



PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		AGENDA ITEM NO:	
Date:	5 March 2019	NON-EXEMPT	

Application number	P2018/3844/RMS
Application type	Reserved Matters
Ward	Caledonian
Listed building	No listed buildings on the site
Conservation area	No
Development Plan Context	Within the Central Activities Zone; Site Allocation KC2; Core Strategy Key Area Kings Cross & Pentonville Road; Channel Tunnel Rail Link; Site of Importance for Nature Conservation; Rail Safeguarding Area (Crossrail 2); Rail Land Ownership – TfL Tunnels; Rail Land Ownership – National Rail Surface; London Underground Zones of Interest; Article 4 Direction A1-A2; Article 4 Direction B1(c) to C3;
Licensing Implications	None
Site Address	Kings Cross Triangle Site, bounded by York Way, East Coast Main Line & Channel Tunnel Rail Link, London N1
Proposal	Revised reserved matters relating to Buildings W1 and W2 comprising 12 to 17 storeys of mixed use accommodation comprising 218 residential units; 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. The revisions to the reserved matters granted approval under application ref: P/2016/1030/RMS include: changes to internal layouts including revision

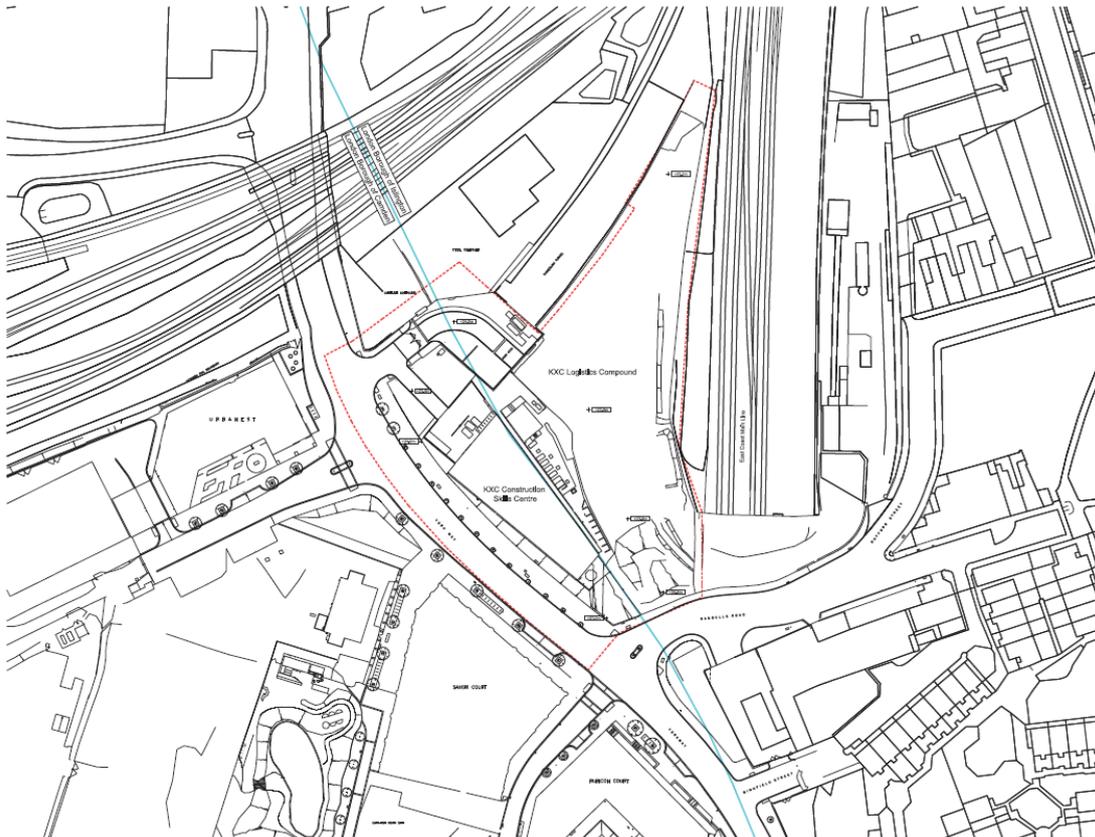
	to unit mix; an increase in total GEA of 190 square metres; minor changes to building elevations; an increase in green roof area; a revised retail service strategy; and the removal of 6 no. car parking spaces.
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Case Officer	Thomas Broomhall
Applicant	King's Cross Central General Partner
Agent	Argent (King's Cross) Ltd

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** approval of reserved matters subject to the conditions set out in Appendix 1 and approve details of the outline conditions.

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



Photograph 3 - View of site looking north west from Randall's Road



Photograph 4 - View of site looking south along York Way



4. SUMMARY

- 4.1 Outline planning permission P041261 was granted by the Secretary of State in July 2008 for the development of the Kings Cross 'Triangle Site'. 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.

- 4.2 Approval of reserved matters P2016/1030/RMS was granted in October 2016 in relation 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 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.
- 4.3 This application seeks approval for revised details of reserved matters in relation to buildings W1 and W2. The changes over the previously approved (2016) Reserved Matters are summarised as follows:
- Relocation of five residential units from the ground floor of Building W1 to the upper levels of the building and removal of associated gardens.
 - Revised ground floor accommodation would provide facilities (ancillary to the C3 use) for residents in both W1 and W2 open market and intermediate accommodation including an enhanced gym, residents' lounge, screening room and dining room.
 - Additional residential facilities will also be provided at lower ground floor / basement levels and a corresponding reduction of 6 car parking spaces from 48 to 42.
 - Relocation of 4 accessible units within building W1 (number and mix of units remain the same);
 - Minor revision to the open market residential unit mix in W1 comprising 2 additional one bedroom units, 2 additional two bedroom units, 2 fewer studio units and 2 fewer three bedroom units;
 - Increase in residential GEA of 255 square metres to 20,849 square metres;
 - Reduction in retail GEA of 104 square metres to 671 square metres;
 - Increase in plant within the basement to reduce visible rooftop plant on buildings W1 and W2;
 - Minor reconfiguration of internal layouts of all apartments within W1 and W2 to standardise kitchens and bathrooms, add additional en-suites and increase storage;
 - Minor changes to building elevations due to detailed design coordination;
 - Internal reconfiguration within Building W2 to create additional level access;
 - Addition of flue on Building W1 within the maximum permitted height;
 - Proposed W1 car park ventilation relocated from the east façade to the north facade;
 - Minor reductions in private amenity space to Building W1 units as a result of revised fenestration, representing an average reduction of 0.19 square metres per balcony.
- 4.4 The total number of residential units across Buildings W1 and W2 remains the same, at 218 units, of which 36 are social rent, 23 intermediate and 159 open market.
- 4.5 In conclusion the revisions to the approved reserved matters in relation to buildings W1 and W2 continue to demonstrate compliance with the Revised Development

Specification, Parameter Plans and the conditions attached to the outline consent ref: P041261 and are acceptable in accordance with current policy and guidance.

