

KING'S CROSS OPPORTUNITY AREA

COMPARISON BETWEEN DRAFT AND ADOPTED PLANNING AND DEVELOPMENT BRIEF

Commissioned by King's Cross Railway Lands Group

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1 ADOPTION OF BRIEF

The Planning and Development Brief for the King's Cross Opportunity Area was adopted by the Executive Committee of Camden Borough Council on December 17th 2003. An application for Call In was made to the Overview and Scrutiny Commission (January 13th 2004), partly on the grounds of inadequate time (**3 or 4 days***) for those who responded to the original consultation on the draft Brief to review how their responses had been handled in the changes made to the Brief submitted for adoption. The Call In was supported by the Commission which would have allowed an extra 3 weeks, but the Executive Committee meeting on the 14th January 2004 did not accept the recommendations of the Commission and confirmed their December decision to adopt the Brief. The Brief was also adopted by Islington Borough Council in January 2004.

* actually 2 days if access was restricted to Camden website only.

2 WERE YOU LISTENED TO ? COMPARISON OF DRAFT AND ADOPTED BRIEF

87 pages of the 102 page copy of the adopted Brief, provided to the reviewer, contain changes from the draft Brief. The large majority of these are new text inserts, deletions, or rewording. Plans contained in Sections 3.2 and 3.3 (Master Plan approach and Sub Area guidelines) have been redrawn and are fewer in number. No doubt small matters such as plan / figure titles and numbering errors, and repetition (paras 2.11.6 and 7) will be rectified in the published version to be made available in early April 2004.

As a matter of fact, the adopted Brief is now authored by both LB Camden and LB Islington. The draft was authored by LB Camden alone. As a result the adopted text consistently refers to both Councils and "the Area and the triangle".

With such a considerable volume of change, this Review serves only to summarise major and significant changes which reflect either areas for concern or evidence of success. Table 2.1 sets out Major Changes, and Table 2.2 areas of No Change, that have occurred between the adopted and draft Briefs and which are a cause for concern ie contrary to KXRLG response to

the draft Brief. Table 2.3. sets out Major Changes which are in line with the KXRLG response and can be considered Areas of Success.

Table 2.4 sets out Areas of Change where KXRLG expressed no view.

Reference to “Council response to KXRLG response” is taken from the very briefly available Report on the draft Brief to the December 17th Executive Committee.

2.1 MAJOR CHANGES : AREAS OF CONCERN **(contrary to KXRLG response to draft Brief)**

- Adopted Para 2.2.4. : Example of the level of **commercial development** in the Area, which could provide around **20,000 jobs**, has been **increased from 300,000m²** (draft) to **400,000m²** in the adopted version. (This is equivalent to an extra 1 million sq ft and could have serious potential implications for mix and density of development). Neither the Argent or London and Continental responses to the draft Brief called for this. I am advised that, as an example of how to secure 20,000 jobs from commercial development, a miscalculation had occurred in the draft Brief when using formulae contained in the London Plan for such purposes. This has now been corrected. KXRLG considered information of this kind to be a “hostage to fortune”. (NB Table 5B.1 adopted London Plan estimates new jobs to 2016 in King’s Cross Opportunity Area at **11,400 jobs**)
- Para 2.9.5 of the draft Brief refers to provision of at least **1800** dwellings within the Area and Triangle, and para 2.9.16. of the draft Brief to 50% affordability (requirement on first 1000 units / target on additional units over and above first 1000). Readers of the draft Brief authored by Camden alone might have assumed 50% of affordable housing would be substantially if not entirely within the Camden part of the Opportunity Area. Reference to 1800 dwellings is retained in the adopted Brief. As far as the affordable housing component is concerned, in a long section of new text inserted as para 3.3.45 of the adopted Brief, it is clear that **the Triangle “could accommodate about 200 one and two bed homes The site is considered well suited to keyworker homes as part of a range of market and affordable housing.”** This may have some impact upon the eventual distribution of affordable housing as between Camden and Islington. Current **Islington UDP (2002)** refers to **35% affordable housing** policy (new insert to para 2.9.16)
- Adopted para 2.9.20 has qualified delivery of affordable housing by adding: **“remembering that grant and subsidy may not always be available during the development period.”**
- Some evidence of greater **leniency towards car parking** within the adopted Brief eg deletion of draft para 2.3.39. which referred to “many successful examples of mixed use developments with limited additional vehicular provision” Adopted para 2.3.33 has been virtually rewritten is more lenient than its draft counterpart.
- Adopted para 2.9.14 has **deleted from locations considered inappropriate for residential use : “close to railway tracks.”**

