	<b>31,095</b>	<b>23.3%</b>
<b>KXC (minimum unless otherwise stated)</b>	<b>1,700 (max)</b>	<b>137,200</b>	<b>53,670</b>	<b>41,175</b>	<b>23%</b>

\* Calculated from Net floorspace figures proposed under the P1 Deed of Variation applying a net:gross of 80%.

- 6.44 Officers concur with the figures provided by the applicant for the purposes of monitoring conditions 39, 42 and 42A and are satisfied that the Kings Cross development is on-track to meet the required threshold provisions.

*Conclusion on compliance issues*

- 6.45 The reserved matters application has demonstrated that the proposals for Development Sub zone P1 are within the agreed parameters set by the outline planning permission.

**Residential standards and amenity**

- 6.46 Building P1 would provide a total of 255 dwellings of which 178 would be market housing and 77 would be intermediate affordable housing. The details of residential provision proposed within Building P1 are set out within a 'Housing Delivery Plan' which has been submitted in accordance with the requirements of condition 24 of the Outline Permission. This sets out information and floorplans to describe in full the number, size, location, dwelling and tenure mix in order to assist in enabling a qualitative assessment of the scheme. Such an assessment follows below.

*Dolphin Square 'key worker' housing*

- 6.47 The intermediate housing would be provided as 25 studios, 25 one bedroom apartments, 11 two-bedroom apartments for three persons and 16 two-bedroom apartments for 4 persons. These would be affordable housing transferred to the Dolphin Square Foundation (DSF) to be managed and rented as 'Key Worker Sub-Market Rented flats. The units would be made available to Key Workers as so defined, in a priority order set out in the S106 deed of variation with first preference given to existing local authority or registered provider tenants within the London Borough of Camden who are Key Workers and are employed in the City of Westminster.
- 6.48 The 77 DSF units would be arranged over floors 2-11 towards the eastern corner of building P1. They have a dedicated access from Holder Street which is located prominently near the street corner close to Handyside Street from which they would be served by a stair core and two lifts serving a maximum of 9 flats per floor. A dedicated refuse and recycling store for the DSF units would be located directly



alongside the entrance at ground floor level with internal access from the stair/lift core and external access for collections, whilst the cycle stores would be situated on the second floor podium level opposite the lifts.

- 6.49 Internally the units would be in line with the agreed space standards for intermediate housing as set out within the baseline mix for the Kings Cross Development. These standards are slightly smaller than the baseline mix provides for social rented affordable housing which are comparable to those set out in current Camden Planning Guidance, but were formulated to reflect the particular needs and priorities of intermediate housing occupiers coupled with the aspired density for the site. These standards are not affected by the proposed deed of variation. Nevertheless the unit sizes all exceed the relevant baseline standard as can be seen from the Table 4 below:

**Table 4: P1 Intermediate mix and unit size provision compared with KXC baseline standard**

Dolphin Square Intermediate Units proposed in Building P1	Corresponding unit space standard in KXC Baseline Mix
24 x studios @ 32 sqm each 1 x studios @ 34 sqm each	25 sqm
9 x 1 beds @ 42-46 sqm each 16 x 1 beds @ 47 sqm each	42 sqm
5 x 2B3P @ 56 sqm each 3 x 2B3P @ 57 sqm each 3 x 2B3P @ 67 sqm each	51 sqm
9 x 2B4P @ 65-67 sqm each 7 x 2B4P @ 73 sqm each	61 sqm

*Private residential*

- 6.50 The remaining 178 units will be market housing accessed from Handyside Street towards the middle of the building. The units would be distributed through all levels from 2<sup>nd</sup>-13<sup>th</sup> floor. Unit sizes would range from 33sqm 1-person studios being the smallest, to the 4 duplex apartments of 132-155 sqm each at floors 12-13. The market mix would also include five flexible 'mezzanine' studios of 66-70sqm each on the 2<sup>nd</sup> and 3<sup>rd</sup> floor levels overlooking Handyside Street which are readily suited to a single person or couple working from home.
- 6.51 Refuse and recycling storage for the private units would be accommodated at basement level alongside the 36 car parking spaces and various building plant.

*Amenity space*

- 6.52 Proposed building P1 is provided with a large level 2 podium garden for the amenity of market residential occupiers. This is approximately 500 sqm in area and landscaped with trees and extensive planting to create a lush green environment. This green space forms a natural progression from the school playground at the ground floor level of the wider courtyard and serves as a buffer preventing overlooking from and noise intrusion to the upper floor residential uses. Like the school playground it will benefit from an open aspect to the southwest enabling the planting and human occupants to benefit from good levels of natural daylight and

sunlight. A winter garden (126 sqm) at floors 12 and 13 will provide a further communal amenity space of a different nature, again for the market dwellings.

- 6.53 Private balconies or terraces are provided for 208 of the 255 dwellings. All but 10 studios in the market housing and 37 of the 77 affordable units will benefit from such an amenity which is welcomed.

