

Item No. 7.2	Classification: Open	Date: 2 September 2014	Meeting Name: Planning Committee
Report title:	<p>Development Management planning application: Application 14/AP/2207 for: S.73 Vary/remove conds/minor alterations</p> <p>Address: Site of the former London Park Hotel, 80 Newington Butts, London SE1 4QU</p> <p>Proposal: Variation of the approved drawings condition of planning permission 07-AP-0760 (as amended by 14-AP-1017) granted on 1 April 2008 [for: Erection of buildings comprising 1 building of up to 44 storeys (145.5 metres AOD) and a terrace of up to 7 storeys in height to provide 470 residential units (Class C3), theatre (Class D2) and cafe (Class A3 uses) and a pavilion building for retail/marketing suite purposes (Class A1/Sui Generis) with associated public open space, landscaping, underground car parking for 30 cars and servicing space] to secure the following minor material amendments:</p> <p>Increase the height of the main building to 152.8 metres Above Ordnance Datum (AOD); and Removal of the two storey building fronting Newington Butts to be used as a marketing sales suite and future retail unit.</p> <p>The application is accompanied by an Environmental Statement submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) 2011.</p>		
Ward(s) or groups affected:	Cathedrals		
From:	Head of Development Management		
Application Start Date 08/07/2014		Application Expiry Date 28/10/2014	
Earliest Decision Date 16/08/2014			

RECOMMENDATION

- 1 To grant planning permission subject to conditions and the completion of a legal agreement by no later than 27 October 2014.
- 2 In the event that the legal agreement is not entered into by 27 October 2014, then the committee authorise the Head of Development to refuse planning permission, if appropriate, for the reasons set out in paragraph 93 of this report.
- 3 Subject to the grant of planning permission, to confirm that the supplemental environmental information has been taken into account as required by Regulation 3(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 4 Following the issue of the planning decision, to confirm that 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 Assessment)

Regulations 2011 which contains the information required by Regulation 21 and for the purposes of Regulation 24(1)(c) being the main reasons and considerations on which the planning committee's decision was based shall be set out as in the report.

BACKGROUND INFORMATION

Site location and description

- 5 The 0.493 hectare site is bound by Churchyard Row and St. Mary's Churchyard to the east, Longville Road to the north and a portion of the site adjoins Newington Butts to the south east. To the south west, the site is bound by a row of four storey London South Bank University student housing blocks which face onto Dante Road. Beyond Dante Road lies the borough boundary with Lambeth Council. To the south there is more student accommodation blocks fronting Newington Butts.
- 6 The site was previously occupied by the former London Park Hotel, a derelict 8 storey (29m high) brick building with basement which had been vacant for approximately 10 years. Planning permission was granted on 1 April 2008 (reference 07-AP-0760) for the redevelopment of the site to provide a building up to 44 storeys high (145.5m AOD) and a terrace up to 7 storeys in height comprising 470 residential units, theatre, and cafe together with a pavilion building for retail/marketing suite purposes. The site has since been cleared and construction ground works pursuant to this permission began on site on 31 March 2011.
- 7 There are a number of conservation areas located in various proximities to the application site. Within LB Southwark the following are closest to the site:
 - Kennington Park Road;
 - Pullens Estate;
 - Larcom Street;
 - Elliots Row; West Square;
 - St. George's Circus; and
 - Trinity Church Square.

Within LB Lambeth, the following conservation areas are closest:

- Renfrew Road;
 - Kennington; and
 - Walcot.
- 8 Within LB Southwark, the nearest listed structures to the site are the Grade II listed railings, gates and piers of the St. Mary's Churchyard. The Grade II listed Metropolitan Tabernacle is some 150m north-east of the site. The Grade II listed Water Tower to former Lambeth Workhouse, former Magistrates Court and former Fire Station are all on Renfrew Road and are within Lambeth borough.

Details of proposal

- 9 Minor material amendments to the consented scheme (reference 07/AP/0760) are proposed as follows:
 - Increase the height of the main 44 storey tower to 152.8m AOD ; and
 - Removal of the 2-storey building fronting Newington Butts to be used as a marketing suite and future retail unit.
- 10 The applicant advises that the proposed height increase is to allow each residential

floor within the tower to be increased in height from 2865mm to 3000mm in order to comply with current statutory building and sustainability requirements. The 2-storey marketing suite / retail pavilion would be replaced with a landscaped area in order to better integrate the scheme with its surroundings and provide an enlarged, more welcoming entrance from Newington Butts.

Planning history

Application Reference 07/AP/0760

- 11 Planning permission was granted on 1 April 2008 for the redevelopment of the site for:

Erection of buildings comprising 1 building of up to 44 storeys (145.5m AOD) and a terrace of up to seven storeys in height to provide 470 residential flats (Class C3), theatre (Class D2) and cafe (Class C3) uses and a pavilion building for retail/marketing suite purposes (Class A1/Sui Generis) with associated public open space, landscaping, underground car parking for 30 cars and servicing space.

- 12 A formal Environmental Impact Assessment (EIA) was carried out for the development and an Environmental Statement (ES) accompanied the original application. This is discussed further in the 'Environmental impact assessment' section (paragraphs 28-40) of this report.

Non-material amendments to consented scheme

- 13 The council subsequently agreed by letter dated 20 November 2008 a number of 'post decision amendments' (PDA) to the consented scheme. A Non-Material Amendments application was later submitted under reference 14-AP-1017 which sought to confirm the previously agreed post decision amendments as well as make further non-material changes to the consented scheme:

- Amendment to the crown and height of the tower building (as approved by the PDA);
- Amendment to internal layouts of the tower to provide a uniform 8-stack on each floor resulting in minor alterations to the dwelling mix;
- Change to Levels 44 and 45 of the tower to switch from the top floor penthouse units (approved by the PDA) to a large internal amenity space with associated external communal space;
- Introduction of a refuse chute system to the tower core and resulting amendment to lift access for the Southwark Playhouse shell and core space;
- Facade Panels - sub-division of double height panels to single storey height panels on the tower facade (as approved by the PDA);
- Amendments to the basement, ground and first floor accommodation to optimise the use of the space (as approved by the PDA);
- Introduction of a plant zone to Southwark Playhouse roof;
- Landscaping - alterations to the development landscaping and site layout (as approved by the PDA);
- Terrace building - minor change to the ground floor layout of the terrace (as approved by the PDA).

