



## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department  
 PO Box 3333  
 222 Upper Street  
 LONDON N1 1YA

<b>PLANNING COMMITTEE</b>		
<b>Date:</b>	14 June 2016	<b>NON-EXEMPT</b>

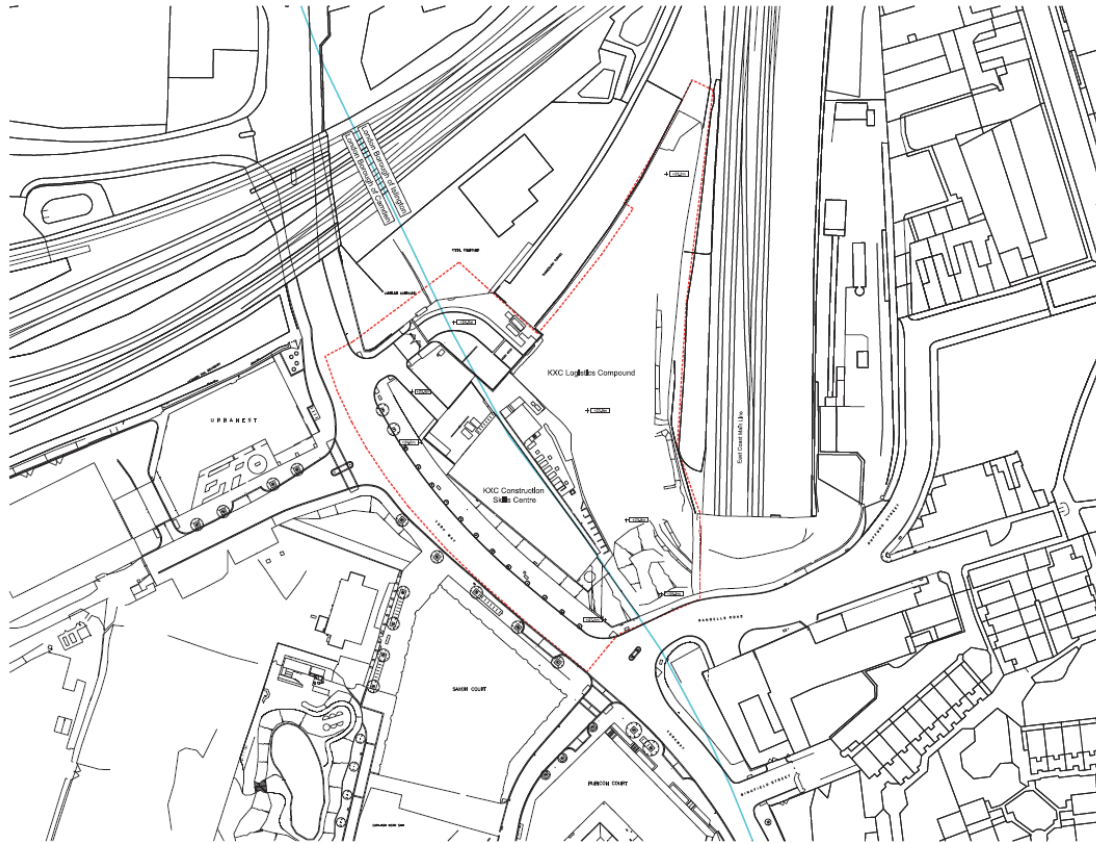
Application number	P2016/1030/RMS
Application type	Reserved Matters
Ward	Caledonian
Listed building	No listed building on the site
Conservation area	No
Development Plan Context	Within the Central Activities Zone; Site Allocation KC2;
Licensing Implications	None
Site Address	Kings Cross Triangle Site, bounded by York Way, East Coast Main Line & Channel Tunnel Rail Link, London N1
Proposal	Reserved matters relating to Buildings W1 and W2 comprising 12 to 17 storeys of mixed use accommodation for 140 Open Market residential units on the upper floors of Building W1 and 8 storeys of residential accommodation for 36 General Needs Social Rented, 23 Intermediate and 19 Open Market units at the upper levels of Building W2; four retail units at lower ground floor and podium levels (flexible class A1-A4); and associated cycle and disabled car parking, loading bay, refuse stores, storage, plant areas provided within the shared lower ground floor/basement area, as required by conditions 2, 4, 6, 9-20 and 22-30 of outline planning permission reference P041261 granted 22 July 2008 (subject to a S106 agreement) for a comprehensive, phased, mixed-use development of part of the former railway lands within the Camden King's Cross Opportunity Area and an Islington Area of Opportunity.

Case Officer	Simon Greenwood
Applicant	King's Cross Central General Partner
Agent	Argent (King's Cross) Ltd

## 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1.

## 2. SITE PLAN (site outlined in red) with borough boundary indicated in blue



### 3. PHOTOS OF SITE/STREET

Photograph 1 – Aerial view of site

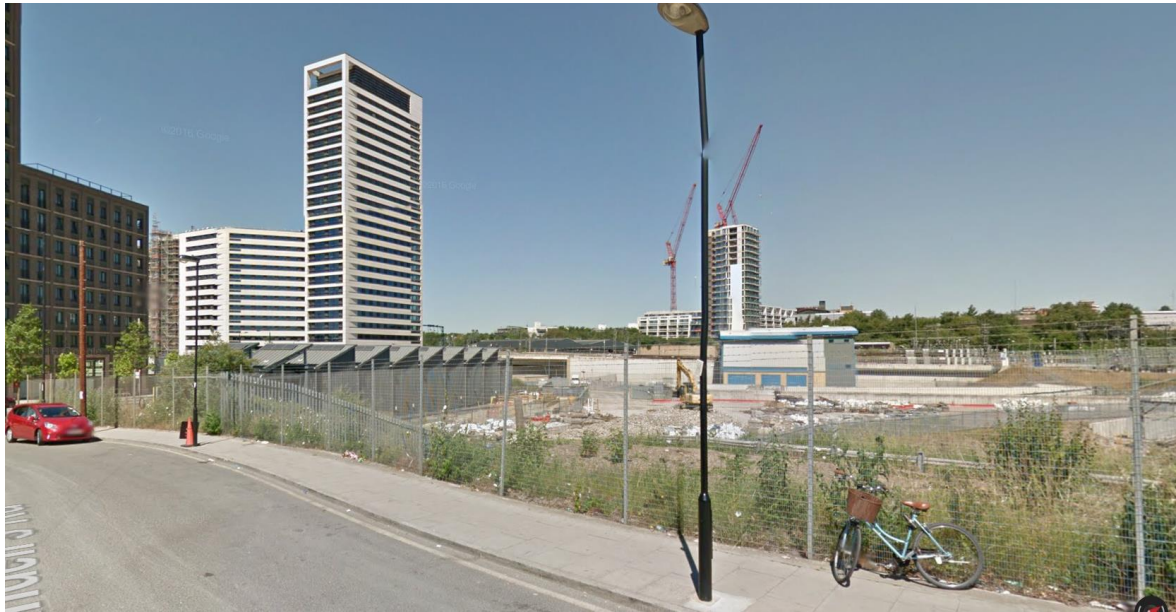


Photograph 2 – View of site looking north along York Way





View of site looking north west from Randall's Road



View of site looking south down York Way



#### 4. SUMMARY

- 4.1 Outline planning permission was granted by the Secretary of State in June 2008 for the development of the Kings Cross 'Triangle Site'. The outline permission granted approval of means of access and layout (to the extent detailed within the Development Specification which accompanied the application) with all other matters reserved for subsequent approval. The basis upon which the detailed development would come forward has been well established through the Revised Development Specification and Parameter Plan documents approved at outline stage. This reserved matters application is therefore the second part of a two stage application process for securing full planning permission for the development of the Triangle

Site. The application seeks reserved matters approval of appearance, landscaping, scale and the outstanding matters relating to access and layout. The application also addresses the relevant conditions attached to the outline permission and seeks approval of the relevant details where required.

- 4.2 The outline permission granted approval for the erection of 3 buildings to provide a mixed use development comprising up to 246 residential dwellings, retail and leisure uses set around a landscaped central amenity area.
- 4.3 This application relates to two of the buildings (identified as W1 and W2). Building W1 will be predominantly 12 to 17 storeys in height and will provide 140 open market residential units and a retail unit (flexible Use Class A1-A4). Building W2 will be 8 storeys in height and will provide 36 general needs social rented, 23 intermediate and 19 open market units and 3 retail units (flexible Use Class A1-A4).
- 4.4 The leisure building, landscaping and associated public realm will be the subject of separate reserved matters applications.
- 4.5 The proposed detailed design and external appearance of the buildings are considered to be in line with the general parameters established by the outline permission. Furthermore, the details submitted for approval of the relevant outline conditions are considered to comply with the requirements of those conditions and, where appropriate, current local policies. Overall, the proposal represents a high quality of detailed architectural design which will provide an appropriate response to the emerging context in this part of King's Cross and will provide a more unified character across both sides of this part of York Way.

## **5. SITE AND SURROUNDING**

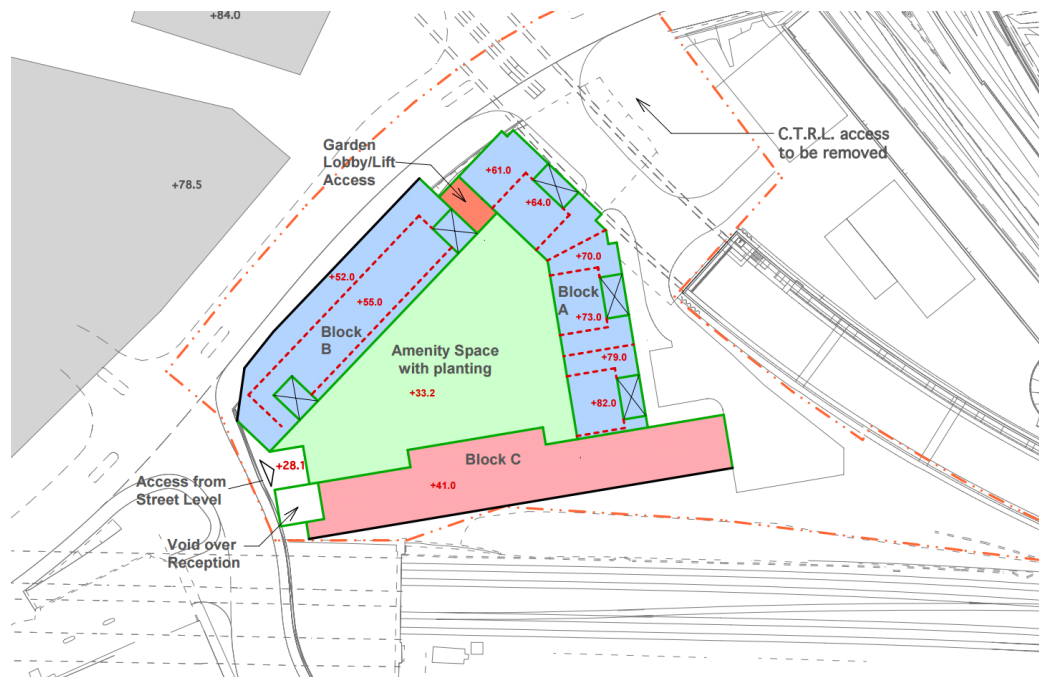
- 5.1 The Triangle Site is a 6,600m<sup>2</sup> area of former railway lands located to the north east of the King's Cross Central (KXC) Main Site, which is located to the west of York Way within the London Borough of Camden (LBC). It is broadly triangular in shape (hence its name) and it straddles the boundary of the London Borough of Islington (LBI) and LBC which follows the former alignment of York Way prior to its reconfiguration as part of the Channel Tunnel Rail Link (CTRL) works. The site is currently occupied by the King's Cross Construction Skills Centre, which is a temporary building required to be provided under the Section 106 agreement relating to the KXC permission.
- 5.2 The site is bounded to the east by the East Coast Main Line (ECML) and to the north-west by the Thameslink Canal Tunnels (TCT) which branch off from the overground train line and into the subterranean tunnels running south to St Pancras. York Way forms the south-west boundary of the site with two new residential buildings within the KXC Main Site (Saxon Court and Rubicon Court) on the opposite side of the street. The recently built Urbanest student housing development is located to the north-west of the site on the junction between York Way and Canal Reach.

- 5.3 The southern boundary of the site occupies a prominent corner location at the junction between Randell's Road and York Way which crosses the ECML tunnels providing a route to Bingfield Park and the east.
- 5.4 There are significant level changes along the Randell's Road and York Way boundaries. York Way rises approximately 4.1m from the existing access road to the junction with Randell's Road to the south and Randell's Road continues this ascent, rising eastwards a further 1.4m,
- 5.5 The area to the south and east of the site is predominantly residential in character along with some warehouses and a Cemex concrete batching plant located immediately to the east of the ECML. Existing mixed development to the north is physically and visually separated from the Triangle site by the raised embankment, bridge and viaduct carrying the CTRL.

## **6. THE PROPOSAL**

### Outline Planning Permission

- 6.1 Outline planning permission was granted by the Secretary of State in July 2008 for the 'mixed use development of part of the former railway lands within the Camden King's Cross Opportunity Area and an Islington Area of Opportunity, as set out in the Revised Development Specification, comprising residential; shopping, food and drink and professional services within the A1, A2, A3 and A4 use classes; a health and fitness centre (use class D2) incorporating medi-centre facilities, a crèche and community facilities (use class D1); amenity and open space; habitat area; recycling and other ancillary uses; parking; highway works to provide access; and other supporting infrastructure works and facilities'.
- 6.2 This outline planning permission secured the principle of erecting 3 buildings to provide a mixed use development comprising up to 246 residential dwellings, retail and leisure uses. The approved scheme is defined through a Revised Development Specification document and a set of Parameter Plans alongside the other documents approved at outline stage. The nine Parameter Plans set out the permitted heights for the three buildings (identified as Blocks A, B and C) along with the position of residential building cores, loading bays and ground floor retail floorspace. The originally approved layout of the buildings is indicated on Parameter Plan TS006 as follows:



6.3 The outline planning application included a Triangle Explanatory Statement (TES) which explained the context for the proposals, their design evolution and the key development issues relating to the site. The TES included the following objectives that are reflected in the Parameter Plans and Revised Development Specification, and have informed the current proposals:

- Develop the York Way frontage to an appropriate scale and ensure that the ground level offers publicly accessible uses that will animate the streetscape;
- Develop the other perimeters of the site to create buffers against noise from the adjacent railways;
- Make the centre of the site an amenity and focal point;
- Orientate public entrances to respect and enhance east-west pedestrian movement;
- Create a focus for the long view up York Way; and
- Define a northern gateway to King's Cross Central.

6.4 Planning permission was granted by LBC for the main KXC site under application reference 2004/2307/P. The approved documents do not bind the Triangle Site as it is the subject of a separate planning permission but they provide guidelines on the interaction of the development with the urban realm on York Way.

6.5 The Triangle and KXC outline planning applications were both accompanied by an 'Urban Design Guidelines (North)' document. This document sets out the design aspirations and objectives for later detailed proposals coming forward in the northern part of the KXC site and makes reference to the Triangle Site. The Urban Design Guidelines (North) are intended to form a 'manual' for design and development within the framework that underpins the outline applications. The Guidelines relating to the Triangle Site require, inter alia, that redevelopment of the site should:

- Promote activity, access and openness to amenity space within the block;
- Give strong definition to the street edge along York Way as well as a strong but not overbearing enclosure to York Way;

- Promote high density of both enclosure and occupation as a benefit to the regeneration of York Way;
- Provide appropriate scale and massing to give a sense of arrival from the north and act as a marker on York Way as seen from the south
- Provide both strong enclosure and a sense of openness to 'Randell's Junction';
- Consider opportunities for substantial massing, especially to the north of the Triangle site;
- Respond to the sinuous curve of the northern part of York Way by building on the drama of the street as one of its unique and positive qualities;
- Meet the substantial challenges of accessibility and active frontage to create a comfortable and natural street experience;
- Integrate the mix of uses with the public realm both inside and outside the site boundary.