*Lifetime homes and wheelchair housing*

- 6.54 Section NN of the S106 legal agreement provides that 10% of the housing units in each tenure should be designed as wheelchair accessible homes or easily adaptable as such at a reasonable cost for residents. It states that wheelchair accessible homes may be provided on upper floors of buildings if there is suitable lift access and if the internal floor arrangements can accommodate wheelchair/disabled persons. The access and inclusivity statement submitted in accordance with condition 19 states that 19 of the 178 open market units and 9 of the 77 DSF flats will be wheelchair adaptable. Floorplans have been provided of the individual layouts for these and Camden's access officer is satisfied that all the DSF units would comply with the necessary criteria to meet the section 106 requirement. In the open market units there are two unit types (3B and 2L) which make up 10 out of the 19 accessible units where the layout is less than ideal in respect of lack of circulation space next to the designated wheelchair storage area. However both these unit types are of sufficiently large size (3B being 3-beds and 2L being 2-beds) and 3B in particular having a very large living area, making this likely to be less of a constraint in practical terms and acceptable overall.
- 6.55 Section V of the Section 106 legal agreement requires that all residential units be designed with the aim of meeting lifetime homes standards. It states that where these standards cannot be achieved the access statement required by condition 19 should explain why this is the case. The reserved matters application has been designed to comply with the lifetime homes standards which came into force in July 2010. The Council's access officer is satisfied that the relevant standards have been completely met on all the units except for the five mezzanine studios on levels 2 & 3. In the case of these units the bathroom to the mezzanine bedroom would be slightly undersized. However in view of the small size of these units and the provision of adequate sized bathrooms serving the entrance level studio room, this minor failing can be accepted on these units which represent just 5 out of an overall scheme of 255 units all of which are otherwise in compliance. The requirements of the legal agreement are therefore considered to have been met in respect of lifetime homes.

*Daylight and sunlight*

- 6.56 The P1 reserved matters application includes a daylight and sunlight report prepared by AECOM to assess the internal lighting levels of the new residential accommodation. This addresses the requirement for such under condition 43. In accordance with the condition the report has reference to the BRE Guidelines 1991 but also has regard to the updated guide published in 2011 which replaced the 1991 document.
- 6.57 BRE assesses internal daylight to new build accommodation in terms of average daylight factor (ADF) recommending that a minimum of 1.5% for living rooms and

1% for bedrooms. The proposed P1 building is 14 storeys high and will form part of a dense central London development of similar height buildings in close proximity to one another. The building has therefore made the most of the opportunity for natural daylight and sunlight afforded by the open space of the Gas Holders Flux Park and Regents Canal by orienting its central courtyard in its direction to the southwest. Predictably the lower levels of the proposed building are greatly affected by the surrounding buildings. To an extent also, the castellated form of the building has a self shading effect albeit that this has enabled a sunny courtyard garden and playground below this to be incorporated at the centre. The resulting situation is that 42% of habitable rooms in the building will fall below the BRE guidelines while 58 % will pass.

- 6.58 The amount of marginal failures (within 20% of the guideline) brings the pass level up to 66%. Whilst this figure still sounds low, it is to be noted that the provision of recessed balconies is a major contributing factor to the failure rate. As ever with this type of accommodation there is a balance to be struck between achieving brightly lit accommodation and external amenity space, of which the latter tends to be very much favoured by potential occupiers.
- 6.59 To assess sunlight the BRE guidelines recommend that the Annual Probable Sunlight Hours (APSH) be calculated annually and during winter months for windows within 90 degrees of due south. If at least one main window faces within 90 degrees of due south and receives 25% APSH annually and 5% during winter months then the unit would have a good level of sunlight. The percentage of rooms achieving the APSH criteria range from 41% at the north/north-west facing corner of the building to 61% on the south/south-east corner. This is again a low rate in terms of the expectations of the BRE, which is primarily designed to address the spacing of 2-storey dwellings, but for a dense urban location and in comparison with other Kings Cross reserved matters, the results of both the daylight and sunlight calculations for P1 are within the normal range.

### **School, community and retail uses**

#### *Co-located schools*

- 6.60 The schools accommodation on the ground and first floor levels of proposed building P1 has been designed in close liaison with the Council's Children Schools and Families directorate and the governors of the Frank Barnes School. Central to the proposal is the unique concept of co-location which brings the two schools, along with a nursery and community meeting facilities together into the same shared space. The aim has been to use the opportunity provided by building P1 to the maximum efficiency while at the same time striving for the best possible teaching and learning environment.
- 6.61 A constraint on the design has been the strict acoustic criteria set in relation to the special needs of the school for deaf children, particularly in regard to low frequency noise from the underground Thameslink tunnel which passes by to the west of the plot. The specialist Frank Barnes teaching and therapy facilities are therefore located farthest away from this tunnel towards the south-east corner of the building.

