

## KING'S CROSS CENTRAL

### Application for non-material amendment following grant of planning permission

#### Section 96A TCPA 1990

#### Supporting Statement

#### Proposed non-material amendment

We are seeking to make a non-material amendment to the residential floorspace figures within outline planning permission (reference 2004/2307/P, the 'Outline Planning Permission') for the King's Cross Central ('KXC') site. The Outline Planning Permission gives consent for a comprehensive, phased, mixed-use development within the King's Cross Opportunity Area for a maximum of 713,090m<sup>2</sup> GEA floorspace in total, including no less than 137,200m<sup>2</sup> GEA of residential floorspace comprising up to 1,700 residential units.

We set out in the attached schedule details of the amendments for which we are seeking approval. These comprise, in summary:

- a. amendments to Table 1 (referenced in Condition 35) annexed to the Outline Planning Permission in respect of the maximum amount of residential floorspace that may be developed;
- b. amendments to Annex B (referenced in Condition 36) to the Outline Planning Permission in respect of the maximum amount of residential floorspace that may be developed within the relevant development zones north of the Regent's Canal; and
- c. amendments to the affordable housing floorspace figures and the social rented housing floorspace figures in Condition 42(b) and (c), respectively, to reflect the proposed revision to the affordable housing numbers as set out in the draft Deed of Variation. The draft Deed of Variation and the reasons for seeking changes to the affordable housing floorspace have been discussed with you and are not addressed within this paper, however, if that deed is approved, these consequential amendments to Condition 42(b) and (c) are required for consistency.

The maximum overall floorspace figures in Conditions 33 (sitewide) and 34 (north and south of the Regent's Canal) and the maximum number of residential units and minimum level of residential floorspace in Condition 39 would remain unchanged.

#### Section 96A

Section 96A of the Town and Country Planning Act 1990 (as amended) states;

- (1) A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.*
- (2) In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any changes made under this section, on the planning permission as originally granted.*

Guidance on making non-material amendments explains that there is no statutory definition of 'non-material' because what may be non-material in one context may be material in another, i.e. it is dependent on the context of the overall scheme.

## Reason for seeking non-material amendment and assessment against Section 96A

There are a number of factors contributing to the need for the proposed non-material amendment:

First, we are delivering larger homes as compared to the assumptions that underpinned the outline applications and as reflected in the Outline Planning Permission. A high proportion of the open market homes at KXC are sold in the UK to people who want to live as well as invest here. This has meant a steady design progression away from small, highly optimised 'investor' units towards larger apartments with more character, more storage, bigger rooms and greater provision in terms of front-of house facilities, all of which count as residential area. In other words, designing real homes that people want to live in, means more net residential area per home.

Secondly, and closely linked to the first point, the residential floorspace figures in the Outline Planning Permission assumed a net to gross ratio of 80% (or 0.8). It is evident from the figures in Condition 42 that the Outline Planning Permission was predicated on a net:gross ratio of 0.8. The minimum residential floorspace figure of 137,200m<sup>2</sup> GEA (Condition 39) implies a net floor area of 109,760m<sup>2</sup> (assuming a net:gross ratio of 0.8) which equates to less than 65m<sup>2</sup> net per apartment. We have not achieved a net:gross ratio of 0.8 on any of the residential buildings to date and we are unlikely to do so going forward. A ratio of 0.70 – 0.74 is more typical. As a result, more 'gross' floorspace is required to achieve the same 'net'.

The lower typical net:gross ratio is partly a reflection of changing requirements since 2004, for example, increased emphasis on ancillary waste, recycling and cycling facilities within the Code for Sustainable Homes (CfSH), particularly the upper code levels which we are targeting. The practical reality of designing for Lifetime Homes and Wheelchair Accessibility has also added to these pressures and increased the size of many smaller apartments, in particular. The Outline Planning Permission made no specific floorspace allowance for these factors and yet these requirements increase the effective minimum size of, for example, studios and bathrooms in one-bedroom apartments.

Third, there is the practical reality of implementing the Outline Planning Permission with its many linked and overlapping requirements. For example, massing parameters and design guidelines together with maintaining aspect and views all impact upon net:gross ratios. Designing real buildings in response to these various considerations, in a high quality way, has pushed our design teams to carefully sculpt the built form at the upper levels, for example, by arranging set-backs, terraces and other features that reduce efficiency in terms of net:gross.

