

Delegated Report (Members Briefing)	Analysis sheet N/A / attached	Expiry Date: Consultation Expiry Date:	25/09/2018 30/01/2019
Officer		Application Number(s)	
Kate Henry		2018/3650/L	
Application Address		Drawing Numbers	
Coal Drops Yard Stable Street King's Cross Central London N1C 4AB		N/A	
Proposal(s)			
Heritage Partnership Agreement for the Eastern Coal Drops in Coal Drops Yard.			
Recommendation(s):	Approve Heritage Partnership Agreement		
Application Type:	Heritage Partnership Agreement		

Consultations

Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:	<p>The Planning (Listed Buildings and Conservation Areas) (Heritage Partnership Agreements) Regulations 2014 requires the Local Planning Authority (LPA) to prepare a statement of their reasons for proposing to grant listed building consent. See Section 2 of this report for more information.</p> <p>The Regulations require the LPA to consult publically for a period of not less than 28 days on :</p> <ul style="list-style-type: none">• the statement of reasons,• extracts from the draft Heritage Partnership Agreement which relate to the proposed works, and• all other plans and documents detailing the proposed works <p>Site notices were displayed on 28/12/2018, allowing comments up until 30/01/2019, in accordance with the requirements of The Planning (Listed Buildings and Conservation Areas) (Heritage Partnership Agreements) Regulations 2014, Part 5(1).</p> <p>No comments have been received in response to the publicity.</p>					
Regent's Canal CAAC:	Regent's Canal CAAC were consulted on 21/12/2018. No comments have been received.					
Historic England	Historic England were consulted on 21/12/2018. They have responded to confirm that they have reviewed the document and welcome the proposals.					

Site Description

The application site is the Eastern Coal Drop building at Coal Drops Yard, in Development Zone I of the Kings Cross Central Masterplan.

The application site is located within the Regent's Canal Conservation Area. The Eastern Coal Drop is listed (Grade II), whereas the Western Coal Drop is not listed; however, it is identified in the Regent's Canal Conservation Area Appraisal and Management Strategy (September 2008) as making a positive contribution to the character and appearance of the conservation area.

The Coal Drops Yard has undergone significant changes in recent years to create a new retail destination as part of the redevelopment of the wider Kings Cross Central site. The redevelopment has seen the Eastern Coal Drop and Western Coal Drop buildings being linked via a roof extension.

The proposed Heritage Partnership Agreement relates to the Eastern Coal Drop, and to other parts of the Coal Drops Yard insofar as they are inseparable from the listed structure.

Relevant History

2015/6015/P - Internal and external alterations associated with the refurbishment of the Western Coal Drops and the northern 20 bays of the Eastern Coal Drops with their adjacent viaducts and the erection of a new roof level extension spanning between the Eastern and Western Coal Drops and new single storey shop units along Lower Stable Street, together with works to create means of access and circulation, hard landscaping, servicing, cycle parking and cycle facilities, for retail uses within Use Classes A1, A2, A3 and/or A4 - **Granted conditional planning permission subject to a S106 legal agreement 19/01/2016**

2015/6018/P - Reserved matters in connection with the refurbishment of the 16 Western Wharf Road Arches and the southern 5 bays of the Eastern Coal Drops and its adjacent viaduct within Development Zones I and M for retail uses within Use Classes A1, A2, A3 and/or A4 together with hard landscaping within the Coal Drops Yard. Matters addressed by this submission entail associated details in compliance with condition nos. 3, 9, 10,14,16-24, 27-28, 31, 33-39, 42-43, 45-46, 48-49, 51, 56, 57, 60, 62, and 64-67 of the outline planning permission for a comprehensive, phased, mixed-use development of former railway lands within the Kings Cross Opportunity Area (2004/2307/P) granted subject to section 106 legal agreement on 22 December 2006) - **Granted conditional permission 19/01/2016**

2015/6016/L - Refurbishment of the Eastern Coal Drops together with its adjacent viaduct (including, refurbishment of the fire damaged northern section of the Eastern Coal Drops) to facilitate retail uses (Use Classes A1, A2, A3 and/or A4). Development comprises the demolition of the single storey office building at the southern end, works to facilitate formation of a new roof-level extension linking the Eastern and Western Coal Drops, alteration of some internal levels, removal of infills to some arches to allow the formation of shopfronts and entrances, installation of new stairs and lifts, works to allow for the addition of two bridge connections from the viaduct to the Western Coal Drops viaduct, works to allow a bridge connection at the southern end of the viaduct to the Wharf Road Arches at viaduct level and three bridge connections to Stable Street, cutting back of the northern 12 bays of the viaduct and the removal of the modern timber porches on the viaduct - **Granted conditional listed building consent 19/01/2016.**

2004/2307/P - 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 - **Outline planning permission was granted on 22/12/06 and this permission is now known as 'King's Cross Central'.**

Relevant policies

Listed Buildings and Conservation Areas Act 1990, as amended by the Enterprise and Regulatory Reform Act (ERR) 2013

The Planning (Listed Buildings and Conservation Areas) (Heritage Partnership Agreements) Regulations 2014

National Planning Policy Framework 2018

London Plan 2016

Policy 7.8 Heritage assets and archaeology

Camden Local Plan 2017

Policy D2 Heritage

Assessment

1. Background

- 1.1. Listed Building Heritage Partnership Agreements (LBHPAs) were introduced by section 60 of the Enterprise and Regulatory Reform Act 2013. The Historic England Advice note no. 5 provides the following introduction to Heritage Partnership Agreements (HPAs):

“They allow the owner of a listed building or buildings and their local planning authority (LPA) to agree which necessary works to the building are routine and regular and, if done correctly, will not harm its special interest. The agreement grants listed building consent (LBC) for these works, for an extended period of time, and they can go ahead whenever convenient.