- New para 2.13.11. on Open Space design refers to the need for “**collaboration with the community, artists and designers in designing successful civic and other open spaces.**” NB Has any community based organisation been involved in the design of the Public Realm ?
- New para 2.13.13 referring to the quality of the street environment has had the following sentence deleted : “**Streets within the more residential areas with good design and traffic calming measures, can provide extra areas for play and recreation**”.
- The concept of Sustainability has been qualified or limited by the change in the objectives set out in adopted para 3.2.2. for a successful Master Plan from “a structure and layout based on principles of connectivity, permeability and successful urban design and sustainability to urban design and “**environmental**” sustainability. A new objective is included in this para as follows : “**Incorporate concepts of environmental sustainability through design, maximising opportunities for sustainable urban drainage systems, recycling, common service ducting etc**” Nb no reference here to the role of community development, social and economic integration, cohesion etc in sustainable development.
- Sections 3.2. and 3.3. (Master Plan and Sub Area Guidelines) still occupy almost one third of the whole adopted Brief (KXRLG argued for less detail at this stage with no Sub Area Guidelines). Although the Figures which accompany these Sections are slightly more fluid in graphic presentation they still virtually mirror the Argent Framework concept and as such are a “hostage to fortune”. Nowhere are they indicated as “illustrative”. In the copy presented for review there is considerable inconsistency between figures, numbering, keys, titles (?) and text – but this will probably be resolved by the time of publication.
- Adopted para 3.2.15 (Building Scale) has been altered from “High density development in the Area and the Triangle may mean many new buildings could be higher than the surrounding areas”to “**will** be higher than the surrounding areas.”
Similarly, para 3.2.18 has been altered from “The potential locations for taller buildings are limited” to “ The potential locations for **buildings that are noticeably taller than their context** are limited.”
- The whole of draft paras 3.3.10 and 3.3.12 have been deleted from the Sub Area 2 Design Guidelines.(South of the Canal) These set out the issues to be considered in all Listed Building Applications and the Considerations which have to be taken into account when proposing to demolish an unlisted building eg Culross House, which makes a positive contribution to character or appearance of the Conservation Area or for demolition or substantial demolition of a Listed Building. Within the Master Plan Section (Heritage) however, para 3.2.9. has additional reference to **Local Authorities .. to have special regard to certain matters, including the desirability of preserving the setting of the (Listed) building.” (PPG 15 s 2.16).**
- Adopted para 4.1.4. (Implementation- Applications) : A main application is now required for the development of the entire Area **except for Sub Area 6 (land north of the CTRL Embankment) (this is changed from the draft Brief)** . This will seek Outline Permission and be submitted to

Camden. A second planning application for sub area 5 the Triangle is to be submitted to both Camden and Islington for determination. Adopted para 4.1.5. requires **“A separate outline application for Sub Area 6 is expected to be made to Camden once developers have carried out further feasibility studies into possible development of this part of the site.”** This has implications for the Maiden Lane Estate, treatment along the North London Line etc

- Adopted para 4.1.6. is a new insert : **“Further Listed Building Consent and Conservation Area Consent applications would need to be made, as necessary, following grant of outline planning permission.”** This whole process of seeking Outline Planning Permission with detailed consents, Listed Building and Conservation Area consents following later is highly controversial.