These non-material changes were formally agreed on 14 May 2014.

- 14 The current S.73 application seeks to obtain formal approval for the two further proposed amendments (i.e. increase in height of tower and removal of pavilion building) which, by their nature, are considered to be minor material changes to the consented scheme.

Planning history of adjoining sites

- 15 There have been a number of major developments in the Elephant and Castle area granted planning permission since consent was given for development on the subject site. These include, but are not limited to, the developments detailed in the table below.

Scheme Name	Description	Current Status
<p>Oakmayne Plaza (Tribeca Square Development), Former Elephant Road Industrial Estate</p> <p>Ref: 08-AP-2403</p> <p>Granted 22 December 2008</p>	<p>Erection of three buildings of 15 (63.10m), 18 (68.3m) and 23 (87.5m) storeys comprising 243 student rooms, 373 residential flats, retail (Class A1/A3) and creche and cinema (Class D1/D2) uses</p>	<p>Under construction</p>
<p>Heygate Estate Redevelopment</p> <p>Ref: 12-AP-1092</p> <p>Granted 27 March 2013</p>	<p>Outline Masterplan for a number of buildings up to 104.8m AOD in height with capacity for up to 2,469 residential units, retail (Class A1-A5), business (Class B1), leisure and community (Class D2 and D1), energy centre (Sui Generis) and new park and public realm</p>	<p>Construction due to commence September 2014</p>
<p>89-93 Newington Causeway</p> <p>Ref: 09-AP-1940</p> <p>Granted 16 November 2011</p>	<p>Erection of a 22 storey (69.82m AOD) building comprising 38 residential units and retail (Class A3) and commercial (Class B1) floorspace</p>	<p>Under construction</p>
<p>One The Elephant (St. Mary's Residential)</p> <p>Ref: 12-AP-2239</p> <p>Granted 23 November 2012</p>	<p>Erection of a 37 storey (127m AOD) building and 4 storey pavilion building comprising 284 residential units, retail (Class A1-A3) and commercial (Class B1) floorspace</p>	<p>Under construction</p>
<p>Former Elephant and Castle Leisure Centre</p> <p>Ref: 12-AP-2570</p> <p>Granted 7 November 2012</p>	<p>Redevelopment to provide a new public leisure centre (maximum height 21.2m)</p>	<p>Under construction</p>
<p>80-94 Newington Causeway (Eileen House)</p> <p>Ref: 09-AP-0343</p> <p>Granted 7 January 2014</p>	<p>Erection of a 41 storey (128.7m AOD) building and an 8 storey building incorporating 335 flats, retail (Class A1-A5) use and public realm improvements</p>	<p>Existing building demolished and scheme to be implemented shortly</p>

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 16 The main issues to be considered in respect of this application are:
- Principle of the development in terms of land use and conformity with strategic policies
 - Environmental impact assessment
 - Dwelling mix and tenure
 - Quality of residential accommodation
 - Impact of the proposed changes on the amenity of adjoining occupiers and surrounding area as well as future occupiers on the application site
 - Design issues, including layout and heights
 - Impact on heritage assets and townscape views
 - Trees and landscaping
 - Transport and highway matters
 - Planning obligations
 - Mayoral Community Infrastructure Levy
 - Sustainable development implications.

Planning policy

- 17 The Development Plan for the borough is made up of the London Plan 2011 consolidated with revised minor alterations 2013, Southwark's Core Strategy 2011, saved policies from the Southwark Plan 2007 and a number of Supplementary Planning Documents (SPDs). The National Planning Policy Framework is a material consideration.
- 18 The site in its entirety is within the Central Activities Zone (CAZ), the Elephant and Castle Opportunity Area and Major Town Centre and Air Quality Management Area (AQMA). It has a Public Transport Accessibility Level (PTAL) of 6a/6b which indicates excellent access to public transport, and is within Flood Zone 3 (as defined by the Environment Agency flood map) which indicates a high probability of flooding. Part of the site is located within an Archaeological Priority Zone (APZ).
- 19 The site also forms part of designated Proposal Site 39P 'Elephant and Castle Core Area' which identifies a large central area of land for comprehensive redevelopment. The Elephant and Castle SPD/OAPF identifies the site as being within the 'Central Character Area'.
- 20 The Elephant and Castle lies in the background of the townscape view looking from the Serpentine Bridge in Hyde Park to Westminster (Townscape View No. 23A.1 of the London View Management Framework 2011).
- 21 The following policies and guidance are considered more relevant to the application.

National Planning Policy Framework (NPPF)

Section 1 'Building a strong, competitive economy,
Section 2 'Ensuring the vitality of town centres'
Section 4 'Promoting sustainable transport'
Section 6 'Delivering a wide choice of high quality homes'
Section 7 'Requiring good design'
Section 8 'Promoting healthy communities'
Section 10 'Meeting the challenge of climate change, flooding and coastal change'

Section 12 'Conserving and enhancing the historic environment'

London Plan July 2011 consolidated with revised early minor alterations October 2013

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 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 4.7 Retail and Town Centre Development
Policy 4.8 Supporting a Successful and Diverse Retail Sector
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 5.9 Overheating and Cooling
Policy 5.10 Urban Greening
Policy 5.11 Green Roofs and Development Site Environs
Policy 5.13 Sustainable Drainage
Policy 5.14 Water Quality and Wastewater Infrastructure
Policy 5.15 Water Use and Supplies
Policy 6.9 Cycling
Policy 6.10 Walking
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 Buildings
Policy 7.8 Heritage Assets and Archaeology
Policy 7.14 Improving Air Quality
Policy 7.19 Biodiversity and Access to Nature
Policy 7.21 Trees and Woodland

Core Strategy 2011

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 businesses

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

Southwark Plan 2007 (July) - saved policies

Policy 1.1 Access to employment opportunities
Policy 1.7 Development within town and local centres
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 3.15 Conservation of the historic environment
Policy 3.16 Conservation areas
Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites
Policy 3.20 Tall buildings
Policy 3.22 Important local views
Policy 3.28 Biodiversity
Policy 4.1 Density of residential development
Policy 4.2 Quality of residential accommodation
Policy 4.3 Mix of dwellings
Policy 5.2 Transport impacts
Policy 5.3 Walking and cycling
Policy 5.6 Car parking
Policy 5.7 Parking standards for disabled people and the mobility impaired

The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Southwark Supplementary Planning Documents (SPDs)

Elephant and Castle SPD/OAPF 2012
Residential Design Standards SPD 2011
Affordable Housing SPD 2008
Draft Affordable Housing SPD 2011
Sustainable Assessment SPD 2009
Sustainable Design and Construction SPD 2009
Sustainable Transport SPD 2010

Principle of development

- 22 The principle of redeveloping the site for a high density mixed use development has already been established under the previously approved planning application reference 07/AP/0760, and as amended by application reference 14/AP/1017.

