

Item No. 7.2	Classification: Open	Date: 16 July 2018	Meeting Name: Planning Committee
Report title:	Development Management planning application: Application 17/AP/3910 for: Full Planning Application Address: 136-142 NEW KENT ROAD, LONDON, SE1 6TU Proposal: Demolition of the existing building and construction of a part 13 storey/part 9 storey block fronting onto New Kent Road and a part 6 storey/part 4-storey block fronting onto Munton Road, to provide a mixed-use development, with basement, providing 81 residential units, 1361sqm of flexible business floor space/non-residential institution (Use Class B1/D1) and 448sqm of retail floor space (Use Class A1) with associated cycle parking, servicing, refuse and recycling, landscaping and private and communal residential amenity space.		
Ward(s) or groups affected:	North Walworth		
From:			
Application Start Date 24/10/2017		Application Expiry Date 23/01/2018	
Earliest Decision Date 09/12/2017			

RECOMMENDATIONS

1. That planning permission is GRANTED subject to conditions and the applicant entering into an appropriate legal agreement, and receipt of the stage 2 comments from the Mayor of London.
2. In the event that the s106 agreement is not completed 21 December 2018, that the Director of Planning be authorised to refuse planning permission, if appropriate, for the reasons set out in paragraph 132 of this report

BACKGROUND INFORMATION

Site location and description

3. The site has an area of 0.2ha and is situated on the south side of the New Kent Road within the Elephant and Castle Opportunity Area. The site is currently occupied by two buildings; a double height commercial unit with front forecourt fronting onto New Kent Road and a warehouse unit covers the rear part of the site. The site is currently in use for employment purposes and is occupied by Kwik Fit who operate a tyre renewal centre/car workshop.

Image 1: Location



4. The site is bounded to by New Kent Road to the north, which forms part of the Transport for London Road Network (TRLN). Edison House, a five-storey residential block, borders the Application to the east and a six storey residential development (Cutler Apartments and Morant Court) borders the site to the west. To the rear, the site's southern boundary is formed by a residential property (1-2 Munton Road) and Munton Road. Victory Community Park is located on the opposite side of Munton Road to the south.
5. The character of the immediate built environment is mixed with scale of between 2-6 storeys in height. It is predominantly residential with some ground floor commercial/retail uses on the ground floor of the neighbouring Cutler apartments and opposite on the ground floor of properties 157-193 New Kent Road. New Kent Road is heavily trafficked arterial route. Munton Road is a one way vehicle route east to west with a cycle contraflow on the north side which runs past the site.
6. The building is not listed and is not within a Conservation Area. It is however within the setting of the following listed buildings (highlighted in green in Image 1):

Elephant House, 4 Victory Place,
Driscoll House, 172 New Kent Road
Nos 154-170 (even) New Kent Road

Details of proposal

7. The proposed development involves the demolition of the existing buildings on the site and the erection of a part 13-storey and part 9 storey block fronting onto New Kent Road and a six storey block fronting onto Munton Road to the rear. The proposal includes a new public realm along the frontage of New Kent Road and would involve the removal of the west crossover from the site to New Kent Road.
8. The proposed development would provide the following benefits:
 - New housing
 - Policy compliant affordable housing contribution
 - Exemplary Quality of residential accommodation

- Active Uses at the ground floor.
- Increased Employment Densities

9. The proposed development is arranged with commercial uses at the ground and basement level and residential on the floors above. The proposed commercial space is arranged with four units at the ground floor level and three at the basement level.

Unit	Floor space (sqm)
C001 (Grd)	448
C002 (Grd)	102
C003 (Grd)	107
C004 (Grd)	235
CB01 (Bse)	176
CB02 (Bse)	386
CB03 (Bse)	324

10. In terms of its built form the proposed development is split into two blocks joined at the ground floor. Block A fronts onto New Kent Road and would rise to 9 storeys on both the western and eastern elevations with a central tower element rising up to 13 storeys. Block B is situated to the rear of the site fronting onto Munton Road and would be part 4 storey/part 6 storey building with commercial use on the ground floor.
11. The proposed residential accommodation is provided from the first floor upwards in both blocks. Block A would contain commercial units fronting onto New Kent Road at the ground floor level and additional space within the basement with 69 residential units above. The proposed residential accommodation within Block A would have the following mix 18 x 1-beds, 36 x 2-beds and 15 x 3-beds. This would be a mix of private and affordable accommodation. Block B would have commercial unit fronting onto Munton Road at the ground floor level and 12 residential units above. The proposed residential accommodation within this block would have the following mix 4 x studios, 3 x 1-beds, 4 x 2-beds and 1 x 3-bed. This would be fully private accommodation.
12. The site would still be serviced from New Kent Road with the retention of the eastern access. The western access would be removed and the forecourt area would be landscaped as well as providing pedestrian entrances for the residential and commercial elements of the proposed development. The proposed development would be “car-free” but would provide two disabled parking spaces in the front forecourt.

During the course of the planning application the following amendments were submitted making the following changes to the proposed development:

- Alterations to scale and massing including reduction in the maximum height of the New Kent Road block to 13 storeys;
- Alterations to scale and massing of Munton Road block reducing its height from a 6-storey block to a part 6/part 4 storey block.
- Removal of the first floor commercial element adjacent to No.1 Munton Road.
- Reduction in total number of residential units proposed from 85 to 81.
- Alteration in the mix and layouts of residential units proposed
- Updated affordable housing offer;
- Removal of proposed pedestrian link between New Kent Road and Munton Road.

Planning history

13.

<p>16/EQ/0382 Application type: Pre-Application Enquiry (ENQ) Redevelopment of the site to provide a new mixed use development comprising of two blocks, the highest extending to 24 storeys, for residential (132 units) and commercial purposes. Decision date 15/03/2017 Decision: Pre-application enquiry closed (EQC)</p>
<p>17/EQ/0181. Application type: Pre-Application Enquiry (ENQ) Demolition of the existing building and construction of a fifteen-storey residential led mixed-use scheme providing 86 residential units, with commercial space at ground floor. Decision date 03/10/2017 Decision: Pre-application enquiry closed (EQC)</p>

Planning history of adjoining sites

14. Elephant Park

12/AP/1092 Application type: Outline Planning Permission (OUT)
Outline application for: Redevelopment 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.
The application is accompanied by an Environmental Statement submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) 2011.

Decision date 27/03/2013 Decision: Granted with Legal Agreement (GWLA)

15. Plot H4 (New Kent Road) :

17/AP/0693 Application type: Approval of Reserved Matters (AOR)
Application for the approval of reserved matters (access, scale, appearance, layout and landscaping) for Plot H4 within Elephant Park (previously referred to as the Heygate Masterplan), submitted pursuant to the Outline Planning Permission (ref: 12/AP/1092). The proposals comprise the construction of a development plot ranging between 8 and 25 storeys in height (maximum building height 85.57 m AOD), comprising 445 residential units, 1,765 sqm (GEA) of flexible retail (A1- A5) uses, 335 sqm (GEA) of flexible retail and leisure uses (A1-A5/D2), 220 sqm (GEA) office uses (B1) car parking, cycle storage, servicing, plant areas, new landscaping, and other associated works.

Granted: 26/05/2017

16. Plot H5 (New Kent Road):

17/AP/2269 Application type: Approval of Reserved Matters (AOR)
Approval of reserved matters (access, scale, appearance, layout and landscaping) for plot H5 within Elephant Park (previously referred to as the Heygate Masterplan) submitted pursuant to Outline Planning Permission ref 12/AP/1092. The proposals comprise the construction of a development plot ranging between 8 and 25 storeys in height (maximum building height 85.415 m AOD), comprising 384 residential units, 873 sqm (GEA) of flexible retail (A1-A5) uses, 735 sqm (GEA) of flexible retail, office

and leisure uses (A1-A5/B1/D2), 124 sqm (GEA) of flexible retail and office uses (A1-A5/B1) car parking, cycle storage, servicing, plant areas, new landscaping and other associated works.

Granted: 22/09/2017

17. Plot H11a (New Kent Road)

18/AP/1862 Application type: Approval of Reserved Matters (AOR)

Application for approval of reserved matters (access, appearance, landscaping, layout and scale) for Plot H11a within Elephant Park (previously referred to as the Heygate Masterplan), submitted pursuant to the Outline Planning Permission ref: 12/AP/1092. The proposals comprise the construction of three buildings ranging between 10 and 19 storeys in height (maximum height 67.8m AOD) comprising 222 residential units, 1,321.55 sqm (GEA) flexible retail, office, community and leisure (A1-A5/B1/D1/D2) uses, wheelchair accessible parking, cycle storage, servicing, plant areas, landscaping, new public realm, and other associated works.

Application under consideration

18. Plot H11b (Heygate Street)

18/AP/1863 Application type: Approval of Reserved Matters (AOR)

Application for the approval of reserved matters (access, scale, appearance, layout and landscaping) for Plot H11B within Elephant Park (previously referred to as the Heygate Masterplan), submitted pursuant to the Outline Planning Permission ref: 12/AP/1092. The proposals comprise the construction of two buildings of between 11 and 25 storeys in height (maximum building height 84.2m AOD) comprising 259 residential units, 285 sqm (GEA) flexible retail, office, community and leisure uses (Classes A1-A5/B1/D1/D2), cycle storage, servicing, plant areas, landscaping, new public realm, and other associated works.

