

<b>Item</b> 6.4	<b>Classification</b>  OPEN	<b>Decision Level</b>  PLANNING COMMITTEE	<b>Date</b>  18/12/07
<b>From</b> HEAD OF DEVELOPMENT CONTROL		<b>Title of Report</b> DEVELOPMENT CONTROL	
<b>Proposal</b> Construction of a new mixed use development comprising three buildings linked together by a two storey podium incorporating retail and restaurant use across the ground floor (Use Classes A1/A3), retail/ restaurant and cinema use across the first and mezzanine floors (Classes A1/A3/D2) and basement car parking with associated storage facilities together with new landscaping to link to a proposed market square. Northern building located on New Kent Road to consist of 18 storeys (68.3mAOD) for 247 student accommodation rooms (Use Class C2); Western building along Elephant Road to consist of 23 storeys (87.5mAOD) for 231 private residential units (Use Class C3); Southern building comprising of 14 storeys (59.85mAOD) for 81 private residential units (Use Class C3).		<b>Address</b> FORMER CASTLE INDUSTRIAL ESTATE, ELEPHANT ROAD, LONDON, SE17 1LA  <b>Ward</b> East Walworth	
<b>Application Start Date</b> 10/07/2007		<b>Application Expiry Date</b> 09/10/2007	

## PURPOSE

- 1 To consider the above application which is for Planning Committee consideration due to its scale.

## RECOMMENDATION

- 2 That planning permission is granted subject to a Section 106 agreement and subject to the Mayor of London not directing refusal.

## BACKGROUND

### Site Location and Description

- 3 The 0.49 hectare application site is located within the Elephant and Castle Opportunity Area (as designated within the London Plan and the Southwark Plan with associated guidance set out within the Elephant and Castle Development Framework SPG). The site is now vacant but was more recently occupied by a Volvo car dealership which had a frontage onto New Kent Road.
- 4 The application site is bounded by New Kent Road to the north, the Heygate housing estate to the east and a playground (recently relocated) and open space area which extends from the site to Walworth Road to the south with Elephant Road, a railway viaduct and the Elephant and Castle Railway Station forming the site's western boundary. Further to the north and east and south is high density residential development, with commercial uses immediately to the west (including the Elephant and Castle Shopping Centre complex).
- 5 The site is not located within a Conservation Area and does not contain any listed buildings. Whilst not within any Strategic Viewing Corridors, the site is located in the background of the Townscape View of Westminster from the Serpentine

Bridge.

### **Details of Proposal**

- 6 The proposed development will comprise of a mixed-use scheme totalling 49,620sq m GEA, comprising of three blocks on top of a part two, part three storey podium and basement. A separate but related application has been submitted (reference 07-AP-1448) which incorporates a proposed Market Square and associated basement service area that adjoins the site to the south.
- 7 The scheme comprises (GEA):
  - 26,415sq m of Class C3 residential totalling 312 units;
  - 9,236sq m of Class C2 student accommodation;
  - 2,321sq m of Class A1 retail;
  - 2,047sq m of Class D2 cinema;
  - 694sq m of Class A3 restaurant;
  - 7,160sq m of basement parking & plant; and
  - 1,745sq m of above ground ancillary areas such as walkways and terraces.
- 8 The south building is the smallest of the 3 blocks, with a GEA of 7,294sq m and rises to 14 storeys (59.85m AOD) above the 2 storey podium. The building will incorporate 81 private residential units comprising studios, 1, 2 and 3 bedroom units.
- 9 The north building fronts New Kent Road and provides student accommodation totalling 247 student rooms. The building, with a GEA of 9,236sq m rises to 18 storeys above podium level (68.3m AOD). The lower half of the building comprises standard sized en-suite rooms with two shared kitchen/dining/living areas on each floor. The upper floors comprise slightly larger 'studio' units with en-suites and kitchenettes.
- 10 The tallest block, which will face Elephant Road to the west, will have a GEA of 19,123sq m and rises to 23 storeys above the podium (87.5m AOD). The building will contain 231 private residential units of 1, 2, and 3 bedrooms.
- 11 The podium element of the scheme incorporates a servicing area and parking at basement level with a GEA of 7,160sq m. The ground floor level incorporates a foodstore, additional retail floorspace and restaurants with a GEA of 2,949sq m. The first floor level incorporates a cinema, retail and restaurant space totalling 3,044sq m GEA. The central space between the 3 proposed towers at podium level will provide a landscaped amenity space for the scheme.
- 12 The separate planning application for the market square will form an integral part of the proposed development and will connect with a pedestrian area located underneath the existing viaduct and concourse of the Elephant and Castle railway station. As such, both applications are intrinsically linked and cannot be implemented without the other whilst providing a significant contribution to the implementation of the Elephant and Castle Development Framework. The market square will be tied to this application via the legal agreement.
- 13 A basement provides servicing and parking for 44 cars, 494 bicycles and 9 motorcycles and, in accordance with the Elephant and Castle Development Framework, will also provide a vehicular access for the replacement Elephant and Castle Shopping Centre which will be to the west of the proposal. The basement would also contain a market storage area with lift access to the market square above. The basement area is accessed off New Kent Road.

## **Planning History**

- 14 The above application (including the related market square application (reference 07-AP-1448) forms an amendment to two previously approved schemes:
- 05-AP-1693 was granted in December 2006 for a mixed use scheme comprising three buildings linked together by a two-storey podium incorporating retail, restaurant and cinema uses. A central area of green open space is located directly above the podium in between the 3 buildings. The 15 storey south building (53.8m high) included residential accommodation, the 18 storey north building (66.7m) incorporated a hotel and the 24 storey west building (80m) provided office and residential accommodation. The scheme included a basement car park and servicing area including 44 car parking spaces and 339 bicycle parking spaces. The basement has been specifically designed to facilitate below ground access to the adjacent Elephant and Castle Shopping Centre site as per the requirements set out in the Elephant and Castle Development Framework.
  - 05-AP-1694 was granted in December 2006 for a market square is linked to the aforementioned application through the shared basement servicing area providing servicing and storage facilities for market traders.
- 15 The main alterations to the approved scheme can be summarised as:
- Increase in GEA from 42,573sq m to 49,620sq m GEA;
  - Removal of office (Class B1) space and replacement with residential units;
  - Removal of hotel (Class C1) and replacement with student accommodation (Sui Generis);
  - Increase in size of cinema (Class D2) from 5 screens (450 seats) to 6 screens (820 seats) and entrance reoriented to New Kent Road;
  - Increase in retail provision from 1875sq.m to 2320sq.m with consolidated frontages enabled by the removal of ground floor hotel and office entrances;
  - An uplift of 98 units on the previous scheme of 214 private units resulting in a total of 312 units.;
  - Increase in height of south building (above podium) from 12 storeys or 53.85m to 14 storeys 59.85m AOD;
  - Increase in height of north building (above podium) from 15 storeys or 65.3m to 18 storeys 68.3m AOD;
  - Increase in height of west building from 21 storeys (above podium) or 80m to 23 storeys or 87.5m AOD;
  - Building to provide additional residential accommodation;
  - Removal of 5 shared ownership units- revised scheme is 100% private ownership. A Commuted capital payment is proposed for the affordable housing generated by the proposed development in lieu of on site affordable housing and directly related to the early housing programme for the Elephant and Castle.

## **FACTORS FOR CONSIDERATION**

### **Main Issues**

- 16 The main issues in this case are:
- Principle of the Development including scale and height;
  - Density and Mix;
  - Affordable Housing Provision;
  - Design and Scheme Layout;
  - Impact on Strategic and Local Views;
  - Transport Issues;
  - Impact on Amenity of Neighbouring Residents and Occupiers;

- Flood Risk Assessment;
- Planning Obligations.