- 6.62 At the ground floor level, the schools accommodation is arranged either side of an internal 'street' which forms a central spine running from the main entrance on Holder Street through to the playground entrance on Canal Reach. It is intended that the main entrance will be used by visitors, staff, parents, nursery users and children who will be transported to the school by mini-bus or taxi for which purpose there is a vehicle drop-off bay on Holder Street. The playground entrance is intended to function only at the start and end of each day as the main point of entry and exit for children attending the mainstream school who will live locally. This arrangement would enable the central street to function as a fully inclusive entrance hub that can be approached from two directions depending upon the type of user and time of day.
- 6.63 From the central street the mainstream primary/shared spaces would be located on one side (north) and the Frank Barnes School on the other. The shared spaces at this level would include school halls and dining area which have flexible partitions which can be opened up onto one another, including onto the central street if required to create a single larger foyer or function space.
- 6.64 The first floor accommodation would contain the main classroom facilities for both schools and is again divided by the central street which is a mainly double-height space. A shared staffroom and circulation galleries would form a bridge across the street connecting the two parts and to encourage interaction. This would in turn open onto a shared library. Glazed internal walls between the various spaces and views down through the voids into the main circulation street enhance the sense of connectivity, while rooflights formed within the residential podium garden above will allow natural daylight to permeate through the whole.
- 6.65 External play would be provided for within the schools accommodation by the 760 sqm school playground at ground floor level and a 410 sqm playdeck at first floor level which meets the S106 obligation for 1,075 sqm on-site open space provision alongside the school(s). In addition the S106 provides for the school(s) to be given priority access to the MUGA (770 sqm) in building T1 and the open space/park facilities within Gas Holder No. 8 during reasonable hours of the school day.
- 6.66 The detailed design and fit out for both the schools' accommodation and external play spaces will be developed following further consultation with representatives from both schools. However it is considered that the design principles contained within the building P1 proposals make maximum use of the available space and provide for an exemplar standard of co-located accommodation.

#### *Community meeting facilities*

- 6.67 The proposed community meeting facility would sit alongside the ground floor shared school facilities on the north side of the building and would comprise 375 sqm of floorspace including a meeting hall, meeting room, office and multi-faith room. These facilities would be capable of use by, in conjunction with or entirely separately from their school neighbours providing a valuable and flexible local amenity for the Kings Cross Central residential community. These also fulfil an important obligation for the provision of not less than 370 sqm of such facilities as set out at section H of the Kings Cross Section 106 agreement.

### *Commercial unit*

- 6.68 A small commercial unit 119 sqm is proposed next to the community meeting facilities at the north-east corner of the building. The Outline Permission allows the use of such units to be kept flexible and their final occupation to comply with a site Retail Framework defined by section LL of the S106 agreement. In Zone P the framework provides for any first occupation by A4 (drinking establishment) or A5 (hot food takeaway) uses to be approved in writing by the Council. The applicant should therefore be reminded of this (in respect of the proposed A5 use) by an informative attached to any reserved matters approval. Since the use of the unit in this case has been defined within the reserved matters as A1-A3 or A5 use, there is the potential for the food and drink uses to affect the residential amenities of this part of the site which will enjoy relatively low ambient noise levels outside of school/working hours. A condition limiting the hours of use of any A3 or A5 use to between 0730-2330 is recommended.

### **Urban Design**

- 6.69 In accordance with outline condition 16, this reserved matters application is accompanied by an Urban Design Report which explains the approach to design and how it responds to the relevant design guidelines. The guidelines do not form part of the outline approved documents, but the Council must still have regard to these since they were used to inform the evolution of the original masterplan and the subsequent consideration of detailed reserved matters applications. The current proposal is the result of an iterative design process that took place between officers and the applicant at the pre-application stage, which included a presentation to the King's Cross Design and Access Forum (22/05/2012).
- 6.70 Plot P1 is sited at the eastern end of Handyside Street in a part of the site which will accommodate some potentially iconic buildings including the relocated grade 2 listed Gas Holders to which P1 sits directly north. With the wider context being defined by a strong tradition for robust 19<sup>th</sup> century industrial buildings, often on a grand scale, there is a need for the proposed building to respond through being of a high architectural and design quality.
- 6.71 Here, the Kings Cross masterplan takes on a grid layout, with P1 occupying the entirety of a rectangular city block. The proposed building has a two storey base of school and community use, rising another 12 storeys with residential use, the top five storeys of which have significant set backs. The proposal takes the form of a perimeter block, but with the south west corner removed to allow for a school playground, and also to allow light and outlook to and from the central courtyard. The cut out location also allows it to have a visual relationship with the adjacent Gas Holder 8 and Canal Reach open spaces, and the prominent open 'bird-beak' termination of building T1.
- 6.72 With the exception of the playground cut out the lower two storeys of community and school use occupy the full depth of the plot, while the courtyard is continued at second floor in the form of a podium garden for the residential development which commences at this level. This creates the opportunity for a fully landscaped space with extensive planting to create a lush green environment. The greenery is proposed to be complemented by the protruding private balconies and set back

terraces which overlook this space providing opportunities for residents to continue the theme with their own planting.

