



PLANNING SERVICES

**TOWN & COUNTRY PLANNING (DETERMINATION BY INSPECTORS)
(INQUIRIES) RULES 2000**

SUBJECT OF APPEAL

Appeal against non-determination of planning permission for [a mixed use development of part of the former railway lands within the King's Cross Opportunity Area and Islington Area of Opportunity, comprising residential (use class C3), retail, food and drink and financial and professional services (within use classes A1, A2, A3 and A4), a health and fitness centre (use class D2) to incorporate a medi-centre facilities with the potential to incorporate a crèche and community facilities (use class D1), other ancillary uses, the provision of communal open space and a habitat area, recycling facilities, car and cycle parking and highway works to allow access to the site and other supporting infrastructure works and facilities

Planning Inspectorate Reference	Council Reference
APP/V5570/A/07/2051902/NWF	2004/2311/P

Site at King's Cross Central, Triangle Site, land between York Way, The Thameslink 2000 Rail Line and The East Coast Main Line, London

Appellant: Argent (King's Cross) Limited

Summary Proof of Evidence

**of RICHARD DENIS KIRBY BSc (Sociology) MSc (Architecture) Diploma in
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FOR PUBLIC INQUIRY COMMENCING ON 19 February 2008

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Summary

1.0 INTRODUCTION

1.1 The development, which is the subject of this appeal straddles the administrative boundary between the London Borough of Islington and the London Borough of Camden. Identical planning applications were therefore submitted to each Council.

1.2 On 9th March 2006, Camden's Development Control Committee resolved to grant permission for the proposal, subject to:

- the imposition of conditions and the finalisation of a Section 106 Agreement,
- referrals to the Mayor of London and the Government Office for London; and (critically)
- to Islington considering the applications and resolving to grant planning permission on similar terms.

1.3 This resolution was reported to Islington Council who, after much deliberation, refused their application on 10th July 2007. In summary Islington's reason for refusal was that: -

“the proposal was 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”.

1.4 An appeal has been lodged against the Islington's refusal of planning permission. The physical form of the proposed development prevents it being carried out without planning permission from both local planning authorities. Camden was thus unable to issue a planning permission and in these circumstances an appeal was lodged against Camden for non-determination.

1.5 Camden's position remains as it was in March 2006, that outline planning permission should be granted for the proposals as a whole.

1.6 The purpose of my evidence is to explain why planning permission should be granted. My evidence focuses on affordable housing, since this is the issue identified in Islington's reason for refusal and therefore, the principal area of dispute.

2.0 The Site

2.1 The Appeal Site

2.1.1 The Triangle Site measures 1.1ha and comprises former railway lands (railway embankments, disused railway sidings and other vacant land in between) and highway York Way ran through the site until it was realigned as part of the Channel Tunnel Rail Link (CTRL) works.

2.2 King's Cross Opportunity Area

2.2.1 The Triangle sits within the wider 54 hectare King's Cross Opportunity Area as defined in the Camden RUDP, the London Plan and the Joint Planning and Development Brief.

2.3 The Appeal Site and the Main Site

2.3.1 The appeal site is an integral part of Argent's (the Appellant) proposal for Kings Cross Opportunity Area. The remaining part of their proposal, which is by far the greater part, is known as the Main Site. The Triangle and the Main Site together make up 26 hectares of the 54 hectare Kings Cross Opportunity Area.

3.0 The Proposals

3.1 The application seeks outline planning permission for 246 residential units. Apart from the residential element proposed (which is Islington's bone of contention) the application would also provide retail, food and drink, financial and professional services. A health and fitness centre is proposed to incorporate medi-centre facilities with the potential to incorporate a crèche and community facilities and other ancillary uses. There will also be provision of communal open space and a habitat area, recycling facilities, and car and cycle parking.

4.0 Application Consultation

4.1 The consultation responses indicated that the local community and other interested parties welcomed the redevelopment of the site subject to consideration of the specific issues raised. Some of the issues raised are more appropriately dealt with at the reserved matters stage.