## **Planning Policy**

### 17 The Southwark Plan (UDP) July 2007

The site is within the Central Activities Zone, a Major Town Centre, a Transport Development Zone, and is within proposals site 43P- the Elephant and Castle Core Area and Opportunity Area. Within the Elephant and Castle Development Framework SPG the site is located within a Local Cluster. Part of the site also lies within an Archaeological Priority Zone. The relevant strategic policies include:

SP1 Sustainability, equality and diversity  
 SP2 Participation  
 SP3 Quality and accessibility  
 SP8 Anti-poverty  
 SP9 Meeting community needs  
 SP10 Development impacts  
 SP11 Amenity and environmental quality  
 SP12 Pollution  
 SP14 Sustainable buildings  
 SP15 Open space and biodiversity  
 SP18 Sustainable transport  
 SP19 Minimising the need to travel

### 18 The relevant policies include:

Section 2 Life Chances - Preserving and Creating Community Assets  
 Policy 2.2 Provision of new Community Facilities  
 Policy 2.5 Planning Obligations  
 Section 3 Clean and Green - Protecting and Improving Environmental Quality  
 Policy 3.1 Environmental Effects  
 Policy 3.2 Protection of Amenity  
 Policy 3.3 Sustainability Assessment  
 Policy 3.4 Energy Efficiency  
 Policy 3.5 Renewable Energy  
 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 3.19 – Archaeology  
 Policy 3.31 - Flood Defences  
 Section 4 Housing  
 Policy 4.1 Density of Residential Development  
 Policy 4.2 Quality of Residential Development  
 Policy 4.3 Mix of Dwellings  
 Policy 4.4 Affordable Housing  
 Policy 4.5 Wheelchair Affordable Housing  
 Section 5 Sustainable transport - Improving Access and Convenience  
 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  
 Section 6 Opportunity Areas

## Policy 6.1 Elephant and Castle Opportunity Area

### 19 London Plan 2004

The site is located within the Central London Sub-Region, within Opportunity Area 8- Elephant and Castle and an Area for Regeneration. Key Policies:

Policy 2A.1 Sustainability criteria  
Policy 2A.2 Opportunity Areas  
Policy 2A.3 Areas for Intensification  
Policy 2A.4 Areas for Regeneration  
Policy 3A.1 Increasing London's supply of housing  
Policy 3A.2 Borough housing targets  
Policy 3A.4 Housing choice  
Policy 3A.5 Large residential developments  
Policy 3A.6 Definition of affordable housing  
Policy 3A.7 Affordable housing targets  
Policy 3A.8 Negotiating affordable housing  
Policy 3A.15 Protection/enhancement of social infrastructure/ community facilities  
Policy 3A.24 Meeting floor targets  
Policy 3A.25 Social and economic impact assessments  
Policy 3C.16 Tackling congestion and reducing traffic  
Policy 3C.22 Parking strategy  
Policy 3D.1 Supporting town centres  
Policy 3D.4 Development and promotion of arts and culture  
Policy 3D.12 Biodiversity and nature conservation

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Policy 4A.6 Improving air quality  
Policy 4A.7 Energy efficiency and renewable energy  
Policy 4A.8 Energy assessment  
Policy 4A.9 Providing for renewable energy  
Policy 4A.11 Water supplies  
Policy 4B.1 Design principles for a compact city  
Policy 4B.2 Promoting world-class architecture and design  
Policy 4B.3 Maximising the potential of sites  
Policy 4B.4 Enhancing the quality of the public realm  
Policy 4B.5 Creating an inclusive environment  
Policy 4B.6 Sustainable design and construction  
Policy 4B.7 Respect local context and communities  
Policy 4B.8 Tall buildings – location  
Policy 4B.9 Large-scale buildings – design and impact  
Policy 4B.14 Archaeology  
Policy 4B.15 London View Protection Framework  
Policy 4B.16 View management plans  
Policy 4B.17 Assessing development impact on designated views  
Policy 4C.6 Flood plains  
Policy 4C.7 Flood defences  
Policy 4C.8 Sustainable drainage  
Policy 5B.1 The strategic priorities for Central London  
Policy 5B.2 Development in the Central Activities Zone  
Policy 5B.4 Opportunity Areas in Central London  
Policy 6A.4 Priorities in planning obligations  
Policy 6A.5 Planning obligations

### 21

#### Supplementary Planning Guidance

Parking Standards (draft 2002)  
Design / Sustainability (draft 2002)  
Archaeology (draft 2002)

- 22 National Guidance  
PPS 1 Creating Sustainable Communities  
PPS 3 Housing  
PPG 13 Transport  
PPG16 Archaeology and Planning  
PPS 22 Renewable Energy  
PPS 25 Development and Flood Risk  
Transport White Paper (A New Deal for Transport – Better for Everyone) 1998  
Accessible London: Achieving an Inclusive Environment SPG  
Sustainable Design and Construction SPG 2006  
Circular 05/2005 Planning Obligations 2005  
(Draft) View Management Framework SPG 2007

### **Consultations**

- 23 Site Notices: 23 July 2007                      Press Notice: 19 July 2007
- 24 Internal Consultees: Elephant and Castle Special Projects; Access Officer; Archaeology Officer; Policy Team; Environmental Health Team; Transport Group; Waste Management.
- 25 Statutory and Non-statutory Consultees: Environment Agency; English Heritage; Greater London Authority (GLA); London Fire and Emergency Planning Authority (LFEPA); Network Rail; Transport for London (TfL); London Underground; Thameslink 2000; Thames Water; City of Westminster ; London Borough of Lambeth; Metropolitan Police; Commission for Architecture and the Built Environment-CABE; Royal Parks. The University of the Arts were consulted directly by the applicant in relation to the student accommodation.
- 26 Neighbour Consultees: The following properties were consulted:  
Smeaton Court, Arch Street  
Smeaton Court, 50 Rockingham Street  
Hannibal House Elephant and Castle  
Metro Central Heights 119 Newington Causeway  
15 Elephant and Castle  
LT Station Elephant and Castle  
Arches 104-105 New Kent Road  
26, 28, 30, 32, 34, 81, 83, 100 New Kent Road  
Railway Arches 1,2,3,4,5,6, 109 – 113, 113c, 119, 122 Elephant Road  
109, 110, 111-113, 127 Elephant Road  
Elephant and Castle Station Elephant Road  
1-8 Farrell Court Elephant Road  
143 Eagle Yard 88 Walworth Road  
2,4, 6 Hampton Street  
80-82, 84, 86, 88, 90, 92, 92A, 94-96, Walworth Road 10 – 20  
Hampton House Hampton Street  
125 Newington Causeway  
Alexander Fleming House, Newington Causeway  
145 Eagle Yard 88 Walworth Road  
Store, Lower Ground floor Smeaton Court Rockingham Street  
Rear of Metro Central  
1-16 St Matthews Court Meadow Row  
Site adjacent to St Mathews Church, New Kent Road  
The Rectory, Meadow Row  
St Mathews Vicarage, Meadow Row  
St Mathews Church, New Kent Road  
1,2,9 Elephant and Castle Newington Causeway

Hand in Hand Meadow Row  
56-86, 88-98, 100-108 (evens) Rockingham Street  
1- 99 Albert Barnes House New Kent Road 1-40  
1- 242 Ashenden Deacon Way  
1- 216 Claydon Deacon Way  
1- 48 Chearsley Deacon Way  
1 Deacon Way  
1- 80 Cuddington Deacon Way  
3-9, 30-36 Risborough Deacon Way  
29 Marston, Deacon Way  
All units- Elephant and Castle Shopping Centre

## **Consultation Replies**

### 27 Internal Consultees

### 28 Elephant and Castle Special Projects:

- Use Changes: Satisfied that the current state of the market militates against the developers attracting hotel or office occupiers to this site. The removal of the hotel is regrettable...however the scale of the overall regeneration scheme is such that there are other locations that will prove suitable, and development opportunities above central retailing and potential space in new tall buildings surrounding the main transport hub will offer arguably much stronger locations. Hotel operators are almost never pioneers and normally only commit to an improving area once the market is viewed as secure. Continuing development along with the other schemes in the pipeline represent the best means of driving market confidence to a stage where good quality hotel operators can be attracted. The student housing will support the University of the Arts' expansion plans and will assist a project objective of bringing more of the 'life' of the universities into the centre of the Elephant. The Coronet Theatre and the proposed new cinema creates potentially strong relationships that should benefit the leisure uses.
- Retail Space: One of the most important prompts to redesign has been the Council's encouragement to the developer to improve the layout and quantum of retail floorspace to assist with the relocation of businesses from the shopping centre. They have been able to do this by making quite radical changes to the ground floor of the building. By removing the very small amount of affordable housing, the residential entrance arrangements have been simplified providing better spaces for ground floor retailers. This is allied to an enlargement of the S106 definitions to enable more qualifying businesses to take up opportunities to move into the completed development.
- MUSCo: Refer to paragraphs 113-117 for full details on Sustainability.

