

KING'S CROSS CENTRAL
Application for non-material amendment following grant of planning permission
Section 96A TCPA 1990
Supporting Statement

1. Introduction

King's Cross Central General Partner Ltd ('KCCGPL') acting on behalf of King's Cross Central Limited Partnership ('KCCLP') is seeking to make a non-material amendment to Condition 31 of the outline planning permission (reference 2004/2307/P) for the King's Central ('KXC') site (the 'Outline Planning Permission'), pursuant to Section 96A of the Town and Country Planning Act 1990. The proposed non-material amendment seeks approval for the introduction of a new type of route (a 'Flexible Primary Route') on Parameter Plan KXC 007 and to paragraphs 4.30-4.33 of the Revised Development Specification (2005) to facilitate the pedestrianisation of Granary Square and potentially, King's Boulevard. As a result of the proposed amendments to the plan and revised Development Specification, the application also seeks approval to update the revision number of Parameter Plan KXC 007 referred to in Condition 31 of the Outline Planning Permission and insert wording to the same condition to refer to an addendum to the Revised Development Specification.

Further details of the rationale behind the application and the specific amendments for which approval is sought, are provided below.

2. Section 96A of the Town and Country Planning Act 1990

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

- (1) A local planning authority 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.

The National Planning Practice Guidance ('NPPG') contains guidance on making a non-material amendment to a planning permission. The NPPG explains that *"there is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme - an amendment that is non-material in one context may be material in another."*

3. Rationale for Proposed Non-material Amendment

Outline planning permission (LPA ref: 2004/2307/P) was granted for the comprehensive development of the Kings Cross Central ('KXC') site on 22 December 2006 (the 'Outline Planning Permission'). The KXC scheme was subject to an Environmental Impact Assessment and described in a Revised Development Specification document (September 2005) with accompanying Parameter Plans, which form part of the permission and are referred to in the planning conditions. Parameter Plan KXC 007 Rev S illustrates the principle access and circulation routes within the site and these routes are further defined within the Revised Development Specification document, including an indicative specification within Annex C.

Specifically, Parameter Plan KXC 007 currently shows Stable Street (formerly known as Transit Street and shown as Route TS1 on the plan), running through the square to Goods Way and King's Boulevard (routes

CS2, BLV and SS1) running from Goods Way to Pancras Road. These routes are identified on the plan as a 'Primary Route', that is one which would provide the main circulation corridor for vehicles within the site. Paragraph 4.32 of the Revised Development Specification confirms that such routes would accommodate articulated buses and service vehicles, although there is no requirement in the S106 for buses to utilise these routes specifically. Typically a Primary Route would have a carriageway width of 7.5m, with flared corners, occasionally widening to incorporate a central turning lane or a parking lane on one side. There would also be provision for controlled pedestrian crossings where required.

Following the grant of Outline Planning Permission in 2006, a number of Reserved Matters submissions have been approved for various parts of the KXC public realm relating to this application. These include Reserved Matters approval for the Eastern Goods Yard (Development Zones L and G), which covers Granary Square and Stable Street (ref. 2007/5228/P, approved 8 April 2008), and various Enabling Works/Reserved Matters Approvals for King's Boulevard and Canal Square (refs. 2008/3731/P, 2010/3152/P, 2010/0872/P and 2014/4125/P).

The approved public realm has been largely implemented in Granary Square, including the alignment of Stable Street shown on Parameter Plan KXC 007 which separates the main square from the Ghat Steps and the Regent's Canal. The works were completed in 2012. King's Boulevard has been completed with temporary finishes and is open for pedestrians only.

As the King's Cross Central development has progressed, both the pedestrian flows through Granary Square and the number of service vehicles and taxis using the road and have increased. There has also been an increase in vehicles using Stable Street to avoid the Goods Way/York Way intersection. The proximity of the fountains, and therefore children, to the road is an additional consideration that was not envisaged at the outline stage. The safety of pedestrians and cyclists in the public realm is a significant consideration. As Granary Square has become more established as a lightly trafficked area with priority for pedestrians, the introduction of more vehicles could increase the accident risk as pedestrians are currently unused to traffic in the space and move freely within it. At the same time, discussions are taking place with the Council and other stakeholders around the potential to permanently pedestrianise King's Boulevard rather than fully implement the Enabling Works approvals which would see it become a vehicular route for public transport and taxis.