Application under consideration

19. Cutler Apartments/Morant Court (134 New Kent Road)

08/AP/1480 Application type: Full Planning Permission (FUL)

Demolition of existing buildings and erection of a 6 storey building for mixed use, comprising 436sqm of commercial floorspace within office/retail/financial or professional services/cafe/restaurant use, (Use Class B1/ A1 /A2/ A3) on the ground floor, and 21 self contained flats (7 one bedroom, 4 two bedroom and 10 three bedroom flats) on the upper floors with associated private amenity space, servicing, car and cycle parking spaces, and refuse storage.

Granted with Legal Agreement 02/11/2009.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

- a) Principle of the proposed development and conformity with strategic policies;
- b) Environmental Impact Assessment
- c) Affordable housing;

- d) Housing Mix
- e) Density;
- f) Design and Impact on Character and Setting of Local Listed Buildings
- g) Impact on Residential Amenity
- h) Impact of adjoining uses on the proposed development;
- i) Quality of Residential Accommodation
- j) Transport
- k) Planning obligations (s106) and community infrastructure levy;
- l) Sustainability;
- m) Other Matters

Planning policy

21. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The key development plan policies are set out below:

22. Planning Policy Designations (Proposals Map)
 - Elephant and Castle Opportunity Area;
 - Elephant and Castle Major Town Centre;
 - Central Activity Zone;
 - Air Quality Management Area;
 - Area where a minimum of 35% affordable and 35% private housing is required.

23. The site sits within zone 1 and has a Public Transport Accessibility Level (PTAL) of 6b (excellent). It is located in Flood Zone 3 as identified by the Environment Agency flood map, which indicates a high probability of flooding.

24. The site sits in the background of two viewing corridors, the Alexandra Palace Viewing terrace to St Paul's Cathedral (View 1A.2) and the Centre of Bridge over the Serpentine to the Palace of Westminster (View 23A.1).

25. National Planning Policy Framework (the Framework)
 - 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 11 - Conserving and enhancing the natural environment
 - Section 12 'Conserving and enhancing the historic environment'

26. The London Plan 2016
 - Policy 3.3 Increasing housing supply
 - Policy 3.1 Ensuring equal life chances for all
 - Policy 3.8 Housing choice
 - Policy 3.9 Mixed and balanced communities
 - Policy 3.11 Affordable housing targets
 - 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 5.12	Flood risk management
Policy 5.13	Sustainable drainage
Policy 5.15	Water use and supplies
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 6.13	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 7.8	Heritage assets and archaeology
Policy 7.13	Safety, security and resilience to emergency
Policy 7.14	Improving air quality
Policy 7.15	Reducing noise and enhancing soundscapes
Policy 7.19	Biodiversity and access to nature
Policy 7.21	Trees and woodlands
Policy 8.2	Planning obligations
Policy 8.3	Community infrastructure levy

27. Core Strategy 2011

Strategic Policy 1 - Sustainable development
 Strategic Policy 2 - Sustainable transport
 Strategic Policy 5 - Providing new homes
 Strategic Policy 6 - Homes for people on different incomes
 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

28. 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.

Policy 1.4 - Employment sites outside preferred office locations and preferred industrial locations
 Policy 2.2 - Provision of new community facilities
 Policy 2.3 - Enhancement of educational establishments
 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 3.15 - Conservation of the historic environment
 Policy 3.16 - Conservation areas
 Policy 3.17 - Listed buildings
 Policy 3.18 - Setting of listed buildings, conservation areas and world heritage sites
 Policy 3.19 - Archaeology
 Policy 3.28 - Biodiversity
 Policy 4.4 - Affordable housing
 Policy 4.5 - Wheelchair affordable housing
 Policy 4.7 - Non self-contained housing for identified user groups
 Policy 5.1 - Locating developments
 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

29. Supplementary Planning Documents

Elephant and Castle Supplementary Planning Document (SPD) and Opportunity Area Framework (OAPF) (2012)
 Section 106 Planning obligations SPD (2007)
 Affordable housing SPD (2008)
 Sustainable design and construction SPD (2009)
 Sustainable transport SPD (2010)
 Residential Design Standards SPD with technical update (2016)
 Draft Affordable housing SPD (June 2011)

The New Southwark Plan

30. Work is under way to prepare a New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark plan and the 2011 Core Strategy. *The draft plan is now at the Submission Version Stage and no more consultation on the plan will be undertaken.* It is anticipated that the plan will be adopted *in 2019* following an Examination in Public (EIP). As the NSP is in draft form it can only be attributed limited weight at present.

Draft New London Plan

31. Members should also be aware that the draft New London Plan was published on 30 November 2017. However, given that the plan process leading to the adoption of a new London Plan is only just beginning, this should be given very limited weight.

Principle of development

32. The NPPF sets out the Government's strong commitment to delivering sustainable development. It advises that there are three elements to sustainable development, economic, social and environmental. Sustainable development is the principal theme

underpinning both London-wide and Southwark plan policies, where the regeneration of areas such as the Elephant and Castle is of high priority.

33. The site is within the Elephant and Castle Opportunity Area and the London Plan considers Opportunity Areas to be “*the capital’s major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other developments linked to existing or potential improvements to public transport accessibility. Typically they can accommodate at least 5,000 jobs or 2,500 new homes or a combination of the two, along with other supporting facilities and infrastructure*” (paragraph 2.58). Accordingly, policy 2.13 of the London Plan states that opportunity areas should seek to optimise residential and non-residential out-put and densities, provide necessary social and other infrastructure to sustain growth, and where appropriate, contain a mix of uses. Table A1.1 (Annex 1) of the London Plan gives an indicative employment capacity of 5,000 jobs and a minimum of 5,000 new homes to be delivered in the Elephant and Castle Opportunity Area over the plan period, and table A1.1 further notes that:

“The Area is undergoing major transformation with significant investment in housing and potential for new retail provision integrated with a more efficient and attractive transport interchange. There is scope to create a series of connected public open spaces complemented by environmental and traffic management improvements. Resolution of these and rail related issues are crucial to the successful redevelopment of this southern gateway to central London.”

Provision of Commercial Uses

34. The site also sits within the central activities zone (CAZ), the strategic priorities and functions for which are set out in policies 2.10 and 2.11 of the London Plan; this includes enhancing and promoting the roles of the CAZ based on a rich mix of local and strategic uses
35. Saved Southwark Plan Policy 1.4 states that there should be no net loss of floor space where there is an existing employment use within the CAZ and also where there is a direct access onto a classified road. Core Strategy Strategic Policy 10 states that Southwark Council will increase the number of jobs in Southwark and create an environment in which businesses can thrive by protecting existing business floor space and supporting the provision of additional business floor space within the CAZ and within Town Centres. This is supported by the EACOA SPD Policy 25 states that development should retain business space as part of mixed use development unless replaced by a suitable town centre use.
36. The proposed development would accord with these policy requirements. The existing building is occupied by Kwik Fit as a tyre renewal centre. This use is a B2 (General Industrial) use and is therefore an employment use. The existing building provides 1747sqm (GIA) of employment floorspace. The proposed development would involve the provision of 1361sqm of employment floors space and 448sqm of retail floor space (GIA). The total commercial floorspace would be 1809sqm.
37. The proposed employment space would be arranged between four units at the ground floor level with additional space within the basement. The applicants have sought a flexible use class for these spaces including use classes A1, A2 and B1. While A1 and A2 uses would not be classified as employment uses, the EACOA SPD Policy 25 requires retention of business space **unless** replaced by a suitable town centre use. The proposed A1 and A2 floor would be classified as suitable use given the town centre location.

Provision of housing, including affordable housing

38. The scheme would provide 81 new residential units, including policy compliant affordable housing comprising social rented and intermediate units. There is a pressing need for housing in the borough. Policy 3.3 of the London Plan supports the provision of a range of housing and sets the borough a target of 27,362 new homes between 2015-2025. This is reinforced through Strategic Policy 5 of the Core Strategy which requires development to meet the housing needs of people who want to live in Southwark and London by providing high quality new homes in attractive areas, particularly growth areas. It would also be in accordance with policy for the Elephant and Castle Opportunity Area and the expectation of significant new housing provision.

Conclusion on land use

39. The proposed development is considered to be in accordance with the land use principles set out in the development plan, and the delivery of replacement commercial floorspace with new housing is welcomed.

Environmental impact assessment

40. The development is not of a scale that requires the submission of an Environmental Statement.

Affordable Housing

41. Strategic Policy 6 of the Core Strategy 'Homes for People on Different Incomes' requires at least 35% of the residential units to be affordable. All of the affordable units should be provided on site and a mix of housing types and sizes is required. In accordance with Saved Policy 4.5 of the Southwark Plan, for every affordable housing unit which complies with the wheelchair design standards one less affordable habitable room will be required.
42. Saved Policy 4.4 of the Southwark Plan requires a tenure split of 50% social rented to 50% intermediate housing. This is reiterated in the draft EACOA SPD.
43. In total, 226 habitable rooms would be provided in the development. The affordable housing requirement for this would be 79 habitable rooms to meet the 35% requirement. The proposed development would provide 6 social rent wheelchair accessible units which taking into account the wheelchair dispensation would reduce the total affordable habitable room requirement to 73 habitable rooms. The proposed development would provide 73 habitable rooms. The level of provision is therefore acceptable and policy compliant. Viability information has been submitted which supports the delivery of the quantum of affordable housing proposed.
44. With regard to tenure split, out of the 73 affordable habitable rooms, 41 would be social rented (56%) and 32 would be intermediate shared ownership (44%). This is slightly out from the 50% social rented and 50 % intermediate split required but it is in the favour of social rented which is welcomed.