- ### 29
- Design: Initial concerns that the introduction of student accommodation might compromise the New Kent Road building have been allayed...this building appears improved with alterations to the frontage that better express the presence of the (enlarged) cinema within. The height increases go some way to responding to the general acceptance of taller buildings in the core area. Ideally, additional stories would have created greater consistency but the limitations imposed upon the achievement of this are acknowledged. Overall, the group of buildings are of a very high quality and represent an extremely strong design response to the SPG layout.
  - Affordable Housing: The primary S106 objective for this site when the first application was transacted was to secure infrastructure investment, in the form of a huge basement that will enable the development capacity of the core area to be fully realised. This, (plus junction works, MUSCo connection, wind turbine trials and market square provision) left little capacity in the

scheme to make other contributions. How the overall affordable housing content of the Elephant is being increased is considered through the comprehensive planning approach set out in the SPG and UDP. The current scheme has undergone a thorough appraisal including a fully independent scheme costing by the council's own cost consultants, to assess with a high degree of certainty, the capacity of this application to make further contributions. It is apparent that the scheme cannot meet the Affordable Housing SPG requirements, and given the exceptional circumstances of this application we support the proposal to take a commuted sum from the scheme for investment in the council-sponsored early housing programme. The efficiencies achieved in building layout plus the benefit to the early programme will far outweigh loss of onsite provision of a very small number of shared ownership units.

- 30 Access Officer: Early concerns about diagonal ramp which does not conform to standards- access statement incomplete. Met with the applicants who will revise access ramp design. Also discussed need for 5% wheelchair accessible student accommodation and 10% wheelchair standard dwellings. *Applicant response: Ramp redesigned with gentler slope and greater width of 2.4m. Indicative handrails locations included. All units meet Lifetime Homes Standards and 10% will be suitable for wheelchair users. All student accommodation accessible by wheelchairs, 1% to be constructed to wheelchair occupant standards and 4% designed as convertible should the requirement arise.* Officer Comment: The revised details of the diagonal ramp are acceptable. The wheelchair dwellings and student accommodation percentages are also acceptable.
- 31 Archaeology Officer: The site stands adjacent to the Kennington Road and Elephant and Castle Archaeological Priority Zone. In the immediate area around the proposed development site there is a considerable volume of Roman archaeology. The applicant's archaeologists have suggested a watching brief should be maintained over the removal of existing foundations and then an archaeological evaluation should be undertaken. Any geotechnical pits which need to be excavated on site should be archaeologically monitored. As a double basement is proposed for much of the area it will be impossible for the foundations to be redesigned to preserve archaeological remains. In this instance the above works- archaeological monitoring of removal of foundations and test pits archaeological evaluation and any subsequent mitigation works should be secured by a standard condition. These recommendations are both reasonable and necessary to provide properly for the likely archaeological implications in line with Southwark Plan policies 3.15 and 3.19 and PPG16.
- 32 Policy Team: The local need for student accommodation (policy 4.7) must be demonstrated through agreed links with a local user. Need to demonstrate that the university/college will be leasing/buying the student accommodation as if they do not demonstrate this the accommodation could be sold to any university and would not meet a local need. There is a housing target which needs to be met for this site allocation and there is an overwhelming housing need in this area. Justification of the in lieu payment based on a financial appraisal needs to include the housing and all of the other elements in the SPD, an explanation of how the in lieu payment complies with policy, justification of why the housing can not be provided on site and an explanation of how the provision of housing off site could be more acceptable.
- 33 Environmental Health Team: Conditions are recommended for internal ambient noise levels, vibration, sound insulation between commercial and residential units and plant noise. A scheme to protect future occupiers from the poor air quality in the area will be required by condition. A Construction Management Strategy will

be required by condition.

34 Transport Group:

- Vehicle, Pedestrian and Disabled Access and Sightlines/ Visibility Splays: acceptable. Proposed vehicle access is from New Kent Road.
- Car, Cycle and Motorcycle Parking: changes to scheme should not impact greatly on car parking proposals. Some servicing needs (office) removed and replaced by others (extra retail). 44 car parking spaces proposed, however use of spaces not evident from documentation. *Applicant Response: Confirm 44 spaces (34 disabled, 8 residential and student, 2 commercial). These will be available for purchase- estimated at £20,000 per space within the Financial Toolkit Appraisal.*
- An investigation into the provision of a car club scheme (to compliment other proposals in the area) would be welcomed. *Applicant Response: Will pursue introduction of a car club scheme independently with car club operators.*
- Cycle parking is in excess of Council's minimum standards- an increase in provision in the public areas would be welcomed. Motor cycle provision has been reduced from 19 spaces in the consented scheme to 5 -whilst there are no standards within the Southwark Plan a return to the consented numbers would be welcomed. *Applicant Response: Will consider how additional cycle parking can be provided in public areas as part of detained landscape design. Motorcycle spaces were reduced due to reconfiguration of upper basement- if necessary, will consider provision of additional spaces within basement.*

- 35
- Travel Plan should have been included. Although in a high PTAL area and with low car parking provision, a Travel Plan is essential to show the proactive measures the developer is taking to promote sustainable travel and identify mitigation measures that may be necessary as a result of the development. *Applicant Response: Confirm travel plan will be prepared, and suggest its inclusion within S106 Agreement.*
  - Generalisations are made with regards to traffic levels in Elephant Road being reduced, without evidence to back this up. With intensification of retail along that frontage and cinema use it is difficult to see how that reduction will be possible. Off street cycle lane in Elephant Road will be lost under the proposals but not clear why. More details required. *Applicant Response: The TA demonstrates that the revised scheme is likely to generate less traffic than the pre-existing use of site due to low parking provision within the scheme. With only 2 commercial spaces, the majority of trips will be via public transport. An on street cycle lane will be available following implementation, but if Cross River Tram is introduced along Elephant Rd, cycle lane will need to be redirected by TfL.*
  - Building overhangs public highway on Elephant Road frontage- necessary licenses to be obtained. S106- £2750 contribution for changes to the traffic management order exempting occupiers of the development from applying for parking permits within the controlled parking zone.

36 Waste Management:

- Residential: The calculations for total waste generation, and recycling and residual waste provision, are acceptable.
- Residual Waste Collection: Arrangements for use of compactor and details submitted in respect of compactor location and type are acceptable.
- Recycling Collection: Recycling collected from residential towers will be brought down to recycling vehicle level by on-site management using a scissor lift (back up scissor lift negates concerns over location of lift between residential and commercial refuse compactors). Sufficient space provided for collection vehicles- design allows flexibility between source, separated and commingled recycling collections. These arrangements are acceptable.

- Commercial: Waste and arrangements for commercial waste collection, including use of compactor are acceptable.
- Waste Management Plan: This will need to include transfer from residential units to compactors, with internal refuse and recycling handling covered as part of the residential service charge. The management plan will also need to consider the procedure for both collecting separated recycling materials and collecting commingled (possibly bagged) recycling.

#### Statutory and Non-statutory Consultees

- 37 Environment Agency: Interim Response received 19 October 2007: Not satisfied that the flood risk assessment (FRA) adequately addresses surface water drainage, in line with PPS25 and the London Plan. The FRA proposes little change in the surface water discharge rates and provides insufficient information. This will be discussed with the applicant to see if it will be possible to produce a revised FRA which demonstrates how the drainage system will achieve no off site overland flow or flooding to buildings during a 1 in 100-year critical duration storm event, taking account of climate change. The allowable discharge rate should be in line with the Supplementary Planning Guidance prepared as part of The London Plan. EA are reluctant to request a condition on surface water drainage until there is some assurance from the applicant that these requirements can be met.
- 38 English Heritage: Do not wish to offer any comment. The application should be determined in accordance with national and local policy guidance.
- 39 Greater London Authority (GLA) Stage 1 Report: The Mayor has concluded that the proposal will support and enable the ongoing regeneration of the Elephant and Castle development framework. The proposed mix of uses and design is appropriate to the location and broadly in accordance with the development framework. The transport proposals are broadly acceptable subject to the implementation of the relevant aspects, notably the safeguarding of the Cross River Tram route, being secured. The quantum and off-site nature of the affordable housing provision is inconsistent with strategic planning policy and it remains to be demonstrated that this represents the maximum reasonable amount and that it cannot be provided on-site. The approach to sustainability, specifically energy, is currently inconsistent with strategic planning policy and it has not been demonstrated that the scheme will be compatible with the proposed district energy system at Elephant and Castle. Those aspects that are inconsistent with strategic planning policy must be addressed prior to the application being referred back to the Mayor.
- 40 London Fire and Emergency Planning Authority: No response received.
- 41 Network Rail: No response received.
- 42 Transport for London (TfL): Initial Response:
- Cross River Tram- Discussions ongoing.
  - Parking- welcome restraint based approach- 38 spaces proposed, 36 for disabled use only, and 2 for commercial element. At least 5 of remaining spaces to be allocated to student accommodation. 519 cycle spaces in line with London Cycle Design Standards- majority in basement, 25 on street. *Applicant Response: 5 spaces will be available (for purchase) by student housing tenants.*
  - Trip Generation- Overall trips generated will be less than approved scheme but need evidence to support this and the assignment of trips to each London Underground ticket hall. *Applicant Response: Revised scheme will generate*

