

Planning Committee

Tuesday 11 October 2011

7.00 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Membership

Councillor Nick Dolezal (Chair)
Councillor Althea Smith (Vice-Chair)
Councillor Neil Coyle
Councillor Robin Crookshank Hilton
Councillor Jeff Hook
Councillor Darren Merrill
Councillor Nick Stanton

Reserves

Councillor James Barber
Councillor Sunil Chopra
Councillor Claire Hickson
Councillor Eliza Mann
Councillor Michael Situ

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact

Virginia Wynn-Jones on 020 7525 7055 or email: virginia.wynn-jones@southwark.gov.uk
Webpage: <http://www.southwark.gov.uk>

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: 3 October 2011



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Planning Committee

Tuesday 11 October 2011

7.00 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Order of Business

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	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	1 - 2
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	MINUTES	3 - 10
	To approve as a correct record the minutes of the open section of the meetings held on 6 September 2011 and 13 September 2011	
6.	DEVELOPMENT MANAGEMENT	11 - 15
	6.1. SEA CONTAINERS HOUSE, UPPER GROUND, LONDON SE1 9PD	16 - 74

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ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

PART B - CLOSED BUSINESS

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Date: 3 October 2011



PLANNING COMMITTEE

Guidance on conduct of business for planning applications, enforcement cases and other planning proposals

1. The reports are taken in the order of business on the agenda.
2. The officers present the report and recommendations and answer points raised by members of the committee.
3. Your role as a member of the planning committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework.
4. The following may address the committee (if they are present and wish to speak) for **not more than 3 minutes each**.

- (a) One representative (spokesperson) for any objectors. If there is more than one objector wishing to speak, the time is then divided within the 3 minute time slot.
- (b) The applicant or applicant's agent.
- (c) One representative for any supporters (who live within 100 metres of the development site).
- (d) Ward councillor (spokesperson) from where the proposal is located.
- (e) The members of the committee will then debate the application and consider the recommendation.

Note: Members of the committee may question those who speak only on matters relevant to the roles and functions of the planning committee that are outlined in the constitution and in accordance with the statutory planning framework.

5. If there are a number of people who are objecting to, or are in support of, an application or an enforcement of action, you are requested to identify a representative to address the committee. If more than one person wishes to speak, the 3-minute time allowance must be divided amongst those who wish to speak. Where you are unable to decide who is to speak in advance of the meeting, you are advised to meet with other objectors in the foyer of the Town Hall prior to the start of the meeting to identify a representative. If this is not possible, the chair will ask which objector(s) would like to speak at the point the actual item is being considered.

Note: Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report.

6. This is a council committee meeting, which is open to the public and there should be no interruptions from the audience.

7. No smoking is allowed at committee and no recording is permitted without the consent of the meeting on the night, or consent in advance from the chair.

The arrangements at the meeting may be varied at the discretion of the chair.

Contacts: The Head of Development Management,
Planning Section, Regeneration Department
Tel: 0207 525 5437; or

Planning Committee Clerk, Constitutional Team
Communities Law & Governance
Tel: 0207 525 7236

Planning Committee

MINUTES of the OPEN section of the Planning Committee held on Tuesday 6 September 2011 at 7.00 pm at Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Nick Dolezal (Chair)
Councillor Althea Smith
Councillor Neil Coyle
Councillor Robin Crookshank Hilton
Councillor Jeff Hook
Councillor Darren Merrill
Councillor Nick Stanton

OFFICERS: Gary Rice, Head of Development Management
Yvonne Lewis, Development Management
Michael Tsoukaris, Development Management
Alison Brittain, Development Management
Nagla Stevens, Legal Services
Virginia Wynn-Jones, Constitutional Team

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as voting members of the committee.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

The chair informed the committee of the following additional papers circulated prior to the meeting:

- Addendum Report relating to item 6 – development management items
- The member information pack of additional photographs and maps also relating to item 6.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

Committee and community council procedure rule 1.8 (4) allows a member to record her/his vote in respect of any motions and amendments. Such requests are detailed in the following minutes. Should a member's vote be recorded in respect to an amendment, a copy of the amendment may be found in the minute file and is available for public inspection.

5. MINUTES

RESOLVED:

That the minutes of the open section of the meeting held on 19 July 2011 be agreed as a correct record and signed by the chair.

6. DEVELOPMENT MANAGEMENT

The addendum report had not been circulated five clear days in advance of the meeting, nor had it been available for public inspection during that time. The chair agreed to accept the item as urgent to enable members to be aware of late observations, consultation responses, additional information and revisions.

RESOLVED:

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports on the agenda be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports and draft decision notices unless otherwise stated.
3. That where reasons for the decision or condition are not included in the report relating to an individual item, that they be clearly specified.

6. WEDGE HOUSE, 32-40 BLACKFRIARS ROAD, LONDON, SE1 8NZ

Planning application reference number 07-AP-2332

Report: See pages 12-31 of the agenda.

PROPOSAL:

Renewal of planning permission 07-AP-2332 dated 11/01/2008 for: Redevelopment of land and buildings to provide an eleven storey commercial building with basement, comprising office use (Use Class B1) and retail on ground floor (Use Class A) with ancillary plant and servicing, works of hard and soft landscaping, alterations to existing vehicular and pedestrian access.

The committee heard an officer's introduction to the report and members asked questions of the officer.

The applicant's representative made representations to the committee and answered members' questions.

A motion to grant planning permission was moved, seconded, put to the vote and was declared to be carried.

RESOLVED:

1. That in reference to application number 07-AP-2332, subject to the applicant first entering into an appropriate legal agreement (at no cost to the council), planning permission be granted subject to referral to the Mayor.
2. That it should be noted that the table in the report at paragraph 34 should read as follows (amended figures in bold):

	2008 S106	2011 S106
Employment in the Development	£58,210.00	£88,584.00
Employment During Construction	£75,242.00	£95,440.00
Public Open Space, Children's Play Equipment, and Sports Development	£138,178.00	£194,464.00
Strategic Transport	£75,003.00	£89,501.00
Site Specific Transport	£101,115.00	£96,225.00
Transport for London	£160,000.00	£160,000.00
Public Realm	£91,365.00	£96,225.00
Archaeology	£13,500.00	£13,500.00
Affordable Housing (off-site provision)	£100,000.00	£100,000.00
Community Facilities	-	£27,728.00
Administration fee (2%)	£1,652.26	£18,963.34
Crossrail contribution	-	£900,619.00
Total:	£814,265.26	£1,881,249.34

6. PUBLIC CONVENIENCE, EAST DULWICH ROAD, LONDON SE15 4HQ

Planning application reference number 11-AP-0484

Report: See pages 32-43 of the main agenda and pages 1-3 of the addendum report.

PROPOSAL:

Change of use of vacant public toilets to a nursery (Use Class D1) together with ancillary refuse storage and cycle parking.

The committee heard an officer's introduction to the report and members asked questions of the officer.

Objectors made representations to the committee and answered members' questions.

A motion to grant planning permission subject to conditions was moved, seconded, put to the vote and was declared to be carried.

RESOLVED:

That in relation to application number 11-AP-0484, planning permission be granted, subject to:

1. The conditions as stated in the committee report
2. The applicant consulting with local interest groups on the updated transport plan.
3. The following informatives were also noted:
 - The applicant is to be directed to Secretary of State concerning matters relating to common land
 - The applicant is encouraged to liaise with Friends of Peckham Rye Park regarding servicing and road safety matters.

6. DULWICH COLLEGE, DULWICH COMMON, LONDON, SE21 7LG

Planning application reference number 11-AP-1802

Report: see pages 44-54 of the main agenda.

PROPOSAL:

Replace existing timber fence with metal railings and new gates on part frontage to College Road

The committee heard the officer's introduction to the report, and members asked questions of the officer.

Members debated the application.

A motion to grant planning permission was moved, seconded, put to the vote and was declared to be carried.

RESOLVED:

That in reference to application number 11-AP-1802, planning permission be granted.

The meeting closed at 7.40pm.

CHAIR:

DATED:



Planning Committee

MINUTES of the OPEN section of the Planning Committee held on Tuesday 13 September 2011 at 7.00 pm at Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Nick Dolezal (Chair)
 Councillor Neil Coyle
 Councillor Robin Crookshank Hilton
 Councillor Nick Stanton
 Councillor Sunil Chopra
 Councillor Michael Situ

OFFICER SUPPORT: Gary Rice, Head of Development Management
 Zayd Al-Jawad, S106 Planning Agreement Manager
 Nalga Stevens, Legal Services
 Lesley John, Constitutional Team

1. APOLOGIES

Apologies were received on behalf of Councillors Althea Smith, Jeff Hook and Darren Merrill.

Apologies for lateness were received on behalf of Councillor Neil Coyle.

The chair informed the committee that Councillor Sunil Chopra (reserve) was attending on behalf of Councillor Althea Smith and Councillor Michael Situ (reserve) was attending on behalf of Councillor Darren Merrill.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as voting members of the committee.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

At this juncture the chair announced that following Counsel advice item 5.1: 89-93 Newington Causeway, SE1 6BN and item 5.2: Sea Containers House, Upper Ground, SE1 9PD, had been withdrawn as the draft decision sheets and conditions for each item had

not been distributed in the main agenda.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. DEVELOPMENT MANAGEMENT

5. 89-93 NEWINGTON CAUSEWAY, LONDON SE1 6BN

This item had been withdrawn and would be considered at a future meeting.

5. SEA CONTAINERS HOUSE, UPPER GROUND, LONDON SE1 9PD

This item had been withdrawn and would be considered at a future meeting.

6. RELEASE OF SECTION 106 FUNDS FROM PLANNING AGREEMENTS TO DEVELOP A NEW PRIMARY HEALTH CARE SERVICE FROM BERMONDSEY SPA, SITE E, OLD JAMAICA ROAD

The committee heard an officer's introduction to the report and members asked questions of the officer.

At 7.15pm Councillor Neil Coyle entered the meeting, however he left soon after as the committee had already commenced consideration of item 6.

Members debated the release of section 106 funding and asked questions of the officers.

A motion to release section 106 funds subject to them being ring fenced was moved, seconded, put to the vote and declared to be carried.

RESOLVED:

1. That the Primary Care Trust in agreement with the council allocate £20,000 to Dr. Bhatti to allow him to purchase equipment and furniture for his two practice premises which are part of the Bermondsey PCT area. Thereafter, as part of the lease agreement between the PCT and Dr Bhatti this sum is to be repaid as part of the rental agreement payments under the terms of the lease over a 5 year period and the repayments should be ring fenced for use within the Bermondsey PCT area in discussion with the council.
2. That funds be released totalling £119,833 of section 106 funding from the legal agreements associated with the developments at:
 - S106/124212 Agreement – Gedling Mission Hall a/c 333 for £34,238 Riverside ward
 - S106/124601 Agreement – Falcon Works Lynton Road for £85,595 South

Bermondsey ward.

3. That the S106 fund under this report are for the purposes of funding capital works to deliver a project which is included in the Southwark NHS Strategic Plan that will improve the local health services provision and contribute to the wellbeing of the residents around Bermondsey Spa. It will also provide additional services to the other local community council catchment areas of Bermondsey & Rotherhithe.

CHAIR:

DATED:

Item No. 6.	Classification: Open	Date: 6 September 2011	Meeting Name: Planning Committee
Report title:		Development Management	
Ward(s) or groups affected:		All	
From:		Deputy Chief Executive	

RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F which describes the role and functions of the planning committee and Part 3H which describes the role and functions of community councils. These were agreed by the annual meeting of the council on 19 May 2010 and amended on 20 October 2010. The matters reserved to the planning committee and community councils exercising planning functions are described in parts 3F and 3H of the Southwark Council constitution. These functions were delegated to the planning committee.

KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate -
6. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
7. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.

8. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.
9. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
10. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the Council's case at appeal which may be substantial if the matter is dealt with at a public inquiry.
11. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
12. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
13. All legal/Counsel fees and costs as well as awards of costs against the council are borne by the regeneration and neighbourhood's budget.

Community impact statement

14. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

15. A resolution to grant planning permission shall mean that the development & building control manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the development & building control manager shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
16. A resolution to grant planning permission subject to legal agreement shall mean that the development & building control manager is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the strategic director of legal and democratic services, and which is satisfactory to the development & building control manager. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the strategic director of legal & democratic services. The planning permission will not be issued unless such

an agreement is completed.

17. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
18. The Southwark Plan is part of the Development Plan along with the Core Strategy and London Plan. Some of the detailed Southwark plan policies were 'saved' in July 2010 with permission from the Secretary of State. Some of these policies have now been superseded by policies in the Aylesbury Area Action Plan and the Core Strategy which was adopted on April 6 2011. The enlarged definition of "development plan" arises from s38(2) of the Planning and Compulsory Purchase Act 2004. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
19. Government policy on planning obligations is contained in the Office of the Deputy Prime Minister Circular 05/2005. Provisions of legal agreements must fairly and reasonably relate to the provisions of the development plan and to planning considerations affecting the land. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests. From 6 April 2010 the Community Infrastructure Levy regulations (CIL) have given these policy tests legal force.

Regulation 122 provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:

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

20. Government policy on planning obligations is contained in the Office of the Deputy Prime Minister Circular 05/2005. Provisions of legal agreements must fairly and reasonably relate to the provisions of the development plan and to planning considerations affecting the land. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly Agenda June 27 2007 and Council Assembly Agenda January 30 2008	Constitutional Team Communities, Law & Governance 2 nd Floor 160 Tooley Street PO Box 64529 London SE1 5LX	Kenny Uzodike 020 7525 7236
Each planning committee item has a separate planning case file	Council Offices, 5th Floor 160 Tooley Street, London SE1 2TZ	The named case Officer as listed or Gary Rice 020 7525 5437

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Author	Nagla Stevens, Principal Planning Lawyer Kenny Uzodike, Constitutional Officer	
Version	Final	
Dated	25 October 2010	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Deputy Chief Executive	No	No
Head of Development Management	No	No

ITEMS ON AGENDA OF THE PLANNING COMMITTEE

on Tuesday 11 October 2011

Appl. Type Full Planning Permission
Site SEA CONTAINERS HOUSE, UPPER GROUND, LONDON SE1 9PD

Reg. No. 11-AP-1955
TP No. TP/1227-22
Ward Cathedrals
Officer Kiran Chauhan

Recommendation GRANT SUBJECT TO LEGAL AGREEMENT AND GLA
Proposal

Item 6/1

Erection of a new nine storey building in the rear parking/servicing area (maximum height AOD 42.895m) to provide retail at ground and offices above; refurbishment of existing Sea Containers House and change of use of floors 5-14 of the rear wing plus three floors of the main building from offices to a 358 bedroom hotel, including the erection of new roof extension at part 12th floor level to provide a bar ancillary to the hotel use. Extension and conversion of the ground floor area to provide new restaurant (Class A3), cafe (Class A3), service (Class A2) and retail uses (Class A1) together with new service bay, landscaping, new access arrangements and associated car and cycle parking.

Appl. Type Full Planning Permission
Site EILEEN HOUSE, 80-94 NEWINGTON CAUSEWAY, LONDON, SE1 6EF

Reg. No. 09-AP-0343
TP No. TP/1396-A
Ward Cathedrals
Officer Brídín O'Connor

Recommendation GRANT SUBJECT TO LEGAL AGRT, GLA AND SOS
Proposal

Item 6/2

Demolition of existing office building and erection of a 41 storey (128.7m AOD) mixed use building incorporating 255 private flats (16 x studio, 120x 1-bed, 86 x 2-bed and 33 x 3-bed), 80 intermediate flats (23x 1-bed, 50 x 2-bed and 7 x 3-bed), 4785sq.m of office/ educational/ health uses (Use Class B1) and 287sq.m retail use (Use Class A1-A5) together with a separate 8 storey (35.60m AOD) building incorporating office/educational (Use Class B1) and retail (Use Class A1-A5) uses, together with 34 disabled car parking spaces, 44 motorcycle spaces and 411 cycle spaces within 2 basement levels, plus associated servicing facilities (4626sqm) and public realm improvements including creation of a resident's garden and linear park (458sq.m) and University Square (2768sq.m).

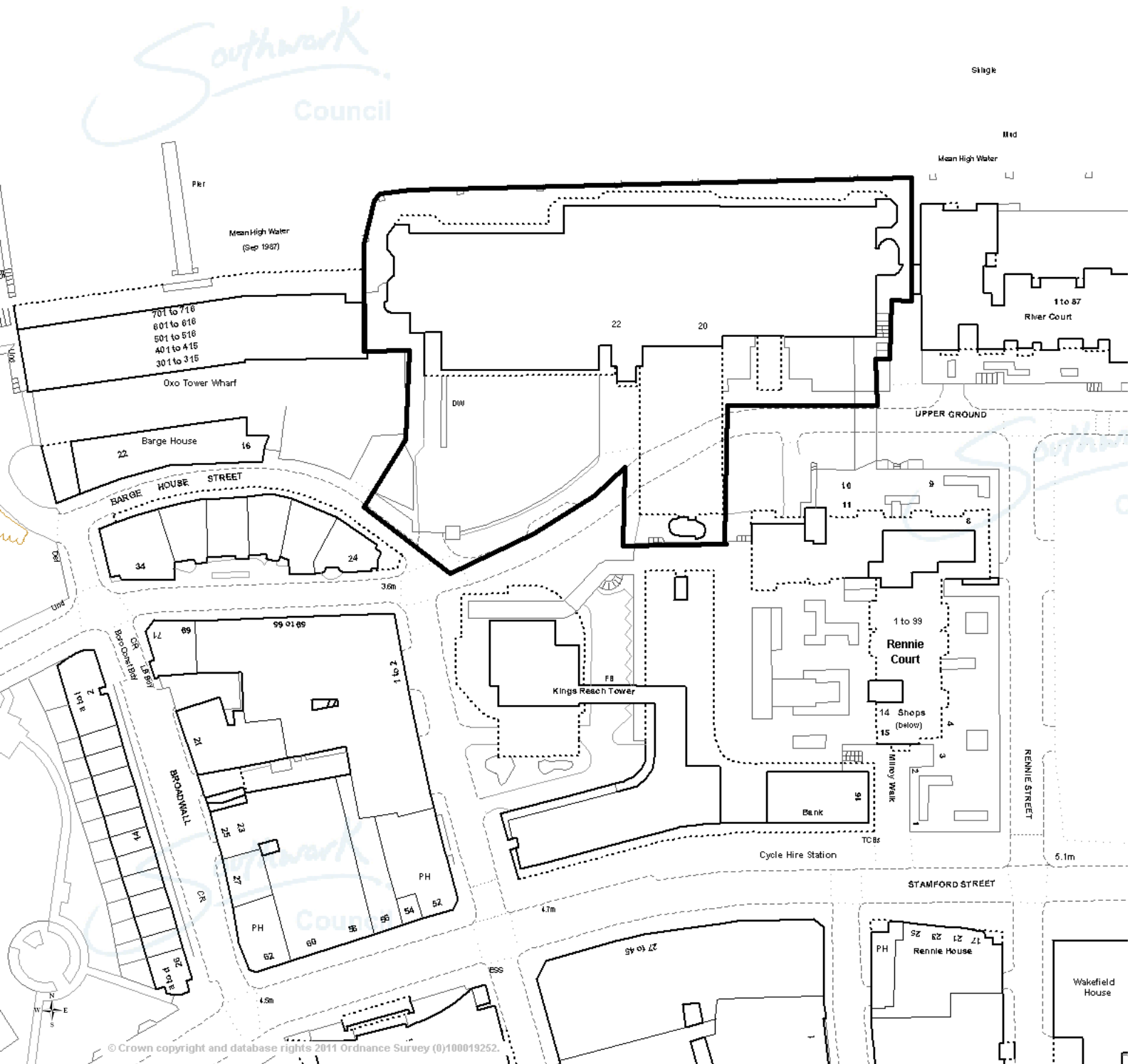
Appl. Type Full Planning Permission
Site 89-93 NEWINGTON CAUSEWAY, LONDON, SE1 6BN

Reg. No. 09-AP-1940
TP No. TP/1411-91
Ward Chaucer
Officer Brídín O'Connor

Recommendation GRANT SUBJECT TO LEGAL AGREEMENT AND GLA
Proposal

Item 6/3

Demolition of existing building and erection of a 22 storey mixed use building (max.building height 69.82m AOD) incorporating a 65sq.m cafe/kiosk (Use Class A3) over ground and mezzanine floors, 366sq.m of commercial floorspace (Use Class B1) from ground to second floor level, with 38 residential units above (10x 1 bed, 24x 2 bed and 4x 3 bed), 50 cycle spaces over ground/ mezzanine floors with 6 visitor cycle spaces external to the building, in addition to a basement area containing plant and an energy centre, and two wind turbines sited at rooftop level.



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Item No. 6.1	Classification: OPEN	Date: 11 October 2011	Meeting Name: PLANNING COMMITTEE
Report title:	Development Management planning application: Application 11-AP-1955 for: Full Planning Permission Address: SEA CONTAINERS HOUSE, UPPER GROUND, LONDON SE1 9PD Proposal: Erection of a new nine storey building in the rear parking/servicing area (maximum height AOD 42.895m) to provide retail at ground and offices above; refurbishment of existing Sea Containers House and change of use of floors 5-14 of the rear wing plus three floors of the main building from offices to a 358 bedroom hotel, including the erection of new roof extension at part 12th floor level to provide a bar ancillary to the hotel use. Extension and conversion of the ground floor area to provide new restaurant (Class A3), cafe (Class A3), service (Class A2) and retail uses (Class A1) together with new service bay, landscaping, new access arrangements and associated car and cycle parking.		
Ward(s) or groups affected:	Cathedrals		
From:	HEAD OF DEVELOPMENT MANAGEMENT		
Application Start Date 28/06/2011		Application Expiry Date 27/09/2011	

RECOMMENDATION

- 1 i) That planning permission be granted subject to conditions and the applicant first entering into an appropriate legal agreement by no later than 17th November 2011 and subject to referral to the Greater London Authority.

 ii) In the event that the legal agreement is not entered into by 17th November 2011, the Head of Planning be authorised to refuse planning permission for the reasons set out in paragraph 158 of the report.

BACKGROUND INFORMATION

Site location and description

- 2 Sea Containers house is a 15 storey building, with two basement floors, in use for office purposes, though much of the building is currently vacant. The building is T shaped with a 120m long uninterrupted frontage along the Thames Path with the south wing extending perpendicular to the river, cantilevered over Upper Ground.
- 3 The building was originally designed as a hotel and construction started for this purpose. Construction was halted in the 1970's when the investors went into receivership; Sea Containers Ltd bought the site in the 1980's and obtained planning permissions for a change of use of the building to office use. An open area used for parking also forms part of the site, and together with the basement parking provision, there are 127 car parking spaces on the site. The site is not located in a conservation area but it adjoins the Old Barge House Alley Conservation Area immediately to the west, which contains the unlisted Oxo Wharf. The terms on the current leases expire in December 2011.

- 4 The site is located in an area of high public transport accessibility. The new entrance to the Blackfriars Thameslink station is 100m away and Southwark, Blackfriars and Waterloo stations are within a 10 minute walk. In addition, there are many bus services in the locality.

Details of proposal

- 5 The application seeks to retain and refurbish the existing Sea Containers House building together with a series of additions and alterations comprising of the following:

6 Erection of a new nine storey building

This building would be erected in the rear parking/servicing area and would face onto Upper Ground. The building would provide retail and office floorspace at ground floor level and offices above. This new building would be connected to the existing building at ground floor level. A small external terrace would be provided at 8th floor level.

