

<b>Item No.</b> 11.1	<b>Classification:</b> Open	<b>Date:</b> 6 November 2012	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>	<p><b>Development Management planning application:</b> Application 12/AP/2239 for: Full Planning Permission</p> <p><b>Address:</b> FORMER ELEPHANT AND CASTLE SWIMMING POOL 22 ELEPHANT AND CASTLE LONDON SE1 6SQ</p> <p><b>Proposal:</b> Redevelopment to provide a 37 storey building (maximum building height 127m AOD) and 4 storey pavilion building (maximum building height 22.47m AOD), comprising 284 residential units, 809 sq.m flexible ground floor retail / financial and professional services / restaurant uses (Use Classes A1-A3) and 413 sq.m commercial (Use Class B1) use, basement car parking, cycle parking, vehicular access from Brook Drive, servicing and plant areas, landscaping and public realm improvements and associated works.</p> <p>The application is accompanied by an environmental statement submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.</p>		
<b>Ward(s) or groups affected:</b>	Cathedrals		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 06/07/2012		<b>Application Expiry Date</b> 23/11/2012	

## RECOMMENDATION

- 1
  - a) That planning permission is GRANTED subject to conditions and the applicant entering into an appropriate legal agreement by no later than 23 November 2012, and subject to referral to the Mayor of London;
  - b) If it is resolved to grant planning permission, that it is confirmed that the environmental information has been taken into account as required by Regulation 3(4) of the Town and Country Planning (Environmental Impact Assessments) Regulations 2011;
  - c) That it is confirmed that, following issue of the decision, the Head of Development Management should place a statement on the Statutory Register pursuant to Regulation 24 of the Town and Country Planning (Environmental Impact Assessments) Regulations 2011 which contains the information required by Regulation 21 and that for the purposes of Regulation 24(1)(c) the main reasons and

considerations on which the Planning Committee's decision was based shall be set out as in this report;

d) In the event that the requirements of (a) are not met by 23 November 2012, the Head of Development Management be authorised to refuse planning permission, if appropriate, for the reasons set out under paragraph 154.

## **BACKGROUND INFORMATION**

### **Site location and description**

- 2 The site, measuring 0.56ha, is currently occupied by a two storey former swimming pool building including office, changing rooms, storage and plant areas. The pool has not been in use for approximately 14 years, though a small area of the south western corner of the building has been used as a reception area to the recently closed Elephant and Castle Leisure Centre which is located adjacent to the western boundary of the site. The two buildings, which are currently being demolished, are connected by a raised walkway.
- 3 The site is located within the Central Area of the Elephant and Castle as defined in the Elephant and Castle Supplementary Planning Document. The A3 (Newington Butts and Elephant and Castle) bounds the site's eastern boundary, opposite which is the Elephant and Castle shopping centre. The Grade II Listed Metropolitan Tabernacle, a Reformed Baptist Church, is located adjacent to the northern boundary of the site. St Mary's Churchyard is located to the south comprising a public park with childrens' play area which was re-landscaped in 2008 providing improved access, green space and lighting. An area of pre-dominantly two storey residential buildings is located to the west and northwest of the Leisure Centre, part of which is designated as the proposed Elliott's Row conservation area. The mixed use 44 storey Strata Tower is located approximately 100m to the south east of the site containing commercial uses at ground floor level with residential flats above.
- 4 The site is located in close proximity to public transport nodes for rail, underground and bus and enjoys excellent access to a range of local services and facilities. Several cycle routes exist in the vicinity of the site including along Churchyard Row to the west of the site which forms part of the Cycle Superhighway. The northern part of the site lies within View 23A of the London View Management Framework from the centre of Serpentine Bridge in Hyde Park. The eastern half of the site is located within an Archaeological Priority Zone.

### **Details of proposal**

- 5 The application proposes a residential tower building of 37 storeys (max 127m AOD) in the centre of the site, with an adjacent mixed use L' shaped four storey (max 22.47m AOD) 'pavilion' building fronting both the Elephant and Castle and what will be a newly formed pedestrian extension of Brook Drive along the northern edge of the site. A raised landscaped courtyard is proposed between the tower and pavilion building providing amenity space for the residents of the development.
- 6 The development will provide 284 residential units, 252 of which will be in the tower building with the remaining 30 units in the pavilion building. The proposed residential

mix is set out below:

<b>Unit Type</b>	<b>Number of Units</b>	<b>Percentage of Total</b>
Studio	12	4%
1-bed	109	38%
2-bed	135	48%
3-bed	28	10%
<b>Total</b>	<b>284</b>	<b>100%</b>

Ten per cent of the residential accommodation has been designated as being adaptable for wheelchair housing taking into account the requirements of the East London Housing Partnerships Wheelchair Housing Design Guide.

A 'community' room for residents is provided at first floor level fronting onto the landscaped courtyard area

- 7 A contribution of £3,500,000 is proposed through the draft s106 agreement to contribute to the delivery of the proposed replacement leisure centre on the adjoining site.

The proposal does not include provision for affordable housing (this is addressed further below).

- 8 A row of retail/restaurant units (Classes A1–A3) are proposed at ground floor level (809 sqms GEA) along the Elephant and Castle frontage. Ground floor office/workshop (B1) units with mezzanines (413 sqm GEA) are proposed on the northern side of the pavilion building fronting onto the pedestrian extension to Brook Drive. Thirty residential units are proposed on the upper floor of the Pavilion building.
- 9 The proposed tower building has been designed to be clearly recognised as a residential building with balconies being used to articulate and reinforce the residential nature of the building. The four storey pavilion building, using reconstituted stone columns, has been designed to be sympathetic with the adjacent Grade II listed Metropolitan Tabernacle and to provide an active street frontage to Elephant and Castle and the Brook Drive extension with retail, café/restaurant and commercial uses at ground floor level with residential units above.
- 10 The proposals include landscaped areas of public realm around the building. A pedestrian plaza will be provided which will lead from Elephant and Castle to the residential entrance foyer of the development, opening onto St Mary's park and continuing on to the proposed entrance to the leisure centre on the adjacent site. This will provide the main pedestrian access to both the St Mary's development and the adjacent leisure centre. As well as hard landscaped areas and water features, this will incorporate an external sitting out area in association with a new café/restaurant in the corner unit of the pavilion building which will front both the Elephant and Castle and the proposed plaza area. A further landscaped pedestrian area will be provided in front of the new retail/restaurant units linking with the recently resurfaced pavement at the front of the site.
- 11 A shared surface area is proposed between this proposed development and the

proposed leisure centre which will provide for vehicular and servicing access to the St Mary's development, dropping off spaces for vehicles visiting the leisure centre along with disabled parking for the leisure centre and visitors cycle parking.

- 12 A paved and landscaped pedestrian link will also be provided linking Brook Drive to Elephant and Castle between the proposed pavilion building and the adjacent Metropolitan Tabernacle along the northern boundary of the site.
- 13 A total of 46 car parking spaces for residents are proposed within the basement, of which 23 will be for wheelchair users. Space will also be provided for four mobility scooters and five motorcycles. Twenty percent of the car parking spaces will be equipped with electric vehicle charging facilities. Vehicular access from Brook Drive will be via a shared surface area between the development and the proposed replacement leisure centre.
- 14 The proposed development has been considered to require Environmental Impact Assessment and an Environmental Statement has subsequently been submitted with the application.

### **Planning history**

- 15 The demolition of the existing swimming pool building and adjoining leisure centre is currently taking place and is expected to be complete in January 2013. For the avoidance of doubt, the demolition of these existing buildings does not form part of this planning application with Prior Approval having previously been given. Screening opinions have been issued confirming that the demolition of the existing leisure centre/pool buildings and the construction of a new leisure centre do not amount to EIA development.

### **Planning history of surrounding sites**

- 16 A separate detailed planning application for a replacement leisure centre has been submitted concurrently with this application and also appears on this agenda (12/AP/2570). The shared surface between and integral to the two developments is included in both applications.
- 17 Planning permission was granted in 2008 for a 44 storey residential tower building and terrace of up to seven storeys comprising 470 residential units to the south east fronting onto St Mary's Churchyard (site of the former London Park Hotel). Construction works are yet to commence on this development although the planning permission has been technically implemented.

Two separate applications have also been submitted for the regeneration of the Heygate housing estate:

- Heygate Masterplan: Application 12/AP/1092 seeks outline planning permission to provide a mixed use development comprising a number of buildings ranging between 13.13m (AOD) and 104.8m (AOD) in height with capacity for between 2,300 (min) and 2,469 (max) residential units together with retail (Class A1-A5), business (Class B1), leisure and community (Class D2 and D1), energy centre (sui generis) uses. New landscaping, park and public realm, car parking, means of

access and other associated works. (A separate application has also been submitted for the demolition of the existing buildings on the site.

- Rodney Road – Phase 1: A detailed planning application (12/AP/2797) has also been submitted for a development of eight buildings ranging between 4 and 10 storeys in height (maximum building height 38.5m AOD), comprising 235 residential units, 204 sqm (GEA) of retail use (Class A1-A3), car parking beneath podium level, cycle storage, servicing, plant areas, landscaping and public realm improvements.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

18 The main issues to be considered in respect of this application are:

- The principle of the proposed development in terms of land use and conformity with strategic policies
- The relationship with the proposed replacement leisure facility
- The design and visual appearance of the proposals
- Acceptability of landscaping and public realm
- Impact upon the setting of listed buildings
- The acceptability of the layout and provision of the proposed residential accommodation
- Affordable housing provision
- The impact upon local and strategic views
- The impact upon the living conditions of surrounding residents
- Transportation, servicing and access considerations
- Energy use and sustainability implications
- Ecological implications
- Archaeological implications
- Cumulative impacts with other developments.

### **Planning policy**

19 Southwark Core Strategy 2011

Strategic Targets Policy 1 - Achieving growth  
Strategic Targets Policy 2 - Improving places  
Strategic Policy 1 - Sustainable development  
Strategic Policy 2 - Sustainable transport  
Strategic Policy 3 - Shopping, leisure and entertainment  
Strategic Policy 5 - Providing new homes  
Strategic Policy 6 - Homes for people on different incomes  
Strategic Policy 7 - Family homes  
Strategic Policy 10 - Jobs and business  
Strategic Policy 11 - Open spaces and wildlife  
Strategic Policy 12 - Design and conservation  
Strategic Policy 13 - High environmental standards  
Strategic Policy 14 - Implementation and delivery.

20 Southwark Plan 2007 (July) - saved policies

- Policy 1.1 Access to Employment Opportunities
- Policy 1.7 Development within town and local centres
- Policy 2.2 Provision of new community facilities
- Policy 2.5 Planning obligations
- Policy 3.1 Environmental effects
- Policy 3.2 Protection of amenity
- Policy 3.3 Sustainability assessment
- Policy 3.4 Energy efficiency
- Policy 3.6 Air quality
- Policy 3.7 Waste reduction
- Policy 3.9 Water
- Policy 3.11 Efficient use of land
- Policy 3.12 Quality in design
- Policy 3.13 Urban design
- Policy 3.14 Designing out crime
- Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites
- Policy 3.19 Archaeology
- Policy 3.20 Tall buildings
- Policy 3.22 Important local views
- Policy 3.28 Biodiversity
- Policy 4.2 Quality of residential accommodation
- Policy 4.3 Mix of dwellings
- Policy 4.4 Affordable housing
- Policy 4.5 Wheelchair affordable housing
- Policy 4.6 Loss of residential accommodation
- Policy 5.1 Locating developments
- Policy 5.2 Transport impacts
- Policy 5.3 Walking and cycling
- Policy 5.4 Public transport improvements
- Policy 5.6 Car parking
- Policy 5.7 Parking standards for disabled people and the mobility impaired.

21 London Plan 2011

- Policy 2.5 Sub-Regions
- Policy 2.9 Inner London
- 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
- Policy 2.15 Town Centres
- Policy 2.18 Green Infrastructure: The Network of Open and Green Spaces
- Policy 3.1 Ensuring Equal Life Chances For All
- Policy 3.3 Increasing Housing Supply
- Policy 3.4 Optimising Housing Potential
- Policy 3.5 Quality and Design of Housing Developments
- Policy 3.6 Children and Young People's Play and Informal Recreation Facilities
- Policy 3.7 Large Residential Developments
- Policy 3.8 Housing Choice

Policy 3.9 Mixed And Balanced Communities  
Policy 3.10 Definition Of Affordable Housing  
Policy 3.11 Affordable Housing Targets  
Policy 3.12 Negotiating Affordable Housing On Individual Private Residential And Mixed Use Schemes  
Policy 3.13 Affordable Housing Thresholds  
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  
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 5.16 Waste Self-Sufficiency  
Policy 6.1 Strategic Approach  
Policy 6.3 Assessing Effects of Development on Transport Capacity  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.11 Smoothing Traffic Flow And Tackling Congestion  
Policy 6.12 Road Network Capacity  
Policy 6.13 Parking  
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 7.5 Public Realm  
Policy 7.6 Architecture  
Policy 7.7 location and Design of Tall and Large Buildings  
Policy 7.8 Heritage Assets and Archaeology  
Policy 7.9 Heritage-Led Regeneration  
Policy 7.11 London View Management Framework  
Policy 7.12 Implementing the London View Management Framework  
Policy 7.13 Safety, Security And Resilience To Emergency  
Policy 7.14 Improving Air Quality  
Policy 7.15 Reducing Noise And Enhancing Soundscapes  
Policy 7.18 Protecting Local Open Space and Addressing Local Deficiency  
Policy 7.19 Biodiversity and Access to Nature  
Policy 7.21 Trees and Woodlands  
Policy 8.2 Planning obligations  
Policy 8.3 Community Infrastructure Levy

22 Supplementary Planning Documents (SPD) and Guidance (SPG)

Elephant and Castle SPD/Area Action Framework (2012)  
Design and Access Statements SPD (2007)  
Section 106 Planning Obligations SPD (2007)  
Affordable Housing SPD (2008)  
Sustainable Transport SPD (2008)  
Sustainability Assessments (2009)  
Sustainable Design and Construction SPD (2009)  
Residential Design Standards SPD (March 2011)  
Draft Affordable Housing SPD (June 2011).

23 National Planning Policy Framework (NPPF)

The NPPF came into effect on 27 March 2012 and is a material planning consideration.

24 The site is located (or partly located) within the:

- Central Activities Zone (CAZ)
- Elephant and Castle Opportunity Area
- Elephant and Castle Major Town Centre
- 'Central' Character Area of the Draft Elephant and Castle Supplementary Planning Document
- Air Quality Management Area
- Archaeological Priority Zone.

It also forms part of development site 14 which is identified for development in the Draft Elephant and Castle Supplementary Planning Document. The northern part of the site lies within View 23A of the London View Management Framework from the centre of Serpentine Bridge in Hyde Park.

**Principle of development**

25 The site is within the Elephant and Castle Opportunity Area wherein Policy 6.13 of the London Plan states that designated opportunity areas will be expected to deliver a significant amount of housing and employment growth over the plan period, to support the growth of London as a whole. This is reinforced in the Southwark Core Strategy (2011), which states that the council will use land at the heart of the opportunity area to stimulate new development, including up to 45,000sqm of new retail and leisure floorspace and up to 4,000 new homes over the next 15 years.

26 The application site falls within the central character area as defined by the Elephant and Castle Supplementary Planning Document/Opportunity Area Framework (SPD/OAF) adopted by the council in November 2011. The strategy set out by the SPD/OAF includes the need to transform leisure opportunities by building a new leisure centre and recognises the existing leisure centre site as being suitable for a tall building, helping to signal the regeneration of the area and to help define gateways into the central area and create an interesting skyline. Policy SPD21 requires a new leisure centre to be provided as well as stating that a range of new town centre uses, residential (and education) uses will be supported in the Central Area. The Core

Strategy has set a target of 4000 new homes to be provided with the Elephant and Castle Opportunity Area by 2026 including 1400 affordable homes.