Table 1: Affordable housing

Units	Social rented	Intermediate (shared ownership)	Total
1 bed	1		1
2 bed	5	8	13
3 bed	6	2	8
Total	12	10	22

45. The proposal would provide a total of 22 affordable units in a mix of unit sizes, including a larger number social rented family sized units (6), which is a positive aspect of the scheme. A section 106 agreement is recommended to secure the delivery of these units, including a clause preventing more than 50% of the private units from being occupied until the affordable units have been completed.
46. The proposed social rented units would be situated on floors 1 and 2 of Block A with the shared ownership homes situated on floors 3 and 4 of the same block. Viability information has been submitted which supports the delivery of the quantum of affordable housing proposed. This has been reviewed by external consultants on behalf of the Council, who have confirmed that the current affordable housing offer is the maximum deliverable.
47. In their stage 1 response the GLA have stated that as the application proposes development on industrial land, draft London Plan Policy H6 requires 50% affordable housing to be delivered in order for the scheme to benefit from the fast track route. They have suggested that the applicants should investigate the use of grant funding to increase the proportion further and that early and late stage reviews should be secured should the 50% threshold not be met. The applicants updated viability assessment has investigated the use of grant assumed at £28,000 per unit, and concluded that this would not lead to an increase in affordable housing. The Council's viability consultants have reviewed this and noted that a greater level of funding would be required to provide additional affordable housing. They have confirmed that that the current affordable housing offer is the maximum deliverable.

Housing Mix

48. Strategic Policy 7 of the Core Strategy 'Family homes' requires developments of 10 or more units to provide at least 60% 2+ bedroom units and 10% 3+ bedroom units. No more than 5% studio units can be provided and these can only be for private housing. At least 10% of the units should be suitable for wheelchair users.

Table 2: Unit Mix

Unit Type	Number of Units	Percentage
Studio	4	5%
1-bed	21	26%
2-bed	44	54%
3-bed	12	15%
Total	81	100%

49. 69% of units would have two or more bedrooms; this significantly exceeds the 60% target and is welcomed. 15% of the units would have three or more bedrooms, which

also exceeds the 10% minimum. The numbers of studios proposed is 5% which is the maximum allowed. Nine wheelchair units (10%) would be provided. These wheelchair units would be provided in the social, intermediate and private tenures in a range of unit sizes. This is considered acceptable and appropriate. The social rented units would be required to be fully fitted for first occupation, with private and intermediate units being adaptable. In summary the housing mix would be in accordance with the relevant policy.

Density

50. Policy 3.4 Optimising Housing Potential of the London Plan states that development should optimise housing output for different types of location within the relevant density range shown in Table 3.2 of the Plan. It also requires local context, the design principles and public transport capacity to be taken into account. Strategic Policy 5 – Providing new homes of the Core Strategy sets out the density ranges that residential and mixed use developments would be expected to meet. As the site is located within the Central Activities Zone, a density range of 650 to 1100 habitable rooms per hectare would be sought. In order for a higher density to be acceptable, the development would need to meet the criteria for exceptional design as set out in section 2.2 of the Residential Design Standards SPD.
51. The development as a whole would have a density of 1480 habitable rooms per hectare. Since the maximum upper limit of 1100hrh would be significantly exceeded, the development would need to demonstrate that it would provide exemplary accommodation to the highest design standards. If it can be demonstrated that an excellent standard of accommodation would be provided, and the response to context and impact on local services and amenity to existing occupiers is acceptable, then it's considered that the high density in this Opportunity Area location would be appropriate.

Design and impact on character and setting of local listed buildings

52. The NPPF requires good design as a key aspect of sustainable development. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The NPPF also provides advice regarding the conservation and enhancement of the historic environment. Where a proposal will lead to substantial harm to or total loss of significance of a designated heritage asset , local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
53. The relevant London Plan design policies are 7.4 – Local character and 7.6 Architecture. These policies seek high quality architecture that responds positively to the character of the area, respects existing heritage as well as being of being of a scale, proportion and design which activates and appropriately defines the public realm. Buildings should also optimise the potential of sites. Policy 7.7 of the London Plan provides the criteria for where tall buildings should be located. These should be located within the CAZ, Opportunity Areas, or town centres that have good access to public transport. Tall buildings should only be considered in locations if they are the most appropriate way to achieve the optimum density in highly accessible locations, are able to enhance the qualities of their immediate or wider settings, or if they make a significant contribution to local regeneration.
54. The EACOA SPD policy 17 states that tall buildings in the opportunity area will help signal its regeneration with the tallest buildings being situated in focal points in views towards the centre of Elephant and Castle. Moving away from the tallest points, they

should diminish in height to manage the transition down to the existing context. The proposed development would have a maximum height of 13 storeys and therefore is stepped down from the existing and approved tall buildings of Elephant Park on the New Kent Road. However it would still extrude above the existing context of neighbouring buildings on the south side of New Kent Road between Rodney Place and Balfour Street, which are between 3-6 storeys in height.

55. In terms of the locational requirements for tall buildings the site is situated within a highly accessible location, an opportunity area and a town centre. However as the proposal involves a tall building on the site it also needs to be considered against all the requirements of saved policy 3.20 of the Southwark Plan, which requires that all tall buildings should:

- i. Make a positive contribution to the landscape; and
- ii. Be located at a point of landmark significance; and
- iii. Be of the highest architectural standards; and
- iv. Relate well to its surroundings, particularly at street level
- v. Contribute positively to the London skyline as a whole consolidating a cluster within that skyline or providing key focus within views.
- vi.

56. Taking each of these in turn:

- i) Makes a positive contribution to the landscape

57. Landscape and the public realm is an important part of any proposal for a tall building. It will not only create a setting for the building, allowing it to land appropriately, but also an opportunity for such a development to demonstrate the benefits that can flow from expanding vertically providing more space at grade in a congested part of the city such as this.

58. The existing site is in occupation as a tyre fitting space with the front forecourt completely paved with two vehicular crossovers to provide a carriageway access and egress from the site, as such the existing front forecourt has negative contribution to the landscape being dominated by the vehicular crossover and the parking area of the existing use. The proposed development would involve the removal of the western crossover and the re-instatement of the pedestrian pavement along the New Kent Road. In addition to this there would be additional soft landscaping in the form of shrubs and ornamental planting along the frontage as well as a boundary hedge proposed along the eastern boundary with neighbouring Edison House. The proposed development is also appropriately set back to ensure the protection and retention of the existing mature street trees outside of the site.

59. The proposed development would therefore make a positive contribution towards landscape.

- ii) Is a point of landmark significance

60. The site is situated on the New Kent Road within the Elephant and Castle Opportunity Action Area close to the proposed tall buildings of Elephant Park. Three towers have been approved within Elephant Park fronting onto New Kent Road, two of these are now under construction with the third current at the Reserved Matters stage. The applicants contend that the site is a significant point along a key transport route and would be prominent in views south from Harper Road. Nevertheless the site is situated within the middle of a series of buildings situated between Rodney Road and Balfour Street that are of a scale between 3 to 6 storeys in height. Officers are of the view that while the proposed site is situated on a busy transport route within an Opportunity Area, the landmark significance of the site is limited and that it would not fully comply

with this aspect of the policy. However when considering the wider benefits of the proposal it is not considered to be cause such harm that it would warrant refusal of an otherwise acceptable scheme.

iii) Be of the highest architectural quality

61. The architecture is considered to be of a very high standard. This will be discussed further in paragraphs below. However the key aspects of the design include:

- The breaking up of the massing with different heights of the vertical elements (which also step down towards the lower density housing to the south).
- Generous balconies and roof terraces for each residential unit.
- The high proportion of dual aspect units.
- Highly articulated façade.

iv) Relates well to its surroundings particularly at street level.

62. The proposed development would introduce active frontages along the New Kent Road to the north and along Munton Road to the south. The proposed flexible mix of uses includes retail (A1), business (B1) and leisure (D2). This activity will ensure that the proposed building is activated on both the New Kent Road and Munton Road elevations.

63. The proposed building would be set back a minimum of 6m from the boundary of the site with the public highway creating an area of approximately 360sqm between the building and the pavements. This would provide an appropriate setting for a building of this scale. The building line is also stepped on the New Kent Road frontage to respond to the different buildings lines of neighbouring buildings to the east and west.

v) Contributes positively to the London skyline as a whole consolidating a cluster with that skyline or providing key focus within views.

64. A town and visual impact assessment has been submitted with the application. This identified 8 local views from which visual representations of the original 15 storey development have been prepared. The proposed development would be largely screened by existing buildings and mature landscaping. There are three views where the proposed development would be prominent these are:

- 1) To the east looking west from New Kent Road towards Elephant Park with the listed buildings in the foreground.
- 2) To the west looking east from New Kent Road with the Crown and Anchor and neighbouring blocks in the foreground.
- 3) From the junction of Balfour Road and Munton Road looking west towards Elephant Park

65. These views have been updated following the submission of amendments to the proposed development. The views from New Kent Road are where the tower element would be most prominent. The reduction in the height of the tower has helped reduce the prominence of the block when viewed from New Kent Road however it will still project significantly above surrounding development.

