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Argent (King's Cross) Limited

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

Rev: R

280\_PP\_FB\_KXC001\_019\_050608

Key:

-  Land within Planning Application Boundary
-  London Borough Boundary

KXC 001  
Planning Application Area

0 25 50 100 200



<b>Delegated Report (Members' Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		04/08/2017	
		N/A		<b>Consultation Expiry Date:</b>		N/A	
<b>Officer</b>				<b>Application Number(s)</b>			
Jennifer Walsh				2017/4675/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Kings Cross Central - Main site Land between Euston Road, St Pancras Station, Midland Main Line, The New Channel Tunnel Rail Link, York Way and Kings Cross Station.				Refer to draft decision notice.			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
<b>Proposal(s)</b>							
Amendment to wording of Condition 31 (Parameter Plans and (Development Specification) of outline planning permission 2004/2307/P granted 22/12/2006 in association with the introduction of a flexible primary route to facilitate the pedestrianisation of Granary Square.							
<b>Recommendation:</b>		<b>Approve Non Material Amendment</b>					
<b>Application Type:</b>		<b>Non-Material Amendments</b>					
<b>Conditions or Reasons for Refusal:</b>		<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>	
			No. Electronic	<b>00</b>			
<b>Summary of consultation responses:</b>	N/A						
<b>CAAC/Local groups comments:</b>	N/A						

## Site Description

This application relates to the Kings Cross Central site. King's Cross Central is bounded to the east by King's Cross Station and York Way, to the north by the railway lines used by High Speed 1, to the west by St Pancras International, and to the south by Euston Road. A large element of the site is located within the Regents Canal Conservation Area.

## Relevant History

**2004/2307/P:** 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 (R1). **Approved 22 December 2006**

**2017/4642/P:** Reserved matters relating to revised landscaping to Granary Square and Stable Street to reconfigure part of Stable Street and the bridge connecting Granary Square to Goods Way to become a shared surface for pedestrians and cyclists as required by conditions 9, 10, 12, 14, 16, 18-23, 31, 56 and 64-67 of outline planning permission reference 2004/2307/P granted 22/12/06 (subject to S106 agreement) for a comprehensive, phased, mixed-use development of former railway lands within the King's Cross Opportunity Area. **Recommended for approval at planning committee 26<sup>th</sup> October 2017**

**Numerous applications have been decided across the site, largely for reserved matters approval. Including the following non-material amendment applications and Deeds of Variation.**

**2015/1676/P: Non-material amendment** to increase residential floorspace granted under application 2004/2307/P, 22/12/2006, 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 amendments include a proposed increase to the maximum amount of residential floorspace (condition 35) that may be developed, amendments to the maximum amount of residential floorspace that may be developed within the relevant development zones north of the Regent's Canal (condition 36); and amendments to the affordable housing floorspace figures and the social rented housing floorspace figures in Condition 42 b) and c). **Granted 20/07/2015.**

A **Deed of Variation** to the original Section 106 legal agreement to secure changes to the affordable housing provision clause NN and removal of clause MM. **(Signed 28 April 2015).** Further changes to the baseline mix were also included within the application for T1 (presented to committee on 22 March 2013). In T1 12 Shared Ownership and 22 affordable rent units were provided in lieu of 34 social rented units. There was no change to the overall T1 affordable housing square footage and the changes came about due to the changes in the funding regime. These alterations to the figures were made under clause 2.3 which allows for agreed amendments to the Baseline Mix therefore no Deed of Variation was required.

A **Deed of Variation** to the original Section 106 legal agreement in relation to Plot P1 which sat alongside a reserved matters application was presented to committee on 29 November 2012. 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 application (2012/4741/P) sought to vary this provision by the additional inclusion of new

premises for the Frank Barnes School for Deaf Children. Furthermore in order to facilitate this, a variation to the residential mix was agreed, substituting additional school floorspace for an equivalent amount of affordable housing from the Outline permission total. Prior to this application, reserved matters approvals made changes to the affordable housing numbers, reducing 750 units to 707 units as a results of requests from the Council reflecting changes in demand for housing. However, despite this reduction in unit numbers, the total amount of affordable housing floor space remained the same. In order to compensate Kings Cross Central Limited Partnership for the additional floor space required for the schools, this application agreed further changes. The reserved matters planning submission for the P1 building therefore was made alongside a request for a S.106 variation which detailed the requirement for the delivery of the new schools development and changes to the housing mix. This reserved matters application adjusted the site wide total to 699 units. **(Signed 7 December 2012)**

