

<b>Item No.</b> <b>5</b>	<b>Classification</b> OPEN	<b>Decision Level</b> PLANNING COMMITTEE	<b>Date</b> 9/11/2004
<b>From</b> DEVELOPMENT & BUILDING CONTROL MANAGER		<b>Title of Report</b> DEVELOPMENT CONTROL	
<b>Proposal</b> (03-AP-2449 )  Erection of a part three, part 16 storey building with basement comprising of 68 residential units with 65 car parking spaces at basement and ground floor level together with ancillary landscaping and third floor roof garden.		<b>Address</b>  Block F, Metro Central Heights, 119 Newington Causeway SE1  <b>Ward</b> Chaucer	

## 1. PURPOSE

- 1.1 To consider the above application

## 2. RECOMMENDATION

- 2.1 Resolve to grant planning permission subject to a legal agreement to secure affordable housing, and also subject to both the Mayor for London deciding not to direct refusal and the Secretary of State not calling in the application for determination.

## 3. BACKGROUND

- 3.1 Metro Central Heights is located at the junction of Newington Causeway and New Kent Road, at the north-east corner of the Elephant & Castle intersection. It comprises landscaped and built elements including a linked collection of buildings by Erno Goldfinger, dating from 1959-1963, which range from 5 to 18 storeys in height. The buildings were formerly in office use, as Alexander Fleming House, but were converted in 1998 to provide 422 flats with some other uses (restaurant, banking and retail) at ground floor level.
- 3.2 The application site comprises the existing surface car parking area on the eastern side of the Metro Central Heights complex. This was formerly the site of the Odeon Cinema which was demolished in 1988. It is bounded by an elevated railway line on a brick-built viaduct to the east and by Blocks C and D of Metro Central Heights to the west. The frontage to New Kent Road forms the southern boundary and the northern part of the site is the existing vehicular access to Newington Causeway.
- 3.3 On 6<sup>th</sup> June an application (02-AP-0743) for the development of this site was allowed on appeal for a part 3 and part 15 storey building comprising 71 flats with 55 car parking spaces in the basement and 35 car parking spaces at surface level.

3.4 In December 2003 an application for a revision to the approved scheme was submitted. This was necessary as they discovered that a fibre-optic cable across the site prevented the full use of the basement. The changes have required basement parking to be reduced from 55 to 21 spaces and ground level spaces increased from 35 to 66 by creating undercroft parking. This reduced the amount of accommodation so an additional storey is proposed to recover some of the lost accommodation. Nevertheless, the number of flats would still be reduced to 68 from the 71 approved on appeal. This is the application now under consideration.

3.5 In February 2004 a duplicate application was also submitted and this is now the subject of an appeal for non-determination. This appeal is due to be heard at a public Inquiry however this appeal will be withdrawn if the current application is granted permission.

## **4. FACTORS FOR CONSIDERATION**

### **4.1 Main Issues**

The main issues in this case are whether the changes from the approved scheme would have a material impact on the living conditions for occupiers of Blocks C & D and whether a satisfactory level of affordable housing is proposed.

### **4.2 Planning Policy**

Planning Policy Guidance (PPG 3) on Housing: Encourages greater intensity of development to avoid the inefficient use of land and to increase the supply of new housing. This proposal complies with PPG3.

London Plan: Complies with objective of more intensive development and increasing housing supply.

Southwark Unitary Development Plan 1995 [UDP]:

Policy E.1.1 – Safety and Security – Satisfactory.

Policy E.2.1 – Layout and Building Line – same as approved development.

Policy E.2.2 – High Buildings: Considered to comply in appeal decision.

Policy E.3.1 – Protection of Amenity: Considered to comply in appeal decision.

Policy H.1.4 – Affordable Housing: Proposal complies with appeal decision.

Policy T.6.2 – Parking spaces in new development – similar to approved scheme.