- 23 Notwithstanding this, Local Planning Authorities have a statutory duty when making a decision on a Section 73 application to take account of national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
- 24 Since the grant of permission in 2008 there have been changes to national, strategic, and local planning policy including, but not limited to, the introduction of the NPPF (2012) at national level, the adoption of the London Plan 2011 and London View Management Framework 2012 at strategic level, as well as Southwark's Core Strategy 2011 and updated Southwark supplementary planning documents at local level, including the Elephant and Castle SPD/OAPF 2012.
- 25 The NPPF sets out the Government's strong commitment to delivering sustainable development. This is the principal theme underpinning both strategic London-wide and Southwark plan policies where the regeneration of areas such as the Elephant and Castle is of high priority. At the time of the 2008 decision the Elephant and Castle was identified as an Opportunity Area in the London Plan 2004 and Southwark Plan 2007 where high density, high quality, mixed use town centre development was strongly encouraged in order to address the need for new homes, employment and retail space as well as other social benefits. The vision and objectives for the Elephant and Castle have been carried forward (albeit updated where relevant) in strategic and local plan policies where the Core Strategy sets out a target of delivering 4,000 new homes and up to 45,000 sqm of new shopping and leisure floorspace over the plan period.
- 26 Furthermore, the application site forms part of Proposal Site 39P which was designated at the time of the 2008 decision and has been carried forward in saved policies from the Southwark Plan. Proposal Site 39P identifies a large central area of land within the Elephant and Castle for comprehensive redevelopment including new homes, retail, office and other appropriate town centre uses as well as transport and public realm improvements.
- 27 In terms of land use, the only change to the consented scheme would be the proposed loss of a two storey pavilion building located at the south eastern corner of the site, fronting Newington Butts. Initially this building would have been used as a marketing suite and then for retail purposes. It is proposed to replace this building with a landscaped area. An local resident objection to the loss of the retail space has been received.
- 28 Officers consider that the loss of the marketing / retail space has to be balanced with the fact that the scheme would provide 1,056 sqm of new theatre space as well as a new cafe. The scheme would therefore continue to provide valuable new leisure and retail uses in accordance with the policy aspirations for the Elephant and Castle area.
- 29 The justification given by the applicant for the loss of the pavilion building is to provide an enlarged, more welcoming entrance from Newington Butts. Officers note that the application site has a narrow frontage onto Newington Butts and so the removal of the pavilion building would allow the theatre and cafe located in the tower to be more prominent and visible at the entrance to the site from the main road which would enhance the legibility of the scheme.
- 30 In conclusion, it is considered that there have been no material changes to planning policy that would affect the determination of the application in terms of principle and there are no land use implications arising from planning policy adopted since the original 2008 consent. The loss of the pavilion is also considered acceptable in land use terms.

Environmental impact assessment

- 31 Applications where an Environmental Impact Assessment (EIA) is required will either be mandatory or discretionary, depending on whether they constitute Schedule 1 (mandatory) or Schedule 2 (discretionary) development of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 32 The consented development was considered to be EIA Development of a kind which fell within Schedule 2, Category 10(b) 'Urban Development Project' of the then EIA Regulations 1999. As noted above, a formal EIA was carried out for the development and an Environmental Statement (ES) accompanied the original application. Although the EIA regulations and guidance have since been updated, the indicative thresholds for carrying out an EIA on Urban Development Projects remain the same.
- 33 The 2008 ES assessed the potential impacts of the development, including the main alternatives, proposed sustainability measures, interaction with other developments, mitigation measures arising from the predicted impacts and potentially residual effects. At the time the site was still occupied by the former London Park Hotel (since demolished) and therefore the ES described predicted impacts arising from the demolition process and indicated mitigation measures where appropriate. The ES covered the following technical areas:
- Traffic and Transport
 - Air Quality
 - Noise and Vibration
 - Contaminated Land
 - Water Resources and Flood Risk
 - Protection of Ecology and Wildlife
 - Townscape, Conservation and Visual Impacts
 - Socio Economics
 - Archaeology and Built Heritage
 - Wind Effects
 - Daylight, Sunlighting and Overshadowing
 - Cumulative Impact Assessment
 - Residual Impacts and Conclusions.
- 34 The findings and conclusions of the ES were taken into account as part of the determination of the original scheme.

Amended scheme

- 35 A Section 73 application is considered to be a new application for planning permission under the EIA Regulations. Where an EIA was carried out on an original application, the local planning authority will need to consider if further information needs to be added to the original ES to satisfy the requirements of the EIA Regulations.
- 36 The applicant submitted a Screening Opinion Request (reference 14/AP/1554) under Regulation 5 of the EIA Regulations to ascertain whether the proposed amendments to the scheme would be likely to generate significant environmental effects that have not already been identified in the 2008 ES and a supplementary ES required.
- 37 It should be noted that the screening request included both the previously agreed non-material changes to the scheme as well as the changes now proposed in relation to the height increase of the tower and removal of the two storey retail/marketing suite pavilion building. By definition that the previously agreed changes were considered to

be non-material it is considered unlikely that they would result in environmental effects that would need to be addressed under the EIA Regulations. However, for completeness and robustness in approach, the non-material changes were included in the screening request.