- 27 The Elephant and Castle SPD sets out the following strategies which are of particular relevance to the proposed scheme:
- Provide a range of unit sizes and affordable retail units which are made available to existing occupiers displaced by development from across the opportunity area.
  - Provide a range of arts, cultural, leisure and entertainment uses, including food and drink uses which make a positive contribution to the evening economy.
  - Require developments to be mixed use and introduce active uses at ground level wherever possible.
  - Ensure that development opportunities provide opportunities for existing and future SME businesses.
  - Transform leisure opportunities by building a new leisure centre.
  - Take opportunities to activate and soften key public spaces around the central area.
  - Use tall buildings to signal the regeneration of the area, help define gateways into the central area and create an interesting skyline. Potential sites for tall buildings include the shopping centre and leisure centre sites. However, they must not detract from the heritage assets, including the view of the Palace of Westminster from the Serpentine Bridge.
  - Provide the potential to link key sites, including the shopping centre and leisure centre, within a district CHP/communal heating network.
  - Ensure all development and public realm enhancements are of the highest quality to provide positive perception of the area.
- 28 The proposed mix of uses on the site is, in principle, acceptable in this highly accessible location with very good access to local facilities and public transport facilities. The proposed density (1704 habitable rooms per hectare) is significantly beyond the range of 650-1100 habitable rooms per hectare set out in Core Strategy Policy SPD5. However, the policy recognises that this range may be exceeded where the scheme in question is of exceptional design when assessed against the Residential Design Standards. Such an assessment is made later in this report.
- 29 The mix of residential unit sizes generally accords with the council's residential design standards, with the only exception being that the proportion of 2 or more bedroom units is 58% and therefore 2% (or seven flats) short of the council's 60% requirement. The applicant has justified this on the basis of it being linked to the overprovision of one bedroom flats which is critical to the viability of the development and, thus, to enabling the delivery of the leisure centre. It is accepted that the viability of the development is particularly tight and that the increase in 2/3 bedroom units would have a knock on impact upon the contribution that can be provided to the leisure centre in lieu of affordable housing. On balance, it is considered that the small deviation from the council's requirements can be accepted in this case.
- 30 Ten per cent of the total habitable rooms have been designed to be adaptable for wheelchair housing in accordance with the South East London Housing Partnership Housing Design Guidance.

31 *Replacement Leisure Centre*

The provision of a replacement leisure centre represents an important component of the on-going regeneration of the Elephant and Castle area and is a key strategic policy requirement (SPD7 and SPD21) in the Elephant and Castle Supplementary Planning Document/Opportunity Area Planning Framework. London Plan policy encourages an enhancement of sports facilities in the area and Strategic Policy 4 of the Southwark Core Strategy supports the retention and improvement of facilities which encourage physical activity. It is accepted that the former leisure centre has been in need of either refurbishment or replacement for several years. Indeed, the swimming pool part of the buildings has lain empty for the last fourteen years.

32 A master plan developed for the redevelopment of the existing leisure centre site splits the site into two sections, the first for the replacement leisure centre building in the eastern portion of the site and the second in the western portion of the site which will comprise the proposed St Mary's residential development which is the subject of this application.

33 Whilst the principle of a mixed use development as proposed on the application site is generally appropriate in this location and makes better and more efficient use of the land in this sustainable location, this is subject to an appropriate replacement leisure facility also being provided. In isolation, the redevelopment of land occupied by the former leisure facility would not be acceptable given the need for a new leisure facility. The replacement leisure centre is the subject of a separate detailed planning application (12/AP/2570) which also appears on this agenda with an officer's recommendation for approval. It is considered that the separate leisure centre application demonstrates that a suitable leisure centre facility meeting the needs of the local area can be provided and is acceptable in planning terms alongside the St Mary's development. In addition to other s106 contributions, a payment of £3.5m is proposed by this application (St Mary's) to contribute towards the provision of the replacement Leisure Centre on the adjacent site. This payment would represent a significant contribution towards an important replacement public leisure facility, fulfilling a key planning policy objective for the Elephant and Castle opportunity area. This amount is equivalent to the amount which the scheme could have otherwise afforded to contribute towards the provision of affordable housing.

34 In a representation on the application the director of regeneration has advised that collectively the land receipt and the payment by Lend Lease will enable the construction of the new Elephant and Castle leisure centre. A new leisure centre is a priority for the regeneration area and given the current economic climate the only way for the council to deliver this is through use of the sums generated. From a regeneration perspective, the director of regeneration considers that a departure from normal affordable housing policy is justified that on-site affordable housing provision is forgone in favour of a payment towards the delivery of the leisure centre.

*Affordable Housing*

35 Strategic Policy 6 (Homes for people on different incomes) of the Core Strategy requires that development will provide homes including social rented, intermediate and private for people on a wide range of incomes. It goes on to state that developments should provide as much affordable housing as is reasonably possible whilst also

meeting the needs for other types of development and encouraging mixed communities. The policy requires as much affordable housing on developments of 10 or more units as is financially possible. Targets are set out requiring a minimum of 35% affordable housing units within new developments and a minimum of 1,400 affordable homes are sought between 2011 and 2026.

- 36 The application does not include any provision for affordable housing. A viability assessment has been submitted with the planning application which concludes that, at current values and build costs, the proposed development is unable to support the inclusion of affordable housing within the development. This assessment has been verified as being generally accurate by the district valuation surveyor on behalf of the council.
- 37 The practical and financial implications of providing a second core within the Tower building and the negative impact upon the value of the private units are significant factors in the feasibility of providing affordable units within the development itself. A second core would be required to provide separate access, including lifts and circulation areas, to socially rented accommodation within the development. Not doing so would have significant implications on the values of the private residential properties, RSL service charges and would raise management issues. The introduction of a second core in the Tower would result in a significant loss of floor space which would have a substantial impact on the gross development value of the scheme. In addition, the cost of construction would increase with the introduction of a further lift, as well as separate access and servicing arrangements. As with the Tower, the provision of a separate core with the pavilion building would result in additional cost and development implications.
- 38 The viability assessment demonstrates that, not including the additional costs of providing an additional core with the consequent loss of floorspace, it would not be viable for affordable housing to be included within the development. It is considered that, given the conclusions of the viability assessment, there is justification in this case for affordable housing not to be provided within the development. Whilst affordable housing cannot be provided on site, the maximum contribution that the applicant would be able to afford based upon the viability of the scheme, would be a £3.5m contribution to the council towards the provision of off-site affordable housing. In this case, however, the application proposes that this contribution is instead made towards the delivery of the replacement leisure centre and therefore contributing towards a key policy objective for the area.
- 39 Section 7.8 of the council's Affordable Housing Supplementary Planning Document (2008) recognises that there may be circumstances where a scheme delivers exceptional community benefits over and above the standard s106 contributions required, such as proposals for community facilities that serve a wide catchment area and meet a variety of council objectives. In these exceptional circumstances the council may review the levels of affordable housing required on a site if it is satisfactorily demonstrated that there is a need for such facilities. A financial appraisal will also be required to demonstrate the required levels of affordable housing cannot be provided. This recognition of other priorities is also included in paragraphs. 9.3.25 / 26 of the draft Affordable Housing SPD (2011).
- 40 A viability review clause is included in the draft s106 agreement requiring a revised

viability assessment in the event of a delay in the implementation or construction of the development. This will be triggered in the event that the development not be i) substantially commenced within two years of the granting of planning permission, ii) substantially completed within five years of the planning permission, or iii) in the event of construction works starting but being suspended for a period of 12 months. Should this review conclude that the scheme has improved viability an additional financial contribution would be required to be made towards off site affordable housing provision.

- 41 The draft s106 agreement requires the amount of £3.5m (the Leisure Centre Contribution) to be paid to the council for the purpose of delivering the new Elephant and Castle Leisure Centre.
- 42 In the unlikely event that, within five years of the commencement of the St Mary's development, all or part of the leisure centre contribution has not been expended or committed for the purposes of securing the delivery of the Leisure Centre, the unspent or uncommitted monies will be used for the purposes of providing affordable housing in accordance with the council's relevant affordable policies that are applicable at the time. Based upon an estimated cost of £100,000 per habitable room at current values this would amount to an off-site provision of 35 habitable rooms (the equivalent of eleven two bedroom flats and one one-bed flat).
- 43 In summary, the scheme can maximise the contribution it makes to the delivery of the Leisure Centre by not making a contribution towards off-site affordable housing. Officers consider that the benefits arising from the contribution towards the new leisure centre outweigh the harm resulting from the lack of affordable housing provision within the scheme.
- 44 The Elephant and Castle SPD has targeted a minimum of 4000 new homes in the Opportunity Area between 2011 and 2026, including at least 1,400 affordable homes. The council's capacity assessment suggests that approximately 6000 new dwellings could be provided on sites that have been identified within the Opportunity Area over the life time of the plan. Whilst there is no guarantee that all these sites will come forward within the plan period and that they will be able to deliver 35% affordable housing, officers consider that the minimum target of 1,400 affordable homes remains achievable without any affordable housing being provided with the St Mary's development. Based on the current viability assessment, the scheme would only be able to contribute a relatively small amount of affordable housing provision (funding for 12 off-site units/ 35 habitable rooms) and the consequences for achieving the overall target is considered to be minor.
- 45 Although the scheme does not provide affordable housing and therefore does not meet the requirement within Strategic Policy 6 for a minimum of 35% affordable housing, the application has demonstrated, to the satisfaction of Officers, that once all contributions have been taken into account, including the £3.5m contribution towards the leisure centre, it is not viable for the scheme to make any contribution towards affordable housing. The payment towards the leisure centre will contribute towards the delivery of significant leisure and regeneration benefits in the area, which are key planning policy requirements. On balance, it is considered that the benefits arising from the scheme's contribution to the delivery of the new leisure centre outweigh the lack of affordable housing provision. In the event of any delay to the implementation

or construction of the scheme, the s106 agreement will require a viability review which would result in subsequent contributions to off site affordable housing should there be improvements to the viability of the scheme.

### **Environmental impact assessment**

- 46 As set out above, the application is accompanied by an Environmental Statement (ES) submitted voluntarily by the applicant.
- 47 Prior to the submission of the planning application, the applicant requested a *Scoping Opinion* (12/AP/0384) from the council to ascertain what information the local planning authority considered should be included within the ES.
- 48 Regulation 3 of the EIA Regulations 2011 precludes the granting of planning permission unless the council has first taken the 'environmental information' into consideration. The 'environmental information' means the EA, including any further information, any representations made by consultation bodies, and any other person, about the environmental effects of the development.
- 49 The ES details the results of the EIA and provides a detailed verification of potential beneficial and adverse environmental impacts in relation to the proposed development including the following (in the order each appears in the ES):
- Socio-economics
  - Transportation and access
  - Noise and vibration
  - Air quality
  - Ground conditions and contamination
  - Water resources, drainage and flood risk assessment
  - Ecology
  - Archaeology
  - Wind
  - Daylight, sunlight, overshadowing and solar glare
  - Cumulative impacts (including the cumulative impact along with the proposed replacement leisure centre)
- 50 Reference to cumulative impacts includes the combined effects of different types of impact, for example noise, dust and visual impacts, impact interactions and impacts from several developments including the proposed leisure centre scheme on the adjacent site. A summary of potential positive and negative residual effects remaining after mitigation measures have been provided in the EA in order to assess their significance and acceptability.
- 51 Additional environmental information was received during the course of the application and, in accordance with Regulation 22 of the Regulations, all consultees and neighbours were re-consulted and press notices re-issued. This information included:
- Additional archaeological report following site ground investigations
  - Amendment to design of lift core on the roof of four storey 'pavilion' building increasing the height of the lift core by 1.97m

- Increase in size of three 3-bed wheelchair residential units by 7 sqm in the four storey 'pavilion' building
- Further clarification on the Energy Statement and Transport Assessment
- Provision of a further version of the view from the Serpentine Bridge showing the strategic viewing corridor

52 The environmental statement concludes that in relation to the majority of issues the residual impact of the proposed development following mitigation will be insignificant. However, adverse impacts of minor significance have been identified in relation to the following issues:

- Increased traffic flows from construction related traffic
- Noise, vibration and traffic emissions during construction works
- The noise levels experienced within proposed external living areas
- Flood risk in the unlikely event of the Thames tidal defences being breached.
- Decreased daylight to the Metropolitan Tabernacle.

In addition, impacts of short term minor to moderate significance have also been identified in relation to:

- Impacts during construction upon townscape, visual and built heritage.

Possible moderate adverse implications have also been identified in relation to archaeology, in particular the potential impact upon Bronze Age peat deposits, though through appropriate mitigation and recording of the impact of construction works on peat deposits, the likely residual impact would be moderate beneficial.

53 Beneficial impacts of varying degrees are identified in relation to:

- Job creation
- Local spending
- Delivery of new housing
- Increase employment
- Reduction in crime and improved security
- Improved pedestrian and cyclist permeability
- Surface and foul water flood risk
- Ecology and habitats
- Wind conditions
- Townscape, visual and built heritage.

54 A detailed officer's assessment of the impacts of the development taking into account the applicants ES and the relevant planning policy considerations is provided below.

### **Design issues**

55 Strategic Policy 12 of the Core Strategy makes clear the council's commitment to achieving the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in. Saved Policies 3.12 (Quality of Design), 3.13 (Urban Design), 3.18 (Setting of Heritage Assets), 3.20 (Tall Buildings) and 3.22 (Important Local Views) of

the Southwark Plan are all of particular relevance to the design of the scheme. The site offers an opportunity for a high quality development which, in conjunction with the proposed replacement leisure centre on the adjacent site, will form an important part of the wider regeneration of the Elephant and Castle Opportunity Area.

- 56 The ES has found that the visual impacts resulting from the completed development will be insignificant for distant views and there will be beneficial impacts for short term views of the development. Short term visual impacts of minor to moderate significance have been identified during the construction of the development, these resulting from the visual intrusion from large construction plant and machinery, including a tower crane, and the presence of a partially completed development.
- 57 As an application for a tall building the proposal should also be considered against the criteria set out in Saved Policy 3.20 of the Southwark Plan requiring that a tall building:
- i. Makes a positive contribution to the landscape; and
  - ii. Is located at a point of landmark significance; and
  - iii. Is of the highest architectural standard; and
  - iv. Relates well to its surroundings, particularly at street level; and
  - v. Contributes positively to the London skyline as a whole consolidating a cluster within that skyline or providing key focus within views.

The proposal is assessed against each of these criteria below:

58 **i) Makes a positive contribution to the landscape**

Landscape and the public realm forms an important part of any proposal for a tall building. It will not only create a setting for the tower, allowing it to 'land' appropriately but also an opportunity for such a development to demonstrate the benefits that can flow from reaching vertically to free up more space at grade in a congested part of the city such as this. This part of Southwark is characterised by busy arterial routes overlaid with important pedestrian thoroughfares. The site is located at the significant transport interchange which includes overground and underground services as well as the bus network.

- 59 The park is an important part of the setting of this tall building. The current views of the site from the south give the appearance of a park that continues to the base of the existing Leisure Centre beyond the recently completed children's play area. The landscape proposal for this scheme enlarges the park across the forecourt to the play area and introduces landscaping to the southern approach to the tower. This has the effect of introducing soft edge to the new public space being proposed at the foot of the tower and gives the tower a park setting from the south.
- 60 The site frontage onto the Elephant & Castle is an intensely trafficked edge. The proposal introduces mature planting at the pavement not only to soften the edge but to introduce a layered approach to the public realm. A line of trees on this frontage gives the new public space in front of the pavilion a softer edge and separates the heavily trafficked environment of the southern roundabout from the pedestrian pavement
- 61 The space at the foot of the tower is a significant public space that will need to encourage activity as well as permeability across the site to the Leisure site beyond.

The proposal includes seating, planting and clearly defined external spaces. In addition, water features are proposed at the main entrance from the southern roundabout and at the foot of the tower to mark the sequence of spaces and lead visitors to the site and the Leisure Centre beyond.