#### Non-Material Amendment to Outline Planning Permission

- 6.6 The detailed design process for Buildings W1 and W2 has involved a review of the layouts of the buildings. This has partly arisen from a desire to increase the proportion of dual aspect units, whilst a more detailed understanding of the location of the TCT has informed the location for the foundations of Building W1, and necessitated a revised location for the cores.
- 6.7 The massing and form of buildings W1 and W2 has also been reviewed through the detailed design process. The approved parameter plans indicated a stepped structure on W1, with three separate volumes each featuring an increasing maximum height alongside a corresponding lower shoulder height. The design development process, which included input from LBI and LBC officers, established that the massing was too dominant, particularly in views from the north where the building appeared as a continuous 'wall' of development.
- 6.8 The detailed design process has also resulted in a revision to the site levels of the central podium garden to facilitate level access to the space. This involves a consolidation of the lower and upper ground floors, which can be achieved within the site level parameters approved under the outline permission. The review process also resulted in a reconfiguration of the servicing and retail spaces and the introduction of residential units at podium level in Building W1.
- 6.9 These revisions were regularised through a non-material amendment to the outline planning permission which was approved in March 2016 under application reference P2015/5354/NMA. The approved amendments are summarised as follows:
- Amendments to internal arrangements (including core locations, loading bay location, locations of residential units, cycle storage, retail storage space, plant space and refuse);
  - Reduction in proposed retail floorspace;
  - Amendments to the parameter plans in respect of the maximum shoulder heights at roof level to Buildings W1 and W2; and
  - Amendments to condition wording in relation to development parameters and to allow public access to the central amenity space.



### Reserved Matters

- 6.10 This application seeks reserved matters approval of appearance, access (except as set out on Parameter Plan TS003), landscaping, layout (except as set out on Parameter Plans TS003-TS009) and scale for Buildings W1 and W2. The proposal involves 12 to 17 storey buildings comprising 140 Open Market residential units on the upper floors of Building W1 and 36 General Needs Social Rented, 23 Intermediate and 19 Open Market units at the upper levels of Building W2; four retail units at lower ground floor and podium levels (flexible Use Class A1-A4); and associated cycle and disabled car parking, loading bay, refuse stores, storage, plant areas provided within the shared lower ground floor/basement area.
- 6.11 The outline planning permission referred to the three buildings as Blocks A, B and C whilst this application refers to them, respectively, as Building W1 (including, W1 West (W1W), W1 East (W1E) and W1 Central (W1C)), Building W2 (including W2 North (W2N) and W2 South (W2S)) and Building W3 (which does not form part of this reserved matters submission. A level pedestrian access is proposed from Randall's Road to into the southern end of the site (the Southern Gateway) whilst vehicular access and pedestrian access will be provided along the northern boundary (the Northern Gateway). It should be noted that the public realm will form part of a future Reserved Matters submission.
- 6.12 The site slopes downwards along York Way from south to north which means that 'street' level on the Northern Gateway will be one level below street level where the site meets Randell's Road at the Southern Gateway. A 769m<sup>2</sup> (GEA) part-lower ground, part-basement service area will accommodate the various service functions for buildings W1, W2 and W3 including car and cycle parking, plant, refuse storage and 197m<sup>2</sup> retail floorspace.

### Building W1

- 6.13 Building W1 is a predominantly residential building which is broken down into sub-blocks as follows:
- W1East (W1E) – a ground plus 16 storey block;
  - W1West (W1W) – a ground plus 11 storey block; and
  - W1Central (W1C) – a ground plus single storey entrance pavilion connecting W1E and W1W.
- 6.14 The building will front the northern boundary of the site with an open aspect overlooking the future Northern Gateway and ecology area, TCT Tunnels and the CTRL line beyond. The west facade of W1W faces onto York Way and Saxon Court) opposite, while the east facade of W1E looks out over the ECML.
- 6.15 The building will provide 14,133m<sup>2</sup> GEA residential floorspace. The main residential entrance to the blocks will be via W1C with secondary entrances to each block via the Northern Gateway. W1E and W1W will be served by single cores each comprising two 13 person lifts and a stairwell. A single, double height retail unit (199m<sup>2</sup> GEA) arranged across the basement/lower ground floor and ground floor is proposed at the western end of the building fronting onto York Way and the Northern Gateway. A communal gallery/lounge, gym and five one bedroom / studio apartments are also proposed at ground floor level. These arrangements are illustrated within the following diagram:

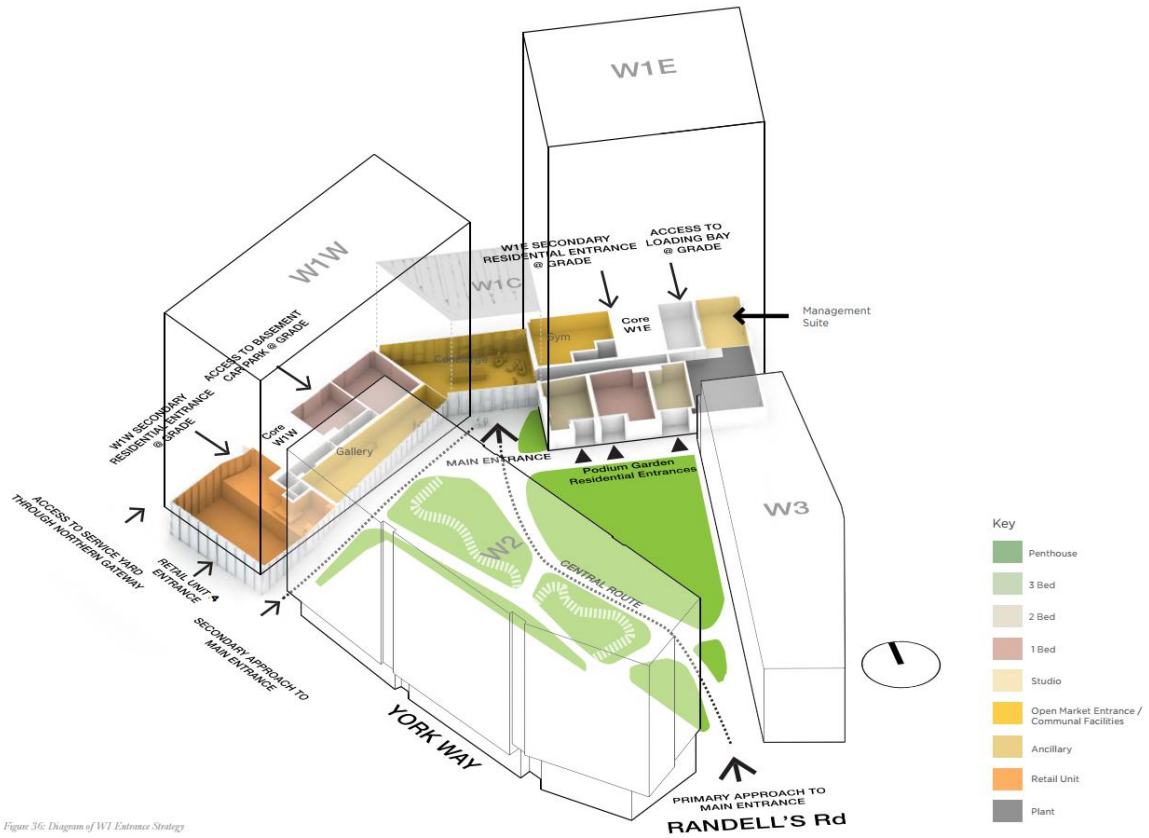


Figure 36: Diagram of W1 Entrance Strategy

6.16 Open market residential units would be provided on the upper floors. The overall mix of accommodation would be as follows:

Apartment Type	W1E	W1W
Studio	2	0
One bedroom	22	38
Two bedroom	34	26
Three bedroom	14	0
Penthouse (Two bedroom)	2	2
<b>Sub-Total</b>	<b>74</b>	<b>66</b>
<b>Total (Overall)</b>	<b>140</b>	

6.17 The arrangement of the building is illustrated within the following diagram:



### Building W2

6.18 Building W2 is an 8 storey block (including ground floor) predominantly fronting onto York Way which will provide 36 social rented, 23 intermediate and 19 open market residential units with associated communal spaces (6,389m<sup>2</sup> GEA) and 3 retail units (522m<sup>2</sup> GEA). The building will be served by two cores, W2N to the north serving the social rented units and W2S to the south serving the intermediate and open market units, which will be 'pepper-potted' across the floorplates. Each core would have a main entrance onto York Way and a second entrance to the podium garden. The 3 retail units would front onto York Way and Unit 1 (167m<sup>2</sup> GEA) and Unit 3 (167m<sup>2</sup> GEA) would be triple aspect whilst Unit 2 (242m<sup>2</sup> GEA) in the centre of the building would be dual aspect onto York Way and the podium garden. The arrangement of the building is illustrated within the following diagram:



6.19 The proposed unit mix is as follows:

Apartment Type	Social Rented (W2N)	Intermediate (W2S)	Open Market (W2S)
One bedroom	8	19	8
Two bedroom	18	4	11
Three bedroom	10	0	0
<b>Total</b>	<b>36</b>	<b>23</b>	<b>19</b>

#### Approval of details

6.20 In addition to the reserved matters, the application addresses the relevant conditions attached to the outline permission through a Compliance Report accompanying the application. Some of these conditions require the approval of details prior to the commencement of development. Some do not require formal discharge but are addressed in order that the Council can assess or monitor compliance. These are summarised in the table below and considered in more detail later in this report.



Condition number	Relevant matters
2	Time limit for submission of first reserved matters application
6	Landscaping details
9	Provision of access ramps
10	Environmental Sustainability Plan
11	Earthworks and Remediation Plan
12	Access Statement
13	Servicing Strategy
14	Details of siting of buildings
15	Details of floor plans
16	Details of refuse storage and collection
17	Development to be carried out in accordance with permission parameter plans and development specification
18	Floorspace permitted
19	Uses Permitted
20	Maximum number of residential units
22	Residential Daylight and sunlight
23	Drainage Infrastructure
24	Green and Brown Roofs
25	Car parking standards
26	Cycle Parking
27	Baseline noise survey
28	Noise impact of plant and equipment
29	Details of groundborne noise insulation
30	Details of environmental noise insulation

6.21 The following conditions are compliance conditions and therefore do not require details to be submitted:

- Condition 1 - commencement of development.
- Condition 5 - implementation timescale.
- Condition 7 - Provision of landscaping details in Reserved Matters Application.
- Condition 8 – Tree replacement.
- Condition 21 – Central amenity space shall be developed before first occupancy of any dwelling at the same level and maintained for resident use.

#### Landscaping

6.22 The application does not seek approval of details of landscaping for the podium garden, Northern Gateway or ecology garden to the north-east of the site. It is anticipated that a separate reserved matters application for approval of details of landscaping will be submitted in the future.

6.23 As the application site spans the boundaries of LBI and LBC the same application has been submitted to both Local Planning Authorities. The application will be considered at the LBC Development Control Committee meeting of 2 June 2016 and an update will be provided at the meeting.

## 7. RELEVANT HISTORY

### Planning Applications

- 7.1 Negotiations relating to the redevelopment of the Camden King's Cross Opportunity Area and the Islington King's Cross Area of Opportunity commenced in 2000. Outline planning applications for both the Triangle Site and the Main Site (together forming the 'KXC Development') were submitted to LBI (Triangle Site only) and LBC (both sites) at the same time in May 2004, with further amendments made in September 2005.
- 7.2 LBC considered both applications at its Committee meeting of 8-9 March 2006 and resolved to submit the officers' report for the Triangle Site to Islington both as notice of LBC's resolution to grant outline planning permission for that part of the site falling within LBC, and as formal observations on the part falling within LBI, also seeking resolution by Islington to grant permission in the same terms.
- 7.3 LBI considered the Triangle Site application at its West Area Planning Sub-Committee meeting of 18 April 2006 and resolved to grant outline permission subject to various matters. In particular, the Committee sought an amendment to recommended condition 26 with a view to limiting the number of residential units on the site to no more than 200, acknowledging that this would alter the development content and require referral back to Camden (to avoid inconsistent decisions) before the applications could be formally determined.
- 7.4 In consequence of LBI's resolution, the applicant requested the applications be held in abeyance while a feasibility assessment for the lesser number of units was undertaken. Having completed that assessment in December 2006, the applicants advised LBI that a 200 unit scheme could be viable and deliverable subject to variation in the affordable housing offer. The West Area Sub-Committee was not satisfied with the revised affordable housing offer and deferred consideration of the application while external advice was sought from the Housing Corporation and from Counsel on the affordability package and on the effect of the then newly published PPS3 and the implications of the Council's emerging Core Strategy.
- 7.5 The Housing Corporation expressed a preference for the revised affordable housing package, in particular because the number of larger units would be increased (Camden having insisted that the affordable floorspace on the Triangle Site should not be reduced from that in the applications as originally negotiated and submitted). Counsel's opinion was to the effect that provided there was some recycling provision, the proposed intermediate housing would fall within Government guidance on affordable housing.
- 7.6 The application was accordingly referred back to LBI's West Area Sub-Committee on 10 July 2007 with a recommendation that permission be granted. The application was refused on the following ground:

'The proposed development is considered unacceptable by reason of the affordable housing offer being deficient in terms of overall percentage, tenure mix and the particular nature of the shared equity element having regards to provision for the recycling of staircasing receipts. As such the proposed

development is considered to be contrary to policy H16 of Islington's UDP 2002 and the UDP strategic housing policy concerned with housing variety and mix, Islington's 'Affordable Housing' SPG, policies 3A.7 and 3A.8 of the London Plan, policy CS18 of Islington's core strategy (as adopted as non-statutory guidance for development control purposes) and PPG3 'Housing'.

- 7.7 The applicants' indication that a 200 unit scheme would be viable was not made the subject of a formal amendment to the applications as submitted and therefore LBI's decision and the subsequent appeals relate to the originally proposed 246 unit scheme. LBC did not formally reconsider the proposal between its March 2006 meeting and a Meeting on 18 October 2007 when it resolved to make a supportive stance on an appeal which had been lodged against non-determination of the application.
- 7.8 Outline planning permission for development of the Triangle site was granted by the Secretary of State on 22 July 2008 (references App/VS570/A/07/2051902 and App/X5210/A/07/2051898). The Inspector considered that the proposal comprised an 'exemplary range of housing provision' and was critical of LBI, stating that 'Islington's eleventh hour objection, while plainly based upon a misunderstanding and misapplication of London Plan policy and targets, seems to me to have derived largely from the GLA criticism, rather than constructive guidance, that its nascent Core Strategy met with at Examination stage'.

#### Pre-application advice

- 7.9 The proposal has been the subject of pre-application discussions involving officers from the London Boroughs of Camden and Islington and the applicant has responded to officer feedback through the development of the proposals.

#### Design Review Panel

- 7.10 The proposals were considered by the Design Review Panel at pre-application stage on 30 September 2015. The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by the Design Council/CABE. The panel's observations are attached at Appendix 3 and are detailed as follows:

'The Panel was generally supportive of the overall architectural approach and language of the scheme. However, panel members felt it was difficult to give full support to the scheme without more detail. They felt there was a lack of information provided in particular in relation to the quality of residential accommodation.

#### Massing and scale

The Panel welcomed the changes to the massing in relation to the outline proposal. They were positive about the splitting of the W1 block and suggested that this aspect could be further improved by further articulating the two W1 blocks by employing a subtle difference in treatment of materials (a different brick was suggested).

Panel members enquired about daylight and sunlight impact as a result of the proposed massing and scale to be able to understand the quality of amenity provided throughout the scheme.

Officer's Comments:

*The application proposes subtle variations in the elevational treatment of the buildings to reinforce the distinct blocks, including different coloured bricks and mortar, different tones of metalwork and variation in the coping detail to each block. It is recommended that details of material be secured by Condition 2. Daylighting and sunlighting to the units is addressed within the Daylight and Sunlight Report which accompanied the application and which is considered in more detail at paragraphs 11.70-11.81.*

Elevations and materials

The Panel felt that extensive work had been undertaken in relation to the treatment of the elevation of the residential units, particularly to W1 blocks. However, they felt there was still a lack of detail and inadequate information on materials for the scheme as presented. They suggested blocks W1 should be further differentiated in their treatment.

The Panel highlighted further detail on the ground floor units was needed as this was a key element of the overall appearance of the scheme and its impact on the street scene. This was also an issue on the courtyard side. Attention needs to be paid to the relationship between the rear of the commercial units, the raised courtyard, the lines of movement across the courtyard (i.e. seeking shelter in the rain/wind) and the landscape. The Panel emphasised the importance of a strategy for the treatment of the commercial units, signage, access etc.

Panel members also questioned the quality of the proposed leisure building and raised particular concern in relation to the blank façade towards the railway.

Officer's Comments

*The application provides indicative details of materials which are intended to provide subtle variations in the elevational treatment of the blocks and which are summarised within the Design and Appearance section of this report. As detailed above, it is recommended that details of materials are secured by condition to ensure that they are of suitable quality and that there is sufficient differentiation between W1E and W1W.*

*The application indicates that the retail signage would be mounted internally within the units and Condition 3 is recommended to secure a retail signage strategy to address signage and the treatment of the units, in particular to ensure a sufficiently transparent and open appearance to the rear of the units which face the podium garden.*

*It should be noted that the details of landscaping and proposals for Building W3 do not form part of this application and will be the subject of future reserved matters applications.*



### Layout

The Panel was disappointed at the lack of information in relation to the internal layouts. They felt that it was impossible to assess the quality of the accommodation being provided without proper plans including floor plans and sections. They enquired whether the development was meeting housing standards for 1 bed units as they were unable to fully assess that aspect without the plans.