- 38 The council issued a Screening Opinion on 3 June 2014 concluding that the proposed amended scheme would have no material impact on the majority of technical areas covered within the 2008 ES and therefore the original findings and conclusions remain valid for all topics with the exception of Townscape, Conservation and Visual Impacts and Daylighting, Sunlighting and Overshadowing where further consideration would need to be given to the likely environmental effects of the increased height of the tower.
- 39 Accordingly, a supplemental ES accompanies the application which seeks to predict and characterise the environmental effects likely to arise from the proposal in relation to the two identified topic areas. The supplemental ES comprises:
- Environmental Statement Volume 1: Main Text (includes Sunlight, Daylight and Overshadowing effects)
 - Environmental Statement Volume 2: Visual Impact Assessment
 - Environmental Statement Volume 3: Non Technical Summary
- 40 In assessing the likely environmental effects of a scheme, the ES must identify the existing (baseline) environmental conditions prevailing at the site, and the likely environmental impacts (including magnitude, duration, and significance) taking account of potential sensitive receptors. It further identifies measures to mitigate any adverse impacts, and a summary of potential positive and negative residual effects remaining after mitigation measures is included in the ES in order to assess their significance and acceptability.
- 41 Regulation 3 of the EIA Regulations precludes the granting of planning permission unless the Council has first taken the 'environmental information' into consideration. The 'environmental information' means the ES, including any further information, any representations made by consultation bodies, and any other person about the environmental effects of the development.
- 42 It is not necessarily the case that planning permission should be refused if a development has the potential to have significant adverse impacts; it has to be decided whether any of the identified adverse impacts are capable of being mitigated or at least reduced to a level where the impact would not be so significant or adverse as to warrant a refusal of permission.
- 43 A detailed assessment of the potential and residual impacts of the proposed development is provided below, taking into account the supplemental ES and the relevant planning policy considerations. Officers are satisfied that the supplemental ES is adequate to enable a properly informed assessment of the environmental impacts of the proposal to be undertaken.

Dwelling mix and tenure

- 44 The non-material changes to the scheme agreed thus far included amending the internal layouts of the tower to provide a uniform 8-unit stack on each floor and replacing 4 x duplex penthouse units on Levels 44 and 45 with a standard floorplate at Level 44 and provision of a new internal amenity space at Level 45. The internal configuration of the tower resulted in an overall reduction of 13 units (or 2.8% reduction) from 470 units as originally consented to 457 units as well as minor alterations to the dwelling mix.

- 45 The current S.73 application submission includes an Accommodation Schedule which further details changes to the consented tenure mix. A formal modification to the S106 legal agreement will be required to secure such changes and this will be progressed separately. Officers recommend that an informative is added to this effect on any grant of permission for the S.73 proposed changes.

Quality of residential accommodation

- 46 Current Building Regulations require sprinkler systems to be installed in residential buildings more than 30m in height. In order to accommodate a sprinkler system in each residential unit of the tower, additional space is required within each floor to floor zone. It is therefore proposed to increase the floor to floor height from 2865mm to 3000mm with a consequent increase in overall tower height. This proposed change does not materially impact on the quality of the residential accommodation as consented. Improvements to the quality of the accommodation have already been agreed through non-material revisions made to the internal layouts and no issues are raised in respect of the latest proposed amendments.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

- 47 Saved Policy 3.2 of the Southwark Plan states that planning permission for development will not be granted where it would cause a loss of amenity, including disturbance from noise, to present and future occupiers in the surrounding area or on the application site. Furthermore, there is a requirement in policy 3.1 to ensure that development proposals will not cause material adverse effects on the environment and quality of life. Strategic Policy 13 of the Core Strategy requires developments to avoid amenity and environmental problems that affect how we enjoy the environment in which we live and work.

Daylight, sunlight and overshadowing

- 48 An assessment of the potential impacts on daylight, sunlight and overshadowing arising from the proposed amendments forms part of the accompanying supplemental ES. The analysis only considers the additional impact that the proposal would have on surrounding residential properties and therefore the assessment has taken the 2008 consented scheme as the baseline condition. The assessment was carried out in accordance with the BRE Guidance 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' 2011.
- 49 Two letters of objection from residents in Brook Drive have been received which raise concerns over potential loss of light to neighbouring properties as a result of the proposal.

Impacts during construction

- 50 The level of impact on the available daylight and sunlight to neighbouring properties during the demolition and construction phases has already been assessed in the 2008 ES. The former hotel building has since been demolished and the site cleared so any impact would now depend on the level of obstruction which would increase as the massing of the development increased on site. Officers consider that the proposed S.73 changes do not substantially change the overall massing of the scheme and therefore would not result in greater daylight and sunlight impacts during the construction phase than have already been reported.

Daylighting - completed development

- 51 The methodology adopted uses the Vertical Sky Component (VSC) and No-Sky Line (NSL) method to assess daylight to existing residential properties. The BRE considers that a VSC of 27% would achieve good daylight. Acceptable daylight levels can still be achieved if VSC levels remain within 0.8 times (or 80%) of their original value following construction of a new development. Any greater loss (i.e. loss of 20% or more) would mean there would be a noticeable reduction in the amount of daylight received. The guidance advises that bathrooms, toilets, storerooms, circulation areas and garages need not be analysed.
- 52 The No Sky Line (NSL) or Daylight Distribution method has also been used which assesses the proportion of the room where the sky is visible and plots the change in the NSL between the situation with the consented scheme in place and the proposed situation. The BRE advises that if there is a reduction of 20% in the area of sky visibility, daylight may be affected.
- 53 All 20 of the surrounding residential properties have been assessed comprising 590 windows and 530 rooms. The properties are:
- 2 (A to K); and 4 (A to H) Dante Place
 - 2 (A to L) Newington Butts
 - 6 (A to G); 8 (A to G); 10 (A to D); 12 (A to G); 14 (A to G) Dante Road
 - 7-25; 27-31; 33-37; and 39-59 Dante Road
 - 146-170 Longville Road
 - 185-191 Brook Drive
 - 50-60 Newington Butts
 - 1-11 Hampton Street
 - 1-83 Winchester Close
 - 3 Dante Road
 - 109-127 Newington Butts
 - 1-6 Cheam House
- 54 The results show that of the 590 windows tested, 32 windows would experience no alteration in VSC levels as a result of the S.73 changes as compared with the 2008 consented scheme. 162 windows would experience an improvement in VSC although the changes are marginal and therefore unlikely to be noticeable.
- 55 396 windows (or 67%) would experience very minor reductions in VSC as a result of the proposed changes but given that the absolute changes involved are less than 1% VSC for most of these windows the impact of this is negligible. The windows most affected would be 6 windows in 14 (A to G) Dante Road where VSC reductions up to 2.95% would be experienced as compared with the 2008 scheme. Again, these reductions are marginal in nature.
- 56 In terms of the NSL analysis, 182 (or 34%) of the 530 rooms tested would experience no alteration in NSL as a result of the S.73 changes compared with the 2008 scheme. Where there would be reductions in NSL the alterations are relatively small and unlikely to be noticeable in comparison with the 2008 scheme. Again, the block most affected would be 14 (A to G) Dante Road (student accommodation) where there are two rooms which would experience greater alterations (34.8% and 37.8% reduction) as compared with the 2008 scheme.
- 57 In summary, it has been demonstrated that the changes to the daylight received to neighbouring residential properties caused by the proposed S73 changes would be broadly negligible. The most affected property would be 14 (A to G) Dante Road and