Further, since Outline Planning Permission was granted, policy and strategy has moved towards supporting sustainable forms of travel such as walking and cycling, and physical separation of these from vehicular routes. In particular, LB Camden's Transport Strategy (2011) includes a road user hierarchy which seeks to prioritise walking and cycling over other modes of transport. Although not policy, a City for all Londoners (2016), sets out the Mayor of London's vision to reduce vehicle dominance, enhance road safety and improve air quality across the capital. TfL's document on Healthy Streets for London (2017) includes similar aspirations to achieve a 'Healthy Streets Approach' which forms part of its long-term plan to improve the street environment and encourage more people to walk and cycle. Both documents indicate a direction of travel for policy at both London and borough level.

In this context, the current application seeks approval for the introduction of 'Flexible Primary Routes' along King's Boulevard (SS1 and BLV), Bridge BR1, Canal Square (CS2) and part of Stable Street where there are high volumes of pedestrian flows and potential for conflict with vehicles. The amendment will allow flexibility in these locations for the routes to be implemented either as primary routes for vehicle, pedestrian and cycle use or as shared surfaces for principally pedestrian use but with occasional controlled access for servicing and emergency services. As a shared surface, cyclists would be able use the route but it would not be marked as a dedicated cycle route.

A revised Parameter Plan KXC 007 Rev T showing the new Flexible Primary Route is provided in Schedule 4 for approval. Consequential amendments to the text of the Revised Development Specification at paragraphs 4.30-4.33 and Annex C to that document, are set out in Schedules 2 and 3 which are also submitted for approval. Schedule 1 sets out the proposed changes to the wording of Condition 31, specifically an update to the revision number to Parameter Plan KXC 007 and reference to the aforementioned addendum to the Revised Development Specification.

Full details and specifications of any Flexible Primary Routes will be subject to separate Reserved Matters submissions covering any revised arrangements in the locations identified. Indeed a separate reserved matters application has been submitted in parallel to this application for the removal of part of Stable Street and the pedestrianisation of the southern part of Granary Square, in accordance with the revised Parameter Plan and Development Specification Addendum.

4. Assessment of Materiality for the Purposes of Section 96A

Under Section 96A (1) of the Town and Country Planning Act 1990 (as amended) a local planning authority may make a change to planning permission relating to land in their area if they are satisfied that the change is non-material. This includes the power to alter existing conditions (s.96A (3)). This application seeks the principle of allowing 'Flexible Primary Routes' on some of the existing Primary Routes' within the site, through the amendment to Condition 31 of the KXC Outline Planning Permission, Parameter Plan KXC 007 and the Revised Development Specification, as noted above.

In judging the materiality of the proposed amendment, we have considered a number of factors, specifically:

- Only four previous applications for amendments to the Outline Planning Permission have been submitted under Section 96A, two of which remain under consideration by the council (ref. 2017/3442/P and 2017/3995/P). The first of those applications, submitted in June 2017 alongside a Reserved Matters submission for the Zone A building, seeks to adjust the proportion of basement floorspace across the northern and southern parts of the site to facilitate a larger basement in Zone A. The second, submitted in July 2017, seeks an amendment to the percentage of three and four bedroom units required by Condition 42A of the Outline Planning Permission, from 23% to 19%. Previous approved applications include one in February 2012 (ref. 2012/0669/P) which added Condition 50A to the Outline Planning Permission requiring details of the use of car parking spaces proposed within the development, and a further application in March 2015 (ref. 2015/1676/P) to increase the maximum residential floorspace that may be developed (but not the maximum number of residential units which remained unchanged). None of the above applications include changes to Condition 31;
- The proposed amendment will allow greater flexibility in the treatment of a limited number of Primary Routes within the site, namely King's Boulevard and part of Stable Street, enabling the implementation of either a shared pedestrian/cycle route or the permitted vehicular route. Consequently, the option of a Primary Route, as envisaged by the Outline Planning Permission, is retained.
- The effect of the amendment would not give rise to any impact that has not been tested by the EIA at the outline stage.