## **Relevant policies**

### **National Planning Policy Framework (2012)**

#### **The Local Plan 2016**

##### **Camden Local Plan**

G1 Delivery and location of growth  
A1 Managing the impact of development  
T1 Prioritising walking, cycling and public transport  
T3 Transport Infrastructure  
T4 Sustainable movement of goods and material  
D1 Design  
D2 Heritage  
C6 Access  
A2 Open Space  
CC4 Air Quality  
DM1 Delivery and monitoring

##### **Camden Planning Guidance**

CPG1 – Design  
CPG 6 – Amenity  
CPG 7 – Transport

## **Assessment**

### **1. Proposal**

- 1.1 This application seeks to make a non-material amendment to Condition 31 of outline planning permission for approval to introduce a new type of route being a '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 the King's Boulevard.
- 1.2 This amendment also involves rewording 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.

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; ..."*

1.3 This application seeks to amend Condition 31 to include reference to the amendment to the Revised Development Specification as well as the amendment to the revision number of Parameter Plans KXC 007 from Rev S to Rev T and the changes to the paragraph numbers which incorporate Flexible Primary Routes. The proposed condition would therefore read:

*“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;*

*...”*

1.4 This application is in association with the amendment to the reserved matters application (ref 2017/4642/P) for pedestrianisation of Granary Square which was heard at Planning Committee on 26<sup>th</sup> October 2017.

## **2. Justification**

- 2.1 The outline planning permission was granted in 2006 and was accompanied by a set of Parameter Plans including Parameter Plan KXC 007 Rev S which illustrates the principle access and circulation routes within the site. These routes are further defined within the Revised Development Specification document, including an indicative specification within Annex C.
- 2.2 Parameter Plan KXC 007 shows Stable Street (formerly known as Transit Street) running through Granary Square to Goods Way and King's Boulevard. These routes are identified on the plan as a 'Primary Route', which is one which would have been envisaged to be the main circulation corridor for motor vehicles within and throughout the site.
- 2.3 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.
- 2.4 A number of reserved matters applications have been approved for large parts of the King's Cross Central public realm which relate to this application, and also the application which was recently heard at Committee for the approval of amendments to the layout of Granary Square (ref 2017/4642/P).
- 2.5 As the King's Cross Central development has progressed and been built out, the popularity of Granary Square, as well as the pedestrian flows throughout the site, have increased beyond envisaged numbers. The number of service vehicles and taxis using Stable Street which is open South-bound only have also increased. The success of Granary Square, the use of the space, as well as the proximity of the fountains and pedestrians in conflict with the road, is a consideration that was not envisaged at outline stage.
- 2.6 There is a concern from both the Council and the Developer for the safety of pedestrians and cyclists using the space and the increased risk of accidents which would be greater through the introduction of additional vehicles. Due to the nature of the space, pedestrians are not aware of the road as it has established itself as a lightly trafficked area with priority for pedestrians and this only adds to the success of the space itself.

- 2.7 Discussions are also taking place with Camden and other stakeholders in relation to King's Boulevard which involve permanently pedestrianising King's Boulevard rather than fully implementing the Enabling works approval which would see it become a route for buses and taxis. This application includes the introduction of a 'Flexible Primary Route' along the King's Boulevard as well as part of Stable Street. This application would allow flexibility within these locations to be implemented either as primary routes for vehicles, pedestrian and cycles or as a shared principally pedestrian surface but with occasional controlled access for servicing and emergency services.
- 2.8 Policy and Strategy at both a local and a national level have moved towards promoting and supporting sustainable forms of transport such as walking and cycling since the Outline Planning Permission was granted in 2006. LB Camden's Transport Strategy (2011) includes a road user hierarchy, which seeks to prioritise walking and cycling over other modes of Transport. This sits alongside City for all Londoners (2016) which sets out the Mayor of London's vision to reduce vehicle dominance and TfL's document on Healthy Streets for London (2017) all priorities pedestrians and cyclists above other modes. The healthy streets approach is focused on designing spaces on how people use them rather than for a particular mode and seeks to reduce barriers that prevent people from spending time on London's Streets. Introducing buses in Granary Square and King's Boulevard could create a barrier that discourages people from using this space and would not contribute towards enhancing what has become a very successful public space. In addition, Camden has a Road User Hierarchy that prioritises pedestrians and cyclists above other modes. This hierarchy is paramount in informing the Council's own transport schemes as well as our assessment of proposed development in the borough.
- 2.9 Further details and specification of any Flexible Primary Route would be subject to a separate Reserved Matters application specifying any revised arrangements and details in the locations identified.