Fourth, we have also sought to eschew the most 'efficient' layouts (for example, double banking single-aspect apartments either side of long corridors) in favour of other arrangements that deliver a higher number of dual-aspect apartments and fewer apartments per landing/core, which are preferred from a design and quality perspective, at the expense of efficiency.

Fifth, we have brought forward a range of residential typologies at King's Cross: not just 'standard' apartments but also townhouses, duplexes and homes with a split mezzanine level. This range of typologies has been part of the appeal of King's Cross and has helped deliver high quality buildings and urban design, but at the expense of larger average unit sizes and relative net:gross efficiency, as detailed above.

Finally, we have utilised part of the original residential floorspace allowance for student housing in plots T5 and T6 (8,717m<sup>2</sup> in T5 and 15,973m<sup>2</sup> GEA in T6<sup>1</sup>, i.e. 24,690m<sup>2</sup> GEA in total). This has added to the diversity of the estate and its residential offer and met an important need, for example, with the University of the Arts on site, but it has 'used up' any residential floorspace flexibility which would otherwise have been used to address the points raised above.

The combined impact of these factors is that we need an additional 22,525m<sup>2</sup> GEA of residential floorspace in order to deliver the 1,700 homes that have been approved (which is broadly equivalent to, but less than the residential floorspace utilised for student housing (24,690m<sup>2</sup> GEA)).

Despite the proposed amendments to the residential floorspace figures in Table 1 and Annex B, the development will remain within the development parameters set by the Outline Planning Permission which were the subject of the environmental impact assessment. The environmental impact assessment applied trip rates, population and child yield ratios and other measures on a 'per unit' basis of residential development and appraised the overall development in terms of gross external area (floorspace).

We are not seeking to increase the maximum number of residential units to be delivered, namely, 1,700. Nor are we seeking to increase the overall floorspace to be delivered at KXC. Therefore, in the context of the overall scheme for King's Cross, the proposed change to the Outline Planning Permission is, in our view, not material.

**20 March 2015**

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<sup>1</sup> Submitted as a full free standing application and approved separately but it remains relevant to the Outline Planning Permission totals pursuant to the Section 106 Deed of Variation dated 28 June 2013.

**Schedule**  
**Proposed non-material amendment to the Outline Planning Permission**

1. **Table 1** to the Outline Planning Permission (total floor space proposed within the King's Cross Central main site) to be amended such that the residential floor space is amended to the following figures:

<b>Residential</b>	<b>Current</b>	<b>Proposed</b>
South of Regent's Canal	2,200	2,200
North of Regent's Canal	171,275	193,800
<b>Total</b>	<b>173,475</b>	<b>196,000</b>

2. **Annex B**: floor space schedule for development zones, north of the Regent's Canal to be amended as follows:

<b>Residential / Zone</b>	<b>Current</b>	<b>Proposed</b>
Zones G and H	n/a	n/a
Zones I and M	n/a	n/a
Zone N	17,400	17,310
Zones J, K and Q	14,500	15,015
Zone L	n/a	n/a
Zones P and S	65,375	66,800
Zone R	46,000	54,000
Zone T	28,000	40,675
<b>Total</b>	<b>171,275</b>	<b>193,800</b>

3. Condition 42 reads as follows:

*Residential floor space*

*Unless otherwise agreed in writing by the local planning authority the development constructed and used pursuant to this permission shall provide when completed:*

- (a) a minimum of 137,200 sq m gross external area of residential floorspace, including market housing, affordable housing; and*
- (b) a minimum of 53,670 sq m gross external area of affordable housing floorspace (to deliver 42,936 sq m net internal floor area); and*
- (c) a minimum 41,175 sq m gross external area of social rented housing floorspace (to deliver 32,940 sq m net internal floor area).*

Condition 42(b) and (c) to be amended to read as follows (no amendment is proposed to 42(a)):

- (b) a minimum of 46,976 sq m gross external area of affordable housing floorspace (to deliver 37,581 sq m net internal floor area); and*
- (c) a minimum 39,568 sq m gross external area of social rented housing floorspace (to deliver 31,655 sq m net internal floor area).*