It is considered that the proposed change will facilitate improvements to the public realm which respond to the level and type of use of Granary Square and King's Boulevard, which have both established themselves as key pedestrian routes and spaces since the outline permission was granted. The amendment would bring significant benefits in reducing the conflict between pedestrians, cyclist and vehicles in these

locations in the context of their increasing popularity, and footfall across the site as a whole. Full details of the extent and specification of any proposed shared surfaces along the Flexible Primary Routes would be subject to separate Reserved Matters submissions at the appropriate time.

It is important to bear in mind, as the guidance referred to in Section 2 makes clear, that the materiality of the amendment needs to be addressed in the context of the “overall scheme”. The “overall scheme” for King’s Cross is a comprehensive, phased, mixed use development within the King’s Cross Opportunity Area for a maximum of 713,090m² floorspace and up to 1,700 residential dwellings alongside landscaping and open space. In the context of the significant scale of development and the relevant factors listed above, it is considered that the proposed change to Parameter Plan KXC 007 and the relevant paragraphs of the Revised Development Specification, as effected by the amendment to Condition 31, is de minimis and therefore “non-material” for the purposes of Section 96A of the Town and Country Planning Act 1990 (as amended).

Schedule 1

Proposed Non-material Amendment to Condition 31 of the Outline Planning Permission

Condition 31 'Parameter Plans and Development Specification' of the Outline Planning Permission currently states:

"The development shall be carried out in accordance with the Revised Parameter Plans and as described in the specified paragraphs of the Revised Development Specification dated September 2005 comprising:

...

(d) the Principal Access and Circulation Routes shown on drawing KXC007 Rev S together with paras 4.30—4.47 and with Annex C to the extent that it provides a summary and indicative specification for the routes only;

..."

This application seeks approval to amend Condition 31 to include reference to the Addendum to the Revised Development Specification, the replacement of the revision number to Parameter Plan KXC 007 in part (d) from 'Rev S' to 'Rev T' and changes to the paragraph numbers to reflect the additional paragraph added as 4.33 to cover Flexible Primary Routes (see Schedule 2). The proposed amendments are highlighted in red below:

"The development shall be carried out in accordance with the Revised Parameter Plans and as described in the specified paragraphs of the Revised Development Specification dated September 2005 (and Addendum dated August 2017) comprising:

...

(d) the Principal Access and Circulation Routes shown on drawing KXC007 Rev T together with paras 4.30—4.48 and with Annex C to the extent that it provides a summary and indicative specification for the routes only;

..."

Schedule 2

Addendum to the Revised Development Specification (September 2005)

This Addendum sets out the additional text for paragraphs 4.30- 4.33 of the Revised Development Specification (September 2015), including a new paragraph 4.33, for approval. Additions to the original document are added in red text, otherwise it remains as approved at the outline stage.

Access and Circulation

4.30 Parameter Plan KXC007 fixes various access and circulation routes that are proposed, as part of the site's comprehensive development. Each of the routes and features shown would be retained and/or developed in the form and location identified on the parameter plan and described in Annex C. Annex C provides a more detailed specification for each of the routes proposed explaining, for example, the minimum width of each route and where routes have been designed to accommodate buses and/or other public transport. Annex C also provides a specification for the new bridges and modified/realigned highway junctions shown on the parameter plan.

4.31 The parameter plan includes:

- i Those existing highways which are to be modified/realigned (Pancras Road, Goods Way and York Way);
- ii 5 new/modified junctions along York Way (annotated Jn1 – Jn4 and 6);
- iii Primary routes;
- iv **Flexible primary routes**
- v Secondary routes;
- vi (Tertiary) Routes for access and drop-off only (e.g. by taxis);
- vii Pedestrian/cycle (only) routes within development zones;
- viii Zones for new bridge structures, to carry proposed routes over the
- ix Regent's Canal and link the Eastern Coal Drops viaduct to the Wharf
- x Road Viaduct (annotated BR1 – BR4);
- xi Access points for new below-ground service roads; and
- xii The location of the principal entry and exit points to/from the London Underground.

Primary Routes

4.32 Primary routes would provide the main circulation corridors for vehicles within the site. These routes would accommodate articulated buses and service vehicles. Typically, these routes would have a carriageway width of 7.5 metres, with flared corners, occasionally widening to incorporate a central turning lane or a parking lane on one side. There would be provision for controlled pedestrian crossings where required.