7 Change of use of floors 5-14 of the rear [south] wing of the existing building and third to fifth floors of the main building from offices to a 358 bedroom hotel

It is proposed to convert these floors of the existing building to a hotel. Ancillary services connected to the hotel use are also proposed, including a gymnasium at basement level.

8 Extension and conversion to the ground floor of the existing building

The ground floor is proposed to be extended and altered to allow for the provision of a range of new uses. These include a new restaurant and a cafe, with proposals for outdoor seating on the River Walk. The extension at this level would also provide a hotel entrance, accessed from Upper Ground. The central projecting bay overhanging the river walk would also be removed.

9 Erection of a roof extension to the existing building at 12th floor level

This extension would be erected over the eastern part of the main building and would provide a new bar which would be ancillary to the hotel use. An external terrace area is also proposed on the roof around the perimeter of the extension.

10 Improvements to public realm

It is proposed to make a number of alterations to the building to improve the public realm around the building. These include the removal of the western staircase, eastern and western pepper pot and railings along the River Walk. This would provide a new "western route" for pedestrians linking Upper Ground and Hatfields with the River Walk.

11 Servicing and access arrangements

A new service area would be provided within the ground floor of the new building, which would serve the entire building. A series of new entrances into the site are also proposed, including the provision of new ramped and stair access from Upper Ground. Two taxi lay bys are also shown on the plans, together with two grade level disabled parking bays. A total of 29 basement car parking spaces would be retained, which includes three disabled spaces. The vehicular access at the eastern end of the site on Upper Ground would be retained as existing.

12 Revised plans

In order to respond to a number of issues and concerns raised on the original submission, from officers, neighbours and the Greater London Authority, a series of revisions were made to the scheme. In summary, these changes comprise of the following:

- revised positioning of taxi lay-bys on Upper Ground;
- increase in the height of all entrance doors to 3.2m;
- insertion of a window in the solid wall between hotel entrance and main office entrance;
- reduction in the extent of louvres on the east elevation;
- revised arrangement of tables and chairs on the River Walk;
- further opening up of the western route through the revised alignment of the new office building;
- increase in the pavement width to the River Walk elevation through the setback of glazing to the ground floor restaurant;
- further set back of the top storey of the new office building;
- incorporation of a brown roof on the roof of the office building; and
- conversion of all of the basement parking spaces from general needs spaces to disabled.

Relevant planning history

- 13 As referred to above in paragraph 3, planning permission was granted for the existing building in 1970. The building was originally designed as a hotel, but when funding was withdrawn, the hotel was never completed and the building was left as an unfitted cellular concrete shell structure. The site was acquired by Sea Containers Ltd in the early 1980's and they obtained permission for a change of use of the rear [south] wing into offices. They later obtained permission for the conversion of the remainder of the building for offices, and the works were completed in 1986.
- 14 11-AP-1338: An application for a Screening Opinion was made relating to the refurbishment of Sea Containers House, change of use of the south wing from offices to a hotel with new roof top bar and creation of new retail and restaurant uses at ground floor level. Erection of a new ground plus eight storey building in the south-western corner to provide office floorspace. The Council confirmed, in a letter dated 11th May 2011 that the although the site area would exceed 0.5ha. the nature, scale and location of the development is not such that it would be likely to give rise to environmental effects of more than local significance, and therefore an EIA would not be required.

Planning history of adjoining sites

- 15 Members will recall that a resolution was made to grant planning permission for the Kings Reach scheme at Planning Committee in July 2011. This scheme would provide a mixed use development providing residential, retail space, a pool and gymnasium and a new pedestrian route linking Stamford Street with Upper Ground.
- 16 In addition, many of the surrounding sites have been granted planning permission for substantial developments:
- 1 Blackfriars Road; a hotel, retail and residential development of 52 storeys plus basement levels (granted by the Secretary of State on 26/03/2009);
 - 20 Blackfriars Road; an office, retail and residential development at part 42 storeys, part 23 storeys (granted by the Secretary of State on 26/03/2009);
 - 231-241 Blackfriars Road; an office development of 20 storeys (granted 15/6/2011);
 - Wedge House, 32-40 Blackfriars Road; an office development of 11 storeys (granted 11/01/08). Note that the renewal application is also on this agenda.
 - 6 Paris Gardens, 20-21 Hatfields; a mixed use development comprising of a ballet school and student accommodation in a part 9, part 13 storey building (granted 11/02/2009).
- 17 In 1989, planning permission was granted at Stamford Wharf, Barge House Street

(now known as the Oxo Wharf development) for a mixed use development comprising residential, retail, food and drink retail, workshops, employment training area, museum/gallery space, ancillary accommodation, together with basement parking and refuse vehicle turning area. Only part of this permission was implemented [the northern residential/retail part for the conversion of Oxo Tower]. An extension to the south of this building, to accommodate a training facility was never built; the plans show that this building to be five storeys high, and would be positioned on the boundary of the site adjacent to Sea Containers House. A later permission was granted in 1993 for the variation of conditions attached to the 1989 permission. The relevance of this permission is discussed further at paragraph 52 of the report.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 18 The main issues to be considered in respect of this application are:
- i) principle of the proposed development in terms of land use, including loss of office floorspace;
 - ii) design issues, including site layout, impact on pedestrian movement, acceptability of a tall building and impact on local and strategic views;
 - iii) impact on the amenities of occupiers of adjoining properties;
 - iv) traffic issues, including level of car parking;
 - v) flood risk;
 - vi) sustainable development implications;
 - vii) planning obligations.
- 19 **Planning policy**
- The site lies within the Borough and Bankside District Town Centre, the Central Activities Zone, the Air Quality Management Area, the Thames Policy Area, the Strategic Cultural Area, the Archaeological Priority Zone and the Bankside, Borough and London Bridge Opportunity Area. The site is adjacent to the River Thames Site of Importance for Nature Conservation and Old Barge House Conservation Area, which contains the Oxo Tower, and has a Public Transport Accessibility Level of 6.
- Core Strategy 2011
- 20 Strategic Targets Policy 1 - Achieving growth
 Strategic Targets Policy 2 - Improving places
 Strategic Policy 1 - Sustainable development
 Strategic Policy 2 - Sustainable transport
 Strategic Policy 3 - Shopping, leisure and entertainment
 Strategic Policy 10 - Jobs and businesses
 Strategic Policy 11 - Open spaces and wildlife
 Strategic Policy 12 - Design and conservation
 Strategic Policy 13 - High environmental standards
 Strategic Policy 14 - Implementation and Delivery
- 21 Southwark Plan 2007 (July) - saved policies
- Policy 1.1 Access to employment opportunities
 - Policy 1.4 Employment sites outside the Preferred Office Locations and Preferred Industrial Locations
 - Policy 1.5 Small business units
 - Policy 1.7 Development within town and local centres
 - Policy 1.8 Location of developments for retail and other town centre uses
 - Policy 1.12 Hotels and other visitor accommodation
 - Policy 2.5 Planning obligations
 - Policy 3.1 Environmental effects
 - Policy 3.2 Protection of amenity

Policy 3.3 Sustainability assessment
 Policy 3.4 Energy efficiency
 Policy 3.6 Air quality
 Policy 3.7 Waste reduction
 Policy 3.9 Water
 Policy 3.11 Efficient use of land
 Policy 3.12 Quality in design
 Policy 3.13 Urban design
 Policy 3.14 Designing out crime
 Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites
 Policy 3.19 Archaeology
 Policy 3.20 Tall buildings
 Policy 3.28 Biodiversity
 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

London Plan 2011

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Policy 2.9 Inner London
 Policy 2.10 Central Activities Zone – strategic priorities
 Policy 2.11 Central Activities Zone – strategic functions
 Policy 2.12 Central Activities Zone – predominantly local activities
 Policy 2.13 Opportunity Areas and Intensification Areas
 Policy 2.15 Town Centres
 Policy 3.1 Ensuring equal life chances for all
 Policy 4.1 Developing London's economy
 Policy 4.2 Offices
 Policy 4.3 Mixed use development and offices
 Policy 4.7 Retail and town centre development
 Policy 4.8 Supporting a successful and diverse retail sector
 Policy 4.12 Improving opportunities for all
 Policy 5.1 Climate change mitigation
 Policy 5.2 Minimising carbon dioxide emissions
 Policy 5.3 Sustainable design and construction
 Policy 5.4 Retrofitting
 Policy 5.5 Decentralised energy networks
 Policy 5.6 Decentralised energy in development proposals
 Policy 5.7 Renewable energy
 Policy 5.9 Overheating and cooling
 Policy 5.10 Urban greening
 Policy 5.11 Green roofs and development site environs
 Policy 5.12 Flood risk management
 Policy 5.13 Sustainable drainage
 Policy 5.15 Water use and supplies
 Policy 5.18 Construction, excavation and demolition waste
 Policy 5.21 Contaminated land
 Policy 6.1 Strategic approach (Transport)
 Policy 6.2 Providing public transport capacity and safeguarding land for transport
 Policy 6.3 Assessing transport capacity
 Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
 Policy 6.9 Cycling
 Policy 6.10 Walking
 Policy 6.11 Smoothing traffic flow and tackling congestion
 Policy 6.12 Road network capacity
 Policy 6.13 Parking

Policy 7.1 Building London's neighbourhoods and communities
 Policy 7.2 An inclusive environment
 Policy 7.3 Secured by design
 Policy 7.4 Local character
 Policy 7.5 Public realm
 Policy 7.6 Architecture
 Policy 7.7 Location and design of tall and large buildings
 Policy 7.8 Heritage assets and archaeology
 Policy 7.11 London View Management Framework
 Policy 7.12 Implementing the London View Management Framework
 Policy 7.14 Improving air quality
 Policy 7.15 Reducing noise and enhancing soundscapes
 Policy 7.18 Protecting local natural space and addressing local deficiency
 Policy 7.19 Biodiversity and access to nature
 Policy 7.21 Trees and woodlands
 Policy 8.2 Planning obligations
 Policy 8.3 Community infrastructure levy

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

- 23 PPS 1: Delivering Sustainable Development (February 2005)
 PPS 4: Planning for Sustainable Economic Growth (December 2009)
 PPS 5: Planning for the Historic Environment (March 2010)
 PPG 13: Transport (March 2001)
 PPS 22: Renewable Energy
 PPS 23: Planning and Pollution Control
 PPG 24: Planning and Noise
 PPS 25: Development and Flood Risk
 The Community Infrastructure Levy Regulations 2010
 Circular 05/05: Planning Obligations
- 24 Relevant Statements/SPD's/SPG's
 Ministerial Statement, Planning for Growth, 23 March 2010
 Section 106 Planning Obligations SPD (July 2007)
 Design and Access Statements SPD (September 2007)
 Sustainable Transport Planning SPD (September 2008)
 Sustainable Design and Construction SPD (February 2009)
 Sustainability Assessment SPD (February 2009)
 Draft London Bridge, Borough and Bankside SPD (February 2010)
 Revised London View Management Framework 2010 (SPD to the London Plan)
 Draft London View Management Framework July 2011 (SPD to the London Plan)
 Use of planning obligations in the funding of Crossrail (2010) (SPG to the London Plan)
 Draft National Planning Policy Framework (July 2011)
- 25 **Principle of development**
 PPS1 advises that developments should be promoted in locations that allow for the creation of linkages between different uses and which thereby create more vibrant places. PPS1 also promotes the efficient use of land. PPS4 seeks sustainable economic growth to reduce the need to travel and respond to climate change. PPS4 also states that economic growth including retail and hotel uses should be focussed in existing town centres.
- 26 In addition, the draft National Planning Policy Framework (NPPF) was published at the end of July 2011 for consultation until 17 October 2011. The Government has set out its commitment to a planning system that does everything it can do to support sustainable economic growth. Local planning authorities are expected to plan positively for new development. All plans should be based on the presumption

in favour of sustainable development and contain clear policies that will guide how the presumption will be applied locally.

- 27 Presumption in favour of sustainable development is a new policy designed to ensure that the planning system as a whole focuses on opportunities. The presumption, in practice, means that significant weight should be placed on the need to support economic growth through the planning system and local planning authorities should plan positively for new development and approve all individual proposals wherever possible. Furthermore, Local Plans should meet development needs, approvals should be promptly given and, where plans are silent, out of date or unclear on relevant policy, approval should be granted. But development should not be allowed if it would undermine the key principles for sustainability in the Framework. The draft NPPF makes clear that the policies should apply 'unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits'.
- 28 The NPPF builds upon the Government's 'Plan for Growth' which was published in March 2011. The overall theme of this document is to support long term sustainable economic growth and job creation in the UK. This is set out as a clear and current Government objective (and accordingly should attract significant weight). Consistent with that objective, the application proposal should ensure the effective and most efficient use of land and buildings, and they will also promote the vitality and viability of the town centre and will promote prosperity. In relation to the vitality and viability of the town centre, the draft NPPF requires planning policies to be positive and promote competitive town centre environments. This includes recognising town centres as the heart of the community, defining a network of centres and setting policies to be clear on which uses will be permitted.

Loss of offices and provision of retail uses

- 29 The site lies within the London South East Sub-Region, the Central Activities Zone (CAZ), the London Bridge and Bankside Opportunity Area, the Borough and Bankside District Town Centre and the Strategic Cultural Area. In these locations the London Plan, Saved Southwark Plan policies and Core Strategy seek to provide for high quality developments which will increase employment and also to support the provision of new retail space. London Plan Policy 2.11 Central Activities Zone - Strategic Priorities states that development proposals should increase office floorspace within the CAZ. This is because the CAZ is recognised as the country's most important strategic office location and needs to ensure adequate capacity to meet future demand. Policy 4.7 of the London Plan advises that retail, commercial and leisure development should be focused on sites within town centres.
- 30 Strategic Policy 10 - Jobs and businesses of the Core Strategy seeks to protect office floorspace in the Central Activities Zone and the Strategic Cultural Area and specifically supports the provision of 25,000sqm - 30,000sqm of additional business floorspace to help meet demand for office floorspace. Saved policy 1.4 Employment sites outside the preferred office locations and preferred industrial locations also applies; this policy would allow for retail and other town centre uses to replace B1 uses, provided that the site is located within a town or local centre.
- 31 The site is also referred to as an opportunity site in the Borough, Bankside and London Bridge draft SPD requiring an increase in Class B floorspace, with additional floorspace required to be an appropriate mix of office (Class B), retail (Class A1), leisure, entertainment and cultural (Class D) uses with active uses at lower levels. The SPD also advises that residential uses could also be provided.
- 32 The proposed change of use to a hotel would involve the loss of office accommodation currently located on floors 5-14 of the rear [south] wing of the

existing building plus four floors of the main building.

Table showing existing and proposed land uses (Net Internal Area)

Use	Existing	Proposed	Difference
Offices	36,898sqm	27,873sqm	-9,025sqm
Hotel	0sqm	16,817sqm	+16,817sqm
Class A retail uses	0sqm	1,176sqm	+1,176sqm
Total	36,898sqm	45,866sqm	+8,968sqm

- 34 The scheme proposes the net loss of 9,025sqm of office accommodation, on account of the change of use of much of the existing building to a hotel and only the partial replacement of offices in the new building. The incorporation of retail and other town centre uses would however, off set part of this loss in accordance with saved policy 1.4. However, the loss of 7,849sqm net remains and is therefore contrary to Saved Policy 1.4 and will not address, moreover will undermine growth in office space expected under Strategic Policy 10 of the Core Strategy. The (Saved) Southwark Plan does not consider hotels to be a town centre use, and therefore it is necessary to consider whether other factors exist which should outweigh the normal presumptions of Saved Policy 1.4. Issues in relation to the building being designed for hotel use, the difficulties achieving grade A office space within the retained structure, the levels of vacancy and the limits on the size and height of the new building which restrict full re-provision all need to be considered. The loss of office accommodation is disappointing, as both the Core Strategy and the London Plan specifically seek an increase in the provision of office accommodation in this part of the borough. This is because additional office floorspace is required in order to help meet central London's need, and as the site is located in at the northern part of the borough which has close links to the City.
- 35 In order to justify the loss, the applicant has argued that as the building was not built for office purposes, it has inherent design constraints which prevent the provision of high quality office floorspace. It has become very difficult to let and is increasingly viewed as undesirable for continued occupation by existing tenants. The building is only partially let and all leases expire in December 2011. The building was designed for hotel purposes, and in order to upgrade the floorspace, internal adaption would be required to its current cellular layout. Structurally, there remains scope to upgrade the majority of the space in the east and west wings; this would provide more desirable office floorspace than currently exists, ensuring its viability in the long term.
- 36 The structural limitations of the south wing, however, do not provide the same opportunity for successful refurbishment to high quality [grade A] office space. The need to retain the existing structural fin walls means that it would only appeal to a very limited range of users. Significant structural intervention would be required to enable the cutting back of these fin walls. The floor to ceiling heights are also very low.
- 37 As outlined above, both the Core Strategy and the London Plan seeks to protect office floorspace. Saved Policy 1.4 of the Southwark Plan does allow for exceptions to this general presumption, and advises that retail and other town centres would be acceptable in lieu of offices. There is some debate as to whether hotels could legitimately be considered as a town centre use. Saved Southwark Plan policies have sought to distinguish hotels from other town centre uses. On the other hand, PPS4 (published just over a year ago) does define them as a town centre use. The existing building would be re-used, and the current cellular format would allow it to be readily adapted to hotel accommodation. So whilst the Saved Southwark Plan does not include hotels as a town centre use for the purpose of replacing lost office floorspace under Policy 1.4, the current layout of the building, together with the

designer's original intentions for it, would make it suitable for such a use. This would also be a benefit in terms of sustainability, and the existing building layout is considered to be a special circumstance which would support the change of use. The use of three floors of the frontage building would give the hotel the benefit of river views, which would help to attract a high grade hotel user, and would be in accordance with the originally designed use. Further, the existing building provides compromised office floorspace. On balance, it is considered that there are site specific material issues which could outweigh the normal provisions of Saved Policy 1.4 and Strategic Policy 10. Notwithstanding this, the provision of a hotel needs to be considered against further policy tests; these are set out below.

- 38 In recognition of the loss of office space, the applicant has offered an additional contribution towards employment and training over and above the section 106 toolkits normal requirement. This would enable additional training to be provided for workers in the hospitality and retail sectors. The additional contribution offered (£77,000) would allow for a series of different training programmes to be provided in the form of apprenticeships, internships and work placements, and this would be a benefit for those seeking to enter or progress a career in the hotel or hospitality industries.

Provision of retail uses

- 39 The provision of the ground floor Class A uses within the scheme, including a restaurant is supported and would be in line with policy aspirations to focus retail uses in town centres. These uses would help meet the needs of local residents, as well as visitors and businesses and would contribute towards the vitality and viability of the south bank. This aspect of the scheme represents a welcome improvement compared with the existing building which does not provide an active or engaging frontage and would enliven the Thames Path. The concentration of visitor activity and services for visitors would also support the Strategic Cultural Area.

- 40 Correspondence received during the consultation process (from the Greater London Authority and the Coin Street Community Builders) have commented that the scheme would benefit from the introduction of active uses along western edge of the site, so as to increase the attractiveness of the new route. Officers also raised this issue with the applicant during pre-application discussions. The western end of the Sea Containers building comprises a solid concrete wall which provides fundamental stability to the structure, and it would not be physically possible to achieve openings here. This is a structural constraint with the existing building, which would not allow for an active frontage to be provided. The main entrance and foyer to the new office building is located in the south-western corner, which would bring in activity and passive surveillance to this corner. Details of a lighting design would also be required by condition, to ensure that the route would be welcoming and also to draw activity from the south of the site. So whilst the comments are noted, the incorporation of any active use along this boundary would be very difficult to achieve.

Provision of a hotel

- 41 Saved policy 1.12 of the Southwark Plan states that hotels will be encouraged in areas with high public transport accessibility, but that they will not be permitted where they would result in a loss of residential accommodation, or an over dominance of visitor accommodation in the locality. Strategic Policy 10 - Jobs and businesses of the Core Strategy advises that hotels would be allowed in town centres, strategic cultural areas and places with good accessibility to public transport, providing that there is no harm to local character. In addition, the draft Borough, Bankside and London Bridge SPD advises that suitable locations for hotels would be the northern end of Blackfriars Road.

- 42 Policy 4.5 London's Visitor Infrastructure of the London Plan states that the Mayor seeks to achieve 40,000 net additional hotel bedrooms by 2031 in town centres and opportunity areas, where there is good access to central London and international and national transport termini.
- 43 The site is in a town centre and within the Strategic Cultural Area designation. It has a high public transport accessibility level (which is 6b on scale where 1 represents low accessibility and 6b represents the highest accessibility) and is within walking distance of Southwark, Blackfriars and Waterloo and London Bridge stations. Several bus routes serve Blackfriars Road and Stamford Street. The new Blackfriars Station will also provide a direct route to Gatwick Airport. The location therefore does meet the requirement for high public transport accessibility.
- 44 Notwithstanding that a hotel on this site may be appropriately located, the requirement for the proposal to not result in an over dominance of visitor accommodation needs to be considered. There are a number of existing hotels and consented hotels in the development pipeline which are located within close proximity to the application site in the wider Bankside area. An over-concentration of hotels can detract from the vitality of an area, reduce the opportunity for a range of other services to be provided, and can increase the transient population in an area, which does not help towards creating a stable and engaged community as well as potentially being detrimental to the character and functioning of an area.
- 45 The Bankside area has seen a strong growth in hotels and, whilst this growth helps meet a demand, it is important that this is balanced against the aim of fostering a stable community, and providing space for offices and other important facilities.
- 46 In the wider area there are a number of existing hotels including the Mad Hatter Hotel on Stamford Street (30 rooms), Southwark Rose Hotel (84 rooms) and Novotel London City South (182 rooms) on Southwark Bridge Road and a Travelodge (202 rooms) on Union Street. Two hotels also exist on Southwark Street; the Holiday Inn Express (88 rooms) and the Mercure (144 rooms). Planning permission was also granted in November 2009 for two hotels incorporating 477 rooms at 46-49 Blackfriars Road, and this is now under construction. A luxury hotel (261 rooms) has been agreed as part of the 1 Blackfriars development but this development has not commenced.
- 47 The GLA's Hotel Demand Study (2006) indicates that approximately 2,500 additional hotel rooms will be needed in the borough over the period 2007 to 2026. Given the number of new hotels built, and those that have consent, it is likely that this target can be reached.
- 48 However, the site is considered to be well suited for hotel use given its excellent accessibility to public transport and close proximity to a number of major tourist attractions. Given that the wider area is still very mixed no concerns are raised in terms of over dominance of visitor accommodation. The proposal is therefore considered to comply with the requirements of saved policy 1.12.
- 49 As referred to above, the site falls within the CAZ, a Strategic Cultural Area and a designated town centre, where Core Strategy policy considers hotels to be appropriately located. Regard has also given to the layout of the building having been built to a hotel design. The Employment and Enterprise Background Paper states that there are 58 visitor attractions in Southwark with the main destinations in the Bankside and London Bridge area; hence it would be reasonable to expect to see hotel accommodation provided in these areas. The number of hotel developments, both built and in the development pipeline, have increased significantly in the last decade and these are concentrated in the north part of the

borough. Whilst there are a number of hotels in the locality, the surrounding land uses are very mixed and include offices, residential and retail. On this basis it is considered that the proposal would not significantly harm the character of the area, and indeed the mix of other uses provided in the scheme would increase the range of services offered in the locality. It is considered that the location is suitable for hotel development, and would meet policy requirements in relation to hotels.