This supports a partnership approach between the owner and the LPA and will help them to reach an agreed vision for the medium/long term management and maintenance of the listed building(s) covered. It will support dialogue and increase mutual certainty over the aspirations and requirements of all parties to the agreement. LBHPAs also have the potential to save time and resources for the partners as they will be able to spend less time dealing with minor applications, freeing them up to concentrate on any major or contentious issues affecting the building.

Other bodies besides the owner and LPA may be party to the agreement, including the Secretary of State and Historic England”

- 1.2. The LBHPA for the Eastern Coal Drops building is formed of two parts:

PART 1: Technical document

The technical support document, “the HPA support plan”, sets out details of:

- the existing building,
- the boundary of the agreement
- assessment of significance
- assessment of suitability of the works
- a description of the consented works
- supporting appendices

PART 2: Legal document

The legal section formally grants listed building consent for the consented works identified in the technical document.

- 1.3. The LPA has a legal duty in granting listed building consent through a LBHPA to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and listed building consent granted by a HPA may be granted subject to conditions.
- 1.4. A HPA does not override any separate requirement for planning permission which may be required.
- 1.5. The proposed HPA is between the London Borough of Camden (the LPA) and the owners of the King’s Cross Central development, which includes the Eastern Coal Drop building (the applicant).
- 1.6. The proposed HPA would cover a 25 year term, at which point it would be terminated and/or

revised in accordance with up to date conservation standards and principles and renewed.

- 1.7. The proposed HPA would require the LPA and applicant to hold a Review Meeting every 3 years and the applicant would also be required to provide an Annual Summary of Works Report to the LPA on a yearly basis. The agreement would also allow for Listed Building Group Meetings to be held annually if the Council wished to convene such meetings.

2. Statement of Reasons

- 2.1. There is no application process for HPAs as they are reached by agreement; however, the Planning (Listed Buildings and Conservation Areas) (Heritage Partnership Agreements) Regulations 2014, part 3, requires the LPA to prepare a statement of their reasons for proposing to grant listed building consent through a HPA, which must include the following:
- a) an assessment of the likely effect of the proposed works on the special architectural or historic interest of the listed building to which the agreement would relate;
 - b) a reasoned justification for the proposed works; and
 - c) details of any conditions to which the proposed consent would be subject.

- 2.2. The following paragraphs (2.3 to 2.13) are direct extracts from the Council's Statement of Reasons:

Effect on special interest (a)

- 2.3. The special interest of the Eastern Coal drops can be split into three areas: historic, architectural and group value.

Historic:

- One of the major remaining buildings of the GNR's King's Cross Goods Yard complex;
- Early and ambitious building of its type, and one of the few surviving covered coal drops;
- Industrial archaeological interest connected to its evidence of the development of goods interchange and associated technology.

Architectural:

- Robust, arcaded brick Italianate style, the 'house style' of the GNR Goods Yard;
- Probably built by Lewis Cubitt, like Kings Cross Station and much housing in the King's Cross area.

Group value:

- With the GII-listed Granary Building, GI-listed King's Cross Station and associated listed and unlisted Goods Yard buildings.

Proposed works

- 2.4. The 2016 permissions (see planning history) permitted the conversion of the CDY complex into a retail destination, with the formation of retail units in the cellular warehouse spaces at yard level, adjacent to the twentieth-century railway tracks at viaduct level, and in new spaces created at the upper levels and in the bridging roof extension. The works consented in this HPA are all connected with either the ongoing maintenance of the complex in this use, or with the changing commercial and servicing needs of the retail and food & beverage occupiers of the CDY. In accordance with the HPA the freeholder of the property, who is party to the agreement, has responsibility for implementing and overseeing the HPA.

Effect

- 2.5. For reasons of the functionality of the report the HPA support plan is organised by the affected portions of the fabric, rather than by purpose, scale or scope.
- 2.6. Considered more thematically, the major categories of works and their effect may be summarised as follows:

1. Renewal of finishes for aesthetic and safety reasons and repair and maintenance of the structure:

- As controlled by the definitions on 65 of the support plan, and the standard condition required for making good, consent would be granted for reasonable replacement of materials and elements, within parameters controlling their extent, but which might nonetheless normally be considered for listed building consent. In no case do these consented works enable the alteration of the architectural character of the building, and thus would not result in harm to its special interest.
- The (re)application of intumescent paints and other fireproofing measures, and their application to the fabric in general, is consented. The specified products and methods are sufficient to demonstrate that no harm would arise to special interest.
- Areas of fabric permitted to be painted are identified, and paint products meeting specified criteria are identified, which would harm neither fabric or architectural interest, nor appreciation of the architectural character of the building or its functionality. The free choice of colour in painting and repainting was debated, but it was determined that since no clear colour scheme would seem to be prescribed by considerations of significance, and the critical concern of ensuring the legibility of the patinated and consistent industrial material palette is dealt with by the controls on fabric permitted to be painted, no particular colour of repainting could cause harm to special interest.