- 6.73 The elevations are divided into 15m wide bays separated by 3m wide recesses which breaks the relentless grid and introduces the sense that the elevations are composed of 3 or 4 definable blocks. Each block is in turn composed of two bays, each of a 7.5m domestic scale. The bays are reinforced with strong brick clad verticals and horizontal lines with recessed glazing and brick panels within. Over the top upper five residential storeys the residential blocks reduce, on the front elevation, by half to a single bay. The top two storeys are expressed as a single mezzanine. These setbacks are very effective in further breaking down the mass into individually legible blocks, reducing the sense of scale and allowing light into the street. They will also provide an interesting and recognisable silhouette, and a sense of depth on the skyline.
- 6.74 The ground two storeys are expressed as a single entity being either glazed or of aluminium panels. Principle entrances such as that of the school are expressed as double height and are recessed to express the portal nature of the brick structure. Efforts have been made to activate as much of the ground floor as possible, with cycle storage and non-active uses located away from the frontages. Around the playground a screen has been designed which carries on the same height and rhythm of the public floors. The detailed design of this feature has not yet been developed but is intended to incorporate climbing plants conceived as an extension to the green ribbon running through the public realm of the Western Goods Yard. The details of this would be submitted at a later date.
- 6.75 The street elevations are principally clad in a brown roman brick with a mix in its finish which ranges towards blues and greys. The brickwork is proposed to be laid in normal course on the vertical structure and in a soldier course on the horizontals. The recessed panels are proposed in a textured course. As such the external façade would appear as a series of modular brickwork towers with recessed openings both creating a sense of depth and highlighting the use of brick as the primary medium in reflection of the listed Granary and other heritage buildings to the east. In contrast the courtyard elevations are clad in white reconstructed stonework. Balcones are inset on the street elevations and project on the courtyard side.
- 6.76 In summary it is considered that the proposed building P1 is a thoughtfully designed building that uses a simple palette and light touch detailing to provide a legible character to both the public and residential elements which responds successfully to its surroundings. Its scale is broken down into definable domestic scales in a manner which is meaningful and uncontrived. The choice of materials is high quality and fitting for the context and complements the proposed detailing which is refined and convincing. Appropriate conditions are recommended to control the quality of finishes through submissions of samples of materials along with the landscaping details for the school playground and podium garden and the planted playground screen.

## **Transport and Servicing**

### *Servicing*

- 6.77 Condition 22 requires that any relevant reserved matters application is supported by a servicing strategy which is consistent with parameter plan KXC017 (servicing). The strategy should include details of the proposed hours of servicing and the mechanisms which are to be used to ensure that loading and unloading takes place in accordance with the strategy. Condition 58 states that unless specified otherwise by the local planning authority in the reserved matters approval there shall be no restriction on the hours of servicing of any of the buildings within the development.
- 6.78 The Servicing Strategy for P1 is described in the Urban Design Report which provides for servicing and deliveries to be undertaken from dedicated loading bays on Holder Street. The management company will be responsible for transferring waste and refuse from storage areas to street level on the day of collection. The proposal suggests that restrictions on hours of servicing functions are considered unnecessary given the conventional and relatively un-intensive nature of the range of activities. This is accepted by officers in the case of the proposed schools/community uses and given that the small size of the commercial unit will also generate only modest servicing needs regardless of the end use, it is considered that the strategy as submitted can be approved.

### *Highways Plan*

- 6.79 Condition 23 requires that any relevant reserved matters application is supported by a highways plan to show means of access and any related works to the existing adopted highway.
- 6.80 The principal vehicular access from the public highway is from York Way at the junction with Handyside Street. Highway works have previously been undertaken at this location in order to facilitate construction vehicles accessing and egressing the site and the works shown on the plan are for information only. Therefore the requirements in relation to Condition 23 are considered to have been discharged for P1.

### *Refuse storage and collection*

- 6.81 Condition 28 requires details of refuse storage and collection. Section Z of the S106 legal agreement further states that the design of buildings should assist with waste segregation and provide appropriate waste storage.
- 6.82 The proposed refuse storage and collection arrangements including segregation of recyclables are shown on the ground floor and basement plans. Officers are satisfied with the storage arrangements at basement level given that a management company will be responsible for transferring waste and refuse to street level on the day of collections. The details are therefore acceptable in terms of meeting condition 28 and S106 requirements.

### *Car parking*

- 6.83 Condition 49 sets maximum parking standards for Kings Cross Central. The community and commercial uses are proposed to be car-free, although visitors would have the option of using the multi-storey car park (MSCP) in the adjacent building T1. There are additionally proposed to be 3 'blue badge' disabled spaces immediately adjacent building P1 on the south side of Handyside Street.