whilst this is somewhat unfortunate the alterations would be minor. Furthermore, this block comprises student accommodation rather than general needs housing and so the transient nature of such accommodation must be taken into account. Taking all matters into consideration, including the marginal nature of reductions (where experienced), officers believe that the proposed S.73 changes would have a limited impact on daylighting to neighbouring properties and likely to prove unnoticeable when compared with the 2008 Consented Scheme.

Sunlight - completed development

- 58 The impact of the scheme on sunlight to neighbouring properties has been assessed using the APSH test which requires at least 25% of annual probable sunlight hours during the summer and at least 5% of sunlight hours during the winter. The guidance advises that if a reduction in sunlight is 20% or less of its original value then the retained sunlight received is adequate.
- 59 The impacts of the proposed S.73 changes on sunlight have been considered with respect to the following properties where there are 150 windows within 90 degrees of due south:
- 6 (A to G); 8 (A to G); 10 (A to D); 12 (A to G); and 14 (A to G) Dante Road
 - 7-25; 27-31; and 33-37 Dante Road
 - 146-170 Longville Road
 - 185-191 Brook Drive
 - 1-11 Hampton Street
 - 3 Dante Road
- 60 The majority of windows tested (117 or 78%) would experience no alteration in sunlight as a result of the S.73 changes as compared with the 2008 scheme. 10 windows would experience minor improvements (equating to 1% APSH in absolute terms) whereas 23 windows would experience a reduction in total and/or winter sunlight. Of the 23 windows where sunlight levels would be reduced by the proposed changes, 18 windows would retain BRE compliant levels of total sunlight. Overall, the alteration in sunlight as a result of the changes are unlikely to be noticeable for the vast majority of windows tested and therefore the changes caused by the proposed amendments are considered negligible .

Overshadowing - completed development

- 61 The BRE guidance recommends that for outdoor amenity areas to be adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least 2 hours of sunlight on 21 March.
- 62 The results found that all of the 28 outdoor areas originally assessed would experience no or marginal (i.e less than 1%) change in the amount of sun hours received as a result of the proposed S73 changes.
- 63 The proposed amendments would result in a marginal increase in transient overshadowing as the tower would cast shadow marginally further afield than the consented scheme. However, the increase in extent of shadow is unlikely to be perceptible as compared with the 2008 Consented Scheme.

Cumulative impact - completed development

- 64 As noted above, there are other development schemes in the Elephant and Castle that have been granted permission since 2008 and therefore were not included in the original 2008 ES. In terms of daylight and sunlight the two schemes of most relevance

are One The Elephant and The Elephant and Castle Leisure Centre which are currently under construction. For completeness, a cumulative analysis has been undertaken of the proposed S.73 changes with the two other developments in place which shows that there would be no material difference in daylight, sunlight and overshadowing conditions as compared to the findings reported above.

Conclusion

- 65 Whilst the Brook Drive residents concerns are noted it has been demonstrated that the proposed amendments to the scheme would not result in any significant adverse impacts over and above those already identified in the 2008 ES which were taken into account when the scheme was originally granted planning permission. The residual impacts associated with the amended scheme are negligible in terms of daylight, sunlight and overshadowing with the exception of 14 (A-G) Dante Road where six windows and two rooms would experience modest changes to daylight levels with the amended scheme in place as compared with the 2008 Consented Scheme. Overall, it is considered that the proposed amendments do not materially change the conclusions of the 2008 ES and the proposal is considered acceptable in this respect.

Other amenity issues

- 66 The proposed amendments to the scheme do not affect outlook and privacy to neighbouring properties beyond the impacts already identified with the 2008 Consented Scheme. The 2008 ES assessed the likely impacts (such as construction noise, traffic and vibration) on the amenities and quality of life of adjacent occupiers during the demolition and construction phases and mitigation measures were recommended. Accordingly a condition was attached to the extant permission requiring submission of a Construction Management Strategy. Officers recommend that such a condition is attached to any new grant of permission.

Transport issues

- 67 The proposed changes to the scheme do not raise any new or different environmental impacts in terms of transport and highway matters and therefore the conclusions of the 2008 ES remain valid. A number of transport related planning conditions were imposed on the original consent in order to mitigate the impacts of the development and it is considered necessary for these to be attached to any new grant of permission. A non-material amendment to Condition 29 was agreed under reference 11/AP/0848 to vary the timeframe for submission of details of the cycle storage from prior to any works being carried out to prior to works being carried out above ground. The amended wording should be carried forward in any new grant of permission.

Design issues including impact on townscape and heritage assets

- 68 Chapter 7 of the London Plan deals with design related matters. In particular Policy 7.7 sets out policy in relation to the location and design of tall buildings. This states that tall and large buildings should generally be limited to sites in the CAZ, Opportunity Areas, or town centres. The application site is located within all of these designated areas and therefore meets the London Plan locational criteria for tall buildings.
- 69 The relevant Southwark design policies include Strategic Policy 12 of the Core Strategy and saved Policies 3.12 and 3.13 of the Southwark Plan. Essentially these policies require the highest possible standards of design for buildings and public spaces. Saved policy 3.20 specifically deals with tall buildings and applies to any building over 30m tall. Southwark's Elephant and Castle SPD/OAPF locates the application site within the Central Character Area where a cluster of tall buildings will be appropriate and, more specifically, the development is identified in the SPD/OAPF

tall building strategy as helping to define the gateways into the central area.

- 70 The proposal is for Minor Material amendments to the consented scheme. Two changes are proposed which are:
- Increase in the height of the main building to 152.8m Above Ordnance Datum (AOD); and
 - Removal of the two storey building fronting Newington Butts to be used as a marketing sales suite and future retail unit.