5.0 Planning Policy

5.1 It is the GLA, Camden's and Islington's key aim to see the site and wider area regenerated. The focus of planning policy in this area is to achieve comprehensive redevelopment of both the Main and Triangle sites bringing substantial benefits for the existing and proposed

community, and in particular contributing to the economic regeneration of the area and enhancing the built environment.

5.2 I set out the policies relevant to that part of the appeal site that fall within Camden. Government policy on housing and affordable housing is contained in PPS3 issued in November 2006. The London Plan 2004 sets the regional framework and it recognises the King's Cross Opportunity Area and has specific policies dealing with affordable housing, namely 3.A.6, 3.A.7 and 3.A.8. Camden's RUDP 2006 is the up to date local development plan and includes a chapter devoted to the King's Cross Opportunity Area in particular KC4 deals with affordable housing. A Joint King's Cross Opportunity Area Planning and Development Brief produced jointly by Camden and Islington Councils and adopted in January 2004 provides detailed supplementary planning guidance.

6.0 The Case for Camden

6.1 The main issues in contention are the proportion of affordable housing provision, tenure, mix, and the nature of the shared equity element having particular regard to the recycling of receipts. Camden does not agree with Islington's reason for refusing planning permission and can see no sound basis for it in planning policy terms.

6.2 The March 2006 report concluded that with appropriate conditions and subject to S106 planning obligations, the proposed development is acceptable and in compliance with policy and guidance at London and national level. This conclusion was confirmed in the October 2007 report

6.3 The appeal proposals are in accordance with the development plan and are consistent with national policy guidance. Development of the site would assist in the regeneration of the wider King's Cross area, a long held policy aspiration by both Camden and Islington Councils.

6.4 The assessment of this application was carried out in the context of the Appellant's proposals for the wider site. Planning policy requires the appeal proposals to be assessed as part of the wider King's Cross regeneration and in particular in conjunction with and as part of the Main Site development.

6.5 The provision of affordable housing on the Appeal and Main Site is part of package of measures designed to regenerate the wider area. It is the overall regeneration package that needs to be assessed not the separate elements. This overall level of provision is to be welcomed, in principle, as it is considered to maximise King's Cross's contribution to meeting housing needs and providing housing opportunities without compromising the Council's objectives of securing a mixed-use development that achieves its full potential (across both Sites).

- 6.6 Camden's assessment is that the percentage of affordable housing proposed meets policy requirements and complies with RUDP policy, the London Plan and the Development Brief.
- 6.7 The level of affordable housing must be assessed across the King's Cross Opportunity Area as a whole. Policy requires a net increase of 1000 new homes of which 500 must be affordable. For schemes providing more than 1,000 new homes the 50% affordable is expressed as a target and can be varied taking into account factors like regeneration. The 70/30 split between social rented and intermediate housing is similarly a guideline across the site as a whole and also needs to take account of local housing conditions and the wider area.
- 6.8 The combined site mix is entirely appropriate in the context of the social mix of the surrounding residential areas and complies with planning policy, which seeks to establish and sustain a mixed, stable and sustainable community at the development.
- 6.9 PPS3 offers examples of intermediate housing, but this is not prescriptive, it recognises and indeed encourages flexibility and innovation. When dealing with the recycling of subsidy PPS3 acknowledges that housing subsidy can take different forms.
- 6.10 The level and nature of recycling of subsidy for both the Main Site and the Triangle is entirely consistent with the advice in PPS3 and its daughter document.
- 6.11 The matters raised by the third parties are considered and addressed either by condition or Section 106 Agreement and are therefore not reasons the Inspector should consider for refusing the appeal proposal

7.0 Conclusion

- 7.1 The provision of affordable housing on the Appeal and Main Site is part of package of measures designed to regenerate the wider area. It is the overall regeneration package that needs to be assessed not the separate elements. This overall level of provision is to be welcomed, in principle, as it is considered to maximise King's Cross's contribution to meeting housing needs and providing housing opportunities without compromising the Council's objectives of securing a mixed-use development that achieves its full potential (across both Sites).