66. In the view from the south along the New Kent Road the 9-storey height of proposed block at the southern end of the site helps to mediate between the tower and the lower scale of development in that approach. The impact on Driscoll House and the listed terrace of houses in the foreground is marginal and not considered to be harmful.



67. The site is also situated within the wider background setting of Strategic Views 1A.2 (Alexandra Palace to Central London) and 23A.1 as identified in the London View Management Framework (LVMF). The applicants have provided Accurate Visual Representations that demonstrate that the height of the proposed development falls below the height of the background consultation planes of both views and would therefore not impact on these views.
68. The proposed tower element at 13 storeys while it would project above the roofline of neighbouring developments, would act as a transition in scale between the 6 storey Driscoll House on New Kent Road and the three New Kent Road Towers on the Elephant Park site. These towers step up from 19 storeys on Plot H11a on the junction of Rodney Place with New Kent Road to 25 storeys for the two towers on plots H4 and H5 of Elephant Park.
69. The applicants have sought to demonstrate that the proposed tower element of the proposed development would contribute positively to the London skyline. In assessment of this officers are of the view that the proposals would not be harmful to any strategic views and would when viewed within the context of the tall buildings proposed within Elephant Park and the Town Centre have an acceptable impact on local townscape.

Impact on Heritage Assets

70. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes the duty on local planning authorities to have special regard to the desirability of preserving or enhancing a listed building and its setting or any features of special architectural or historic interest which it possesses. Further, special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. This is also reflected in the NPPF (2012) and supporting NPPG (2014), and requires all development to conserve or enhance heritage assets and their setting and avoid causing harm. Designated heritage assets include Statutory listed buildings and designated conservation areas.
71. The site does not contain any listed buildings but it is situated within the wider setting listed buildings on New Kent Road and Victory Place. The proposed development would be prominent in background views of the Grade II listed Driscoll House and the

Grade II listed row of town houses at 154-170 (Even) New Kent Road. Concerns have been raised in consultation that the proposed development would cause significant harm to the significance of these heritage assets. The reduction in the height of the proposed building from 15 to 13 storeys has improved the relationship with these buildings. In relation to Elephant House, Victory Place the proposed building would be largely screened by existing landscaping and that where the proposed development would be visible in the wider setting it would be seen at a distant within an existing urban context.

72. The legal duties referred to above require that substantial weight is placed on any harm to listed buildings. Officers consider that there will be some harm to the views of Driscoll House and the 154-170 New Kent Road. The NPPF (2012) and the associated NPPG (2014) guide Local Planning Authorities to balance the harm (weighed as indicated) against the benefits of the proposal. In this case, the public benefits of bringing a low density brownfield site into more productive use including the provision of active groundfloor uses, a significant affordable housing contribution, high quality design and exemplary quality of residential accommodation outweigh the harm caused. Officers are satisfied that the public interest is such as to decisively outweigh the harm identified above notwithstanding the special regard that must be placed on it by the legal duties identified above. The GLA stage 1 response states that having had regard to the desirability of preserving the listed building's setting, that the proposed preserves the setting of the nearby listed buildings.

Detailed Design

73. The proposal is designed as a brick-clad development which is appropriate in this context and reflects the historic character of the New Kent Road as established by the listed buildings to the east. A light brick colour is proposed for the taller element and a contrasting mid-tone brick is proposed for the 9-storey element of Block A and for Block B. The buildings are designed with staggered windows and balconies as well as articulated facades with angled bays that introduce a gentle ripple across the face of the blocks and give added interest. Whilst the design of Blocks A and B reinforce the important street frontages of the New Kent Road and Munton Road respectively, the tower is expressed as a three-dimensional form with deep-set balconies all around and a highly articulated façade and roof-edge that will appear 'crown-like' over the parapets of the lower blocks.
74. The commercial and residential accommodation is high quality, generally meeting and exceeding the minimum standards set out in the council's adopted Residential Design Standards. The arrangement in three blocks ensures that there is a suitable predominance of dual aspect units. The separation distances between the new Kent Road Blocks and the Munton Road block are challenging however suitable mitigation measures are in place to avoid overlooking. The confident composition high quality layouts and appropriate cladding are considered a fitting and appropriate architectural response and should give the development a high quality appearance.

Conclusion on Design

75. The proposed development is situated within an opportunity area with excellent public transport accessible location where tall buildings are considered to be appropriate. At 13 storeys in height would make a positive contribution to landscape, would have high quality architecture and relate well to surroundings at the ground floor level. Although it would not fully comply with the requirements of policy 3.20. The proposed structure would also be prominent in the background views of the neighbouring listed buildings at Driscoll House, 172 New Kent Road and Nos 154-170 (even) New Kent Road. The level of harm to the significance of these assets is not considered to be such to warrant refusal of an otherwise acceptable development. It should also be noted that

in their Stage 1 response the GLA support the principle of the tall building and consider that there would be no harm to the setting of the nearby listed buildings.

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

Daylight and Sunlight

76. The BRE Guidance provides a technical reference for the assessment of amenity relating to daylight, sunlight and overshadowing. The guidance within it is not mandatory and the advice within the guide should not be seen as an instrument of planning policy
77. A daylight and sunlight assessment has been submitted for the proposals and has been updated during the course of the application. The BRE sets out three detailed daylight tests. The first is the Vertical Sky Component test (VSC), which is the most readily adopted. This test considers the potential for daylight by calculating the angle of vertical sky at the centre of each of the windows serving the residential buildings which look towards the site. The target figure for VSC recommended by the BRE is 27% which is considered to be a good level of daylight and the level recommended for habitable rooms with windows on principal elevations. The BRE have determined that the daylight (VSC) can be reduced by about 20% of the original value before the loss is noticeable.
78. This is supplemented by the No Sky Line (NSL) or Daylight Distribution (DD) method which assesses the proportion of the room where the sky is visible, and plots the change in the No Sky Line between the existing and proposed situation. It advises that if there is a reduction of 20% in the area of sky visibility, daylight may be affected.
79. In considering the impact upon sunlight, the test is based upon a calculation of annual probable sunlight hours (APSH) for all window faces within 90 degree of due south. The BRE guidelines require that a window should receive a minimum of 25% of the annual probable sunlight hours, of which, 5% should be received in winter months. Where window sunlight levels fall below this recommendation, the window should not lose more than a 20% loss of its former value.
80. The assessment considers the impact on the following neighbouring buildings:
 - 157-159 New Kent Road
 - Edison House
 - 1/2 Munton Road
 - Morant Court
 - Cutlers Court

VSC

Property	No. of windows tested	No. retaining at least 80% of their baseline VSC value	No. of windows of up to 30% reduction in VSC	No. of windows between 30%-40% reduction in VSC	No. of windows with over 40% reduction in VSC
157-159 New Kent Road	34	21	10	3	0
Edison House	40	10	5	3	22
1-2 Munton Road	11	2	1	0	8
161 New Kent Road	6	2	4	0	0
163 New Kent Road	4	0	4	0	0
Morant Court	25	8	8	4	5
Cutlers Court	21	21	0	0	0
Total	147	58	27	15	39

1-2 Munton Road

81. This property is a two storey residential building which is in use as two flats one on the ground floor and one on the first floor. The principal elevation faces east into a courtyard, which has a depth of 8.5m from the 4 storey flank wall of the proposed development.
82. The groundfloor windows through to the main habitable room living space would receive a reduction in VSC of 48.3% and 46.9% to give absolute VSC levels of 13.2 and 12.4 respectively. The habitable room windows on the first floor experience a reduction in VSC of 46.5% and 51.5% to give absolute VSC levels 18.1 and 16.1 respectively.
83. The windows of these units benefit from relatively high VSC levels given the single storey height of the existing buildings, meaning that any development of even a modest height would cause a noticeable impact on light levels within the dwellings. In these circumstances, and when weighed against the benefits of bringing this brownfield site into more intensive use, it is considered that the harm caused is not so severe as to warrant refusal of the proposed development.

Edison House, Munton Road

84. This property is a 5 storey residential building which is situated to the east of the site on the corner of New Kent Road with Balfour Street. There are four flats on each floor within this block. Each of these flats are dual aspect with windows facing towards the proposed development site and towards either the New Kent Road and Balfour Street. There is a deck access and stair core which projects out in front of the windows on the west elevation facing the site.
85. A total of 30 windows would not meet the BRE guidelines in relation to VSC and of these 22 would experience a reduction in excess of 40% VSC and 3 between 30-40%. The principal living rooms of these flats all have aspects east and north and would not be significantly affected by the proposed development in terms of daylight. The windows that are worst affected with reductions of 40%, are predominantly kitchens (15) and smaller bedrooms (5) and already have existing low levels of VSC as a result

of their outlook being limited by the existing deck access, projecting stair core and overhanging eaves on the upper floor.

86. The living rooms would experience the greatest actual VSC reductions but would retain VSCs of between 16-21.6. The BRE guidelines suggest that in an urban location an overall VSC in high teens may be considered appropriate in an urban location and given that the main living rooms are all likely to have windows with a different aspect the harm to these is not considered to be significant
87. The impact on the kitchen windows is considered to be significant and while the existing VSCs are low the further reduction would have a noticeable impact on the residents. However given the units affected would all have main living areas not impacted by the proposed development it is considered in these circumstances, when weighted against the benefits of proposed development that the harm caused is not to such an extent as to warrant refusal of the scheme.