Increase in height of main building

- 71 Local resident objections have been received who are concerned that the tower is out of proportion to the conservation area which it would dominate in an unsympathetic and inappropriate manner and that an increase of 7.3m over the 2008 consented height would be significant.
- 72 The increase in the height of the tower is not to accommodate additional floorspace. The application material clarifies that it is as a result of the need to increase the floor to ceiling height on each floor by 135mm in order to enable the installation of a sprinkler system and mechanical ventilation to meet current Building Regulation requirements. Such an increase when applied across the 43 floors of the development would result in a cumulative increase in height of 5.9m (or 4% increase) from the height previously agreed as a non-material change.
- 73 It should be noted the height of the tower was 145.5m AOD when granted planning permission in 2008. As detailed earlier in the report, a number of non-material changes have already been agreed, one of which was to amend the design of the crown of the building which resulted in a marginal increase in height of the tower by 1.4m from 145.5m AOD to 146.9m AOD. The proposal now under consideration is to further increase the height to 152.8m AOD (i.e 7.3m additional height over the 2008 Consented Scheme or 5.9m as later amended).
- 74 All the policy considerations of a tall building in this context have been addressed by the original consent and the subsequent S.96a Non-Material Amendment application. As such, the only consideration is in the potential additional harm that may arise as a result of the increase in height of the tower.
- 75 The most significant potential impact of the increased tower height would be in the wider views of the development which includes a strategic view as defined in the London View Management Framework (LVMF) 2012. An updated Townscape and Visual Assessment has been prepared which forms part of the supplemental ES accompanying the application.
- 76 The supplemental Townscape Assessment for completeness includes the agreed non-material design changes together with the proposed S.73 changes so that the full impacts of the proposed amended development (i.e. 7.3m height increase) can be properly assessed against the 2008 Consented Scheme. In addition, the assessment takes account of the cumulative townscape impact taking account of other development schemes in the local and wider area that are likely to have a perceptible impact on views of the proposed amended development.
- 77 The supplemental ES townscape material reviews all the original local and wider views contained in the 2008 ES and includes the new Strategic View 23A.1 from the Serpentine Bridge as well as the recently added Views 27A and 27B from Parliament Square. This view was originally considered in the original 2008 ES however the latest 2012 version of the LVMF elevates this view to a Strategic View to include a Strategic

Vista (protected view) of the Palace of Westminster.

- 78 Royal Parks raised an objection to the original 2008 Consented Scheme and have now submitted a further objection to the proposed increased height of the tower for similar reasons as previously cited. Royal Parks consider that the proposed variation would have a greater detrimental impact upon the view from the viewpoint on Primrose Hill by further cluttering the skyline. In addition, concerns are raised about the impact on views from the Serpentine Bridge in Hyde Park towards the Palace of Westminster.
- 79 Officers note that View 8 in the document (Townscape View 23A.1: Serpentine Bridge to Westminster) includes a winter view of Strategic 23A.1 which demonstrates that the proposed amended development would be visible over the tree canopy, but it would be outside of the protected vista to the south of the strategic landmark of the Westminster Palace World Heritage Site. Also visible in this view is the silhouette of Strata Tower which sits between the proposal and the Palace of Westminster, also outside of the protected vista. Officers consider that the significant separation of the proposed amended development from the protected vista, coupled with the significant physical distance between the viewpoint and the actual proposed development itself would mean that the proposal is unlikely to affect the viewer's ability to recognise and appreciate the strategic landmark of the Palace of Westminster which is protected by this view. The distinctive angled crown of the development would appear as a distant incursion in the view, and its articulated top and elegant slender profile, which echoes that of the Victoria Tower, will not in officers opinion affect the historic natural setting of the Royal Park.
- 80 In officers opinion there is no impact upon the view (4A.1 Primrose Hill to St. Paul's) from Parliament Hill.
- 81 Views A1 to A4 in Townscape Assessment present the recently defined Views 27A.1 and 27A.2, and 28A.1 and 28A.2 from Parliament Square and demonstrate that the proposal will not affect the viewer's appreciation of the strategic landmark of the Palace of Westminster nor affect the Outstanding Universal Value (OUV) of the setting of the World Heritage Site.
- 82 Historic Royal Palaces (HRP) noted that the townscape assessment demonstrated the visual impact of the heightened tower on views from the Westminster World Heritage Site but that their only concern would be the impact of the proposed height on views to the south-west from the Tower of London World Heritage Site. HRP acknowledged that the proposal may well not be visible and/or would be hidden behind existing building. Clarification was sought on this matter and additional images were submitted for clarification purposes that demonstrated conclusively the development will not be visible from within the Tower environs.
- 83 Representations have also been received from the Secretary of State, English Heritage as well as the City of London, LB Camden, and LB Tower Hamlets who raise no concerns with the proposal.

Removal of pavilion building

- 84 No issues are raised with this in terms of design other than it would enable the provision of an enhanced setting for the entrance space from Newington Butts. This proposed change would be visible in local views only and as such would have limited impact.
- 85 Condition 3 of the extant permission requires details of the external materials for the retail/marketing building to be submitted for approval. This condition would no longer

be required on any approval for the amended scheme.

Impacts during construction

- 86 As reported in the original ES, the likely significant impacts on townscape character and visual amenity would vary according to the nature of construction works over time. The impact would be of greatest magnitude in areas adjoining the site, in particular from Newington Butts, the Elephant and Castle junction and Brook Drive. However, the likely visual impacts would be temporary and short-term in duration. The proposed amended changes do not materially change the findings of the 2008 ES and its conclusions remain valid in this respect.

Conclusion

- 87 Taking all matters into consideration, officers are satisfied that the proposed amendments would not result in any significant adverse townscape or visual impacts and that there would be no demonstrable harm to strategic or local views and settings of townscape or heritage assets. As such the proposal does not materially change the Townscape and Visual impacts set out in the 2008 ES and can be considered acceptable.