- 4.6 A separate application for approval of revised reserved matters (ref: P2018/4062/RMS) has been submitted in relation to landscaping and public realm and is recommended for approval to this committee also.
- 4.7 A further separate application for approval of reserved matters (ref: P2018/4210/RMS) has been submitted in relation to Building W3 to provide a three storey building comprising of 725 square metres of gym facilities (Class D2), 451sqm of nursery/crèche space (Class D1) and a 174sqm café/retail unit (Classes A1-A4) including a first floor covered terrace of 79sqm for the use of the nursery/crèche. This application is also still under consideration.
- 4.8 A separate application for Full Planning Permission (ref: P2018/4209/FUL) has been submitted in relation to the Habitat Area. The Habitat Area is proposed to include four small, single-storey buildings (including a polytunnel), providing a total of 145 square metres (GEA) educational floorspace. The remainder of the 1,097 square metres site comprises ecology gardens. This application is also still under consideration.

5. SITE AND SURROUNDINGS

- 5.1 The Triangle Site is a 6,600 square metre 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

Reserved Matters

- 6.1 Approval of reserved matters represents the second part of a two stage application process for securing full planning permission for the development of the Triangle Site. The reserved matters pursuant to the outline approval are appearance, landscaping and scale. Approvals of reserved matters cannot be revised under Section 73 of the Town and Country Planning Act, as would be the case with a full planning application. Revisions must therefore be secured through a further reserved matters application.
- 6.2 The application seeks approval of the above reserved matters which comprise revisions to the reserved matters approved under application ref. P2016/1030/RMS. The application also addresses the relevant conditions attached to the outline permission and seeks approval of the relevant details where required.
- 6.3 The revised proposals involve the relocation of five residential units from the ground floor of Building W1 to the upper levels of the building. Oversized penthouse units at the upper level would be reconfigured and split to accommodate the relocated ground floor units. The revised ground floor accommodation would provide facilities for residents in both W1 and W2 open market and intermediate accommodation. The proposed facilities include an enhanced gym, residents' lounge, screening room and dining room. These facilities would be considered ancillary to the residential floorspace. The total number of residential units across Buildings W1 and W2 remains the same, at 218 units, of which 36 are social rent, 23 intermediate and 159 open market.
- 6.4 The front gardens previously associated with the removed ground floor residential units will be incorporated partly into the Podium Garden and partly into communal residents' facilities.
- 6.5 Additional residential facilities will also be provided at lower ground floor / basement level and will include residents' storage lockers, pet wash, cycle maintenance and dedicated storage for residents to use during moving in/out of the development. There will be a corresponding reduction of 6 car parking spaces from 48 to 42.

- 6.6 The proposed amendments would result in minor increases in residential and overall floorspace and a minor decrease in retail floorspace. However, all floorspace figures remain within the maximum figures permitted by the outline planning permission.
- 6.7 The remaining amendments proposed are summarised as follows:
- Relocation of 4 wheelchair accessible units within building W1 (number and mix of units remain the same);
 - Minor revision to the open market residential unit mix in W1 comprising 2 additional one bedroom units, 2 additional two bedroom units, 2 fewer studio units and 2 fewer three bedroom units;
 - Increase in residential GEA of 255 square metres to 20,849 square metres - this remains under the maximum 21,100 square metres permitted at outline stage;
 - Reduction in retail GEA of 104 square metres to 671 square metres;
 - Increase in total GEA of 190 square metres to 21,992 square metres - this remains under the maximum 26,600 square metres permitted at outline stage;
 - Increase in plant within the basement to reduce visible rooftop plant on buildings W1 and W2;
 - Minor reconfiguration of internal layouts of all apartments within W1 and W2 to standardise kitchens and bathrooms, add additional en-suites and increase storage;
 - Minor changes to building elevations due to detailed design coordination;
 - Internal reconfiguration within Building W2 to create additional level access;
 - Addition of flue on Building W1 roof 3m above finished roof level (but within the maximum permitted height);
 - Proposed W1 windows to gym now flush, not recessed, due to no longer being residential entrances;
 - Proposed W1 car park ventilation relocated from the east façade to the north facade;
 - Omission of a single bedroom window on the north facade of Building W2 Daylight performance remains compliant;
 - Minor revisions to position of some windows to ensure structural coordination, minor changes to partitions and amended details of some windows (e.g. louvres to windows) due to changes to the internal spaces;
 - Minor reductions in private amenity space to Building W1 units as a result of revised fenestration – there would be a total loss of 22 square metres across the building representing an average of 0.19 square metres per balcony.
- 6.8 Following the above revisions Building W1 would comprise 62 one bedroom units, 66 two bedroom units and 12 three bedroom units (140 total). The application advises that the adjusted unit mix reflects market preferences identified across the main Kings Cross Central scheme where larger units have been slow to sell. The outline planning permission did not specify a minimum requirement for three-bedroom open market units. The proposed omission of penthouse units results in the removal of the associated private roof terraces which provides for a corresponding increase in green roof area.

- 6.9 During the course of the application the external levels on the footway along York Way have been amended to meet a gradient of 1:40. This has a minor impact on the western and northern elevations of Buildings W1 and W2. It is understood that at the point with the lowest head height, at the southern entrance to Building W2, the reduction in head height is 52mm along the pavement and a maximum of 75mm against the retail window.

Previous Reserved Matters Consent

- 6.10 Approval of reserved matters has previously been granted (in 2016) for a very similar scheme to that currently under consideration. Considerable weight should be attached to this previous approval. In this regard the primary matters for consideration in assessing this application are the revisions to the previously approved details.

Approval of details

- 6.11 In addition to the reserved matters, the application should be assessed against the planning conditions attached to the outline permission. The previous reserved matters application was accompanied by a Compliance Report which addressed the relevant conditions attached to the outline permission. The conditions are detailed in the table below and, in cases where the proposed revisions have implications for these conditions, they are considered within this report.