- 50 The GLA have advised that at least 10% of the rooms would need to be wheelchair accessible. A condition has therefore been attached requiring these details to be provided, together with a detailed access management plan.

Conclusion on land uses

- 51 The loss of office accommodation is on balance considered acceptable. Sea Containers House was originally built to provide hotel accommodation and the level of adaption required to achieve grade A office space, plus the limits on the size of the new office building are material factors which have influenced the acceptability of the change of use. The location of the site makes it ideal for hotel use, and criteria in relation to high public transport accessibility and town centre location are met. The hotel could not be considered to harm the character of the area as it would remain very mixed, with a wide range of uses. Whilst the loss of office space is contrary to Saved Southwark Plan Policy 1.4, and Core Strategy Policy 10, there are sufficient site specific circumstances which justify non compliance in this case.

The Oxo tower redevelopment

- 52 In 1989, planning permission was granted for a mixed use development on the adjacent Oxo Wharf site, for residential, retail, food and drink retail, workshops, employment training area, museum/gallery space, together with basement parking and refuse vehicle turning area. The plans indicate that this permission was only implemented in part, and that a second phase consisting of a five storey element, to be positioned along the boundary of the site adjacent to Sea Containers House was never built. This building was to provide exhibition space at ground floor level, with shops, an auditorium and training accommodation on the upper floors.
- 53 It is therefore appropriate to consider what impact this second phase would have on the proposed Sea Containers development, and also what realistic chance there is of it being implemented. As the permission itself was implemented to deliver the first phase of the redevelopment, the permission is effectively kept alive, and could be legitimately implemented at any point in the future.
- 54 The development was approved over 20 years ago, and whilst there has been some basement works that have been carried out to implement this second phase, it seems unlikely to progress any further. Both this second phase and the proposed development at Sea Containers house could co-exist together, but given the proximity of the new build elements, could create an overbearing environment for pedestrians on the “the western route” between the two developments. This would be emphasised by the flank elevation of the Oxo Wharf second phase which is blank at ground floor level and would contain no windows or active frontage. This route would be 7.4m wide at its closest point and 15m at its widest point. However none of the uses within the buildings themselves are considered to be particularly sensitive, and any impacts on internal daylighting or outlook would not be significant.
- 55 The Sea Containers development has sought to open up this western route through the removal of the western staircase, the western pepper-pot and the current gated access. Further, it has made a further revision during the course of the application to set part of the ground floor building line back to allow for a slightly more generous route to be provided. Whilst the land that forms part of this western route would be

within the applicant's ownership, the public would have the right of access over it. It should be noted that the Sea Containers development would make a significant contribution to the opening up of this route, whereas the Oxo Phase two development would not by virtue of it being positioned hard against its site boundary. The applicant has made attempts to discuss the removal of the current boundary wall that exists at the rear of the Oxo Wharf to allow for a significant area of public realm to be provided, but owing to the existence of the second implementable phase of the Oxo Wharf scheme, it is accepted that the chances of this wall being removed are slim.

- 56 The scheme that is the subject of this application, plus the second phase of the Oxo Wharf scheme could both co-exist together. It would still allow for a western route to be provided which would be properly landscaped with good quality materials (granite) and would be subject to details of an external lighting scheme being agreed. The Coin Street Community Builders, who own the Oxo Tower site, have undertaken some works to implement the second phase of the 1989 permission but it seems unlikely to proceed in its current form. However, having taken that permission into account, there are no legitimate reasons to refuse to grant planning permission for the Sea Containers House development.

Environmental impact assessment

- 57 The applicant submitted a screening opinion on 26th April 2011 (11-AP-1338) to determine whether an Environmental Impact Assessment would be required for the development. The development is not considered to constitute EIA development, based on a review of the scheme against both the EIA Regulations 1999 and the European Commission guidance. In summary, the proposed development would not be likely to have significant effects upon the environment by virtue of factors such as its nature, size or location of more than local significance, and therefore an EIA would not be required.

Impact on amenities of adjoining occupiers and surrounding area

- 58 Saved Policy 3.2 relates to the protection of amenity and states that permission would not be granted where a loss of amenity to present occupiers would be caused.

Daylight/Sunlight

- 59 A daylight and sunlight report has been submitted with the application. The report assesses the scheme based on the Building Research Establishments (BRE) guidelines on daylight and sunlight.
- 60 The BRE sets out three detailed daylight tests. The first is the Vertical Sky Component test (VSC), which is the most readily adopted. This test considers the potential for daylight by calculating the angle of vertical sky at the centre of each of the windows serving the residential buildings which look towards the site. The target figure for VSC recommended by the BRE is 27% which is considered to be a good level of daylight and the level recommended for habitable rooms with windows on principal elevations. The BRE have determined that the daylight can be reduced by about 20% of their original value before the loss is noticeable.
- 61 The second method is the No Sky Line (NSL) or Daylight Distribution method which assesses the proportion of the room where the sky is visible, and plots the change in the No Sky Line between the existing and proposed situation. It advises that if there is a reduction of 20% in the area of sky visibility, daylight may be affected.
- 62 Another method of calculation is the Average Daylight Factor (ADF) which is a more detailed assessment and considers the amount of sky visibility on the vertical face of a window, but also the window size, room size and room use. The

recommendations for ADF in dwellings are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

- 63 In relation to sunlight, the test is to calculate the annual probable sunlight hours (APSH) taking into account the amount of sun available in both the summer and winter for each given window which faces within 90 degrees of due south. The assessment requires that a window should receive a quarter of annual probable sunlight hours in the summer and at least 5% of sunlight hours during the winter months.
- 64 The daylight and sunlight impacts on the following adjoining residential properties has been considered in the submitted daylight report.
- 1-87 River Court
 - 1-99 Rennie Court
 - Kings Reach Tower (future residential use)
 - Enterprise House, 1-2 Hatfields
 - Oxo Wharf

1-87 River Court

- 65 In many cases, the results show that there would be an improvement in daylighting to this block, owing to the removal of the eastern pepper pot. However, the results show that three windows would experience reductions in VSC ranging 28% to 100%. These windows are located at fourth and sixth floor levels. The reduction has been caused by a situation where there is an overhanging balcony which limits the amount of natural light falling at the window face. The existing VSC levels to these flats are already low, with values ranging from 0.02% to 1.12%, and therefore any change would produce a disproportionate reduction.

- 66 In relation to NSL, all of the rooms apart from four meet the BRE guidelines. The four rooms which experience alterations are again all under overhanging elements restricting the view of the sky at the working plane. These rooms already receive low levels of existing light and therefore it is unlikely that any occupant within any of these rooms would notice an alteration with the proposed scheme in place.

- 67 The sunlight analysis indicates that all windows would be unaffected by the proposed development, and therefore would be fully BRE compliant. The daylight and sunlight impacts to River Court are therefore considered acceptable.

1-99 Rennie Court

The VSC and NSL methods indicate that all of the windows would be fully BRE compliant if the development were to be built. There would therefore be no impacts to this block in relation to daylight.

- 69 In relation to sunlight, the reductions are very minor and would result in small percentage losses ranging from 1-2%. Only five windows would be affected (those on the west flank elevation) and these windows already do not meet the BRE target for having 25% of annual probable sunlight hours in the summer months. The losses are therefore considered minor and are not considered to be harmful.

Kings Reach Tower

The VSC results indicate that a number of windows on the 11th-14th floor of the Kings Reach tower would experience reductions in VSC. All of these windows would light habitable windows of residential flats if the Kings Reach scheme were to be built out. The reductions in VSC would range from 23% to 66%, which exceed the 20% loss recommended by the BRE guide. However, there are multiple windows that light each room, ranging from four to eight windows. Therefore, whilst each of the individual windows would experience losses, the overall room would still

continue to receive very good levels of natural daylight. Further the ADF results show that the target values are comfortably met and significantly exceed the BRE's guidelines, with ADF values for these rooms ranging from 3.95% to 8.29%. These values exceed the requirements for bedrooms (1%), living rooms (1.5%) and kitchens (2%).

71 There would be no impacts to any of the aforementioned windows in relation to sunlight as the results do not show any change from the existing situation (as they are orientated north).

72 Enterprise House, 1-2 Hatfields

The submitted report queries whether the upper floors of this property are in residential use, but has nonetheless sought to consider what the impacts upon daylight and sunlight would be. The results indicate that the property would be in full compliance with the BRE criteria, and therefore would not be impacted by the scheme. It should be noted that the property is not registered as paying council tax, and on this basis should be treated as comprising wholly non-residential uses.

73 Oxo Wharf

This building lies to the west of the site and includes both commercial and residential uses. In relation to the residential units which are located on floors three and above, the results indicate full compliance with the VSC and NSL tests, and therefore these windows should not experience any noticeable reductions to their daylight.

74 A number of commercial occupiers within the Oxo have objected to the scheme on grounds that the scheme would result in a loss of daylight. However, commercial units do not have the same expectations of natural light, and there are no targets set by the BRE in relation to these types of units. Further, the building would be located in such a manner that it would not have a direct interface the commercial occupiers, and the windows are orientated to face south, with very little obstruction in terms of buildings or structures.

75 In terms of sunlight, all windows would continue to experience good levels of sunlight, because the windows are orientated south.

76 The impacts of the scheme in relation to daylight and sunlight are therefore considered acceptable.

Overlooking/outlook

77 The impacts of the scheme in relation to overlooking and outlook need to be considered in relation to River Court, Rennie Court, Oxo Wharf and Kings Reach. In relation to River Court, the new building is at some distance from the flats, and they would not be affected by the new building. The roof extension has been set back from the eastern edge of the building by 12m, so similarly it is not considered that any harmful impacts would arise. The eastern pepper pot would be removed, which would be beneficial for the closest facing flats. Details of the screening to the hotel bar terrace will be required by condition.

78 Rennie Court is located to the south-east of the site. There are a number of windows on the west elevation of this block which would have views over the application site, and the new building would be visible from these windows if it were to be built out. The opportunities for overlooking would be very limited, and given the indirect viewing angle to the new build element, it is considered that any harm in terms of loss of outlook would be very difficult to demonstrate. The impacts upon Rennie Court residents are therefore considered acceptable.

- 79 A number of consultation responses have commented that the erection of the new office building would form a dense form of development and that it would be overbearing to Upper Ground and to the Oxo tower. The new building has been set back from the pavement edge of Upper Ground by a minimum of 6.6m. This would allow for a generous pavement width to be provided, together with opportunities for tree planting. It has also been set away from the western site boundary, to allow for areas of public realm (“the western route”) to be provided at the base of the building.
- 80 The new building has been designed in such a height and mass that it is not considered to give rise to any oppressive impacts that would warrant the application to be considered unacceptable.
- 81 The future use of Kings Reach tower would see residential flats being introduced in the tower, at levels 11 and above. Given the height of the new building (nine storeys), it would not interfere with the future use of the tower for residential purposes. No areas of overlooking would be created, and no harm in terms of sense of enclosure or otherwise would arise.

Overshadowing

- 82 The BRE guide considers that sunlight availability should be checked for open spaces including amenity sitting out areas and gardens. It advises that for those spaces to appear adequately sunlit throughout the year, no more than two-fifths and preferably no more than a quarter of any garden or amenity area should be prevented by buildings from receiving any sun at all on 21st March. If, as a result of a new development, an amenity area cannot meet these guidelines, a loss of 20% would be allowed before it could be considered noticeable.
- 83 The following areas have been tested in the report.
- The Oxo Tower amenity area;
 - The public parks located west of Broadwall; and
 - The public River Walk
- 84
- The Oxo Tower amenity area
- This area is located to the west of the site. It would not experience any substantial differences in shadow as a result of the development. There would be some small areas of shadow to the eastern half of the amenity area between 0800 and 0900 hours but this would pass quickly and within the hour. The second phase of the Oxo Wharf scheme if built would be sited on this area, and therefore if built, the scheme would not produce any overshadowing.
- 85
- The public parks located west of Broadwall Road
- Given the distance between the site and the public parks, there would only be a very small area of shadow cast on these parks. This shadow would fall in early morning, and would leave by mid morning.
- 86
- The public River Walk
- Throughout the year, the shadows cast as existing and as proposed are practically identical and would not change the existing areas of shadow.
- 87 In conclusion, no significant issues would arise in relation to overshadowing.

Noise

- 88 The proposal would result in a more intensive of use on the site with the potential for vehicular and pedestrian movement to and from the site on a 24 hour basis given the hotel use. In addition, new retail uses are proposed, including a restaurant at ground floor level of the building. The objections have commented that these movements would increase the noise levels in the area and raise concern about the

impact upon the amenities of the area. The site is located in a central London environment and is on the south bank of Thames. Whilst the nature and usage of the site would be more intensively used, including at late night hours, it is not considered that this would be unreasonable. The site is located in a town centre, where such activities are supported and some level of noise expected. However, in order to protect residential amenities, hours of opening for the retail and restaurant uses and hours for deliveries can be strictly controlled by condition which should help to mitigate unacceptable levels of noise (not beyond 2330 hours Mondays to Saturdays, and 2300 hours on Sundays and Bank Holidays). Given the proximity of the roof top terrace bar to River Court residents, it is recommended that a 2200 closing time would be appropriate for the terrace. A condition is also attached to ensure that guests that are not staying at the hotel are not permitted to use the hotel bar or hotel restaurant beyond 2330 hours Monday to Saturday and 2300 hours on Sundays and Bank Holidays. Noise from taxi pick up/drop off to the hotel, including noise from hotel guests returning should not be so substantial that planning permission should be refused.

- 89 There is no current proposal to close the new western route at night, and it is considered that the level of usage and consequent disturbance would not be so great as to warrant its closure during these hours. It is noted that both the Thames Path and Upper Ground are permanently open. Concern has also been expressed from the noise that would be caused from the setting up and removal of tables and chairs that are proposed to spill out from the restaurant use, however, similarly this would not be so significant to nearby residents. It is noted that there are already a small number of tables and chairs to the rear of the Oxo building. It is however recommended that the hours of use for this outdoor seating be controlled so that neighbours do not suffer from any undue noise and disturbance from their use.

Air Quality

- 90 Policy 3.6 of the Southwark Plan states that permission will not be granted for a development that would lead to a reduction in air quality. The site falls within an Air Quality Management Area (AQMA) due to high levels of nitrogen dioxide concentrations attributable to road traffic emissions. Accordingly, an Air Quality Assessment has been submitted which assesses the impact of the scheme in terms of its effect on local air conditions and neighbouring residential amenity. The council's Environmental Protection Team have advised that the new boiler plant and flue could result in a loss of amenity in respect of the air quality of the adjacent residential properties at River Court. They have therefore advised that either the plant flue height needs to be increased or that a different boiler is selected. It is therefore recommended that a condition be attached requiring revised details to be submitted, by way of an addendum to the submitted report.

Wind Assessment

- 91 A microclimate assessment has been submitted as part of the application, which focuses on the wind microclimate during the windiest season [winter]. The assessment has considered the impacts of wind on the Thames Path, Barge House Street/West elevation, Upper Ground, Marigold Alley/East elevation, the building entrances and on the terrace amenity spaces.
- 92 The report concludes that the exposure of the site to wind is typical for an urban location in London on the banks of the Thames and that the wind microclimate at the site is expected to be generally suitable for a range of pedestrian activities including sitting, standing and leisure walking throughout the year. The two terrace areas at level 8 of the new building at level 12 of Sea Containers House have been designed to provide mitigation from the wind as boundary screening has been proposed; these include 1.5m high solid screening around the 8th floor terrace and 1.8m solid screening at 12th floor level.

- 93 The report has also considered the cumulative impact once the neighbouring development at Kings Reach has been built, and advises that the expected wind microclimate at the site would be largely unchanged. The impacts of the scheme in relation to wind microclimate are therefore acceptable.

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

- 94 The immediate surrounding area is predominantly in office use although the wider surrounding area contains a mix of uses including commercial, residential and hotel uses. In this context it is unlikely that any existing use in the locality would be detrimental to the amenities of future users of the proposed development.

Traffic issues

- 95 Saved Policy 5.1 of the Southwark Plan requires major development to be located near transport nodes. Saved Policy 5.2 advises that permission will be granted for development unless there is an adverse impact on the transport network or if there inadequate provision is made for servicing. Saved Policy 5.3 seeks to ensure that provision is made for pedestrians and cyclists within the development and Saved Policies 5.6 and 5.7 concern car parking. Core Strategy Strategic Policy 2 - Sustainable transport reaffirms the commitment to encouraging walking, cycling and use of public transport rather than travel by car.

Access and servicing arrangements

- 96 As existing, the basement parking is accessed via a ramp from the surface level car park at the western end of the site, with exit from the basement via that ramp or via another ramp at the eastern end. The proposal is to take the western ramp out of use and for the eastern ramp to be used both for entry and exit, under signal control since it would be too narrow for two-way traffic. Priority would be given to entering vehicles to avoid queuing on Upper Ground. A service yard would be created within the new office at the western end of the site, with the entry displaced a little from the current location on the junction of Upper Ground with Hatfields to improve operation and safety. Most of the servicing and waste collection would take place from that service bay, with some servicing by smaller vehicles (due to height restrictions) from within the basement. The servicing aspects of the development are therefore considered acceptable, and would not result in any highway disruption.

- 97 Pedestrian routes around the site will be improved by a) the removal of the "pepperpots" at either end of the river frontage, thus improving the width of these narrow points on the Thames Path; and b) creation of a new route between Sea Containers House and the OXO tower. The applicant intends to use some space on private land within both these areas for tables and chairs: to reduce the risk that these would unacceptably narrow the spaces created it is recommended that their location is controlled by condition.

The Coin Street Community Builders have requested that a condition be attached requiring the River Walk remain open to the public throughout the works. It is considered that such a condition would not be appropriate, particularly as the applicant intends to repave the River Walk. However, the construction management strategy [to be requested by condition], should specifically set out the details of when it would need to be closed, and set out steps to ensure that any disruption would be minimised.

Car parking

- 98 Total car parking spaces will reduce from 127 to 28, and so there would be a reduction in the traffic impact.
- 99 Of those 28 remaining parking spaces, 21 spaces (the maximum possible due to

physical constraints in the basement) would meet the standards for wheelchair-accessible parking and would be marked for use by disabled persons. Through the Travel Plan these spaces would be made available and offered freely to disabled workers in the office, hotel and A-class uses and also to visitors to the office and hotel. The remaining seven parking spaces in the basement, and any unused disabled parking spaces there, would be available for "operational" parking. While the draft Bankside, Borough and London Bridge SPD expects developments to be "car-free", this significant reduction in the provision of spaces in an existing building is to be welcomed. The use of all these parking spaces would be monitored and reported through the Travel Plan. It is proposed that two spaces are created on Upper Ground, by narrowing the footway, to accommodate disabled visitors to the A-class uses.

- 100 The details provided with the application advise that the parking spaces would have electric charging points. This measure is encouraged and it is recommended that these electric charging points are required by condition.
- 101 It is recommended that future occupiers of the building be excluded from eligibility for parking permits through the legal agreement.

Coach parking

- 102 Under normal circumstances a hotel would be expected to include provision for coach set-down and pick-up. Since the site is within a coach ban area it is not appropriate to make such provision. The applicant has accepted that the hotel would not be suitable for coach parties, and would therefore have to decline any requests for coach parties. The nearest coach parking bays are at some distance from the site, and therefore would not be appropriate or convenient for hotel guests.

Cycle parking

- 103 Given the highly accessible location, it is expected that cycle parking be provided in excess of the minimum standards given the highly cycle-able environment and increasing popularity of cycle commuting. Cycle parking for 176 workers is to be provided within the basement. The type of rack currently proposed (two-tier) is not acceptable since they require a degree of lifting of the bike, and there is some concern that it will not be possible to provide sufficient spaces. The applicant was asked to consider an alternative solution, and whilst no revised solution has been put forward, the applicant has acknowledged that negotiations should continue to find an alternative solution. It is therefore recommended that the standard cycle parking condition be slightly revised, to make it clear that the current storage facility could not be accepted. Shower and locker facilities are shown, which is welcomed, as is a commitment to maintain a convenient route through the basement between the cycle store and the entrances to the retail, hotel and offices. The plans show space for 30 cycles on the south side of Upper Ground for use by visitors. Details of these cycle parking facilities should be required by condition. It is also intended that a Cycle Hire Docking Station would also be provided. The provision of this facility is welcomed and would serve hotel guests, visitors to the retail uses and business trips by office workers. TfL have requested that a sum of £195,000 is required to deliver the Cycle Hire Docking Station. The applicant has offered a reduced sum of £132,000 for the delivery for a smaller quantum of cycles. Transport for London have confirmed that this reduced amount would be acceptable.

Taxi set down and pick up

- 104 Space would also be provided for two taxis to set-down or pick-up passengers (on Upper Ground). This provision is welcomed, and should adequately serve the development. The site is well served by public transport including tube, rail stations and buses. A cycle hire scheme would also be provided. It is therefore considered that the two taxi-bays would be acceptable, and that no further bays would be

required given the high public transport accessibility. An amendment was received during the course of construction which shifted these bays slightly to the west to allow for an improved pavement width to be provided.

Travel Plan

- 105 A robust draft Travel Plan has been submitted to support the application with the aim of reducing the transport impact by encouraging the use of sustainable modes. It is recommended that the submission of a final version, and subsequent implementation, is secured by either condition or through the legal agreement. The travel plan should include provision to publicise and facilitate access in relation to the use of the cycle hire scheme and also should identify how coach parties to the hotel could be accommodated. A sum of £3,000 would also be required for the monitoring of the travel plan.

Construction Management Plan

- 106 Many of the objection letters have commented that the construction activity would give rise to an unacceptable level of noise and disruption during construction. These issues are strictly not material planning objections. However, it is recommended that a construction management plan be requested by condition and that it should set out hours that the works would take place, and include any required mitigation. The plan should also set out the process for dealing with any complaints that are received and also state that they would be promptly investigated and remedial action taken.
- 107 Further comments made during the consultation process have raised concern over possible impact to the RV1 bus service, which runs along Upper Ground. However, no bus stop closures or diversions are planned and therefore the bus service would continue to operate as existing.
- 108 The plan should also consider the comments made by the Port of London Authority and the Commercial Boat Operators Association in relation to the role that the River Thames could play in terms of transporting goods and services and materials by water.

Blackfriars Road Improvement Scheme

- 109 In partnership with Transport for London, a scheme is being developed to enhance Blackfriars Road. This is aimed at improving the overall quality of the environment along Blackfriars Road including the junction re-design at Blackfriars Road/Southwark Street, pedestrian and cycling improvements, tree planting and materials. Transport for London have indicated that they would expect the development make a contribution towards this scheme, and the applicant has therefore offered a sum of £63,000. Transport for London have advised that this amount would be acceptable.

Design issues

- 110 London Plan Policy 7.4 Local Character advises that development should have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Policy 7.5 Public Realm states that London's public spaces should be secure, accessible, easy to understand and maintain, and incorporate the highest quality landscaping, planting, furniture and surfaces. Policy 7.6 Architecture states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context. Policy 7.12 Implementing the London View Management Framework requires that new development should not harm and where possible should make a positive contribution to the characteristics and composition of the strategic views and their landmark elements.