- 6.84 There is a shared drop off and loading bay in the new access road directly outside the school main entrance for disabled pupils and others arriving at the building by accessible taxi, minibus or private vehicle. Separate times for goods loading and pupil drop off are to be agreed under the management strategy. There is a further drop off bay to Handyside Street adjacent to building P2 for coach drop off to avoid congestion in the access road at peak periods. This could also potentially accommodate additional Blue Badge spaces.
- 6.85 For residential parking the condition 49 maximum parking standard is 800 spaces at an average ratio of 0.47 per unit across all unit types and tenures. Of the spaces provided 5% shall be for people with disabilities. The condition also requires that any additional parking required by the Council for people with disabilities may be provided in addition to this standard.
- 6.86 Parking for affordable housing tenures in specific is further covered in the Section 106 agreement (section NN paragraph 13.1) which requires average provision of 0.25 spaces per unit for social rented tenure and 0.335 spaces per unit across intermediate, priority to be given to wheelchair accessible homes and larger (3/4 bed) units. It should be noted that whilst 275 residential car parking spaces have so far been approved in reserved matters this has been either for private residential accommodation (37 spaces in block J) or located within the MSCP (238 spaces). Whilst it is not now the Council's policy approach to prescribe any level of general needs car parking within accessible locations of the Borough but insist on car-free as far as possible across all tenures, there is still a recognition that even in areas as accessible as Kings Cross Central, access to private car parking is still a necessity for at least some disabled occupiers. To date all of the disabled flats in the affordable housing have been provided entirely car-free. This has largely been justified on the basis of this provision being either within car-free buildings (i.e. unsuitable for basements), or located on the opposite side of the site from the Kings Cross MSCP. However on the basis of the controls and standards provided by condition 49 and section NN of the S106 agreement as it currently stands, a minimum of 10 disabled spaces would be expected for the 750 affordable housing units to be provided overall.
- 6.87 In proposed building P1, there is a basement level car park included to provide 36 car parking spaces for the residential flats. Two of these would be to disabled standard. Vehicular access to the basement car park is via a vehicular lift in the south east corner of the building off the new access road (Holder Street) and accessed internally from the private residential accommodation. There is no dedicated parking within the building for the Dolphin Square Foundation (DSF) key worker affordable flats. It remains open for DSF residents to approach KCCLP about acquiring the right to park in the building T1 MSCP in accordance with the MSCP (as approved under condition 50 of the outline permission).
- 6.88 With regard to disabled parking, it is understood from the applicant that Dolphin Square Foundation have confirmed to KCCLP that if there are disabled residents within its accommodation who need a car, it is willing to absorb the cost of MSCP parking within the base rent. Whilst this may or may not, depending on demand, result in car-parking provision for some of the affordable wheelchair units in building



P1, there is no way of guaranteeing such provision. However the means does exist under condition 50 to review the MSCP Management Plan if required in order to address the needs of future disabled residents in line with the site-wide requirement. Officers will continue to work with Argent and their partner affordable housing providers in monitoring the need for this.

- 6.89 An additional condition, 50A, was approved by the local planning authority as a non-material variation to the Outline Permission (approval dated 29/02/2012, ref 2012/0669/P). This was attached in order to secure management plans to cover the car parking provision coming forward with reserved matters for the various development zones other than the MSCP (which already requires a management plan under condition 50). Without such management plans in place the only control would be the standards for provision set down by condition 49 which does not cover the actual use of these spaces once provided. The information in the Compliance Statement submitted to address condition 49 setting out the proposed use of these spaces can also be considered as a management plan to govern their ongoing use for the purposes of condition 50A. This has been confirmed in an email from Argent dated 19/09/2012. The details thus submitted are considered to discharge the requirements for condition 50A in relation to sub-zone P1.

#### *Cycle Parking*

- 6.90 Condition 51 of the outline permission requires the development to be constructed in accordance with the cycle parking standards set out in appendix 6, as referred to in policy T3 of the Unitary Development Plan (2006). The UDP has now been superseded by the LDF (2010) and the equivalent policy for assessment of cycle parking provision is DP18 and the standards set out in appendix 2, although no reference is made in condition 51 to such standards that may supersede the UDP.
- 6.91 The building will provide 276 secure cycle parking spaces of the 'Josta' two tier variety for residents and visitors within 2 separate facilities on level 2. Both facilities will be accessed via lifts with alternative access available via the stairwells which will be fitted with bicycle rails.
- 6.92 An additional 50 cycle parking spaces will be installed along Handyside Street and Holder Street. Individual cycle parking stands will be spaced 1000mm apart. The standard cycle parking specification used throughout the site is stainless steel Sheffield Stands and this is assumed to be repeated for the public realm element of P1. Four of these spaces will be for visitors to the residential units. The remaining 46 spaces will be for school staff and visitors.
- 6.93 Officers are satisfied that the cycle parking provision is acceptable in relation to the outline planning permission and therefore Condition 51 may be discharged in relation to the P1 reserved matters.

#### **Inclusive design**

##### *Accessibility*

- 6.94 Condition 19 states that all relevant reserved matters applications should be accompanied by an access statement. The statement should address the relevant design principles as set out in the site wide access and inclusivity strategy which

was submitted as a supporting document to the outline permission. These were to make development accessible to all. It should highlight where technical or other constraints have prevented the application of these principles. Section V of S106 legal agreement also deals with access and inclusivity. It requires the applicant to involve an 'inclusive design champion' in the preparation of the detailed design of buildings and requires them to consult the King's Cross Access Forum on proposals. It states that all reasonable endeavours should be made to include disabled parking for residential and office buildings either within the building or in street spaces immediately adjacent to the relevant building.