Table 1 – Relevant conditions attached to Outline planning permission P041261

Condition number	Relevant matters
1	Commencement of development (informative only)
2	Time limit for submission of first reserved matters application
5	Implementation timescale (informative only)
6	Landscaping details
7	Provision of landscaping details in Reserved Matters Application (informative only)
8	Tree replacement (informative only)
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
21	Central amenity space shall be developed before first occupancy of any dwelling at the same level and maintained for resident use (informative only)
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

Procedural Issues

- 6.12 As the application site spans the boundaries of LBI and LBC the same application has been submitted to both Local Planning Authorities. The application is due for consideration by the LBC Members Briefing Panel in February 2019.

7. RELEVANT HISTORY

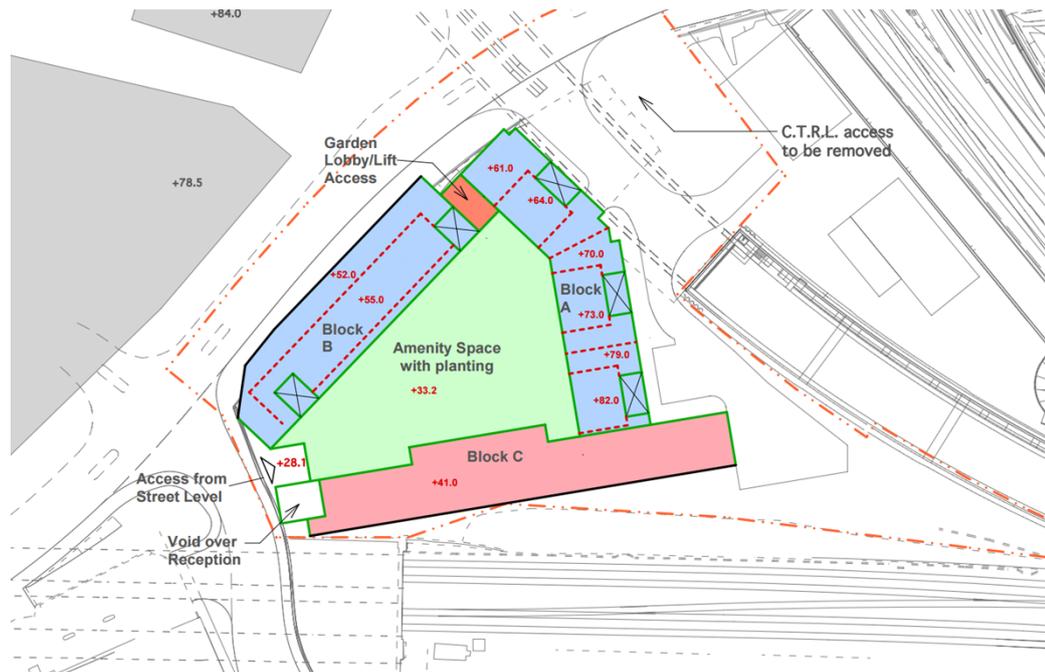
Outline Application

- 7.1 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 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.
- 7.3 LBC considered both applications at its Committee meeting of 8-9 March 2006 and resolved to grant outline planning permission for that part of the site falling within LBC.
- 7.4 LBI considered the Triangle Site application (ref: P041261) at its West Area Planning Sub-Committee meeting of 10 July 2007 and refused the application 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'.

- 7.5 The Council's decision was appealed and outline planning permission was subsequently granted by the Secretary of State on 22 July 2008 (references App/VS570/A/07/2051902 and App/X5210/A/07/2051898).
- 7.6 The originally approved layout of the buildings is indicated on Parameter Plan TS006 as follows:



- 7.7 Blocks A, B and C are now known as W1, W2 and W3.

Non-Material Amendment 2015

- 7.8 In February 2015 Non-Material Amendment application submitted (ref: P2015/5354/NMA) to outline planning permission ref: P041261. The amendments involve changes to the internal layouts and an increase to the maximum heights established by the outline planning permission together with an amendment to provide public access to the central amenity space. Non-material amendment(s) agreed 08/03/2016.

Reserved Matters Approvals 2016

- 7.9 P2016/1030/RMS - 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. Approved with conditions 14/10/2016.

- 7.10 P2016/3637/RMS - Application for approval of reserved matters in relation to landscaping and public realm pursuant to outline planning permission ref: P041261. Approved with conditions 13/01/2017.

Separate live Revised Reserved Matters Application

- 7.11 December 2018 Revised Reserved Matters application submitted (P2018/4062/RMS) in relation to landscaping and public realm pursuant to outline planning permission ref: P041261. The revised reserved matters relate to Zone W Landscaping and Public Realm and comprise revisions to the hard and soft landscaping approved under consent ref: P2016/3637/RMS and include the provision of an additional loading bay within the Northern Gateway. Recommended for approval to this committee also.

Full Planning Application

- 7.12 December 2018 Full Planning application (ref: P2018/4209/FUL) submitted for the Habitat Area in connection with outline planning permission ref: P041261. The Habitat Area is proposed to include four small, single-storey buildings (including a polytunnel), providing a total of 145 square metres (GEA) educational floorspace. The remainder of the 1,097 square metre site comprises ecology gardens. Still under consideration.

Reserved Matters

- 7.13 January 2019 Reserved Matters application (ref: P2018/4210/RMS) submitted in relation to Building W3 pursuant to outline planning permission granted on appeal for mixed use development of part of the former railway lands within the Camden Kings Cross Opportunity Area and an Islington Area of Opportunity approved under outline planning permission ref: P041261. Building W3 is proposed to be formed of a three storey building comprising of 725sqm of gym facilities (Class D2), 451sqm of nursery/crèche space (Class D1) and a 174sqm café/retail unit (Classes A1-A4). At first floor, a covered terrace of 79sqm is proposed for the use of the nursery/crèche. Circulation space and plant equipment is proposed at basement level. The building totals 1,507sqm GEA of floorspace. Still under consideration.

Non-Material Amendment Application

- 7.14 In January 2019 Non-Material Amendment Application (ref: P2019/0293/NMA) submitted to outline planning permission ref: P041261. The amendments involve

revisions to the wording of Appendix B (floorspace schedule) to allow retail floorspace to be in units fronting York Way or Randell's Road.

- 7.15 A more detailed summary of the planning history is provided within the appended report at Appendix 3, relating to permission ref, P2016/1030/RMS dated 13 October 2016.