Flexible Primary Routes

4.33 Flexible primary routes are routes which can either be implemented as Primary Routes (as defined above) or as shared surfaces mainly for pedestrian use but with occasional controlled access for servicing and emergency services. As a shared surface cyclists would be able use the route but it would not be marked as a dedicated cycle route.

Schedule 3

Proposed Amendments to Annex C of the Revised Development Specification (September 2005)

This application seeks approval for an updated version of Annex C to the Revised Development Specification which provides a summary and indicative specification for the routes shown on KXC 007. Amendments to Annex C relate to King's Boulevard (SS1 and BLV), Bridge BR1, Canal Square (CS2) and part of Stable Street (TS1) only. All other parts of Annex C remain unchanged.

The revised Annex C is provided overleaf.

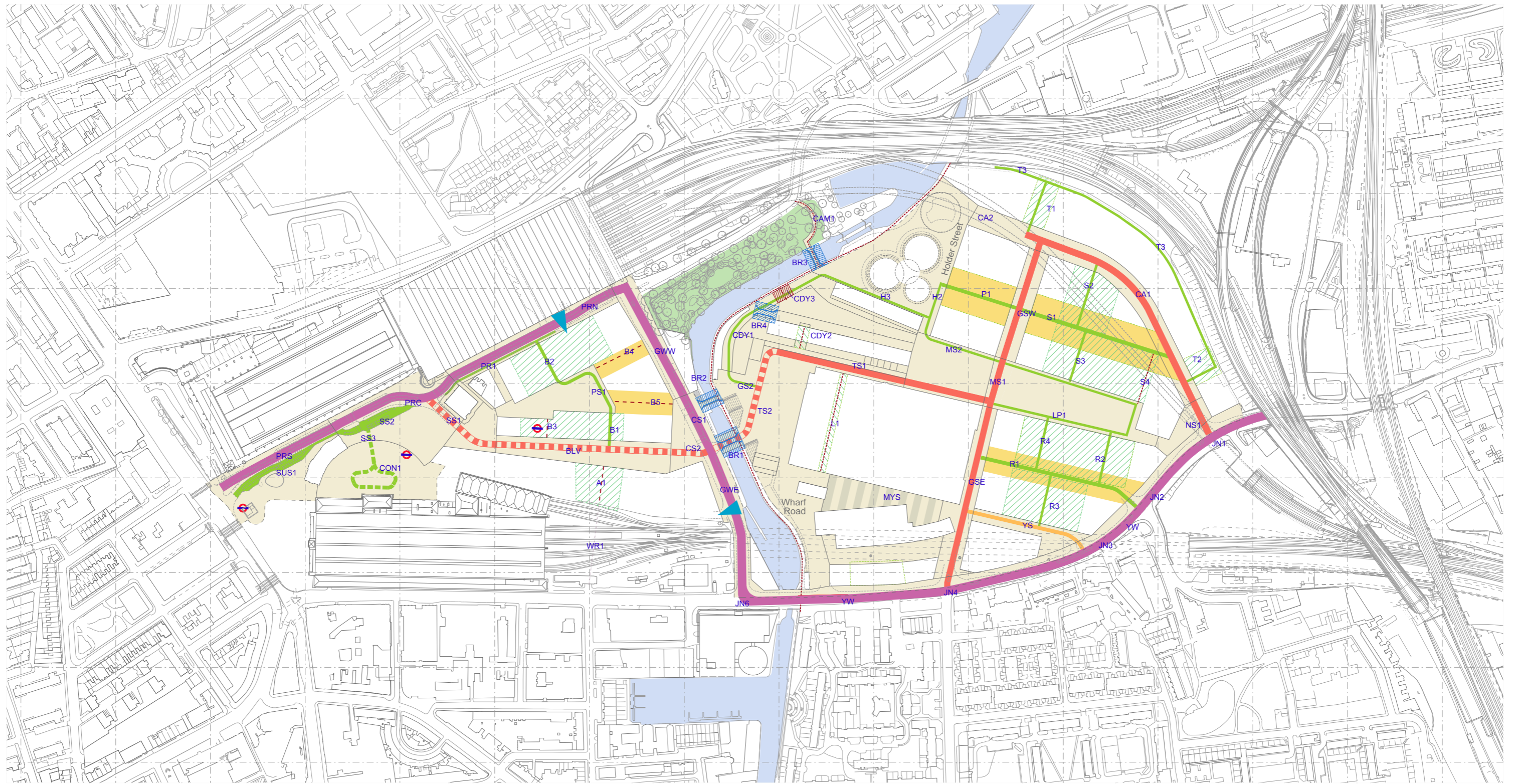
Annex C Proposed Amendments (shown in red)