- 6.95 The reserved matters application for Zone P has been accompanied by an access statement to address the above matters. It is considered that this demonstrates that the school is fully accessible with level access routes into the building. There is currently one lift proposed within the building located remotely from the circulation stairs. Ideally stairs and lifts should be located in close proximity so that all circulation is located together enabling the occupiers to have a choice of access route. The plans indicate the potential inclusion of an additional lift within the playground area and this would be welcomed providing an alternative option in the event of lift breakdown.
- 6.96 The ramp arrangement to access the community facility will require larger landings to facilitate the length and number of ramps than appear to be indicated. If the location of the entrance door was altered slightly or the floor level raised this would reduce the required ramps and facilitate improved access for all.
- 6.97 The entrance of the community centre has been driven primarily by the school layout, position of residential cores, and external site levels. This overcomes a level difference of approximately 900mm down from the pavement to internal floor level by way of a ramp. The ramp design has been arrived at following feedback from Camden's access officer at pre-application stage. Whilst the ramp is only wide enough to accommodate 1 wheel chair user at a time (i.e not wide enough to provide for two passing), its configuration and glazed balustrading is considered to afford sufficient visibility to enable wheelchair users to be able to see whether someone else is coming in the opposite direction before using it and is acceptable.
- 6.98 With regard to the residential parts of the scheme these are considered to have been designed to facilitate access for all and achieve the required levels in order to meet lifetime home standards for all units and wheelchair accessible standards for at least 10% of units as has been assessed under the section 'Residential Standards and Amenity' above.
- 6.99 Overall the access and inclusivity statement submitted for the purposes of condition 19 would appear to provide a sound commitment to the development being accessible and meets the requirements of the condition.

#### *Community safety*

- 6.100 Although not specifically addressed by any condition on the outline permission, all reserved matter applications would be expected to embody principles of good design which includes the provision of a safe and secure environment for all.

- 6.101 All the ground floor facades will be fully activated by the school and other community uses which due to their flexible layout and arrangements should be in occupation for a large part of the day/evening. This is further assisted by the addition of a commercial unit. The design has furthermore sought to locate all uses such as cycle parking to the inner parts of the building so as to minimise any 'dead frontage' from arising.
- 6.102 Section I of the S106 legal agreement secures an estate wide public safety and CCTV strategy to deal with issues of security and community safety across the site. It is considered that the natural surveillance offered by the community uses and the prominent location of the residential entrances along Holder Street and Handyside Street will in combination with the CCTV and regular patrols secured under the S106 agreement, discourage and address any community safety issue that do arise.

### **Sustainability**

- 6.103 An Environmental Sustainability Plan for the proposed building P1 has been prepared by AECOM to address the various facets of environmental sustainability as set out in condition 17 (environmental sustainability plan), condition 45 (drainage infrastructure) and condition 48 (combined heat and power). This also needs to be assessed in the context of the relevant S106 sections W, X, Y, Z and AA which deal with respectively, the site wide Environmental Sustainability Strategy and Energy Assessment generally; and more specifically, energy reduction; construction materials and waste; operational waste; and water efficiency and sustainable drainage.

#### *Energy and climate change*

- 6.104 Section X of the S106 legal agreement attached to the outline permission seeks to ensure that development is designed to not prejudice the prospect of the entire development achieving a 60% reduction in carbon emissions from the year 2000 levels, identified in the Energy Assessment, by 2050. Part a) of condition 17 requires details of energy efficiency measures which will contribute towards achieving the S106 target; part b) requires the reduction in emissions from the efficiency technologies of part a) to be explained in relation to current Building Regulations; and part d) deals with energy supply. These parts of condition 17 correspond with the London Plan 3-step energy hierarchy –“be lean”, “be clean”, and (where the energy supply arrangements include the use of renewables) “be green”.
- 6.105 The proposed building employs an enhanced thermal performance building envelope to achieve better practice U-values and air tightness standards and uses passive solar design measures to minimise direct solar gain. Internally low energy lighting and intelligent building management systems such as presence detecting and daylight dimming are installed throughout the community uses and the residential communal areas. Mechanical ventilation with heat recovery is proposed throughout. There is an emphasis on building services system operational efficiencies and metering to enable interrogation of electricity, gas and water usage. The residential units will be individually metered to enable separate billing according for heating to encourage efficient use.

- 6.106 The above efficiency measures are predicted to achieve CO2 savings for the residential and school and community elements of 5.7% and 10% over Part L 2010 targets respectively. The above information satisfies parts a) and b) of condition 17 and exceed the 5% minimum target CO2 savings on current Building Regulations required by Section X of the S106 agreement.
- 6.107 With regard to condition 17(d) and energy supply, the connection to the site's energy centre allows Building P1 to take advantage of the low-carbon benefits associated with district heating and CHP. All the space heating and hot water demands of the building will be derived from the energy centre and the electrical power generated will off-set a significant percentage of the building's demand.
- 6.108 Plot P1 is not highlighted on parameter plan KXC021 as a priority location for renewable energy generation however the opportunity for incorporation of a number of technologies was investigated. These included ground source heat pumps which were discounted due to the presence of tunnels running alongside the building. Solar hot water would be incompatible with the use of CHP and PVs would be too limited to be cost effective due to the greater proportion of roof space being used for amenity areas and biodiversity.
- 6.109 Even without renewables, the energy centre and efficiency technologies together will achieve a reduction in CO2 of 20.15% against Part L 2010 and this would be increased to 32.2% accounting for the potential introduction of biomass fuels in the future.
- 6.110 The inclusion of the necessary pipework for connection to the KXC district heating system will also fulfil the requirement in this regard of the outline condition 48.