Morant Court

88. A total of 25 windows were assessed of which 17 would fall short of the BRE recommended guidelines. 5 windows will experience over 40% reduction in VSC and 4 would experience 30-40% reductions. Those windows experiencing the largest percentage declines are those which have relatively high existing VSC levels. There are some units on the lower levels where the decline would result in absolute VSC levels of 12.8 and 14.6 however the rooms affected are bedrooms which are less sensitive in relation to maintaining good sunlight levels.

157-159 New Kent Road

89. 34 windows have been tested in terms of impact on daylight. 21 would retain at least 80% of their baseline VSC. Of the 13 which would experience reductions above the recommended guidelines, 10 would experience reductions of between 20-30% and 3 would experience reductions between 30-40%. 10 of these would retain absolute VSC of 18 or more which is considered to be reasonable in a Central London location. The 2 remaining windows are both situated on the fourth floor of the building where they are situated under a deep overhang. These windows are through to a room which would also retain a window with a different outlook and which would retain good levels of daylight.
90. The proposed impact on daylight and sunlight to the residential units within this block is considered to be acceptable.

161 New Kent Road

91. 6 windows have been tested. 4 would not comply with the recommended BRE guidelines. These windows would all retain absolute VSC levels of over 23 which is considered to be reasonable within an urban location.

163 New Kent Road

92. 4 windows have been tested. All 4 would not comply with the recommended BRE guidelines in relation to VSC however windows would retain absolute VSC levels of over 25, which is considered to be reasonable within an urban location.

Cutlers Court

93. 21 windows were tested for VSC impacts and all of these passed the test and would retain over 80% of existing daylight. In some instances there would be a marginal

improvement in daylight levels following the proposed development.

Impact on Sunlight

94. The impact of the scheme on sunlight to neighbouring properties has been assessed using the Annual Probable Sunlight Hours (APSH) test. The recommended numerical values set out within the BRE Guidelines are for a window to achieve Annual Probable Sunlight Hours of 25%, including at least 5% during the winter months. Only rooms with windows facing within 90 degrees of due south are assessed.
95. The sunlight assessment has assessed the impact of the proposed development on sunlight through to the following properties: The assessment considers the impact on the following neighbouring buildings:
- 157-159 New Kent Road
 - Edison House
 - 1-2 Munton Road
 - Cutlers Court
 - 161 New Kent Road
 - 163 New Kent Road

Address	Number of rooms (with a window facing within 90 degrees of south) assessed for APSH	Number of rooms – pass APSH test	Number of rooms – fail APSH test
157-159 New Kent Road	25	24 (96%)	1 (4%)
Edison House	15	10 (667%)	5 (33%)
1/2 Munton Road	2	2 (100%)	0
Cutlers Court	21	18 (86%)	3 (14%)
161 New Kent Road	6	5 (83%)	1 (17%)
163 New Kent Road	4	4 (100%)	0
Totals	73	63 (86%)	10 (14%)

157-159 New Kent Road

96. One window on the fourth floor would fail the APSH test. This window would retain good levels of sunlight during the winter months.

Edison House

97. 5 windows out of the 15 tested would fail the APSH test. Of these four would experience declines over the recommended guidelines for both winter and annual tests. The window worst affected is window 7 on each floor. This is through to a bedroom which the guidelines state are less sensitive than living rooms in relation to sunlight. Accordingly the proposed impact on sunlight to this property is considered to be acceptable.

1-2 Munton Road

98. Two windows face within 90 degrees of due south. These would both retain 25% of APSH and more than 5% during winter months in accordance with BRE Guidelines.

Cutlers Court

99. 3 of the 21 windows tested would not meet the BRE test in relation to sunlight as a result of declines in winter sunlight. Two of these rooms are identified as Living/Kitchen/Diners and one is a bedroom. The bedroom and one of the LKD rooms would have windows which would comply with the guidelines thus there is only one LKD room which experiences decline beyond the guidelines. As this window would receive acceptable annual sunlight hours it is considered that the failure to meet winter requirements is not to such an extent that it would warrant refusal of an otherwise acceptable proposal.

161 New Kent Road

100. Of the 6 windows tested all would pass the annual sunlight test but one would fail the winter test. The window which does not comply would be through to a room which has other windows that would comply with the BRE test. Accordingly the impact on this one window is considered to be acceptable.

163 New Kent Road

101. All of the 4 windows tested would retain good levels of annual sunlight hours and also winter sunlight. The proposed development would have an acceptable impact on this buildings in terms of sunlight.

Impact on Overshadowing

102. Objections were received from neighbouring residents of number 1-2 Munton Road in relation to overshadowing of amenity space. The BRE guidance considers sunlight received by an amenity area on 21 March to be the key date, and states that at least 50% of the area should receive 2 hours of sunlight on this date.
103. The daylight and sunlight assessment looks at the impact of the proposed development on the amount of sunlight received by the neighbouring garden at the ground floor level of Nos. 1-2 Munton Road and notes that 53 % of the existing area of amenity space enjoys at least 2 hours of sunlight on the 21st March and there would be no change to this with the proposed development in place.

Privacy and Overlooking

104. Supplementary Planning Guidance for Residential Design Standards 2011 states that in order to prevent unnecessary problems of overlooking, loss of privacy and disturbance, development should achieve the following distances between residential windows
- A minimum distance of 12m at the front of the building and any elevation that fronts onto a highway;
 - A minimum distance of 21m at the rear of the building.
105. The proposed development complies with these minimum separation distances to neighbours and given the proposed arrangement of the buildings, it is not considered that the proposed development would result in a material impact on the amenity of any adjoining occupiers from overlooking or a loss of privacy.
106. To ensure that there is no overlooking of the neighbouring amenity spaces at 1 and 2 Munton Road and over the rear amenity space of the flats to the west, the first floor roof in this situation is identified as a brown roof with no access except for

maintenance. A condition will be attached to ensure restricting access onto this section of roof except for maintenance and as a means of escape. In addition to this the proposed development would retain the existing gable wall which adjoins the amenity space of No.1-2 Munton Road. There would be no flank wall windows within the Munton Road block.

Conclusion on Residential Amenity

107. The proposed development would largely have an acceptable impact on the amenity of neighbouring residents. The results of the daylight and sunlight assessment reveal that there would be a number of rooms that would not meet the relevant daylighting and sunlighting standards of the BRE, with flats at 1-2 Munton Road, Edison House and Morant Court particularly affected. However the proposed development is situated within the CAZ, Elephant and Castle Opportunity Area and in an area with excellent public transport accessibility. Therefore it is in an appropriate urban location for more intensive development which can result in impacts on neighbouring residents particularly where they are situated adjacent to existing developments that are of a scale well below the densities characteristic of a Central London location. As noted above the guidance within the BRE guidelines is not mandatory and the advice within the guide should not be seen as an instrument of planning policy. There are some impacts which go beyond the recommended guidelines but these are not of such significance that it would warrant a reason for refusal on an otherwise acceptable development.

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

108. None anticipated.

Quality of Accommodation

109. Development which exceeds maximum densities and/or includes a tall building is expected to demonstrate an exemplary standard of design.
110. Section 2.2 of the council's Residential Design Standards SPD advises that for a development to be considered as being of an exemplary standard of design, applicants will be expected to demonstrate that their proposed scheme exceeds the residential design standards and includes features such as:
- significantly exceed minimum floorspace standards;
 - provide for bulk storage;
 - minimise corridor lengths by having an increase in number of cores and maximum of 8 dwellings per core.
 - include a predominance of dual aspect units
 - exceed the minimum ceiling height of 2.3m
 - have natural light and ventilation in kitchens and bathrooms
 - exceed amenity space standards
 - meets good daylight and sunlight standards.

Internal space standards

111. The SPD defines the minimum standards required for internal accommodation, including overall unit as well as individual room sizes. The following table shows the range of proposed unit sizes as compared to the SPD standards.

Unit Size (bedroom / person)	SPD Minimum Unit Area (sqm)	Proposed Unit Range (sqm)
<i>Flats</i>		
Studio	38	40-46
1-bed (2 person)	50	51 – 62
2-bed (3 person)	61	61-75
2-bed (4 person)	70	70 – 85
3-bed (4 person)	74	81-101
3-bed (5 person)	86	91-101

112. All residential units either meet or exceed minimum unit sizes as well as the minimum standards for individual rooms within the dwellings. The larger family accommodation is particularly generous in size, including the affordable dwellings. All units are provided with sufficient bulk storage. It is preferred for the family 3 and 4 bedroom units to have kitchens separate from living areas to allow for a separation of activities. The affordable rented family accommodation have separate kitchen/diners and most of the market and shared ownership units have large open plan living areas that provide some separation. The flats have 2.5m floor to ceiling heights which exceeds the minimum 2.3m SPD requirement and will add to the sense of spaciousness. All kitchens will receive natural daylight and ventilation.

Aspect

113. The Council's RDS recommends that developments should have a predominance of dual aspect residential units. The Mayor's Housing SPG states that:

"a dual aspect dwelling is defined as one with openable windows on two external walls, which may be either on opposite sides of a dwelling or on adjacent sides of a dwelling where the external walls of a dwelling wrap around the corner of a building (the provision of a bay window does not constitute dual aspect)."

114. Using the Council's approach which would exclude units which would not comply with the above definition the proposed development would provide 69% dual aspect units and only 31% single aspect units. Of the 31% single aspect many of these units would have a secondary aspect into an inset balcony and thus while they would not constitute true dual aspect units they would have an enhanced outlook and some opportunity for cross ventilation within the units. There will be no single aspect north facing units. This would deliver a clear predominance of dual aspect units which is a key requirement of exemplary residential quality, and is a particularly positive aspect of the design.