- 111 Saved policy 3.12 of the Southwark Plan asserts that developments “should achieve a high quality of both architectural and urban design, enhancing the quality of the built environment in order to create attractive, high amenity environments people will choose to live in, work in and visit.” Saved policy 3.13 calls for design that embodies the principles of good urban design and creates an environment that relates to its context and results in places that people like to visit and enjoy.
- 112 The scheme is made up of a number of component parts including:
- Re-landscaping of the whole site, including formation of new western route;
 - Remodel the ground floor perimeter to the site with new retail frontages, and entrances to the proposed hotel and office accommodation
 - Refurbish and re-clad the existing Sea Containers House to provide high quality office floor space and a hotel;
 - A new 12th floor roof extension on eastern wing of the existing building; and
 - A new 9-storey office building in the south west corner of the site.

Re-landscape the whole site including planting to the public realm

- 113 The proposed development seeks to improve the public spaces on the ground floor and includes new retail uses and improved entrance arrangements for the offices and newly created hotel. In this way it seeks to bring much-needed animation to the Upper Ground frontages and re-address its prominent river frontage. This re-design of the public space around the building includes the significant remodelling of edges of the existing building and improvements to the public realm including the removal of the ‘pepper-pots’ at either end of the river frontage, the removal of the gate and railings on the Thames Path and the removal of western stair tower all of which currently severely restrict the public footway in those locations. The experience of the pedestrian on the Thames Path would be greatly enhanced by the widening of the footway and the creation of new active uses on the ground floor, which would include the hotel restaurant on the west and the new lobby to the offices on the east.
- 114 The removal of the stair tower at the western end of the existing building offers a significantly improved public route to the Thames Path from Upper Ground at the northern end of Hatfields. Added to this, this newly opened public thoroughfare has the potential to connect up with the recently consented scheme for Kings Reach to the south and greatly improve north-south connections in the wider area. The design of the new building enhances this north-south route by setting well back from the boundary with the Oxo Tower site and establishing views through to the river beyond. The public realm in this location is generous, well defined and would be animated by the proposed restaurant at the ground floor of the existing building and the lobby to the new office building.
- 115 The public experience of Upper Ground would be enhanced not just by the improved materials on footway but the complete remodelling of the entrances and new activation and renewed emphasis on the Upper Ground frontage which will be achieved, moving from east to west, by the new lobby to the refurbished offices, the prominent new entrance lobby to the hotel and the entrance lobby to the new office building. This remodelling of the edge of Upper Ground not only brings the existing building closer to Upper Ground but also addresses the unusual spaces created by the southern wing of the existing building which spans over the street in this location. The new hotel lobby encloses in the large column, brings activity onto the underpass and gives the hotel the prominence it needs. The public realm on Upper Ground is compromised by the structure of the existing building including its basement which introduces a significant change in level from the streets and requires stepped and ramped entrances to both the hotel and the office lobbies. Whilst this change in levels is more successful in the hotel, the new entrance to the offices would need to be carefully detailed with planting and materials to ensure that

the experience of all users is not compromised.

- 116 The quality of the improved public realm would cement its relationship with its context not just the opening up of the western route but also the smaller gestures like the creation of a square at the southern entrance to the hotel which has the potential to compliment the public space proposed at Kings Reach across the way and to improve the quality of public space on Upper Ground. The choice of materials and planting is important in this prominent location, and the choice of granite as the preferred material would compliment the newly activated perimeter of the block and deliver a much-improved public realm to this important site. It is important therefore that high quality materials are used for the whole site including the eastern edge on Marigold Alley. Further detail was also submitted in the course of the application to show the provision of ramps to Marigold Alley, to ensure that it would provide level access. The detailed landscape proposals including the choice of species, their maintenance, the materials and detailing of the hard landscape and the layout and accessibility of the perimeter should be reserved by condition.

Remodel the ground floor perimeter to the site

- 117 The scheme aims to fundamentally alter the relationship of this prominent building to the street. The existing building presents a number of challenges to its context including a narrow and uninviting presence on the river a deeply set-back stepped frontage onto Upper Ground and a large over-sailing structure over the roadway. The proposed development refocuses the building to the north and to the south.
- 118 Onto the river frontage to the north the scheme locates the active uses of the restaurant at the western end and offers a completely remodelled entrance to the refurbished offices at the eastern end of the building. This not only locates active uses on this important face but also introduces new entrances along the river's edge that allow users and occupiers passage through from the Thames Path to Upper Ground. The main approaches to the development would be from Upper Ground to the south where the new the entrances to the offices and the hotel have been designed as strong glass forms that positively address the street and give it a strong edge that compliment its generous proportions and sinuous form.
- 119 The two flanks of the existing building have always presented a challenge. These large featureless flanks serve a structural function and are difficult to activate. To the west the newly created connection between Upper Ground and the Thames Path is enhanced by the removal of the stair tower and the western 'pepper pot' which give this connection to the south a generous quality and improved visibility. On the other hand Marigold Alley the east remains much like it is at the moment. It would benefit from the improved public realm and the removal of the eastern stair tower.
- 120 The proposed development has been careful to limit its ambition to what can be delivered within the structural constraints of the existing building. At the same time the proposed changes fundamentally change the focus of the ground floor uses from the inward looking character of the existing building to the engaging and outward focussed uses of the development. This is not simply achieved simply through the re-cladding of the ground floor but the complete remodelling of the whole of the ground floor and the use of careful architectural expression both on Upper Ground and the Thames Path to remove inappropriate later additions and enhance the experience of the public at this important part of the river.

Refurbish and re-clad the existing Sea Containers House to provide high quality office floor space and a hotel

- 121 Sea Containers House has always been an iconic building with a larger-than-life presence onto the river. This proposal aims to remodel the existing building to capitalise on its prime location, providing uses that compliment its structural

limitations and greatly improve its appearance. The changes include the re-cladding of the northern face on the ground, first and second floors with full-height glazing to offer direct connection to the river from the refurbished office space. All the existing windows are to be replaced with high quality modern windows that would also improve the appearance of the building. Added to this the scheme proposes the removal of extraneous features like the 'pepper-pots' at either end of the building as well as the central golden garlands at the centre to bring the larger spaces at the middle of the building back into use. The proposal for a hotel for the middle floors of the building would not only offer fantastic views to the north but also give the hotel a much needed presence onto the river, which would significantly increase its marketability. On Upper Ground the scheme proposes the removal of the unfortunate features like the octagonal windows and the contorted entrance and instead creates generous and engaging entrances including the double-height lobby that stretches from Upper Ground to the river frontage. Further to the comment made by the GLA, the applicant is considering whether an internal hotel lift could be installed as a better option than the double switchback ramp.

- 122 The success of the remodelled building will rely on the detailing of the proposed features and the quality of the proposed materials. In particular the window framing and cladding system to be selected by the contractor as well as the finishes to features like ventilation grilles, handrails and parapets will contribute greatly to the quality of the design. The choice of a natural metal finish as opposed to a painted finish for example would affect the appearance of the proposed development and is a matter that should be reserved by condition.

The new 12th floor roof extension on eastern wing of the existing building

- 123 The roof extension and associated roof terrace adds a single storey to the east wing of the building at the 12th level. This addition balances the existing office accommodation on the same floor and introduces a degree of symmetry to the existing building form. It is light and glassy in character and set-back to the same line as the matching floor on the west wing and is therefore an appropriate and incidental addition to this prominent face. It is neither overbearing in character nor discordant in any way. This addition would reduce the scale of the prominent 'mansard-type' roof to the plant room of the existing building. The architectural quality and design of this building would rely on the sharpness of the detailing and the quality of the facing materials.

The new 9-storey office building in the south west corner of the site

- 124 This new 9-storey building is proposed to be constructed in the current car park of the existing building. This proposal, due to its relationship with the existing building and its proximity to the neighbouring Oxo Tower development and its location on the boundary of the Bargehouse Alley Conservation Area, has a number of sensitivities and challenges that it has to address. It is linked to the existing building by a lightweight glassy stair, which would replace the western stair tower that is proposed to be removed.
- 125 The proposed building has a sensitive relationship with the existing building, which it must compliment. The proposed building does enhances the existing building considerably. It is designed as a building in its own right but manages to accommodate the servicing and fire-escape requirements of the existing building to facilitate the removal of the western stair tower and the ramped service entrance to the basement. It occupies a prominent location at the corner of Hatfields and Upper Ground which it exploits with confidence by placing its entrance and addressing the corner in a three-dimensional manner. The proposed building is designed to give a panelled appearance in robust masonry echoing the existing building. In contrast, its panels have a vertical emphasis as opposed to the horizontal emphasis of the existing building.

- 126 The proposed building is located close to the boundary with the Oxo Tower development. The Oxo Tower development is a local landmark made up of a ten storey main body with its distinctive central tower which is a notable feature of the river prospects as set out in the Mayor's London View Management Framework. In this sensitive context the relationship of the proposed building to its historic neighbour and particularly its height, scale and massing as well as the choice of materials are important. At 9 storeys in height, the proposed building is shorter than the existing Sea Containers House but exceeds the 'shoulder' height of the Oxo development. The information submitted with the application demonstrates that the proposed building will be visible in the river prospect views particularly from the Hungerford Bridge and the northern embankment, however, the parts that would be visible are its upper two storeys which are lightweight and glassy in character and recessive by design. A particularly prominent feature of these views is the new linking staircase which, out of necessity, extends to the full height of Sea Containers House. Its success, together with that of the recessive upper storey will rely on their lightweight design and the transparency of their materials which are matters that can be reserved by condition.
- 127 A notable feature of the design of this building is the depth of the west elevation achieved by the two layers of the facade. To accommodate the environmental effect of western facade the building has been designed in two layers of almost 1m in depth, returning in masonry, to provide solar shading to this elevation. In contrast however, the south and west facade is proposed to be in a more flush panelled design. The flush-panelled appearance of the southern and eastern faces would appear very different to the western face and will be most noticeable on the south – west corner where the two different facade treatments meet. The contrast is concerning and simply emphasises the thinness of the south and east facades when compared to the substantial depth achieved on the west face and will detract from the unified appearance of the building. In the view of officers a depth of 400 to 450mm could better relate the east and south facade to the western elevation (rather than the 300mm depth indicated on the drawings) and would give these facades a depth and quality that approaches that of the western elevation particularly when viewed in the oblique from the street. In the absence of this depth on these two flanks, the architectural design runs the risk of appearing thin and lacking quality and should be reserved by condition to ensure that the constructed building retains the quality hinted at in the visualisations.

Saved policy 3.20 Tall Buildings

- 128 In terms of height the proposed new office building exceeds 25m in height. As such it is a tall building as defined by Policy 3.20 of the Southwark Plan and would need to comply with all the requirements of this policy. Saved policy 3.20 states that tall buildings should ensure that they:
- i. Make a positive contribution to the landscape; and
 - ii. Are located at a point of landmark significance; and
 - iii. Are of the highest architectural standard; and
 - iv. Relate well to its surroundings, particularly at street level; and
 - v. Contribute positively to the London skyline as a whole consolidating a cluster within that skyline or providing key focus within views.
- 129 The existing sea Containers House exceeds 25m in height and as such is itself a tall building. Taking each of the criteria in turn:
- 130 i. The substantial improvements to the public realm noted above make a significant contribution to the public realm of the area. Added to this, the activation of the perimeter of Sea Containers House, the new western public thoroughfare and the new public space created at the southern side of the hotel lobby ensure that the new

office building is encircled by a generous and high quality public realm which includes landscaped elements. The details of the landscape and the choice of materials can be reserved by condition and present an opportunity to deliver substantial improvements to the area particularly when viewed in conjunction with the improvements that would be delivered by the recently consented scheme at Kings Reach. Indeed, these two schemes, their emphasis on permeability and the renewed north-south connections that they would deliver would make a positive contribution to the landscape and the streetscape.

- 131 ii. Technically, the location of the proposed new building does not comply with the definition of point of landmark significance to justify a tall building in this location. The Southwark Plan defines a 'point of landmark significance' as the confluence of important routes, where there is a concentration of activity or will be the focus of views from several directions. Whilst the proposed new building is not located at such a location its relationship with its context is significant. Towering over it is Kings Reach Tower and the substantial mass of Sea Containers House. It takes up an important location at the northern end of Hatfields and would come into view on the sinuous bend of Upper Ground. As such it would act as a point of orientation for pedestrians seeking connection to the Thames Path to the north. Its contribution as a point of orientation, coupled with its diminutive stature – relative to its more substantial neighbours, suggests that it is set at an appropriate height for this location albeit that it would be defined as a tall building.
- 132 iii and iv. The architectural quality of the new building is high. Its dramatic form, its varied and highly modulated facade and its elegant proportions give it an ordered and interesting appearance. Added to this the emphasis placed on the quality of the detailing would make this a fitting addition to this sensitive context. The material samples provided by the applicant raise concerns about the apparent quality of the finish to be achieved with this material. It is therefore considered that a condition should be attached requiring further details of the material to be used. Further, its contribution to the townscape particularly at street level is substantial. The rendered images of the building illustrate the building as proposed however they do not record the impact of the proposal in the local views. A Townscape Visual Impact Assessment would normally include the selected views 'as existing' and as proposed' as to demonstrate the proposed development on its context. However, on balance sufficient information has been provided to be satisfied that the building would make a positive contribution to the area.
- 133 v. The contribution of the development to the London skyline was illustrated in the Design and Access Statement submitted with this application. This includes a consideration of the views set out in the London View Management Framework (July 2010) in addition to the local views. From the information submitted with the application the impact of the new building in the river prospects from the west (Hungerford Bridge) would be a notable and acceptable addition to the backdrop of the Oxo Wharf Tower. Its takes its place in the group of taller buildings including Sea Containers House and Kings Reach, but has a more appropriate relationship in with the Oxo Tower in terms of its scale and the lightness and recessive design of its upper-most floor. The images demonstrate that the Oxo Tower (recognised as a landmark in its own right in the LVMF) retains its distinct identity and the proposed new building serves to temper the impact of the south wing of Sea Containers House which looms over the Oxo Tower development in some of the views.
- 134 In conclusion, the proposal is a fitting and confident addition to this part of Southwark and the river prospects. It mediates successfully between its more prominent neighbours and its historic context and, with the right safeguards, could deliver a high quality and appropriate design that would enhance the area.

Impact on character and setting of Old Barge House Conservation Area

- 135 Saved Policy 3.18 states that permission will not be granted for developments that would not preserve or enhance among other things: the setting of Conservation Areas; or views into or out of a Conservation Area. This is an important consideration of PPS5: Planning for the Historic Environment – and includes a consideration of the proposed scheme’s design, its scale bulk and height as well as its structure, arrangement and facing materials. The site lies adjacent to the Old Barge House Alley Conservation Area, which contains the locally listed Oxo Tower Wharf.
- 136 In developing this scheme designers need to take into account views into and out of the conservation area. In particular, views from the Southbank illustrate the presence of this scheme in the backdrop of this historic area. Policy 10.1 of PPS5 states that when considering applications for development that affect the setting of a heritage asset, *“local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.”*
- 137 The Old Bargehouse Alley Conservation Area is centred on the Oxo Tower. It extends from the Thames Path to the north to Upper Ground in the south and into Lambeth to the west taking in Bernie Spain Gardens. Views within the conservation area are centred on the important local landmark of the Oxo Tower, which is notable in the river prospects and particularly prominent from the park to the west. In this case the extended and re-clad tower would be the most visible feature of this development, visible in these local views from the Thames Path and Bernie Spain Gardens to the west. The area is characterised by natural materials, brick with natural stone finish and these materials should be reflected in the proposed new building because of its prominence in the local views. The information submitted with the application proposes to use pre-cast reconstituted stone panels. The existing Sea Containers House is clad in pre-cast panels and has an uncomfortable relationship with this historic context. Rather than the reconstituted stone panels as shown on the drawings, the proposed building would be better suited to a stone or other high quality alternative reconstituted stone panelling system. It is therefore considered that the material to be used be reserved by condition, to allow further discussions to take place to find the most appropriate material for the building.
- 138 Accordingly, by preserving the best features of this iconic building and choosing cladding materials that will compliment those prevalent in the conservation area, the proposal enhances the setting of this important historic area and complies with this policy and national guidance.

Impact on trees

- 139 The proposals would result in the removal of 18 trees. The majority of these trees are very young lime trees, which are located towards the south of the site, facing Upper Ground. But four of these are semi-mature Gleditsia street trees which form part of an avenue along Upper Ground. These have a combined total of 194cm in girth.
- 140 In terms of tree replacements, three trees are proposed and the species selected are multi-stem Amelanchier. These are acceptable as are the mix of herbaceous and shrub planting shown on the plans.
- 141 In order to mitigate the loss of the other 15 trees, additional planting would have to be identified in addition to that already shown. These replacements would need to provide tree cover amounting to at least 194 cm in girth. Some indicative drawings have been provided which show the provision of new trees along Upper Ground. Full details of the additional planting can be satisfactorily requested by condition and

should ensure that there would be no loss of local tree cover. The impact upon trees is therefore considered acceptable, subject to replacement planting of suitable girth and species being requested by condition.

Archaeology

- 142 The applicant has submitted an archaeological desk-based assessment which adequately summarises the archaeological potential of the area. Recent evaluation work to the south of the site undertaken at King's Reach Tower has also provided a useful indication of the archaeological potential in this area.
- 143 The archaeological interest of the site, based upon the interpretation of the desk-based assessment are for archaeological remains from the prehistoric and post medieval periods. Material from the prehistoric period is likely to take the form of geo-archaeological evidence so sampling of this evidence should also be considered.
- 144 The desk-based assessment also details the most likely previous impacts upon the archaeological resource of the site.
- 145 It is recommended that a programme of archaeological evaluation is undertaken on site. Any site investigation or geotechnical works undertaken in advance of the evaluation should be monitored by an experienced archaeologist. Subject to the results of the archaeological evaluation further works may be necessary and it is likely that this would include geo-archaeological sampling and analysis. These works can all be required by condition.

Flood Risk

- 146 The site is located within Flood Zone 3a which is considered to be an area of high risk of flooding due to the proximity of the tidal River Thames. However the site is protected by the Thames Barrier and related defences. A flood risk assessment has been submitted with the application and the associated breach analysis demonstrates that the site would not flood in the event of a breach of the Thames tidal defences. The Environment Agency were consulted on the application and have advised that they have no objections to the proposed development on flood risk grounds, subject to the imposition of a condition requiring the scheme to be built in accordance with the submitted Flood Risk Assessment.
- 147 Consideration must be given to the sequential test, advocated in Planning Policy Statement 25 "Development and Flood Risk" which requires Local Planning Authorities to direct development towards lower flood risk zones and within development sites where the highest vulnerability uses should be located on parts of the site at lowest probability of flooding. A significant part of Southwark is within Flood Zone 3 and there are no sites at a lower risk of flooding for some distance. Whilst the application site is not designated for a mixed use development, the development of brownfield sites such as this is encouraged in order to maximise the efficient use of land with the provision of new office and hotel accommodation. The proposed scheme therefore meets the Planning Policy Statement 25 sequential test.
- 148 **Planning obligations (S.106 undertaking or agreement)**
 Saved Policy 2.5 of the Southwark Plan and Policy 8.2 of the London Plan advise that planning obligations can be secured to overcome the negative impacts of a generally acceptable proposal. Saved Policy 2.5 of the Southwark Plan is reinforced by the Supplementary Planning Document (SPD) on Section 106 Planning Obligations, (which sets out in detail the type of development that qualifies for planning obligations), and Circular 05/05, which advises that every planning application will be judged on its own merits against relevant policy, guidance and other material considerations when assessing planning obligations. Strategic Policy

14 – Implementation and delivery of the emerging Core Strategy states that planning obligations will be sought to reduce or mitigate the impact of developments.

149 The Community Infrastructure Levy Regulations came into force on 6th April 2010. The regulations state under 122 – “Limitation on use of planning obligations” that it is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged CIL if the obligation does not meet all of the following tests:

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

150 The applicant has submitted a proposed Heads of Terms based on the Council’s Planning Obligations SPD. The following table sets out the contributions payable based on the Section 106 Planning Obligations SPD and what the applicant has proposed to offer. The contributions are set out based on the uplift in retail floorspace and the provision of a 358 bedroom hotel.

151	Topic area	S106 SPD	Applicant’s S106 offer
	Employment in the development	£84,547	£84,547
	Employment in the development: additional contribution to training	£0,00	£77,000
	Employment during construction	£267,330	In kind works through provision of work place co-ordinator to value of £267,330
	Employment during construction management fee	£20,609	£20,609
	Public open space	£64,614	£64,614
	Sports development	£27,545	£27,545
	Transport Strategic	£168,454	£168,454
	Transport Site Specific	£197,215	In kind works including to granite paving to River Walk plus maintenance programme to value of £197,215
	Transport for London	£0,00	£63,000 (for Blackfriars Road Improvement Scheme) £132,000 (for the Cycle docking station)
	Public Realm	£286,215	In kind works towards upgrading of Upper Ground including the junction at Hatfields/Upper Ground and Marigold Alley to the value of £286,215
	Archaeology	£10,199	£10,199
	Tourism	£0,00	£70,000
	Admin charge	£22,535	£14,359 (collected for cash)

		contributions only)
Total	£1,149,262	£732,327 + in kind works to the value of £750,760 (Total £1,483,087)

- 152 In addition to those listed above, the SPD also advises that for large developments which have wide ranging impacts, additional mitigation measures may also be sought. TfL also requests the safeguarding of land towards the installation, operation and maintenance of a Mayor's Cycle Hire docking station. The applicant has offered £132,000, which TfL have accepted. TfL have confirmed that a Crossrail payment is not generated, and have also advised that the contribution to Blackfriars Road would be acceptable.
- 153 An amendment to the Traffic Management Order would be required to exclude occupiers from obtaining parking permits. The amount sought is £2,750.
- 154 It should also be requested that the public realm works are completed before the development is occupied. A travel plan would also be required (for three years), together with terms to ensure travel plan monitoring, including the payment of the monitoring fee (£3,000). In addition, standard hotel clauses are required limiting hotel guests to no more than a 90 day occupation.
- 155 The applicant is proposing to make a number of improvements to the public realm as part of the application. These include repaving the river walk in high quality materials (granite), repaving of Marigold Alley also in high quality materials and improvements to Upper Ground. It is accepted that the developer could offset the normal public realm and site specific contributions against the cost of completing this work, provided that realistic cost estimates of the work are provided, which would need to be verified and checked. Any shortfalls would require a cash payment to be paid, or for the applicant to submit details of additional improvements. It is also required that the materials used are high quality. Commuted sum payments are required from the applicant in order to cover the cost of repair and maintenance since the majority of the materials used do not form part of the council's standard materials palette. Associated S.278 agreements may be required to enable this work to be undertaken by the developer.
- 156 As referred to in paragraph 38 of the report, additional contributions have been offered in recognition of the loss of office floorspace; this would provide for a range of training programmes for those seeking to progress careers in the hotel or hospitality industries. In addition, £70,000 has been offered towards tourism.
- 157 It is considered that the planning obligations sought meet the planning tests of Circular 05/05 and the CIL regulations. The contributions would be spent on employment and training, including job creation during construction and in the final development, improvements to open spaces and sports facilities given the increase in usage, improvements to increase the capacity of transport provision across the borough, improvements to the public realm and tourism and funds to secure archaeological monitoring.
- 158 In accordance with the recommendation, if the Section 106 Agreement is not signed by 17th November 2011, the Head of Development is authorised to refuse planning permission, if appropriate, for the reason below:
'In the absence of a signed Section 106 Agreement, there is no mechanism in place to avoid or mitigate the impact of the proposed development on the public realm, public open space, sports facilities, the transport network and employment and the proposal would therefore be contrary to Saved Policy 2.5 'Planning Obligations' of the Southwark Plan and Policy 14 – 'Implementation and delivery' of the Southwark

Core Strategy, the Southwark Supplementary Planning Document 'Section 106 Planning Obligations' 2007, and Policy 8.2 Planning obligations of the London Plan 2011.