*BREEAM/ Code for Sustainable Homes*

- 6.111 In order to address condition 19(e) a preliminary 'BREEAM New Construction 2011 Education' assessment has been carried out for the schools premises and Code for Sustainable Homes for the residential. An indicative score of 72% 'Excellent' is attained for the BREEAM assessment and 72% Code 'Level 4' for the residential. This comfortably meets the requirement of condition 19(e) for the building to be designed to achieve the equivalent rating of "Very Good" or better.

*Materials and waste*

- 6.112 Section Y of the S106 agreement requires the developer to implement a Construction Materials and Purchasing Strategy to agree specifications and targets in contracts to ensure sustainable sourcing in relation to construction. The applicant has confirmed that this will be implemented along with reasonable endeavours as required under the S106 to minimise packaging waste, reuse topsoil/crushed landscaping and organic materials from the site in landscaping and to set and achieve the project contractors own corporate construction targets. These measures will enable 54% of available credits in the materials category to be achieved in BREEAM and 33% in CfSH.
- 6.113 The S106 requirements for waste (section Z) entailing provision of waste information packs and sufficient dedicated waste storage space to encourage

recycling both for residents and users of the public realm will be achieved by compliance with Camden Council's waste collection policy and as demonstrated in through meeting the relevant BREEAM/Code compliance criteria.

#### *Water and drainage*

- 6.114 The need for water efficiency and sustainable drainage measures is controlled under section AA of the Section 106 agreement and condition 45 (drainage infrastructure).
- 6.115 Low water use sanitary fittings and appliances together with water meters, controls and detection measures will be specified within the dwellings, schools and community facilities such that the schools will achieve 55.5% of available credits in BREEAM and the residential 50% in CfSH. In terms of the requirements set out in section AA the target of a reduction in the typical water consumption benchmark of approximately 20-30% is met in that the actual performance is expected to exceed the benchmark by 25-30%.
- 6.116 The school landscaping proposals to include water butts for manual watering to facilitate learning will also contribute towards the BREEAM score attainable. However, rainwater collection for WCs together with grey/black water recycling for the residential elements has been investigated but discounted due to built form and plant room space constraints.
- 6.117 In accordance with condition 45, the submitted Environmental Sustainability Plan demonstrates how the site's new drainage infrastructure will not exceed the maximum combined peak discharge of 2292 l/s for storm and foul water from King's Cross Central to the existing drainage infrastructure. This figure had been derived from the Environmental Statement for the outline application and was approved by Thames Water. Building P1 is serviced by the Western Goods Yard drainage systems which will discharge to the Camden Sewer. The drainage networks have been designed on SUDS principles providing an overall peak flow reduction of 10% (based on a 1 in 30 year storm). As of the date of this report Thames Water's confirmation is still awaited that the submitted details are satisfactory to ensure compliance with condition 45.

#### *Biodiversity and landscaping*

- 6.118 The need to provide for biodiversity within the built environment is secured partly by parts c (green and brown roofs) and f (wildlife features) of condition 17 and partly through the need to submit for approval under condition 10 a detailed scheme for planting and laying out for all reserved matters including landscaping. Condition 46 is also relevant which requires at least 15% of the roofs of new buildings to be green or brown roofs.
- 6.119 The details submitted in respect of the podium level planting are indicative only at this stage. However in compliance with condition 10 a planting programme is provided which confirms that this will be undertaken within the earliest available planting season subject to the overall construction programme. The indicative details envisage that this feature of the development will provide a haven for city birdlife to form part of a wider wildlife corridor or 'ribbon' with other green spaces running alongside Regents Canal.

- 6.120 The landscape plans also propose the planting of four lime trees along the centre of Holder Street (east side of building P1). The details of these including cross-sections of tree pits are provided in accordance with outline condition 9. Officers have noted that the pits provided are relatively small to support the long term health of these trees as shown in section and that it would be preferable if a trench was dug to accommodate these. In response the applicant has confirmed that the tree pit would be in the form of a single trench which is acceptable.
- 6.121 Provision of some 734 sqm of brown roofs which will be located on top of the vertical tower element will represent some 22% of the whole roof space. Information is provided with respect to condition 46 to confirm that well over 15% of the roof space of all buildings apart from building R4 (which achieves 13%) will be constructed as green or brown roof meaning that the development is comfortably over the minimum requirement so far.
- 6.122 In addition it is proposed that wildlife and other planting features will act as a learning resource for the school.
- 6.123 Wildlife features would include bird nest boxes within the perimeter fence of the school playground suitable for house sparrows and swifts and provision of bat boxes/bricks elsewhere within the development. Argent have stated that it is not possible to provide precise details of these at this stage. Officers consider that these should be integral to the design of the building and not retrofitted. Swift bricks should be included at the top level and sparrow terraces provided lower down (on a north-west or north-east aspect). For a development of this scale, in excess of 40 would be expected. A condition is recommended to secure the details of these which should be submitted at an appropriately early stage.