The Opportunity Area is largely covered by two Conservation Areas and contains two Grade 1 Listed Buildings and many Grade 2 Listed buildings. Normally development under such circumstances would have to take the form of a Full Planning Application (properly detailed) .Such a procedure is unconventional. It relies on the submission of “parameters” or limits of deviation in terms of volume, height, bulk etc of development, and is apparently modelled on similar procedure adopted for development of the Stratford Railway Lands – an area not covered by any Conservation Areas or containing any Listed Buildings. I understand it is the subject of debate at present between lawyers. The position of English Heritage on this may well be critical. Certainly, it would set a major precedent for major development in Conservation Areas in London and elsewhere in the country

- Adopted para 4.1.13. indicates greater leniency than its draft counterpart on amounts of new retailing needing to be accompanied by a Retail Impact Assessment. “Proposals for more than 1000m² of retailing will need to be accompanied by a comprehensive Retail Impact Assessment...” Have been changed to **“Depending on their nature, proposals between 1000m² and 2500m² of additional retailing may need to be accompanied by an Assessment. In any event, proposals for more than 2500m² of additional retailing will need to be accompanied by a full assessment of their likely impact.”**
- Adopted para 4.1.15. Amongst the Guidelines, Strategies and Plans the Council wants to accompany the application, that on Public Realm and Management (Draft) has been changed to **Public Realm and Open Space** . It is rather more lenient than its Draft counterpart requiring only **“A Public Realm and Open Space Strategy for the delivery, management and maintenance of public realm and open space”** compared to “ A Public Realm and Estate Management Plan for the management and maintenance of the development and the surrounding areas.”
- Two new objectives have been added in adopted para 3.3.26.for development within Sub Area 3. They have strong echoes to the Argent proposals ie this could be claimed to be a Brief written to permit a specific planning application

2.2 NO CHANGE : AREAS FOR CONCERN **(contrary to KXRLG response to draft Brief)**

- Section 1.5. dealing with “Community Involvement” is virtually unchanged. The Council response to KXRLG is that **“it is impractical to establish a Local Regeneration Company and / or a Community Land Trust.”** The original Nov 1994 commitment to Community Involvement has not been included. Adopted para 1.5.1. now refers to an **initial Consultation Strategy**, and states that the **strategy will be reviewed regularly with local communities**. It specifically refers to the **Access to Planning project run by the King’s Cross Community Development Trust** and to maintaining the King’s Cross Development Forum in **representing local opinions as inclusively as possible over the whole King’s Cross area**.
- Paras 2.2.2. and 2.2.4. continue to be specific about **crude plot ratios (3:1 to 5:1)** etc, which KXRLG consider to be an unnecessary “hostage to fortune”
- Para 2.8.3. maintains a target of at least **15% of new jobs** to be taken by local people by 2012. KXRLG argued for this to be increased to 30%. No indication of how this is to be implemented except that para 2.8.3. now includes **“the focus will be on the local Wards, with a wider zone perhaps extending to neighbouring Boroughs where appropriate.”** Council response to KXRLG response states that “based on experience and LDA advise, **the target is considered challenging but achievable.**”
- No new policy requiring a mix of premises and employers. Council response to KXRLG response states that **“The Brief uses a strong employment and training section to target the larger businesses that may recruit less locally. This is considered much more effective than relying on small businesses with higher failure rates and no guarantee of higher local employment.”**
- **No specific reference to the King’s Cross Development Forum as a partner in the evolution and development of the Employment and Training Strategy**, although Council response to KXRLG response has stated that this is **“quite possible”**.
- Para 2.9.5. continues to require the provision of at least **1800 homes** within the Area and the Triangle. KXRLG argued for 3000 new homes. This is despite the **new** and specific insertion at the beginning of para 2.9.5. of **reference to the Camden and Islington targets, set down in the London Plan, of 16940 and 18070 additional homes by 2016** – which was part of the KXRLG argument.
NB Council response to KXRLG response states : **“The figure of 1800 is a minimum and there may be scope to achieve a higher figure.”**
- No reference in adopted Brief to retention of Culross House or retention of Goodsway Moorings for existing residents
- No reference to “24 hour School” in adopted Section 2.11. (Education)
- No reference to a Multi Cultural Centre in adopted Section 2.12. (Culture)
- No recognition of the unique “Gateway” character of the Area (KXRLG argued that the Area had metropolitan / national significance presenting opportunities not just for office HQ development but for Arts, Higher Education, Leisure and Entertainment, Cultural / multi cultural, Fashion, Media , Political, Heritage and other high order World City activities.