Sustainable development implications

- 159 Policy 5.2 of the London Plan Minimising Carbon Dioxide Emissions that requires development proposals should make the fullest contribution to minimising carbon dioxide and that they should provide an assessment of their energy demands and demonstrate how they have taken steps to apply the Mayor's energy hierarchy. Policy 5.7 Renewable Energy seeks to increase the proportion of energy generated from renewable sources. Saved Policy 3.4 of the Southwark Plan seeks energy efficient development. Core Strategy Strategic Policy 13 - High environmental standards applies a similar energy hierarchy to the London Plan and requires the highest possible environmental standards including requiring major developments to achieve a reduction in carbon dioxide emissions of 20% from low or zero carbon sources of energy, and achieving a BREEAM "excellent" standard. These policies are expanded upon in the Council's Sustainable Construction and Design SPD. An Energy Strategy and Sustainability Statement has been submitted as part of the application.
- 160 Energy Efficiency
A series of energy efficient measures are proposed for the development; these include energy efficient lighting, enhanced pipe-work and ductwork thermal insulation and measures to reduce the demand for water. However, the development does not achieve any carbon savings from energy efficiency along compared to a 2010 Building regulations compliant development and should use demand reduction measures such as strengthening the measures proposed for the new build elements. Further analysis is therefore being undertaken to assess the opportunities further to reduce emissions from energy efficiency alone.
- 161 District Heating
No existing heat networks have been identified within the vicinity of the development. There is the possibility that a network could be established following work commissioned through the South Bank Employers Group and the development would be designed to allow future connection.
- 162 Combined Heat and Power (CHP)
The proposed strategy will incorporate a 500kWe CHP plant on site. This would provide space heating and water heating to the development. The use of the CHP would allow for a 28% reduction in carbon savings.
- 163 Cooling
Cooling requirements on-site will be provided using a cooling network which would distribute cold water to the buildings on site. Such a heat network would be supplied using high efficiency electrical chillers.
- 164 Renewable energy technologies
A wide range of renewable energy technologies have been considered in the submitted energy report, and an analysis has been provided in relation to why each form of technology would/would not be suitable for incorporation into the development. Following this analysis, a series of photovoltaic panels are proposed to the roof of the development to provide renewable energy for the development. The total area that the panels would take up would amount to 130sqm. This would amount to a 0.55% reduction from renewable energy technologies. The reduction is a considerable way short of the 20% target in the Core Strategy. However, given that the proposal seeks to re-use and adapt existing buildings (which itself is a sustainable measure), it is considered that the opportunities for introducing greater

reductions from renewables are limited. The new London Plan (2011) recognises this approach, and focuses more on total carbon savings than on on-site renewables.

165 In summary, the estimated regulated carbon emissions of the development are 1,422 tonnes of carbon dioxide per year after the cumulative effect of energy efficiency measures, combined heat and power and renewable energy have been taken into account. This equates to a reduction of 556 tonnes per year in regulated emissions compared to a 2010 Building Regulations compliant development, equivalent to an overall saving of 28%.

166 BREEAM and Ecology

The applicant has submitted a sustainability statement and has committed to achieving a BREEAM “very good” overall rating for hotel and office refurbishment. The new office building however, would achieve an “excellent” rating. A range of sustainability measures are proposed, including sustainable construction practices. The applicant has agreed to install a bio-diverse roof on the roof of the new office building, and it is requested that details showing this provision be required by condition.

Other matters

167 Comments received during consultation have queried whether the drainage in the area would have adequate capacity to serve the development. Whilst not strictly a material planning concern, it is expected that there would be adequate infrastructure to serve the development. Further, it is not considered that the uses would increase pressure on emergency services – it should be noted that the London Fire and Emergency Planning Authority have not raised any concerns or objections on this issue.

Conclusion on planning issues

168 The proposal would result in the net loss of a substantial quantum of office floorspace, which on balance has been considered acceptable on the basis of material planning considerations which would outweigh the normal policy provisions to protect office floorspace. The location of the site makes it ideal for hotel use, and criteria in relation to high public transport accessibility and town centre location are met. The hotel could not be considered to harm the character of the area as it would remain very mixed, with a wide range of uses. The provision of Class A uses are welcomed and supported by policy.

169 The impacts of the second phase of the Oxo Wharf development have been considered and it is considered that both developments could satisfactorily co-exist together, and would not give rise to any unacceptable impacts. In addition, the creation of the western route would be a significant benefit to the public realm, and would provide permeability to the river walk.

170 In relation to the design, officers consider that the scheme has reached an acceptable standard, and are minded to recommend approval given the high quality of the design and the interest it will bring to the townscape. There are some outstanding relating to the detailed design and use of materials, but it is considered that the attachment of suitably worded conditions could address these concerns. Further, there would be no harm to the setting of the Old Barge House Conservation Area.

171 The impacts of the scheme in relation to daylight, sunlight and outlook are considered acceptable, and it is considered that no harmful impacts would arise.

172 The scheme would not be expected to cause any unacceptable impact to local

highway or transport conditions.

173 The proposal would be capable of generating significant economic benefits for the local and wider area, and would also seek to enhance pedestrian movement in the local area. The proposal would also make efficient use of land and re-use the existing building, which is a benefit in terms of sustainability.

175 In assessing and determining the application the council has applied the presumption in favour of sustainable development. The application would accord with sustainable principles and would positively promote a sustainable mixed use development and an effective use of land. It is located in an appropriate town centre site and within the Borough and Bankside town centre. It would therefore appear that the proposal would be consistent with the draft NPPF and the Planning for Growth statement. It is therefore recommended that permission be granted, subject to conditions as set out in the attached draft decision notice, completion of s S106 agreement on terms as set out above, and referral to the Greater London Authority.

Community impact statement

176 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.

177 A statement of community involvement was submitted with the application. The document sets out the pre-application consultation that has taken place, which includes a 2,500 leaflet drop to local residents and businesses, 40 letters sent to community and political stakeholders, a website to provide information on the scheme, two public exhibitions (held at the application site), together with meetings held with Members, community groups and local employers organisations (including South Bank Employers' Group, Coin Street Community Builders, Waterloo Community Development Group). In addition, a series of press releases were sent to local media.

178 All comments made during this pre-application consultation process, negative and positive, were collated and considered by the applicant and responses to the feedback were developed, either as amendments to the design or an explanation as to why the comments were not carried forward into actions.

Consultations

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

Consultation replies

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

181 Summary of consultation responses

Responses received from occupiers of River Court, Rennie Court, Oxo Wharf and the Kings Reach Flats Management Limited objecting to the height of the new building and its canyoning effect. Further concerns were also raised in relation to impacts on daylight, noise, traffic and trees.

The Conservation Areas Advisory Group (CAAG) have raised concern over the loss of existing design features and have commented that the scheme is characterless and out of context.

The Coin Street Community Builders have raised concerns regarding the visual impact of the new office building and impact upon daylight. They have also raised

concerns about the adequacy of the taxi drop off/pick up facility and kitchen extraction.

Councillor Adele Morris welcomed the amendments that had been made to the scheme.

Human rights implications

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

183 This application has the legitimate aim of providing a new office building together with various extensions and additions to the existing Sea Containers building including provision of a new hotel and restaurant. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

184 None.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1227-22 Application file: 11-AP-1955 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5513 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Neighbour consultee map
Appendix 4	Images

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Kiran Chauhan, Development Management	
Version	Final	
Dated	1 September 2011	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Leisure	No	No
Date final report sent to Constitutional / Community Council / Scrutiny Team	30 September 2011	

Consultation undertaken

Site notice date: 11/07/2011

Press notice date: 07/07/2011

Case officer site visit date: Numerous over past six months, most recent on 7th June 2011

Neighbour consultation letters sent: 06/07/2011

Internal services consulted:

Archaeology Officer
Environmental Protection Team
Public Realm
Planning Policy
Transport Planning Team
Waste Management
Arboriculturalist
Ecology
Economic Development
Design Review Panel

Statutory and non-statutory organisations consulted:

Transport for London
Metropolitan Police
Environment Agency
London Fire & Emergency Planning
Thames Water
EDF Energy
Greater London Authority
London Borough of Westminster
London Borough of Lambeth
Arqiva Digital Telecommunications
BAA
English Heritage
Port of London Authority

Neighbours and local groups consulted:

Bankside Residents Forum
Southwark Cyclists
Southbank Employers Group
Coin Street Community Builders
Waterloo Community Development Group

Re-consultation: The revised plans submitted during the course of the information proposed a series of minor revisions only and therefore no reconsultation was necessary.

Consultation responses received

Internal services

Archaeology: Please refer to the report under "Archaeology".

Public Realm:

- The developer will need to enter into a s.278 agreement under the Highways Act for works on the public highway. In addition, if there is any private land to be adopted, a section 38 application would be required. The details and extent of the works should be secured by the s.106 agreement.
- A strategy needs to be established with Kings Reach in relation to the extent of improvements.
- All of Southwark's footways are to be Yorkstone, and no bollards should be provided.
- Safety concerns in respect of the provision of two disabled parking bays at the main entrance given conflicting interests (pedestrian crossing, contra-flow cycle lane and traffic on carriageway).
- Any cycle parking on the highway created in association with the developer shall need to be located in parking bays at the edge of the carriageway.
- New trees would need to meet new tree planting standards. Broadly these require pit openings to be designed to accommodate the mature roof plate and rooting medium volumes to be proportionate with the mature crown surface area.

Ecology: 10 bat bricks and 10 swift bricks should be conditioned to be installed in the new build. The developer should work with the London Swift group and the Bat conservation trust to determine the best locations.

Planning Policy: On balance the proposal is considered acceptable.

The refurbishment of part of the existing office space would be welcomed. The building was originally designed as a hotel and the policy allows conversion of office to appropriate town centre uses. The provision of the new office building goes some way to compensating for the loss of office space.

Policy 1.7 requires an appropriate mix of uses in town centres. While studies suggest that there is a greater need for office space in the town centre rather than hotel space, with 27,000sqm of office space, there would still be a significant amount of office space on the site.

Transport Group: Comment as follows.

While the development would increase the total floorspace, the change of use of much of it to hotel will lead to a reduction in the total trips expected. Total car parking spaces will reduce, and so there will be a significant reduction in the traffic impact.

Of those 28 remaining parking spaces, 21 (the maximum possible due to physical constraints in the basement) will meet the standards for wheelchair-accessible parking and will be marked for use by disabled persons. Through the Travel Plan it is intended that these spaces will be made available and offered freely to disabled workers in the office, hotel and A-class uses and to visitors to the office and hotel. The remaining seven parking spaces in the basement, and any unused disabled parking spaces there, will be available for "operational" parking.

It is proposed that two spaces are created on Upper Ground, by narrowing the very wide footway, to accommodate disabled visitors to the A-class uses. Space will also be created for two taxis to stop to set-down or pick-up passengers in the same area. It is recommended that future occupiers of the building be excluded from eligibility for parking permits in the normal manner.

The western ramp will be taken out of use and the eastern ramp used both for entry and exit, under signal control since it is too narrow for two-way traffic. Priority will be given to entering vehicles to avoid queuing on Upper Ground. A service yard will be created within the new office at the western end of the site, with the entry displaced a little from the current location on the junction of Upper Ground with Hatfields to improve operation and safety. Most of the servicing and waste collection will take place from that point, with some servicing by smaller vehicles (due to height restrictions) from within the basement.

The applicant intends to use some space on private land within both these areas for tables and chairs: to reduce the risk that these would unacceptably narrow the spaces created it is recommended that their location is controlled by condition.

Cycle parking for 176 workers is to be provided within the basement. The type of rack currently proposed is not acceptable, and there is some concern that it will not be possible to provide sufficient spaces. Shower and locker facilities are shown, which is welcomed, as is a commitment to maintain a convenient route through the basement between the cycle store and workplaces. Space for 30 cycles will be created on the south side of Upper Ground under the hotel element that spans the road, along with a Cycle Hire Docking Station for 25 cycles: both of these are welcomed.

A robust draft Travel Plan has been submitted to support the application with the aim of reducing the transport impact by encouraging the use of sustainable modes. It is recommended that the submission of a final version, and subsequent implementation, is secured by condition.

Design Review Panel: An earlier version of the scheme was presented to the Design Review Panel in January 2010. The following comments were provided.

- The Panel felt that the project had not gone far enough to make a meaningful contribution to the public realm, draw activity and make connections to the south. More needs to be done by the design team to examine the way people use and appreciate the site as part of experience of the Southbank, the connections to the other parts of the borough to the south of the site and the way that the Southbank is likely to change particularly with the new Blackfriars Station. Developments like the Oxo building and others have proved that restaurants on the river can be located on the upper floors, and not on the ground floor.
- The Panel felt that the ground floor plan was cluttered by too many uses and challenged the designers to introduce a generosity that would offer connections and permeability.

In relation to the new build element, the Panel felt that the extension failed to address the needs of the existing building. The presentation focused on problems posed by the existing building rather than the opportunities that it presented. They encouraged the designers to revisit the existing building, articulate their vision and use that vision to develop a comprehensive scheme that is better integrated to the site and its context.

Statutory and non-statutory organisations

English Heritage: Advise that the application shall be determined in accordance with national and local policy guidance, and on the basis of your own specialist advice.

Environment Agency: No objections to the proposed development on flood risk grounds, subject to the imposition of a condition requiring the scheme to be built in accordance with the submitted Flood Risk Assessment.

Greater London Authority: The main issues raised in the Stage 1 report are summarised as follows.

Principle of development:

- The Central Activities Zone is prioritised for office use, and therefore it is appropriate to consider whether the loss of offices undermines the strategic office location. The applicant therefore needs to evidence market conditions regarding the office release locally and marketing evidence regarding the demand for offices in this location.
- A structural survey is required to identify specific areas on plan to demonstrate that all opportunities to maximise office provision have been considered, in particular for the south wing, which is where the largest loss of offices.
- In principle, the provision of a hotel use is supported and will contribute to the target set by the Mayor. The retail and restaurant uses are also supported.

Urban design:

- The images provided from Gabriel's Wharf, Blackfriars Bridge, Hungerford Bridge, Victoria Embankment and Waterloo Bridge show that the proposal would not significantly impact on river prospect views.
- Visual impact analysis needs to be carried out to demonstrate the impact on the character and appearance of the relevant conservation areas and listed buildings – the information provided sets out a description of the impacts rather than images.
- As discussed at pre-application stage, the removal of the boundary wall that exists between the site and the Oxo Tower would allow for a new space to be created. Further, active uses along the west elevation would properly activate the space. Without these changes, the proposal fails to embrace the potential of the space.
- The removal of railings to widen the public walkway remains a positive introduction to the scheme, however a management strategy is required to ensure that the tables and chairs do not cause new obstructions, particularly to the western pinch point.
- The pedestrian route on the east side needs further refinement to manage out the need for a stepped access.
- An enclosed lift should be introduced to deal with the level change into the hotel from Upper Ground. Revolving doors should be removed given the conflict between general users with luggage and the need to provide separate disabled access doors.
- Further images should be provided showing the access arrangements to the offices from Upper Ground. The level change is significant and very limited images are provided.
- The triple height glass box office entrance will create a publically accessible atrium. The applicant is asked to consider the provision of a "Changing Places" WC in this location and would require a minor redesign of the existing WC facilities.
- The provision of windows to the east cafe unit would provide some further surveillance to the space between Sea Containers House and River Court.
- Given the significant improvements proposed to the river walk, the applicant should continue to further explore the Paralympic Inclusive Environment (PIE) programme which aims to improve access for disabled people along the south bank from Jubilee Gardens to Potters Field Park to enable visitors to the Olympic and Paralympic Games to experience London's riverside

walk.

- In terms of the rear of the building, there remains a slightly awkward junction between the existing Sea Containers House (western end) and the new office which results in the top of the new stair and lift core overrunning by two floors above the office block. It is however shown as a fairly lightweight and distinctive element of the building. The other elements of the architecture remain broadly successful with the exception of the ground floor treatment to the stair and lift core on the western elevation which now includes a series of steps and lacks any sort of animation with the public realm. As above, this space fails to embrace the potential of a linked space with the Oxo Tower. Details of the materials for the refurbishment and the new office block need to be provided.

Access and inclusive design:

- Lighting design should be conditioned to include all areas, particularly the eastern route.
- 10% of the rooms need to be wheelchair accessible, and these rooms need to be shown on plan. Details of how the gym will be accessible also need to be provided.
- The disabled parking bays need to have a transfer space both sides of each bay and at the rear. The parking management plan should include a mechanism that these spaces are monitored and reviewed.

Climate change mitigation:

- The development does not achieve any carbon savings from energy efficiency along compared to a 2010 Building regulations compliant development and should use demand reduction measures such as strengthening the measures proposed for the new build elements.
- The applicant should engage with Kings Reach regarding the sharing any heating network. The single energy centre proposed should be identified and secured by condition. A combined heat and power plant is proposed and a cooling network supplied with electrical chillers.
- Photovoltaic panels are proposed to the roof of the hotel, which would achieve a reduction in emissions of 0.55%.

Transport for London: The following comments are provided.

- Highway impact: The proposals are unlikely to have an unacceptable impact on the local highway and public transport network.
- Car parking: A total of 29 car parking spaces have been proposed which includes 3 accessible bays. A further two disabled spaces are proposed at grade level on Upper Ground for guest/visitor parking. Following further discussions, all these spaces have been designed to be disabled spaces.
- Walking: TfL supports proposals to improve pedestrian permeability at the site around the western end. TfL expects its Pedestrian Comfort Guidance tool to be used to determine the actual pedestrian levels of service.
- Cycling: 176 spaces are proposed in the basement for staff and guests. 15 spaces are proposed on the south side of Upper Ground within the podium undercroft. Given the demands for cycle parking in the area, this level of parking should be increased. TfL requests the safeguarding of land and a contribution of £195,000 towards the installation, operation and maintenance of a Mayor's Cycle Hire docking station.
- Public Realm: In partnership with the council, TfL is developing a public realm enhancement scheme for Blackfriars Road. This is aimed at improving the overall quality of the environment along Blackfriars Road including junction re-design at Blackfriars Road/Southwark Street, pedestrian and cycling improvements, tree planting and materials. In line with London Plan policies and in line with other recent proposals in the area, this development is expected to make a contribution to this scheme.

- Coaches: The applicant is required to demonstrate how this proposal, taking into account the coach ban in the area, would be able to facilitate and manage any arrivals by coach.
- Crossrail: The indicative calculations provided show that no crossrail charge would be payable, however, the calculation should not include any basement space or service yard. Revised calculations therefore need to be undertaken.
- Travel plan: A travel plan has been submitted, but further work is required on it to ensure that the targets and measures are robust and clear.
- Construction Management: In order to mitigate any adverse impacts of construction and servicing traffic, the submitted construction logistics plan and a delivery service plan should be secured by condition.

London Underground: The applicant is in communication with London Underground, therefore no comments are made except that the applicant should continue to work with us.

City of Westminster: Do not wish to comment on the proposals.

Port of London Authority: No objection in principle but given the location of the development there would appear to transport construction materials to the site and waste materials to the site by water. The use of the River in this way is a sustainable method of transport and is recognised in Policy 4C.8 of the London Plan. As such the PLA would wish that a condition be attached to the permission requiring the submission of a strategy which maximises the use of the river for the transport of construction and waste materials to and from the site. Details of lighting should also be submitted [careful design would be required so to not cause a hazard to navigation or to ecology]. Any works that extend over Mean High Water require a river works license. There is also the opportunity to encourage river bus travel and set targets within the travel plan for river bus use.

Commercial Boat Operators Association (CBOA): The CBOA has an interest in promoting the use of the River Thames and London's canals and basins for shipping goods, to relieve road congestion and reduce exhaust fumes. CBOA members operate businesses with barges carrying goods on the waterways and can help with transport to and from the site in terms of bringing new materials and furnishings to the site, and using barges to act as temporary storage where space is at a premium during the construction phase.

London Fire and Emergency Planning Authority: The development should comply with the requirements of B5 of Approved Document B of the Building Regulations and a full building consultation should take place when an application is received.

Southwark Conservation Area Advisory Group, comment as follows:

- While this is not the most attractive of buildings to begin with, many of the proposals here are removing the existing elements of interest/character and replacing them with rather bland and characterless additions.
- Opening-up the ground-level with a restaurant that can spill onto the riverside walkway is a considerable improvement on the existing, as is the enhanced permeability with new/improved access-routes through to Upper Ground at east and west ends; the open foyer will do a similar job.
- The loss of a number of the building's existing flamboyant features was noted and there was much debate on the quality of the replacement three glazed-levels facing onto the river. The design of this was viewed as characterless and bland and inappropriate in scale to the rest of the building: a missed opportunity to enhance this building's considerable impact on the river frontage. Options for this to either be more solid or more 'structured' were

considered, but either way a stronger statement, and something that celebrates the river frontage, is required. Materials more appropriate to the river frontage than “Miesian” steel were called for – timber, masonry piers, even cast iron stanchions? Not more aluminium and glass please.

- The 9 storey block to the rear considered out-of-character to the existing building, and contributing to an overly dense/developed context around King's Reach Tower, with resultant negative impacts on the adjacent conservation area (including daylight/sunlight). If there is to be a new building here at all it should be of a much more modest height of two or three stories, perhaps with a roof-garden.
- No objections were raised to the addition at roof level at the east end.

Coin Street Community Builders (two letters received): Our comments on the SCH proposals are:

- Welcome proposals to open up a new public walkway between the site and Oxo Tower Wharf (OTW) but believe that the success of this will be dependent on having public (retail/cafe etc) uses *on both sides* at ground level;
- Concerned at the inadequacy of provision for taxi and other vehicular pick up/set down along this stretch of Upper Ground. In the light of the recent Kings Reach consent and the current proposals a more realistic traffic management plan for this stretch of Upper Ground, indicating more adequate provision for taxi set down and pick up should be provided - this should be requested by condition;
- Welcome the proposals to introduce public uses at ground level along the riverside frontage (as envisaged in the original Melia-Buckley hotel consent for this building). It is absolutely essential that the riverside walkway is kept open to the public throughout any works and that a condition to this effect be attached: commercial tenants, local residents and the general public have suffered severely during the Thameslink closure and this must never be allowed to happen again. It will be important to impose conditions that ensure that the welcome outside seating proposed does not constrict the growing pedestrian flows along the riverside;
- Concerns about the design of the proposed new office building and its impacts on Oxo Tower Wharf. The visual impact could be mitigated by amendment of the design and by the implementation of the phase 2 of the Oxo development (which would introduce lower buildings with more active uses in the foreground). It is likely that Oxo residents and tenants will want reassurance as to the impact of the proposed new building on daylight;
- Extract (particularly kitchen extract) should be kept well away from the Oxo and the public realm;
- It will be essential to secure permanent public rights of way along the proposed new pedestrian link. [Officer comment: public access will be secured in the legal agreement].
- Concern is expressed at the proposed steps down to the office core within this route and their potential for rubbish to collect and for antisocial behaviour to occur. Request a condition seeking level access at this point. [Officer comment: There would be no public access into the office building from this core, so level access could be required here. It should be noted that a condition has been attached requiring an access management plan to be requested by condition to ensure that is means of access for people with disabilities. The building will also be monitored by security staff to ensure that rubbish is not left out, and also to patrol for antisocial behaviour].
- Officers consider that the cladding proposals to the south and east facades are unsatisfactory and recommend a condition that they be reserved by condition; it is requested that the western elevation of the office building is subject to a similar reservation. [Officer response: A depth of 1m for the

cladding is shown on the western elevation, and this is considered acceptable. It is therefore not necessary to attach a condition of requiring revised details of this western elevation].