Daylight and Sunlight Internal

115. In terms of daylight levels, the Daylight Consultants have used Average Daylight Factor (ADF) method of assessment on the lower two floors of the development. The ADF is a detailed calculation used when the internal layout and room use is known and assesses the quality and distribution of light within a room. The BRE advise the following minimum ADF values: 2% for kitchens, 1.5% for living rooms, and 1% for

bedrooms.

116. The applicant's daylight and sunlight consultant has advised that the proposed development would achieve 80% compliance for living rooms and 90% compliance for bedrooms in relation to ADF values recommended within the BRE guidelines. This level of compliance, if achieved, would be reasonable given the urban context of the site. The rooms which do not achieve the recommended guidelines are those on the lower floors with large inset balconies and in such cases the need for and benefits of external private amenity space need to be balance against the impact on levels of daylight.

Amenity space provision

117. Section 3 of the Residential Design Standards SPD sets out the Council's amenity space requirements for residential developments and states that all flat developments must meet the following minimum standards and seek to exceed these where possible:

- 50 sqm communal amenity space per development
- For units containing three or more bedrooms, 10 sqm of private amenity space
- For units containing two or less bedrooms, 10 sqm of private amenity space should ideally be provided. Where it is not possible to provide 10 sqm of private amenity space, as much space as possible should be provided as private amenity space, with the remaining amount added towards the communal amenity space requirement
- Balconies, terraces and roof gardens must be a minimum of 3 sqm to count towards private amenity space.

118. The proposed development would provide 82 residential units. All of the residential units have private amenity space in the form of balconies or roof terraces ranging in size from 6sqm to 12sqm. Each of the larger family units with 3 or more bedrooms has at least 10 sqm of private amenity space. The total shortfall of amenity space is calculated by the total amount of amenity space by which each unit falls short of 10sqm. This calculation gives a shortfall of 243sqm. This shortfall and the requirement for a minimum of 50sqm of amenity space would be offset by the provision of 457sqm of communal amenity space. The level of amenity space provision represents a provision in excess of the minimum amenity requirement.

Child play

119. The proposed development has a child yield of 23 children and child play space requirement of 230sqm. 110sqm of this is required for under 5s, 80sqm for 5-11 age groups and 50 sqm for 12+ age group. The applicants have suggested that this will all be provided through off-site and secured through an appropriate contribution. Officers are of the view that doorstep play should be provided on site and that there is sufficient space within the communal gardens to provide a total of 110sqm of dedicated play space for the under 5s. A financial contribution has been agreed with regard to the provision of play space for 5+ which cannot be accommodated on site. Overall, the scheme provides high quality amenity space for all its residents.

Privacy and overlooking within the development

120. In order to prevent harmful overlooking between residential properties, the Residential Design SPD requires developments to achieve a separation distance of 12 m at the front of a building and any elevation that fronts a highway and a minimum of 21 m separation at the rear of buildings.
121. There is a distance of 15.7m between facing bedrooms on the rear elevations of

blocks A and B. The applicants are proposing louvred screen across the affected bedroom windows within block B. These units are not single aspect and will have their main living areas overlooking Munton Road and Victory Park beyond as such it is considered to be an acceptable relationship. Further details of the layout of the proposed roof terraces will be sought to ensure that there is appropriate buffer zones and planting adjacent to the habitable rooms and amenity spaces that adjoin this space.

Conclusion - overall quality of residential accommodation

122. The proposed development would provide well lit and well ventilated homes that meet the space requirements of the Residential Design Standards. Sufficient private, shared communal and children's play space has been provided meeting the minimum requirements. The quality of accommodation is therefore considered to justify the high density of the scheme. Section 106 payments have been secured for the provision of older child play space which can go towards the delivery of play space elsewhere since it is not possible to provide this on site.

Transport issues

123. Core Strategy Strategic Policy 2 encourages walking, cycling and the use of public transport rather than travel by car. Saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions; 5.3 requires that the needs of pedestrians and cyclists to be considered and 5.6 establishes maximum parking standards.

Accessibility

124. The site has a PTAL (public transport accessibility level) of 6b excellent) and is located in a controlled parking zone (CPZ). It is within 500m of the Elephant Castle Rail and underground stations which are served by the Bakerloo and Northern Underground Lines and National Rail services. The site is close to Quietway 1 which provides a good quality cycle link to Waterloo. The nearest bus stop is located to the east on New Kent Road. It is considered to be an appropriate location for more intensive mixed use development given the excellent accessibility to public transport.

Servicing

125. Off-street servicing is proposed in the front forecourt retaining the existing vehicular crossover from the New Kent Road. This and the layout of the proposed forecourt would allow for vehicles of up to 10m in length to sufficiently manoeuvre on site to allow entry and exit in forward gear. Refuse collection will be undertaken from Munton Road. A delivery and servicing plan should be secured by condition these should demonstrate how deliveries will be managed and minimised, given the location adjacent to strategic road network and the limitations with the number of servicing vehicles that can access the site at any one time.

Car parking

126. The residential aspect of the scheme will be car free with the exception of two disabled parking bays which would be provided in the front forecourt. While current policy requirements require the provision of one disabled space per wheelchair unit emerging policy within the New Southwark plan states that this should be seen as a maximum provision. The applicants have reviewed the proportion of blue badges issued for all of Southwark and note that this is the equivalent of 2% of the population, which when applied to the proposed development would require the provision of 2 parking space. In addition to this the site is within a location with excellent public

transport accessibility which All new residents and commercial occupiers should be made exempt from obtaining parking permits and the relevant condition would be attached to any permission issued.

Cycle parking

127. Cycle parking spaces would be provided for each residential unit and for the commercial floor space. These would be in accordance with the New London Plan requirements, which is welcomed. However further details of the storage space and showering facilities for the commercial element will be secured by condition. TFL have sought a contribution towards the provision of infrastructure for their bike hire scheme as referred to in

Construction management

128. In order to ensure that increases in traffic, noise and dust associated with the construction phase of the development are minimised, a construction management plan is requested by condition. This should demonstrate how cyclists on the cycle track adjacent to the New Kent Road frontage would be kept safe from construction vehicles/activity and how the mature street trees on the New Kent Road will be protected.

Planning obligations (S.106 undertaking or agreement)

129. Saved Policy 2.5 of the Southwark Plan and Policy 8.2 of the London Plan advise that planning obligations can be secured to overcome the negative impacts of a generally acceptable proposal. Saved Policy 2.5 of the Southwark Plan is reinforced by the recently adopted Section 106 Planning Obligations 2015 SPD, which sets out in detail the type of development that qualifies for planning obligations. Strategic Policy 14 'Implementation and delivery' of the Core Strategy states that planning obligations will be sought to reduce or mitigate the impact of developments. The NPPF which echoes the Community Infrastructure Levy Regulation 122 which requires obligations be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

130. The application would be supported by the following s106 obligations:

Planning Obligation	Mitigation	Applicant Position
Affordable housing monitoring	£ 3,000	Agreed
Carbon Offset – Green Fund	£124,284.38	Agreed
Child Play Space	Up to £35,334	Agreed
Transport for London Docking Station	£125,000	Not agreed but currently being discussed with Transport for London
Admin fee	2%	Agreed

131. In addition to the financial contributions set out above, the following other provisions would be secured:

- Affordable housing provisions
- Wheelchair housing provisions
- Construction phase jobs, or a maximum Employment and Training Contribution of

£81,650.

- Highway works – s278 with Southwark for repaving of the footway fronting onto the development on Munton Road, Construction of raise entry tables on the two vehicular accesses within footway, installation of associated gullies and their connection to existing drainage
- S278 with TFL to alter/improve the site access/footway on the New Kent Road frontage
- Car club membership for 3 years
- Connection to a future district heating system

132. In the event that an agreement has not been completed by 20 December 2018, the Committee is asked to authorise the Director of Planning to refuse permission, if appropriate, for the following reason:

In the absence of a signed S106 legal agreement there is no mechanism in place to secure adequate provision of affordable housing and mitigation against the adverse impacts of the development through contributions and it would therefore be contrary to 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 (2015) and the Southwark Section 106 Planning Obligations and Community Infrastructure Levy SPD (2015).

Mayoral and Southwark Community Infrastructure Levy (CIL)

133. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material “local financial consideration” in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail, while Southwark’s CIL will provide for infrastructure that supports growth in Southwark.
134. In this instance a Mayoral CIL payment of £377,284.30 and a Southwark CIL payment of £1,853,319.95 would be required. These are pre-social housing relief figures and accordingly would be reduced when the CIL Social Housing Relief claim is submitted after the grant of planning permission.

Sustainable development implications

135. Policy 5.2 of the London Plan requires major developments to provide an assessment of their energy demands and to demonstrate that they have taken steps to apply the Mayor’s energy hierarchy. Policies 5.5 and 5.6 require consideration of decentralised energy networks and policy 5.7 requires the use of on-site renewable technologies, where feasible. The residential aspect of the proposal would be expected to achieve zero carbon, and the commercial aspect a 40% reduction against part L of the Building Regulations. An Energy statement and Sustainability Assessment based on the Mayor’s hierarchy have been submitted.

Be lean (use less energy)

136. Energy efficient measures included in the strategy are thermally efficient building fabric, glazing and energy efficient lighting and building services and reduced air permeability.