- 62 The square between the tower and the leisure site is an important public space in itself and not just a service area for the development. It not only serves as the main arrival point for the Leisure Centre but also its principle public space. This space has been carefully designed to separate the traffic from pedestrians whilst retaining a unified landscaped approach. On the northern half of the space a circular drive has been introduced and a pavement on both sides will give pedestrians the option of a safe route from Brook Drive to the park. On the southern half of the space a landscaped square is created at the entrance to the Leisure Centre and this has been incorporated into that design with a cafe that will spill out onto this space.
- 63 Transport for London has raised concerns that the positioning of four disabled parking spaces within the shared surface will discourage its use as a genuinely shared surface and would obstruct pedestrians. It is acknowledged that there are advantages of removing this parking, however, these are outweighed by the advantages of have the disabled parking in close proximity to the leisure centre entrance. Further details of the layout and management of this space will be required by condition.
- 64 The proposals create a pedestrian extension to Brook Drive to the north of the proposed Pavilion building. This will represent a significant enhancement to the existing well used informal route which links the commercial centre of the Elephant and Castle with the residential properties to the west. The introduction of an active frontage including commercial units and apartments above will introduce surveillance of pedestrians using the route. The proposal introduces a line of trees in this location. These will need to be carefully managed to ensure that they provide a long lasting and attractive edge to the site without intruding into this space or affecting its usability. The vehicular access to the site has been narrowed not only to act as a natural traffic calming measure at the entrance but also using the landscape to create a safe route for pedestrians continuing across this northern edge of the site from Brook Drive.
- 65 The landscape will play a very important part in the legibility of the area to encourage visitors to use the proposed facilities. The public square to the south of the pavilion will be very visible in the main approach from the Elephant & Castle transport interchange and is an ideal location for a piece of public art or a landscape feature which could lead the viewer through to the tower and the Leisure site beyond. In particular the south-east corner of the site is very visible from the underground station and the shopping centre too and is prominent in the approach from the Walworth Road and Newington Butts. The current proposal includes a water feature in this location to provide a focus for visitors to the area and lead them to the Leisure Centre beyond.
- 66 The elevated garden is a narrow L-shaped space which sits between the tower and the lower pavilion block. Whilst it benefits from a southerly outlook and the pavilion itself is just three storeys in height above the garden level, this space will need to be carefully considered. This modest space has been designed as a series of landscaped 'rooms' which will not only offer visual amenity but also give it a sense of purpose ranging from the someone wanting to read a book, some child play space and even an out-door living room for future residents. The quality of this space will be defined by

planting, seating and a clear definition of planted spaces meeting spaces and pathways and their management and should be reserved by condition.

67 ***ii) Is located at a point of landmark significance***

The definition of a point of landmark significance is identified in the Elephant and Castle SPD/AOPF which concludes that, in principle, this is an appropriate location for a tall building at the meeting point of several key routes and the focus of views in and around this location.

68 ***iii) Is of the highest architectural standard***

It is essential that tall buildings demonstrate their contribution to the appearance of the wider area. The highest architectural standard is required and requires an elegance of proportion, innovation in design and a demonstrable exceptional quality of accommodation.

69 The two distinct parts of this development, the tower and the pavilion block, are separated by an L-shaped elevated communal garden. The design has been developed to set-back the elevated garden on both in order to articulate these separation elements more deliberately. On the western side this move sets back the service frontage to ensure that it does not dominate this important elevation and gives visual priority to the tower and the pavilion. Equally, on the southern side of the development, the set-back allows the tower to 'land' in the new public space and articulate entrance.

70 The proposed development includes a residents' community room with direct access to the elevated garden. This is a facility which future occupiers could enjoy and will encourage residents of the tower and the pavilion block to use the elevated gardens.

71 The proposed design is expressed as a simple rectangular form which relies on its cladding and fenestration as well as its balconies and feature windows for its architectural articulation. The challenge for the designers has been to give the tower elegant proportions and an articulated expression without compromising the quality of accommodation. In developing the design, a more tactile bronze cladding material has been proposed to compliment the fenestration with re-constituted stone features to delineate the balconies and reflect the historic context. Stone is a feature of the historic setting which is characterised by the adjacent listed Tabernacle and the design has referred to this with the use of re-constituted stone on the balconies.

72 The balcony features are an important part of the architectural expression of the scheme and will be a distinctive feature of each apartment. They are intended not only to capture the dramatic views of London from the high-rise apartments but to break up the rectangular form of the building and give it a strong vertical emphasis. They have been set into the building on the southern side to give the facade depth and improve the environmental performance of the south-facing flats. On the east and west the balconies are articulated by a step in the plan while on the north face they are cantilevered out of the building. The tactile quality of the bronze cladding and the articulation of the balconies and feature windows will give the scheme its quality of expression.

- 73 The same combination of materials is proposed for the Pavilion building with the dominant facing material being the re-constituted stone. This is appropriate given that it forms a common frontage with its historic neighbour – the Tabernacle. In this way the design has utilised its materials to unify the development and articulate the difference between the tower and the pavilion block.
- 74 Whilst the combination of materials is considered appropriate, the choice of materials should be reserved by condition requiring a mock-up of the proposed cladding to the tower and the pavilion block to be presented to officers for approval prior to commencement of works on site.

*Quality of accommodation*

- 75 The highest architectural standard is defined further in the council's adopted Residential Design Standards (2011) which requires, among other things: a predominance of dual aspect residential units; units that exceed the council's minimum space standards significantly; and that developments should exceed the council's requirements for private and communal amenity.
- 76 The layouts and schedule of accommodation submitted with the application demonstrate that the development achieves this on the whole with a predominance of units having a dual aspect and 69% exceeding the Council's minimum standards of accommodation by a significant margin with the remainder meeting the standards. All residential units will contain space for bulk storage and room heights of 2.5m exceed the 2.3m minimum in the Design Guidance. All habitable rooms including kitchens receive natural day light. Suitable levels of noise insulation will be provided to meet the Residential Design Standards. For some units facing towards Elephant and Castle and Newington Causeway, external noise levels on the balconies will be above recommended levels. This will be mitigated by the screens around the balconies and it is not considered that this detracts significantly from the overall high quality of residential accommodation that is proposed.
- 77 The provision of private amenity space is predominantly good with each unit being served by its own balcony or terrace. Twenty one of the twenty eight three bed units have private amenity spaces in excess of the 10 sq ms (some considerably more) with the others providing six to eight sq ms. The first floor communal garden (measuring 462 sq ms) of the Pavilion building will be available solely for the residents as will the allotment gardens (691 sq ms) which will be provided on the roof of the Pavilion building. The allotments will provide an opportunity for residents to grow their own vegetables and herbs in substantially sized planters without having to rely on their private balconies for space. The provision of the balconies and terraces along with the internal courtyard area and roof top allotment will provide appropriate amenity space (both private and communal) for residents. The residents will also have the benefit of being in close proximity to the adjacent St Mary's Park. The applicant will make a financial contribution towards works to enhance the park and further public consultation is to take place on proposals for enhancements to the park with a planning application for the works being expected to be submitted in early 2013.
- 78 The distances between facing units within the pavilion and tower buildings range from 8 to 14.5 metres. In order to create appropriate outlook and levels of day light most of the units have been designed with open plan living spaces served by more than one

window. The essentially single aspect units within the tower building are proposed from only the second floor upwards and therefore the impact of the facing pavilion building on daylight levels will not be significant. Screens and landscaping will be included as part of the landscaping details to mitigate against overlooking between facing units.

- 79 The overall standard of residential accommodation is concluded to be of a suitably high quality. All the units meet (and the vast majority exceed) the minimum standards required by the residential design standards.

*The top of the tower*

- 80 The top of the tower is an important feature of the building. This is not simply because it gives the building its distinctive capping but, as its most prominent feature the top is likely to appear in many local and wider views. The design for the top of the tower has been developed during the pre-application stage with the upper-most storeys being grouped together to give a distinctive identity. The scheme has been designed from the inside out with the larger units at the top 6 floors which define the step-change in the appearance of the building.
- 81 Further, the large feature apartments at the top of the building have been arranged and stepped and the top-most unit is capped with a glazed garden to give the tower a recessive appearance similar to but distinct from the Strata tower nearby. This capping feature will be prominent in the approach from the Walworth Road and highlights the entrance at the base of the tower almost as if this slice of the building has been raised at this prominent corner to reveal the entrance below. The glazed roof-top garden is an important element of the composition because it completes the building appropriately with a glimpse of the sky beyond.

***iv) Relates well to its surroundings, particularly at street level***

*The relationship to heritage assets*

- 82 Saved policy 3.17 of the Southwark Plan (2007) states that “*permission will not be granted for developments that would not preserve or enhance: The immediate or wider setting of a listed building; or ii. An important view(s) of a listed building iii. The setting of the Conservation Area; or iv. Views into or out of a Conservation Area; or v. The setting of a World Heritage Site; or vi. Important views of /or from a World Heritage Site.*”

Further, the NPPF states that “*protecting and enhancing our natural, built and historic environment*” is an important part of delivering sustainable development and in paragraph 132 states that a heritage asset’s “*significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.*”

- 83 The principle impact of this development on the setting of a heritage asset is the impact on the view of the Palace of Westminster World Heritage Site from the Serpentine Bridge (LVMF View 23A.1) which includes a geometrically defined protected vista of this strategic landmark. The application material includes a detailed assessment of this view as well as an assessment of the sequential views from the

northern bridgehead to the designated view and beyond. In the designated view the development is concealed below and behind the existing tree-line to the south of the strategic asset though it could be glimpsed through the trees in winter. The LVMF states that development *"in the background of the view should not undermine the relationship between the predominantly parkland landscape composition in the foreground and the landmark buildings at the focus of the view in the middle ground (including the Palace of Westminster and Westminster Abbey). New buildings in the background of the view must be subordinate to the World Heritage Site."*

- 84 View 2 included in the application does not include an outline of the protected vista which would demonstrate how the development relates to the protected vista in this view. The site plan however demonstrates that the tower is outside the protected vista and the view demonstrates that the proposed development obscured by the tree-line, is subordinate in scale and does not affect the viewer's ability to recognise and appreciate the strategic landmark. In the sequential view, the development will appear in the view together with the Strata tower separated from and to the south the strategic landmark. The sequential view demonstrates that the proposed development disappears behind the tree-line at position 4, two bays away from the designated Viewing Location.
- 85 The most prominent heritage asset in the immediate vicinity of the site is the Grade II listed Metropolitan Tabernacle immediately adjacent to the north boundary of the site. The listing description defines the historic and architectural significance of this asset as the 2-storey, 11 bay portico'd east facade and uniquely, identifies this facade as the main reason for its listing. The tower will be clearly visible behind its most significant feature – the portico facing onto the Elephant & Castle – in views from the northern roundabout. The impact of the tower on the setting of this listed building has been mitigated by design in two main ways:
- Firstly, the tower is set back from the street frontage so that it will appear in the backdrop of the Tabernacle. In this way it does not detract from the important asset in the foreground and does not challenge its presence in the area.
  - Secondly, the palette of natural materials of the tower, including the use of reconstituted stone, bronze and glass, has been developed to echo the tones and hues of the Tabernacle. Notwithstanding this, the view from the northern roundabout is not the most important view of the Tabernacle which is directly opposite it at Elephant and Castle and from there the development will have no impact on this important historical asset. This is demonstrated in the application in the sequence of views which includes Views 09 and 29.

Accordingly it is considered that the tower will not have a harmful impact on this heritage asset or its setting.

- 86 Other heritage assets in the immediate area include a number of proposed and designated conservation areas. These include the West Square Conservation Area, the Pullens Estate Conservation Area and the proposed Elliotts Row Conservation Area in Southwark and, among others, the Walcot Conservation Area in Lambeth. Further afield, and mainly due to the visibility of developments like Strata in the wider area, the application material has tested the impact of the proposal in the wider views including those from the Trinity Church Square Conservation Area and the Borough High Street Conservation Area.

- 87 View 16 is from the Pullens Estate Conservation Area and demonstrates that this proposal will consolidate the cluster of tall buildings around the Elephant & Castle already visible from this historic setting. These include Strata and Draper House. Whilst this is not a characteristic view of the Pullens Estate the proposed development does not detract from the historic setting, the towers do not converge to form a dominant mass and the space between the taller elements gives legibility to the townscape directing the viewer to the town centre beyond.
- 88 View 22 presents the impact of the proposal in the views from Walcot Square. This is a cohesive historic townscape which is sensitive to change. The Strata tower is visible in the distant backdrop of this historic Lambeth square. This view demonstrates that the proposed tower compliments Strata and clusters with it in the view but does not dominate it or detract from the townscape quality or the significance of the historic setting.
- 89 The sequence of views 23 and 24 tests the impact of the development on the proposed Elliotts Row conservation area and a sub-area of the West Square Conservation Area. In these views the design is at its narrowest and the distinctive stepped top is most visible. Accordingly, the views demonstrate that the stepped form will be recessive in the distant backdrop and will not detract from the channelled view of the cohesive townscape.
- 90 View 27 demonstrates the impact of the development from the West Square Conservation Area. In West Square itself the tower is visible in the  $\frac{3}{4}$  view in the background. Its recessive stepped profile in this  $\frac{3}{4}$  view not only masks the flank of Strata tower, also visible in the view, but also consolidates the skyline of the town centre beyond. Generally this view is screened by mature planting and the proposed development will be more prominent in the winter months. The narrow form of the tower visible in this view and its recessive stepped character when considered in the context of the strong sense of enclosure offered by the historic square, demonstrates that the tower will not have a harmful impact on the setting of this conservation area.

#### *The Pavilion Building*

- 91 The Pavilion block has been designed at a lower scale to form part of the continuous frontage with the listed Metropolitan Tabernacle. It retains the palette of materials chosen for the tower but is predominantly made of reconstituted stone to reflect the materiality of the Tabernacle. The design is understated with a strong sense of order divided into colonnaded bays with a confident hierarchy and a well defined base, middle and top. It is encircled by active frontages which extend to the western face fronting onto the proposed new Leisure Centre.
- 92 The only area of potentially inactive frontage is the area devoted to cycle parking at the base of the tower on the western face of the development. Whilst this is a good location for cycle storage due to its accessibility, it is also prominently located directly across the way from the main entrance to the proposed Leisure Centre and faces onto the Leisure Centre Piazza. The proposal seeks to turn this part of the development into a green wall and a piece of public art which could include illumination. This will assist to activate the space and improve the appearance of this part of the site and should be secured by condition.

- 93 On the inward facing elevations of the Pavilion building fronting the amenity space within the raised courtyard the residential units are accessed via widened walkways which include small areas for each unit almost like front gardens. The facing material contrast the outer stone face with a more tactile appearance on this inner face with a combination of brick and timber cladding with glazed screens at the edge of the widened walkways. The predominance of timber cladding at the entrances to the apartments and the design of front-gardens on the generous access walkways will not only give this facade a softer articulation but also give it a layered hierarchy of communal space and gives the scheme its interest.
- 94 The roof of the pavilion block is an important part of this group of buildings. This roof will be very prominent when viewed from the tower and will therefore be the important fifth elevation of this building. A green roof which includes allotments for residents is proposed for the roof of the Pavilion block. Amended plans have been received increasing the size of the roof access and lift overrun in order to allow wheelchair access via lift onto the roof. Whilst increasing the height of roof access by 2m, it is set back from the edges of the roof and, subject to the use of appropriate materials, will not appear as visually obtrusive or detrimental to the overall appearance of the scheme.
- 95 The Brook Drive extension is an important face of the pavilion. The proposed scheme includes commercial uses and workshop spaces activating the length of the Brook Drive extension and round to the western face. This will improve the appearance of this area and should be fitted out from the outset in attractive glazed frontages to ensure that it is marketed appropriately to occupiers seeking space in the area. The appearance of the scheme at street level will be led by the appearance of the glazed shop fronts and commercial properties and should be reserved by condition to ensure that the glazed facades are installed in the completed scheme prior to occupation.
- 96 ***v) Contributes positively to the London skyline as a whole consolidating a cluster within that skyline or providing key focus within views***
- The application material includes a comprehensive townscape and visual impact assessment. This demonstrates that the tower, when viewed in the round will have an elegant and highly articulated presence. With this tower the designers have deliberately avoided the temptation to use a sculptural form or gimmicks relying instead on its slender proportions and its detailed articulation to give it its character. These are qualities that are longer lasting and will cement this new landmark in the area as is demonstrated in the views.
- 97 In many of the views the proposed new tower compliments the isolated form of the Strata tower and consolidates the emerging cluster of tall buildings in this area. In particular, its stepped silhouette and interesting and varied profile particularly top give the tower added interest when it is viewed in the round in contrast to the more sculptural form of Strata. The result is a fitting addition to the London skyline and a tower that consolidates and complements the emerging cluster to create a fitting gateway to the Elephant & Castle.
- 98 The scheme was presented to the Design Review Panel on two occasions in February and May 2012. The presentations were at the pre-application stage and the Panel endorsed the masterplan for the site and the landscape proposals for the site. The

DRP raised concerns in relation to the form and articulation of the tower and requested more information about the tower in the local and wider views; it questioned the detailed design of the Podium block including the affect on the amenity of residents and the lack of active frontages; and they highlighted the importance of the top of the tower.