The Panel also questioned the quality of the entrances and the relationship between ground floor and upper levels. Panel members felt that critical parts of where the public would engage with buildings were missing from the information provided.

### Officer's Comments:

*This reserved matters application is accompanied by a proposed unit mix and detailed internal layouts for the proposed buildings. The dwelling mix and quality of residential accommodation is considered in detail in Part 11 of this report and it is noted that the scheme falls short of the Council's requirements, in particular in relation to some of the unit sizes, the provision of dual aspect units. However, the layout of the buildings and the individual units has been informed by the parameters and constraints imposed by the outline permission, whilst the unit sizes for the affordable housing provision were specified within the legal agreement relating to the outline planning permission.*

### Amenity

Based on the information presented to them, the Panel was of the opinion that the layout of the central landscaped space was not appropriate for the proposed uses and suggested that there was a need for a greater emphasis on well designed hard landscaping in order for the space to work.

The Panel stated that there was a lack of detail and information on play space provision and felt that this issue could not be left until the landscape detail is submitted as a separate application.

Panel members stressed the importance of the landscaping scheme in creating the relationship between the buildings and for the scheme to work as a whole. In the light of this, consideration should be given to pulling forward the submission of the landscape.

### Officer's Comments:

*This application does not seek approval of details of landscaping and these will come forward within a future reserved matters application. However, the application details a Public Realm and Landscaping Concept which sets out the emerging direction and concepts which will inform the detailed design. It is considered that the reserved matters application for the landscaping will provide the opportunity to ensure that adequate hard landscaping and play space is provided within the scheme.*

### Accessibility

The Panel felt that there was a need for an analysis of the wider context to be presented so that there was an understanding of the link between the scheme and the wider community. They thought it was important to understand how people would be drawn through the site.

They also questioned how the leisure building would operate and whether it would serve the wider community. They felt this was important in order to understand the impact on accessibility, circulation, layout and landscaping.

### Officer's Comments:

*The Urban Design Report accompanying the application addresses pedestrian connections into the site from the surrounding area and details proposals for two new pedestrian crossings over York Way to improve links into the site. The application states that these crossings will be brought forward as part of the public realm proposals in due course.*

*The leisure building does not form part of this application and will come forward through a future reserved matters application.*

### Summary

In conclusion, the Panel was supportive of the moves in relation to the massing and articulation of blocks and their development from the outline approval. But they highlighted that there was a lack of information presented to them in relation to internal layouts so that they could express a view in relation to the quality of the accommodation being provided. Panel members acknowledged that extensive work had been undertaken in relation to the treatment of the residential elevations. However they encouraged the design team to further develop the treatment of the commercial part of the development.'

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 414 adjoining and nearby properties at Brydon Walk, Gifford Street, Randell's Road, York Way, Bromfield Street, Outram Place, Bingfield Street, Havelock Street, Rufford Street, on 21 March 2016. A site notice and press advert were displayed on 21 March 2016. The public consultation of the application therefore expired on 11 April 2016, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report one response had been received from a member of the public with regard to the application. The respondent commented that the site should be developed and that retail units are welcomed but that the proposed 17 storey height of Building W1 is excessive. It should be noted that the acceptability of the height of Building W1 has been established through the outline planning permission.

### **External Consultees**

- 8.3 Historic England (Greater London Archaeology Advisory Service) – no objections raised.
- 8.4 Metropolitan Police (Crime Prevention) – no response received at the time of writing.
- 8.5 Thames Water – no response received at the time of writing.
- 8.6 Transport for London – no objections raised.
- 8.7 High Speed 1 – no objections raised.
- 8.8 East Coast Main Line – no response received at the time of writing.
- 8.9 Thameslink 2000 – no response received at the time of writing.

### **Internal Consultees**

- 8.10 Access Officer – no objections raised.
- 8.11 Conservation and Design Officer – no objections raised. The quality of the bricks is very important and it would be preferable if there were greater differentiation between the shade of the bricks to be used for the two buildings. It is important that the rear of the shops appear transparent from the central amenity space. A signage strategy should be secured to ensure that the signage to the retail units is acceptable.
- 8.12 Energy Conservation Officer – no objections raised.
- 8.13 Public Protection Division (Noise Team) – no objections raised.
- 8.14 Public Protection Division (Land Contamination) – no objections raised.
- 8.15 Spatial Planning and Transport (Transport Officer) – no objections raised.
- 8.16 Street Environment Division – no comments received at the time of writing.
- 8.17 Sustainability Officer – no objections raised.

## **9. RELEVANT POLICIES**

### **National Guidance**

- 9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### **Development Plan**

- 9.2 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013.

### Assessment of Reserved Matters

- 9.3 The May 2008 outline planning permission forms the basis for determining this reserved matters application. The outline planning permission was based upon an assessment of national, regional and local policies in place at the time. Where these policies change, their influence can only over-ride on matters which have not already been established in principle by the outline permission. In the case of this reserved matters submission and details for approval, the Development Plan policies considered to be of particular relevance are set out in Appendix 2. 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:

### Designations

- 9.4 Whilst the principle of the development has been established through the outline planning permission, it is noted that the site is allocated within the Council's Site Allocations Document (June 2013) for major mixed use redevelopment to include residential, shopping, food and drink and professional services (within the A1, A2, A3 and A4 use classes), leisure and community facilities, amenity and open space. The supporting text within Chapter 8 states, inter alia, that:

'The wider area of King's Cross has been subject to significant change in recent years. This is set to continue over the next 10-15 years mainly due to the large redevelopment taking place on the railway lands in neighbouring Camden. King's Cross and Pentonville Road is a diverse area made up of residential areas, old and new commercial buildings retail and industrial and warehousing uses. The area was identified as an Opportunity Area in the London Plan and is considered appropriate for an increase in commercial/employment floorspace. Future development in this area will play a key role in achieving the following:

- 250 new homes on the King's Cross Triangle Site;
- protecting and enhancing the areas historic character;
- protecting and enhancing the area's ecology and biodiversity;
- Providing new open space and improving existing provision.'

- 9.5 Site Allocation KC2 states that Development of the site should complement that of the main King's Cross Central site on the opposite side of York Way in Camden, making an integral contribution to the regeneration of the area. It further states that redevelopment of the Triangle provides the opportunity to transform a site which consists of railway embankments, disused railway sidings and vacant land into a sustainable, mixed and inclusive community, close to King's Cross and King's Cross/St. Pancras stations. Design considerations and constraints are identified as follows:

'The introduction of active frontages on York Way and public realm design and improvements to promote interaction between the Triangle and main site is supported.

The extant permission for the Triangle includes a significant contribution to the borough's housing supply and an extensive range of daytime and evening uses to serve both the immediate and wider area.



Development will need to adequately address the impact of exposure to noise and vibration generated by the major road and rail transport infrastructure on all three sides to ensure an acceptable environment for future occupants.

Any proposals should be of high quality design which improves the street scene of the local area.

Part of the site falls within a Site of Importance for Nature Conservation (Borough Grade 1). Any future development will be expected to mitigate negative impacts on biodiversity and put measures in place to protect and enhance it.

Thames Water has indicated that there may be issues with water supply capability and sewerage capacity associated with this site. As such applicants must demonstrate that early engagement has been undertaken with Thames Water and that appropriate measures have been agreed to mitigate any potential problems.

The site is within the Channel Tunnel Safeguarding Area.

Parts of the site fall within a protected viewing corridors defined by Development Management Policies.'

9.6 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- Site of Interest for Nature Conservation
- Local View LV7
- Within the Central Activities Zone
- Site Allocation KC2

### **Supplementary Planning Guidance (SPG) / Document (SPD)**

9.7 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

## **10. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

10.1 The outline application was accompanied by a combined Environmental Statement which related to both the Triangle Site and the main KXC site within LBC. Following negotiations with both Councils, the applicant made revisions to the proposals for both sites in September 2005 and an Environmental Statement Supplement was submitted. Further information for the Triangle Site alone was requested by the Secretary of State on 26 November 2007 under Regulation 19 of the 1999 EIA Regulations in the form of a combined assessment of operational noise and vibration impacts and an assessment of the impact of wind turbulence. In granting outline planning permission the Secretary of State was content that the Environmental Statement complied with the EIA Regulations and that sufficient information had been provided for her to assess the Environmental Impact of the proposal.

## 11. ASSESSMENT

11.1 The May 2008 outline planning permission forms the basis for determining this reserved matters application. The outline permission was based upon an assessment of national, regional and local policies existing at the time. As stated previously, 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.

11.2 The outline planning permission granted approval for matters relating to means of access and layout (to the extent that they were addressed within the Development Specification), with all other matters reserved for subsequent approval. The principles upon which the detailed development would come forward were established through the approved documents, including the Urban Design Guidelines (North), Revised Development Specification and Parameter Plans. This Reserved Matters application is the second part of a two stage planning application process for securing full planning permission for the development of the site. Accordingly, this report will consider:

- Whether the proposed development is in full compliance with the outline permission's Section 106 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.

11.3 The main considerations relevant to the determination of this application are summarised as follows:

- Land use and development context (compliance with the parameters and development specifications defined by the outline permission);
- Design & Appearance (Scale and Massing, Materials and Detailed Architectural Design);
- Accessibility;
- Neighbouring Amenity
- Quality of Resulting Residential Accommodation;
- Sustainability, Energy Efficiency and Renewable Energy ;
- Highways and Transportation;
- Noise Mitigation;
- Earthworks and Remediation.

### **Land Use and Development Context (Reserved Matters)**

11.4 This section considers compliance with the relevant outline conditions and, under condition 17, compliance with the defined development parameters. The applicant has provided a detailed commentary addressing each relevant outline condition within a Planning Compliance Report which accompanied the application and which has informed the following assessment.

- 11.5 Condition 2 (Time limit for application) states that ‘The permission shall lapse unless the first Reserved Matters Application is made within eight years of the date of this permission.’
- 11.6 The application is the first reserved matters application and has been received within 8 years of the date of the grant of outline planning permission and therefore the requirements of the condition are satisfied.
- 11.7 Condition 6 (Landscaping) states that
- ‘The details of the landscaping to be submitted as part of the applications for Reserved Matters shall include;
- a) the design of building foundations and the layout, with the dimensions and levels, of service trenches and other excavations on site in so far as these items will affect any trees adjoining that part of the site
- b) New tree and other planting, earth works, ground finishes, top soiling, levels, drainage, including falls and drain types;
- c) The treatment of land within the Habitat Area shown on plan TS004 Rev K.
- d) The central amenity space with planting as shown on TS006.
- and all works shall only be carried out in accordance with the details so approved.’
- 11.8 Only part (a) of the condition is relevant to this reserved matters application insofar as it provides details of the lower ground/basement service area structure. There are no existing trees on or adjacent to the area falling within the proposed lower ground/basement structure or Buildings W1 and W2.
- 11.9 The application advises that details of the public realm along York Way and Randell’s Road and the proposed landscaping to the central amenity space, the Northern Gateway and Habitat Area pursuant to parts (b), (c) and (d) will be submitted as part of a separate Reserved Matters submission. This application is therefore considered acceptable in the context of the requirements of Condition 6.
- 11.10 Condition 14 (Siting of Buildings) states that ‘Details of the siting of buildings as shown on plans TS004 revision K to TS007 revision K inclusive shall be submitted to the Local Planning Authority and approved in writing prior to any works taking place in relation to such buildings. All works should be carried out in accordance with the details as approved.’
- 11.11 The siting of Buildings W1, W2 and the lower ground/basement service area is within the limits of deviations indicated on the Parameter Plans approved under the non-material amendment application. The details submitted are therefore considered acceptable to comply with the requirements of Condition 14 in relation to Buildings W1 and W2 only.

11.12 Condition 15 (Floor plans) states that: 'Details and particulars (including floorspace figures, floor plans and layouts of the uses), and the vehicle and other servicing and access arrangements, including provision of parking to be accommodated in built accommodation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved.'

11.13 The application is accompanied by floor plans and a table of floor areas which address the requirements of Condition 15. The details submitted are therefore considered acceptable to comply with the requirements of Condition 15 in relation to Buildings W1 and W2 only.

11.14 Condition 17 (Development Parameters) (as amended by the NMA approval) states that:

'The development shall be carried out in accordance with the Development Parameters shown on the Revised Parameters Plans (as amended by subsequent reserved matters approvals) and as described in the specified paragraphs of the Revised Development Specification dated August 2005 comprising:

- a. the access arrangements shown on drawings TS003 revision K together with paragraph 4.10;
- b. the lower ground level arrangements shown on drawing TS004 revision K together with paragraphs 4.11-4.15;
- c. the upper ground level arrangements shown on drawings TS005 revision K together with paragraphs 4.16-4.18;
- d. the garden level arrangements shown on drawing TS006 revision L including the maximum building heights shown, together with paragraphs 4.19-4.22;
- e. the upper level arrangements shown on drawing TS007 revision L including the maximum building heights shown together with paragraphs 4.23-4.25;
- f. the section shown on drawings TS008 revision E and TS009 revision E to the extent that they show indicative proposals only for the works and land uses, together with paragraphs 4.26 and 4.27.

Reason: The development is the subject of an Environmental Impact Assessment and any change to the development from the particulars assessed might have an impact that 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, in accordance with the assessment and conclusion of the Environmental Impact Assessment and in accordance with policies within the Statutory Development Plan.'

11.15 Paragraphs 4.10-4.27 of the Triangle Site Revised Development Specification state that:

#### TS003: Proposed Access

- 4.10 This Parameter Plan shows the proposed new joint access off York Way to serve both the Triangle Site and the CTRL London West Portal Muster Area. The plan shows the extent and configuration of the access, within Limits of Deviation. The application provides access to the CTRL site up to the point at which it leaves the Triangle Site boundary.

#### TS004: Lower Ground Level

- 4.11 Parameter Plan TS004 shows the lowest level of built development. At the northern end of York Way, adjacent to the site access, this level is at street level, and the Parameter Plan shows that there would be a retail unit on the corner. Adjacent to the unit on York Way, there would be a lift access referred to as the 'garden lobby/lift' which would provide access for residents and other key holders to the amenity space above.
- 4.12 The remainder of the built development at this level would comprise parking/storage for cars and cycles and access to levels above. Due to the 'upward slope' of the site towards Randell's Road, this parking/storage would be principally below street level and so would not be visible from outside the development. The length of development frontage where the lower-ground level would be below adjacent street level is indicated on TS004.
- 4.13 The Parameter Plan also shows the vehicular access to the site off York Way. This site access would serve the CTRL London West Portal Muster Area site, as well as to the Triangle Site parking level shown on the plan. Beyond the access to the car park, an area of hard standing would be provided as a turning space for service vehicles, with access to a covered loading bay at the next level up (shown on Parameter Plan TS005).
- 4.14 Pedestrian access at the lower ground level would be provided:
- Into Block A from the northern elevation, adjacent to the main site access;
  - Directly off York Way into the retail unit on the corner of the site; and
  - Via the 'garden lobby/lift' up to the amenity space above (see Parameter Plan TS006).
- 4.15 At the far corner of the site, the proposed habitat area shown would be a fenced off area with no public access. The detailed design of this area would seek to provide habitat considered complementary to the adjoining railside habitat. A limit of deviation is incorporated as the exact line of the future fence cannot yet be determined.

#### TS005: Upper Ground Level

- 4.16 This is the second level of built development, and the one with the majority of street frontage. Consequently, the main retail development would be located at this level, in order to provide an active street

frontage along York Way and at prominent corners, with direct access from York Way.

- 4.17 Pedestrian access to the site would be provided at this level, within the following parameters:
- Directly off York Way into the retail units and into residential cores for units in Block B; and
  - A new area of public realm at the southern end of the site would provide an entrance into the development as a whole, as well as an entrance point for Block C. Steps/terraces would lead from this level up to the amenity space above (Plan TS006).
- 4.18 To the rear of the site, a service access and loading bay is indicated. Service vehicles would access the site and use the hardstanding area shown on TS004 to reach the service access bay shown on the plan. Retail occupiers, the health and fitness centre (and associated users) and where necessary residential occupiers could use this service access for deliveries, removal lorries etc. Refuse collection and emergency access would also be via this service access.