### **3. Non Material Amendment (NMA)**

- 3.1 Within the National Planning Policy Guidance on Non Material Amendments, there is no statutory definition of 'non material'. It states that "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". Section 96A itself states that "in deciding whether a change is material the Local Planning Authority (LPA) must have regard to the effect of the change". The Local Planning Authority must have regard to the effect of the changes proposed and in the context of the overall scheme. Section 96A (2) states that 'In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted'.
- 3.2 Four previous applications for amendments to the Outline Planning Permission have been submitted under Section 96A. Of those applications, one related to Zone A and the basement floorspace across the site (2017/3442/P), one sought an amendment to the percentage of three and four bedroom units required under condition 42A (2017/3442/P), one was in relation to the use of car parking spaces in line with Condition 50A (2012/0669/P), and the other related to the maximum residential floorspace that may be developed (2015/1676/P). All of these applications have been taken into account when assessing this application, and none of which are considered to have an effect on this application.
- 3.3 One example of a situation in which changes cannot be considered NMAs is where they would trigger the need for an Environmental Impact Assessment (EIA) or for a revised EIA. Within this application, all the proposals are within the EIA parameters and therefore in this regard, the application can be considered as a NMA.
- 3.4 Under the Town and Country Planning (Development Management Procedure) (England) Order 2010 there is no requirement for the Council to formally consult on Non Material

Amendment applications. The Planning Authority has the discretion in whether and how they choose to inform other interested parties. In this instance, the Council is satisfied that due to the scale and effect of the non-material amendment in consideration of the scheme as a whole, there is no need to conduct any publicity on the application as whilst the proposed changes are made to important conditions their scale and effect is minor and not material when considered within the context of the permission as a whole. This is considered alongside the Reserved Matters application which was consulted upon and was heard at Planning Committee on 26<sup>th</sup> October 2017.

- 3.5 The proposals included within this application must be and have been considered in light of the wider Kings Cross Central Development. The proposed amendment to the parameter plans will allow greater flexibility to a small number of Primary Routes on the site, including King's Boulevard and an element of Stable Street, enabling the implementation of a pedestrianised route or the permitted vehicle route. Therefore, it is considered that the option of the Primary Route, as envisaged by the Outline Planning Permission, is retained.
- 3.6 It is considered that the proposed change will facilitate improvements to the public realm and respond well to the success and popularity of the space. The amendment reduces the conflict between pedestrians and vehicles in these locations and respect the context of the Outline Planning Permission.
- 3.7 It is therefore considered in the context of the overall scheme, 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 not a material amendment in this specific context and for the purposes of Section 96A of the Town and Country Planning Act 1990 and is considered acceptable in this instance.
4. **Recommendation: Approve Non Material Amendment.**

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 30 October 2017, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Alexandra Woolmore  
Argent (Kings Cross) Ltd  
4 Stable Street  
London  
N1C 4AB

Application Ref: **2017/4675/P**  
Please ask for: **Jennifer Walsh**  
Telephone: 020 7974 **3500**

26 October 2017

Dear Sir/Madam

**DRAFT**  
**DECISION**

Town and Country Planning Act 1990 (as amended)

**Grant of Non-Material Amendments to planning permission**

Address:  
**Granary Square Public Open Space**  
**London**  
**N1C 4AG**

Proposal: Amendment to wording of Condition 31 (Parameter Plans and (Development Specification) of outline planning permission 2004/2307/P granted 22/12/06 in association with the introduction of a flexible primary route to facilitate the pedestrianisation of Granary Square.

Drawing Nos: Supporting Statement; Cover Letter from King's Cross Central Limited Partnership dated 10th August 2017;

The Council has considered your application and confirms that the proposals are acceptable as non-material amendments to the planning permission set out above.

For the purposes of this decision, condition no.31 (d) of outline planning permission 2004/2307/P shall be replaced with the following condition:

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:

Executive Director Supporting Communities





(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;

Reason: The development is the subject of an Environmental Impact Assessment and any change to the development from the particulars assessed as above might have an impact which has not been identified and assessed. The requirements of this condition are to ensure a comprehensive and sustainable development, to achieve integration, regeneration and good design and to accord with the assessment and conclusions of the Environmental Impact Assessment in accordance with policies S1, S2, S3, SKC1, SKC2, SKC3, SKC4 and KC8 of the London Borough of Camden Replacement Unitary Development Plan 2006.

Informative(s):

- 1 This amendment shall only be read in the context of the substantive permission granted on 22/12/2006 under reference number 2004/2307/P and is bound by all the conditions attached to that permission unless otherwise amended by this permission.
- 2 Your attention is drawn to the fact that there is a separate legal agreement with the Council (dated 22/12/2006 as amended by a number of variations including one dated 28/04/15) which relates to the development for which this permission is granted.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Director of Regeneration and Planning

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