*fewer trips than existing use of the site, not the approved scheme.*

- Section 106- Need to be significant improvements to transport network in line with Masterplan. TfL expects a significant contribution towards Strategic transport Improvements. *Applicant Response: Toolkit appraisal was submitted and TfL's request will be considered accordingly.*
- Travel Plan- No plan provided- expect developer to provide a robust travel plan covering all aspects of the development. *Applicant Response- agreed*
- Servicing- Servicing of the development not permitted at any time [on public highway], to ensure movement of traffic and safety of pedestrians is not compromised. More information regarding servicing is required, and condition to be imposed for servicing strategy. Construction Management Plan to be agreed. *Applicant Response: Agreed. Service Management Plan was attached to original s106 and similar can be included for this scheme. CMP will be prepared.*

- 43 Final TfL Response to matters raised: TfL and the developer are in continuing discussions regarding detailed structural design elements of the proposal and adequate safeguarding for the potential future Cross River Tram route. The original Section 106 Agreement provided for the safeguarding of the proposed Cross River Tram (CRT) route in Elephant Road. Since the completion of the agreement, Transport for London has progressed the details of the proposed CRT scheme and is able to specify in more detail the requirements the developer will have to fulfil to ensure the safeguarding. TfL proposes that the proposed amendments to the s106 should incorporate a schedule which sets out the safeguarding works.
- 44 London Underground: The applicant is in discussions with LUL engineers to ensure safety of Bakerloo Line tunnels.
- 45 Thameslink 2000: No response received.
- 46 Thames Water: No response received.
- 47 Metropolitan Police: No mention of Secured by Design in the Design Statement however no other issues. Applicants Response: The design of the scheme has been informed by Secured by Design objectives, though the requirements are largely targeted towards lower density development and only partially relevant to dense high rise design such as this. A list of Secured by Design inclusions is provided which includes CCTV, access controls and lighting details.
- 48 The Westminster Society: The proposed development would contribute to wider regeneration objectives for the area without imposing unwelcome visual intrusions across central London. Support the planning aspirations of the application.
- 49 City of Westminster: Do not wish to comment.
- 50 London Borough of Lambeth: Do not wish to comment.
- 51 Commission for Architecture and the Built Environment: Due to resources, unable to comment.
- 52 Royal Parks: No response received.
- 53 University of the Arts: We have one of the lowest provisions of accommodation of all the Universities in London. Objective is to increase from 1750 to 4000 beds by 2010. Applications for existing accommodation 100% oversubscribed, every

year 2000 students seeking University accommodation have to look for housing in private sector and welcome any development which allow us to satisfy this group. Especially keen to increase provision in areas close to teaching sites- this development fulfils this criterion. Given the additional facilities part of the development- retain, leisure, environmental and transport improvements, the regeneration of this area and the expected type and standard of accommodation, the development would be of great interest and a welcome addition to our portfolio. Fully support in principle the scheme.

### Neighbour Consultees

54 Three letters of objection were received, the main points of which are set out below:

- 20 Albert Barnes House- high rise buildings cause high velocity wind in this area, there are already many buildings in the area allocated to students;
- 84 Claydon, Deacon Way- live directly opposite, object to building work while people still live there, work just taken place was noisy, dusty, couldn't open windows, Heygate conditions bad enough, instead of new building look after and get out the people living in squalor on the Heygate. [I will do what I can to stop this- first step will be MP].
- 210 Metro Central Heights- too big/ high for surrounding area, too similar in nature to other suggested developments in the area
- 50 Metro Central Heights- The planning approval already given...was intended to be flagship development to raise profile of area. Original application comprised hotel, office and residential- the hotel and offices would ensure the area would not simply be used for housing and result in a number of jobs being created. For regeneration to be successful, developments must be mixed to ensure business is conducted in the area. Current application does not support regeneration- land developers take easy option to develop housing to maximise profits – not looking at needs of community. Already much student accommodation in area, area needs business. Developer indicated no hotel chain expressed interest- doubt Holiday Inn Express would turn down opportunity to be only hotel in the area, given the transport links. Developer indicated office not feasible due to need for separate services- this would have been investigated at time of original application. Application should be refused- developer ought to look at providing additional office space instead of hotel.

55 1 letter providing general comment was received from Key Property Investments/ St Modwen Properties- substantial changes proposed to previous scheme. Our site separated from application site by Elephant Road and railway line, thus we have a real interest in the proposals, particularly underground servicing. Concerns relate to compliance with SPG and potential impacts on our site. Below Grade access fundamental to SPG- deliverability of this not proven or enabled by application. Western tower over 7.5m taller- taller than SPG guidance and potentially of detriment to form, nature and use of future development of our site. Applicants should pay a fair contribution towards cost of identified infrastructure improvements within wider regeneration area.

56 1 letter of support was received from 56 Metro Central Heights, no comment supplied.

## **PLANNING CONSIDERATIONS**

### **Principle of the Development**

57 The application site is located within the Central Activities Zone, Central London

Sub-region, the Elephant and Castle Opportunity Area and Transport Development Area. Both London Plan and Council strategy is for a high density, high quality, mixed use town centre at the Elephant and Castle that will address demonstrable local, sub- regional and London wide needs for new homes, an enhanced public transport interchange, employment and retail floor space and other social benefits. The overall spatial strategy for development in London identifies further development in the Central Activities Zone (London Plan policies 5B.1 and 5B.2), and associated Opportunity Areas (policies 2A.2 and 5B.4) as a means by which new homes and employment can be accommodated. London Plan policy 4B.1 requires development to maximise the potential of sites, create or enhance the public realm, provide or enhance a mix of uses, respect local context, character and communities and be sustainable. Policy 4B.3 and 4B.4 deal respectively with maximising the potential of sites (to achieve the highest possible intensity of use) and enhancing the quality of the public realm.

- 58 Within the Southwark Plan, Section 8.2 and policy 6.1 provide a borough context including objectives for the Elephant and Castle Opportunity Area. The Elephant and Castle SPG adopted in February 2004 identifies a core site (corresponding to site 43P in the Southwark Plan) which is to be subject to comprehensive redevelopment. The application site is located within this core site. The framework anticipates that the area will be redeveloped in the form of a dense mixed use town centre based around an open network of public routes and open spaces where movement and access is catered for through an enhanced public transport interchange.
- 59 The framework envisages the application site as peripheral in terms of the new major retailing for the area which will consist of mostly housing which will be centrally located next to the railway station. Development is required to provide the laying out of a market square and would be expected to provide access for the larger future shopping centre at basement level as well as safeguarding any land that may be required for transport investment such as the Cross River Tram. In these respects the proposed development is considered to be wholly consistent with the master plan concept and the general pattern of land uses contained in the development framework. There is a consistent and established planning policy objective of regenerating the area and as such the principle of the proposed development is considered acceptable. Further to this, the principle of a mixed use development on the site has been broadly established by reason of the extant planning permission.
- 60 Policy 4B.8 of the London Plan promotes the development of tall buildings where they: create attractive landmarks which enhance London's character; support economic clusters of activity; act as a catalyst for regeneration; and are acceptable in terms of design and impact on their surroundings. Southwark Plan Policy 3.20 considers that tall buildings may be appropriate in Opportunity Areas provided they are not located within viewing corridors and benefit from excellent public transport accessibility. CABE and English Heritage 'Guidance on Tall Buildings' recognises that, in the right place, tall buildings can make positive contributions to city life...acting as beacons of regeneration, and sets out a number of criteria for assessment of tall buildings. To be acceptable, tall buildings should be in an appropriate location, be of first-class design quality and should enhance the qualities of its immediate location and setting whilst producing more benefits than costs to the lives of those affected by it. The Development Framework for Elephant and Castle identifies a Core and Secondary Cluster where the tallest buildings (up to 135m) are encouraged to be located. The site is located on the periphery of the Secondary Cluster with notional building heights for the site suggesting that buildings should step up from south to north from 14 to 29m. It is recognised that these heights are illustrative guidance only, and

given the site's central location, high levels of accessibility and quality architecture, the development is considered to be an acceptable location for a tall building and will represent an appropriate transition from the core area to the secondary cluster and beyond.