- 99 During the course of pre-application discussions the scheme was adjusted and developed to address the points raised by the panel. The form and materiality of the tower were adjusted with architectonic features consolidated, to give the tower a stronger vertical articulation. Further, bronze cladding was introduced to compliment the stone cladding and give the tower a more contextual presence. The detailed design of the Podium block was adjusted to improve its external appearance and the internal layouts of the units adjusted to take on the points raised by the panel. Finally, the top 9 storeys of the building have been revised to address the panel's concerns over the top of the tower. The distribution and alignment of the top-most flats was adjusted to give the tower its stepped capping and the detailed design of the balconies and feature windows of the upper part of the building was revised to give the tower its recessive silhouette. These changes are considered to significantly enhance the design and appearance of the scheme.
- 100 Whilst short term visual adverse impacts have been identified during the construction process, these are largely inevitable for a scheme this size and would not result in long term impacts upon the surrounding townscape and views into and around the site.

### ***Secure by Design***

- 101 The development has been designed in liaison with the Metropolitan Police architectural liaison officer in order to comply with the principles of *Crime Prevention through Environmental Design* and *Secured by Design*. Important aspects of this include natural surveillance from ground floor and first floor windows (this is a particular benefit along the extended Brook Drive access way), lighting, CCTV and management. The function and street animation have been successfully considered to create a secure environment around the buildings. The proposed development is considered to comply with saved Southwark Plan Policy 3.14 (Designing out Crime).

### ***Conclusion on Design***

- 102 The design of the proposed tower building demonstrates that a tall building can be successfully accommodated in this location without detriment to the cityscape, strategic views in and around the site or the setting of heritage assets. The Pavilion building fronting the Elephant and Castle respects the proportions and appearance of the adjacent listed Tabernacle and will introduce an active frontage into the street scene in this location as well as to the pedestrian extension of Brook Drive along the northern edge of the site. The landscaping and public realm areas will enhance pedestrian links through the site, will provide attractive public spaces around the development, and attractive access to both this development and the proposed leisure centre on the adjacent site. The Environmental Statement concludes the development will have insignificant impacts upon long distance strategic views and insignificant to beneficial district and local impacts including on local heritage assets such as the Grade II listed Tabernacle. The development is considered to accord with Strategic

Policy 12 (Design and Conservation) of the Core Strategy saved Policies 3.12 (Quality of Design), 3.13 (Urban Design), 3.18 (Setting of Heritage Assets), 3.20 (Tall Buildings) and 3.22 (Important Local Views) of the Southwark Plan.

**Impact of proposed development on the living conditions of adjoining occupiers and surrounding area**

- 103 Policy 3.2 of the Southwark Plan seeks to protect the amenity of existing and future occupiers in the surrounding area or on the site. The Environmental Statement has identified that there will be no significant impacts resulting from the completed development other than long term impacts of minor significance upon the daylight received by the Metropolitan Tabernacle adjacent to the site. In the short term, however, the ES has predicted adverse impacts of minor significance resulting from noise, vibration and traffic emissions during the construction of the development.
- 104 There are no existing residential properties immediately adjoining the application site however several are located in close proximity to the site including properties in Oswin Street, Brook Drive, Strata and Sherston Court. New residential properties are also proposed on the former London Park Hotel site fronting onto Churchyard Row to the south west of the application site.
- 105 Several objections have been received, in particular from those residents of Strata which face the application site, who have made objections that the tower building will result in a loss of their view, loss of sun/day light and result in the overlooking of their apartments. The loss of a person's private view is not a material consideration in the determination of a planning application. The visual impact of a development can be a material consideration, but in this case the distance from the tower within the development to the facing elevation of Strata (at least 120 metres) is sufficient separation distance to prevent the proposed building from being unreasonably overbearing or visually intrusive when seen from the apartments within Strata. Similarly, this separation distance is sufficient to ensure that there is no overlooking or loss of privacy between the two buildings. Indeed, this separation distance is considerably greater than the minimum distances recommended in the Council's Residential Design Standards (RDS) (12 metres from the front of one building to the front of another and 21 metres from the rear of one building to another). For similar reasons, the proposed development is not considered to result in adverse impacts from either visual impact or overlooking to other nearby neighbouring properties in Oswin Street, Brook Drive and Sherston Court.
- 106 The Applicant's ES has assessed the impact of the proposed development on the sunlight and daylight including analysis based upon the Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice (Second Edition) which supersedes the original 1991 edition referred to in the Council's RDS. The analysis concludes that there would be no significant impacts upon sunlight or daylight for any existing residential properties surrounding the site. These results take account of the substantial separation distances to residential properties surrounding the site and it is concluded that no harmful impacts would result for any existing residential properties in terms of the impact upon sun and day light. Taking account of the factors set out in the paragraphs above, it is not considered there are any reasons to disagree with these conclusions.

- 107 Given the considerable separation distance of over 90 metres from the proposed development to the approved development at the London Park Hotel site, it is not considered that any significant impacts would result for the future occupiers of this development by reason of visual impact, overlooking or sun/day lighting.
- 108 The EIA has identified that there will be a slight reduction in the levels of daylight to the adjacent Metropolitan Tabernacle. However, this is not a residential building and the expected impacts of minor significance are not expected to result in any harmful impact upon its operation.
- 109 Given the limited number of proposed parking spaces within the development and sustainable location of the development with good public transport access and proximity to local facilities, the operation of the development would not result in such levels of traffic that would lead to significant impacts upon the living conditions of local residents on Brook Drive and adjoining roads. The same conclusion is reached when considering the impacts in conjunction with the operation of the leisure centre, bearing in mind that the leisure centre replaces the recently closed facility and does not include any private parking provision.
- 110 The development will include mechanisms to ventilate the residential and commercial units and conditions will be required to ensure that no nuisance results from noise or smell. A condition is also required in order to ensure that the combined heat and power (CHP) plant does not result in any significant impacts upon air quality and the surrounding noise environment.
- 111 The construction process is proposed to take approximately 33 months and this is expected to partially overlap with the construction of the adjacent leisure centre. During construction, impacts including noise, vibration and air quality, including from vehicles access and leaving the plant will be controlled by management and mitigation measures within a construction management plan that will require approval pursuant to a condition.
- 112 Appropriate management and mitigation is particularly important given the potential for overlap between the times of construction of both this development and those developments proposed on adjacent sites (St Mary's and London Park Hotel) although in the case of the later there is no information as to when this will be implemented. Working hours will be restricted to 08:00 – 18:00 hours Monday to Friday and 8:00 to 13:00 hours on Saturday with no work on Sundays or public holidays. Mitigation measures including dust management, dampening down of loose materials, positioning of stockpiles, acoustic covers and a continued register and appraisal of any complaints from residents are included in the CMP and continued liaison will take place with the Council's Environmental Protection Team. The proposed route for construction traffic is to enter the site from the Elephant and Castle and exit along Oswin Street which will also require close supervision and management to control the impacts of this. Further consideration of this is set out in the Transportation section of this report. Some disturbance will inevitably result from construction works and the ES concludes that impacts of *minor significance* would result. It is considered by Officers that the management and mitigation measures proposed will ensure that disturbance will be kept to a minimum and it is not considered that objection should be raised in relation to saved Policy 3.2 (Protection of Amenity) of the Southwark Plan 2007.

### **Impact of adjoining and nearby uses on occupiers and users of proposed development**

- 113 The existing uses surrounding the site are considered as being compatible with the need to provide acceptable living conditions for the future occupiers of the proposed development. Given existing noise levels arising largely from traffic movements surrounding the site any noise or disturbance from premises within the Elephant and Castle shopping centre or other surrounding uses are not such to result in significant harm for future residents, particularly given the sound insulation required for the residential units through a condition of planning permission which will require internal noise levels to be provided for in accordance with the Elephant and Castle SPD.
- 114 The proposed replacement leisure centre would be sited a sufficient distance away from the facing residential properties within St Marys (a minimum of 22 metres) to create an appropriate living environment in terms of day/sun light and visual outlook. Through both noise insulation requirements for the St Mary's scheme and measures to control noise, vibration and air quality for the leisure centre scheme, there is no reason to doubt the two schemes can satisfactorily sit side by side without any harmful impacts for the future residents of St Mary's.

### **Transportation issues**

- 115 Saved policy 5.1 of the Southwark Plan seeks to ensure that development is located near transport nodes, or where they are not it must be demonstrated that sustainable transport options are available to site users, and sustainable transport is promoted. In addition, saved policy 5.6 of the Southwark Plan requires development to minimise the number of car parking spaces provided and include justification for the amount of car parking sought taking into account the site PTAL, the impact on overspill car parking, and the demand for parking within the controlled parking zones.
- 116 The environmental statement has identified that, at worst, short term, local adverse impacts of minor significance will result from increased traffic flows resulting from construction related traffic with the remaining transportation related impacts being insignificant other than long term local beneficial impacts of moderate significance through improved pedestrian and cyclist permeability together with the provision of enhanced pedestrian and cyclist facilities.
- 117 The site is well located in close proximity to public transport nodes (bus, train and tube) and achieves a PTAL rating of 6b.
- 118 Additional information has been provided during consideration of the application relating to trip generation, accident analysis and local pedestrian routes.
- 119 Vehicular access to the development will be from the end of Brook Drive (at its junction with Pastor Street) utilising the shared surface with the new leisure centre. An access is provided from the shared surface area into a proposed basement where all the parking spaces are proposed. Access to a service zone is provided immediately adjacent to the basement access. The service zone provides space for refuse collection and deliveries within the building. Vehicles will reverse from the shared surface into the service zone, after which the gates will be shut to provide a secure environment for unloading without impact upon the shared space. All refuse and

recycling stores will be directly accessed from this internal service zone. Smaller deliveries to the residential properties (e.g. shopping deliveries) will take place from within the shared surface. A service and delivery management plan will be required to be secured through a condition to ensure servicing can be efficiently and safely carried out within the site including provision for taxis.

- 120 The basement area includes a total of 46 car parking spaces, 23 of which are for disabled users. Other than disabled parking, the council's policies are for developments within the central activities zone to be car free although the Elephant and Castle SPD recognises that there may be occasional instances where the saleability of new homes is affected if development is car free, which may impact on viability. In this case the applicant has argued that the proposed level of car parking is justified on viability grounds with the 23 parking spaces being required for the larger residential units and this is supported by the viability assessment that has been provided to the council and found to be generally sound. Twenty per cent of the parking spaces will be equipped with electric vehicle charging facilities. The provision of 23 spaces amounts to only 8 percent of the total residential units and taking into account the implications for viability should they not be included, on balance their inclusion is considered to be acceptable in this instance.
- 121 The council's Transport SPD (2010) requires that developments provide for convenient, secure and weatherproof cycle parking. A total of 312 secure and covered cycle parking spaces are provided within the basement area for residents exceeds the council's policy requirement of one space per residential unit plus one visitor space per ten residential units. An additional 29 external on-street spaces are provided for visitors. Cycle parking for the employees of the commercial and retail units will be provided within the units themselves with additional details of this being secured by condition. Of the 312 residential cycle parking spaces, 44 are Sheffield Stands with the remainder being double deck 'stackers'.
- 122 Concern is raised about the convenience and usability for the double deck stands as they are generally awkward to use and not suitable for small children. The applicant has provided justification on the basis that they are in common use in residential developments throughout Southwark and London, and that they represent an appropriate cycle storage solution in developments such as St Mary's where there is limited space available due to the constraints of the site. In addition, the applicant has agreed to put in place management regimes to ensure that the Sheffield Stands are retained for the use of children and less able residents and this can be secured through the travel plan. Whilst this is considered to partially alleviate the concerns raised, the extent and inconvenience of the double deck cycle stands weighs against the proposals in transportation terms.
- 123 Concerns have been raised by residents at the impact of additional vehicular movements on Brook Drive and surrounding roads. The levels of vehicular traffic generated by the development are expected to be low with the vast majority of journeys being made by public transport or on foot. The applicant's transport assessment forecasts that during the morning peak hour there will be five vehicular movements and during the PM peak there will be fifteen vehicular trips generated by the development. It is not considered that the increase in vehicular traffic likely to result from the development would result in significant impacts upon highway safety or local highway conditions.

- 124 A draft travel plan has been provided with the application proposing measures to promote sustainable methods of transport other than the private car. The approval of a final version of the Travel Plan and its implementation is included in the draft S106 agreement. The applicant has agreed to provide 3 years free car club membership for residents of the development with two additional car club spaces being provided on Brook Drive adjacent to the proposed leisure centre.
- 125 In addition to the strategic transport contribution (£2,615,656) which will be paid by the developer towards improvements at the northern roundabout and Northern Line ticket hall, Transport for London have requested additional payments of £135,000 towards additional peak bus services and £189,000 towards an additional cycle hire docking station. Discussions are on-going between the applicant and TfL as to whether these additional contributions can be justified for this development and an update on this matter will be provided to members for the planning committee meeting.

#### *Construction Traffic*

- 126 The construction of the development is currently proposed to commence in April 2013 and is expected to last for 33 months. Working hours are proposed of 08.00 to 18:00 on weekdays and 08:00 to 14:00 on Saturdays with no working on Sundays and Public Holidays. The transport assessment forecasts that at the busiest time during the construction programme there will be 40 daily traffic movements although for much of the construction period the figure will be approximately half this.
- 127 The proposed route expected for general construction traffic will be for vehicles to access the site from Elephant and Castle and exit the site via Oswin Street. This avoids the potential for conflict between construction vehicles and the Cycle Super Highway which leads along Churchyard Row, Brook Drive and Eliot's Row. This route has been agreed in principle with TfL and will need to be confirmed in the construction management plan to be submitted and implemented pursuant to the s106 agreement to ensure that disturbance upon local highway conditions and local residents is kept to a minimum throughout the construction process, including in the scenario where construction works are taking place concurrently on both the St Mary's and the Leisure Centre sites.
- 128 The environmental statement has identified that, at worse, short term, local adverse impacts of minor significance will result from increased traffic flows resulting from construction related traffic. It is recognised that the use of Oswin Street for construction traffic will cause some disturbance and inconvenience for residents of Oswin Street. The construction management plan, to be subject to further consultation by the applicant with the general public, will need to include measures to mitigate the environmental and road safety impact of the construction traffic, including training in Safer London Driving (including emphasis on cyclist and pedestrian road safety), environmentally friendly driving and regular checks on compliance with agreed routes. This will ensure that impacts are minimised during construction works. It is considered by officers that through the implementation of the measures outlined above, construction traffic can be controlled without significantly adverse impacts upon local highway conditions.

### **Impact on existing trees**

- 129 A tree survey of the site has been carried out and provided with the application. This concludes that there are no trees within the site of significant amenity value (category A or B) although it does identify that there are several Category C trees which are in good condition including two young Ginkgo trees located in the north east corner of the site and a young Ash in the south east corner of the site. Given the comprehensive nature of the development and the limited amenity value of the existing on-site trees, it is not considered that any of the existing trees need to be retained on site. However, an agreement has previously been reached with the applicant for the two young Ginkgo and the Ash trees to be relocated from the site to St Mary's park. This relocation has recently been carried out.
- 130 A detailed landscaping scheme providing additional tree planting within the public realm areas of the development will be required to be submitted and approved prior to the commencement of works above grade.
- 131 There is an existing London Plane tree within the St Mary's park in close proximity to the southern boundary of the site. The canopy and rot area of this tree extends into the site and a condition is recommended to ensure that a methodology is submitted prior to the commencement of construction works upon the site.

### **Ecological implications**

- 132 Policy 3.28 of the Southwark Plan requires that biodiversity is taken into account in all planning applications and encourages the inclusion of features which enhance biodiversity. The environmental statement has concluded that the impacts on ecology during construction will be insignificant, including consideration of the impact upon existing trees, but that there will be long term beneficial impacts of minor significance arising from the ecological enhancements proposed as part of the development.
- 133 An appraisal of the site has concluded that the existing site is of very little ecological value following the removal of the existing buildings and hardstanding. This has been agreed by the council's ecological officer. The development proposals include ecological enhancements and mitigation including a green roof and the provision of nesting and foraging opportunities for birds and bats the precise details of which will be secured by condition. The scheme is concluded to comply with Policy 3.28 of the Southwark Plan.