2.3 MAJOR CHANGES : AREAS OF SUCCESS **(consistent with KXRLG response to draft Brief)**

- An entirely new para 1.3.5. in the adopted Brief now includes specific reference to the duties of Camden Council under the **Planning (Listed Buildings and Conservation Areas) Act 1990**. It commits the Council to **have regard to the Conservation Area Statement** in determining the application.
- “View from Euston Road towards the stations, St Pancras Chambers, and Great Northern Hotel” has been upgraded from a “Secondary View” to a “Main View” which any new development has to take into account
- Para 4.1.15. always had a specific section under Implementation and Sustainability which referred to the inclusion of a **Code of Construction Practice** as part of the necessary Environmental Management Strategy which needed to be submitted in support of a planning application for King’s Cross Central, new sections specifically referring to the need for such a Code have been inserted in paras **4.3.7.** and **4.4.5.** regarding development of King’s Cross Station and St Pancras Chambers respectively. The status and mechanisms for implementation / compliance are to be agreed with the applicants.
- A new section (adopted paras 1.4.5 – 1.4.8.) specifically dealing with **Community Safety**. This includes reference to “**Secured by Design**” and “**Employment of private security will not replace the need for a police presence in the Area**”.
- Some evidence of strengthened position on “Sustainability” eg Para 2.2.6 on Form of development” now includes “**incorporation of environmental sustainability practices**”. Web address of Sustainable Development Commission included in the margin of the Brief.
- Inclusion of **photovoltaics in street furniture** (adopted para 3.4.19), specific reference to inclusion of **timber from sustainable sources**, low PVC and VOC materials including **windows and recycled materials** (para 3.4.24.) Adopted para 3.5.7. refers now to incorporation of “green trails” linking habitats and green spaces **both within and outside the Area where possible**, and requires co ordinated vegetation planting within the public realm to take account of **aesthetic, biodiversity, maintenance and other issues**.
- The **purpose of a Travel Plan** (no longer called a “green” Travel Plan) is now specifically set out in para 2.3.9.
- A new opportunity for Public Transport in terms of **water transport along the canal** is now included in adopted para 2.3.12.
- Much stronger support for provision of a **new railway station** on the North London Line at **Maiden Lane**. (adopted paras 2.3.12, 2.3.13, and 2.3.14.)
- Generally stronger commitment to provision for **pedestrians and cyclists** in the adopted Brief. Eg adopted para 2.3.28. (canal towpath improvements), and para 3.2.3. where a new objective for the Master Plan has been inserted, namely : “**high quality pedestrian and cycle routes, linked to existing footway networks and the London Cycle Network.**” New commitment to **motorcycle and coach parking** (adopted paras 2.3.37 and 2.3.39)
- Adopted para 2.3.34 requires that the new road layout should not “**cause traffic management problems on existing streets.**”