The Southwark Plan [Revised Deposit Unitary Development Plan] March 2004

### **4.3 Consultations**

Site Notice: 3/3/2004

Press Notice: 26/2//2004

Consultees:

Flats 1 - 413, Metro Central Heights, 119 Newington Causeway, SE1; Flats 1 – 54, Smeaton Court, Rockingham Street, SE1; Flats 1 – 99, Albert Barnes House, New Kent Road; 1 – 25, Rankine House, Bath Terrace, SE1; 26-34

New Kent Road; 5, 7,9, Rockingham Street, SE1; 42, 45 Tam Street, SE1; The Elephant & Castle Shopping Centre; Elephant & Castle Theatre; Elephant & Castle Public House; 1 – 3 Castle Industrial Estate, New Kent Road; 9 Lockyer Estate, Kipling St, SE1; Benyon Solicitors; Abaravon Estates Ltd; 73 Dinsmore St, SW12; Southwark Cyclists; The Twentieth Century Society, and Docomomo-UK, 70 Rowcross Street, EC1; Network Rail; Railtrack; Greater London Authority; and 8 Metro Central Heights property owners or agents outside London, including Hong Kong and USA.

**Replies from:**

1 letter of support from: 19 Smeaton Court, Rockingham Street, SE1.

objections from:

Flats 10, 14, 29, 32, 85, 91, 98, 116, 118, 126, 131, 136, 141, 152, 162, 163, 166, 168, 175, 212, 226, 243, 246, 251, 264, 273, 274, 282, 296, 304, 309, 310, 315, 318, 319, 320, 323, 330, 334, 339, 356, 370, 373, 375, 380, 386, 388, 400, 440 Metro Central Heights, 119 Newington Causeway, SE1; 31 Smeaton Court, Rockingham Street, SE1; 20 Albert Barnes House, New Kent Road, SE1.

The Twentieth Century Society, 70 Rowcross St, EC1; Docomomo-UK, 70 Rowcross St; *(and 4 owners of flats in Metro Central Heights with addresses in Cambridge, Hertfordshire, Hastings and Edinburgh counted in the above flat numbers).*

Objections are on the following grounds:

1. Overdevelopment / excessive density;
2. Increase in height will further reduce light to other flats / loss of light;
3. Loss of privacy;
4. Insufficient parking / parking problems;
5. Additional traffic congestion;
6. Loss of security due to overcrowding of site;
7. Inappropriate design, unattractive, ugly;
8. Inadequate provision for Affordable Housing;
9. Does not take into account the redevelopment plans for Elephant & Castle area;
10. Additional noise and pollution; and
11. Noise and disruption during construction.

Other comments (not for or against) received from: Flats 166, 167 Metro Central Heights; Network Rail.

## **5 PLANNING CONSIDERATIONS**

- 5.1 The current application is very similar to the application that was granted planning permission on appeal on 6<sup>th</sup> June 2003. Most of the planning considerations that were considered in that appeal are the same with this application. The views and decisions expressed in the report of the planning inspector for that appeal are material considerations for this application. It would not be considered reasonable to refuse planning permission for this application on any grounds that were accepted as being satisfactory in that appeal. It is therefore necessary to pay particular attention only to the differences between the approved scheme and the current scheme and whether those differences would cause any material harm.

- 5.2 The changes have required basement parking to be reduced from 55 to 21 spaces and ground level spaces increased from 35 to 66 by creating undercroft parking. This reduced the amount of accommodation so an additional storey is proposed to recover some of the lost accommodation. Nevertheless, the number of flats would still be reduced to 68 from the 71 approved on appeal. To minimize the increase in height, the whole building will be lowered 700mm from that already approved. This will mean that the extra floor will only add 2400mm to the height compared to the approved scheme and the 3 storey element will be 700mm lower than the approved scheme.
- 5.3 This application is a revision of the development granted planning permission following the appeal and therefore the considerations and decisions of expressed in the report of the planning inspector for that appeal must be taken into account as material considerations for this application. Most of the objections submitted against this application were considered by the appeal inspector.

Overdevelopment / excessive density

- 5.4 The planning inspector considered that the development was in line with Government and Council policy objectives for increasing residential densities to achieve housing targets. This is required by Government Guidance (PPG3) and the emerging Southwark Plan which seeks a density of 650-1100 habitable rooms per hectare (hrh) in this area. The current application is 929 hrh, which is below the 1,000hrh of the appeal scheme. The Inspector also considered the fact that the proposal did not fully comply with the adopted Elephant & Castle Supplementary Planning Guidance (SPG), particularly in height, but considered that it was in keeping with the site and its surroundings. The Inspector concluded that the design and height was acceptable in this central urban context, and in keeping with the surrounding area.