#### TS006: Garden Level

- 4.19 Parameter Plan TS006 shows the next level up where the built development would appear as three separate blocks around a central amenity space with planting. Blocks A and B would be in solely residential use at this level and levels above. New buildings would be constructed within the development zone area boundaries shown on the parameter plan and balconies may be provided, overlooking the central amenity space. These balconies may therefore overhang the development zone area boundaries. Block C would contain the health and fitness and related facilities.
- 4.20 There would be pedestrian access into the central amenity space from street level below, via the steps/terraces from Randell's Road and the garden lobby/lift from York Way. The central amenity space would provide access to/from residential cores within Blocks A and B. There could also be access to the central amenity space from Block C.
- 4.21 The amenity space is envisaged as private space for the use of residents and potentially other key holders, for example users of the health and fitness centre within Block C.
- 4.22 TS006 also shows (in red) the maximum building heights of the various blocks. No new buildings, plant or other built development would exceed the identified height limits shown (in AOD) on the Parameter Plan. The plan also shows, in black, the maximum heights of the proposed Main Site development, across York Way, to provide context.

#### TS007: Upper Levels



- 4.23 Parameter Plan TS007 shows residential development at level 8 of Blocks A and B, above the maximum height of Block C, to indicate the variations in height across the development.
- 4.24 The plan shows how Block B would set back on both sides at this level, to enhance light penetration to the street and into the central amenity space; and to provide large roof terraces for the top floor units. For Block A, the plan repeats the information on Parameter Plan TS006; as explained above, any balconies overlooking the central amenity space may overhang the development zone area boundaries.
- 4.25 The plan also repeats the maximum building heights of Blocks A and B, as discussed at para 4.22 above and indicates how the upper parts of Block A would vary in height to articulate three distinct volumes.'
- 11.16 The following provides an assessment of the proposal against the approved Revised Parameter Plans (including substitute plans TS006 and TS007 which were amended by the recent NMA Approval) and specified paragraphs of the Triangle Site Revised Development Specification.
- 11.17 (a) Access Arrangements (Parameter Plan TS003 Rev K) - The approved Parameter Plan indicates a joint access off York Way to serve the application site and the CTRL London West Portal Muster Area to the north. The access is consistent with TS003 and paragraph 4.10 of the Revised Development Specification and it is anticipated that details of this access will form part of a future Reserved Matters application.
- 11.18 (b)/(c) Lower Ground Level Arrangements (Parameter Plan TS004 Rev K) and Upper Ground Level Arrangements (Parameter Plan TS005 Rev K) - Parameter Plans TS004 and TS005 envisaged two 'ground floor' levels which addressed the increasing site level along York Way and sought to accommodate both retail and ancillary/service uses below a private podium garden. The scheme has since been amended to provide a publicly accessible garden with level access from the Southern Gateway at Randell's Road. The areas designated for cycle parking, refuse and plant within the lower ground level were considered inadequate in size, unsuitable in location and undesirable in that they created blank facades of ancillary uses, particularly on the northern elevation of W1. Alongside this, the extent of retail floorspace envisaged by Parameter Plan TS005 was amended as it was considered unlikely to be fulfilled by demand. Retail use is retained along the York Way frontage as envisaged by TS004 and TS005 and paragraphs 4.11 and 4.16 of the Revised Development Specification.
- 11.19 The approved NMA indicates the site level of the podium garden to be lowered to between +27 and +27.5m, which is below the maximum height of +33.2m AOD set out on Parameter Plan TS006 and is within the +/-2.5m limit of deviation for the proposed finished level of the retail space indicated on TS005. Accordingly, there will not be a significant impact on the appearance of the ground floor levels from the public realm or the height of the buildings overall. Most of the ancillary functions of the buildings such as plant, refuse, car and cycle parking have now been consolidated within a single lower ground/basement level, much of which is hidden in

the upward slope of the site as anticipated by paragraph 4.12 of the Development Specification.

- 11.20 The lower ground floor service area is accessed via the Northern Gateway, in accordance with Parameter Plans TS003 and TS004 and paragraph 4.13 of the Revised Development Specification. Building W1E includes an integrated loading bay within the building footprint which is beyond the 2.5m Limit of Deviation. The application states that the proposal for an integrated loading bay does not change the principle established by TS005 and paragraph 4.18 for servicing to take place via the Northern Gateway, albeit it is now within a consolidated lower ground floor level. It is further stated that the revised arrangement will bring additional benefits in terms of minimising conflict with pedestrians, reducing the visual impact of parked vehicles and maximising the space for the Ecology Garden to the north.
- 11.21 Parameter Plan TS004 indicates a Garden Lobby/Lift adjacent to a retail unit at the western end of Building W1 and the current proposals include provision for lift access to the podium garden between Buildings W1 and W2. Pedestrian access at the lower ground level to Building W1 from the north elevation and to the retail unit from York Way will be provided in accordance with Paragraph 4.14 whilst pedestrian access to the retail units and residential cores to Building W2 will be provided directly off York Way, as required by paragraph 4.17.
- 11.22 (d) Garden Level Arrangements (Parameter Plan TS006 Rev L) – The footprints of proposed buildings align with the boundaries as defined on the Parameter Plan. The plan was amended by the NMA Approval to remove the stepped roofline and dropped shoulders on Building W1 in favour of three increasing volumes up to +64m AOD, +73m AOD and +82m AOD along with the removal of a set-back on W2 to create a continuous maximum height of +55m AOD. Furthermore, the specified location of the residential cores was removed to allow for an adjusted internal layout that reflects the position of the TCT and maximises the number of dual aspect units.
- 11.23 Blocks W1E and W1W will have maximum heights of +80.55m and +64.00m AOD respectively and will be within the maximum permitted heights shown on Parameter Plan TS006 (as amended). Building W2 will have a continuous roofline of +55.00m AOD in accordance with the maximum height.
- 11.24 Paragraph 4.19 states that W1 and W2 should be solely residential at this level and above. Whilst the retail units within Building W2 will have some frontage onto the podium garden due to the lowered site levels described above, there is no direct access and there will be limited views into the units from the garden and accordingly the residential character will be maintained. Pedestrian access to and from the garden would be provided in accordance with paragraph 4.20 of the Development Specification.
- 11.25 As a result of the NMA Approval, paragraph 4.21 regarding the private central amenity space is no longer relevant.
- 11.26 (e) Upper Level Arrangements (Parameter Plan TS007 Rev L) - Parameter Plan TS007 was also amended by the NMA Approval to indicate the simplified roofline and associated maximum permitted heights and to remove the specified locations for

the cores. The proposals are consistent with Parameter Plan TS007 Rev L and paragraphs 4.23 to 4.25 insofar as they apply to the revised plan.

- 11.27 It is considered that the applicant has demonstrated that the proposal is generally consistent with the parameter plans and corresponding paragraphs within the Revised Development Specification which were granted outline approval. The NMA application amended the wording of condition 17 to provide the opportunity for the development specification and parameters to be revised by subsequent reserved matters applications. The proposal deviates from the approved parameters through the introduction of a consolidated lower ground floor arrangement in place of the approved lower and upper ground floor arrangements, and through the introduction of an integrated loading bay. It is therefore appropriate to consider the acceptability of these revisions through an assessment of the extent to which they materially alter the scheme which was granted outline planning permission.
- 11.28 The acceptability in principle of the amendments was established through the recent NMA Approval which set out the rationale to the design approach with a view to the detail being provided through this Reserved Matters submission. It can be considered that the extent of the deviation from the parameters established by the outline planning permission is considered relatively minor in the context of the overall scheme and that the revisions can be viewed positively insofar as they represent improvements to the scheme, including public and level access to the podium garden and an improved servicing arrangement. The deviation from the parameters is not considered to lead to any effects that were not assessed in the Environmental Impact Assessment which supported the outline planning application in 2005. The proposal is considered acceptable to comply with Condition 17 (as amended by the NMA approval).
- 11.29 Condition 18 (Floorspace permitted) states that:
- ‘The total floorspace constructed and used pursuant to this outline planning permission shall not exceed 26,600 sq m (gross external area). This total floorspace excludes:
- a. Plant, infrastructure and utilities forming part of supporting the development including substations, transformers, waste storage and ancillary recycling facilities
  - b. Service access including a covered loading bay
  - c. Residential balconies
  - d. Car and bicycle parking provided (with lifts and stairs) at lower ground level.
- 11.30 The application is accompanied by floor plans and a table of floor areas. The proposal would deliver 21,813m<sup>2</sup> GEA of floorspace (excluding the floor area under parts a-d above) within the site which is below the maximum 26,600m<sup>2</sup> GEA. The proposals are therefore considered acceptable in the context of Condition 18 which is an informative condition that does not require formal discharge.
- 11.31 Condition 19 (Uses Permitted) states that:

‘Notwithstanding the provisions of the Use Classes Order, permission is hereby granted only for the following uses;

- a. Residential use within Class C3
- b. Shopping, food and drink uses within Classes A1, A2, A3 and A4
- c. Crèche, day nursery, day centre and public hall uses within Class D1
- d. Health and fitness, indoor sport and leisure uses within Class D2
- e. Other miscellaneous uses, including car and bicycle parking, plant, sub-stations, transformers, waste storage and recycling facilities and a covered loading bay.

The floorspace constructed and used pursuant to the planning permission shall not, unless otherwise agreed in writing by the Local Planning Authority, exceed in the case of any use or group of uses, the individual maximum floorspace figures as set out in Appendix B (floorspace schedule) attached, that table being read together with the notes 1-3 inclusive.’

- 11.32 The floorspace schedule within Appendix B of the outline permission specified a maximum of 21,100m<sup>2</sup> GEA residential floorspace and 2,500m<sup>2</sup> GEA retail floorspace. The proposal would provide 20,605m<sup>2</sup> GEA residential floorspace and 775m<sup>2</sup> GEA retail floorspace. The proposals therefore comply with the requirements of Condition 19. Again, this is an informative condition which does not require the Council’s formal written discharge.
- 11.33 Condition 20 (Maximum Residential Units) states that: ‘The residential floorspace constructed and used pursuant to this permission when completed shall include no more than 246 residential units within Class C3 of the Use Classes Order 1997 unless otherwise approved in writing by the Local Planning Authority.’
- 11.34 The proposed development will deliver 218 residential units and no further residential units would be provided within Building W3, which is identified for Class D1/D2 use which will be the subject of a further reserved matters application. The proposal is therefore considered acceptable in the context of Condition 20 which is also an informative condition not requiring the Council’s formal discharge.

### **Design & Appearance**

- 11.35 Policy DM2.1 (Design) requires all forms of development to be of a high quality, to incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Development which fails to take the opportunities available for improving the character and quality of an area and the way that it functions will not be supported.
- 11.36 The application states that several ‘design principles’ have been developed within the parameters established by the outline permission to ensure a consistent approach to the design of the buildings which have been designed by different architects. The design principles are intended to:
- Allow the creation of distinct building forms which read as a family of parts;
  - Ensure the architectural language responds to the uses and requirements present within each building;

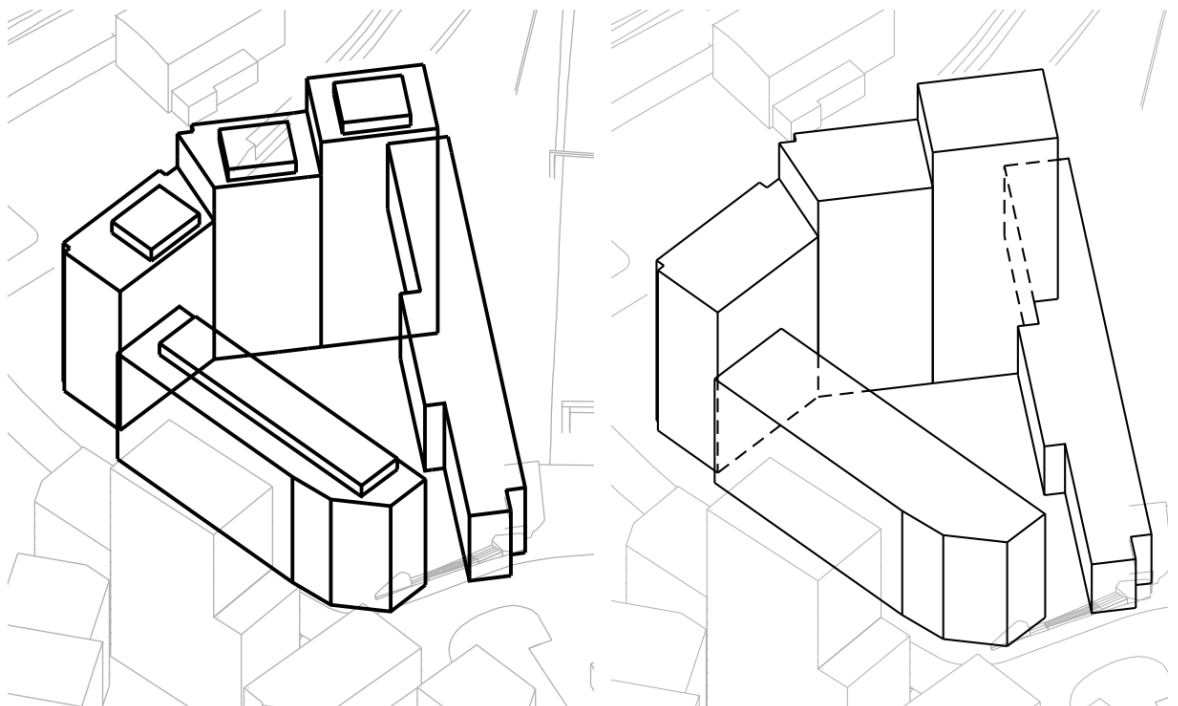
- Achieve a tenure blind residential development; and
- Establish a materials palette which can be applied to each building to reinforce their individual identities.

### Scale and Massing

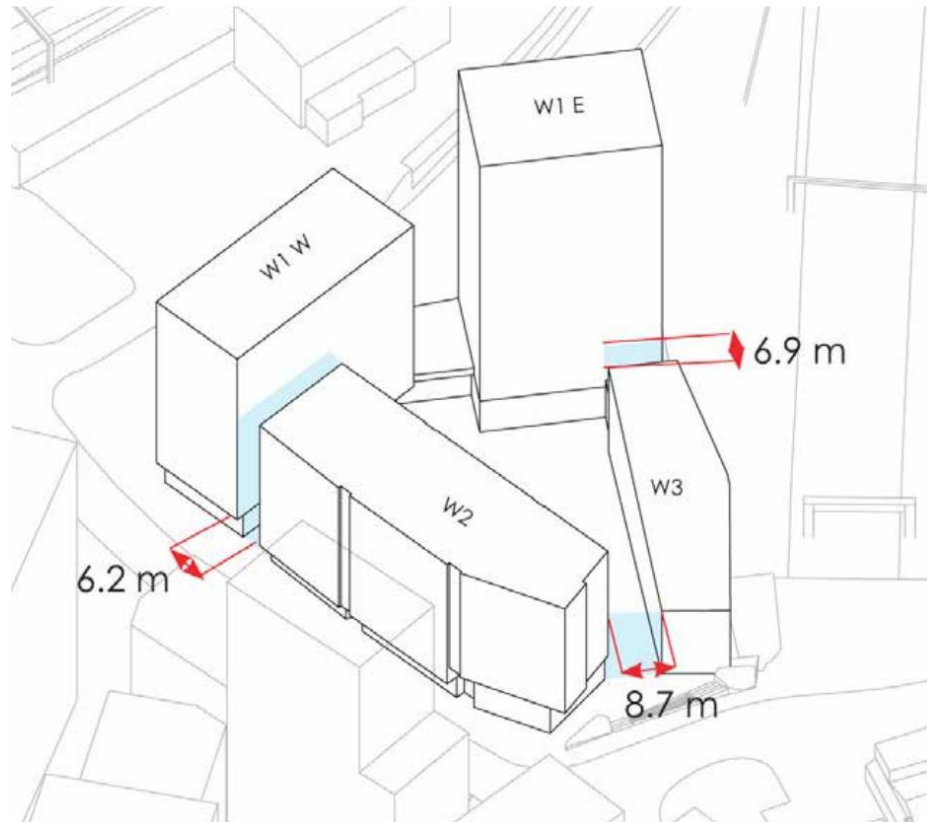
11.37 The acceptability of the massing of the buildings has broadly been established by the parameters set out within the outline planning permission. The application states that the proposal has been informed by changes in the local context since the outline permission, which are primarily characterised by the series of simple building forms of varying heights to the west of York Way. The proposal to deliver Building W1 as two separate blocks rather than a tripartite massing was also informed by a desire to:

- Create of a more refined massing that responds to the context and the long vistas towards the site;
- Break down the imposing 'wall' that a continuous mass would have presented to the north of the site;
- Provide a series of 'building fronts' that is characteristic of a site approached from multiple directions;
- Increase the proportion of dual aspect units by maximising building frontage; and
- Increase daylight penetration and a sense of openness within the garden.

The diagram below illustrates the approved massing and that as amended under the non-material amendment application. The following diagram illustrates the massing of Buildings W1 and W2 as proposed under this application.