### **Socio economic impacts**

- 134 The environmental statement has identified a range of minor to moderate benefits arising from the socio-economic impacts of the development and no adverse impacts of any significance. The Environmental Statement estimates that approximately 54 full time construction jobs will be generated from construction jobs on the site. The applicant proposes employment and training initiatives via BeOnSite, a not for profit company. The completed development is expected to create up to 64 jobs in the retail and office uses (with a predicted increase in local expenditure of around £84,500 per year). Targets for local employment provision are included within the draft s106 agreement.

- 135 The new residential population is predicted to generate expenditure of approximately £4.1 million per year, a significant amount of which would be spent within the local area. The influx of new residents will result in further demand for education and health provision and financial contributions will be provided by the development in accordance with the Council's s106 Toolkit. The socio economic benefits arising from the development are concluded to be positive and will add to the overall regeneration benefits arising from the scheme.

### **Sustainable development implications**

- 136 The energy statement demonstrates how the energy hierarchy has been applied to the proposed development in order to achieve the carbon reduction targets set out in strategic Policy 13 of the Council's adopted Core Strategy (2011) and the London Plan. Policy 13 sets a target of major development achieving a 44% saving in carbon dioxide emissions above the building regulations (2006) from energy efficiency, efficient energy supply and renewable energy generation. This equates to a 25% reduction over the 2010 building regulations. The development should also reach Code for Sustainable Homes Level 4.
- 137 The sustainability statement advises that the St Mary's residential development will be the first tall residential development to achieve Code for Sustainable Homes Level 4. The proposal will also achieve a 46% reduction in carbon dioxide emissions below the 2006 Building Regulations following the energy hierarchy as set out in the London Plan.
- 138 The application proposes that the long term intention is for the development to connect to the proposed Heygate Masterplan energy centre, via the district heating network, and also that the Development should be connected to the New Leisure Centre to make the most of the complementary nature of the two developments in terms of an efficient CHP system. This is supported by Policy 13 of the Core Strategy and Policy 19 of the Elephant and Castle SPD along with the London Plan, requiring that development proposals should evaluate the feasibility of connecting to existing heating and cooling networks and Combined Heat and Power (CHP) systems. Where a new CHP system is appropriate, proposals should also assess the feasibility of extending the system beyond the site boundary to adjacent sites. Where practical and viable, developments will be required to connect to existing or future networks. All development should be future proofed and designed to be capable of connecting to a future CHP/communal heating network and a connection with the Heygate District Heating Network is a key energy requirement for the scheme.
- 139 The Energy Statement submitted with the application proposes three options:
- Option 1: Central energy centre and district heating network with high efficiency gas boilers and gas CHP (anticipated as part of the proposed Heygate Regeneration Scheme)
  - Option 2: Local gas CHP and boilers shared with the New Leisure Centre
  - Option 3: Standalone gas CHP and boilers in the Development
- 140 Following feasibility work that has taken place following the submission of the application, it has been concluded that it is not feasible for St Mary's and the Leisure Centre to share a CHP facility located within the leisure centre. A shared facility would

not be appropriate within this development as it is expected that the Leisure Centre will open well in advance of this scheme, in which case, the Leisure Centre will have to use a temporary energy source until St Mary's is completed. There is also not sufficient space with the development for a CHP plant to serve both developments and legal and practical difficulties have been identified in reaching a satisfactory agreement between the two parties on a shared CHP system.

- 141 As the programming of the Heygate Masterplan energy centre does not initially allow for Option 1, it is proposed that local gas CHP and boilers will be provided to supply the development until such time as the Heygate energy centre become available. The draft s106 agreement requires that the development is future proofed to link to the Heygate District Heating network when it comes on line. Until such time as this can be implemented the development will be served by a standalone gas CHP facility.
- 142 Strategic Policy 13 of the Core Strategy requires a reduction in carbon dioxide of 20 percent from using on-site or local low and zero carbon sources of energy. A feasibility study of all the potential renewable technologies has been submitted with the application, as a result of which it is proposed that photovoltaic's are included in the development to achieve a 2 percent reduction in CO2 emissions. The long term ambition is to use biomethane via the Heygate District Hearing network, though this does not fall within the definition of 'on-site' renewable technology.
- 143 In conclusion on energy matters, in the short term the proposal will be able to meet the required reductions in Carbon Dioxide emissions through a gas CHP plant within the building and provision is included in the design of the proposal to enable a future connection to the Heygate energy network, this being the key long term energy requirement. The development has also been designed to achieve Code for Sustainable Homes Level 4. Whilst the scheme is unable to provide a shared CHP plant with St Mary's and provides less than 20% on-site renewable sources of energy, the justification for these shortfalls is accepted on feasibility grounds. It is concluded that the key energy requirements of Core Strategy Policy 13 have been satisfied by the proposals.

*Other sustainability matters*

- 144 The development has been designed to achieve Code for Sustainable Home Level 4 in accordance with policy requirements and incorporates a range of sustainable measures as set out in the applicant sustainability strategy. This will be secured by a condition. The use of permeable paving materials and rainwater collection through Sustainable Urban Drainage Systems (SUDS) it proposed to reduce surface water run off by at least 50 percent. Rain water will be collected and used to irrigate landscaped areas within the development. Other measures include recycling facilities, energy efficient light fittings, heat recovery ventilation, enhanced air tightness and water saving appliances.
- 145 Taking all the sustainability and energy efficiency measures into account the scheme is considered to accord with the requirements of Strategic Policy 13 (High Environmental Standards).

## **Archaeological Implications**

- 146 The site is located within an archaeological priority zone wherein saved Policy 3.19 of the Southwark Plan requires assessment of the potential archaeological resource with mitigation measures implemented as appropriate. The EIA includes an archaeological assessment concluding that there is potential for prehistoric, Roman, medieval, and post-medieval archaeology to be buried under the site, whilst recognising that this will to some extent have been disturbed by previous development. The former St Mary's Church Yard where remains were recently found on the adjacent site does not extend into this site. On the basis of the initial desk based archaeological assessment the Environmental Statement concluded that until an intrusive archaeological evaluation has been undertaken, a permanent adverse impact of moderate significance upon potential archaeological remains may result. However, following the submission of the further archaeological assessment this impact is now considered to be beneficial.
- 147 The further archaeological evaluation carried out following the submission of the application comprised an intrusive investigation including the digging of exploratory trenches. This includes a recommendation by the applicant for further archaeological work to record the bronze-age peats potentially seen on site during the construction of the original leisure centre. On this basis the addendum to the ES has concluded that the potential impact of the construction phase of the development on any Bronze Age peat deposits present remains as moderate adverse but that this impact would be mitigated by monitoring and recording during the ground works associated with the development and analysis of any deposits observed. The likely residual impact of construction, post mitigation, would be moderately beneficial. This has been considered by the council's archaeological officer who has concluded that, taking account of information regarding the levels where bronze age peats are likely to have existing, the construction of the swimming pool is highly likely to have severely damaged the archaeological significance of this part of the leisure centre site and has therefore recommended that no further archaeological works needs to be undertaken as no significant effects are likely to result. The development is concluded to accord with Policy 3.19.

## **Wind**

- 148 The environmental statement has assessed the implications of development upon wind conditions in and around the development. Officers agree with the conclusions reached in the ES that the wind impacts would be largely insignificant with no adverse impacts of significance identified provided appropriate landscaping and screening is put in place at certain locations of the development which are potentially more exposed to windier conditions. These locations include the south west corner of the tower building and the first floor communal garden. Such mitigation can be secured by condition and will ensure an appropriate wind environment within the site.

## **Flood Risk**

- 149 Whilst the site is located within the natural flood plain and the majority of it is within Flood Zone 3, it is protected by the Thames Tidal Defences and therefore there is only a risk of tidal or river flooding should these defences fail. In this event users of the development will have access to the upper floors and higher ground to the south of the site. The ES outlines measures to be put in place through an environmental

management plan to control surface water run off from the site. The ES has concluded that there will be insignificant flooding and surface water flood risk during construction. Following completion, there is potential for a long term, adverse impact of minor significance but only in the unlikely event that the Thames tidal defences are breached. The ES also identifies long term, local, beneficial impact of minor significance for surface and foul water flood risk taking account of the use of permeable paving, green roof, attenuation tanks and other measures.

- 150 A surface water drainage strategy has also been developed which includes measures to store rainfall and reduce runoff on-site and control the rate of discharge of this water to the local sewer network, including the use of Sustainable Drainage Systems (SuDS) comprising green roof, ponds, permeable paving and storage tanks. The Environment Agency has raised no objections subject to conditions including a requirement that the development is carried out in accordance with the flood risk assessment and mitigation measures included within the ES. It is concluded by officers that the development is unlikely to result in adverse flooding implications and no objections are raised in relation to flood risk taking account Strategic Policy 13.9 (High Environmental Standards) of the Southwark Core Strategy.

### **Contamination**

- 151 A ground conditions and contamination assessment has been carried out and reported in the ES which concludes that there will be no significant contamination impacts arising from the development. It has been found that there is potential for localised contamination to exist on the site but the potential for significant contamination to be present on the site before construction works is considered to be minimal. It is expected that a large volume of material will be excavated during construction with the majority of the excavated material being removed off site. If large areas of contamination are discovered during construction works, it will be required, by condition, to be tested and remediated as appropriate. Construction works will also need to be carried out in accordance with an agreed construction management plan in order to alleviate any potential impacts upon the surrounding area. Provided similar mitigation is carried out in relation to the leisure centre development it is not considered that there will be any significant cumulative impacts arising from the development of both sites. Conditions are to be attached requiring remediation to be carried out in accordance with the submitted report and the reporting and appropriate remediation of any previously unidentified contamination. On this basis, officers conclude that the development would not result in any significant risks to human health from existing contamination within the site.

### **Planning obligations (S.106 undertaking or agreement)**

- 152 Saved policy 2.5 of the Southwark Plan and 8.2 of the London Plan advise that planning obligations can be secured to overcome the negative impacts of a generally acceptable proposal. Policy 2.5 of the Southwark Plan is reinforced by the Supplementary Planning Document (SPD) on Section 106 Planning Obligations, which sets out in detail the type of development that qualifies for planning obligations, and Circular 05/05, which advises that every planning application will be judged on its own merits against relevant policy, guidance and other material considerations when assessing planning obligations. The table below summarises the contributions, in lieu works and other provisions relevant to this scheme.

<b>OBLIGATION</b>	<b>DESCRIPTION</b>	<b>SPD TOOLKIT</b>
Education (Primary and Secondary)	£193,093 financial contribution	£193,093
Employment in the development	In lieu through certified employment training scheme provided by the developer (equivalent to at least £16,615).	£16,615
Employment during construction	In lieu through certified employment training scheme provided by the developer (equivalent to at least 221,991).	£221,991
Employment during construction management fee	£17,999 financial contribution	£17,999
Public Open Space, Children's Play Space and Sports Development	In lieu contribution through off site recreation scheme comprising provision of works to St Mary's Park (equivalent to £300,459).	£300,459
Strategic Transport (Replacement by Elephant and Castle SPD/OAPF Tariff)	£2,615,656	£2,615,656
Site Specific Transport and Public Realm	In lieu contribution through on site works including new access, new paved areas, pedestrian entrance to both St Mary's and Leisure Centre  Works to be carried out to value of £855,190 half of which have been judged to be able to be reasonably applied as in lieu S106 contribution amounting to £427,595	Site Specific Transport: £159,445  Public Realm: £230,445  Total: £389,890
Health	Financial contribution of £310, 665	£310,665

<b>OBLIGATION</b>	<b>DESCRIPTION</b>	<b>SPD TOOLKIT</b>
Community Facilities	Financial contribution of £42,896	£42,896
Archaeology	£16,724 financial contribution (recommended in recognition of half of toolkit given the limited archaeological works required)	£33,447
<b>Sub-Total</b>	<b>£4,163,693</b>	<b>£4,142,711</b>
Administration Charge	£71,427	£71,427
<b>TOTAL</b>	<b>£4,235,120</b>	<b>£4,203,711</b>
Contribution towards Leisure Centre	£3,500,000	
Wheelchair housing	Developer to market wheelchair units and to fit out according to needs of occupier	--
Car Club membership	3 years free membership offered to all eligible households	--
Restriction on parking permits	Amendment to the Traffic Management Order	--
Travel Plan	Secured and monitored.	--
Construction Management Plan	Secured including confirmation of construction traffic routes	--

- 154 In the event that an appropriate s106 agreement is not completed by 23 November 2012, the head of development management be authorised to refuse planning permission as no provision would be in place to avoid or mitigate the impacts of the proposed development.

### **Mayoral Community Infrastructure Levy (CIL)**

- 155 The Mayor's CIL came into effect in April 2012 and applies a financial levy against all developments which will go towards the delivery of Crossrail. The levy is not discretionary and must be applied to all developments at a rate of £35 per square metre in Central London and will be prioritised over all other planning obligations. The levy against the proposed development equates to £997,465.

## **Cumulative Impacts**

- 156 The ES includes an assessment of the likely cumulative impacts of the development taking account of individual impacts upon a particular receptor and the combination of impacts from several developments. Given the proximity of the site to the proposed replacement leisure centre, it includes a detailed assessment of the combined impacts of the development and the proposed replacement leisure centre.
- 157 During the construction of the development, similar construction works on other developments are considered likely to result in short term local impacts of minor significance in relation to increased traffic, noise, emissions, and short term local impacts of minor to moderate significance in relation to the visual impacts on the local townscape, but only in close proximity to the site. The implementation of mitigation measures through the construction management plan will minimise such impacts on residents and other users in the surrounding area.
- 158 The cumulative impacts of the development once completed, in conjunction with the other cumulative impacts have been found to be minimal with the exception of beneficial cumulative socio-economic, ecological impacts and visual impacts.
- 159 The conclusion of the ES on the cumulative impacts are considered to be acceptable. Whilst there is potential for short term impacts resulting from the construction of the development alongside other schemes including the adjacent leisure centre, these will be controlled by mitigation measures set out in the construction management plan. Once complete the proposed development, alongside other new developments, will result in a significant contribution to the townscape, public realm and general regeneration of the Elephant and Castle and surrounding area. It is concluded by Officers that the cumulative impacts are acceptable and would not result in any significantly adverse effects upon the surrounding environment.

## **Conclusion on planning issues**

- 160 The proposed development will provide a key component of the regeneration of the Elephant and Castle area providing a high density and sustainable mixed use scheme in this central and accessible location. The scheme makes more efficient use of its sustainable location and, whilst being proposed on part of the site previously used for a public leisure facility, it is considered to leave sufficient space for a suitable replacement Elephant and Castle leisure centre to be provided on the adjacent site.
- 161 The scheme proposes to make a £3.5m contribution, through the s106 agreement, towards the new leisure centre, the delivery of which is a key policy aspiration within the Elephant and Castle Opportunity Area. This amount would otherwise have been able to be used as a contribution towards off-site affordable housing provision. Although the scheme does not provide affordable housing and therefore does not meet the requirement within Strategic Policy 6 of the Southwark Core Strategy for a minimum of 35 percent affordable housing, the application has demonstrated, to the satisfaction of officers, that it is not viable for the scheme to make any affordable housing contribution. On balance, it is considered that the benefits arising from the scheme's contribution to the delivery of the new leisure centre outweigh the harm resulting from the lack of affordable housing provision. In the event of any delay to the implementation or construction of the scheme, the s106 agreement will require a

viability review which would result in subsequent contributions to off site affordable housing should there be improvements to the viability of the scheme.