Impact on trees and landscaping

- 88 The removal of the consented pavilion building would allow for an enlarged area of landscaped space to be provided on the Newington Butts frontage. The consented scheme included an area of hard landscaping adjacent to the pavilion building which would form the main pedestrian entrance into the site in addition to the provision of visitor bicycle parking. The proposed entrance to the scheme would incorporate a mix of hard and soft landscaping in the form of trees along with benches and bicycle parking. The enlarged area would provide the opportunity for signage and display information for the residential and playhouse accommodation.
- 89 The council's Urban Forester has advised that the proposed amendments to the scheme to provide additional soft landscaping, seating and four trees are welcome and would represent a marked improvement to the amenity and setting of the development fronting St. Mary's Churchyard and Newington Butts.
- 90 Condition 4 of the extant permission requires the details of hard and soft landscaping to be submitted for approval. Officers recommend that details of the new landscaped public area could be submitted as part of the requirements of this condition.
- 91 Natural England have confirmed that they have no comments to make on the proposed variations to the consented scheme.

Planning obligations (S.106 undertaking or agreement)

- 92 A S106 legal agreement was completed in relation to the consented scheme. As a S73 application has the effect of granting a new planning permission, a legal agreement will be required to ensure that the original S106 obligations are binding in relation to the new permission (i.e. tie the 'new permission' to the obligations established under the previous Section 106). The original covenanting parties or owners of the site (established via Title documents) should enter into the Agreement.

- 93 In the event that the legal agreement has not been signed by 27 October 2014 it is recommended that planning permission be refused, if appropriate, for the following reason:

The proposal, by failing to provide for appropriate planning obligations secured through the completion of a S106 agreement, fails to ensure adequate provision of affordable housing and mitigation against the adverse impacts of the development through projects or contributions in accordance with saved policy 2.5 'Planning Obligations' of the Southwark Plan (2007), strategic policy 14 'Delivery and Implementation' of the Core Strategy (2011), policy 8.2 'Planning obligations' of the London Plan (2013) and the Planning Obligations SPD (2007).

Sustainable development implications

- 94 No sustainability issues are raised in respect of the proposed changes to the scheme.
- 95 The scheme is committed to achieving a code for Sustainable Homes Level and a minimum of BREEAM 'Very Good' and conditions are attached to this effect. The extant permission also requires the submission of details of green/brown roofs, surface water drainage and flood risk measures as well as details of the proposed energy strategy. Officers recommend these conditions are still relevant and should be attached to any grant of permission.
- 96 The Environment Agency raise no objections to the proposed variation to the consented scheme.
- 97 Arqiva are responsible for providing the BBC and ITV's transmission network. Although they raise no objections with the proposal in terms of affecting the integrity of their broadcast networks. However, they advise that this should not be interpreted as stating there would be no potential problems with interference. The S106 legal agreement obliges the developer to undertake further reception surveys and carry out mitigation in the event that a deterioration in radio satellite or terrestrial television or other telecommunications services is found. Officers consider this satisfactorily addresses this matter.

Other matters

Community Infrastructure Levy (CIL)

- 98 S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL is a material "local financial consideration" in planning decisions. The requirement for Mayoral CIL is a material consideration. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail.
- 99 S73 applications only trigger a CIL payment where there is an increase in floorspace over a pre CIL application. In this case, the proposed changes do not result in additional floorspace and therefore no payment will be required.

Conclusion on planning issues

- 100 The proposal seeks to make minor material amendments to a consented scheme by increasing the height of the main building from to 152.8m AOD, and removing the two storey marketing/retail pavilion building fronting Newington Butts. It is acknowledged that there have been changes to planning policy legislation since the original 2008 permission but officers consider there have been no material changes to policy that

would affect the determination of the application in terms of principle and land use matters. No land use issues are raised in terms of the loss of the pavilion building.

- 101 It is recognised that a development of this size and scale has the potential for significant environmental impacts and therefore an ES accompanied the original application in accordance with the then Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (now superseded by the EIA Regulations 2011). A supplemental ES accompanies the current S.73 application which assesses the potential townscape and visual impacts as well as the potential daylight, sunlight and overshadowing impacts of the proposed amended development. In coming to a decision on the application, officers had full regard to the ES and all submissions relating to considerations contained in that Statement. Officers conclude that the proposed amendments do not materially alter the environmental effects reported in the 2008 ES.
- 102 The impacts on the daylight, sunlight and overshadowing of the amended scheme on neighbouring properties have been considered very carefully. Whilst recognising there would be some minor residual impact on daylight conditions for the student block 14 (A to G) Dante Road the proposal would not result in any significant adverse environmental effects beyond those already identified in the original ES. In terms of design, the most significant potential impact would be of the increased tower height in the wider townscape views which includes the Strategic View 23A.1 Serpentine Bridge to Westminster. Officers have considered carefully the impacts of the proposal on townscape and heritage assets (including the Palace of Westminster and Tower of London World Heritage Sites), particularly noting the objections raised by Royal Parks. However, officers are satisfied that the proposed amendments would not result in significant adverse townscape or visual impacts and that there would be no demonstrable harm to strategic or local views and settings of heritage assets.
- 103 For the reasons given above, and taking all matters into consideration, officers recommend that planning permission is granted subject to the satisfactory completion of a legal agreement to ensure that that obligations in the original agreement are binding in relation to the new permission.

Community impact statement

- 104 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. The impact on local people is set out above.

Consultations

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

Consultation replies

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

Human rights implications

- 108 This planning application engages certain human rights under the Human Rights Act 2008 (the 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.

109 This application has the legitimate aim of making minor material amendments to the former London Park Hotel scheme granted under reference 07/AP/0760. 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/1044-A Application file: 14/AP/2207 Southwark Local Development Framework and Development Plan Documents	Spouthwark Council 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020-7525-5349 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Helen Goulden	
Version	Final	
Dated	19 August 2014	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Strategic director, finance & corporate services	No	No
Strategic director, environment and leisure	Yes	No
Strategic director, housing and community services	No	No
Director of legal services	No	No
Director of regeneration	Yes	No
Cabinet member	No	No
Date final report sent to Constitutional Team	20 August 2014	

APPENDIX 1

Consultation Undertaken

Site notice date: 24/07/2014

Press notice date: 17/07/2014

Case officer site visit date: 24/07/2014

Neighbour consultation letters sent: 23/07/2014

Internal services consulted: 09/07/2014

Design and Conservation Team
Elephant and Castle Regeneration Team
Public Realm
Urban Forester

Statutory and non-statutory organisations consulted: 09/07/2014

BAA - Safeguarding, BBC, Department for Communities and Local Government, Arqiva - digital communications, English Heritage, Environment Agency, Greater London Authority, Historic Royal Palaces, London City Airport, London Fire and Emergency Planning Authority, Natural England, Metropolitan Police, The Royal Parks, City of London, LB Lambeth, City of Westminster, LB Tower Hamlets, LB Camden

Neighbours and local groups consulted:

Properties within a 100m radius of the site were consulted which include, but not limited to, addresses on:

Brook Drive; Winchester Close, Hampton Street, Wesley Close, Dante Road, Holyoak Road, Canterbury Place, Newington Butts, Howell Walk.