## **Environmental Issues**

### *Noise*

- 6.124 In accordance with outline condition 60, the full particulars of plant noise have been provided to demonstrate compliance with the specified standards. The majority of plant is confined within the basement and a smaller amount including a substation in the south-east corner of the ground floor level. The submitted particulars confirm that all noise generating building services plant/equipment in these areas will be specified and installed to achieve an acoustic performance at neighbouring sensitive facades of at least 5dBA below the prevailing baseline noise monitoring level identified in the acoustic report previously provided and subsequently updated (April 2008) in relation to condition 59. The details provided in this connection have been assessed by the Council's Environmental Health Officers and are considered acceptable.
- 6.125 Condition 61 of the outline permission relates to internal groundbourne noise and is relevant to building plot P1 as it proposes residential development located within 10m of an underground (Thameslink) tunnel which passes by to the west of the site. The condition specifies that such noise should not exceed 35dBA. The noise data submitted confirms that the predicted noise levels are well within the specified

standard in relation to the upper floors residential accommodation and therefore meets the requirements of condition 61.

- 6.126 Although condition 61 only requires noise particulars for residential development the potential impact on the schools provision has also been assessed. The school for deaf children is a particularly vulnerable occupier in terms of external noise impact and the learning/therapy areas within the co-located facility to be used exclusively for deaf children are located well away from the tunnel. Building P1 is not located within a part of the Kings Cross Site which has been identified as particularly vulnerable to external traffic or other noise where condition 62 (environmental noise mitigation) would be relevant. Nevertheless, Environmental Health Officers are working closely with the schools delivery board to ensure that the appropriate internal noise standards are achieved.

#### *Earthworks and remediation*

- 6.127 An Earthworks and Remediation Plan, prepared by Ramboll, accompanies the application with regard to discharge of condition 18. The Plan appropriately sets the finished site levels, estimates amount of spoil removal and identifies potential sources of contamination and outlines a strategy for remediation. The Plan refers to a site specific ground investigation which indicates the presence of some localised ground contamination concluding that with best practice mitigation measures the risk to future site users is low. A validation report would be required at the end of the works and a watching brief maintained throughout, with any unforeseen remediation required to be carried out in accordance with the principles of the site wide remediation strategy as set out in the Environmental Statement which supported the outline approval. The Council's Contamination Officer is satisfied that condition 18 can be discharged in respect of building plot P1.
- 6.128 Conditions 64 and 65 limit the volume of spoil and number of lorry movements associated respectively. Condition 66 and 67 are similar, except in that they relate to imported material and associated lorry movements. Information on spoil and lorry movements to enable conditions 64-67 to be monitored is included in the submitted Compliance Report.
- 6.129 The tables contained in the relevant sections of the Compliance Report confirm that taking into consideration the programmed works for the Eastern Goods Yard, Zones B, T1, T6, E1, block J and other parts of KXC site, the combined spoil movements are expected to be well within the limits set by conditions 64-67.

#### *Archaeology*

- 6.130 Condition 56 requires each phase as notified under condition 21 (construction timetable) to be preceded by the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been approved by the local planning authority. The applicant has submitted a written scheme of investigation prepared by MOLA which entails a watching brief throughout mitigation, piling and basement excavation. English Heritage's Archaeological Advisory Service (GLAAS) has reviewed the information submitted and has advised that the document accords with the English Heritage guidelines and the resulting work will be monitored. On this basis condition 56 can be discharged in as far as it relates to site P1.

## 7 **LEGAL COMMENTS**

- 7.1 Members are referred to the note from the Legal Division at the start of the Agenda.

## 8. **CONCLUSION**

- 8.1 The P1 proposals make a welcome contribution of replacement accommodation for the Frank Barnes School for Deaf and Hard of Hearing Children, the need for which had not been envisaged at the time the Outline Permission was approved. The solution to achieving this in a co-located learning environment together with the two-form entry primary school that was already envisaged, provides successfully for the needs of both schools as part of a flexible community hub which also provides for the nursery and community meeting needs of local residents.
- 8.2 The necessary S106 deed of variation swapping affordable housing floorspace for the additional community floorspace required to achieve this has been the product of a carefully scrutinised valuation exercise and process of negotiation. The resulting proposal is considered to not only represent best value to the Council but at the same time help secure the range of services needed for a balanced and sustainable community in Kings Cross and the Borough as a whole.
- 8.3 The above facilities would be integrated into a mixed use building which in all other respects meets the parameters of the Kings Cross Outline Permission including in terms of land use, floorspace, height and mass, landscaping, access and circulation. The proposed building design is considered to be of high architectural quality and would integrate with and contribute towards defining the character of the spaces and streets which adjoin it. The living accommodation provided would offer a good standard of amenity considering the density of the scheme which is to be balanced with the opportunities afforded from this highly accessible central London location. The principles of sustainable and inclusive design have also been fully incorporated into the proposals in line with the outline permission.
- 8.4 In view of the above it is therefore recommended that Members ratify the proposed S106 deed of variation and grant reserved matters permission.

## 9 **RECOMMENDATION**

- 9.1 That members ratify the Section 106 deed of variation and approve the reserved matters for building P1 (subject to the conditions attached below) and agree to discharge the relevant associated conditions that form part of the outline planning permission granted 22/12/08 (2004/2307/P).

### **Disclaimer**

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