- 162 The design of the scheme is of good quality introducing a distinctive new residential tower creating a focal point adjacent to St Mary's park and a lower four storey mixed use 'Pavilion' building introducing an active frontage to the streets scene and successfully respecting the setting of the adjacent Grade II listed Metropolitan Tabernacle building. The proposal satisfies the policy requirements for tall buildings and no adverse impacts of any significance would result upon strategic, district or local views. The high density of the scheme, above that set out in the council's residential design guidance, is justified by the quality of design standard of the residential living accommodation, including a majority of units which exceed the minimum space standards. As well as private amenity space being provided for each unit through balconies and terraces, residents will also benefit from the shared landscaped amenity space within the raised first floor courtyard, the allotment gardens and the enhancements proposed to the adjacent St Mary's churchyard. A small number of units will receive significant amounts of noise in their external areas but this can be partly mitigated through the use of screening and is not considered to weigh significantly against the generally high standard of residential accommodation provided. The scheme also incorporates landscaped public realm areas around the building including the pedestrian extension of Brook Drive, a pedestrian plaza providing access to both this development and the replacement Leisure Centre proposed on the adjacent site and a shared surface between the two developments for vehicles, cyclists and pedestrians. The design of the scheme is concluded to be appropriate.
- 163 The site enjoys a high level of public transport accessibility. Whilst the council normally seeks car free developments in this location (other than disabled parking) this proposal includes 23 private parking spaces (in addition to 23 disabled spaces) amounting to a provision of 8 percent for the 284 units though the applicant has demonstrated that this small proportion of parking spaces are required for viability reasons. The amount of cycle parking exceeds the council's standards and whilst concerns are raised at the convenience of the type of cycle stand proposed for the majority of spaces, taking account of space constraints and proposed management measures, this is not considered to result in such significant harm to justify refusal of the application. Whilst minor short terms impacts will result from construction traffic, once operational the scheme is not considered to result in significant impacts upon highway safety or local highway conditions. The application is concluded to be generally acceptable in transportation terms.
- 164 The scheme has been designed to connect into the future Heygate District Heating System which is supported though, until this connection is made, it has been demonstrated that it is not feasible for the scheme to share a gas CHP system with the adjacent leisure centre. The amount of on site renewable energy is also below policy requirements. In the short term the development will be served by its own CHP system and the proposal achieves Code for Sustainable Homes Level 4. Whilst not meeting each requirement, the scheme is concluded to be in general accordance with the council's energy policies.
- 165 Planning obligations are secured to offset the impact of the development in accordance with the Supplementary Planning Document on planning obligations.

- 166 In coming to a decision on this application the council took full account of the Environmental Statement submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) England and Wales Regulations 2011 and all submissions relating to considerations in the environmental statement. This includes an assessment of the cumulative impacts of this and other developments including the leisure centre proposed on the adjacent site. Following mitigation measures, there are likely to be some adverse impacts with regards to noise, vibration and traffic emissions during construction works, construction traffic, noise levels in external residential areas and daylight but none of these issues are considered to amount to such significant harm to justify the refusal of planning permission.
- 167 Other policies have been considered, but in this instance were not considered to have such weight as to justify a refusal of planning permission. It was therefore considered appropriate to grant planning permission having regard to the policies considered and any other material planning considerations.

### **Community impact statement**

- 168 In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a) The impact on local people is set out above.

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are

### **Consultations**

- 169 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

### **Consultation replies**

- 170 Details of consultation responses received are set out in Appendix 2.

### **Human rights implications**

- 171 This planning application engages certain human rights under the Human Rights Act 2008 (HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

- 172 This application has the legitimate aim of providing a mixed use development comprising residential, commercial and retail units. The rights potentially engaged by

this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1512-P Application file: 12/AP/2239 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 4351 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

## APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Images
Appendix 4	Recommendation

## AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	David Cliff, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	26 October 2012	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Strategic Director of Finance & Corporate Services	No	No
Strategic Director of Environment and Leisure	Yes	Yes
Strategic Director of Housing and Community Services	Yes	Yes
Director of Regeneration	Yes	Yes
<b>Date final report sent to Constitutional Team</b>		26 October 2012

## APPENDIX 1

### Consultation Undertaken

**Site notice date:** 23/07/2012

**Press notice date:** 26 July 2011 and 11 October 2012

**Case officer site visit date:** 23 July 2012

**Neighbour consultation letters sent:** 24 July 2012

**Internal services consulted:**

- Ecological Officer
- Environmental Protection Team
- Elephant and Castle Special Projects
- Environment and Housing
- Housing Regeneration Initiatives
- Communities, Law and Governance
- Parks and Sports
- Planning Policy
- Property Division
- Public Realm
- Southwark Emergency Planning
- Director and Health and Community
- Transport Planning Team
- Urban Forester

**Statutory and non-statutory organisations consulted:**

- Civil Aviation Authority
- BAA
- Dept for Communities and Local Government
- Design for London
- EDF Energy
- National Grid
- English Heritage
- Environment Agency
- Greater London Authority
- Health and Safety Executive
- London City Airport
- London Fire and Emergency Planning
- London Underground Limited
- Natural England
- National Air Traffic Safeguarding
- Network Rail
- Metropolitan Police Services
- Transport for London

Thames Water  
Sport England  
The Royal Parks  
Southwark PCT  
London Borough of Bromley  
London Borough of Lambeth  
London Borough of Lewisham  
London Borough of Haringey  
City of London  
City of Westminster

**Neighbours and local groups consulted:**

Properties within a radius of at least 100m of the site including properties in:

- Brook Drive
- Oswin Street
- Metropolitan Tabernacle
- Metro Central Heights
- London Road
- Austral Street
- Newington Butts
- St Georges Row
- West Square
- Orient Street
- Elliotts Row
- Hayles Street
- Hampton Street
- Draper House
- Walworth Road
- Dante Road
- Temple West Mews
- Hedger Street
- Holyoak Road
- George Mathers Road
- Churchyard Row
- Keyworthy Street
- Gaywood Street
- Elephant and Castle Shopping Centre
- Wollaston Court
- Perronet House
- St Georges Road
- Howell Walk
- Castlebrook Close
- Mathers Road
- Kennington Lane

**Re-consultation:**

All statutory consultees and neighbours were re-consulted on 8 October 2012 following the receipt of further information from the applicant.

### Consultation Responses Received

#### Internal services

##### *Planning Policy*

##### The principle of development

- The site is within the Elephant and Castle Opportunity Area. Policy 6.13 of the London Plan asserts that designated opportunity areas will be expected to deliver a significant amount of housing and employment growth over the plan period, to support the growth of London as a whole.
- This is acknowledged in the Core Strategy (2011), which sets out that we will use land at the heart of the opportunity area to stimulate new development, including up to 45,000sqm of new retail and leisure floorspace and up to 4,000 new homes over the next 15 years.
- The Elephant and Castle SPD gives further detail on how this will be realised. The provision of 650sqm of 'A' class use is supported by SPD1, whilst SPD21 states that all development in the central character area should include active ground floor uses.
- Proposals Site 39p is a substantial site covering the bulk of the Central Area, Heygate Estate and some parts of the Pullens and Rail corridor character areas. The guidance in the saved Southwark Plan requires a range of D class uses, retail and residential development.
- The development is supported in principle, in the context of the London Plan, the Core Strategy vision and the Elephant and Castle SPD. The combination of uses is appropriate for the site.

##### Density

- Density ranges are set out in Core Strategy policy SP5. The site is situated in the Central Activities Zone, in which the required density range is between 650 and 1,100 habitable rooms per hectare. This may be exceeded where the scheme in question is of exceptional design. Criteria to judge whether this is the case are set out in the Residential Design Standards SPD.
- The scheme comprises 284 residential units, 809sqm retail and 413sqm commercial floorspace. The applicant asserts that the residential units equate to 910 habitable rooms. Based on this information, the density of the scheme works out as 1704 habitable rooms per hectare- well in excess of the density range that is set out in the Core Strategy.
- In accordance with the Core Strategy, to be policy compliant at this density the scheme will need to be of exceptional design quality. The Residential Design Guides SPD sets out a range of criteria that we will expect schemes to demonstrate when making this judgement, including:
  - minimum floorspace standards significantly exceeded
  - bulk storage provided
  - predominantly dual aspect units

- exceed minimum ceiling height of 2.3m
- natural light and ventilation in kitchens and bathrooms
- exceed amenity space standards
- good sunlight and daylight standards
- excellent accessibility within dwellings, including meeting lifetime homes standards
- minimise corridor lengths by increasing number of cores
- minimise noise nuisance by stacking comparable rooms
- obtain Secured by Design certification
- have exceptional environmental performance
- maximise the potential of the site as demonstrated in the applicant's D&A Statement
- positive contribution to local context, character and communities
- Further input should be sought from the design and conservation team to see if this can be addressed.

### Affordable Housing

- Strategic policy 6 of the Core Strategy requires a minimum of 35% affordable housing for all schemes of 10 or more residential units. The affordable housing SPD (2008) and draft affordable housing SPD (2011) give further guidance on our approach.
- There is no affordable housing proposed within this development. Section 9.3.25-26 of the draft Affordable Housing SPD states that there may be circumstances where it is not viable to provide the full policy requirement of affordable housing. This is also set out in Affordable Housing SPD (2008) in section 7.8.
- Proposals site 39P requires the re-provision of a new leisure centre as part of the development of the site. The provision of a new leisure centre is an integral part of the vision for the regeneration of Elephant and Castle that was first set out in the Southwark Plan and has since been detailed in the Core Strategy and the Elephant and Castle SPD. It is accepted that the costs associated with this will be considerable and that it is likely to impact on the capacity to provide affordable housing. In principle, we acknowledge that the need to provide a new leisure centre is an exceptional circumstance and one that could justifiably lead to reduced provision of affordable housing. However, as noted at pre-app stage, the developer will be required to submit a detailed viability assessment that clearly demonstrates the impact of providing the leisure centre on their ability to provide affordable housing.

### Housing mix and family housing

- For schemes of more than 10 units, Strategic Policy 7 of the core strategy requires 60% of all units to be 2+ bedrooms and no more than 5% to be studios. In this location, 10% units must have 3 or more bedrooms.
- The dwelling mix to be provided is as follows:

Studio	12 (4%)
1 bed	109 (38%)
2 bed	135 (48%)
3 bed	28 (10%)

TOTAL 284

- The proportion of units with 2 or more bedrooms has increased to 58% (55% at pre-app) but still falls slightly below the policy requirement of 60%. The proportion of studios and 3 bed units is compliant with Core Strategy policy 7.
- The applicant states that the proposed mix is required in order to ensure that the scheme is viable. As advised at the pre-application stage, further evidence is required to substantiate this claim.

#### Space Standards

- The Residential Design Standards SPD was updated in October 2011 to provide guidance on minimum room sizes as well as dwelling sizes. These standards are set out in section 2.3 of the SPD. Our standards exceed those of the London Plan.
- The schedule of accommodation shows that the majority of units meet our space standards, both in terms of overall size and individual room sizes. There are some minor shortfalls with the wheelchair units, in terms of storage space and size of the bathroom in one of the typologies. The applicant asserts that 69% of the units exceed our minimum size standards. Design and conservation will give further comments on this point in the context of determining whether the design of the site is 'exemplary'.

#### Wheelchair housing & Lifetime homes

- Southwark Plan policy 4.3 requires 10% of the development to be wheelchair accessible. 21 units out of 284 will be wheelchair accessible, but based on habitable rooms, the level of provision is roughly comparable to the 10% requirement (89 hab rooms out of 910, equates to 9.8%).
- As advised at pre-app, these units have been designed to reflect the South East London Housing Partnership Wheelchair Housing Design Guidelines (SELHP WHDG). The applicant notes that in some cases it has not been possible to meet the size requirements for bathrooms and w/c, but in each case they have managed to provide sufficient manoeuvring space.
- The supporting information states that all units have been designed to comply with Lifetime Homes standards, which complies with policy in the Residential Design Standards SPD.

#### Built form

- The site is on the fringe of a protected vista, as set out in the Mayor's London View Management Framework 2010. In addition to the London Plan policy relating to protected views, Elephant and Castle SPD16 Built form and SPD17 Tall buildings set out a number of criteria that need to be considered given the proposed scale of the development and the potential impact of development within this view and its potential impact on the Outstanding Universal Value (OUV) of the Palace of Westminster World heritage site. Saved Southwark plan policy 3.20 also applies and sets out similar criteria to SPD17.
- The Elephant and Castle SPD breaks the opportunity area down into a series of distinct character areas and establishes guidance for each. In the central area, the strategy for development states that tall buildings should be used to signal

the regeneration of the area. The leisure centre site is noted as being a potential site for a tall building. Further guidance for the built environment in the central area, including guidance on building heights, is set out in SPD23. Design and conservation will be able to give more detailed feedback on the key considerations here and issues that might need to be addressed in more detail.

#### Amenity space, open space and public realm

- Section 3.2 of the residential design standards SPD requires a minimum of 10sqm of private amenity space per residential unit and 50sqm of communal amenity space for new flat developments.
- Although all units will have access to private amenity space in the form of a terrace or balcony, in the majority of cases this will fall below our 10sqm requirement. In the tower, 3 bedroom units have access to a balcony of at least 10m, but terraces for 3 bed units in the pavilion tend to be smaller. The Environmental statement sets out that 1153sqm of communal amenity space will be provided for residents; 462sqm as the communal “reading garden” located at first floor level and 691sqm as horticultural allotments above the pavilion building.
- Section 3.2 of the residential design guide SPD states that where individual balconies/terraces are smaller than 10sqm, the difference should be added to the communal amenity space that will be available to residents. This level of communal space compensates for the fact that individual balconies and terraces are generally smaller than 10sm and so, overall, provision of amenity space is in line with policy.
- Elephant and Castle SPD15 establishes some key principles for public realm in the Elephant and Castle opportunity area. These include ensuring that any public realm is safe and well overlooked, helps create a sense of place, prioritises pedestrians and cyclists and supports adaptation to climate change. SPD23 gives further guidance on public realm requirements in the central character area, stipulating that development of the leisure centre site should reduce the amount of “left-over” space and should address the approach from the shopping centre, transport interchanges and St Mary’s churchyard. SPD24 explicitly states that development should facilitate improved linkages between St Mary’s churchyard and the Heygate development site. These issues appear to have been addressed, although Design and Conservation will be able to provide more detailed comments on these issues.
- Elephant and Castle SPD18 (open spaces) requires that all developments improve the overall greenness of places. This is particularly important given the relatively low amount of open space in Elephant and Castle. The policy requires that for major developments, opportunities for food growing and adequate children’s play space are incorporated into schemes. The applicant will also be required to retain and enhance tree canopy cover. A tree survey will be required. The provision of horticultural allotments and some children’s play within the reading garden contribute towards this. However, in terms of children’s play, provision is lower than that required by the London Plan and the supporting SPG: Providing for children’s and young people’s play and informal recreation. Based on the proposed housing mix, 266sqm of children’s play space would be required. The applicant intends to provide 150sqm on-site and notes that formal play provision for a range of ages is provided in the adjoining park, St. Mary’s Churchyard.

## Parking

- Our maximum car parking standards are set out in Appendix 15 of the Southwark Plan. The development site is situated in the CAZ and has a PTAL score of 6b, so is amongst the most accessible locations in the borough with regard to public transport. SPD12 of the Elephant and Castle SPD states that all development in the CAZ should be car free, except for provision of disabled car parking spaces and car club spaces.
- The scheme includes 46 on-site car parking spaces in a basement car park. 23 of these spaces will be for disabled residents. The provision of disabled parking is policy compliant and the number of spaces exceeds the number of units that are wheelchair accessible, so that is positive. The provision of the remaining spaces is contrary to guidance in the Elephant and Castle SPD and would need to be justified by robust evidence, including a financial appraisal. Transport planning will be able to provide more detailed comments on whether this approach is acceptable.

## Cycle Parking

- Our minimum cycle parking standards are set out in Appendix 15 of the Southwark Plan. Further guidance on the design and location of cycle parking is set out in the Sustainable Transport SPD. Cycle parking has increased since the pre-app stage to comprise:
  - Residents: 312 spaces
  - Visitors: 29 spaces
  - Retail: 6 spaces
  - Commercial: 2 spaces
- Secure cycle parking for residents is provided in the tower at ground and basement level using a combination of two-tier and Sheffield stands. Provision for visitors will be made at street level using Sheffield stands. The level of provision exceeds the standards set out in the Southwark Plan. Transport planning will be able to provide further comments on the suitability of the design and location of cycle parking.