Be Clean (use less energy)

137. A combined heat and power plant (CHP) would be provided to reduce the carbon

dioxide savings further. The building would be future-proofed for a connection to a future district heating system which would be secured through the section 106 agreement.

Be green (low or carbon zero energy)

138. A range of low or zero carbon technologies was considered and photo voltaic panels (PVs) were found to be most suitable for this scheme. The PVs proposed would reduce carbon emissions by 9.2%; this would fall short of the 20% Core Strategy target for Strategic Policy 13 of the Core Strategy.
139. The 'be lean', 'be clean' and 'be green' measures would result in an overall reduction of 35% in carbon dioxide emissions when compared to a scheme compliant with the building regulations. For the residential element, a 35% carbon reduction would be achieved falling short of the zero carbon requirements as set out in policy 5.2 of the London Plan, amounting to a 66.413 tonne shortfall. For the non-domestic, a 35% reduction in carbon emissions would be achieved, falling short of the 40% target against Part L of the Building Regulations, amounting to a 2.6338 tonne shortfall.
140. Recognising that both the residential and commercial aspects fall below the policy requirements in relation to carbon savings, a contribution towards the council's carbon offset fund would be required. Calculated on the basis of £1,800 per tonne, the residential component would generate a contribution of £119,543.54 and the commercial component a contribution of £4,740.84 (total £124,284.38). The applicant has agreed to make the contribution of £124,284.38 to the carbon off set fund which would therefore make this aspect of the scheme fully policy compliant.

BREEAM

141. Strategic policy 13 of the Core Strategy requires the commercial units to achieve BREEAM 'excellent'. A BREEAM Pre-assessment report has been undertaken which demonstrates that an "excellent" standard can be achieved which meets the policy requirement and is therefore acceptable. A condition to secure this is therefore recommended.

Other matters

Trees

142. Saved policy 3.13 of the Southwark Plan requires high quality and appropriately designed streetscape and landscape proposals.
143. There are no existing trees on site. Additional shrub and small tree planting is proposed within the front forecourt. There are two mature off-site trees in close proximity to the site. These will need to be protected using appropriately worded conditions.

Ecology

144. The applicant has submitted a Preliminary Bat Roost Assessment which has been reviewed by the council's Ecologist. The assessment indicates that there would be no adverse impact to bats. A condition is recommended to secure details of bird and bat boxes. A green roof is proposed on areas of flat roof which would provide some biodiversity and sustainability benefits and accordingly is welcomed.

Archaeology

145. The site is not within the Archaeological Priority Zone (APZ), but is within an area of known Roman burials. These burials have been identified to the east, west and north of the proposal site, and have included antiquarian discoveries of highly decorated coffins and stone sarcophagus. Much of this information has been obtained from recent archaeological works in this area, confirming antiquarian observations. Archaeological evaluation in 2011, across the road at 157-159 New Kent Road, revealed post-medieval features and a possible Roman feature. Evaluation in 2010, at 134 New Kent Road, immediately adjacent to the site revealed some intact post-medieval soils but also that the archaeology of the site had been lost to 19th and 20th century development impacts. Both of these evaluations were undertaken following the submission of a DBA and the granting of planning consent with archaeological conditions. The historic Rodney Buildings, shown on Richard Horwood's 'Map of London' dated 1792-1799, are also known to have once crossed the application site.
146. The application is supported by an archaeological desk based assessment (DBA) by CgMs to comply with Saved Policy 3.19 Archaeology of the Southwark Plan 2007. The findings of this report note that pre-determination fieldwork is not required in this instance, and that there is sufficient information to establish that the development is not likely to cause such harm as to justify refusal of planning permission - provided that appropriate archaeology conditions are applied to any consent. The Council's archaeologist has reviewed this information and confirmed its acceptability.

Flood Risk

147. The application site is located within Flood Zone 3, which is considered to be 'High Risk' but does benefit from the Thames tidal defences. The Environment Agency and the Council's Flood and Drainage Team have reviewed the applicant's Flood Risk Assessment and considers it to be acceptable subject to the attachment of conditions being attached to any grant of planning permission.

Contaminated Land

148. A desk study was submitted which indicated the presence of contamination at this site. The full extent of contamination has not been established and so it is recommended that conditions be applied which would ensure that the risks from land contamination to the future users are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers and neighbours.

Air Quality

149. The site is located in an Air Quality Management Area and an Air Quality Assessment has been submitted, which considers the air quality impacts arising from the construction and use of the development.
150. The Council's Environmental Protection Team (EPT) has reviewed the submission and advised that they will require the emissions during the construction phase to be controlled by measures contained within a Construction Management Plan. Such a plan should detail details of continuous monitoring for dust and noise. It is recommended that this plan be requested by condition.

Conclusion on planning issues

151. The proposed development would provide a mixed use commercial/residential development within a location where re-development of brownfield sites at higher

densities is encouraged. The proposed building while it would not comply with all aspects of the tall building policy would deliver a high quality of residential accommodation and would comply with the standards as set out in the residential design standards adopted by the council in relation to unit mix, unit size, amenity space, dual aspect and wheelchair housing. The provision of affordable housing would be fully policy compliant and a positive aspect of the proposals. The impacts on the neighbours' amenity – sunlight, daylight and privacy – have been assessed and, while the impacts are recognised, they are not so harmful as to warrant refusal of an otherwise acceptable scheme.

152. It is therefore recommended that planning permission be granted subject to conditions and the completion of a legal agreement under the terms as set out above.

Community impact statement

153. Details of consultation undertaken by the applicant on the proposed development prior to submission of the planning application have been provided. Letters were sent to 351 local residents and businesses detailing the proposals with contact details. Ward members were also notified of the scheme.

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

Consultations

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

Consultation replies

155. Following the initial neighbour consultation, 47 representations were received. Following the submission of amended plans re-consultation was undertaken with letters sent out on 14 June 2018. 26 consultation responses were received the amended proposals. The main points of which have been summarised and addressed below in order of the prevalence of points raised by objectors.

156. Objection: Principle of tall building/out of character with surrounding development, overbearing visual impact; bad impact on views from S And N, not landmark significance; not a gateway site, too much with OKR and EP tall buildings, tallest building in 500m

Officer Comment: The acceptability of a tall building in this location is discussed in the text of paragraphs 56-80 above. It is noted that the proposed development does not fully comply with all of the tall building requirements however given the support of the GLA within the Stage 1 response and the subsequent amendments to reduce the maximum height, on balance, given other positive aspects of the proposal, the height is considered to be acceptable.

157. Objection: Detrimental impact on daylight and sunlight to neighbouring properties including 1-2 Munton Road and 159 New Kent Road. The impact on ground floor of No. 1 Munton Road has not been properly assessed as the stairs are shown in an incorrect location.

Officer Comment: The daylight and sunlight assessment has been considered in full in paragraphs 81-111 above. The proposed development is likely to have a noticeable impact on daylight and sunlight to neighbouring buildings particularly those on Munton Road and at Edison House. However the material benefits of the scheme are considered to outweigh the harm caused.

158. Objection: The ownership of a strip of land directly adjacent to Munton Road is disputed as it is currently maintained by the residents of 1 & 2 Munton Road and can only be accessed from their yard. This space is used for storage and if owners of 1&2 Munton Road can prove ownership it would be preferable for this to be a brick wall rather than glazed.

Officer Comment: Land ownership matters are private matters between two landowners. The applicants have set the building back so that it would not involve any structures being built on the area of land in question, however the proposed elevations show the provision of a large window onto this space through to the ground floor commercial unit fronting onto Munton Road. If the applicants are unable to secure the space it would have an unusual situation with glazing directly on the boundary with neighbouring land and as noted in the objection it would be preferable for this to be replaced with a brick wall. An appropriately worded clause could be installed within the legal agreement to ensure that in the event that the applicant is unable to demonstrate ownership of the strip of land marked blue that a revised elevation be submitted showing the treatment of the groundfloor of the Munton Road elevation prior to the commencement of development.

159. Objection: Detrimental impact on air quality/Pollution

Officer Comment: An Air Quality Assessment was submitted with the application. This was reviewed by the Council's Environmental Protection Officers who have raised no objections subject to appropriately worded conditions.

160. Objection: Proposed development is of an excessive density which will have a severe impact on local infrastructure.

Officer Comment: The impact of the proposed development on local transport infrastructure has been assessed by TFL and the Councils Transport Planners. They have advised that the proposed development would have an acceptable impact on local transport infrastructure. Should the proposed development go ahead CIL payments towards Mayoral CIL and Southwark CIL would be secured. Southwark CIL will provide funding to help deliver a range of borough-wide and local infrastructure projects that support residential and economic growth and benefit local communities.

161. Representation in Support: While there are concerns with other aspects of the proposals support is given for appropriately scaled development which provides policy compliant affordable housing contribution.

Officer Comment: Support for affordable housing is noted along with the concerns raised with regards to the scale of the development.

162. Objection: Technical reports area based on assumptions and not assessment of local conditions/data

Officer Comment: The concerns raised appear to relate to technical reports in relation to air quality. This report has been reviewed by the Council's Environmental Protection Officers who have raised no objections subject to appropriately worded conditions.

163. Objection: No wind analysis of impact of tall building.

Officer Comment: The applicants have not undertaken a wind assessment to support the proposed development as this is not a formal validation requirement for Southwark. The impact of tall buildings on wind turbulence is raised in London Plan

policy on tall buildings however this has not been raised the GLA in their stage 1 response, in which they supported the principle of a building of up to 15 storeys in height.