Ref on KXC007	Name	Description	Minimum Widths/Dimensions	On Street Parking	Materials	Urban Design Status
Flexible Primary Routes						
SS1	Boulevard	Route for public transport and taxis northbound and southbound; or shared surface for pedestrians, cyclists and occasional controlled access for servicing and emergency vehicles	If implemented as a Primary Route: Overall min width of 17.9m. Carriageway min. = 7.5m with pedestrian areas either side	No	If implemented as a Flexible Primary Route: High quality paving with granite kerbs where necessary. If implemented as a Primary Route: Stone units on carriageway to match high quality paving. Granite kerbs.	Uncovered/open to the sky
BLV	Boulevard	Route for public transport and taxis north-bound and southbound; or shared surface for pedestrians, cyclists and occasional controlled access for servicing and emergency vehicles	If implemented as a Primary Route: Overall min width of 17.9m. Carriageway min. = 7.5m with pedestrian areas either side	No	If implemented as a Flexible Primary Route: High quality paving with granite kerbs where necessary. If implemented as a Primary Route: Black top on carriageway. High quality paving and granite kerbs.	Uncovered/open to the sky
CS2	Canal Square 2	Route for public transport and taxis north-bound and southbound or shared surface for pedestrians, cyclists and occasional controlled access for servicing and emergency vehicles	If implemented as a Primary Route: Public space with a carriageway width of at least 7.5m	No	If implemented as a Flexible Primary Route: High quality paving with granite kerbs where necessary. If implemented as a Primary Route: Black top on carriageway.	Uncovered/open to the sky

					Stone units at pedestrian crossing points to match high quality paving. Granite kerbs.	
TS2	Transit Street (1) Stable Street	Two-way route for public transport and taxis incorporated into the public realm; or shared surface for pedestrians, cyclists, and occasional controlled access for servicing and emergency vehicles.	If implemented as a Primary Route: Overall min width of 13.5m. Carriageway min. = 7.5m. Footways min = 6.0 m	No	If implemented as a Flexible Primary Route: High quality paving with granite kerbs where necessary. If implemented as a Primary Route: Granite setts on carriageway. High-quality stone paving to match Granary Square. Granite kerbs.	Uncovered/open to the sky
Primary Routes						
TS1	Transit Street (1) Stable Street	Two-way route for public transport and taxis incorporated into the public realm.	Overall min width of 13.5m. Carriageway min. = 7.5m. Footways min = 6.0 m.	No	Granite setts on carriageway. High-quality stone paving to match Granary Square. Granite kerbs.	Uncovered/open to the sky
New Bridges						
BR1	New bridge forming a link between the Boulevard and Granary Square. Bridge to be capable of carrying 2 way traffic with a footway width of at least 5m, or provide a shared surface for pedestrians, cyclists and occasional controlled access for servicing and emergency vehicles.					

Schedule 4

Revised Parameter Plan KXC 007 Rev T



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Argent (King's Cross) Limited

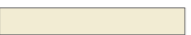
















Key:

King's Cross Central
Main Site Planning Application
Revised Development Specification
Revised Parameter Plans
Scale 1:4000 @ A3

Rev: T

280_PP_FD_KXC007_020_050816

Date	Description
21.06.17	Revision to add Flexible Primary Routes

	Principal Public Realm Areas (Pedestrian, Cycle & Emergency Services Access)		Route Reference in Annex C: Specification for Access and Circulation Routes
	West Handside Canopy		L.O.D. for North-South routes within Development Zones
	Existing Adopted Highways to be Modified/ Realigned		L.O.D. for East-West routes within Development Zones
	Primary Routes		Zones for New Bridge Structures
	Flexible Primary Routes		Route between Lower Level of the Coal Drops and the Canal Towpath
	Secondary Routes		Access for Below Ground Service Road
	Access / Drop-off only		Underground Entry / Exit
	Station Access & Drop-off only		Potential pedestrian route identified in the Camden / Islington Planning and Development Brief
	Pedestrian / Cycle Routes		

KXC 007

Principal Access & Circulation