## Planning Obligations

- SPD20 introduces a new strategic transport tariff for the Elephant and Castle, which replaces the current strategic transport section of the s106 planning obligations SPD. Other aspects of the standard s106 toolkit remain unaffected and will apply to the development.
- The s106 payments for the scheme are closely linked to the provision of affordable housing, the approach to which currently conflicts with policy.

## Energy

- In line with Core Strategy policy 13 the development should meet at least code for sustainable homes level 4. The sustainability statement sets out the St Mary's

residential development will be the first tall residential development to achieve Code for Sustainable Homes Level 4 and this is supported.

- The energy statement demonstrates how the proposal will achieve a 46% reduction in carbon dioxide emissions below the 2006 Buildings Regulations following the energy hierarchy as set out in the London Plan. This meets the target set out in Strategy Policy 13 of the core strategy for a 44% reduction on CO2 emissions below the 2006 building regulations.
- It is set out in the energy statement that the overriding intention is that the Development should connect to the proposed Heygate Masterplan energy centre, via the district heating network, and also that the Development should be connected to the New Leisure Centre to make the most of the complementary nature of the two developments in terms of an efficient CHP system.
- We note that there may be some contractual and logistical constraints and programming requirements which make this complicated as is stated in the energy statement. However, this approach is in line with Core Strategy policy 13 and Elephant and Castle SPD 19 which states that in accordance with the London Plan, development proposals should evaluate the feasibility of connecting to existing heating and cooling networks and Combined Heat and Power (CHP) systems. Where a new CHP system is appropriate proposals should also assess the feasibility of extending the system beyond the site boundary to adjacent sites. Where practical and viable, developments will be required to connect to existing or future networks.
- All development should be future proofed and designed to be capable of connecting to a future CHP/communal heating network and we strongly support a connection with the Heygate DHN. We would wish to see this secured through condition.
- We note that 3 options for CHP delivery are being programmed;
- The energy statement sets out three options for CHP connections within the development. Option 1: Central energy centre and district heating network with high efficiency gas boilers and gas CHP (anticipated as part of the proposed Heygate Regeneration Scheme)
- Option 2: Local gas CHP and boilers shared with the New Leisure Centre
- Option 3: Standalone gas CHP and boilers in the Development
- As the programming of the Heygate Masterplan energy centre does not initially allow for Option 1, it is proposed that local gas CHP and boilers will be provided to supply the development until such time as the Heygate energy centre become available.
- That energy statement sets out that a shared system with the adjacent New Leisure Centre will be pursued (Option 2) to take advantage of the complementary nature of the heating demands generated by the two developments.
- It is noted that the Development incorporates spatial provision for both connections to the Heygate system or a standalone CHP unit (Option 3). If a shared system with the adjacent New Leisure Centre be adopted, we would support the expectation that this would be located in the Leisure Centre development due to its earlier operational date and connected to the District Heating Network.
- We recommend that a revised energy strategy should be submitted if Option 1 is not to be pursued setting out why this option is not implementable. Likewise, if Option 2 cannot be delivered as the next preferred option, further information

should be submitted setting out why this was the case. The 'hierarchy approach from Option 1 to Option 3 should be secured through a S106 agreement.

- Strategic Policy 13 of the Core Strategy requires a reduction in carbon dioxide of 20% from using on-site or local low and zero carbon sources of energy. A feasibility study of all the potential renewable technologies has been submitted with the application. It is proposed that photovoltaic's are included in the development to achieve a 2% reduction in CO2 emissions.
- Whilst we support the long term ambition to incorporate the use of biomethane, we do not consider that this meets the definition of an "on-site" renewable technology and therefore does not contribute to the 20% reduction target set out in the Core strategy. We are disappointed that the proposal would only achieve a 2% CO2 reduction from the use of on-site renewable technologies and recommend that further work is undertaken to investigate whether a higher amount could be achieved on site. This could include incorporating photovoltaics on the Green Roof or using a photovoltaic facade.

#### *Transportation Team*

- No explanation of why one disabled parking space is provided in the shared surface area.
- Provision of private parking is not justified. If general parking is approved, measures should be introduced to avoid the incentive for a resident to keep a car, which may arise if spaces are sold to residents. Spaces should be leased allowing for a transfer between residents. Funding for off site smarter travel measures should be secured in order to reduce 'background' traffic levels.
- Three years membership should be offered to residents. An extension of the car club 'offer' to include child seats, roof racks and cycle carriers should be promoted. The location of the on-street car club spaces should be formally proposed.
- The development should also be motor-cycle free.
- The use of the higher London Plan cycle parking requirements is welcomed. However, the use of double deck cycle racks cannot be supported as they are not suitable for children's bikes. While general parking is proposed it cannot be claimed that there is insufficient space for cycle provision using only Sheffield stands.
- Not clear that staff cycle parking is proposed for commercial units.
- Procedures must be agreed for the management of shared-use space.
- The travel plan is acceptable quality at this stage, and has passed the TfL travel plan assessment tool. The s106 agreement should include a commitment to surveying residents within 3 months of occupation of the development and at 3 and 5 years. Commitment to updating the travel plan following each of the surveys and to measures identified within the travel plan, should also be sought. A sum of £3000 should be secured for the Council's monitoring of the travel plan.
- Issues raised with the trip generation rates submitted in the Transport Assessment though the impact of any revision to them is likely to be relatively small and revision is not required.
- Space required for residential supermarket deliveries within the site and a method of administering them.
- Assessment needed of the impact of the development, along with committed schemes, on the pedestrian environment.

- Further analysis of road safety record should be undertaken.
- The lay-by construction option is not acceptable due to the impact it would have on pedestrian movements.
- A construction management plan should be secured by condition or obligation including measures to mitigate the environmental and road safety impact of construction traffic.

### *Urban Forester*

The proposed landscape scheme includes various planting specifications located in raised beds, free standing planters, hedging, balconies and podium areas together with more structural tree planting along the eastern elevation adjacent to the Elephant and Castle highways intersection.

Further planting is proposed at the interface with St Mary's Park which is to be considered as part of a separate application.

The aim of the landscape strategy is to provide suitable connections into and across the site towards the adjacent Leisure Centre development, with ease of way finding and access. Key features include the use of shallow pools, seating, artwork and vehicular access into a central courtyard area together with a pedestrian alley linking Brook Drive. These are enhanced by planting which over the course of pre-application discussions has been amended to improve their aesthetic and design qualities.

High quality natural stone surfaces are proposed which provide a coherent theme connecting and designating key spaces. These are designed in conjunction with a SUDs strategy including green areas and permeable paving whereby runoff is attenuated via tanks, pools and a blue roof located above a reading garden.

The pools themselves are of design merit and provide valuable amenity benefits enhancing a sense of place, harmony and relaxation; not least as a water theme allowing uninterrupted views towards the swimming pool.

Small fountains are referenced within the submitted material, however, these are not specifically described. A suitable condition should therefore be worded such that a flow of water is designed to provide animation and sound qualities, such as via the use of cascades. Although any designs should minimise the risk of nuisance due to unwelcome wind spray, the water feature referenced at Connaught Square is appropriate.

Ground levels leading from the Elephant and Castle boundary form a gradual ramp up to the entrance plaza. An innovative design response to this has been to provide 'tectonic' raised platforms which provide restaurant seating whilst also defining the entrance into the tower.

Staggered planting along Elephant and Castle is welcome as is the proposed grove planting. However, to ensure the longer term retention of such desirable landscape features amendments are required.

- Amend planters Brook Drive extension to be planting directly into ground with the use of guards if necessary but not grills. Alternative tree pit surfacing could

include self binding hoggin such as Cedec or bound gravel if sufficient space is retained around stems to prevent girdling

- Amend species Fastigate Hornbeam (*Carpinus betulus*) to Turkish Hazel (*Corylus colurna*)
- Amend single *Pinus nigra* specimen in central courtyard planter to *P. pinea*.

In order to have the required impact and immediate contribution to amenity, planting will require semi-mature specimen sizes. Tree pit specification will require special consideration in order to ensure successful establishment and growth. This should be provided using extensive below ground cellular confinement systems (e.g. Silvacell) which can be combined with SUDs. Lessons learned from similar landscaping within made ground should be adopted using specifications used at the Olympic park (Integrating trees and utilities [www.london2012.com/learninglegacy](http://www.london2012.com/learninglegacy))

Given the extent of basements and number of balconies and other raised planting, prior agreement on the specification of landscaping above podiums and in planters is essential and should ideally not be left as a reserved matter. Proposed specimen planting of trees on roofs, other exposed planting and that within enclosed soil units will require suitable irrigation, which may be provided by recycled grey water or via attenuation tanks. Alternatively, where these are provided for private amenity space, for example on balconies, suitable irrigation methods should be designed.

In order to ensure that the type and quality of landscaping aspired to is sustainable it needs to achieve a reasonable level of maturity and longevity.

Condition recommended to cover landscaping plans, tree protection measures, tree planting, green/brown roof/living walls, vertical gardens and planters.

#### *Ecological Officer*

The ecological appraisal is acceptable and covers all relevant species. There is no reason to undertake further ecological surveys. Recommend that if the water features are intended to be a SUD's system then at least one of these water features should be in the form of a sunken garden. This would offer an enhancement for biodiversity and would mitigate for the amount of plaza/hard landscaping proposed.

Condition recommended requiring biodiversity mitigation/enhancement measures as set out in the ecological appraisal within the EIA.

#### *Environmental Protection Team*

#### Air Quality

- Site is in Local Air Quality Management Area where there is poor air quality due to the road network. NO<sub>2</sub> levels are considered to be underestimated as predicted reductions due to changes in vehicle emissions have not materialised but actually increased in 2012.
- Need to include information/actions for extreme weather and suspension of works in Construction Management Plan
- Clarification is required regarding the likely dispersion of exhaust gases from the CHP plant.

- Odour from commercial kitchens needs to be controlled.

Conditions recommended concerning residential ventilation details, commercial extract ventilation and CHP plant.

#### Noise and Vibration Assessment

Conditions recommended concerning servicing hours, internal and external ambient noise levels, protection for residential premises against sound from commercial premises and nuisance from noise and vibration.

#### Land Contamination

- Contamination has been identified on the site, however the developer has been unable to sample below current structures – but the conclusions appear to be sound.

Conditions are recommended concerning contamination remediation in accordance with submitted report and reporting of unexpected contamination.

#### Other matters

Conditions recommended concerning construction Environmental Management Plan, details of external lighting and security, means of securing furniture

#### *Housing*

The applicant's viability appraisal will need to support their contention that the scheme can financially support only the leisure centre and not any affordable housing.

#### *Director of Regeneration*

- Will provide 284 new homes at the heart of the Elephant and Castle making a significant contribution towards the 4000 new homes target with the Elephant and Castle SPD. Residential offer meets Southwark policy for unit mix and either meets or exceeds the room sizes standards.
- Proposed retail and commercial space will improve the level of economic activity on the western side of the Elephant and Castle road. Offer job opportunities for local residents and encourage new visitors.
- Public realm proposals will significantly improve the attractiveness and accessibility of the area.
- High quality design will create a new landmark whilst playing a 'quieter' role to both Strata and the consented scheme on the site of the former London Park Hotel.
- Design of four storey pavilion building is sensitive to the adjacent listed Tabernacle building.
- Application proposes a significant strategic transport contribution of approximately £2.6m. Particular priority is the improvement of the existing northern roundabout.
- Collectively the land receipt and in-lieu affordable housing payment by Lend

Lease will enable the construction of the new Elephant and Castle leisure centre. New leisure centre is a priority for the regeneration area and given the current economic climate the only way for the Council to deliver this is through use of the sums generated. From a regeneration perspective, believe that a departure from normal affordable housing policy is justified that on-site affordable housing provision is forgone in favour of an in-lieu payment towards the delivery of the leisure centre.

- In lieu payment will be made through the s106 to deliver improvements to the existing St Mary's churchyard.

In conclusion, the scheme has the capacity to deliver substantial regeneration benefits and contribute to transforming a large site at the centre of the Elephant and Castle. Construction of a new landmark building will be a visible sign of momentum and progress of regeneration with the Elephant and Castle.

### **Statutory and non-statutory organisations**

#### *Great London Authority*

Land Use and Regeneration: The proposed land uses are consistent with those anticipated by the London Plan and the Elephant and Castle SPD and OAPF but the enabling role of the proposal needs to be substantiated in order to confirm compliance with London Plan policies 3.16 and 3.19.

Housing: London Plan Policy 3.12 requires councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed use schemes. The financial contribution made to the new leisure centre and the consequent inability of the scheme to provide any affordable housing will need to be substantiated through a financial viability appraisal. The applicant has duly submitted a financial viability appraisal which is being independently assessed on behalf of the GLA.

The proposed unit mix is acceptable. The wheelchair units proposals are welcomed. The proposal is consistent with Policy 3.5 promoting quality in new housing provision. Many units will exceed the relevant space standards.

The proposal equates to a density of 568 dwellings (1,494 habitable rooms) per hectare which is above the recommended range for this location. Its location within an emerging town centre, adjacent to the transport interchange and open space weigh in favour of a high density scheme.

Children's Play Space: The proposal includes provision for at least 150 sqms of playable space within the 450 sqms communal courtyard. Beyond this the proposal will rely on the existing provision in St Mary's Churchyard. The landscaping strategy includes an illustrative masterplan taking in the adjacent leisure centre site and the interface with St Mary's Churchyard which would further improve access to this open space. This holistic approach is welcomed.

Urban Design: Proposed configuration of the buildings is well resolved in response to the existing and emerging site context, including the adjacent leisure centre proposal. The pedestrian link between Brook Drive and Elephant and Castle is supported ensuring that this route would be opened up into an active and well overlooked part of the local

route network, improving access to the transport interchange at all times of day from the west. The western elevation (facing the shared surface) requires a high standard of design with scrutiny of materials and detailing. The internal planning of the pavilion block, the tower and communal courtyard is well resolved. The design approach to the pavilion building is supported. The tower adopts a simple and restrained approach and the Council should ensure that the materials and detailing of the high standard demanded by a building of this nature.

Strategic Views and Historic Environment: The proposal has been carefully considered in relation to the Listed Tabernacle and, subject to detailing, would enhance its setting. The proposal would not be visible in the London panorama from Primrose Hill (LVMF 4). The proposal would be visible from the river prospects from Waterloo Bridge (LVMF 4) and Victoria Embankment (LVMF 20) but in both instances it would appear as inconspicuous and distant from amongst existing development south of the river. It would not dominate the setting of Lambeth Palace.

The principle view for consideration in terms of strategic views and the setting of the Palace of Westminster World Heritage Site is from Serpentine Bridge in Hyde Park (LVMF 23). The series of views either side of the assessment point shown that the uppermost part of the proposal would be visible along with the existing Strata tower in views from the northern end of the Serpentine Bridge. The proposal would then be progressively obscured by trees in the foreground, in both summer and winter, as the viewer approaches the assessment point and moves south beyond this. The points at the northern end of the Serpentine Bridge where the proposal and Strata would be most visible do not afford a complete view of the World Heritage Site. On this basis, the proposal would not compromise the ability of the viewer to appreciate the Outstanding Universal Value, integrity, authenticity and significance of the Palace of Westminster or harm the setting of the its component heritage assets.

Inclusive Access: Accessibility of the site in terms of public and private transport has been considered and reflected in the design. The proposal would enhance the existing public network in the vicinity of the site and the communal facilities would be readily accessible. All residential dwellings will comply with the Lifetime Homes standards and 10% will comply with GLA Wheelchair Accessible Housing standards.

Equalities: The application is consistent with relevant equality legislation and policy requirements subject to conditions and obligations.

Noise and air quality: The application does not raise any strategic concerns at this stage. Clarification and further information needed on detailed matters including consideration of the impact of the proposed combined heat and power plant on local air quality.

Climate change mitigation and adaption: The proposal is currently inconsistent with the climate change mitigation policies of the London Plan and the applicant should address the comments regarding the energy strategy, notably the need to model the proposal against current building regulations, and update this as necessary. The proposal is consistent with the climate change adaption policies.

Transport: The applicant will be expected to make contributions in accordance with the s106 tariff and improvements to bus provision (£135,000) and cycle infrastructure

(£189,000), in order to mitigate the impact of the proposal.