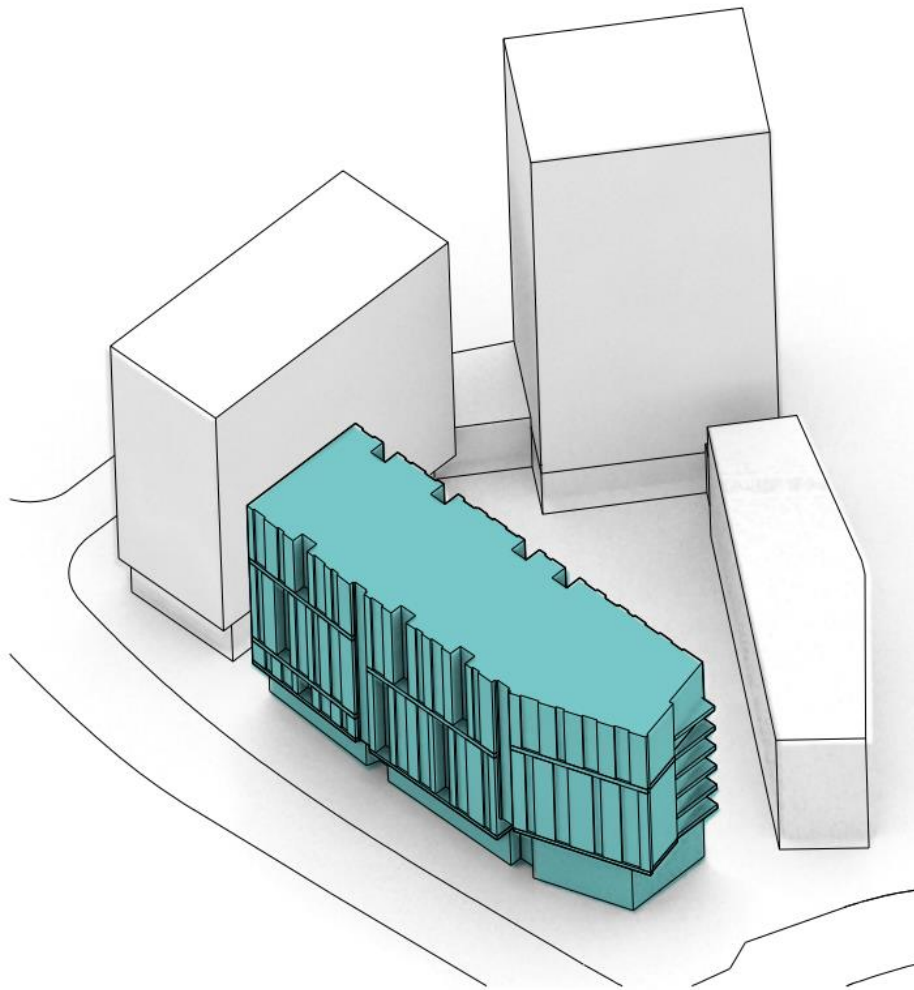


*Figure 13: Massing set by the paramters of the Triangle Outline Planning Permission (left) and approved under the NMA Approval (right)*



- 11.38 The application states that the amendments to the roof levels involving the removal of the setbacks to create a clean and simplified massing were intended as a response to the similar treatment of nearby buildings such as Saxon Court and Rubicon Court.
- 11.39 The outline permission envisaged that Building W2 would involve a single rectilinear mass with a chamfered edge to the corner at the junction between York Way and Randell's Road with a colonnade to York Way. The design of the building has been developed to respond to the curve in York Way by articulating the residential entrances to the building through vertical slots extending the height of the building. These will mark a change in the alignment and create a three block form which is intended to emphasise the entrances and the separation of the retail units at street level. The position of the entrances also allows the building slab to step up as the ground level rises along York Way whilst maintaining level floorplates for the retail units. There will be a double height retail space at the southern end of the building which will extend to first floor level. The design has also been amended to feature a cantilevered mass overhanging the street level commercial units on York Way and this is intended to create a distinction between the uses and to promote a positive pedestrian experience. The design approach is illustrated below.





11.40 The bulk and massing of the buildings has been broadly established through the grant of outline planning permission. It was anticipated that building W1 would comprise a tripartite mass which would have appeared dominant and overbearing when viewed from the north of the site on York Way. Accordingly, the proposal to erect two separate blocks is welcomed and will succeed in breaking down the mass of Building W1 whilst offering the opportunity to deliver more dual aspect units and increase the sense of openness within the podium garden. It is also considered that the decision to remove the shoulders from the blocks and provide a simpler massing is appropriate in view of the emerging character of the area as defined by the recently built blocks on the opposite side of York Way. The proposal to introduce vertical slots onto the elevations of Building W2, thereby breaking the mass into a three block form, is considered to assist in ensuring that the acceptability of the design in terms of bulk and massing.

#### Materials and Detailed Architectural Design

11.41 The King's Cross area is characterised by a robust, industrial vernacular following many years of industry and railway use, resulting in dark coloured brickwork stained by soot and dirt from these uses. Newer buildings in close proximity, such as Saxon Court and Rubicon Court, are influenced by the architecture of the former railway yard buildings in terms of their materiality and form. Robust London Stock brickwork

facades, generous brickwork reveals and vertically proportioned windows along with decorative spandrel panels and the use of intricate metalwork have been identified as characteristic of the area and as appropriate to inform the character of the proposed buildings.

- 11.42 The design of the proposed buildings features a light, transparent base to the blocks which is intended to allow the buildings to respond positively, openly and actively to the public realm. The light base will emphasise a more solid upper massing which will 'float' above the base to reflect the more private residential use. The heavier and more solid upper levels of the buildings will express verticality through areas of solid (brickwork) and void (windows and balconies) with the changing internal configuration of the floorplates and uses allowing the creation of horizontal bands of grouped storeys. The clear definition of these storeys is intended to help break down the mass of the blocks and allows the grouping of fenestration components to accentuate verticality.
- 11.43 A warm, dark masonry brick is proposed as the primary material to the storeys above street levels to Buildings W1 and W2, albeit with variations in the tone of the bricks and the mortar colour and bonding. Brick deep, vertically emphasised window openings are proposed to reflect language of modern and traditional residential brick developments in the area.
- 11.44 Decorative metalwork is proposed to provide a contrast to the solidity of the brickwork and allow definition of the individual components such as window framing, spandrel panels and balcony metalwork. The recessed balconies will feature bronze, thin profile metal railings which reference the detail of the more recent development on the opposite side of York Way and the intricate metalwork of many of the historic buildings in the area. Decorative metal spandrel panels will add detail to the elevations around windows and balconies whilst providing an integrated solution for the whole house ventilation intake/ extract whilst minimising louvres within the facade.
- 11.45 The 'light' base will be reinforced through a mixture of transparent and opaque glazing modules for active frontages, combined with metal panels where less visual permeability is required. The glazed modules will also be applied to the base of Building W2 on the east elevation, albeit at a reduced height to reflect the change in level between the street and the podium garden. It is intended that the east elevation should not appear as the back of the building and therefore legible residential entrances are proposed along with glazed frontages to continue the uninterrupted nature of the glazed façade band and provide some areas of solid wall for the retailers and their fittings.
- 11.46 It is intended that subtle variations will reinforce distinctions between the blocks whilst ensuring that they appear as a family of buildings. These will include different coloured mortar or bricks, different accent materials to metalwork that respond to the brick tone, i.e. darker brick/lighter bronze colour and variation in the coping detail to each block. Each block will articulate the horizontal bands of grouped storeys differently, using either a deep brickwork banding in a decorative brick with an alternative bond or a pre-cast concrete banding.

11.47 The façade treatments are illustrated within the following CGIs.

Buildings W1W and W1E viewed from the podium garden



Buildings W1E and W1W viewed from the north of the site on York Way





Building W2 viewed from the podium garden



Building W2 viewed from York Way



### Conclusion

11.48 The acceptability of the bulk and massing of the blocks has been broadly established through the outline permission. The main issue to be considered in assessing this reserved matters application is the detailed design of the buildings. In view of the bulk of the buildings it is critical that the elevational treatment serves to detract from the bulk and massing and ensures that the buildings do not have an overbearing and

unrelieved appearance. The proposal incorporates grouped multiple storeys with horizontal banding to contrast with the verticality expressed by the arrangement of the brickwork and fenestration. It is considered that this design approach is appropriate and succeeds in adding interest to the buildings and ensuring that the blocks do not have an overbearing appearance. Decorative brickwork will add further interest to the building when viewed close up.

- 11.49 In view of the size of the buildings and the amount of brickwork proposed it is considered that a suitable quality of brick is critical to the success of the development. Accordingly, a condition is recommended to secure details of materials (Condition 2).

### **Accessibility**

- 11.50 Condition 9 (Access Ramps) states that 'Where steps are to be constructed within the landscaping to change level, gentle inclines and ramps (at a gradient of 1:20 or less) and/or lifts shall also be incorporated, to provide an equally commodious alternative for all members of the public.'
- 11.51 The application states that steps are proposed between Buildings W1 and W2 to access the podium garden from York Way and further steps and ramps are anticipated to provide access from the southern gateway to the podium garden and the entrance to Building W1. Details of the routes within the site, including any ramps and steps, will form part of a reserved matters submission for landscaping and public realm. The proposal is therefore considered acceptable in the context of condition 9.
- 11.52 Condition 12 (Access Statement) states that:

'Relevant applications for approval of Reserved Matters pursuant to this permission shall be accompanied by an Access Statement. Each Access Statement shall:

- a. Address the relevant design principles set out in the Access and Inclusivity Strategy dated September 2005 and update the Access Audit included at Annex C of that strategy;
- b. Highlight any areas where technical or other constraints have prevented or constrained the application of these design principles;
- c. Include a project programme for that building or phase, to identify the key stages which important decisions affecting inclusivity and accessibility will be made.

- 11.53 The application is accompanied by an Access and Inclusivity Statement which addresses the requirements of Condition 12 including demonstrating how the principles set out in the site-wide Access and Inclusivity Strategy (2005) have been applied in the design of the building. The Council's Inclusive Design Officer has reviewed the Access Statement and advised that it is considered acceptable to satisfy the requirements of Condition 12.

### **Neighbouring Amenity**

- 11.54 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 11.55 The nearest residential properties to the proposed development are within Saxon Court, which is located approximately 22.5m to the south-west (at the closest point) on the opposite side of York Way. There are also residential dwellings within Rubicon Court and Urbanest nearby on the opposite side of York Way within LBC. The parameters of the proposed development have been established by the outline permission and therefore the acceptability of any impacts upon the amenities of the occupants of nearby dwellings in terms of overlooking, daylight, sunlight or visual impact have broadly been established. It is also considered that, in view of the distances between the proposed buildings and the existing, neighbouring buildings, the scheme will not result in harmful overlooking.

### **Quality of Resulting Residential Accommodation**

- 11.56 Islington Core Strategy policy CS12 identifies that to help achieve a good quality of life, residential space and design standards will be significantly increased and enhanced from their current levels. The Islington Development Management Policies DM3.4 sets out the detail of these housing standards. In accordance with this policy, all new housing is required to provide functional and useable spaces with good quality amenity space, sufficient space for storage and flexible internal living arrangements.
- 11.57 Unit Sizes: Policy DM3.4 requires that all new residential developments meet or exceed the minimum space standards specified within Table 3.2. These minimum standards are also a requirement of Policy 3.5 and Table 3.3 of the London Plan.
- 11.58 A number of the affordable units fall short of the specified minimum standards. However, the Section 106 legal agreement with LBC secured a Baseline Mix of affordable housing which specified unit sizes. This has since informed the amended affordable housing provision to be secured under the deed of variation to the Section 106 agreed by the LBC Development Control Committee in March 2016. The original legal agreement secured Key Worker sub-market rented units measuring 25m<sup>2</sup> and the committee report noted that the amended affordable housing offer represented an improvement in terms of the intermediate tenure unit sizes which better reflects London Plan minimum space standards. In view of the fact that the affordable housing provision has been informed by the Section 106 agreement and by the constraints imposed by the approved development parameters it is considered acceptable in terms of the proposed unit sizes.
- 11.59 Several open market units fall short of the minimum standards as follows:



Unit	Unit size	Minimum Standard
1 x Studio (Podium level W1)	31.6m <sup>2</sup>	37m <sup>2</sup>
1 x 1 bed 2 person (Podium level W1)	42m <sup>2</sup>	50m <sup>2</sup>
1 x 1 bed 2 person (10 <sup>th</sup> floor W1)	46.8m <sup>2</sup>	50m <sup>2</sup>
4 x 1 bed 2 person (Floors 2-5 W2)	47.8m <sup>2</sup>	50m <sup>2</sup>
2 x 2 bed 3 person (Floors 6 & 7)	59m <sup>2</sup>	61m <sup>2</sup>

11.60 It should be noted that the studio flat identified above will benefit from a 12m<sup>2</sup> balcony.

11.61 A total of 9 of the 159 open market units will fall short of the minimum standards, which equates to 5.7% of these units. It should be noted that several of the units identified above fall only marginally short of the minimum standards. It is also the case that the design of the buildings is constrained by the parameters established through the outline planning permission, which did not address minimum unit sizes. It is therefore considered that, overall, the degree of harm arising from this shortfall against the minimum standards is not significant and the proposal is considered acceptable in terms of unit sizes.

11.62 Aspect/Daylight Provision: Policy DM3.4 part D states that ‘new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated’. The subtext at paragraph 3.47 advises that ‘Dual aspect design is key to maximising natural light, cross ventilation and access to quiet parts of the home. In exceptional circumstances where single aspect dwellings may be acceptable, they must not be exposed to noise exposure categories C or D, or comprise family housing (3 or more bedrooms).

11.63 94 of the 140 units (67%) within Building W1 and 28 of the 78 units (36%) within Building W2 will be dual or triple aspect, representing a 56% provision of dual or triple aspect units across the scheme as a whole. This represents a lower provision than may be considered desirable and the applicant has set out a justification which is summarised as follows:

- The decision to split the mass of W1 into two separate blocks has resulted in a significant increase in the number of dual aspect units than could otherwise have been achieved;
- All two and three bedroom units within Building W1 are dual or triple aspect;
- A limited number of one bedroom units in Building W1W face north-west but benefit from an open aspect over the Northern Gateway which maintains a good level of daylight within the apartments;
- The design and layout of Building W2 is intended to maximise the number of dual and triple access units within W2 while balancing other requirements including the baseline mix of affordable housing units and the siting and form of the building prescribed by the outline permission;
- None of the single aspect units within W2 are orientated north and all benefit from good levels of daylight;
- All ten 3-bed apartments within Building W2 are dual or triple aspect and with most 2-beds being dual aspect where the floorplate and arrangement allows;
- The mix of sizes and tenures in W2 presents significant design challenges in

terms of fitting in the prescribed number of units around two cores and within the linear footprint permitted at outline stage;

- W2 is further constrained by its form as a single mass which limits the number of corners on which to position apartments and appropriate locations for cores
- The form of W2 remains as one block as envisaged by the outline permission, reflecting other aspirations such as those set out in the Urban Design Guidelines North document to offer a greater sense of enclosure along York Way and thus improve the fragmented townscape and create an active pedestrian environment - it would be difficult to break Building W2 down into smaller blocks and still accommodate the number of apartments/floorspace required whilst the quality of light and outlook gained by a second aspect onto a small break in the building would also be questionable even if it would technically increase the number of dual aspect apartments
- The locations of the cores within building W2 have been relocated under the NMA approval in order to facilitate the provision of a greater number of dual aspect units
- The proportion of dual aspect units is not unusual for a high density, urban development of this type and is comparable with other KXC buildings
- The quality of the internal environment will be high, as demonstrated by the daylight and sunlight analysis which confirms that all units will comfortably meet the BRE guidelines
- Outline planning permission and the S106 agreements did not include a requirement for a minimum number of dual aspect units in buildings W1 or W2.

11.64 The degree of non-compliance with Policy DM3.4 must be considered in the context of the provisions and constraints of the outline planning permission. The outline permission granted approval for up to 246 dwellings within specified layout and massing parameters but did not address the provision of dual aspect units. It can be accepted that it would be challenging to significantly increase the provision of dual aspect units within the approved layout and massing parameters and that the applicant's argument presented above is persuasive. It is therefore considered that, given the provisions and constraints of the outline planning permission, the proportion of single aspect units has been maximised.

11.65 Private Amenity Space: Policy DM3.5 of the Development Management Policies Document 2013 within part A identifies that 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'. The policy in part C then goes on to state that the minimum requirement for private outdoor space is 5 square metres on upper floors and 15 square metres on ground floor for 1-2 person dwellings. For each additional occupant, an extra 1 square metre is required on upper floors and 5 square metres on ground floor level

11.66 Building W1 will provide private amenity spaces in the form of gardens (3 units at podium level) and balconies/winter gardens (114 units). The balconies range from approximately 4sqm to 5.48sqm, although some units also have a smaller secondary balcony whilst the winter gardens range from 3.70sqm to 4.29sqm. In building W2,

55 of the 78 units will have balconies ranging from 3.2sqm to 8.8sqm. Compliance with Policy DM3.5 is summarised in the table below.