- 61 Residential: Provision of residential units within this location would be consistent with the requirements of the London Plan and PPS3: Housing, which seek new housing development that will support economic growth and offer a range of housing choices to meet the demand of the various user groups. The Development Framework for the Elephant and Castle identifies appropriate land uses for individual sites within the Opportunity Area and considers the application site as suitable for residential uses at upper floor levels. The site is highly accessible and is considered a suitable location for a high density mixed use scheme. As such, the provision of a residential use is considered acceptable.
- 62 Student Accommodation: The London Plan seeks to ensure that new developments offer a full range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups including students (Policy 3A. 4). Southwark Plan Policy 4.7 relates to non self-contained housing for identified user groups. New schemes will normally be permitted where the need for, and suitability of the accommodation can be demonstrated by the applicant, its provision will not result in a significant loss of amenity to neighbouring occupiers, there is adequate infrastructure in the area to support any increase in residents and the development will provide a satisfactory standard of accommodation, including shared facilities. Further to this, if the accommodation is to be considered suitable it must be shown to be affordable in order to meet the needs of this specific user group, and ideally be linked to local need.
- 63 There are currently over 4,000 purpose built student bed spaces in Southwark, primarily provided by London Southbank University, Kings College and the University of the Arts. There are also a large number of additional student bed spaces either proposed or approved (though generally not yet implemented) within Southwark, thus reinforcing the requirement for local need to be evidenced to ensure an oversupply in the area does not occur. The applicant is in ongoing discussions with the Liberty Living who are entering into a letting arrangement for the student accommodation within the scheme. Liberty Living advise that both King's College London and the University of the Arts have expressed an interest in taking space in the development which would be offered on affordable terms (generally 3-10 (but up to 20) year lease term, priced at a market rate similar to existing halls of residence in Southwark of a comparable quality). The Council would request that a the lease be negotiated on an affordable basis, in order to satisfy the requirement for affordability and local need, and this should form part of the s106 Agreement.
- 64 Locating the student accommodation within the Elephant and Castle core area will contribute towards the vitality and viability of the area by increasing pedestrian activity throughout the day and night and a student population should complement the proposed leisure uses within the scheme, such as the retail facilities and cinema. The site is located within a highly accessible area with a range of transport choices, and the standard of accommodation proposed is satisfactory. Further, evidence of local need has been provided. The inclusion of student accommodation within the scheme is considered acceptable.
- 65 Retail, Cinema and Restaurants: The London Plan sets out the Mayor's strategic objectives for the viability and vitality of town centres and the creation of a Town Centre network and states that it is critical for town centres to develop strategies

that provide for a full range of town centre functions including retail, leisure, employment services and community facilities whilst seeking to sustain and enhance the vitality and viability of these centres including maximising housing provision through high density, mixed use developments and environmental improvements. Policy SD.4 recognises that evening and night time entertainment activities should be encouraged in town centres should be easily accessible by public transport and accessible to all members of the local community. PPS6: 'Planning for Town Centres' supports high-density, multi-storey mixed-use developments within town centres and Southwark Plan Policy 1.8 supports retail and other town centre uses such as cinema's and restaurants as long they are accommodated within town centres and the Elephant and Castle is identified as one of the major town centres and opportunity areas. The scheme provides a significant amount of retail space available to transferring local businesses from the Elephant and Castle Shopping Centre, re-providing for their needs in advance of demolition of the shopping centre at the heart of the new area. The proposed uses would create active frontages on and around the site and a range of unit size will support a diversity of retail provision. The principle of these uses is considered acceptable.

### **Density and Mix**

- 66 PPS1, PPG3 and draft PPS3 all emphasise the benefits of creating mixed communities. PPG3 indicates that in order to achieve this, Local Planning Authorities should provide 'wider housing opportunity and choice and a better mix in the size, type and location of housing'. The site is located within the 'Central Activities Zone', which attracts a density range of 650-1100 habitable rooms per hectare; though the Southwark Plan acknowledges that there will be sites where tall buildings are appropriate and densities may exceed these levels.
- 67 The proposal consists of 312 units comprising 15 studios (4.8%), 31x 3-bed flats (9.9%), 124x 2-bed flats (39.7%) and 142x 1-bed flats (45.5%). The density calculation requires that a percentage of the non-residential area be included in the calculation which in this instance (retail, cinema and restaurants) is 5062sq.m (5062sq.m/27.5=184). The estimated number of habitable rooms within the scheme is 275 (student accommodation) plus 795 (residential) plus 184 which, with a site area of 0.49ha, results in a density calculation of 2559 habitable rooms per hectare. On this basis it is clear that the scheme represents a very high density proposal well above the 1100 habitable room guidance figure. However, in light of both national and local policy guidance, in particular London Plan policy 4B.3 and Southwark Plan policy 3.11, both of which seek to maximise the potential of sites and the efficient use of land where a positive impact on local character and good design are achieved, it is considered that a high density scheme is appropriate for the site and there are no identified adverse impacts resulting from the higher density level so significant as to warrant refusal.
- 68 The schemes provides fewer than 5% studio units, with 49.7% of the total number of units being 2 bedrooms or more and 9.9% being 3 bedroom, which is only marginally below the requirements of policy 4.3 of the Southwark Plan and as such the mix is considered acceptable.
- 69 The Council's Residential Design Standards require that one bed flats are a minimum of 45sq.m, two beds no less than 57sq.m and 3 beds a minimum 70sq.m. Studio flats and units for one person have a minimum area of 32.5sqm. Minimum unit sizes within the proposal are 36sq.m for studios, 45sq.m for 1 bed, 60sq.m for 2 beds and 81sq.m for 3 beds. Many units are well above the minimum standards.

- 70 The north building contains the student accommodation which comprises standard sized twin and double en-suite bedrooms and accessible studio flats with shared kitchens/ lounges and dining rooms on each of the lower floors, and self contained studio flats with en-suites and kitchenettes on the upper floors (floors 11 to 19). Accessible studio flats are also provided. A communal lounge, laundry and management facilities are located at podium level.
- 71 The scheme represents a balanced and sustainable mix of accommodation as required by policy and is acceptable in this regard. Further, all units incorporate design features to meet Lifetime Homes standards and 10% of the units will be wheelchair accessible, spread across all unit sizes and tenures.

### **Affordable Housing Provision**

- 72 London Plan policy 3A.7 (Affordable Housing Targets) states that boroughs should take account of the London wide objective of 70% social housing and 30% intermediate provision, and the promotion of mixed and balanced communities. Section 3 of the Elephant and Castle Development Framework and Policy 4.4 of the Southwark Plan outlines the requirements for affordable housing provision in the Elephant and Castle Opportunity Area, requiring the provision of 35% affordable housing on a 50:50 split between social rented and intermediate housing in this location. The Development Framework acknowledges that the large infrastructure investment required at Elephant and Castle may necessitate the redirection of Section 106 contributions away from housing and into transport and other public realm works, and that the precise levels of affordable housing should be considered on a site by site basis.
- 73 The London Plan requires that affordable housing should normally be delivered on-site (Housing Supplementary Guidance, Nov 2005) and that off-site provision is only considered under exceptional circumstances, an approach followed by Southwark. A number of exceptional circumstances apply at the Elephant and Castle, which includes the site subject to this application. The following circumstances were accepted by the Council as part of the previous planning permission, and secured by the s106 agreement:
- accommodating the vehicular service ramp to provide future vehicle service links through the enlarged basement service yard to the shopping centre redevelopment and as necessary to other commercial premises to comprise the Elephant and Castle Regeneration Area;
  - the potential for the use of the service yard by vehicles servicing the redeveloped Shopping Centre;
  - accommodating pedestrian access ways which preserve the safeguarding route of the Cross River Tram route as well as strengthening the ground structure to accommodate the Tram;
  - providing a range of commercial uses required to render the scheme both viable and vibrant whilst minimising the number of cores that are brought to ground floor level;
  - provision of a large market square with potential for multi-functional activity.
  - Exceptional Development Costs totalling £5,697,773.
- 74 As part of the revised scheme, the developer submitted a financial appraisal using the 2006/2007 version of the GLA 3 Dragons Toolkit to support their argument that the proposed scheme can only support the following:
- A section 106 contribution of £454,000;
  - An in lieu payment of £1,040,000 resulting in a total of £1,494,000;
- 75 Following submission of the 2006/07 toolkit appraisal, the GLA confirmed that the scheme should be utilising the updated 2007/08 toolkit which was released on 1

October 2007 and a revised toolkit appraisal was submitted. The 2007/08 Toolkit showed that with the assumed inputs of the Council's Valuers, the scheme was likely to support a substantial proportion of on-site affordable housing, however this was subject to certain clarifications and in relation to end values, acquisition costs / existing use values and exceptional development costs. Following clarification with the developer, and the exchange of additional information, the developer submitted a revised section 106 offer, increasing the total payment from £1,494,000 to £2,000,000 which is considered acceptable by the Council's Valuers.