Neighbours and local groups

13 letters of objection received.

Kings Reach Flats Management Limited [who represent the collective owners of River and Rennie Court]. Raise the following concerns.

- The nine storey building may have a canyoning effect on that part of Upper Ground and reduce daylight to some flats in Rennie Court west.
- The proposed cafe on the junction of river walkway and Marigold Alley would be in proximity to flats in River Court west and therefore outdoor tables should not be permitted. Servicing should not be through Marigold Alley.
- The roof top bar should not cause any noise pollution and screening should be required.
- Concern expressed about the extra traffic along Upper Ground.
- During construction, the developers should be asked to use the Stamford Street/Hatfields route into the site rather than Rennie Street/Upper Ground.

Unit 1:06 Oxo Tower Wharf, Barge House Street:

In principle welcome the proposed redevelopment of Sea Containers House and its change of use, as it would be multi-functional, serving the local community and hopefully attracting more visitors. However, the impact both on local residents and surrounding commercial enterprises of erecting a new nine-storey building causes concern.

- There is plenty of provision of office accommodation with more developments in the pipeline that have already received planning permission. In our opinion such a high-density development has the potential to dramatically impact on the local infrastructure, in particular the obvious increase in traffic. Deliveries to existing commercial premises in the area already cause chaos, to other vehicular users and pedestrians alike. Similarly, the parking provision for the development appears to be totally inadequate for its inevitable needs.
- Currently there appears to be a good commercial and residential mix in the area that also provides amenity for visitors. Request that the application is rejected in its current format and to consider instead a development without the addition of a nine-storey tower.

Unit 1.12 Oxo Tower Wharf, Barge House Street:

- The proposal is unnecessary as there is sufficient office space in the surrounding area;
- The building works would also increase noise and disturbance in the local area from the permanent use of the new building;
- The design is out of character with its surroundings and will have a negative impact on the Oxo building. It is also very close to the existing buildings making the site too dense;
- Residents and commercial occupiers on the courtyard side of the Oxo will also experience a loss of daylight and would be overshadowed by the new building;
- Also object to the loss of trees and increase in traffic.

Unit 1.14 Oxo Tower Wharf, Barge House Street:

- Concern about long term disturbance, noise levels, traffic congestion, parking shortages.
- Proposal will create a visual eyesore and would be overdevelopment.
- Impact on daylight.
- Loss of trees.

Unit 1.15 Oxo Tower Wharf, Barge House Street:

- Businesses that are based here will be adversely affected by this project. It would seem that the proposed development would in fact be one which, not only would be visually completely out of character with the surrounding area, but also creating a density of buildings beyond requirement. This would in turn create an enormous 'shadow' onto the Oxo Tower residents (both business and residential) and ruining which is a very pleasing open space.
- Surely the fact that the Oxo Tower is a listed building must be taken into account.
- Also concern that traffic would increase during construction and during occupation and this could lead to parking pressure. Streets are also very narrow and could raise concerns regarding pedestrian safety.

Unit 1.17 Oxo Tower, Barge House Street:

- The erection of a the new building in the current Sea Containers House car park will have serious impact on the surrounding area, increase the noise impact and will cause a loss of light across the Oxo Tower Wharf's courtyard and the only trees currently in existence, negatively affecting the public area of the Oxo Tower Wharf's courtyard currently used by the visitors and residents.
- Concerned about the impact that the increase in traffic will have on the safety of the roads in the streets approaching the development as well as a negative effect on the available parking spaces in the area.
- The building would be far too close to the existing buildings and is unnecessary overdevelopment which should not be allowed to go ahead.

Unit 2.10 Oxo Tower, Barge House Street:

- The proposal would be overdevelopment of the area, and additional office accommodation is not required.
- Increase in noise and disturbance, including impact on parking, traffic and road safety.
- Loss of light and overshadowing to commercial tenants of the Oxo tower.
- New building is out of keeping and will be very close to the Oxo tower, resulting in a dense form of development.

Unit 2.11 Oxo Tower, Barge House Street:

- There is ample office space in the area, and more accommodation is not required.
- There will be an increase in general disturbance from noise, traffic and road safety for visitors and residents. There is also insufficient parking provision.
- The design of the new building is not in keeping with the surrounding area, and out of character with the listed Oxo Tower.
- Oxo tower occupants would also suffer a loss of light and would be overshadowed by the development.
- Concern to the loss of existing trees.

Flat 7, Rennie Court, Upper Ground:

- Concern about the amount of traffic both during construction and after completion.
- If the building could be pushed back away from the road, this would reduce the visual effect from our podium.
- The appearance of the existing building will be detrimentally changed, and the brass features will be unfortunately removed.

Flat 8, Rennie Court, Upper Ground:

- Concern about deliveries, taxi's, buses etc in this narrow road, and the increase in congestion and noise.
- The new building should be set back further from the road to allow more space for vehicular access/deliveries and to avoid that section of Upper Ground forming a narrow "tunnel".
- The existing brass features are in keeping with the appearance of the building on the river side. It would be a mistake to remove these features rather than to enhance them.

Flat 9, Rennie Court, Upper Ground:

- There will be a more substantial and intensive use of Upper Ground both in terms of footfall, vehicular traffic and taxis. This will cause significant disruption to Rennie Court residents as the buildings in Upper Ground notoriously act as a sound box amplifying sound. Traffic and buses will also be subject to delays, causing more noise and disruption.
- Taxi drop off points should be shown on the plans.
- Opening hours for the cafe on Marigold Alley/Upper Ground should be controlled with the only entrance to be from the River Walk.
- Also concern that the new building would create an overbearing impact and oppressive feeling and suggest that the building is further set back from the road.
- Ground and first floor fascias should be as transparent as possible to retain some feeling of space. The south elevation is also bland and has no features relating to the striking river frontage or the character of the building.

Flat 405, Redwood Housing Co-operative:

- The noise, dirt and dust created during construction would be unbearable to residents.
- Also concern that the existing wall to the west of the site would be knocked down as this would expose the area to anyone and could cause anti-social behaviour.
- Seek reassurance that there will be no impact to the RV1 bus service and that there would be no bus diversions.

Resident at 303 Oxo Tower Wharf:

- Concerned that any extension on the ground floor (north) of the Sea Containers building to provide new restaurant, cafe and service bay will cause a substantial increase in noise experienced by those in the Oxo Wharf. Require assurance that noise will be controlled and not allowed to the existing noise levels.
- Query whether the new route to the river could be closed after certain hours and not used at night.
- Noise from the setting up and removal of tables and chairs on the river walk would be disruptive. If noise disturbance is caused, it should be curtailed quickly.
- Disappointed by the lack of greenery in the new development and would have liked to see small balconies mounted outside each hotel bedroom window.

Two letters of comment received.

42 River Court, Upper Ground:

- Upper Ground is a narrow street with one way traffic, is part of a bus route with a dedicated contra flow cycle route. The provision of access to and from the proposed development would put a strain on the area and on local residents both during construction and once the site is in use.
- Construction traffic could be very intrusive and disruptive to residents,

particularly if the development at 1 Blackfriars Road proceeds at the same time.

- Query whether the drains/waste disposal arrangements are adequate and capable of handling the increase in outflow.
- The development could put extra pressure on existing services e.g. police, emergency services and transport.

Councillor Adele Morris has commented as follows:

1) Tables and chairs: The revised layout for the tables and chairs at the north western section of the site is now satisfactory and should not cause any congestion on that section of the River Walk. The situation should however be monitored to ensure that tables and chairs do not creep out into the public highway over time.

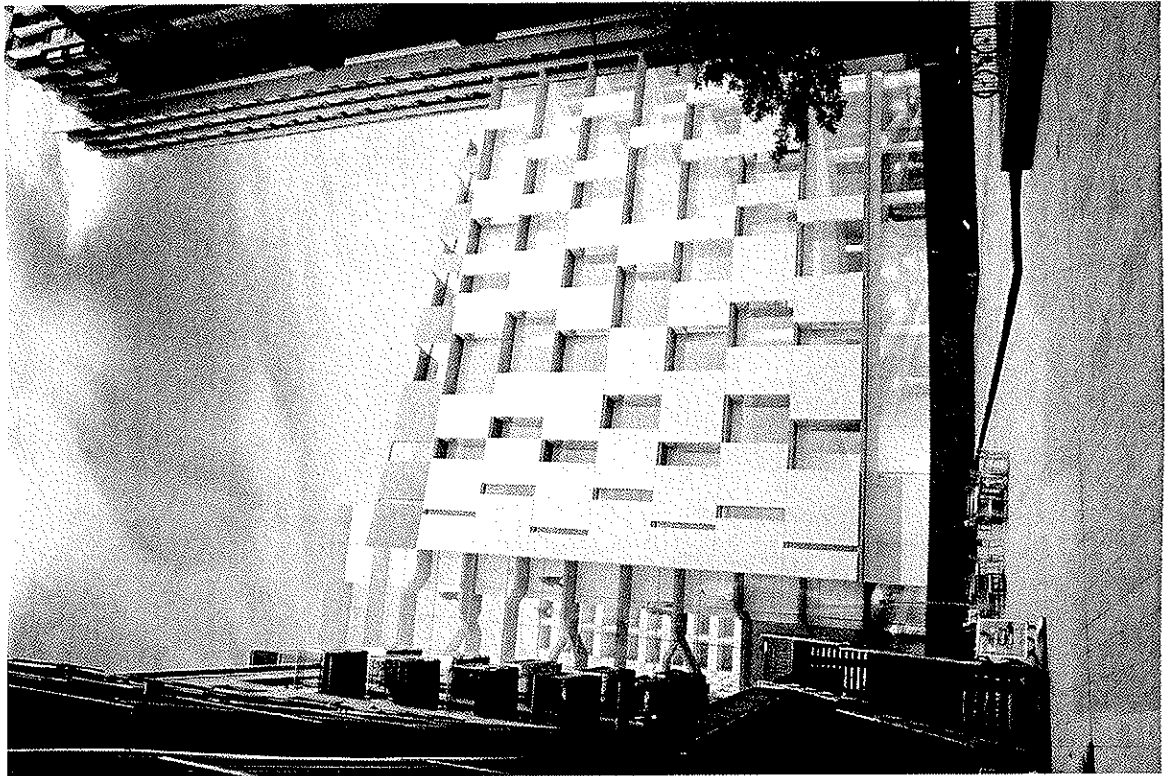
2) Roof terrace to the roof top bar: Satisfied that this should cause no disturbance to local residents on the eastern side of the building, provided this space is well managed.

3) Community Safety. Acknowledge that even if the wall dividing the Oxo Tower site and Sea Containers remains in place, there would still be good sight lines through. This alleviates concerns that there would be a blind spot between the river and Upper Ground.

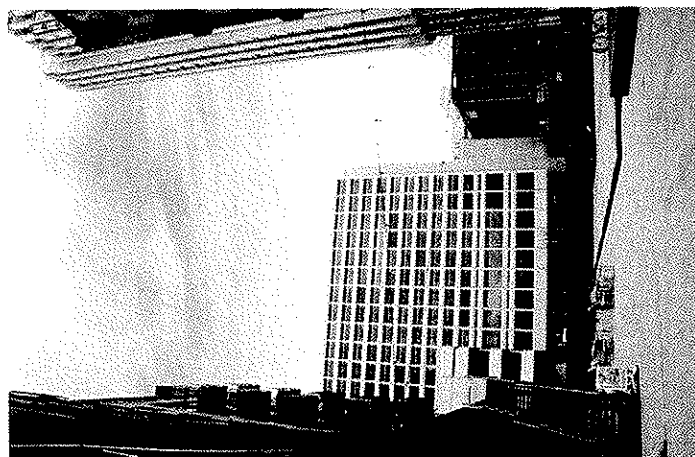
4) S106. Pleased that there is now a S106 contribution towards tourism.

Neighbour Consultee Map





West façade -- proposed view from OXO Wharf



Existing view from OXO Wharf

RECOMMENDATION LDD MONITORING FORM REQUIRED

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Archlane Ltd	Reg. Number	11-AP-1955
Application Type	Full Planning Permission	Case	TP/1227-22
Recommendation	Grant subject to Legal Agreement and GLA	Number	

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Erection of a new nine storey building in the rear parking/servicing area (maximum height AOD 42.895m) to provide retail at ground and offices above; refurbishment of existing Sea Containers House and change of use of floors 5-14 of the rear wing plus three floors of the main building from offices to a 358 bedroom hotel, including the erection of new roof extension at part 12th floor level to provide a bar ancillary to the hotel use. Extension and conversion of the ground floor area to provide new restaurant (Class A3), cafe (Class A3), service (Class A2) and retail uses (Class A1) together with new service bay, landscaping, new access arrangements and associated car and cycle parking.

At: SEA CONTAINERS HOUSE, UPPER GROUND, LONDON SE1 9PD

**In accordance with application received on 14/06/2011
and revisions/amendments received on 23/08/2011
30/08/2011**

and Applicant's Drawing Nos. A10075 D 0001 Rev P1, D 0098 P1, D 0099 P4, D0100 P4, D 0101 P1, D 0102 P1, D 0103 P1, D 0104 P1, D 0105 P1, D 0106 P1, D 0107 P2, D 0108 P1, D 0109 P1, D 0110 P2, D 0111 P1, D 0112 P1, D 0113 P1, D 0114 P1, D 0115 P1, D 0116 P1, D 0201 P1, D 0202 P1, D 0203 P2, D 0204 P2, D 0205 P2, D 0206 P3, D 0207 P2, D 0208 P1, D 0210 P1, D 0211 P1, D 0220 P1, D 0230 P1, D 0240 P1, D 0260 P1, D 0300 P1, D 0301 P1, D 0302 P1, D 0303 P1, D 0212 P1, D 0400 P1, F 0098 P1, F 0099 P1, F 0100 P1, F 0101 P1, F 0102 P1, F 0103 P1, F 0104 P1, F 0105 P1, F 0106 P1, F 0107 P1, F 0108 P1, F 0109 P1, F 0110 P1, F 0111 P1, F 0112 P1, F 0113 P1, F 0114 P1, F 0115 P1, F 0116 P1, F 0201 P1, F 0202 P1, F 0203 P1, F 0204 P1, F 0300 P1, F 0301 P1, F 0302 P1, F 0303 P1.

Construction Management Plan, Phase 1 Environmental Assessment, Summary of Consultation, Air Quality Assessment, Draft Servicing Management Plan, Framework Travel Plan (August 2011), Transport Assessment, Noise & Vibration Report, Tree Survey & Arboricultural Report, Utilities Statement, Energy Strategy, Sustainability Statement, Pedestrian Level Wind Microclimate Assessment, Flood Risk Assessment, Planning Statement, Daylight, Sunlight & Overshadowing Report, Design & Access Statement, Heritage, Townscape & Visual Impact Assessment - Addendum, Office Market Commentary, Report on Structural Limitations, Note on Wheelchair accessible hotel rooms, Indicative Information by Townsend Landscape Architects, Response to GLA comments on Heritage, Landscape and Visual Impact.

Reasons for granting permission.

a] Saved Policies of the Southwark Plan (2007)

Policy 1.1 (Access to Employment Opportunities) advises that for all developments creating over 1000sq.m new or improved floorspace, the LPA will seek to enter into planning obligations in relation to training, employment opportunities, childcare, and facilities for those with disabilities.

Policy 1.4 (Employment Sites outside Preferred Office and Industrial Locations) advises that for all developments located outside POLs and PILs which have an established B Class Use, subject to certain criteria, development will be permitted provided there is no net loss of floorspace in Class B, subject to a number of exceptions.

Policy 1.7 (Development within Town and Local Centres) seeks to ensure that most new development for retail and other town centre uses are accommodated within existing town and local centres. Within the centres, developments providing a range of uses will be permitted providing a defined set of criteria is met.

Policy 1.12 (Hotels and Visitor Accommodation) which states that hotels would be encouraged in areas with high public transport accessibility and that they would not be permitted where they would result in an over dominance of visitor accommodation in the locality.

Policy 2.5 (Planning Obligations) seeks to ensure that any adverse effect arising from a development is taken into account and mitigated, and contributions towards infrastructure and the environment to support the development are secured, where relevant, in accordance with Circular 05/2005 and other relevant guidance.

Policy 3.1 (Environmental effects) seeks to ensure there will be no material adverse effect on the environment and quality of life resulting from new development.

Policy 3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity.

Policy 3.3 (Sustainability Assessment) protects against the loss of amenity, including disturbance from noise, to present and future occupiers on or in the vicinity of the application site.

Policy 3.4 (Energy Efficiency) advises that development should be designed to maximise energy efficiency.

Policy 3.6 (Air Quality) advises that permission will not be granted for development that would lead to a reduction in air quality.

Policy 3.7 (Waste reduction) states that all developments are required to ensure adequate provision of recycling, composting and residual waste disposal, collection and storage facilities, and in relation to major developments this will include addressing how the waste management hierarchy will be applied during construction and after the development is completed.

Policy 3.9 (Water) seeks to ensure that all developments should incorporate measures to reduce the demand for water, recycle grey water and rainwater, and address surface run off issues, and have regard to prevention of increase in flooding and water pollution.

Policy 3.11 (Efficient Use of Land) seeks to ensure that developments make an efficient use of land as a key requirement of the sustainable use of land, whilst protecting amenity, responding positively to context, avoids compromising development potential of adjoining sites, making adequate provision for access, circulation and servicing, and matching development to availability of infrastructure.

Policy 3.12 (Quality in design) requires new development to achieve a high quality of architectural and urban design.

Policy 3.13 (Urban Design) advises that principles of good design must be taken into account in all developments.

Policy 3.14 (Designing out Crime) seeks to ensure that development in both the private and public realm is designed to improve community safety and crime prevention.

Policy 3.15 (Conservation of the Historic Environment) requires development to preserve or enhance the special interest or historic character or appearance of buildings or areas of historical or architectural significance.

Policy 3.16 (Conservation areas) states that there will be a general presumption in favour of retaining buildings that contribute positively to the character and appearance of the conservation area and notes that consent will be granted for schemes in conservation areas provided that they meet specified criteria in relation to conservation area appraisals and other guidance, design and materials.

Policy 3.18 (Setting of Listed Buildings Conservation Areas and World Heritage Sites) advises that permission will not be granted for developments that would not preserve or enhance the immediate views and/or wider settings of a listed building, conservation area or world heritage site.

Policy 3.19 (Archaeology) advises that planning applications within Archaeological Priority Zones (APZ) should be accompanied by an archaeological assessment and evaluation of the site, including the impact of the proposed development.

Policy 3.20 (Tall Buildings) advises that permission may be granted for buildings that are significantly taller than their surroundings or have a significant impact on the skyline, where they have excellent public transport accessibility and are located within the Central Activities Zone),

Policy 3.22 (Important Local Views) advises that the Local Planning Authority will seek to protect and enhance identified views, panoramas, prospects and their settings. Developments that would impact negatively on important local views will not be granted.

Policy 3.28 (Biodiversity) requires biodiversity to be taken into account in the determination of planning applications and the inclusion in developments of features which enhance biodiversity will be encouraged.

Policy 3.31 (Flood Defences) advises that permission will not be granted for development sited adjacent to the River Thames unless it is set back at a suitable distance from the river wall to allow for the replacement/repair of flood defences and for any future raising to be undertaken in a suitable and cost effective manner.

Policy 5.1 (Locating Developments) states that location of development must be appropriate to the size and trip generating characteristics of the development, stating that schemes generating a significant number of trips must be located within easy access of public transport nodes.

Policy 5.2 (Transport Impacts) states that permission will not be granted for development which has an adverse impact on transport networks through significant increases in traffic or pollution and consideration has been given to impacts on the Transport for London road network as well as adequate provision for servicing, circulation and access to and from the site.

Policy 5.3 (Walking and cycling) seeks to ensure that there is adequate provision for cyclists and pedestrians within developments, and where practicable the surrounding area

Policy 5.6 (Car Parking) states that all developments requiring car parking should minimise the number of spaces provided.

Policy 5.7 (Parking Standards for Disabled People) requires development (subject to site constraints) to provide adequate car parking for disabled people and the mobility impaired.

Policy 7.4 (Bankside and Borough Action Area) sets out policies to support this unique place in London as a thriving location for a wide range of activities, where culture, history, business, residential communities and a diverse built environment co-exist.

b] Policies of the Southwark Core Strategy 2011

Strategic Policy 1 Sustainable Development which requires developments to improve the places we live in and work in and enable a better quality of life for Southwark's diverse population.

Strategic Policy 2 Sustainable Development which seeks to encourage walking, cycling and the use of public transport rather than travel by car.

Strategic Policy 3 Shopping, Leisure and Entertainment which defines a hierarchy of town and local centres which reflect their sizes and roles.

Strategic Policy 10 Jobs and Businesses which seeks to protect business floorspace and supports the provision of additional floorspace in defined locations in the borough.

Strategic Policy 11 Open Spaces and Wildlife protects important open spaces, trees and woodland from inappropriate development.

Strategic Policy 12 Design and Conservation which requires the highest possible standards of design for buildings and public spaces.

Strategic Policy 13 High Environmental Standards which requires developments to meet the highest possible environmental standards.

Strategic Policy 14 Implementation and Delivery which ensure that the strategic vision and objectives for Southwark are implemented to ensure that the borough continues to be successful and vibrant.

c] The London Plan 2011

Policy 2.10 Central Activities Zone – strategic priorities, Policy 2.11 Central Activities Zone – strategic functions, Policy 2.13 Opportunity Areas and Intensification Areas, Policy 2.15 Town Centres, Policy 4.1 Developing London's economy, Policy 4.2 Offices, Policy 4.3 Mixed use development and offices, Policy 4.5 London's Visitor Infrastructure, Policy 4.7 Retail and town centre development, Policy 5.1 Climate change mitigation, Policy 5.2 Minimising carbon dioxide emissions, Policy 5.5 Decentralised energy networks, Policy 5.6 Decentralised energy in development proposals, Policy 5.7 Renewable energy, Policy 6.1 Strategic approach (Transport), Policy 6.13 Parking, Policy 7.4 Local character, Policy 7.5 Public realm, Policy 7.6 Architecture, Policy 7.7 Location and design of tall and large buildings, Policy 7.11 London View Management Framework, Policy 7.12 Implementing the London View Management Framework and Policy 8.2 Planning obligations

d] Planning Policy Statements

PPS 1: Planning for Sustainable Communities; PPS4: Planning for Economic Growth, PPG 13: Transport; PPS5: Planning for the Historic Environment, PPS 22 Renewable Energy; PPG 23: Planning and Pollution Control; PPG 24: Planning and Noise; PPS 25: Development and Flood Risk;

e] Relevant SPD's/SPG's

Including Section 106 Planning Obligations SPD (July 2007), Draft London Bridge, Borough and Bankside SPD (February 2010), Revised London View Management Framework 2010 (SPD to the London Plan).