<b>Building W1</b>	<b>No. of Units</b>
Private Amenity space complies with DM3.5	24
Private amenity space fails to comply with DM3.5	93
Nil private amenity space	23
<b>TOTAL</b>	<b>140</b>
<b>Building W2</b>	
Private Amenity space complies with DM3.5	6
Private amenity space fails to comply with DM3.5	49
Nil private amenity space	23
<b>TOTAL</b>	<b>78</b>

- 11.67 Policy DM3.5 was not in place at the time the outline planning permission was granted and the Revised Development Specification and Parameter Plans do not specify minimum requirements for private amenity space. The applicant has stated that every effort has been made to maximise the number and size of balconies across both buildings whilst balancing the affordable housing requirements of the Section 106 agreement and the design parameters (layout, massing etc.) approved at the outline stage. All of the balconies are recessed to sit within the development zone boundary indicated on the parameter plans and therefore an increase in the size of the balconies would impact on the quality of the internal spaces, particularly in terms of daylight and the size of the units.
- 11.68 The applicant also suggests that, whilst a significant number of balconies do not meet the requirements of Policy DM3.5, they are large enough to accommodate a table and chairs and be enjoyed by a number of people at the same time.
- 11.69 The degree of non-compliance with Policy DM3.5 must again be considered in the context of the provisions and constraints of the outline planning permission. The outline permission granted approval for a specified number of units to be accommodated within specified parameters relating to height and massing which did not anticipate minimum requirements for private amenity space. It is also the case that the vast majority of the units within Building W1 fall only marginally short of the minimum requirements of Policy DM3.5. It is therefore considered that, given the provisions and constraints of the outline planning permission, the amount of private amenity space has been maximised.
- 11.70 Condition 22 (Daylight and Sunlight) states that 'Applications for the approval of Reserved Matters in relation to the residential accommodation shall be accompanied

by details of how the proposed design applies the standards recommended in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 1991'.

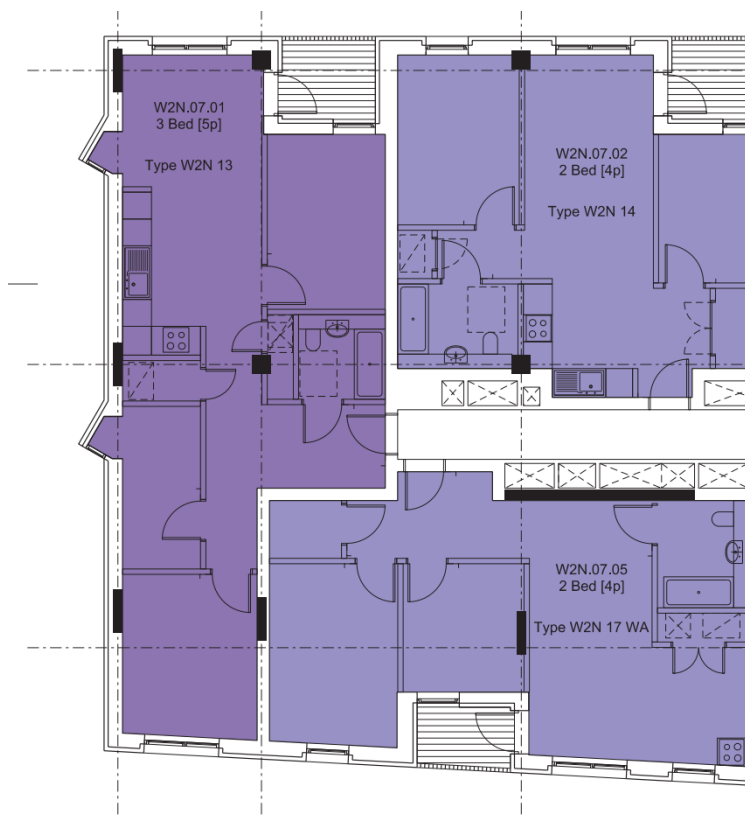
- 11.71 The reason for applying this condition stated within the Inspectors report is 'To ensure a sustainable development and good design and to safeguard the amenity of future occupiers of the development in accordance with the Environmental Impact Assessment.' Accordingly, a Daylight and Sunlight Study is not required to address any impacts on neighbouring developments.
- 11.72 The application is accompanied by a Daylight and Sunlight Report which sets out how the design for Buildings W1 and W2 has applied the standards recommended within the BRE Guidelines.
- 11.73 The BRE Guidelines specify that daylight to new-build residential accommodation should be assessed using the Average Daylight Factor (ADF) method which considers the amount of sky visibility on the vertical face of the window, the window size, room size and room use. British Standard 8206, Code of Practice for Daylighting recommends ADF values of 1% in bedrooms, 1.5% in living rooms and 2% in kitchens. Bedrooms command the lowest ADF values as they are principally occupied at night time and the need for natural daylight is considered less important.
- 11.74 122 rooms within both residential buildings up to and including the second floor have been tested as these lower floors will represent the 'worst case' scenario and the daylight and sunlight levels will improve higher up the buildings, dependant upon aspect. The report indicates that 101 of the 122 rooms tested (82.7%) will comply with the BRE requirements.
- 11.75 6 of the 21 rooms that do not meet the BRE Guidelines are located within Building W1. 1 ground floor studio flat with a recessed balcony will have an ADF of 0.70% and the remaining affected rooms are bedrooms, of which 3 will have an ADF of more than 0.80% whilst the remaining 2 will have ADFs of 0.11% and 0.24%.
- 11.76 15 rooms do not meet the BRE Guidelines within Building W2 and all of these are bedrooms. 6 of these rooms will have an ADF of more than 0.50% and a further 4 will have an ADF of more than 0.20%. 5 rooms will have an ADF of less than 0.10%. The lower levels of ADF to these rooms are the result of windows located on the northern façade of the building or the result of deep recessed balconies, which have been provided in order to offer amenity space.
- 11.77 It is noted that all but one of the rooms which fall short of the recommended ADF values are bedrooms, which are considered to be less sensitive to lower daylight levels due to the hours of occupation. It is further noted that all of the living rooms within the development comply with the BRE guidance, and in most cases very comfortably.
- 11.78 In relation to sunlight, the criteria given in the BRE Guidelines calculates the annual probable sunlight hours (APSH) having regard to the amount of sun available in both the summer and winter for each window facing within 90 degrees of due south. Summer is considered to be the six months between March 21st and September

21st, with winter considered to be the remaining months. A window may be adversely affected if a point at the centre of the window receives in the in the year less than 25% of the annual probable sunlight hours including at least 5% of the annual probable sunlight hours (APSH) during the winter months (21 September to 21 March).

- 11.79 The report indicates that that all but two living room windows in Building W1 will comply with the BRE Guideline. These 2 living rooms fall below the benchmark due to the recessed nature of the rooms which naturally inhibits the availability of sunlight. A total of 8 living rooms will fall below the benchmark in Building W2 and this is in part due to the scale and proximity of the neighbouring buildings on York Way.
- 11.80 It is considered that the Report and its conclusions are sufficient to satisfy the requirements of Condition 22. The daylight and sunlight amenity to the residential elements of Buildings W1 and W2 are considered acceptable given that the parameters of the development have been established through the outline permission and given the desirability of providing private amenity space in the form of recessed balconies, which have had an impact on daylight and sunlight. It can be accepted that shortfalls against BRE standards have been minimised through the design process and that the applicant has carefully considered the layouts of the buildings to ensure that the vast majority of living rooms receive adequate levels of daylight and sunlight.

#### Privacy

- 11.81 Policy DM2.1 requires that new development should provide a good level of amenity including consideration of overlooking and privacy. The subtext at paragraph 2.14 states that 'To protect privacy for residential development and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms.
- 11.82 There will be a minimum approx. 12m separation between habitable room (bedroom) windows on the flank elevations of Buildings W1E and W1W. These separation distances therefore fall approx. 6m short of the 18m requirement and it can be acknowledged that a greater degree of separation would be desirable. It should be noted that paragraph 2.14 is concerned with new development affecting the privacy of existing residential properties whereas in this case the impact will occur within the proposed development. Future occupants of the development will be aware of the degree of privacy afforded by the accommodation when purchasing the units. The standard of privacy to the affected units should be balanced against the benefits of Building W1 being delivered as two separate blocks (and therefore giving rise to a degree of overlooking) rather than as a single mass, as envisaged at outline stage. In particular, the scheme as proposed represents an improvement in townscape terms and allows the delivery of a greater proportion of dual aspect units than may otherwise have been achieved.
- 11.83 There is a minimum 6.5m separation between the rear elevation of Building W1W and Building W2N. The bedroom windows to the north facing flank wall of Building W2N have been designed to be west facing and thereby avoid any overlooking of Building W1W as indicated in the typical floor plan below.



11.84 On balance, given the provisions and constraints of the outline planning permission and the design improvements in providing Building W1 as two separate blocks, it is considered that the degree of privacy afforded to the new dwellings has been maximised.

11.85 Dwelling Mix: The scheme proposes a total of 218 residential units with an overall mix comprised as follows:

Dwelling Type	Social Rent (Units / %)	Policy DM3.1 Target Mix	Shared Ownership (Units / %)	Policy DM3.1 Target Mix	Private (Units / %)	Policy DM3.1 Target Mix
Studio	0 / 0%	0%	0 / 0%	0%	2 / 1%	0%
1 Bed	8 / 22%	0%	19 / 83%	65%	69 / 43%	10%
2 Bed	18 / 50%	20%	4 / 17%	35%	74 / 47%	75%
3 Bed	10 / 28%	30%	0 / 0%	0%	14 / 9%	15%
<b>Total</b>	<b>36</b>		<b>23</b>		<b>159</b>	

11.86 Policy CS12(e) requires a range of unit sizes within each housing proposal to meet the needs in the borough, including maximising the proportion of family accommodation in both affordable and market housing. Policy DM3.1 advises that new development should provide a good mix of unit sizes based upon Islington's Local Housing Needs Assessment. Paragraph 3.14 states that the mix of dwelling sizes appropriate to specific developments will also be considered in relation to the character of the development, the site and the area.



11.87 The Revised Development Specification document indicated that 246 residential units would be delivered on the basis of the following anticipated mix:

- 123 one bedroom units
- 113 two bedroom units
- 10 three bedroom units

11.88 A deed of variation to the Section 106 legal agreement with LBC only which secured the affordable housing was agreed by the LBC Development Control Committee only on 17 March 2016. The updated agreement specifies a requirement for the following mix in relation to the affordable units only:

No. of Bedrooms	Social Rented	Intermediate
1	8	19
2	18	4
3	10	0
<b>Total</b>	<b>36</b>	<b>23</b>

11.89 The proposed unit mix has therefore been informed by the requirements of the deed of variation to the Section 106 agreement and the indicative mix on the revised development specification. The proposed mix has been further informed by the layout and constraints of the buildings as defined by the approved parameter plans. The factors informing the unit mix have therefore been established at outline stage (which preceded the adoption of Policy CS12) and through the revisions to the affordable housing provision agreed with Camden.

**Sustainability, Energy Efficiency and Renewable Energy**

11.90 Condition 10 (Environmental Sustainability) states that

‘Relevant applications (or groups of related applications) for Reserved Matters approval in respect of buildings shall be accompanied by an Environmental Sustainability Plan. The Environmental Sustainability Plan shall explain:

- a. How the proposed building design(s) realise(s) opportunities to include design and technology energy efficiency measures;
- b. The reduction in carbon emissions achieved through these building design and technology energy efficiency measures, compared with the emissions permitted under the national Building Regulations prevailing at the time of the application(s) for approval of reserved matters are submitted;
- c. The specification for green and/or brown roofs on buildings within Blocks A, B and C;
- d. How energy shall be supplied to the building(s), highlighting:
  - i. How the building(s) relate(s) to the strategy for district heating and combined heat and power across the King’s Cross Central development.
  - ii. The assessment of the cost-effectiveness and the reliability of the supply chain for bio fuels (referred to in paragraph 12 of page 35 of the “All Parties” S106 Agreement)

- iii. Any other measures to incorporate renewables
- e. How the proposed building(s) have been designed to achieve a BREEAM and/or Eco Homes rating of “very good” (or an equivalent assessment method and rating) or better;
- f. the incorporation of bird boxes, bat roofs and other wildlife features on buildings.

11.91 Alongside the condition, Section J of the joint Section 106 agreement states at paragraphs 5-7 that the developer shall:

‘Use reasonable endeavours to incorporate energy efficient building design and technology measures as an integral part of the detailed design of all buildings – include consideration of and address (a) physical form, (b) building envelope, (c) passive solar design, (d) thermal mass, (e) building design, (f) natural ventilation, (g) intelligent lighting, (h) spec of plant, glazing and other equipment.’

Use reasonable endeavours to ensure that, for each new building within the development, the measures incorporated achieve a reduction in carbon emissions of at least five percent (5%) compared with the emissions permitted under the national Building Regulations prevailing at the time of submission.

Such five per cent (5%) reduction (or greater if applicable) shall be achieved against the building and its associated systems, disregarding:

- a) any systems installed by occupiers that are not covered by the said Building Regulations and are not within the direct control of the developer
- b) any efficiency improvement/carbon reductions made through the application of the CHP, biofuel and other renewable energy technology measures referred to in paragraphs 9-14 (namely the district heating/distributed CHP or any biofuel boilers).

11.92 Paragraphs 10-13 state:

‘Part 10: Use reasonable endeavours to install district heating / CHP within the Development or connect buildings within the Development to district heating/distributed CHP systems elsewhere within King’s Cross Central.

Paragraph 11: Use reasonable endeavours to realise supply efficiency benefits that may arise from connecting buildings within the district heating/CHP systems within the Development to compatible systems on the main site.

Paragraphs 12 & 13: Should the Developer properly regard the supply chain of biofuels to be as reliable and cost-effective as gas then the developer shall install biofuel boilers/biofuel CHP as part of the development or connect the Development to biofuel boilers/ biofuel CHP elsewhere within King’s Cross

Central to supplement the energy supplied through any district heating infrastructure.'

- 11.93 The application is accompanied by an Environmental Sustainability Plan (ESP) which addresses the requirements of condition 10 as well as addressing current national and Development Plan policies and guidance concerned with sustainability issues.
- 11.94 The ESP addresses part a) of Condition 10 by explaining that passive design measures for the buildings have included consideration of the site layout, design of the building façades and a high-performance envelope in order to reduce energy demand for space heating, optimise for daylight and help to control summer solar heat gains. The ESP advises that the arrangement of the buildings with the lower buildings to the south of the site is particularly favourable for daylight and solar access. The arrangement allows for good solar access along the south facing facades of W1 and the north-east facing façade of W2 during the early and mid-morning to provide solar gains and minimise heating loads. The risk of excessive solar gains in summer have been reduced through the integration of balconies to provide overhangs which will provide shade from high angle summer sun but will allow solar gains during winter. Excessive heat gains will be mitigated by large openable windows to provide a means of purging excessive heat gains, and boosted mechanical ventilation. A small proportion of apartments (25% of open market units) will be provided with comfort cooling to meet market expectations. The building envelope will feature high specification glazing, high levels of insulation and airtight construction methods that reflect good- to best practice.
- 11.95 The ESP also explains that the buildings will connect to the KXC low carbon district energy system which will provide hot water and space heating to the units. The mechanical ventilation system will incorporate a heat recovery system for winter use and the buildings will incorporate intelligent lighting incorporating low-energy, high efficiency light fittings.
- 11.96 The Section 106 Agreement requires a 5% emissions saving over prevailing building regulations, which in this case is Part L of the 2013 regulations. The ESP notes that Buildings W1 and W2 achieve a carbon saving of 3%, which falls short of the requirement for a 5% carbon saving compared with Part L requirements. It is anticipated that further improvements will be sought through the detailed design process. It is expected that this can be achieved through measures such as such as optimising the performance of the heat interface units and hot water cylinders, improving U-values where possible and identifying improvements in thermal bridging details.
- 11.97 The Council's Energy Advisor notes the joint Section 106 agreement requirement to achieve a 5% emissions saving over Part L 2013 applies to regulated emissions only and excludes any savings achieved through CHP. It is noted that the applicant proposes achieving a 3% saving on regulated emissions, vs. Part L 2013 and that further reductions will be investigated during the detailed design process. The Council's Energy Advisor recommends this approach and supports any further measures the applicant proposes.