- Adopted para 2.9.8. has changed the wording from “high density housing may not lead to balanced, stable communities, or create places where people want to live” to **will not** lead to
- Substantial rewording of para 2.10.1. now seeks to **reduce health inequalities by ensuring equity in terms of good quality health services and by recognising the contribution that can be made by addressing the wider societal determinants** such as access to work and better jobs, better education, safer streets, all of which contribute to a healthier future. Comprehensive and sustainable development **that achieves social integration and cohesion, rather than displacement of the most vulnerable will** deliver substantial health benefits for the area.
- **Much stronger, more positive sections on Health provision and outcomes (eg new adopted paras 2.10.6 and 2.10.9. – aim to increase quality service provision and better outcomes for all – residents – especially vulnerable groups, workers and transient / travelling population.)**
- Adopted para 2.12.2. –new sentence : **“In particular, facilities that provide an opportunity for people to undertake physical activity will have a beneficial effect upon both physical and mental health.”**
- Adopted para 2.12.3. has changed the wording from “In meeting needs and taking appropriate opportunities, the appropriate types of (leisure, culture and community) facilities may include, to **should** include Youth facilities , Community Centre(s) etc etc.
- Adopted paras 2.13.4. and 2.13.8. on new provision of Public Open Space have now specifically included reference to **“green spaces”**
- Adopted para 2.13.9. on Open Space – new sentence : **“Good management is essential to maintaining quality and safety. This may include other options such as “community gardens”.**
- Adopted para 3.3.9. sets out development objectives for Sub Area 2 (South of the canal – to the transport hub). The following have been deleted from the text **“buildings 40m high”** and width of route / boulevard as **“at least 21m”**.
- Under “Guidelines, Strategies and Plans” which the Councils want to see supporting any application, para 4.1.5. now includes a new sub heading on **Interim Uses**. This commends the advantages of interim uses but notes **“the councils will wish to ensure that any interim uses that are permitted are commensurate with the developers proposed phasing and construction activity, and do not frustrate the timely delivery of the long term comprehensive development of the Area and the Triangle.”**

2.4. : NEW CHANGE : KXRLG NO VIEWS EXPRESSED

- Adopted para 2.5.4. has expanded the geographical impact of the quantum of new retail proposals from Camden, Islington and Westminster to Camden , Islington **and other Boroughs**
- Adopted para 2.6.4. refers to **a significant level of domestic burglary and other crime and disorder reports emanate from Camden’s hotels and design for new hotels will need to be developed through close working with the police**

- Adopted para 2.8.2. includes **disabled people, refugees, asylum seekers** among the list of local people accessing potential job opportunities
- Adopted para 2.9.2. includes **possible exemption from provision of affordable housing in any scheme which seeks to reuse the re-erected gasholders** for residential development
- Adopted para 2.9.10 includes reference to the application of “**prevailing UDP policies for lifetime homes and wheelchair accessible development**”.
- 2.10 : Health - Title of sub Section on Emergency Planning has had **and Port Health** added to it.
- 2.11 : Title of Education section has had **and Children’s Services** added to it.
- Adopted para 2.13.2. on Open Space, includes “**the latest preliminary studies have identified some deficiencies overall.**”
- “**Archaeological**” has been added to “historic” and “technological” criteria when assessing the significance of significant buildings and structures proposed for demolition / alteration.
- Adopted **Sub Area 3 is a combination of the Canal and the Granary Area** which were two separate Sub Areas in the draft Brief.
- Design Guidelines for Sub Area 3 now include additional objectives relating to overcoming the current divorce of the canal towpath from land to the north eg by opening up the canal basins and relocating the gasholder frames
- Adopted para 3.3.45 1) to 4) set out **considerations and opportunities for design of the public realm / new development along York Way ie**
 - * **Euston Road to Crinan Street**
 - * **The Regents Canal crossing**
 - * **Wharf Road to the Triangle**
 - * **The Triangle northwards**

A much expanded design brief for the Triangle is set out in a box at the end of para 3.3.45. (see 2.1 above) NB specific reference to “Good designs that avoid microclimatic, overshadowing and other impacts may allow a tall building to be located in the Triangle.”