- 76 The Council's Valuers suggest that the negative effect of on-site social rented housing (even with the provision of a separate core /entrance) on the end values of the private units could render the scheme financially unviable and that the only financially practical on-site affordable housing would be intermediate housing and that in order to locate the affordable housing in the most practical way it is likely that the amount of retail space would have to be reduced. This is in line with the developer's assertions that the provision of such a limited number of on-site affordable housing units would result in the need to provide a separate core and entrance (otherwise there would be management problems for the RSLs including their inability to control matters such as service charges) which would reduce the overall retail provision within the scheme (refer to paragraph 109 for full details of retail provision) and negate the planning objective of creating a strong and continuous retail frontage at the base of the towers, which would also reduce the capacity of the scheme to assist in relocating local businesses.
- 77 The developer, in conjunction with the Elephant and Castle Special Projects Team, has proposed that the commuted payment may be used to bring forward the Council's Early Housing sites, which in turn will assist in the decanting provision for the Heygate Estate. The early housing programme is managed by Southwark Council in partnership with two consortium of Housing Associations, who will build approximately 950 units on 15 sites in and around the Elephant and Castle Core area. In the absence of social housing grant, the early housing programme is being delivered through both Housing Association funding and cross subsidy from the market sales within each of the schemes. Additional funds, such as that provided by the in lieu contribution from 50 New Kent Road, would allow for a greater number of affordable units to be provided in each scheme as the need for cross subsidy from market housing is reduced.
- 78 In addition, the commuted payment sum could assist in bringing forward the Council's early housing programme thereby releasing the Heygate Estate land for redevelopment in line with the objectives established in the Elephant and Castle Development Framework. If the 106 payment is made at the point of commencement of construction of the application scheme then it will be applied to the first of the early housing sites, which are due to complete at least one year ahead of the anticipated completion date for 50 New Kent Road.
- 79 The question of whether this achieves additionality in the provision of new affordable housing is important in accepting an in lieu payment. The early housing sites will take most of the re-housing demands resulting from the decanting of the Heygate Estate, which comprises some 1212 homes of which approximately 180 were sold under right to buy. The demolition of the Heygate releases the land for the redevelopment of the Elephant and Castle, providing at least 6600 new residential units (a net gain of 5388 units), of which, at a rate of 35%, 2310 units will be affordable- which is an net gain of 1278 affordable units from that provided within the existing Heygate Estate. Whilst it can be argued that the early housing sites are to re-provide for existing affordable housing within the Heygate Estate, this re-provision will contribute to the total of affordable

housing provided within the Elephant as a whole, which, by releasing land on the Heygate Estate for future development, will result in an overall net gain in affordable housing. It is therefore acknowledged that genuinely new provision will only occur after the decanting process has been completed, and the commuted payment associated with this scheme should accelerate this process.

- 80 Where on-site affordable housing is not possible, a sequential test should be followed, with off-site provision to be considered prior to an in lieu payment being made. As the site is located within the Elephant and Castle Core Area, this is a special case where the Council would seek any off-site provision to be within the core area. As the majority of available sites within the locality are either early housing sites or currently unavailable sites such as the Heygate Estate, it is considered that an in-lieu payment towards the provision of affordable housing within the core area will be acceptable rather than off-site provision outside of the core area. An off-site commuted payment of £1,546,000 promoting the Early Housing sites has therefore been accepted by the Council as an in lieu payment for affordable housing.

### **Design and Scheme Layout**

- 81 Policy 3.12 of the Southwark Plan seeks to ensure that a high standard of architecture and design are achieved in order to create high amenity environments. Policy 3.13 requires that the principles of good urban design are considered, in terms of context, height, scale, massing, layout, streetscape, landscaping and inclusive design. Policy 4.2 requires that residential development achieve good quality living conditions within the development.
- 82 The revised scheme has resulted in a major internal reorganisation. The principle design consideration relates to the additional height and the changed elevations of the north and south block and to the ground floor elevations. The greatest increase in height is to the west building (fronting Elephant Road) which was tallest under the previously approved scheme, thus retaining the differential in the overall massing of the three towers. It is the principle block in the group, and remains significantly larger than the other two blocks. The height may have some benefit to views of it over the viaduct from the Elephant and Castle intersection and the extra floors may result in a more elegant form. At 23 storeys (87.5m AOD), the building would not be exceptionally tall in the overall context of the redevelopment of the Elephant and Castle in light of recent approvals at Castle House and the former London Park Hotel of 43 (147m) and 44 (145.5m) storeys respectively.
- 83 The northern block has been considerably altered by this proposal, being 3 storeys taller, though the floor to ceiling heights were reduced. The reduction in ceiling height will increase the intensity of the pattern of floors and fenestration on the New Kent Road frontage and may increase its dominance in the street. Overall the elevations of this building are the most altered of the three towers, though none significantly to their detriment. The south building, the least interesting of the group, fronts the market square and existing Heygate Estate to the east, and is two storeys taller. It is the least changed of the blocks and is generally acceptable.
- 84 The ground floor elevations are generally acceptable however more details are required at a larger scale to clarify how the frontages appear at pedestrian level. Further, more detailed drawings are required which show the shopfront details and signage arrangements, as the clean, unexposed surfaces are likely to be significantly altered by the various different signs from the many different shops and other businesses that will occupy the building on several different floors. It is

unfortunate that that these details have not already been provided, but a condition will be imposed to ensure that these details are submitted.

- 85 In terms of amenity space provision, each residential apartment will be provided with at least one balcony and a variety of external recreation spaces are provided. The largest shared community space comprises a second floor garden/square over the roof of the podium space, central to the three buildings. This upper terrace will be secluded from the public open space found elsewhere in the scheme, with trees and lawn areas, and a buffer zone between public and private areas and adjacent to residences. This terrace is on the same level as the first floor of the student apartments, which would appear to give direct views from the open space into private bedrooms. Whilst buffer areas have been incorporated, careful consideration of the detailed design of these buffers to ensure privacy is maintained to the student units will be required- which will be addressed via a condition seeking details of the landscape plan. In addition, the upper terrace is accessed from both from the west and northwest, though the northwest access appears as a pinch point which could result in the terrace becoming more remote and underused, possibly open to misuse, which will require management and monitoring.
- 86 An intermediate terrace includes a designated children's play space which will be accessible to residents within the development. A lower terrace, above the restaurants, is designed as a small garden area and viewing terrace, with seating and views across the market square. There is ramp access to this terrace. Amenity space provided within the development, combined with other existing and future planned open space within the area, would provide an adequate level of amenity space to the residential component of the proposed development and is considered acceptable in the context of its town centre location.
- 87 The Design Review Panel reviewed the original scheme which was considered to be of a significant scale, with the potential to be an iconic building which creates a dramatic addition to this part of the Elephant and Castle. The revised scheme is not so different to have warranted taking it back to the panel. The previous response from the GLA gave significant support to the design of the buildings and confirmed the scheme meets the Mayor's design principles for a compact city, setting a high benchmark for design quality at this important nodal point in south central London in line with the requirements of the London Plan. The buildings will relate well to surrounding buildings, will address the street and will include a wide mix of uses as well as make provision for the implementation of the masterplan. The active frontages and market square should combine to provide a vibrant public realm. The proposed development is considered to be of a high architectural standard and embodies the principles of good design consistent with the London Plan and the Southwark Plan.

#### **Impact on Strategic and Local Views and on the Character and Setting of a Listed Building, Conservation Area or World Heritage Site**

- 88 London Plan policies 4B.15, 4B.16 and 4B.17 establish the principles under which London's views should be managed, considered in greater detail within the draft London View Management Framework SPG, which relates to the management of strategically important views (designated views). The Mayor's objective is *'to manage these designated views so as to secure their protection and enhancement, while avoiding providing unnecessary constraints over a broader area than that required to enjoy each view'*. Policies 3.21 and 3.22 of the Southwark Plan seek to protect and enhance both local and strategic views. Policy 3.18 of the Southwark Plan requires that permission not be granted for developments that would not preserve or enhance the setting or views into or out

of listed buildings, World Heritage Sites and Conservation Areas.