- 11.98 The Council's Energy Advisor also notes that U-values for the buildings are generally good and that the applicant intends to seek to improve this further. The approach to high efficiency lighting and lighting controls is supported. The proposal to connect to the King's Cross heat network is also strongly supported under current policies.
- 11.99 Artificial cooling is proposed for around 25% of the open market units in order to meet market expectations. Whilst artificial cooling for new residential development for marketing reasons is not normally supported, it is the case that the proposal is in line with the energy hierarchy set out in Policy DM7.5. All units will incorporate passive cooling measures and mechanical ventilation therefore the provision of artificial cooling will accord with the hierarchy. In view of the fact that the energy efficiency requirements have been secured through the section 106 agreement, and it is anticipated that the buildings will satisfy these requirements, the proposal for artificial cooling is considered acceptable.
- 11.100 It is intended that the scheme will target Level 4 of the Code for Sustainable Homes, taking this forward as a legacy project, and this is supported by the Council's Energy Advisors. The non-residential elements within the two buildings are proposed to achieve a BREEAM rating of 'Very Good', with potential for 'Excellent' (the latter will depend on the approach of the tenants).
- 11.101 The KXC low-carbon district energy system has already been constructed and commissioned to meet the heat and hot water demands of the first commercial and residential occupiers at KXC. The district heating network is being installed across the KXC site to enable the connection of each new building, and where appropriate retained buildings. Combined Heat and Power engines within the KXC Energy Centre will also generate electrical power, which will offset a significant percentage of the demand from this and other buildings. The ESP states that, at this stage, a robust commercial case to support the inclusion of a biomass boiler cannot be made.
- 11.102 The ESP explains that the development would incorporate a combination of passive design features, efficient building services and a low carbon energy supply to deliver a building that will return a carbon saving of 47% against Part L Building Regulations 2013. It further explains that the buildings will connect to the KXC Energy Centre and that the residential units will achieve equivalent to an EcoHomes 'Very Good' rating (roughly equivalent to Level 4 of the Code for Sustainable Homes (CfSH) 2010) and a BREEAM 'Very Good' rating for the retail units. It is therefore considered that the proposal satisfies the requirements of parts a), b), d) and e) of Condition 10 of the outline planning permission.
- 11.103 The ESP details the recommendations of the project ecologist to incorporate bird and bat boxes into the roof levels of buildings W1 and W2. The final location of these will be secured by condition as the applicant will need to work up the detailed design and lighting specification for the building to be able to identify the most effective location for the boxes. The proposal is therefore considered to satisfy the requirements of part f) of condition 10,

- 11.104 Condition 23 (Drainage Infrastructure) states that: 'The new drainage infrastructure within the site shall be designed such that the peak stormwater discharge to the existing combined sewers shall not be more than 67 litres per second.'
- 11.105 The Environmental Sustainability Plan which accompanied the planning application explains that the scheme will incorporate various sustainable measures, including blue roofs, to minimise drainage discharge to the existing combined storm and foul sewers. The application states that further measures will be brought forward with the public realm and podium garden to ensure the maximum drainage discharge of 67 litres/second specified in the condition is not exceeded.
- 11.106 Condition 23 is an informative condition which does not require the Council's formal written discharge.
- 11.107 Condition 24 (Green and Brown Roofs) states that 'New buildings constructed pursuant to the planning permission within Blocks A, B and C shall incorporate Green and/or Brown Roofs as specified in Paras 3.31 and 3.32 of the Revised Development Specification dated August 2005.'
- 11.108 Paragraph 3.31 of the Revised Development Specification envisages green (sedum) roofs to Building W2 and brown roofs to the penthouses of W1 and lift overruns on W2. Paragraph 3.32 suggests that these roofs could sit alongside terraced roof areas finished in paving or timber decking.
- 11.109 Buildings W1 and W2 will feature approximately 309m<sup>2</sup> of green and brown roofs in accordance with Condition 24. On W1, 44m<sup>2</sup> of green roof will be provided alongside the penthouse roofs of W1W, with a further 118m<sup>2</sup> of biodiverse brown roof on top of the roof to W1E. Building W2 will include 147m<sup>2</sup> of green roof on the eastern side of the building.
- 11.110 The application states that additional brown roof was considered to the lift overruns on Building W2. However, this was discounted on the basis of the small area available, the separation from the much larger green roof beneath, and the location above the parapet surrounding the main rooftop which could limit opportunities for planting successfully bedding in.
- 11.111 It is considered that the green and brown roofs proposed under this reserved matters are satisfactory in the context of part c) of Condition 10 and condition 24.

### **Highways and Transportation**

- 11.112 It is proposed to construct a new road off York Way to provide vehicular access to the vehicular entrance to the site and details will be submitted as part of a future Reserved Matters application in respect of the wider public realm around the buildings.
- 11.113 The vehicular entrance to the site will be relocated from its originally proposed position adjacent to the CTRL boundary fence further south to sit opposite the junction with Canal Reach. The application states that this is in order to reinforce this location as the Northern Gateway and to allow additional areas of greening to be

provided along the existing infrastructure boundaries. The vehicular entrance will provide access to the lower ground/basement service area which will serve the whole development (including Building W3) and will provide car-parking, cycle storage and plant/ancillary spaces.

11.114 48 resident's parking spaces are proposed within the lower ground/basement area, of which 5 are designated for wheelchair users. This equates to 1 space for every 4.6 wheelchair accessible units provided within the development. 10 motorcycle parking bays are also proposed.

11.115 The proposed car parking provision also allows for up to 9 spaces to be allocated to social rented units, as required by the draft Deed of Variation to the LBC S106 Agreement, should the registered provider decide to take them up.

11.116 No vehicle spaces are proposed in relation to the proposed retail (A1-A4) or future leisure (D1/D2) uses other than accessible visitor spaces to be provided within the Northern Gateway.

11.117 Condition 25 (Car Parking Standards) states that:

'Unless otherwise agreed in writing by the Local Planning Authority, the development shall be constructed in accordance with the following:

(a) Maximum car parking/storage standards;

- i. Residential: an average of 0.40 spaces per unit across all unit types and tenures, to be provided within the lower ground level shown on drawing TS004 Rev K;
- ii. Class D1/D2 uses: 1 space per 1:1000 sq m gross floor area;
- iii. Classes A1-A4 inclusive uses; No provision other than for people with disabilities (to be agreed in writing by the Local Planning Authority at the Reserved Matters stage)

(b) 4 visitor parking spaces to be provided to the north of block A as shown in drawing TS003 revision K

(c) Any additional parking required by the Local Planning Authority by people with disabilities may be provided in addition to the above standards

(d) The standards exclude provision for city car club spaces (such spaces may be provided in addition to the above) and the provision of service bays to be approved as part of the Reserved Matters for the development.'

11.118 The 48 residents' parking spaces proposed equates to an average of 0.22 spaces per unit which falls below the maximum of 0.40 spaces per unit specified in part (a)(i) of Condition 25. No parking is proposed for the retail units or the future leisure facility which also accords with Condition 25 which prescribes a maximum standard

but does not set an expectation that any spaces will be provided for these uses other than for people with disabilities (Class A1-A4 use).

- 11.119 In accordance with part (b) of the condition, it is envisaged that two visitor spaces and two wheelchair parking spaces (operated on a blue badge basis) will be provided at ground floor level off the new access route to the north of Building W1. These additional spaces will be brought forward as part of the separate Reserved Matters submission for the public realm.
- 11.120 Transport for London have been consulted on the application and indicated that blue badge car parking and electric vehicle charge points should be provided in accordance with London Plan standards. The car parking was considered at outline stage against the policy framework in place at the time and the required level and nature of the proposed car parking is secured by Condition 25. It would not be appropriate to revisit the approved car parking within the context of this reserved matters application.
- 11.121 The proposed car parking is considered acceptable in the context of this reserved matters application. Condition 25 is an informative condition which does not require formal approval.
- 11.122 Condition 26 (Cycle Parking) states that: 'Unless otherwise agreed in writing by the Local Planning Authority, the development shall provide for the use of occupiers of the development cycle parking/storage for 246 bicycles at Lower Ground Level.'
- 11.123 379 bicycle spaces are proposed for the residential and retail uses within of Buildings W1 and W2. These will be provided within nine individual cycle stores within the lower ground/basement area.
- 11.124 The number proposed exceeds the requirements of condition 26 and meets the current requirement for 1 space per bedroom in set out in the Development Management Policies Document (2013), albeit it is noted that this includes visitor provision as well.
- 11.125 It is intended that 104 cycle parking spaces will be provided for visitors and in relation to the leisure and retail uses will be provided within the public realm and podium garden and will form part of future reserved matters applications.
- 11.126 Transport for London were consulted on the proposal and have requested a condition to secure the level of cycle parking proposed and have encouraged the provision of showers and changing facilities for the retail units, in line with London Plan policy. The cycle parking provision was considered at outline stage against the policy framework in place at the time and is secured by condition 26. The applicant has submitted details for approval which demonstrate compliance with condition 26. It would not be appropriate to revisit the approved cycle parking within the context of this reserved matters application.
- 11.127 The proposed cycle parking exceeds the requirements of condition 26 and is considered acceptable in the context of this reserved matters application.



11.128 Condition 16 (Refuse Storage) states that:

‘Details and arrangements for storage and collection of refuse, including location, design, screening, operation and inclusion of facilities for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved.’

11.129 The application is accompanied by an Urban Design Report and plans which detail the Waste Strategy. Buildings W1E and W1W will each house a ventilated refuse store located adjacent to the core at lower ground floor level with external access from the Northern Gateway. It is intended that refuse collection vehicles will park adjacent to each of the stores within the Northern Gateway and the service yard.

11.130 The store for the Open Market and Intermediate units within Building W2S will be located in the basement service area adjacent to the core with a ramped corridor link to the loading bay. Building management will wheel the bins to the loading bay area on the relevant day for collection by the local authority. The store for W2N is located at street level off York Way with a dedicated entrance between the street and the lift lobby to enable residents to deposit their own refuse directly in the store en route to and from their apartments.

11.131 The retail units will be served by a commercial refuse store at lower ground level adjacent to the loading bay to accommodate 2 days waste generation by the four units (to be collected daily by a commercial contractor from the service yard and loading bay).

11.132 The Council’s Waste Advisor has advised that the proposals for refuse storage and collection are acceptable. The details submitted are therefore considered acceptable to comply with condition 16.

11.133 Condition 13 (Servicing Strategy) states that ‘Servicing shall take place in accordance with plans TS003, TS004 and TS005 unless otherwise agreed in writing with the Local Planning Authority.’

11.134 The Urban Design Report explains how the proposed servicing strategy (i.e. deliveries and plant maintenance) for Buildings W1 and W2 would comply with the above condition.

11.135 Commercial and residential deliveries will take place via the service yard and loading area to the north of Building W1. The loading area will be used for unloading of goods and materials and the storage of material handling equipment. The loading area and service yard will be actively managed to ensure the safe coordination of vehicle movement and parking within this area and access will be controlled by 24 hour manned security.

11.136 Direct access into the lift cores of both W1E and W1W will be provided by the building management team for large scale deliveries and removals via the entrances at lower ground floor level off the Northern Gateway. Access to W2 for large items delivery and removals would take place via the service yard with dedicated access to

each core being provided via the shared circulation route at lower ground/basement level.

- 11.137 The retail units in Buildings W1 and W2 are estimated to generate 26 delivery and servicing trips a day. The units will be serviced from the loading bay, with vehicles parking in the service area and goods being wheeled to the relevant unit via the shared circulation route.
- 11.138 Mechanical and electrical plant is located around the north and eastern perimeter of the development with direct access to the Northern Gateway and the service yard for plant replacement and ventilation to the outside.
- 11.139 It is considered that the applicant has satisfactorily demonstrated that the proposed servicing strategy will accord with the approved parameter plans and the proposal is therefore considered acceptable in the context of condition 13. This condition is an informative condition which does not require the Council's formal discharge.

### **Noise Mitigation**

- 11.140 Conditions 27 (Noise) states that: 'Prior to commencing any construction on the site, a base line noise monitoring survey shall be carried out and made available to the Local Planning Authority.'
- 11.141 The application is accompanied by a Baseline Acoustic Report prepared by Hoare Lee, as required by Condition 27. The Council's Environmental Health (Pollution) Officer has commented that the previous survey dated back to 2007 and with all the changes to the area in this time is no longer valid. New data for 2014/5 has been included but only on the façade facing the railway. A short term measurement on the York Way façade is noted with the spectrum but the duration of the measurement is not noted. A new survey of road noise on the York Way façade will need to be carried out to satisfy the requirements of this condition and inform the sound insulation requirements on this façade. Condition 27 is a pre-commencement condition which does not require the Council's formal written discharge and in this regard an informative is recommended to indicate the requirement for a survey of road noise on York Way.
- 11.142 Condition 28 (Plant Noise) states that:
- 'Before development commences, details shall be submitted to, and approved by, the Local Planning Authority to demonstrate that the noise impact of any plant or equipment to be installed on the site will meet the following standards:
- a. Noise levels at a point 1metre external to sensitive facades to be at least 5dB(A) less than the existing measurement (LA90), expressed in dB(A) when all plant/equipment are in operation
  - b. Where it is anticipated that any plant/equipment will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps) special attention to be given to reducing the noise level from that piece of plant/equipment at any sensitive façade at least 10dB(A) below the LA90, expressed in dB(A).

The development shall be carried out in accordance with the details, as approved unless otherwise agreed in writing by the Local Planning Authority.'

11.143 The Acoustic Report demonstrates that the proposed plant on Buildings W1 and W2 will achieve the day and night time noise emission targets. The Council's Environmental Health (Pollution) Officer has noted the contents of the report. It is anticipated that further details will be submitted prior to the commencement of development in order to fully address the requirements of Condition 28. NEED TO CHECK

11.144 Condition 29 (Structureborne Noise) states that: 'Before development commences, a scheme shall be submitted to, and approved by, the Local Planning Authority to demonstrate how the proposed dwellings would be insulated to a standard that will ensure that internal groundborne noise levels do not normally exceed 35 dB LAmax(s). The dwellings shall be constructed in accordance with the scheme, as approved, unless otherwise agreed in writing by the Local Planning Authority.'

11.145 The application is accompanied by a Structureborne Noise Report to address the requirement of Condition 29. The report concludes that, assuming no structural isolation at foundation of floor level and nominal performance of the Network Rail High Attenuation Low Vibration Tracks within the TCT, the modelling shows that the predicted structureborne noise levels inside Building W1 to level 05 (the most affected units) are expected to be below 35dB LAmax(s).

11.146 The results of the vibration measurements to assess the effect of the ECML show that there will be limited impact to Building W1E, this being the closest part of the building and therefore the most affected. Calculations based on vibration measurements to the most exposed part of W1E confirm that structureborne noise caused by the ECML will be in the region of 30dB LAmax,s, well below the limit specified in the condition. Consequently the remainder of Building W1 and Building W2 will also meet the required criterion.

11.147 The Council's Environmental Health (Pollution) Officer notes that the detailed design of the building structure has not been confirmed for the final scheme but has been assessed with the Association of Noise Consultants' rule of thumb. This predicts that the noise level will normally meet the criteria of the condition. It is noted that there is considerable uncertainty in any ground borne noise calculations. The TCT project team have confirmed that a High Attenuation Low Vibration Track is in place within the tunnels and this is consistent with the assumptions in the report. The structure borne noise level will be exceeded on the podium level of Building W1 West. The predicted level is 36dB, which, if valid, would be difficult to perceive and correspond with the spirit of the condition that the 35dB LAmax S is "not normally exceeded". The Council's Environmental Health (Pollution) Officer therefore accepts the details submitted. An informative is recommended to advise that changes to the design from the assumptions included in the model may affect the transmission path and they should be carefully considered with the input of the acoustic consultant.

11.148 Condition 30 (Environmental Noise) states that:

'Construction of residential development within Blocks A and B (as shown on drawing TS006 revision K) shall not begin until approval in writing from the Local Planning Authority has been issued for a scheme to protect that development from environmental noise. The scheme shall be designed to ensure that, with windows closed and an alternative ventilation system provided:

- external environmental noise within the bedrooms shall not exceed 35 dBLAeq, 8hr between 23:00 and 07:00 hours, and shall not normally exceed 45 dBLAmax(f) at other times;
- external environmental noise within other living rooms shall not exceed 40 dBLAeq, 16hr between 07:00 and 23:00 hours.'

11.149 The Baseline Acoustic Report demonstrates that environmental noise levels (e.g. from rail and road noise) can be adequately mitigated to achieve the targets within condition 30 through the use of high performance window units on the worst affected facades and appropriate sound insulation within the façade and ventilation systems when these elements are specified at the detailed design stage.

11.150 The Council's Environmental Health (Pollution) Officer has advised that the condition requires a scheme of sound insulation to meet the internal noise targets. The condition cannot therefore be discharged until the applicant has submitted a noise insulation design with predictions that demonstrate that these will be met.