Further justification is requested for trip rates and mode share. Car parking levels are broadly in line with maximum London Plan standards in terms of number of spaces. The provision of electric vehicle charging, cycle parking and high level of blue badge parking is welcomed. TfL supports car club spaces. The shared space needs to provide an attractive pedestrian friendly environment at the entrance plaza. The number and position of parking spaces should not compromise this. Better use of the leisure centre frontage on Brook Drive could be made. Informal taxi pick up/drop off should be actively promoted. Welcomed that the applicant has undertaken to retain the maximum amount of existing paving. Proposed materials need to tie in with this. Extent of highway land, maintenance responsibilities and rights of way need to be discussed and agreed.

Travel Plan should include targets and corresponding measures to encourage greater use of national rail services, to reduce demand for tube and bus services in advance of any capacity enhancements to either.

Construction: TfL has accepted the principle of temporary access to the site from Elephant and Castle and along Oswin Street. A lay-by alongside Elephant and Castle for long vehicles is also accepted in principle. TfL would not, however, accept a reduction in bus stopping space on Elephant and Castle. The access from Elephant and Castle and the lay-by should not be in use at the same time as this could be confusing for pedestrians. The design must be such that the loading imposed on London Underground tunnels or structures is not increased or removed.

#### *London Underground*

No objection in principle. There are a number of potential constraints on the redevelopment of a site close to underground tunnels and infrastructure. Comments incorporated within Stage 1 Mayoral response.

#### *Natural England*

The application does not possess any likely or significant risk to those features of the natural environment for which NW would otherwise provide a more detailed consultation response. Recommendations provided on biodiversity/landscaping enhancements:

- Incorporation of roosting opportunities for bats and installation of bird boxes.
- Connectivity between different sites in the area to provide a coherent network of green infrastructure.
- Use of native species and naturalistic planting particularly plants that provide food foraging and shelter for birds, bees and other invertebrates.
- Welcome the inclusion of allotments.
- At least one of the ponds should be designed as a wildlife pond.
- Opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment.

#### *Environment Agency*

No objections subject to conditions relating to Flood Risk Assessment, contamination,

piling/foundation design and sustainable drainage systems.

*Thames Water*

No objections subject to condition relating to piling method statement and water supply.

*English Heritage*

No objections. The application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

*Royal Parks*

Royal Parks originally objected as the proposals do not appear to be in keeping with the Mayors London Plan 2011 concerning Open Spaces with the height having an adverse effect on protected views from St James's Park.

Following the receipt of additional information demonstrating how the proposal relates to these views, Royal Parks has removed its objection and confirms it now has no objections to the scheme.

*Sport England*

The development would result in the loss of the existing leisure centre which accommodates a sports hall, a gym and squash courts. The site of the proposed development also includes a former swimming pool building. Sport England opposes the redevelopment of such facilities unless equivalent or better replacement facilities are provided.

*Metropolitan Police*

Have met with the architects on two occasions regarding this project and they will be working to Secured by Design principles and looking for the appropriate SBD Certification.

*London City Airport*

No safeguarding objection. Comments made on:

- Landscaping should be considered in view of making them unattractive to birds so as not to have an adverse effect on the safety of operations at the airport.
- In the interests of reducing the potential for bird strike refuse/recycling facilities should be design so as not to provide a source of food for wildlife and provision should be made for disposal of food wrappers and other rubbish at the site to prevent the attraction of birds.

*City of Westminster*

Does not wish to comment on this proposal.

*Lewisham Borough Council*

No objection in principle.

*Bromley Borough Council*

No objections

**Consultation responses received following submission of further information and revisions:**

*Sport England*

Repeat original representations.

*Natural England*

No objections, refer to previous representations

*Environment Agency*

No objections – refer to original representations

*London City Airport*

Repeat original representations

*Southwark Ecological Officer*

Welcome the consideration of aquatic planting and am pleased to see that biodiversity is a key aspect of the brief. No further comments regarding this application.

*Environmental Protection Team*

Recommend approval subject to conditions as set out on original response.

**Neighbours and local groups**

A total of thirty eight letters of objection have been received from local residents. The representations made are summarised below.

*Objections from fifteen residents of 8 Walworth Road (Strata)* (Note that further individual representation from resident of this building are later in this section):

Whilst support the provision of a new leisure centre and the addition of modest residential block, object to 37 storey tower to the detriment of residents and surrounding environment.

Contradiction to the SPD

- Will impact detrimentally on the listed Tabernacle. The new tower would not enhance St Mary's park.
- The area around the building is already insufficient for the already permitted 360 building, without the new tower.
- Does not achieve visual separation with the Tabernacle, it will sit shoulder by shoulder with the Tabernacle and the Leisure Centre.

- 360, St Mary's, Draper House and Strata would form a cluster of buildings coalescing together to form a single mass.
- Will be no light at all on the park if both 360 and St Mary's are built.

#### Lack of Infrastructure

New building will have 274 flats which means around 500-550 new residents in the area. Very little consideration has been given to:

- Impact of new residents on the current transport infrastructure and nearby streets and traffic. Existing transport system is already overcrowded and will be affected by the design proposals for the shopping centre. There is also heavy traffic in the area.
- The impact on schools, hospitals and other public facilities.
- No consideration has been given on local infrastructure, with regards to schools for residents, hospitals, parks and other facilities.

#### Impact on the Tabernacle

New building will dwarf the Tabernacle and cast a long shadow on it during the day, ruining its setting. The modernist architecture of the tower will be in contrast to the Tabernacle. Stark contrast between the two.

#### Loss of Light

- More careful consideration needs to be given to the loss of light for surrounding buildings. Strata is a prominent example, the new building will cast a shadow on west facing apartments for most of the afternoon.
- Houses to the west of the building will suffer a significant loss of light, as the shadow cast on the Brook Drive area is of significant proportions, particularly during the winter. The Tabernacle will suffer the most.

#### Wind Tunnel Effect

- Strata has already created a strong wind tunnel effect at the beginning of Walworth Road. Another tall building will worsen the affect.

#### Destruction of St Mary's Park

- New building will dominate St Mary's Park. Increase in public greenery on the roof of the pavilion building is a palliative solution as it appears to be only for the benefit of the new tower residents and not the whole community. The tall buildings will also affect the parks exposure to sunlight and wind exposure, decreasing its liveability as a public space.

#### Changing Plans

- Plans for the area keep changing. How is the Council expecting residents/investors to come to Elephant and Castle when planning documents keep changing? Plans for St Mary's were not communicated to residents until a time when all Strata flats had been sold.

#### Affordable Housing and Height of the Project

- The usual requirement for a proportion of affordable housing in such a large scale new building has been waived. How can this be justified? The argument that the money raised would help rebuild the leisure centre could lead to harmful development to be allowed so money can be raised for community projects.

#### Lack of Comprehensive Planning, Rush, Lack of time for objections

- Limited consultation. Risk that rushing the process will be detrimental to the area.
- Consultation process should be extended.

#### Personal Circumstances

- Loss of view will reduce value of properties, residents now aware of proposals for tall building on this site when properties were purchased. Implications for value of properties within Strata.

#### Balance between Community Impact and Benefit for Stakeholders

Impact on the neighbourhood should be evaluated in terms of balance between the benefits provided and the harm the building causes to its surroundings. In this case:

- Southwark Council will get a new leisure centre for free, for the benefit of the local community but will lose light, setting, greenery and property values.
- Huge damage will be caused to the surroundings and to neighbouring property values.
- The applicant will be allowed to build as tall as they can make huge profits.

#### *Occupier of 28 Thornton House*

- Insufficient linkage with application for a leisure centre. Agreements between the Council and Lendlease need to be opened up for public scrutiny particularly financial viability studies for the leisure centre and affordable housing. Both applications must be considered together and stringent conditions attached.
- 37 storey tower is overbearing and out of context with the Grade II listed Metropolitan Tabernacle. Whilst care has been taken to integrate the Pavilion with the tower, the same cannot be said of the tower.
- Absence of affordable housing undermines the ability to achieve the target for the Opportunity Area.
- There is no opportunity for existing retail displaced by the Elephant and Castle regeneration to be relocated.
- Lack of access, and protection, to existing amenities during demolition and construction. Impact of construction lorries, increased vehicular traffic and increased on street parking on the quality of life for residents.
- S106 fails to ensure social infrastructure is in place to support the significant increase in population.
- For health, no justification of how the money will be spent. No section 106 for community facilities despite requests at consultation for a community hall where new and existing residents can congregate.
- Local improvements are required to the park. Need for better lighting, seating and a cafe.

### *119A Brook Drive*

Cannot understand where Elephant and Castle needs another tower when so much land to be developed in the former Heygate estate. Additional vehicular traffic would turn quiet street into a busy road.

### *18 Market Place*

Object to complete absence of affordable housing. Would deny Southwark of about 90 affordable homes.

### *58 Sutherland Square*

- Lack of strategic neighbourhood masterplan. Area appears to be considered in a piecemeal and divisive fashion.
- 0% affordable housing below policy requirement.
- Lack of co-ordinated studies which illustrate the impact on local health, education and amenity spaces. No comprehensive strategy.
- Lack of connectivity in consultation with the Heygate Masterplan.
- Blank frontages of tower element on south and west faces at ground floor level. Lack of active frontage.
- Height of the proposed tower will impact upon sunlight within the public realm.
- Lack of an independent and open design review process.

### *5 Orient Street*

- More needs to be done to assess the impact of traffic flows.
- Brook Drive is a narrow road. It and other roads would not be suited to a material increase in traffic.

### *Apartment 2508, 8 Walworth Road*

- Proposed building is too large and too high. Negative impact on adjacent listed building and conservation area. Should be significantly reduced in height.
- Total development should not be higher than the listed building.

### *Apartment 2511, 8 Walworth Road*

- Development goes against the ethos of regeneration in the area.
- Impact upon residents views from the Strata building. Proposed development would block out views of London and reduce light levels. Impact on values.
- Would set precedent for further high rise development.

### *Apartment 708, 8 Walworth Road*

- Whilst support the provision of a new leisure centre, object to a 37 storey tower.
- Impact upon property values from loss of the views that would result from the

proposed development.

- No information about this development was available when properties in Strata were sold.

*Apartment 407, 8 Walworth Road*

- Building is far too large and fills the limits of the site. Will greatly reduce light and create a significant dark zone in the area in the evenings.
- The height shows little consideration for other planned constructions if near-by towers and the existing Strata tower.
- Visually will destroy the view from the Strata tower.
- Reducing footprint and the height would be more sympathetic.
- Concerned about the intention to destroy several large and beautiful trees as part of the development.
- Better consideration for green space and public amenity is needed.
- Continued failure to consider traffic as part of the development. Effect on residents with disable relatives.
- Failure to provide parking risks turning the area into gridlock. The answer is not further parking restriction.
- Needs to be provision to provide a safe cycling route from Brook Drive to the two principle pedestrian/cycle crossing points on the western Elephant and Castle roundabout.

*Apartment 2911, 8 Walworth Road*

- Loss of light to Strata, the Tabernacle and other nearby residences.
- Loss of amenity to residents of Strata through loss of privacy and loss view.
- Tower is over developing the area given developments already in place.
- Strata residents purchased properties mindful of the master plan.
- Consideration should be given to the aspect of the building. Key consideration should not be too maximise developers profit rather minimising impacts of light and view of current residents in Elephant and Castle.
- Consideration should be given to alternative means of funding the much needed leisure centre. Current proposal appears to offer poor value for money for local residents.

*Apartment 1209, 8 Walworth Road*

- Proposed building will block light into our property and obstruct the view. Looking directly at a tall building will be an eye sore and invade privacy.
- If the building were lower it would not negatively impact our property.
- Number of units would result in a large number of residents whereas the traffic/travel and amenities are unlikely to cope.
- Negative impact upon property values.
- Affect the character of the area with a large number of high rise buildings resulting in a concrete jungle.
- Would have expected the Council to ensure the land was used for community use.

*Apartment 1710, 8 Walworth Road*

- Height and scale will have an unacceptable impact on neighbouring properties.
- Visually intrusive on neighbouring properties such as the Strata and will cause a loss of light.
- Additional volume of traffic has not been considered, adding to congestion.
- Parking problems in the area will be made worse.
- How can an enormous high new building blend with the architecturally beautiful Tabernacle?
- Lack of consultation/notice and administrative process.
- Loss of amenities currently enjoyed.
- Mature trees will be destroyed.
- Enjoyment of St Mary's park will be prejudiced by the development. Diminish the public rights to use the park.

#### *193 Brook Drive*

- Tower in view of the Conservation Area is too high.
- Loss of light and noise from the large numbers of new people, visitors and noise from transport.
- Cyclists are a nuisance and a road hazard for pedestrians.
- Impact from loss of light. Leisure Centre and the tower should be considered as a whole.
- Traffic at weekends is already severely restricted.
- Site traffic will cause great concerns with Oswin Street and Brook Drive. Better to use Dante Road and Brook Drive. Oswin Street is too narrow for site traffic.
- Smaller developers in area have been turned down.

#### *Resident of Brook Drive*

- Question why such a tall building of flats is proposed for this site. Can only suppose the height of the building is a money making exercise for the developer or the Council.
- Tower blocks are not the place to house families and knock on repercussions of another 'dormitory' block does nothing for the neighbourhood. Until recently such tall towers have been unprecedented and totally out of character in the area.
- 37 storey tower is far too tall.

#### *Flat 2, 1 Dante Road*

- Increased volume of traffic on Brook Drive/Dante Road and the speed of travel of vehicles. Dante Road is already a notorious rat run.
- Existing traffic calming measures do not deter rat runners or slow down traffic.

#### *Flat 4, 5 Oswin Street*

- Will there be a traffic problem during building work.
- What will be the traffic route for construction work?
- How will the building affect local public transport?
- Will the building works be noisy? Oswin Street residents already have

considerable levels of noise from traffic.

- Impact of outside parking if all residents would like to own a car.
- Oswin Street already suffers from the densification of vehicles in the local area.

#### *49 Cuddington, Deacon Way*

- No information as to how the development will contribute to key infrastructure requirements necessary in order to support the development.
- No information relating to the financial viability of the development and the leisure centre or financial agreements and the Council's interest as a landowner, no information to mitigate the absence of affordable housing.
- Lack of affordable housing undermines the ability to achieve the target within the opportunity area.
- The 37 storey tower is overbearing and out of context with the setting of the neighbouring Grade II listed Tabernacle and West Square Conservation Area. Sheer scale and uniform edges will create a monotonous and monolithic feel.
- Lack of access, and protection, to existing amenities during demolition and construction.
- Section 106 agreement fails to ensure the social infrastructure is in place to support the significant increase in population (est. 450 people). No assessment of current school capacity at the Elephant and Castle and no commitment to local expansion of school provision.

#### *37 West Square*

- Height and density is much too great for the site. Site is not appropriate for another 'very high rise' development.
- Adverse effect on sunlight and daylight for the substantial number of neighbouring residential properties will be material.
- Brook Drive can barely accommodate the vehicular access usage of existing properties.

#### *30 West Square*

- Object to this planning application on the grounds that i think the building is too high and has too many floors. I thought it had been proved that it was a better environment for people not to live in such high rise flats.

#### *Resident of West Square (no address provided)*

- Object to this development on the basis that vehicular access is intended to be from Brook Drive, which I think will have a negative impact on residents of all the streets around Brook Drive. Brook Drive is only just coping with current traffic levels.
- Existing residents of the area would be disadvantaged whilst the occupiers of the new tower would sail along Brook Drive to their private basement parking.
- Will create extra noise and pollution for residents and an increased risk of accidents to children walking to and from school.

*No address provided*

- Can both the public park and the Tabernacle be kept open during building and post build?
- Are residents of Brook Drive able to handle the increase in traffic along their street? Will there be issues with parking?
- There are several other building sites coming available post Heygate that could be utilised.

*No address provided*

- Proposal will add to and exacerbate the congestion already suffered by residents of Brook Drive.

*Letter of support from the Camberwell College of Arts, London*

- Proposal will result in a number of benefits for the area including a high quality tall building.
- Will regenerate a underused central site which will improve general level of safety
- Enable the construction of a new leisure centre which will be a great resource for our students
- Distinctive landmark building of exceptional landmark character
- Provision of 284 homes with excellent private and communal amenity space
- Mix of office uses which will activate street frontages and provide economic activity
- Create an attractive and accessible public realm