Pre-application advice

- 7.16 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.

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 3 December 2018. A site notice and press advert were displayed on 6 December 2018. The public consultation of the application therefore expired on 30 December 2018, 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 no response had been received from members of the public with regard to the application.

External Consultees

- 8.3 London Borough of Camden – Response received. No objection raised. As the application site spans the boundaries of LBI and LBC, an identical application has been submitted to the London Borough of Camden (Ref: 2018/5651/P). The application is due for consideration by the LBC Members Briefing Panel in February 2019.
- 8.4 Thames Water – No response received.
- 8.5 Transport for London – No objection to the cycle parking remaining the same in amount and design as the original planning permission as the overall number of residential units has not changed. Notes the unit mix has changed due to the removal of penthouses, so the cycle parking provision should be recalculated. However, the impact is admittedly quite minor; 2 more 1-bed and 2-bed apartments in the overall scheme and 2 less studio units and 3-beds.
- 8.6 However, objects strongly to the retention of 42 car parking spaces in the scheme. Requests that the applicant redesigns the scheme to remove all non-disabled car parking and uses the space gained for alternative uses which support the Healthy Streets Indicators and Healthy Streets Approach.

- 8.7 High Speed 1 – Requested pre-commencement conditions relating to construction and confirmed that the two conditions attached to P2016/1030/RMS relating to construction safety and drainage would be sufficient.
- 8.8 East Coast Main Line – No response received and non-received previously.
- 8.9 Thameslink 2000 – No response received and non-received previously.
- 8.10 London Underground - No response received.
- 8.11 Network Rail - No response received.
- 8.12 London Fire and Emergency Planning Authority - No objection raised.

Internal Consultees

- 8.13 Inclusive Design Officer – Wheelchair accessible units (social housing) should be fully fitted from day one; wheelchair adaptable units (private/market) must be constructed to the same space standards (roughly 20% greater than Cat 2/general needs housing) but need not have specialist fixtures or fittings installed.

Clarification has been sought regarding the provision of storage and charging of an electric wheelchair, for which a space 1100mm x 1700mm is required - preferably in the entrance hall. These storage areas should be provided in addition to the liveable space. In one of the example unit layout plans shown, the storage facility impacts on the sofa. In another example unit layout plan it blocks access to the dining table. Clarification has been sought regarding the wheelchair accessible bathrooms which should deliver a 1500mm x 1500mm manoeuvring space/square, clear of any fixture or fitting.

The applicant has confirmed that the units are in compliance with the requirements of Lifetime Homes (2010) and the GLA Wheelchair Housing Design Guide (2007).

- 8.14 Sustainability Officer – The increase in green roofs is welcomed subject to the requirements of the standard condition.
- 8.15 Highways Officer - No response received.
- 8.16 Traffic and Engineering Officer - No response received.
- 8.17 Refuse and Recycling Officer - No response received.
- 8.18 Waste and Recycling Officer - No response received.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

- 9.1 Islington Council (Planning Committee), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- 9.2 The National Planning Policy Framework 2018 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. It is worth noting that the NPPF was revised and adopted on 24 July 2018. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Furthermore, paragraph 11 of the states that plans and decisions should apply a presumption in favour of sustainable development, for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.
- 9.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

- 9.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

- 9.9 The Development Plan as relevant to this site is comprised of the London Plan 2016, Islington Core Strategy 2011, Islington Development Management Policies 2013, and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Assessment of Reserved Matters

- 9.10 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

- 9.11 The site has the following designations under the London Plan 2016, 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

- 9.12 Details regarding Site Allocation KC2 are covered in greater detail within the appended report.

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.13 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, it is necessary to have regard to the following:
- 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:

- Assessment against Outline Permission Parameters and Conditions;
- Strategic Matters;
- Design & Appearance (Minor Elevational changes);
- Accessibility;
- Quality of Residential Accommodation including Daylight and sunlight;
- Neighbouring Amenity
- Sustainability, Energy Efficiency and Renewable Energy;
- Highways and Transportation;
- Refuse Storage
- Servicing

Assessment against Outline Permission Parameters and Conditions

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 Submission Statement which accompanied the application and which has informed the following assessment.

Strategic Matters

11.5 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.'

11.6 The application is accompanied by revised floor plans and a table of revised floorspace areas which address the requirements of Condition 15. Overall, the revised floorspace for Buildings W1 and W2 would be 21,992 square metre GEA (an increase of 190 square metres from the approved total floorspace of 21,802 square metres). This remains below the maximum (26,600 square metres) permitted by Appendix B of the Outline Consent P041261.

11.7 The proposed total residential floorspace in Buildings W1 and W2 is 20,849 square metres (an increase of 255 square metres). Building W1 would comprise 14,142 square metres (an increase of 65 square metres as a result of additional residential amenity space and reduction in plant space) whilst Building W2 would comprise 6,354 square metres (a reduction of 24 square metres as a result of increased refuse storage). At lower ground/basement level an additional 214 square metres residential floorspace is proposed as a result of additional (ancillary) facilities and storage. The amount of retail floorspace will decrease by 104 square metres to 671 square metres.

- 11.8 The details submitted are therefore considered acceptable to ensure compliance with the requirements of Condition 15 in relation to Buildings W1 and W2.
- 11.9 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.'

- 11.10 The application is accompanied by a plan demonstrating that the enlarged basement complies with the maximum building parameter boundary set out in Parameter Plan TS004.
- 11.11 The application demonstrates that the access and servicing arrangements are in accordance with Parameter Plans TS003, TS004 and TS005.
- 11.12 The proposed minor amendment to the building envelope of W1 at ground level due to the removal of private residential entrances does not increase the building footprint beyond the maximum building parameter boundary shown on Parameter Plans TS005 and TS006.
- 11.13 The details provided regarding access and servicing arrangements, and the submitted drawings demonstrate compliance with Condition 17.
- 11.14 Condition 18 (Floorspace permitted) states that:

'The total floorspace constructed and used pursuant to this outline planning permission shall not exceed 26,600 square metres (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.

11.15 The proposed minor amendments would increase the total floorspace in Buildings W1 and W2 to 21,992 square metres (GEA) and which remains within the maximum permitted floorspace 26,600 square metres. Detailed proposals for Building W3 are the subject of corresponding application ref. P2018/4210/RMS which it is anticipated will be referred to the April Planning Committee. However, even with the addition of the 3,000 square metres, as the maximum permitted floorspace for Building W3, the total floorspace across all three buildings would remain within the maximum permitted floorspace as set out above. This demonstrates that the revisions remain in compliance with Condition 18.