### **Earthworks and Remediation**

11.151 Condition 11 (Earthworks and Remediation) states that:

'Relevant applications (or groups of related applications) for approval of the Reserved Matters shall be accompanied by an Earthworks and Remediation Plan to deliver appropriate site levels and ground conditions for that part of the development. All work shall be carried out in accordance with the Earthworks and Remediation Plan as approved.'

11.152 The application is accompanied by a Reserved Matters Earthworks and Remediation Plan which details ground investigations, contamination findings, earthworks requirements and a remediation strategy. The report indicates limited evidence of contamination and advises that a series of best practice measures should be incorporated as part of the development. These will include clean capping in areas of soft landscaping as some presence of asbestos has been identified in the soils where the northern gateway and ecology garden are proposed. It should be noted that these areas fall outside of the scope of this application.

11.153 The majority of the earthworks associated with the proposal will arise from the construction of the lower ground floor/basement and pile excavations for the buildings above. The piling for Building W3 and the proposed soft landscaped areas and the public realm fall outside the scope of this application. Indicative floorplans, pile designs and emerging landscape designs have been used to estimate volumes of export and import of spoil in order to present a worst case position for the site as a whole. It is anticipated that there will be approximately 15,280m<sup>3</sup> of cut and

approximately 7,215m<sup>3</sup> of fill, resulting in a total figure of 22,495m<sup>3</sup> of exported and imported materials which would require an estimated 2,647 lorry movements.

11.154 The Council's Environmental Health (Pollution) Officer accepts the details submitted. The development should be subject to a watching brief during the works in order to identify any unexpected contamination or arisings. A verification report should be provided to demonstrate the effectiveness of the remediation strategy and disposal of soils off site. The proposal is considered acceptable in relation Condition 11.

### **Planning Obligations, Community Infrastructure Levy and local finance considerations**

11.155 The outline planning permission was granted subject to two Section 106 Agreements, both dated 8 July 2008. The first agreement is made jointly with LBI and LBC and sets out various obligations on the developer including those relating to environmental sustainability which have informed the proposals insofar as they relate to the design and set targets for the performance of the buildings. The Heads of Terms covered the following matters:

- Employment and Training – Construction
- Community Safety
- Estate Realm and Habitat Areas
- Adjacent Street Improvements
- Improvement to Adjacent /Local Open Spaces
- Support for Implementation Panels
- Access and Inclusivity
- Environmental Sustainability – Energy
- Environmental Sustainability – Construction Materials / Construction Waste
- Environmental Sustainability – Waste
- Environmental Sustainability – Water
- Code of Construction Practice
- Green Travel Initiatives
- Maximum Retail Floorspace
- Biodiversity Financial Contribution
- Practical Completion of Affordable Housing.

11.156 The second agreement is with LB Camden only and is concerned with the delivery of affordable housing. The agreement secured the delivery of a 'Baseline Mix' of 84 affordable units (36 social rented and 48 intermediate units) as a minimum level of provision. The application states that, due to changes in the policy and funding context for the delivery of affordable housing since outline permission was granted, it was considered no longer viable to deliver the Baseline Mix required under the agreement. The agreement included a cascade mechanism in the event specified minimum transfer prices fail to be achieved for certain tenures. LB Camden (in consultation with LBI) agreed to vary the Camden S106 Agreement to provide a revised Baseline Mix comprising 59 affordable units (36 social rented units and 23 intermediate units) at the Camden Development Control Committee meeting of 17 March 2016.

## 12. SUMMARY AND CONCLUSION

### Summary

- 12.1 Outline planning permission was granted by the Secretary of State in June 2008 for the development of the Kings Cross 'Triangle Site'. The outline permission granted approval of means of access and layout (to the extent detailed within the Development Specification which accompanied the application) with all other matters reserved for subsequent approval. The basis upon which the detailed development would come forward has been well established through the Revised Development Specification and Parameter Plan documents approved at outline stage. This reserved matters application is therefore the second part of a two stage application process for securing full planning permission for the development of the Triangle Site. The application seeks reserved matters approval of appearance, landscaping, scale and the outstanding matters relating to access and layout. The application also addresses the relevant conditions attached to the outline permission and seeks approval of the relevant details where required.
- 12.2 The outline permission granted approval for the erection of 3 buildings to provide a mixed use development comprising up to 246 residential dwellings, retail and leisure uses set around a landscaped central amenity area.
- 12.3 This application relates to two of the buildings (identified as W1 and W2). Building W1 will be predominantly 12 to 17 storeys in height and will provide 140 open market residential units and a retail unit (flexible Use Class A1-A4). Building W2 will be 8 storeys in height and will provide 36 general needs social rented, 23 intermediate and 19 open market units and 3 retail units (flexible Use Class A1-A4).
- 12.4 The proposed detailed design and external appearance of the buildings are considered to be in line with the general parameters established by the outline permission. Furthermore, the details submitted for approval of the relevant outline conditions are considered to comply with the requirements of those conditions and, where appropriate, current local policies. Overall, the proposal represents a high quality of detailed architectural design which will provide an appropriate response to the emerging context in this part of King's Cross and will provide a more unified character across both sides of this part of York Way.

### Conclusion

- 12.5 In the context of the provisions and constraints of the outline planning permission, the details submitted for the reserved matters and conditions are considered appropriate.
- 12.6 Paragraph 25 of the National Planning Practice Guidance states that 'conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted. The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters.'
- 12.7 It is recommended that the reserved matters be approved subject to conditions for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

That the Committee resolve to GRANT approval of reserved matters relating to ??

## RECOMMENDATION B

That the approval of reserved matters be subject to **conditions** to secure the following:

### List of Conditions:

1	<p><b>Approved plans list (Compliance)</b></p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>KXC-W0-001-DMA569-PL-20-001, KXC-W0-001- DMA569-PL-10-100, KXC-W0-001-DMA569-PL-20-117, KXC-W0-001-DMA569- PL-20-1B1 Rev 02, KXC-W0-001-DMA569-PL-20-100, KXC-W0-001-DMA569-PL- 20-301, KXC-W0-001-DMA569-PL-20-302, KXC-W0-001-DMA569-PL-20-303, KXC-W0-001-DMA569-PL-20-304, KXC-W0-001-DMA569-PL-20-220, KXC-W0- 001-DMA569-PL-20-230, KXC-W0-001-DMA569-PL-20-231, KXC-W0-001- DMA569-PL-20-232, KXC-W0-001-DMA569-PL-20-233, KXC-W0-001-DMA569- PL-20-240, KXC-W1-001-1768-PL-20-100, KXC-W1-001-1768-PL-20-101, KXCW1-001-1768-PL-20-102, KXC- W1-001-1768-PL-20-103, KXC-W1-001-1768-PL- 20-104, KXC-W1-001-1768-PL- 20-105, KXC-W1-001-1768-PL-20-106, KXC-W1- 001-1768-PL-20-107, KXC-W1- 001-1768-PL-20-108, KXC-W1-001-1768-PL-20- 109, KXC-W1-001-1768-PL-20- 110, KXC-W1-001-1768-PL-20-111, KXC-W1-001- 1768-PL-20-112, KXC-W1-001- 1768-PL-20-113, KXC-W1-001-1768-PL-20-114, KXC-W1-001-1768-PL-20-115, KXC-W1-001-1768-PL-20-116, KXC-W1-001- 1768-PL-20-310, KXC-W1-001- 1768-PL-20-311, KXC-W1-001-1768-PL-20-320, KXC-W1-001-1768-PL-20-321, KXC-W1-001-1768-PL-20-330, KXC-W1-001- 1768-PL-20-331, KXC-W1-001- 1768-PL-20-340, KXC-W1-001-1768-PL-20-341, KXC-W1-001-1768-PL-21-410, KXC-W1-001-1768-PL-21-411, KXC-W1-001- 1768-PL-21-412, KXC-W1-001- 1768-PL-21-413, KXC-W1-001-1768-PL-21-414, KXC-W1-001-1768-PL-21-415, KXC-W2-001-DMA569-PL-20-100, KXC-W2-001- DMA569-PL-20-101, KXC-W2- 001-DMA569-PL-20-102, KXC-W2-001-DMA569- PL-20-103, KXC-W2-001- DMA569-PL-20-104, KXC-W2-001-DMA569-PL-20-105, KXC-W2-001-DMA569- PL-20-106, KXC-W2-001-DMA569-PL-20-107, KXC-W2- 001-DMA569-PL-20-108, KXC-W2-001-DMA569-PL-20-301, KXC-W2-001- DMA569-PL-20-302, KXC-W2- 001-DMA569-PL-20-303, KXC-W2-001-DMA569- PL-21-410, KXC-W2-001- DMA569-PL-21-411, KXC-W2-001-DMA569-PL-21-412, KXC-W2-001-DMA569- PL-21-413, KXC-W0-001-DMA569-PL-20-195, KXC-W0- 001-DMA569-PL-20-196, KXC-W0-001-DMA569-PL-20-197 and KXC-W0-001- DMA569-PL-20-198.</p>
2	<p><b>Materials and Samples (Compliance and Details)</b></p> <p>CONDITION: Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p>

	<ul style="list-style-type: none"> <li>a) Brickwork, bond and mortar courses;</li> <li>b) Window and doors;</li> <li>c) roofing materials;</li> <li>d) Balcony materials (including winter gardens);</li> <li>e) soffits;</li> <li>f) ground floor signage;</li> <li>g) any other materials to be used.</li> </ul> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
3	<p><b>Retail Signage Strategy</b></p>
	<p>CONDITION: Prior to first occupation of the retail units, a retail signage strategy including details of internal signage to the retail units, external hanging signage to the cantilevered soffit and treatment of the window glass of the rear of the commercial units in Building W2 facing onto the 'Podium' garden, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In the interest of maintaining a satisfactory appearance for the building and in the interest of the character and appearance of the area.</p>
4	<p><b>Green/Brown Biodiversity Roofs (Details)</b></p>
	<p>CONDITION: Details of the biodiversity (green/brown) roofs shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roofs shall be:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm); and</li> <li>b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
5	<p><b>Nesting Boxes (Details)</b></p>
	<p>CONDITION: Details of bird and bat nesting boxes shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The nesting boxes shall be provided strictly in accordance with the details so</p>



	<p>approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
6	<p><b>Construction Safety (High Speed 1)</b></p> <p>CONDITION: Construction activity on the site shall not commence until a construction methodology/method statement for the activity has been submitted in writing and approved by the Local Planning Authority in consultation with HS1. The method statement shall include but not be limited to:</p> <ul style="list-style-type: none"> <li>• onsite vehicle movements and parking</li> <li>• safeguarding of buried services</li> <li>• temporary drainage measures;</li> <li>• storage of combustible/hazardous materials</li> <li>• position and operation of cranes</li> <li>• Temporary fencing and security measures (including location, height, type, spec reference and any other security measures such as CCTV or 24-hour site security)</li> <li>• Details of special measures, to identify and protect HS1 or UK Power Networks buried services</li> <li>• Details of the materials and arrangements for the storage of combustible gases or hazardous materials within 200m of HS1 infrastructure</li> <li>• Details of construction phase vehicle parking provision</li> </ul> <p>Construction activity shall then be carried out only in compliance with the approved method statement unless previously agreed in writing by the Local Planning Authority in consultation with HS1.</p> <p>REASON: No such information has been provided and is required in order to manage the risk that the construction activity presents to the safety, security and operation of HS1.</p>
7	<p><b>Drainage (High Speed 1)</b></p> <p>CONDITION: No water or effluent shall be discharged from the site or from the permanent works onto HS1 or its associated drainage system. Details of the drainage associated with development shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. Unless otherwise agreed in writing with the Local Planning Authority in consultation with HS1, the drainage scheme shall be installed in accordance with the approved scheme and maintained in proper working order.</p> <p>REASON: To ensure that the maintenance and operation of HS1 is not prejudiced.</p>

**List of Informatives:**

1	<p><b>Conditions discharged</b></p>
	<p>This decision grants approval of the details submitted pursuant to the following conditions:</p> <ul style="list-style-type: none"> <li>• Condition 14 – details of siting of buildings</li> <li>• Condition 15 – details of floor plans</li> <li>• Condition 16 – refuse storage</li> </ul>
2	<p><b>Conditions monitoring</b></p>
	<p>You are advised that the proposals and details provided within the application are considered acceptable in relation to the requirements of the following conditions (which do not require the Council’s formal discharge):</p> <ul style="list-style-type: none"> <li>• Condition 2 – Time limit for submission of first reserved matters application</li> <li>• Condition 6(a) – Landscaping and Trees</li> <li>• Condition 9 – Provision of Access Ramps</li> <li>• Condition 10 – Environmental Sustainability Plan</li> <li>• Condition 11 – Earthworks and Remediation Plan</li> <li>• Condition 12 – Access Statement</li> <li>• Condition 13 – Servicing Strategy</li> <li>• Condition 17 - Development to be carried out in accordance with permission parameter plans and development specification</li> <li>• Condition 18 – Floorspace permitted</li> <li>• Condition 19 – Uses permitted</li> <li>• Condition 20 – Maximum number of residential units</li> <li>• Condition 22 – Residential daylight and sunlight</li> <li>• Condition 23 – Drainage Infrastructure</li> <li>• Condition 24 – Green and Brown Roofs</li> <li>• Condition 25 – Car Parking Standards</li> <li>• Condition 26 – Cycle Parking</li> </ul>
3	<p><b>Conditions requiring further details</b></p>
	<p>You are advised that the requirements of the following conditions should be addressed prior to the commencement of development:</p> <ul style="list-style-type: none"> <li>• Condition 27 – Baseline Noise Survey</li> <li>• Condition 28 – Noise Impact of Plant and Equipment</li> <li>• Condition 29 – Details of Groundborne Noise Insulation</li> <li>• Condition 30 – Details of Environmental Noise Insulation</li> </ul>

## APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

### 1 National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### 2. Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### A) The London Plan 2015 - Spatial Development Strategy for Greater London

##### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

##### **2 London's places**

Policy 2.9 Inner London

Policy 2.3 Growth Areas and Co-Ordination Corridors

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

Policy 2.12 Central Activities Zone – predominantly local activities

Policy 2.13 Opportunity areas and intensification areas

##### **3 London's people**

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced

##### **5 London's response to climate change**

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

##### **6 London's transport**

Policy 6.9 Cycling

communities

Policy 6.13 Parking

#### **4 London's economy**

Policy 4.1 Developing London's Economy

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.9 Small shops

Policy 4.12 Improving Opportunities for all

#### **7 London's living places and spaces**

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.7 Location and design of tall and large buildings

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.19 Biodiversity and access to nature

### **B) Islington Core Strategy 2011**

Spatial Strategy

Policy CS6 (King's Cross)

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS12 (Meeting the Housing Challenge)

Policy CS14 (Retail and Services)

### **C) Development Management Policies June 2013**

#### Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM2.4 Protected views

DM2.5 Landmarks

DM2.7 Telecommunications and utilities

#### Housing

DM3.1 Mix of housing sizes

DM3.2 Existing housing

DM3.3 Residential conversions and extensions

DM3.4 Housing standards

#### Employment

DM5.1 New business floorspace

#### Health and open space

DM6.1 Healthy development

DM6.2 New and improved public open space

DM6.3 Protecting open space

DM6.5 Landscaping, trees and biodiversity

DM6.6 Flood prevention

#### Energy and Environmental Standards

DM7.1 Sustainable design and

DM3.5 Private outdoor space  
DM3.6 Play space  
DM3.7 Noise and vibration (residential uses)

Shops, culture and services

DM4.1 Maintaining and promoting small and independent shops  
DM4.3 Location and concentration of uses  
DM4.6 Local shopping Areas  
DM4.7 Dispersed shops  
DM4.8 Shopfronts  
DM4.10 Public houses  
DM4.12 Social and strategic infrastructure and cultural facilities

construction statements  
DM7.2 Energy efficiency and carbon reduction in minor schemes  
DM7.3 Decentralised energy networks  
DM7.4 Sustainable design standards  
DM7.5 Heating and cooling

Transport

DM8.1 Movement hierarchy  
DM8.2 Managing transport impacts  
DM8.4 Walking and cycling  
DM8.5 Vehicle parking  
DM8.6 Delivery and servicing for new developments

Infrastructure

DM9.1 Infrastructure  
DM9.2 Planning obligations  
DM9.3 Implementation

**5. Designations**

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- Site of Interest for Nature Conservation
- Local View LV7
- Within the Central Activities Zone
- Site Allocation KC2

**6. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

- Islington Local Development Plan
- London Plan
- Environmental Design
- Accessible London: Achieving and Inclusive Environment
- Accessible Housing in Islington
- Housing
- Inclusive Landscape Design
- Sustainable Design & Construction
- Urban Design Guide
- Providing for Children and Young Peoples Play and Informal Recreation
- Planning for Equality and Diversity in London

## **APPENDIX 3: DRP RESPONSE**