- 89 There are a number of Conservation Areas located in various proximities to the site. The closest are the West Square Conservation Area located approximately 450m to the west, the Trinity Church Square Conservation Area located approximately 410m northeast of the site, and Pullens Estate Conservation Area located some 460m to the southwest. The nearest listed structures to the site are the Michael Faraday Memorial, located 180m to the west in the Elephant and Castle roundabout (to be relocated to a new public square in Walworth Road), the Star and Cross Church located 170m to the northeast, and a telephone kiosk located 110m to the east along New Kent Road. Given overall height, scale and massing of the scheme buildings, combined with the distances from the above-mentioned areas, the proposals are not considered to detrimentally impact on the setting of a listed building or Conservation Area, and whilst being a significant development, will be acceptable in the context of local views and townscape.
- 90 The potential impact on views was considered within a Townscape and Visual Assessment submitted with the application, which includes a range of panoramas, river prospects, townscape and local views. Under the GLA's new London View Management Framework (LVMF, July 2007) SPG, the site will be visible in the background of Designated Townscape View 23 from Serpentine Bridge to Westminster. Background development in this view must preserve or enhance the ability of the viewer to recognise and appreciate the strategically important landmark, that being the Palace of Westminster. The applicant submitted an image of the proposal which shows the upper floors of the west building will be seen between one of the towers of Westminster Abbey and the Home Office building, particularly in winter.
- 91 The GLA have advised that the assessment submitted is insufficient to determine the potential impact of the scheme and does not comply with the requirements for a Qualitative Visual Assessment (requiring Accurate Visual Representations to be presented) as set out within the new LVMF. The applicant has indicated that the information submitted was in line with requirements at the time of submission however the assessment criteria under the LVMF has been submitted which confirms that the proposed tower, whilst visible in the background of Townscape View 23, does not appear to harm the setting and will not dominate the view detrimentally and therefore the proposed development should not cause a harmful impact to the view. This will be subject to GLA concurrence.

### **Transport Issues**

- 92 The proposal is situated in close proximity to Elephant and Castle with its overland and underground rail lines and the area is well served by local buses. Accordingly, the site has a very high public transport accessibility rating (PTAL) of 6. The site falls within the Congestion Charging Zone and all roads in the immediate vicinity of the site are within a Controlled Parking Zone. Mainline rail services and London Underground services are easily accessible from the site using the Elephant and Castle Station. It is also intended that the Cross River Tram will pass within the vicinity of the site opening up further transport options. The scheme will assist in the safeguarding of the proposed route for the Cross River Tram.
- 93 Access and Deliveries: Servicing and vehicular access to the underground car parking is via New Kent Road. The servicing and refuse collection would be undertaken in a dedicated underground servicing area at the lower basement level. The proposed development also has the potential to facilitate underground service access to the Elephant and Castle Shopping Centre should it be required.

94

Car Parking: London Plan Policy 3C.22 sets out the Mayor's parking strategy as follows- 'The Mayor...will seek to ensure that on-site car parking at new developments is the minimum necessary and that there is no over-provision that could undermine the use of more sustainable non-car modes. The only exception to this approach will be to ensure that developments are accessible for disabled people.' In line with the Southwark Plan and London Plan policies, the Council is seeking to encourage reduced car dependence and ownership levels in urban areas and thus encourage the use of more sustainable transport modes. Appendix 15 of the emerging UDP states that for sites within the 'Central Activities Zone', where there is high accessibility to public transport, a maximum of 0.4 parking spaces per residential unit should be provided. The maximum provision for Class A use in the Central Activities Zone is 1 space per 1500sq m GFA. Policy 5.7 of the Southwark Plan requires that adequate parking for disabled people and the mobility impaired is provided. The development proposes 44 car parking spaces, comprising 34 disabled residential spaces, 8 residential/ student spaces, 2 disabled commercial spaces and 9 motorcycle spaces. Parking spaces within the scheme will be available for purchase, and the submitted financial appraisal included a value of £20,000 per car parking space, although should there be limited demand from residents, the applicant advises that free disabled visitors spaces may be available. Following officer concerns that the disabled spaces may not be affordable to all people requiring a disabled parking space, the applicant has confirmed that they will consider offering a number of free/ subsidised disabled car parking spaces as part of the scheme to ensure compliance with the intent of Policy 5.7. This will be sought via condition.

95 Cycle Parking: The Southwark UDP requires cycle parking at a minimum rate of 1 cycle space per 250sqm of Class A floorspace and a minimum of 1 space per unit plus 1 visitor space per 10 units. The scheme proposes 494 cycle spaces within the basement and at street level, in excess of minimum requirements. Some additional street level visitor spaces will be sought as part of a detailed landscaping plan which will be sought via condition. The scheme provides cycle parking in accordance with the emerging Southwark UDP.

### **Impact on Amenity of Neighbouring Residents and Occupiers**

96 London Plan policy 4B.9 requires that all large scale development should be sensitive to their impact on the microclimate in terms of sunlight, reflection, overshadowing and wind. LP Policy 4B.9 requires that tall buildings be sensitive to their impact on the microclimate in terms of sunlight, reflection and overshadowing. Southwark Plan policy 3.2 relates to the protection of amenity, including disturbance from noise, to present and future occupiers in the surrounding area or on the application site.

97 Noise and Vibration: A detailed noise and vibration impact assessment was carried out, as required by PPG24, which advises that the site is subject to significant levels of noise, particularly from road and rail noise sources. No objection has been raised by the Councils Noise and Air Quality Team in relation to the scheme, subject to the imposition of suitable conditions on any planning permission.

98 Sunlight/ Daylight: A Daylight and Sunlight Impact Assessment was submitted which assessed the impact of the proposal on the daylight and sunlight of adjoining residential occupiers and future occupiers against guidance provided in the BRE Report "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice". The site is largely open, and levels of natural lighting enjoyed by

nearby properties are likely to be quite high for an urban area. Given the plans for the future redevelopment of the Heygate Estate, the only property that may be impacted by the development is Albert Barnes House, a 15 storey residential block located on the opposite side of New Kent Road to the north. The sunlight and daylight assessment indicates that there will be a slight reduction on the daylight and sunlight availability to Albert Barnes House. The assessment advises that Average Daylight Factor values exceed British Standards, and no skyline results indicate a majority of rooms remain well lit. A reduction in existing sunlight levels will occur but a majority of rooms will retain sunlight levels far above BRE Guidelines though the lowest inset windows set under balcony projections would fall below BRE levels, which is likely to occur from any development along New Kent Road. Whilst certain deficiencies and impacts on neighbouring residential accommodation have been identified, it is important to give due consideration to the local context within which the site is located. In dense urban environments there will inevitably be some adverse impacts from a development of this scale, particularly on a site which is designated for high density development in a major town centre location. Further, within these built up environments the guidelines need to be applied more flexibly, and as such the impact is considered low and given the urban context, acceptable. In terms of the proposed development, windows in the east elevation achieve satisfactory daylight levels, though sunlight levels are not at BRE guideline levels. The south and west towers are better oriented with all rooms having high levels of daylighting and sunlight. The proposals are considered acceptable.

- 99 Wind: A detailed wind assessment was carried out to determine the impact the proposed buildings will have on wind conditions in the vicinity of the site. The report advises that while the proposed development would increase existing wind levels experienced in some areas of the site, the resultant wind conditions will be suitable for the intended pedestrian use of the site. Certain areas (particularly at podium level) may require some mitigation measures, for example screening and planting to the proposed seating areas on the garden terraces. Some mitigation measures will also be required for some standing/ entrance areas (such as the northwest corner of the site) via perimeter screening through increasing balustrade heights. Through introduction of the mitigation methods, the proposals will generate acceptable wind conditions.
- 100 TV and Radio: The Environmental Statement included an assessment on what effects the towers could have on broadcast radio, terrestrial television and satellite television signals. These operate at different transmission frequencies and possess different transmission wave properties. The effects of tall buildings (and other large structures) on signals are principally in the following ways: (a) Shadowing effects, where an area behind the structure is effectively screened from the transmitter preventing reception of the transmission or reducing signal strength; and (b) Ghosting effects, where the transmission signal is reflected and scattered by a conducting surface on the structure. Signals arrive at the receiver out of synchronisation with the 'direct' signal and created second ghost images on television pictures. In addition, like light, any electromagnetic signal can be reflected or diffracted around objects, particularly with low frequency radio transmissions. The assessment indicates that there should be no effect on radio broadcasts or mobile phone reception, but potentially some impact on television reception and signal levels to the north. All effects can be mitigated and as such any residual impact of the proposed scheme will be negligible. The mitigation measures to be included can be secured by a condition of any permission and/or planning obligation which would require appropriate surveys to be carried out before and after development to assess the likely impacts, and the appropriate measures needed to rectify any problems that occur.

- 101 Outlook and Privacy: Whilst the proposal includes three relatively tall buildings, there are no residential properties in close proximity (and the Heygate Estate is due for future demolition) and as such no negative impact is expected in terms of outlook or privacy.