11.16 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.'

11.17 The floorspace schedule within Appendix B of the outline permission specified a maximum of 21,100 square metres of GEA residential floorspace and 2,500 square metres of GEA retail floorspace. The revised proposals for Buildings W1 and W2 would provide 20,849 square metres of GEA residential floorspace and 671 square metres of GEA retail floorspace. The proposals therefore comply with the requirements of Condition 19.

11.18 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.'

11.19 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 revised details are therefore considered acceptable in the context of Condition 20.

Design & Appearance

11.20 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.

11.21 The revised reserved matters application proposes minor elevational changes. No changes are proposed to the height, scale, massing, materials or overall architectural design which has been already approved as part of Reserved Matters consent P2016/1030/RMS.

11.22 The approved design of buildings W1 and W2 is proposed to be revised by the following alterations:

- The addition of a flue discharging on the roof of W1E. The flue will project 3 metres above the finished roof level. This height remains within the maximum permitted height as set out by Parameter plan TS006.
- The proposed windows to the gym on building W1 on the Podium level 00 are proposed to be flush instead of recessed. This is due to the relocation of residential uses to the upper floors.
- The proposed W1 car park ventilation is relocated to extract the on the north facade of building W1W, rather than on the basement east façade.
- The proposed omission of 1 no. window to a bedroom on the north facade of building W2 due to a structural clash. The bedroom retains its main outlook on to York Way.
- Some window apertures have moved by 0.5 brick, a whole brick or 1.5 bricks to work with structural coordination, detail development or minor changes to partitions. Some elements within apertures have also changed (e.g. louvres to windows) due to changes to the internal spaces.

11.23 During the course of the application the external levels on the footway along York Way have been amended to meet a gradient of 1:40. This has a minor impact on the western and northern elevations of Buildings W1 and W2. It is understood that at the point with the lowest head height, at the southern entrance to Building W2, the reduction in head height is 52mm along the pavement and a maximum of 75mm against the retail window. The applicant has confirmed that this reduction in head height has been discussed with Camden Planning and Urban Design officers, who are satisfied that the proposed changes would be acceptable in order to meet the Highways guidance.

11.24 The proposed minor amendments and detailed design coordination have resulted in some minor alterations to the approved elevations. The elevation concept has been maintained and the integrity of the scheme and overall external appearance are unaffected by these changes. The proposed changes comply with the parameter plans and conditions of the outline consent, and current policy and design guidance.

Accessibility

11.25 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.'

11.26 The access arrangement to the W2 north core from both the Podium Garden and York Way has been revised through the introduction of a platform lift. Level access is now proposed from both York Way and the Podium Garden which is an improvement as it was previously only provided via York Way.

11.27 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.

11.28 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.

11.29 The application provides a minor update to the approved Access and Inclusivity Statement in respect of Buildings W1 and W2 and therefore continues to satisfy the requirements of Condition 12.

11.30 The revised scheme retains the approved provision of 25 wheelchair units across both buildings comprising 14 no. Wheelchair Accessible (WA) units within building W1 and 11 no. WA units within building W2. The approved unit mix of WA units within Buildings W1 and W2 is also retained.

11.31 No changes are proposed to the location of the WA units within W2. 4 no. one bedroom WA units within Building W1 are proposed to be relocated from levels 01 to 04 to levels 08 and 09 to provide larger units and continues to accord with the Greater London Authority (GLA) Wheelchair Housing Design Guide (2007).

- 11.32 The proposed relocation of WA units retains the same proximity to lifts. 2 no. lifts in each block are retained in accordance with the approved details.
- 11.33 No change is proposed to the provision of 7 accessible parking bays.
- 11.34 The Inclusive Design Officer raised queries over the ability of the WA units to accommodate wheelchair charging points and the ability of the bathrooms to accommodate the Wheelchair turning requirements of 1500mm by 1500mm.
- 11.35 The units are designed to comply with the requirements of the Wheelchair Housing Design Guide (WHDG), as required by the relevant S106 Agreement, and as approved within the previous Reserved Matters details for this scheme (P2016/1030/RMS). Where possible, the applicant has tried to meet current standards, but the requirements set by the Triangle Site Outline Planning Permission and S106 Agreement take precedence. The WHDG recommends that the space to store/charge a wheelchair is in the hall, however it may be located anywhere in the home. This extra space makes the home more flexible. The possible spaces indicated on the layout plans would be rearranged by a wheelchair user to suit their furniture layout.
- 11.36 Overall the revised scheme remains in compliance with the relevant design principles, namely Lifetime Homes (2010) and the GLA Wheelchair Housing Design Guide (2007) as well as the Council's Inclusive Design policies and guidance.

Quality of Residential Accommodation

- 11.37 The proposals include internal layout changes from those layouts approved as part of reserved matters consent P2016/1030/RMS. These changes result in relocating residential units within building W1. However, the total number of residential units across W1 and W2 remains the same at 218 units. The tenure of the units also remains unaltered as 36 social rented units, 23 intermediate units and 159 open market units.
- 11.38 The proposed layout changes comprise the following:
- The relocation of five residential units originally approved on the Podium level 00 to levels 08, 09 and 10. This includes a total of 4 no. penthouse units being replaced with 6 no. units at each level 08 and 09 in building W1E.
 - The relocation of 4 no. wheelchair accessible units in building W1E from levels 01 to 04, to levels 08 and 09.
 - Minor revisions to the open market residential unit mix across both buildings in W1 comprising 2 additional one bedroom units, 2 additional two bedroom units, and 2 fewer studio units and 2 fewer three bedroom units.
 - Minor reconfiguration to the internal layouts of all the apartments within W1 and W2 to standardise kitchens and bathrooms, additional en-suites and an increase in storage. A typical layout is indicated at Image 1 - Approved and revised typical internal layout.

Image 1 – Approved and revised typical internal layout



Fig 2.3.3 Design principles for proposed internal changes to units within W1 / W2

- 11.39 The proposals include minor reductions in the extent of the approved outdoor private amenity space to units in Building W1 as a result of the revised fenestration. This results in a total loss of 22 square metres across the building representing an average of 0.19 square metres per balcony.
- 11.40 Overall the revised proposals retain an acceptable standard of residential accommodation in terms of unit mix, size, layout, level of outlook and provision and access to wheelchair accessible units and provision of private outdoor amenity space.