The proposal would result in the net loss of a substantial quantum of office floorspace, which on balance has been considered acceptable on the basis of material planning considerations which would outweigh the normal policy provisions to protect office floorspace. The location of the site makes it ideal for hotel use, and criteria in relation to high public transport accessibility and town centre location are met. The hotel could not be considered to harm the character of the area as it would remain very mixed, with a wide range of uses. The provision of Class A uses are welcomed and supported by policy.

The proposal would provide an extensive improvement of the streetscape together with new active frontages which would improve the experience for pedestrians, and provide for natural surveillance. The new western pedestrian route would increase the overall permeability of the area and allow for connectivity to the River Thames.

The impacts of the scheme in design terms is considered acceptable, and the various additions and extensions would not harm any defined strategic or local views. Some concerns do relate to the detailed design and use of materials, but it is considered that the attachment of suitably worded conditions could address these concerns. Further, there would be no harm to the setting of the Old Barge House Conservation Area.

The impacts of the scheme in relation to daylight, sunlight and outlook are considered acceptable, and it is considered that no harmful impacts would arise.

The scheme would not be expected to cause any unacceptable impact to local highway or transport conditions.

It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following condition:

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

A10075 D 0001 Rev P1, D 0098 P1, D 0099 P1, D0100 P4, D 0101 P1, D 0102 P1, D 0103 P1, D 0104 P1, D 0105 P1, D 0106 P1, D 0107 P2, D 0108 P1, D 0109 P1, D 0110 P2, D 0111 P1, D 0112 P1, D 0113 P1, D 0114 P1, D 0115 P1, D 0116 P1, D 0201 P1, D 0202 P1, D 0203 P2, D 0204 P2, D 0205 P2, D 0206 P3, D 0207 P2, D 0208 P1, D 0210 P1, D 0211 P1, D 0220 P1, D 0230 P1, D 0240 P1, D 0260 P1, D 0300 P1, D 0301 P1, D 0302 P1, D 0303 P1, D 0212 P1, D 0400 P1

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 3 **Archaeological Evaluation**

Before any work hereby authorised begins, the applicant shall secure the implementation of a programme of archaeological evaluation works in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the applicants supply the necessary archaeological information to ensure suitable mitigation measures and/or foundation design proposals be presented in accordance with Saved Policy 3.19 of the Southwark Plan 2007 and Strategic Policy 12 of the Core Strategy 2011.

- 4 **Archaeological Mitigation**

Before any work hereby authorised begins, the applicant shall secure the implementation of a programme of archaeological mitigation works in accordance with a written scheme of investigation, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the details of the programme of works for the archaeological mitigation are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site in accordance with Saved Policy 3.19 of the Southwark Plan 2007 and Strategic Policy 12 of the Core Strategy 2011.

5 **Archaeological Reporting**

Within six months of the completion of archaeological site works, an assessment report detailing the proposals for post-excavation works, publication of the site and preparation of the archive shall be submitted to and approved in writing by the Local Planning Authority and that the works detailed in this assessment report shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order that the archaeological interests of the site are secured with regard to the details of the post-excavation works, publication and archiving to ensure the preservation of archaeological remains by record in accordance with Saved Policy 3.19 of the Southwark Plan (July 2007) and Strategic Policy 12 of the Core Strategy 2011.

6 **Environmental Management Plan**

Before any work hereby authorised begins, details of an Environmental Management Plan and Code of Practice (which shall oblige the applicant/developer and its contractors to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and plant emissions emanating from the site) which shall include the following information:

- A detailed specification of demolition (including method and foundation piling) and construction works for each phase of development including consideration of environmental impacts and the required remedial measures;
- A detailed specification of engineering measures, acoustic screening and sound insulation measures required to mitigate or eliminating specific environmental impacts;
- Details of arrangements for publicity and promotion of the scheme during construction;
- Details setting out when the River Walk would need to be closed, and details steps to ensure that the closure would be minimised;
- A commitment to adopt and implement of the ICE Demolition Protocol and Southwark's Environmental Code of Construction and GLA Best Practice Guidance.
- A Delivery and Servicing Plan (all construction access routes and access details also need to be approved by TfL).

shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given and the demolition and construction work shall be undertaken in strict accordance with the approved Management Plan and Code of Practice.

Reason

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance in accordance with Strategic Policy 13 - High Environmental Standards of The (Draft) Core Strategy 2011, Saved Policies 3.1 Environmental Effects, 3.2 Protection of Amenity, 3.6 Air Quality and 3.10 Hazardous Substances of The Southwark Plan 2007 and PPS23 Planning and Pollution Control.

7 **Contaminated Land Assessment**

Before any work hereby authorised begins, the owner/developer shall procure at their own cost the services of a suitably qualified and competent consultant in the relevant field, and a Contaminated Land Assessment and associated remediation strategy, together with a timetable of works shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given, which shall include:

a) Submission of a detailed site investigation in accordance with the approved methodology to establish the possible or actual presence of contamination and/or pollution in, on, under or over the site, to assess the nature and extent of the contamination or pollution including the actual or potential pollution of the ground and surface water environment. The method and extent of the site investigation shall be in accordance with established code of practice and should be agreed with the Local Planning Authority (Environmental Protection) before commencement of the investigation;

b) Submission of a comprehensive report containing the detailed findings of the investigation carried out together with a risk assessment of any pollutant or hazard identified in the report (using the source, pathway and receptor principle), a remediation scheme setting out the measures necessary to remove, neutralise or otherwise deal with the contamination and/or pollution (including measures to prevent and monitor pollution of

ground water and surface water) so that the site may be used for the purposes for which it is being redeveloped. The remediation scheme shall be implemented at the owner/developer's cost in compliance with the reasonable conditions, stipulations, phasing timetable and other relevant matters subject to which such approval is granted.

At any time after the implementation of the approved remediation scheme, if the Local Planning Authority is reasonably satisfied that further remediation works are necessary to remove, neutralise or otherwise deal with any residual contamination and/or pollution in, on, under or over the site, the Local Planning Authority may by written notice require the owner/developer to carry out the remediation steps specified in the said notice which shall also specify the date by which the said remediation steps shall be carried out and completed. The failure on the part of the owner/developer to carry out and complete the said remediation steps to the reasonable satisfaction of the Local Planning Authority by the date specified in the said notice shall be deemed to be a breach of the owner's/developer's obligation under this consent. This does not affect any action that may be deemed necessary under Part II A of the Environmental Protection Act 1990 or other relevant legislation.

c) Submission of (following completion of remediation work) a detailed consultant validation report confirming that all reasonable skill, care and due diligence has been taken in the carrying out of the investigation, compiling the report, findings and remediation scheme, and ensuring the scheme has been properly implemented (see CLR11 for guidance). Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site.

Once the validation report at c) is submitted to and approved in writing by the Local Planning Authority the condition will be fully discharged.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policies 3.1 Environmental Effects, 3.2 Protection of Amenity and 3.10 Hazardous Substances of The Southwark Plan 2007, Strategic Policy 13 High Environmental Standards of the Core Strategy and PPS23 Planning and Pollution Control.

8 **Design - mock ups with sample materials**

Notwithstanding the drawings hereby approved, mock-ups of the cladding to the existing building and the new office building as well as samples of all their external facing materials, to be used in the carrying out of this permission shall be presented on site prior to the commencement of any works above grade level and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given. These samples must demonstrate how the proposal makes a contextual response in terms of materials to be used.

Reason:

In order that the materials make an appropriate high quality response to the context, including from river prospects and heritage assets, and so that the Local Planning Authority may be satisfied as to the design and details in accordance with saved policies: 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (UDP) July 2007 and Strategic Policy 12 Design & Conservation of the Core Strategy (2011).

9 **Design - details**

Prior to the commencement of any works above grade, 1:10 and 1:20 scale drawings of the glazed link stair to and set-back 9th floor as well as samples of its external facing materials including non-reflective highly transparent glass, to be used in the carrying out of this permission shall be presented on site and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given. These samples must demonstrate how the proposal makes a contextual response in terms of materials to be used.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in accordance with saved policies: 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (UDP) July 2007 and Strategic Policy 12 Design & conservation of the Core strategy (2011).

10 **Design - details**

Prior to the commencement of any works above grade, 1:10 and 1:20 scale drawings of the 12th floor roof extension as well as samples of all its external facing materials, to be used in the carrying out of this permission shall be presented on site and approved in writing by the Local Planning Authority and the

development shall not be carried out otherwise than in accordance with any such approval given. These samples must demonstrate how the proposal makes a contextual response in terms of materials to be used.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in accordance with saved policies: 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (UDP) July 2007 and Strategic Policy 12 Design & Conservation of the Core strategy (2011).

11 **Design - details**

Prior to the commencement of any works above grade, 1:5/10 section and detail-drawings through:

- the facades (which should include details of the ventilation extracts);
- parapets;
- roof edges;
- the entrance doors;
- the service entrance/gate on Upper Ground;
- junctions with the existing buildings; and
- heads, cills and jambs of all openings;

of the existing building and the new office building to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural or historic qualities of the listed building in accordance with saved policies: 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (UDP) July 2007 and Strategic Policy 12 Design & Conservation of the Core strategy (2011).

12 **Design - facade depth**

Notwithstanding the details on the drawings hereby approved, section drawings, floorplans and elevations of the south and east elevations of the new office building showing the depth of the stone facade relative to the glass panels shall be submitted prior to the commencement of any works above grade; the drawings are required to demonstrate an appropriate facade depth relative to the west elevation. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural or historic qualities of the listed building in accordance with saved policies: 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (UDP) July 2007 and SP12 Design & Conservation of the Core Strategy (2011).

13 **Landscaping**

Prior to the commencement of any works above grade, landscape-drawings, at 1:50, 1:10 and 1:5 scale drawings of the layouts, planting schedules and species, materials and edge details to be used in the carrying out of this permission including all the publically accessible spaces on the ground floor shall be submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural qualities of the existing building and the public spaces around it in accordance with saved policies: 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (UDP) July 2007 and Strategic Policy 12 Design & conservation of the Core strategy (2011).

14 **Wheelchair accessibility and access**

Before any works above ground level in connection with the hotel are carried out, a detailed access management plan shall be submitted to and approved by the Local Planning Authority, such plan to include as a minimum: details of proposed management measures to assist all disabled people to access and use the hotel and its facilities; details of the facilities by which non-ambulant disabled persons may gain access to and move within the building; detailed drawings showing the location and layout of at least 10% of the hotel bedrooms which are to wheelchair accessible standards, the structural requirements for which shall be provided upon implementation and retained as such for as long as the building is in use, with 5% fully fitted-out and available from first occupation; and a monitoring programme to allow for future fit-out of the other 5% of rooms as demand requires.

Reason

To ensure the provision of adequate means of access to the building for people with disabilities in accordance with Saved policies 3.11 Efficient use of land and 3.11 Urban design of the Southwark Plan 2007 and policy 7.2 An inclusive environment of the London Plan 2011.

15 Green/brown roof

Prior to the commencement of the relevant part of the work, details of the green and/or brown roofs (including a specification and maintenance plan) to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, it in accordance with Policies 3.12 Quality in Design, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007 and Strategic Policy 11 Open Spaces and Wildlife of the Core Strategy 2011.

16 Biodiversity and ecological mitigation measures

Before the first occupation of the buildings hereby permitted, an Environmental Action Plan detailing proposed ecological mitigation measures, including proposals for bat and bird boxes, including a minimum of 10 swift bricks and 10 bat bricks, shall be submitted to and approved in writing by the Local Planning Authority and the measures pursuant to this condition shall be carried out and thereafter permanently maintained in accordance with any such approval given.

Reason

To ensure the proposal protects and enhances biodiversity in accordance with Saved Policy 3.28 Biodiversity of The Southwark Plan 2007 and Strategic Policy 11 Open Spaces and Wildlife of the Core Strategy 2011.

17 Hours of use

The retail uses [classes A1- A3 use] hereby permitted (excluding the hotel restaurant which falls within use Class C1) shall not be carried on outside of the hours 0700 hours to 2330 hours Mondays to Saturdays, and between 0800 hours and 2300 hours on Sundays and Bank Holidays.

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007 and Strategic Policy 13 - High Environmental Standards of the Core Strategy 2011.

18 Hours of use - hotel bar and restaurant

The hotel bar and hotel restaurant hereby permitted shall not be open to any person who is not staying as a guest at the hotel outside of the hours of 0700 to 2330 on any day.

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007 and Strategic Policy 13 - High Environmental Standards of the Core Strategy 2011.

19 Hours of use (roof terrace)

The roof top hotel bar terrace hereby permitted shall not be accessed or used for any other purpose including use as a roof terrace or balcony or for the purpose of sitting or standing outside of the hours 0900 hours to 2200 hours.

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007 and Strategic Policy 13 - High Environmental Standards of the Core Strategy 2011.

20 Energy

The energy strategy shall be provided in accordance with the submitted details prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains occupied.

Reason:

To ensure the development complies with Strategic Policy 13 - High Environmental Standards of The Core Strategy 2011 and Policy 5.1 Climate change mitigation, Policy 5.2 Minimising carbon dioxide emissions and Policy 5.7 Renewable energy of the London Plan 2011.

21 **BREEAM**

Before the first occupation of the building hereby permitted, a certified Post Construction Review (or other verification process agreed with the local planning authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the BREEAM excellent rating has been met for the new office building, and that an overall rating of at least VERY GOOD would be achieved for the hotel and office refurbishment.

Reason

To ensure the proposal complies with Saved Policies 3.3 Sustainability and 3.4 Energy Efficiency of the Southwark Plan 2007 and Strategic Policy 13 - High Environmental Standards of the Core Strategy 2011.

22 **Refuse storage**

Before the first occupation of the buildings hereby permitted, the refuse storage arrangements shown on the approved drawings shall be provided and made available for use by the occupiers of the dwellings and commercial units and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Saved Policies 3.2 Protection of Amenity and 3.7 Waste Reduction of The Southwark Plan 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

23 **Service Management Plan**

Prior to occupation, a Service Management Plan detailing how all elements of the site are to be serviced (including servicing hours) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval given and shall remain for as long as the development is occupied.

Reason

To ensure compliance with Strategic Policy 2 - Sustainable Transport of The Core Strategy 2011 and Saved Policy 5.2 Transport Impacts of the Southwark Plan 2007.

24 **Travel Plan**

- a) Prior to occupation of the buildings, the applicant shall submit in writing and obtain the written approval of the LPA to a Travel Plan setting out the proposed measures to be taken to encourage the use of modes of transport other than the car by all users of the building, including staff and visitors.
- b) At the start of the second year of operation of the approved Travel Plan a detailed survey showing the methods of transport used by all those users of the building to and from the site and how this compares with the proposed measures and any additional measures to be taken to encourage the use of public transport, walking and cycling to the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

In order that the use of non-car based travel is encouraged in accordance with Saved Policies 5.2 Transport Impacts, 5.3 Walking and Cycling and 5.6 Car Parking of the Southwark Plan 2007 and Strategic Policy 2 Sustainable Transport of the Core Strategy 2011.

25 **Electric vehicle charger points**

Prior to the fit out of the basement, details of the installation (including location and type) of the electric vehicle charger points within the car parking area shall be submitted to and approved in writing by the Local Planning Authority and the electric vehicle charger points shall be installed and the development shall not be carried out

otherwise in accordance with any such approval given.

Reason

To encourage more sustainable travel in accordance with Saved Policies 3.1 Environmental Effects and 5.2 Transport Impacts of the Southwark Plan 2007 and Strategic Policy 2 Sustainable Transport of the Core Strategy 2011.

26 Cycle Storage- details to be submitted

Prior to the commencement of any works above grade, revised details (1:50 scale drawings) of an alternative cycle storage facility should be provided for the secure storage of cycles [for the retail, hotel and offices] shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with Strategic Policy 2 - Strategic Transport of The Core Strategy 2011 and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

27 Parking Management Plan

Prior to occupation, a Parking Management Plan detailing how the basement disabled car parking spaces would be made available and offered to disabled users of the hotel, office and retail accommodation should be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval given and shall remain for as long as the development is occupied.

Reason

To ensure compliance with Strategic Policy 2 - Sustainable Transport of The Core Strategy 2011 and Saved Policy 5.2 Transport Impacts of the Southwark Plan 2007.

28 Flood Risk

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) for Sea Containers House (dated 9 June 2011) and the outlined mitigation measures detailed within the FRA.

Reason:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

29 Air Pollution

Before any work hereby authorised begins, an addendum to the Air Quality report shall be submitted showing how the scheme will minimise the exposure of River Court residents exposure to air pollution from the proposed CHP plant shall be submitted and the approved scheme shall be implemented prior to occupation of the development and shall be permanently maintained thereafter.

Reason

To ensure River Court residents do not suffer a loss of amenity by reason of pollution in accordance Saved Policy 3.2 Protection of Amenity of the Southwark Plan 2007.

30 Roof terrace screening

Before practical completion of the development hereby approved, details of the screening to the roof terraces (to the office and to the roof top bar) hereby approved shall be submitted and approved by the Local Planning Authority. The screening shall be erected before first occupation of any part of the buildings and be retained and maintained thereafter in accordance with the approval given.

Reason

In order that the privacy of the surrounding residents may be protected from overlooking from use of the roof area in accordance with Saved Policy 3.2 Protection of Amenity of the Southwark Plan and Strategic Policy 13 High Environmental Standards of Core Strategy 2011.

31 Noise from machinery, plant or equipment

The machinery, plant or equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise there from does not, at any time, increase the ambient

equivalent noise level when the plant, etc., is in use as measured at any adjoining or nearby premises in separate occupation; or (in the case of any adjoining or nearby residential premises) as measured outside those premises; or (in the case of residential premises in the same building) as measured in the residential unit.

Reason

In order to protect neighbouring occupiers from noise nuisance thereby protecting the amenity of neighbouring occupiers in accordance with Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007, Strategic Policy 13 High Environmental Standards and Planning Policy Guidance 24 Planning and Noise.

32 External tables and chairs

Prior to occupation, details of the arrangement and location of external tables and chairs shall be submitted to and approved by the Local Planning Authority in writing before any such external seating is installed. The development shall not be carried out otherwise in accordance with any such approval given.

Reason

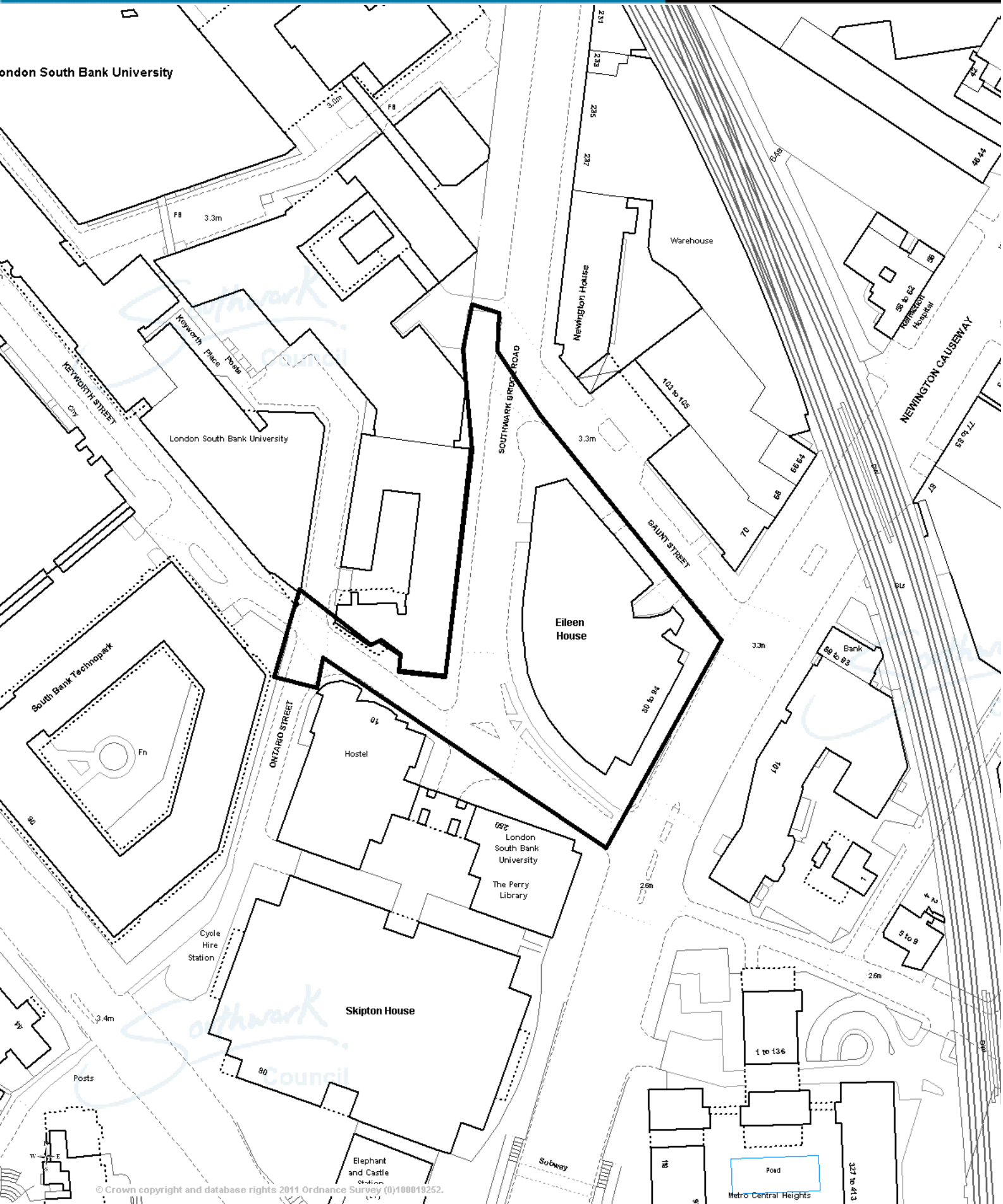
In order that the Council may be satisfied as to the details of the development in the interest of the visual amenity of the area, the safety and security of persons using the area and in the interests of pedestrian movement in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.14 Designing out crime of the Southwark Plan 2007.

33 Restrictions- no telecommunications equipment

Notwithstanding the provisions of Parts 24 and 25 The Town & Country Planning [General Permitted Development] Order 1995 [as amended or re-enacted] no external telecommunications equipment or structures shall be placed on the roof or any other part of a building hereby permitted.

Reason

In order to ensure that no telecommunications plant or equipment which might be detrimental to the design and appearance of the building and visual amenity of the area is installed on the roof of the building in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.13 Urban Design of the Southwark Plan 2007.