2. Servicing needs

- Modest measures to meet the changing needs of occupiers, such as the installation of extract fans within chimneys, and replacement of electrical devices, are consented within stated parameters and methods which limit them such that they would have no additional impact on special interest through visual impact or harm to fabric than under existing consents.
- Parameters for penetrations and new service runs have been set out which are reasonable in relation to preservation of the fabric and causing minimal harm to architectural qualities, and would ensure that works fall short of causing harm.

3. Unit fit-out

Methods for fixing (signage, fittings, etc.) into historic fabric are set out, and the specifications and upper limits set to ensure that this would cause no physical harm to fabric which contributes to special interest.

- Consented decoration and lining of units (as with considerations relating to painting, above) has been limited to materials and methods (mounted plasterboard or equivalent panels) and areas of the retail units (in relation to the significant qualities of their architectural form) which would cause no physical harm to fabric of, or impede appreciation of, special interest; while other fit-out and decoration works are appended in the landlord guidelines, previously agreed with Council officers, or constrained by the permissible impacts on the fabric set-out in the HPA.

Reasoned justification (b)

- 2.7. None of the consented works would harm the special interest of the listed building, and this has been the explicit intention of officers in negotiating the HPA. The works are all either routine and related to the maintenance of the ECD and its neighbours, or related to the reasonable needs of its occupiers and demands made upon the fabric in connection with its new optimum viable use (OVU) as a retail centre. In the case of those measures (fit-out and decoration) which will alter its architectural qualities or character, all are reversible and, by design, fall short of harming appreciation of its special interest. As such, the more nuanced aspects of its special interest, and of its group value, are not implicated.
- 2.8. The justification extends then to sustaining the ECD in its optimum viable use, and as such draws upon the original justification for the building's conversion. The reasoned justification for consent for the conversion, granted in January 2018, was made in the Officer's Report as follows:

“The proposal will bring three buildings of heritage significance which are in very poor condition back into a viable use, securing their long term future and allowing them to be publicly accessible for the first time. These public benefits are considered to significantly outweigh the less than substantial harm caused by the [works of conversion].”

The works consented under the HPA ensure the ongoing viable use of the ECD by establishing clear guidelines for managing some of the physical impacts of its occupation, and by giving security and clarity to its owners, tenants and the Council.

- 2.9. It is therefore considered that the works proposed under the HPA would preserve the special architectural and historic interest of the listed ECD (including its setting) in accordance with s.16 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013, Policy 7.8 of the London Plan 2016 and Policy D2 of the Camden Local Plan 2017.

Conclusion

- 2.10. The HPA deals with the practicalities surrounding multi-tenanted retail destination within a listed building which requires flexibility to adapt to the fast paced retail market. The parameters set out with the HPA ensure that alterations would preserve the special architectural and historic interest of the listed ECD whilst ensuring continuation of its optimum viable use.
- 2.11. The HPA allows the freeholder to undertake works specified in the agreement over an agreed period of time of 25 years so that they can be implemented as and when they are necessary to enable the function of the building within its permitted retail use. The agreement only covers the works specified and does not override any separate requirement for planning permission which may be triggered by the proposed works.
- 2.12. The freeholder of the property, who is party to the agreement, has responsibility for implementing and overseeing the HPA. This means any tenant wishing to make alterations under the HPA would need to approach the freeholder who would then be required to oversee the works.

Conditions (c)

- 2.13. It is recommended that the following are secured through the legal agreement:
- adherence to the scope, extent and detail of the works identified as 'consented' in the technical document,
 - the recording and review regime outlined in the HPA document (annual summary and reviews every three years), and

- all works approved under this HPA (including all new external and internal works and finishes and works of making good to the retained fabric regardless of age) shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile.

3. Response to publicity

- 3.1. Part 5 of the Regulations requires the LPA to make its Statement of Reasons, extracts from the draft Heritage Partnership Agreement which relate to the proposed works, and all other plans and documents detailing the proposed works available for public inspection for a period of not less than 28 days. Part 5(4) of the Regulations requires the LPA to take into account any representations received during the consultation period in considering whether to make the HPA (with or without modification).
- 3.2. As detailed above, the correct publicity has been undertaken and apart from a letter of support from Historic England no other comments have been received.
- 3.3. Furthermore, there have been no material changes to relevant planning policy or guidance or to the application site since the Council's Statement of Reasons report was published online.

4. Recommendation:

- 4.1. It is recommended that the Council approve the Eastern Coal Drops HPA.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 4th February 2019, 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 and search for 'Members Briefing'.