Daylight and Sunlight

- 11.41 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'.
- 11.42 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.

- 11.43 The approved reserved matters application P2016/1030/RMS was accompanied by a Daylight and Sunlight Report.
- 11.44 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.
- 11.45 The application provides an update to the Daylight and Sunlight Report which accompanied the previous application. Due to the omission of the ground floor Building W1 units the total number of rooms needing to be tested has decreased from 122 to 117 units. 95 (81.2%) of these rooms will comfortably comply with the BRE requirements. Previously 101 units (82.7%) complied and the reduction in the number of units tested has contributed to the increase in the ratio of failures. One additional bedroom within Building W2 falls below BRE guidance in daylight terms as a result of the living room and kitchen being switched which results in a reduction in daylight to the bedroom and an increase to the living areas. This is considered appropriate on the basis that bedrooms have a lower expectation for daylight as they are principally occupied at night time.
- 11.46 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 year less than 25% of the annual probable sunlight hours including less than 5% of the annual probable sunlight hours (APSH) during the winter months (21 September to 21 March).
- 11.47 Sunlight performance has been tested against the BRE guidelines and the proposed changes to the internal layouts and windows. Previously 66.6% of living room windows considered were compliant and this has increased to 69%.
- 11.48 It was previously considered that the Report and its conclusions were sufficient to satisfy the requirements of Condition 22. The daylight and sunlight amenity to the residential elements of Buildings W1 and W2 were 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 projecting balconies, which had an impact on daylight and sunlight. It is considered that the variance in the conclusions of the Daylight and Sunlight Report result in very minor changes overall and these have been justified through the technical and design detail provided.

- 11.49 Therefore, the revised proposals are considered to remain acceptable in terms of daylight and sunlight in general accordance with the BRE Guidelines.
- 11.50 It is considered that the submitted details, together with the existing W1 and W2 Daylight and Sunlight Report, are sufficient to meet the requirements of Condition 22.

Neighbouring Amenity

- 11.51 No changes are proposed to the built form approved under the previous reserved matters consent P2016/1030/RMS. The minor external alterations to the fenestration do not result in any material increase in overlooking.
- 11.52 The revisions to the proposals do not result in any materially harmful impact on the amenities of neighbouring occupiers and are in compliance with current policy and guidance.

Sustainability, Energy Efficiency and Renewable Energy - Green and Brown Roofs

- 11.53 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.'
- 11.54 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.
- 11.55 The removal of the penthouse roof terraces to Building W1W and the proposed relocation of plant from the roofs of W1E and W2 to basement level results in an additional 677 square metres of green/brown roof to provide a total of 986 square metres across both buildings. An additional 324 square metres of green roof and 167 square metres of biodiverse brown roof is proposed on Building W1 whilst an additional 186 square metres of green roof is proposed on Building W2. Both buildings will also feature blue roofs below the green and brown roofs to attenuate surface water run-off, which represents an improvement over the previously approved scheme. The specifications of these green and brown roofs remain as per the approved scheme and in accordance with Condition 24.
- 11.56 The proposed amendments result in a substantial increase in green/brown roof area and continue to comply with the requirements of Condition 24.

Highways and Transportation - Car Parking

- 11.57 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.'

11.58 The latest application seeks to retain 42 residents' parking spaces within the lower ground/basement area which represents a reduction of 6 from the previously approved details which comprised of 48 parking spaces.

11.59 It is noted that TfL has raised a strong objection to the retention of 42 car parking spaces within the scheme and have requested that the applicant redesigns the scheme to remove all non-disabled car parking and uses the space gained for alternative uses which support the Healthy Streets Indicators and Healthy Streets Approach.

11.60 Consideration has been given to the circumstances of the site's history and policy regime. The Outline planning consent for the development was granted in 2008 under the previous Mayor of London and previous London Plan. The Reserved Matters consent P2016/1030/RMS which included 48 parking spaces was consented in 2016 following the adoption of the current London Plan. In response to the 2016 reserved matters proposals, TfL raised concerns over the retention of the car parking and encouraged its removal whilst noting that the car parking had already been agreed. It is noted that the emerging Draft London Plan July 2018, seeks car-free development to reduce car dependency, ownership and use. Whilst officers are mindful of the current policies at local and London wide level, substantial weight has to be given to the Reserved Matters Consent P2016/1030/RMS and the Outline consent. Legal advice has advised consideration be given to the likelihood of implementing the fall-back position as the consented reserved matters consent. Following the above assessment, whilst noting the strength of the TfL objection, it is considered that the Council does not have grounds for the refusal of the latest application as the car parking has already been consented by the previous reserved matters approval. The proposals retain an average of 0.19 spaces per unit which remains below the maximum average of 0.40 spaces per unit as required by part (a)(i) of Condition 25.

- 11.61 The scheme retains 5 car parking spaces designated for wheelchair users as per the approved scheme. There will be no reduction to the nine spaces which can be allocated to occupiers of social rented units (secured through a Section 106 agreement with LBC). The motorcycle parking bays would be reduced from 10 to 8. The car parking arrangements are otherwise in accordance with the previously approved details.
- 11.62 The revisions to the proposed car parking are considered acceptable in the context of this revised reserved matters application and remain in accordance with Condition 25 of the Outline Planning Permission.

Cycle Parking

- 11.63 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.'
- 11.64 A total of 363 cycle parking spaces are proposed for the residential component of the scheme which exceeds the minimum provision of 246 spaces. The locations of the cycle parking spaces have been adjusted but they remain grouped around the cores. An increase in available headroom has allowed for Josta racks to be used throughout to provide for a more efficient layout. 104 spaces are also proposed within the surrounding public realm and Podium Garden. Whilst the layout has been revised, this matches the total provision of residential cycle parking approved under reserved matters P2016/1030/RMS and continues to exceed the minimum required provision required by condition 26 of the outline consent.
- 11.65 Within the total provision, 11 accessible cycle spaces are proposed which matches that previously approved.
- 11.66 The proposed cycle parking exceeds the requirements of condition 26 and is considered acceptable in the context of this reserved matters application.

Refuse Storage

- 11.67 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.'
- 11.68 The proposal involves a revision to the waste collection arrangements for the retail units which previously involved collection from the service yard and loading bay. Waste generated by the retail units will be sorted and stored within the back-of-house space of each unit and taken to either the existing servicing bay on Randell's Road or a new proposed servicing bay in the Northern Gateway at collection times

(approval for this additional bay is sought under the separate revised reserved matters application ref: P2018/4062/RMS). The commercial refuse store in the basement provides additional storage for any overflow, uncollected or bulky items.