164. Objection: Proposal fails to make an appropriate affordable housing contribution.

Officer Comment: The proposal delivers a policy compliant level of affordable housing. The viability has been assessed and reviewed by independent consultants who have agreed that the level of affordable housing is the maximum that the scheme can support. This will be secured through the section 106 with an appropriate monitoring fee.

165. Objection: Impact on privacy of neighbouring properties on Munton Road and New Kent Road.

Officer Comment: There are no windows directly overlooking nos. 1&2 Munton Road. While the private and communal roof terraces are set in from the boundary to ensure there will be no overlooking of neighbouring premises. The proposed front windows of the residential accommodation would be over 30m away from the nearest windows of 159 New Kent Road. This distance is in excess of the minimum distance recommended in the Council's Residential Standards SPD

166. Objection: Scale and design of proposed development would cause substantial harm to the significance of Grade II listed buildings on New Kent Road

Officer Comment: This matter is covered in paragraphs 75-77 above. It is the view of Council Officers that the benefits associated with the proposed development would outweigh the harm to the setting of the listed buildings.

167. Objection: Increased congestion/noise pollution from traffic

Officer Comment: The proposed scheme will remove a tyre fitting/car garage from the site and will reduce the total number of parking spaces than the existing. Conditions are proposed to require a construction management plan to assist in minimising air pollution.

168. Objection: Noise pollution and disruption associated with cumulative schemes in the area.

Officer Comment: A draft construction management plan was submitted with the application but requires amendments to take account comments from Environmental Protection Team and transport. A condition would require another version to be submitted for approval to show how noise and disruption to the highways and surrounding properties would be minimised during the demolition and construction periods.

169. Objection: Failure to provide appropriate levels of parking

Officer Comment: The proposed development is in an appropriate location for car-free development given the excellent public transport accessibility and its location within a Controlled Parking Zone. A condition will be attached removing the rights for residents to obtain a parking permit.

170. Objection: Support for the mix of accommodation

Officer Comment: Support for policy compliant mix of accommodation is noted.

171. Objection : Impact of new retail use on shops on opposite side of New Kent Road.

Officer Comment: The proposed permission would provide one retail unit at the ground floor level. The site is within Elephant and Castle Town Centre where retail units at ground floor level are supported.

172. Objection: Loss of value of property

Officer Comment: Loss of value of property is not a matter which can be taken into account when assessing the material impacts of a proposed development.

173. Objection: Pedestrian crossing on New Kent Road should be moved.

Officer Comments: The anticipated pedestrian movements associated with the proposed development are not of a scale that would require re-location of a pedestrian crossing.

174. Objection: Loss of view of park from 159 New Kent Road

Officer Comments: The right to a private view is not considered to be a matter which the planning system can preserve.

175. Representation: Support design

Officer Comment: The support for design is noted.

176. Objection: Lack of industrial/commercial space.

Officer Comment: The proposed commercial floor space is considered to be in accordance with policy requirements.

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

Summary of consultation responses

Archaeologist

178. The proposed development is not likely to cause such harm as to justify refusal of planning permission provided that appropriate conditions are attached in relation to evaluation, mitigation and reporting of site work.

Ecology Officer

179. No objections to the proposed development. The bat survey is sufficient and the site has negligible value to wildlife. The site can be enhanced for biodiversity. Appropriate conditions required for details of enhancements.

Environment Agency

180. No objections subject to conditions in relation to:

- Groundwater protection
- Piling
- SUDS

181. No further comments to re-consultation.

Environmental Protection Team

182. Approval subject to conditions in relation to noise and vibration, air quality, site contamination and construction management.

Flood and Drainage Team

183. The development is for mixed use redevelopment in Flood Zone 3. The site is within the breach zone of the River Thames; however, ground floor and basement uses are proposed to be restricted to 'less vulnerable' uses.
184. Basement areas are proposed. As outlined within our SFRA, within Flood Zone 3, basement thresholds must be raised above the 2100 year maximum water level, anticipated through breach of the River Thames defences. Internal access to upper floors must be provided and flood resilient design and construction techniques employed. This is not detailed in the FRA so confirmation should be provided.
185. A drainage strategy has been supplied, which proposes a 50% reduction of the peak 1 in 100 year runoff rate. As specified in the initial consultation responses provided, reduction of runoff to Greenfield runoff rates is particularly important in this location. In this case the site Greenfield runoff rate is very low so site runoff should be reduced to a minimum discharge rate of 5 L/s.
186. Numerous green and brown roof areas are proposed; however, the report indicates that these have not been accounted for in terms of attenuation. Pumping from the below ground attenuation tank is also proposed. This is generally discouraged, due to low sustainability of the approach; however, it is acknowledged that the site is particularly spatially constrained.
187. Given the spatial constraints, the applicant may wish to give consideration to blue-green rooftop storage, to enhance the ability of the rooftop to provide adequate attenuation under higher return periods.
188. We recommend that an emergency Flood Evacuation Plan is submitted to and approved in writing by the planning authority prior to occupation of the site. This should specify appropriate access and egress routes and/or safe areas of refuge on upper levels.

Greater London Authority (GLA) stage 1 report

189. London Plan and draft London Plan policies on Opportunity Areas, employment, housing, urban design, inclusive design, climate change and transport are relevant to this application. The application is not compliant with the London Plan and draft London Plan, but could become compliant with the London Plan and draft London Plan if the following matters are resolved:
- **Land use principle:** mixed-use redevelopment of this site in the Elephant & Castle Opportunity Area and Central Activities Zone is supported. However, the applicant should ensure no net loss of employment floorspace and address outstanding concerns regarding the quality of the replacement employment space, in line with London Plan Policy 2.13, draft London Plan Policies SD1, SD4, SD8 and E7, and the Elephant & Castle Opportunity Area Planning Framework.
 - **Affordable housing:** 35% by habitable room, with a 50:50 split between affordable rent and shared ownership. GLA officers will robustly scrutinise the

applicant's viability assessment. The use of grant should be explored and modelled to increase the offer. Concerns over affordability also need to be addressed. Early implementation and late stage review mechanisms should be secured if the 50% threshold is not met, in accordance with the Mayor's Affordable Housing & Viability SPG and draft London Plan Policies H5 and H6.

- **Urban design:** generally supported; however the concerns regarding the quality and generosity of the pedestrian route through the scheme should be addressed. This is to ensure compliance with London Plan Policies 7.1, 7.2 and 7.5 and draft London Plan Policies D2, D6 and D7.
- **Climate change:** the energy strategy does not fully accord with London Plan Policy 5.2 and draft London Plan Policy SI2. Further information regarding overheating is required. The final agreed energy strategy should be appropriately secured by the Council, along with contributions towards off-site mitigation.
- **Transport:** in order to comply with London Plan Policies 6.2, 6.7, 6.9 and 6.14, and draft London Plan Policies T3, T5, T7 and T9, the applicant should undertake highway works through a S278 agreement, a contribution towards cycle hire should be secured, along with construction logistics and delivery and servicing plans.

Officer Comment

190. In relation to the land use principle further discussions have been held with the GLA who have noted the Council's planning policies regarding replacement of business floorspace with retail in the town centre. On affordable housing the Council's Viability Consultants have stated that the affordable housing proposed is the maximum deliverable. The pedestrian route has been removed following concerns raised with its design and security. Transport and Climate Change measures will be secured through legal agreement.

Highways Development Management

191. No objections to the proposed development subject to the developer agreeing to section 278 agreements to secure:
1. Repaving of the footway fronting the development on Munton Road using concrete paving slabs and 150mm wide silver grey kerbs.
 2. Construction of raised entry tables on the two vehicular accesses within the said section of footway.
 3. Installation of associated gullies and their connections to the existing drainage system.

London Underground

192. No objections to the proposed development

Local Economy Team

193. No objections to the proposed development subject to appropriate clauses within the section 106 agreement to secure construction phase jobs for unemployed Southwark residents including short courses and apprentices or in the absence of this a contribution of £81,650 towards Employment and Training.

Metropolitan Police

194. No objections to the development subject to a planning condition requiring the development to achieve Secured by Design accreditation.

Thames Water

195. The proposed development is located within 15m of a strategic sewer. Thames Water request that conditions are attached restricting piling until a piling method statement has been submitted to and approved in writing. Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied

Transport for London

196. No objections to the proposed development. Following points were raised in their response:
- In strategic terms the site is suitable for high density car free, high cycle mode share development.
 - There is unlikely to be a significant adverse strategic transport impact. Development will contribution towards Elephant and Castle London Underground Northern lines station ticket hall upgrade through Borough CIL and towards Crossrail through Mayoral CIL.
 - Servicing is acceptable.
 - £125,000 contribution towards docking station for local cycle hire expansion.
 - Conditions should be attached in relation to Delivery and Servicing Plan, Construction Logistics Plan, Cycle Storage for Commercial, Foundation depth in relation to Bakerloo Line Extension

Human rights implications

197. 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.
198. This application has the legitimate aim of providing a new building with employment and residential uses. 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/1120-136 Application file: 17/AP/3910 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: planning.enquiries@southwark.gov.uk Case officer telephone: Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Pre-Application Letter
Appendix 4	Recommendation

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Robin Sedgwick, Senior Planner	
Version	Final	
Dated	04 July 2018	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance & Governance	No	No
Strategic Director, Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		05 July 2018