### **Flood Risk Assessment**

- 102 The site is located within Flood Zone 3a, however the site is protected by the Thames Barrier and related defences. A flood risk assessment has been submitted with the application and confirms that the site has the potential to be inundated in the event that the flood defences fail.
- 103 The proposed scheme meets the Planning Policy Statement 25 sequential test. Within the London Plan, Southwark has a target of providing 16,300 new dwellings in the period 2007/8-2016/17 at rate of 1,630 dwellings per year. A total of 12,523 are expected to be provided on sites designated within the Southwark Plan. The majority of these sites are located in Flood Zone 3a with a small minority in Flood Zone 2. On the sites in Flood Zones 1 and 2 which are currently available for development, there is capacity to provide approximately 1852 dwellings, but all of these sites either benefit from planning permission for redevelopment, or are currently subject to pre-application discussions. Southwark will only be able to meet its housing target if sites in Flood Zone 3a are also developed. Whilst the proposal site is not designated within the Plan, the development of Brownfield sites such as this will be necessary if Southwark is to achieve its housing targets. The proposal site is located on previously developed land and there are strong sustainability reasons why the site should be redeveloped. It has good access to public transport and is capable of providing housing on a site which currently has none.
- 104 It is for the applicant to demonstrate that the development can be made safe through the submission of a Flood Risk Assessment. The Environment Agency has advised that they have some concerns about surface water drainage for the scheme and additional information has been sought to address this issue. As such, a final response from the EA will be required before the proposal can be considered to be consistent with Planning Policy Statement 25.

### **Planning Obligations [S106 Agreement]**

- 105 Planning obligations are intended to offset the negative impacts of a development. As a Section 106 Agreement was signed for the previous scheme, the applicant has not submitted a revised Heads of Terms based around the Planning Obligations SPD, but rather the intention has been to amend the extant agreement in line with scheme amendments.
- 106 A full financial viability appraisal was submitted to assess the capability of the scheme to comply with s106 planning obligation requirements. Additional details are provided under paragraphs 72-81, which should be read in conjunction with this section.
- 107 In support of their toolkit appraisal, the developers put forward an Exceptional Development Cost of £10,500,000 for the proposed scheme which accounts for the provision of:
- £9,200,000- Vehicular Service Ramp and basement service yard
  - £1,100,000- First phase of Market Square
  - £200,000- Accommodating pedestrian access ways to safeguard the Cross River Tram Route

The Exceptional Development Costs (particularly the obligation to provide enabling infrastructure in line with masterplan objectives) represented an additional £4,802,227 of costs from the extant planning permission due, the developer advises, to increased build costs. The large, complex and expensive basement access for delivery vehicles will ensure the operation of a large retail centre that has no direct surface level vehicular access. This is fundamental to the development of a car free town centre with improved pedestrian interchange between public transport nodes.

108 In addition, the scheme is providing affordable business space for shopping centre retailers. The applicant has confirmed that the extent of business space which can be taken up by qualifying tenants from the Elephant and Castle has been increased to over 70% by unit numbers and provides a full range of unit sizes. Some retail units will be offered on a first refusal basis to businesses displaced from the Elephant and Castle Shopping Centre on protected terms to be agreed, in line with the extant Section 106 Agreement. Some of these retail units will be offered on a reduced rental basis, some on open market terms. Restaurant space (186sq. m) located between ground and 1<sup>st</sup> floors including a south facing terrace overlooking the Market Square will be offered on a first refusal subsidised rental basis (the original scheme did not include the value of the restaurant terrace, which would normally be charged as an additional rental to the internal space.) These costs are recognised as reductions in the capital value of the scheme.

109 On the basis of the enabling works and reductions in capital value as set out above, the viability assessment confirmed that the maximum amount the scheme can support as a section 106 contribution is £2,000,000 including a commuted sum for affordable housing as follows:

- Education Contribution- £101,000;
  - Public Open Space- £30,000 (already paid);
  - Archaeology Contribution- £5000 for evaluation works (already paid);
  - Public Transport Contribution- £160,000;
  - Health Contribution- £0 (none required in original application);
  - Community Facilities and Public Realm comprising of:
    - Environmental Contribution- £65,000;
    - Safety and Security Contribution £20,000
    - Training and Employment- £50,000
    - Study of Urban Wind Technology- £15,000
    - New Market Square (at applicants cost est. £897,316);
  - Administration Costs- £8000
- Subtotal £454,000
- Affordable Housing -commuted payment of £1,546,000 in lieu of on site affordable housing;
- Total Contribution: £2,000,000

110 Certain other matters will need to be included within the section 106 agreement over and above those items listed above, as follows:

- Commitment to developing, implementing and monitoring a travel plan including the appointment of a Travel Plan Co-ordinator;
- £2750- amendment to traffic order to restrict parking permits for future occupiers;
- Workplace Co-ordinator and Training during Construction Contribution- to be provided by the developer in lieu of a financial contribution.
- Submission of a detailed feasibility study outlining the proposals for meeting the Mayor's 10% renewable energy target, working closely with the Council's technical team as the design progresses to ensure

that the scheme complies with the building system requirements set out in the Elephant and Castle heat, non-potable water and data interface documents.

## **Conclusion**

- 111 The application will see the redevelopment of a brownfield site, vastly improving the immediate urban environment and creating an enhanced public realm incorporating a market square, retail stores, restaurants and a cinema. The scale and form of the development will sit well within the context of the Elephant and Castle town centre in its early stages of regeneration. The scheme is an exceptional case because of the large-scale infrastructure content in its basement providing sub-ground servicing for the car-free retail and leisure core. Its early development has become enormously important to the delivery of the core area. The site is identified as suitable for high density development and achieves a strong mix of uses combining housing with student accommodation, a 6-screen cinema, student accommodation, shops, restaurants and market square. The traffic impact, car and cycle parking provisions are also acceptable, particularly given the sites proximity to a variety of public transport options. Planning obligations will be secured to offset the impact of the development, including a commuted payment for affordable housing which will be directed towards the Early Housing Programme. The scheme is in accordance with local and national policies and will represent a key milestone in the regeneration of the Elephant and Castle area. The proposal is recommended for approval.

## **COMMUNITY IMPACT STATEMENT**

- 112 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/ religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process. The impact on local people is set out above.

## **SUSTAINABLE DEVELOPMENT IMPLICATIONS**

- 113 Policy 4A.7 of the London Plan requires the inclusion of '*energy efficient and renewable technology and design*'. Policy 3.4 of the Southwark Plan requires development to be designed to maximise energy efficiency, while Policy 3.5 requires development to incorporate renewable energy technology. Since April 2007, the EcoHomes has been replaced by The Code for Sustainable Homes and a condition will be included requiring pre-assessment and post construction assessment under these guidelines however it is anticipated that the development will readily comply with the revised targets. The GLA have suggested that the net zero carbon growth objective of the Elephant and Castle and London Plan requires development to achieve 10% carbon reductions from on-site renewables.
- 114 The applicant provided an energy assessment following the principles of the Mayor's 'Energy Hierarchy'. Some of the main technologies to be incorporated into the scheme to conserve energy include solar shading, façade design to provide natural day-lighting, whole house ventilation, thermal insulation and low energy lighting. In order to achieve Part L compliance the thermal performance of the façade will be improved by introducing a light weight concrete backing system that reduces the energy loss of the building envelope within the same cladding zone. Some minor structural design development will be required to accommodate the higher structural loadings of the façade but this will not impact on the external appearance of the building.

- 115 The Council requires that all development within the Elephant and Castle enables a future link to the proposed Multi-Utility Services Company [MUSCo], which is intended to deliver a programme of decentralised heat, power, and cooling to address the Elephant and Castle SPG targets for zero carbon growth. Sustainable energy systems and in particular the provision of district energy systems are strongly supported by existing and emerging strategic planning policy and by the Mayor. The original energy strategy as submitted with the scheme which was based around the provision of low carbon heat and cooling using ground source heat pump technology. However, it did not demonstrate that full and effective connection to MUSCO could occur which was considered unacceptable. The GLA confirmed that the scheme as proposed may prejudice the delivery of the MUSCo and given the strategic importance of the MUSCo which is fundamental to the acceptability of the proposal against London Plan energy policies and the Mayor's strategic climate change objectives.
- 116 The applicant has since provided a revised energy strategy and MUSCo connection report confirming that the developer is fully committed to connect the proposed scheme to the Southwark MUSCo. The revised scheme uses a conventional high efficiency gas condensing boiler heating system serving underflow heating systems and local hydraulic interface units for hot water within each of the dwellings and centralised chillers providing cooling to retail areas and in particular the Supermarket and Cinema. The system will incorporate a connection to the MUSCo heat exchange substation which will enable all of the space heating and hot water to be derived from the MUSCo with the boiler system being available as a back up feature. Commercial operators will be able to connect to a central cooling system provided by the MUSCo.
- 117 The undertaking to connect to MUSCo services further strengthens the commercial case for delivery of decentralised services within the Elephant and Castle, and the overall energy strategy is considered acceptable subject to submission of a detailed feasibility study outlining the proposals for meeting the Mayor's 10% renewable energy target- which will be required through the Section 106 agreement.

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