- 11.69 The revisions to the waste collection arrangements for the retail units continues to accord with the requirements of Condition 16.

Servicing

- 11.70 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.'
- 11.71 The retail units will be serviced from either the existing servicing bay on Randell's Road or a new proposed servicing bay in the Northern Gateway. Approval for this additional bay is sought under separate revised reserved matters application ref P2018/4062/RMS.
- 11.72 The proposed servicing arrangements are otherwise consistent with the previously approved details and it is considered that the proposed servicing strategy would accord with the approved parameter plans. The proposed amendments to the servicing strategy are therefore considered acceptable in the context of condition 13.

12. SUMMARY AND CONCLUSION

Summary

- 12.1 Outline planning permission P041261 was granted by the Secretary of State in July 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.
- 12.2 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 revisions to the reserved matters approved under consent ref: P2016/1030/RMS. The application also addresses the relevant conditions attached to the outline permission and seeks approval of the relevant details where required.
- 12.3 The proposed revisions to the previously approved reserved matters are considered to remain 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.

Conclusion

- 12.4 In the context of the provisions and constraints of the outline planning permission, the revised details submitted for the reserved matters are considered appropriate to, and remain in accordance with, the requirements of the conditions.
- 12.5 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.'
- 12.6 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 the revised reserved matters subject to the conditions set out in Appendix 1 and approve the details of the outline conditions.

RECOMMENDATION B

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

List of Conditions:

1	<p>Approved plans list (Compliance)</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 Rev00, KXC-W0-001-DMA569-PL-10-100 Rev00, KXC-W0-001-DMA569-PL-20-117 Rev02, KXC-W0-001-DMA569-PL-20-1B1 Rev 05, KXC-W0-001-DMA569-PL-20-100 Rev03, KXC-TRI-W0-001-DMA569-A-20-301 Rev03, KXC-W0-001-DMA569-PL-20-302 Rev02, KXC-W0-001-DMA569-PL-20-303 Rev02, KXC-TRI-W0-001-DMA569-PL-20-304 Rev03, KXC-W0-001-DMA569-PL-20-220 Rev02, KXC-W0-001-DMA569-PL-20-230 Rev02, KXC-W0-001-DMA569-PL-20-231 Rev03, KXC-W0-001-DMA569-PL-20-232 Rev03, KXC-W0-001-DMA569-PL-20-233 Rev03, KXC—TRI-W0-001-DMA569-PL-20-240 Rev03, KXC-W1-001-1768-PL-20-100 Rev02, KXC-W1-001-1768-PL-20-101 Rev02, KXCW1-001-1768-PL-20-102 Rev02, KXC-W1-001-1768-PL-20-103 Rev02, KXC-W1-001-1768-PL-20-104 Rev02, KXC-W1-001-1768-PL-20-105 Rev02, KXC-W1-001-1768-PL-20-106 Rev02, KXC-W1-001-1768-PL-20-107 Rev02, KXC-W1-001-1768-PL-20-108 Rev02, KXC-W1-001-1768-PL-20-109 Rev02, KXC-W1-001-1768-PL-20-110 Rev02, KXC-W1-001-1768-PL-20-111 Rev02, KXC-W1-001-1768-PL-20-112 Rev02, KXC-W1-001-1768-PL-20-113 Rev02, KXC-W1-001-1768-PL-20-114 Rev02, KXC-W1-001-1768-PL-20-115 Rev02, KXC-W1-001-1768-PL-20-116 Rev02, KXC-W1-001-1768-PL-20-310 Rev02, KXC-W1-001-1768-PL-20-311 Rev03, KXC-W1-001-1768-PL-20-320 Rev02, KXC-W1-001-1768-PL-20-321 Rev02, KXC-W1-001-1768-PL-20-330 Rev02, KXC-W1-001-1768-PL-20-331 Rev02, KXC-W1-001-1768-PL-20-340 Rev02, KXC-W1-001-1768-PL-20-341 Rev03, KXC-W1-001-1768-PL-21-410 Rev02, KXC-W1-001-1768-PL-21-411 Rev02, KXC-W1-001-1768-PL-21-412 Rev02, KXC-W1-001-1768-PL-21-413 Rev02, KXC-W1-001-1768-PL-21-414 Rev02, KXC-W1-001-1768-PL-21-415 Rev02, KXC-W2-001-DMA569-PL-20-100 Rev03, KXC-W2-001-DMA569-PL-20-101 Rev02, KXC-W2-001-DMA569-PL-20-102 Rev02, KXC-W2-001-DMA569-PL-20-103 Rev02, KXC-W2-001-DMA569-PL-20-104 Rev02, KXC-W2-001-DMA569-PL-20-105 Rev02, KXC-W2-001-DMA569-PL-20-106 Rev02, KXC-W2-001-DMA569-PL-20-107 Rev02, KXC-W2-001-DMA569-PL-20-108 Rev02, KXC-W2-001-DMA569-PL-20-301 Rev03, KXC-TRI-W2-001-</p>
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	<p>DMA569-PL-20-302 Rev03, KXC-TRI-W2-001-DMA569-PL-20-303 Rev02, KXC-W2-001-DMA569-PL-21-410 Rev02, KXC-W2-001-DMA569-PL-21-411 Rev02, KXC-W2-001-DMA569-PL-21-412 Rev02, KXC-W2-001-DMA569-PL-21-413 Rev02, KXC-W0-001-DMA569-PL-20-195 Rev02, KXC-W0-001-DMA569-PL-20-196, KXC-W0-001-DMA569-PL-20-197; KXC-W0-001-DMA569-PL-20-198;</p> <p>KXC-W1-001-1768-PL-20-150 Rev 02; KXC-W1-001-1768-PL-20-152 Rev 02; KXC-W1-001-1768-PL-20-153 Rev 02; KXC-W1-001-1768-PL-20-155 Rev 01; KXC-W1-001-1768-PL-20-156 Rev 01; KXC-W1-001-1768-PL-20-158 Rev 02; KXC-W1-001-1768-PL-20-159 Rev 02; KXC-W1-001-1768-PL-20-162 Rev 02; KXC-W1-001-1768-PL-20-172 Rev 02; KXC-W1-001-1768-PL-20-174 Rev 02; KXC-W1-001-1768-PL-20-176 Rev 02; KXC-W1-001-1768-PL-20-178 Rev 02; KXC-W1-001-1768-PL-20-179 Rev 02; KXC-W1-001-1768-PL-20-181 Rev 02; KXC-W1-001-1768-PL-20-182 Rev 02; KXC-W1-001-1768-PL-20-190 Rev 00; KXC-W1-001-1768-PL-20-191 Rev 00; KXC-W1-001-1768-PL-20-192 Rev 00;</p> <p>KXC-W2-001-569DMA-PL-20-511 Rev 02; KXC-W2-001-569DMA-PL-20-512 Rev 02; KXC-W2-001-569DMA-PL-20-513 Rev 02; KXC-W2-001-569DMA-PL-20-514 Rev 02; KXC-W2-001-569DMA-PL-20-515 Rev 02; KXC-W2-001-569DMA-PL-20-516 Rev 02; KXC-W2-001-569DMA-PL-20-521 Rev 02; KXC-W2-001-569DMA-PL-20-522 Rev 02; KXC-W2-001-569DMA-PL-20-523 Rev 02; KXC-W2-001-569DMA-PL-20-524 Rev 02; KXC-W2-001-569DMA-PL-20-525 Rev 02; KXC-W2-001-569DMA-PL-20-553 Rev 02; KXC-W2-001-569DMA-PL-20-561 Rev 02; KXC-W2-001-569DMA-PL-20-562 Rev 02; KXC-W2-001-569DMA-PL-20-563 Rev 02; KXC-W2-001-569DMA-PL-20-564 Rev 02; KXC-W2-001-569DMA-PL-20-565 Rev 02; KXC-W2-001-569DMA-PL-20-611 Rev 02; KXC-W2-001-569DMA-PL-20-612 Rev 02; KXC-W2-001-569DMA-PL-20-621 Rev 02; KXC-W2-001-569DMA-PL-20-622 Rev 02; KXC-W2-001-569DMA-PL-20-623 Rev 02; KXC-W2-001-569DMA-PL-20-624 Rev 02; KXC-W2-001-569DMA-PL-20-625 Rev 02; KXC-W2-001-569DMA-PL-20-626 Rev 02; KXC-W2-001-569DMA-PL-20-627 Rev 02; KXC-W2-001-569DMA-PL-20-653 Rev 02; KXC-W2-001-569DMA-PL-20-657 Rev 02; KXC-W2-001-569DMA-PL-20-661 Rev 02; KXC-W2-001-569DMA-PL-20-663 Rev 02; KXC-W2-001-569DMA-PL-20-664 Rev 02; KXC-W2-001-569DMA-PL-20-665 Rev 02; KXC-W2-001-569DMA-PL-20-666 Rev 02;</p> <p>Letter from Kings Cross Central Partnership dated 15 November 2018; Submission Statement November 2018;</p>
2	<p>Materials and Samples (Compliance and Details)</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"> a) Brickwork, bond and mortar courses; b) Window and doors;