Local ward councillors were also consulted in addition to the following local groups:

Brook Drive RA; Draper House RA; Elephant & Castle TRA; Garland Court TRA; Metro Central Heights RA; Pullens TRA; Walworth Society; Elephant Amentiy Network.

Re-consultation: N/A

Consultation Responses Received

Internal services

Design and Conservation Team

Comments incorporated into main body of report.

Urban Forester

The proposed amendments provide soft landscaping, seating and four additional trees and are welcome. If recommended for approval this would represent a marked improvement to amenity and the setting of the development fronting St. Mary's Churchyard and Newington Butts, which should be controlled via suitable landscape condition.

Elephant and Castle Regeneration Team

No comments received.

Public Realm

No comments received.

Statutory and non-statutory organisations

Historic Royal Palaces

The only aspect of concern is that the proposed increase in height of the main residential tower to 152.8m AOD (from 146.9m AOD) and any impact that this might have on views to the south-west from the Tower of London World Heritage Site. Part V2 of the ES, Visual Impact Assessment contains images demonstrating the visual impact of the heightened tower on views from the Westminster WHS but makes no reference to the Tower WHS. It may be that the proposed tower simply will not be visible and/or will be hidden behind existing buildings. Nevertheless, we would ask that an additional view is prepared from within the Tower of London, looking south-west over the roof of the Queen's House, to confirm that the heightened tower will not appear in this view.

Following submission of clarification evidence - confirm that the computer images demonstrate that the development will be well out of sight from within the Tower.

English Heritage

We do not wish to offer any comments on this occasion. This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

City of London

Does not wish to make any observations in relation to this proposal.

LB Tower Hamlets

Does not wish to comment on this application.

LB Camden

Raises no objection.

Arqiva Communication

Arqiva is responsible for providing the BBC and ITV's transmission network. We should clarify that we only address the integrity of our broadcast networks. This generally involves checking the lines of sight for our Re-Broadcast Links (RBLs), which are point

to point dish links, essential for network operation. This is distinct from the separate issue of problems with interference. In other words, we only check whether a proposal might detrimentally affect our ability to continue broadcasting signals from the site. What we do not check is whether there might be interference with the reception of those signals once successfully transmitted from our site to individual properties. Having regard to our network and the lines of sight used by our RBLs, we have no objection or issues raised based upon the information that you provided.

Arqiva's closest microwave link passes approximately 150m to the east of the development.

Environment Agency

Have no objection to the variation of the 'approved plans' condition under refs. 07/AP/0760 and 14/AP/1017.

Greater London Authority

Confirmed that the application is not referable to the GLA.

Natural England

Has no comment to make on the variation of the approved drawings condition of planning permission 07/AP/0760 (as amended by 14/AP/1017).

Heathrow Airport

Have assessed the proposed amendments to the final elevation against safeguarding criteria and can confirm that we have no safeguarding objections to the proposed development.

Royal Parks

Note that this variation would increase the height of the proposed tower by 5.9m to 152.8m AOD to accommodate a sprinkler system within each flat in order to comply with recently revised building regulations. We had hoped for a decrease not an increase in the height of the proposed tower. In our opinion, such a variation would have a greater detrimental impact upon the view from the viewpoint on Primrose Hill. We feel that it would further clutter the skyline with unwanted detail.

In addition, we have concerns about the impact of the proposal upon the views from the Serpentine Bridge in Hyde Park towards the Palace of Westminster. It is not entirely clear from the photomontages provided the full extent of that impact. However, we note that in the 2008 Consented Scheme the 'top [of the proposed development] would be visible in the distance above the tree line'. Since this variation would increase still further the height of the tower and its impact upon the views from Hyde Park, we do not share the belief that the proposal would have a 'beneficial' impact upon the views from the Serpentine Bridge. Also, the use of any mesh screens would not help to screen the building in distance views since they would appear as a solid structure.

One of our Corporate Objectives is to 'conserve and enhance sustainably, for the enjoyment of this and future generations, our world class natural and built historic environment and our biodiversity'. To help achieve that we are charged with preserving the open sky space visible from within the parks that we manage. We believe that this planning application conflicts with one of Corporate Objectives. Consequently, we object to the proposal.

LB Westminster City Council

Acknowledgement to representation received.

Secretary of State - Dept for Communities & Local Govt

Acknowledge receipt relating to the Environmental Statement. We have no further

comments to make.

BAA - Safeguarding

No comments received.

BBC

No comments received.

London City Airport

No comments received.

London Fire and Emergency Planning Authority

No comments received.

Metropolitan Police

No comments received.

LB Lambeth

No comments received.

Neighbours and local groups

171 Brook Drive

Opposed to the increase in height of the proposed tower. This increase in height will further reduce the light falling on our terraced house. It is wholly out of proportion to the conservation area which it will overshadow and dominate in an unsympathetic and inappropriate manner. The tower will be due south of Brook Drive and therefore will overlook our houses and blot out the light during the middle of the day.

Resident in Brook Drive (no address given)

This was already an ambitious development proposal. Always been disappointed at the lack of engagement with questions about global warming and sea-level rise and how these might impact on our Borough as the years progress. It is distressing to see that the developers are asking to make the plans even more extreme, with no reasons given.

The height of the existing plans is already alarming, especially in addition to the development currently unfolding on the old Sports Centre site. In Brook Drive we aren't looking forward to losing a lot of sky and light - and solar power, in our case - so I strongly protest at the proposal to extend the London Park Hotel redevelopment even further up into the sky. Increasing the height of the proposed main building a further 7.3m would be significant - that's the height of an average two storey house.

Removing the two-storey building fronting Newington Butts, which was to have been a retail unit, changes the social impact of the plans as well - especially for those of us who live nearby. Why has this been proposed? It's impossible to see even the existing plans let alone the proposed changes to them.

Consultation Map