Loss of privacy and/or light

- 5.5 The appeal considered these issues in detail. The inspector examined all window to window distances and concluded that the distances between windows would be adequate to provide an acceptable level of privacy. Similarly, a Daylight and Sunlight report for the scheme and BRE Guidance was considered in the appeal Inquiry. The inspector concluded that the reduction in areas receiving direct skylight would not, on the basis of the BRE Guide, be sufficient to be noticeable to their occupants. However, he agreed that there would be a noticeable loss of sunlight to a number of flats in Block D, with the result that some rooms may, to some extent, appear colder and less cheerful and pleasant. Nevertheless, this was not considered to be ground for dismissing the appeal.

Insufficient parking / parking problems

- 5.6 The planning inspector did not consider this issue to be a major issue in considering the merits of the development but nevertheless took it into account. He noted that Council's Traffic Group had no objections and he accepted the results in the submitted Traffic Report which had accompanied the application. All car parking spaces displaced by the development are intended to be re-instated and sufficient additional provision would be made for the occupiers of the proposed building, having regard to the excellent public

transport accessibility of the site.

- 5.7 The change from the approved appeal scheme is that the number of car parking spaces in the basement has had to be reduced but these spaces have been added to the ground level provision., by turning most of the ground level of the building into parking. In any case, there would be no possibility of providing any additional parking on the site.
- 5.8 The existing 63 car parking spaces will be replaced by 66 spaces at ground level and 21 new spaces in the basement, giving a nett gain of 24 car parking spaces. In addition to car spaces, there will be a secure storage area for up to 68 bicycles. In the light of the inspector's decision and government policy, this level of provision is considered to be satisfactory.
- 5.9 The issue of potential additional traffic congestion was covered by the appellant's traffic report and accepted by the planning inspector. The current application would not create any more congestion.

#### Affordable Housing

- 5.10 The current provision offered is the same as that proposed at the appeal. It was accepted by the Council and the inspector that the provision of 22 flats (31%) on a shared ownership basis met policy requirements at the time. The Inspector noted that the flats would be managed by a Registered Social Landlord (RSL) and that Government advice (in Circular 6/98) is that the involvement of an RSL should be an effective way to control occupancy without the need for additional controls to be imposed. The current application is for 68 flats of which 20 would be affordable, a provision of 29.4%, which complies with the level of provision expected at the time the application was submitted, prior to the publication of the London Plan and therefore not subject to the higher requirements for the provision of the affordable housing expected in more recent development proposals.
- 5.11 Other objections:  
Objectors have raised the potential loss of security due to overcrowding of site, adverse comments on the design and appearance of the building, and that it does not take into account the redevelopment plans for Elephant & Castle area. There were also complaints about the potential for additional noise and pollution, including during construction. These issues were also considered in the appeal proposal and not considered to be justification for refusing the permission.
- 5.12  
In particular, the inspector considered that this would be a striking building that would fit well in its townscape context. The quality of the environment would not be compromised and the contribution that the proposal would make to the aims of securing sustainable development and increased housing provision would outweigh any identified harm to residential amenity. Issues such as noise could be dealt with by conditions. The proposal was therefore considered to be acceptable and was granted planning permission.
- 5.13 The proposed revision to the appeal scheme would be 2.4m higher with an additional storey but this is not considered to make any significant difference to the appearance of the building, any impact on sunlight and daylighting,

outlook, privacy, or safety and security within the development.

Other Documents submitted

5.14 In addition to plans for the development, a Planning and Design Statement was submitted for the development, together with a Transport Statement, Daylight & Sunlight Report, Planning Noise Assessment and a Deed of Undertaking which covers the provision of Affordable Housing. These had also been submitted with the appeal scheme and considered to be acceptable by the Planning Inspector. They have again been considered in relation to this application and are considered to be satisfactory.

Conclusion

5.15 All the reasons given for objections to the current application were also made against the appeal scheme and considered in detail by the appeal inspector. There are no new material planning considerations that would justify a refusal of permission, particularly when the proposed development is so much like that which has recently been granted planning permission on appeal.

**6. EQUAL OPPORTUNITY IMPLICATIONS**

6.1 Satisfactory access would be provided to all flats and from basement car park.

**7. LOCAL AGENDA 21 [Sustainable Development] IMPLICATIONS**

7.1 In line with national policy guidance (PPG3), this proposal maximises the use of previously developed land.

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