	<ul style="list-style-type: none"> c) roofing materials; d) Balcony materials (including winter gardens); e) soffits; f) ground floor signage; g) any other materials to be used. <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>Retail Signage Strategy</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>Green/Brown Biodiversity Roofs (Details)</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"> a) biodiversity based with extensive substrate base (depth 80-150mm); and 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). <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>Nesting Boxes (Details)</p> <p>CONDITION: A total of 6No. bird and bat boxes shall be installed prior to the first occupation of the buildings to which they form a part, or the first use of the</p>

	<p>space in which they are contained, and shall be maintained as such thereafter. The bird/bat boxes shall be equally distributed between buildings W1 and W2.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
6	<p>Construction Safety (High Speed 1)</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"> • onsite vehicle movements and parking • safeguarding of buried services • temporary drainage measures; • storage of combustible/hazardous materials • position and operation of cranes • Temporary fencing and security measures (including location, height, type, spec reference and any other security measures such as CCTV or 24-hour site security) • Details of special measures, to identify and protect HS1 or UK Power Networks buried services • Details of the materials and arrangements for the storage of combustible gases or hazardous materials within 200m of HS1 infrastructure • Details of construction phase vehicle parking provision <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>Drainage (High Speed 1)</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>Conditions discharged</p>
	<p>This decision grants approval of the details submitted pursuant to the following conditions:</p> <ul style="list-style-type: none"> • Condition 14 – details of siting of buildings • Condition 15 – details of floor plans • Condition 16 – refuse storage
2	<p>Conditions monitoring</p>
	<p>You are advised that the proposals and details provided within the application, alongside those approved under planning permission ref P2016/1030/RMA 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"> • Condition 2 – Time limit for submission of first reserved matters application • Condition 6(a) – Landscaping and Trees • Condition 9 – Provision of Access Ramps • Condition 10 – Environmental Sustainability Plan • Condition 11 – Earthworks and Remediation Plan • Condition 12 – Access Statement • Condition 13 – Servicing Strategy • Condition 17 - Development to be carried out in accordance with permission parameter plans and development specification • Condition 18 – Floorspace permitted • Condition 19 – Uses permitted • Condition 20 – Maximum number of residential units • Condition 22 – Residential daylight and sunlight • Condition 23 – Drainage Infrastructure • Condition 24 – Green and Brown Roofs • Condition 25 – Car Parking Standards • Condition 26 – Cycle Parking
3	<p>Conditions requiring further details</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"> • Condition 27 – Baseline Noise Survey • Condition 28 – Noise Impact of Plant and Equipment • Condition 29 – Details of Groundborne Noise Insulation • Condition 30 – Details of Environmental Noise Insulation

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 2018 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 2016, 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 2016 - 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

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

Policy 3.9 Mixed and balanced communities

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

6 London's transport

Policy 6.9 Cycling

Policy 6.13 Parking

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

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

DM3.2 Existing housing
DM3.3 Residential conversions and extensions
DM3.4 Housing standards
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

DM6.6 Flood prevention

Energy and Environmental Standards

DM7.1 Sustainable design and 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 2016, 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;
- Environmental Design SPD
- Inclusive Design in Islington 2014
- Inclusive Landscape Design
- Urban Design Guide 2017
- London Plan:
- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction
- Providing for Children and Young Peoples Play and Informal Recreation
- Planning for Equality and Diversity in London

APPENDIX 3: RESERVED MATTERS COMMITTEE REPORT P2016/1030/RMS