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Item No. 2	Classification: OPEN	Date: 11 October 2011	Meeting Name: PLANNING COMMITTEE
Report title:	Development Management planning application: Application 09-AP-0343 for: Full Planning Permission Address: EILEEN HOUSE, 80-94 NEWINGTON CAUSEWAY, LONDON, SE1 6EF Proposal: Demolition of existing office building and erection of a 41 storey (128.7m AOD) mixed use building incorporating 255 private flats (16 x studio, 120x 1-bed, 86 x 2-bed and 33 x 3-bed), 80 intermediate flats (23x 1-bed, 50 x 2-bed and 7 x 3-bed), 4785sq.m of office/ educational/ health uses (Use Class B1) and 287sq.m retail use (Use Class A1-A5) together with a separate 8 storey (35.60m AOD) building incorporating office/educational (Use Class B1) and retail (Use Class A1-A5) uses, together with 34 disabled car parking spaces, 44 motorcycle spaces and 411 cycle spaces within 2 basement levels, plus associated servicing facilities (4626sqm) and public realm improvements including creation of a resident's garden and linear park (458sq.m) and University Square (2768sq.m).		
Ward(s) or groups affected:	Cathedrals		
From:	HEAD OF DEVELOPMENT MANAGEMENT		
Application Start Date 23/02/2009		Application Expiry Date 25/05/2009	

RECOMMENDATION

- 1) Grant Planning Permission subject to conditions and the applicant entering into an appropriate legal agreement, and subject to referral to the Mayor of London and the Secretary of State for Communities and Local Government;
- 2) If it is resolved to grant planning permission that it is confirmed that the environmental information has been taken into account as required by Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessments) Regulations 1999;
- 3) That it is confirmed that following issue of a decision that the Head of Development Management shall place a statement on the Statutory Register pursuant to Regulation 21 of the Town and Country Planning (Environmental Impact Assessments) Regulations 1999 which contains the information required by Regulation 21 and that for the purposes of Regulation 21(1c) the main reasons and considerations on which the Planning Committee's decision was based shall be set out as in this report.

BACKGROUND INFORMATION

Site location and description

- 3) The 0.64 hectare application site is situated on the western side of Newington Causeway, between the Elephant and Castle northern roundabout and the Newington Causeway railway viaduct. The site is located within the Elephant and Castle Opportunity Area (as designated within the London Plan and the Southwark Core

Strategy). Current development on the site comprises a part 7, part 8 office building constructed in the 1960's or early 70's, which is a typical example of a speculative concrete frame and panel office block rising from a ground level podium structure with a basement containing parking for 20 cars. It is largely vacant, and is of little architectural or aesthetic value. The site also has a number of mature London Plane trees around its perimeter. The building is set at an angle to Newington Causeway which lies to the east, and is only partly occupied by the London Southbank University (LSBU). The remainder of the site comprises the area to the south and west of the building, extending from Newington Causeway on its east side into Keyworth Street (an LSBU entrance), to the west, and north along Southwark Bridge Road to the intersection with Gaunt Street.

- 4 The site is not located within a Conservation Area, though it is close to the Trinity Church Conservation Area to the northeast and the St George's Conservation Area to the northwest. It is not adjacent to, nor does it contain any listed buildings. The proposal would be seen (albeit marginally) in a number of Strategic Views from Central London, and in particular the site is visible in the background of the Townscape View of Westminster from the Serpentine Bridge.
- 5 The site is directly bounded to the east by the A3 Newington Causeway, a Transport for London Road Network (TLRN), which leads into the northern (Elephant and Castle) roundabout. To the north the site is bounded by Gaunt Street and along the southern and western boundaries by Southwark Bridge Road. The application site however extends beyond these boundaries to include those areas of the surrounding streets, including part of Keyworth Street in the LSBU campus, where public realm improvements are proposed. The site is contained within the Congestion Charging Zone, and is highly accessible with a public transport accessibility level (PTAL) of 6b. The site is within 180m walking distance of the Elephant and Castle Underground station providing access to the Bakerloo and Northern lines, as well as access to overland rail services. Borough station is also within 620m north of the site. A number of bus routes serve the site and the local vicinity, with bus stops located just north and south of the site on Newington Causeway. A London Cycle Network route runs along the portion of Southwark Bridge Road which bounds the site. The roads surrounding the site, including Gaunt Street and Southwark Bridge Road, primarily serve as a bus turning point and bus stand.
- 6 The townscape character and local context is extremely mixed, with a general increase in scale and density as one approaches the Elephant and Castle. The immediate context is one of medium to high rise development, with a mixture of uses. Opposite the site to the east across Newington Causeway is a 2 storey commercial development, currently occupied by the Salvation Army, which rises to 11/12 storeys. Adjoining this building further south is Metro Central Heights and the recently completed Metro Central Vantage, residential developments of up to 18/19 storeys at the uppermost point. Directly to the west and north of the site are buildings within the LSBU campus, ranging in height from 3 to 10 storeys (up to 42m AOD). To the north across Gaunt Street are a range of office buildings of up to 7 storeys and the Ministry of Sound nightclub.
- 7 Eileen House is a prominent and highly visible site located within the Elephant and Castle Opportunity Area. From the north it is sited at the end of an important local view from Borough Tube Station. Looking south Newington Causeway slightly curves to the southeast at this point and these features present a site that forms a gateway into the centre of the Elephant and Castle, acting as a significant entry point to what will be the major town centre of the Elephant and Castle and to the South Bank University campus. From the south the site will be highly visible from the proposed civic square and the cultural and retail heart of this new town centre which is envisaged in the Elephant and Castle SPG.

Details of proposal

- 8 Full planning permission is sought for the demolition of the existing Eileen House building for the redevelopment of the site for a mixed use scheme. The proposal will include two buildings, one predominantly residential and the second for offices, both with a mixture of uses at the ground floor. The scheme is made up of the following elements:
- a. A 41 storey (128.7m AOD) tower incorporating 255 private units (16 x studio, 120x 1-bed, 86 x 2-bed and 33 x 3-bed) and 80 shared ownership units (23x 1-bed, 50 x 2-bed and 7 x 3-bed), over floors three to thirty-eight, with half the third floor dedicated to residential amenity space in the form of meeting rooms, balcony space and a gym room. The ground floor contains double height residential and commercial entrances plus 287sq.m (GEA) retail use (Use Class A1-A5). A mezzanine contains plant areas and management facilities. Floors one and two contain commercial floorspace (Use Class B1). The main retail frontage and commercial entrance face Newington Causeway with the residential lobby on the opposite side, facing into a residents garden. The tower has a parallelogram form, with diagonal slices chamfered off the top to reveal two inclined triangular faces which extend from the top of the tower to the thirty-fourth floor;
 - b. An 8 storey (35.60m AOD) triangular building incorporating commercial floorspace (Use Class B1) over upper floors and retail (Use Class A1-A5) at ground floor level. This building has a main frontage towards Southwark Bridge Road and a newly created linear park spanning the frontage;
 - c. Across both buildings the commercial floorspace totals 4785sq.m gross external area (or 4488sq.m gross internal area);
 - d. A basement over 2 levels to include 34 disabled car parking spaces, 44 motorcycle spaces and 411 cycle spaces, plus associated servicing facilities (4626sqm)
 - e. Public realm improvements including the creation of a residents' garden (458sq.m) which sits between the two proposed buildings, a linear park along Southwark Bridge Road adjacent to the office building and creation of a University Square (2768sq.m) to the east where Keyworth Street meets Southwark Bridge Road at the entrance to the LSBU campus. Ultimately it is proposed to change the current arrangements for buses which use Gaunt Street and Southwark Bridge Road as bus stands in order to allow for the creation of the University Square.
 - f. Phase I and II Public Realm Works: The public realm works will be implemented over two phases. The first phase will deliver the majority of the works outlined above, but will allow the southern section of Southwark Bridge Road to continue to operate as a through route for buses and cyclists and as a vehicular access to Keyworth Street. Phase II works will see the closure of this southern portion of Southwark Bridge Road to through traffic, allowing for the removal of all bus movements and the general pedestrianisation of the University Square Area (still allowing for service vehicles). The traffic direction on Gaunt Street will then be reversed (going north from Newington Causeway) to allow for the northerly movement of vehicles from Newington Causeway onto Southwark Bridge Road. The ability to implement Phase II relies on the use of an 'interim' solution to relocate bus stands and re-route buses, which has been agreed with TfL.
- 9 During the course of the application the scheme was reduced in height following

concerns raised by the GLA about the impact of the proposed tower on Designated View 23, a townscape view from the Serpentine Bridge in Hyde Park which aims to protect the silhouette of historic buildings including the Palace of Westminster World Heritage Site from visual intrusion caused by new buildings. A number of changes were made to the scheme and accordingly revised plans were submitted on the 03 July 2009 including the following key amendments:

- Reduction in height of the tower from 44 storeys (137.5m AOD) to 41 storey (128.7m AOD);
- Reduction in unit numbers from 284 private flats (18 x studio, 140 x 1-bed, 90 x 2-bed and 36 x 3-bed), 85 intermediate flats (25x 1-bed, 52 x 2-bed and 8 x 3-bed) to 255 private flats (16 x studio, 120x 1-bed, 86 x 2-bed and 33 x 3-bed), 80 intermediate flats (23x 1-bed, 50 x 2-bed and 7 x 3-bed);
- Internal alterations to the layout of some units to ensure all rooms meet or exceed minimum floorspace standards;
- Commercial floorspace increased from 4764sq.m office/ educational/health uses (Use Class B1/D1) and 307sq.m retail use (Use Class A1-A5) to 4785sq.m of office use (Use Class B1) and 287sq.m retail use (Use Class A1-A5), with removal of the optional D1 health/educational use;
- No changes were made to the design of the 8 storey office building (35.60m AOD) however the educational use was removed to provide only a Use Class B1 provision, retaining retail (Use Class A1-A5) at the base.
- No changes were made to the basement car parking provision (34 disabled spaces, 44 motorcycle spaces);
- Cycle parking was marginally reduced from 429 cycle spaces to 411 cycle spaces to reflect the reduction in residential units.

Environmental Impact Assessment (EIA)

- 10 The application for planning permission was accompanied by an Environmental Statement (ES) submitted for the purposes of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999. As a result it is EIA development for the purposes of those Regulations: see Regulations 4(1) and (2) of the 1999 Regulations. The EIA regulations 1999 have been replaced by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 however the 1999 Regulations continue to apply to applications received prior to 24 August 2011.
- 11 Regulation 3 of the EIA Regulations 1999 precludes the granting of planning permission unless the Council has first taken the 'environmental information' into consideration. The 'environmental information' means the ES, including any further information, any representations made by consultation bodies, and any other person, about the environmental effects of the development
- 12 Regulation 10 of the Environmental Impact Assessment Regulations 1999 allows any person who may be considering lodging an application to which the Regulations may apply to ask the relevant planning authority to state in writing their opinion as to the information to be provided in the environmental statement, a "Scoping Opinion". A request for a 'Scoping Opinion', to establish the scope of, and methodology for the ES and to identify appropriate data that would be of relevance to the study was therefore submitted. The Council issued a formal Scoping Opinion on 9 May 2008, which identified the scope of the ES.
- 13 An Environmental Statement (ES) comprising a Non-Technical Summary, Main Text (Volume 1), Townscape Assessment (Volume 2) and Technical Appendices (Volume 3) accompanied the Following the submission of that ES amendments were made to the proposed scheme in response to issues raised by the GLA and the Council. An

amended ES was then produced which assessed the likely significant effects of the amended scheme. This was the subject of further public consultation.

- 14 The Council has power under Regulation 19 of the 1999 Regulations to request further information where it is of the opinion that an ES should contain additional information in order to be an ES within the meaning of the Regulations. The Council made two such requests in January 2010 and in October 2010
- 15 The January 2010 Regulation 19 request sought further information relating to the socio-economic impact upon the Ministry of Sound business by reason of future nuisance complaints from future occupiers of the proposed development. The applicant was asked to provide an addendum to the ES reflecting the possible impact on the club and mitigation proposed.
- 16 A response was received on 27 January 2010. This included further information related to the potential impact of the Ministry of Sound's operation upon future occupiers. It did not however address the possible socio-economic impact upon the club indicating instead that this was a "peripheral issue". That response was the subject of further public consultation.
- 17 The October 2010 request sought further information relating to the socio economic impacts upon the Ministry of Sound.
- 18 A response was received 13 May 2011 as a further Addendum to the ES. This was based in part upon a noise survey conducted in January 2011. It concluded that "no adverse impact is anticipated from the MoS on the proposed development. As such, the conclusions in the socio-economic chapter of the ES Addendum remain valid"
- 19 Ministry of Sound has argued and continues to argue that the assessment of the socio-economic upon its business is deficient. Indeed, it must be noted that the Assessment in the ES Addendum 2 is dependent in part upon noise surveys undertaken in the early part of 2011 which have been superseded by more recent noise survey work (see below). The question then is whether the ES as a whole fails to assess a likely significant impact upon the Ministry of Sound.
- 20 As set out below, in the light of the more recent noise survey work, an impact upon future occupiers would be experienced if they chose to have their windows open at times when the MoS is operating.
- 21 Even when MoS is not operating this particular location is such that noise levels from trains and road traffic would also result in the need to keep windows closed at night in order for noise standards to be met. To succeed in any action in nuisance a future resident would have to establish that the average person would expect to be able to sleep without disturbance with his window open in this inner city London location. Officers consider that it is reasonable to conclude that there may be real difficulty in establishing this. However, it is not possible to rule out the possibility of a successful claim in nuisance against MoS by a future occupier or the potential for the Council to take action pursuant to its powers.
- 22 Officers therefore take the view that, whilst an impact upon MoS arising from potential claims in nuisance from future occupiers cannot be ruled out, such an impact cannot reasonably be viewed as likely. Consequently, Officers considered that the ES is a valid ES for the purposes of the 1999 Regulations.
- 23 The ES together with the Addenda provide an assessment of the beneficial and adverse environmental impacts in relation to the proposed development, including the following areas of impact (in the order they appear in the ES):

- Demolition and Construction;
- Sustainability;
- Socio Economics;
- Traffic and Transportation;
- Ground conditions and Contamination;
- Water Resources and Flood Risk;
- Noise and Vibration
- Air Quality;
- Archaeology;
- Wind;
- Daylight, Sunlight and Overshadowing;
- Ecology;
- Electronic Interference;
- Cumulative Impacts
- Residual Impacts
- Townscape Assessment (Volume 2).

- 24 Information includes a prediction of the impact (methods/assumptions and underlying rationale/ interpretation of facts, opinions, judgments based on facts/ confidence limits associated with the prediction and the characteristics and dimensions of the impacts i.e. nature, magnitude, extent, timing, duration, reversibility, likelihood and significance) and the certainty of the impact (worst case/ impact range and risk assessment).
- 25 Reference to cumulative effects includes the combined effects of different types of impact, for example, noise, dust and visual impacts- impact interactions and impacts from several developments, which individually might be insignificant, but when considered together, could amount to a cumulative impact
- 26 Potential positive and negative residual effects remaining after mitigation measures have been identified and incorporated are also included in the ES in order to assess their significance and acceptability with environmental chapters containing a 'Residual Effects Table'.

Planning history

- 27 On the 02 June 2005, an application (ref. 05-AP-0295) for the erection of a part 11, part 18 (66.8m high) and part 24 (87.57m high) storey building to provide retail, restaurant and leisure uses on the ground and part first floors and 329 flats on the upper floors, with a basement floor to provide 20 car parking spaces, 319 bicycle spaces and refuse storage with vehicular access from Gaunt Street was refused for the following reasons:
- i. The proposed building by reason of its height and scale responds poorly to its immediate context and would result in an overly dominant development in both local and longer range views of the area.
 - ii. The architectural quality of the proposed building is not considered acceptable given the scale and prominence of the site and the proposed scheme. The scheme fails to relate well to the local context particularly in relation to its detailed design which emphasises the bulky nature of the building (south tower) and accentuates its unsympathetic relationship with the street scene and surrounding area.
 - iii. The proposed development would provide less than 10% of flats with 3 or more

bedrooms and overall fails to provide a majority of two bedrooms flats or more and therefore would not provide an appropriate mix of dwellings to adequately address housing needs within the borough.

- iv. The proposed development by reason of the service arrangements, lack of disabled off street car parking, the proposed new pedestrianised area, changes to existing bicycle routes and the proposal to signalise Newington Causeway would give rise unacceptable vehicular movement around the site, prohibit proper access and servicing to the adjacent Southbank University and the application site, would generally impact on the existing road network up to the Elephant and Castle Northern Roundabout, which in turn would be detrimental to the safety of both vehicles and pedestrian movement in the area.
- 28 On 17 March 2008, a request for a 'Scoping Opinion' (ref. 08-AP-0687) was submitted in relation to the redevelopment of the site in order to provide a building of approximately 147 metres in height incorporating residential, educational and retail uses together with a separate building of approximately 35 metres in height incorporating office/educational and retail uses. The Council issued a formal Scoping Opinion on 9 May 2008, which confirmed the scope of the EIA.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 29 The main issues in this case are:
- Principle of the Proposed Use;
 - Density, Mix and Tenure;
 - Design, (including Height and Quality of Accommodation)
 - Impact on Strategic and Local Views, and on the Character and Setting of a Listed Building or Conservation Area;
 - Impact on the Amenities of Neighbouring Residents and Occupiers;
 - Transport Issues;
 - Flood Risk Assessment;
 - Environmental Impact Assessment;
 - Planning Obligations; and
 - Sustainability.
 -

Planning policy

- 30 The statutory development plan for the borough comprises:
- The Consolidated Replacement London Plan 2011; and
 - The Southwark Plan (2007) - Saved Policies
 - Southwark Core Strategy 2011
- 31 The Southwark Plan (UDP) July 2007: The site is designated under The Southwark Plan as being located within a Major Town Centre within the Central Activities Zone (CAZ), the Elephant and Castle Opportunity Area, an Air Quality Management Zone and an Archaeological Priority Zone. The site is also within a Transport Development Area. It is within proposals site 43P- the Elephant and Castle Opportunity Area, but is not located within the area covered by the Elephant and Castle SPG, and as such lies outside the Core and Secondary tall building clusters designated within this plan. It is, however, identified within the 'Enterprise Quarter' SPD as site 5 'Newington Causeway- Eileen House', a 'key development site'. The public realm improvements centre on the area identified within the SPD as Project 4a 'University Gateway-

Newington Causeway'.

32 Saved Policies:

Policy 1.1: Access to Employment Opportunities
 Policy 1.4: Employment Sites
 Policy 1.7: Development within Town and Local Centres
 Policy 1.8: Location of Developments for Retail and other Town Centre Uses
 Policy 2.2 Provision of new Community Facilities
 Policy 2.5: Planning Obligations
 Policy 3.1: Environmental Effects
 Policy 3.2: Protection of Amenity
 Policy 3.3: Sustainability Assessment
 Policy 3.4: Energy Efficiency
 Policy 3.6: Air Quality
 Policy 3.7: Waste Reduction
 Policy 3.9: Water
 Policy 3.11: Efficient use of Land
 Policy 3.12: Quality in Design
 Policy 3.13: Urban Design
 Policy 3.14: Designing out Crime
 Policy 3.15: Conservation of the Historic Environment
 Policy 3.18: Setting of listed buildings, conservation areas and world heritage sites
 Policy 3.19: Archaeology
 Policy 3.28: Biodiversity
 Policy 3.31: Flood Defences
 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
 Policy 5.1: Locating Developments
 Policy 5.2: Transport Impacts
 Policy 5.3: Walking and Cycling
 Policy 5.4: Public transport improvements
 Policy 5.6: Car Parking
 Policy 5.7: Parking Standards for Disabled People and the mobility impaired

33 Southwark Core Strategy (2011)

On the 6th April 2011 the Core Strategy was adopted and its strategic policies, together with the 'saved' policies of the Southwark Plan (2007) are now the development Plan policies.

34 Strategic Policies of the Core Strategy:

Strategic Policy 1	Sustainable Development.
Strategic Policy 2	Sustainable Transport.
Strategic Policy 5	Providing new homes.
Strategic Policy 6	Homes for people on different incomes.
Strategic Policy 7	Family homes.
Strategic Policy 10	Jobs and Businesses.
Strategic Policy 12	Design and Conservation.
Strategic Policy 13	High Environmental Standards.
Strategic Policy 14	Implementation and delivery

35 Replacement London Plan July 2011:

In July 2011, the replacement London Plan was formally adopted. The site is located

within the Central London Sub-Region, within Opportunity Area 9 - Elephant and Castle and an Area for Regeneration.

Key Policies:

Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

London's Places

Policy 2.3 Growth Areas and Co-ordination Corridors
 Policy 2.9 Inner London
 Policy 2.10 Central Activities Zone – strategic priorities
 Policy 2.11 Central Activities Zone – strategic functions
 Policy 2.12 Central Activities Zone – predominantly local activities
 Policy 2.13 Opportunity Areas and Intensification Areas
 Policy 2.14 Areas for regeneration
 Policy 2.17 Strategic industrial locations

People

Policy 3.1 Ensuring equal life chances for all
 Policy 3.3 Increasing housing supply
 Policy 3.4 Optimising housing potential
 Policy 3.5 Quality and design of housing developments
 Policy 3.6 Children and young people's play and informal recreation facilities
 Policy 3.7 Large residential developments
 Policy 3.8 Housing choice
 Policy 3.10 Mixed and balanced communities
 Policy 3.11 Definition of affordable housing
 Policy 3.12 Affordable housing targets
 Policy 3.13 Negotiating affordable housing on individual private residential and mixed use schemes
 Policy 3.14 Affordable housing thresholds
 Policy 3.16 Coordination of housing development and investment

Economy

Policy 4.2 Offices
 Policy 4.3 Mixed use development and offices
 Policy 4.12 Improving opportunities for all

Climate change

Policy 5.1 Climate change mitigation
 Policy 5.2 Minimising carbon dioxide emissions
 Policy 5.3 Sustainable design and construction
 Policy 5.5 Decentralised energy networks
 Policy 5.6 Decentralised energy in development proposals
 Policy 5.7 Renewable energy
 Policy 5.8 Innovative energy technologies
 Policy 5.9 Overheating and cooling
 Policy 5.10 Urban greening
 Policy 5.11 Green roofs and development site environs
 Policy 5.12 Flood risk management
 Policy 5.13 Sustainable drainage
 Policy 5.14 Water quality and sewerage infrastructure
 Policy 5.15 Water use and supplies
 Policy 5.18 Construction, excavation and demolition waste
 Policy 5.21 Contaminated land

Transport

- Policy 6.3 Assessing transport capacity
- Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking

Living Places and Spaces

- Policy 7.1 Building London's neighbourhoods and communities
- Policy 7.2 An inclusive environment
- Policy 7.3 Secured by design
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.7 Location and design of tall and large buildings
- Policy 7.8 Heritage assets and archaeology
- Policy 7.11 London View Management Framework
- Policy 7.12 Implementing the London View Management Framework
- Policy 7.13 Safety, security and resilience to emergency
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing noise and enhancing soundscapes

Monitor and review

- Policy 8.2 Planning obligations
- Policy 8.3 Community infrastructure levy

36 Supplementary Planning Documents, Planning Policy Guidance [PPG] and Planning Policy Statements [PPS]

- PPS 1: Planning for Sustainable Communities
- PPS 3: Housing
- PPS 5: Planning for the Historic Environment
- PPG 13: Transport
- PPS 22: Renewable Energy
- PPS 23: Planning and Pollution Control
- PPG 24: Planning and Noise
- PPS 25: Development and Flood Risk
- SPG: London View Management Framework
- SPG: Sustainable Design and Construction
- SPG: Providing for Children and Young People's Play and Informal Recreation
- SPG: Planning for Equality and Diversity
- SPG: Accessible London: Achieving an Inclusive Environment
- SPD: Affordable Housing (2008)
- Section 106 Planning Obligations SPD (2007)
- Residential Design Standards SPD (2008)
- Sustainable Transport SPD (2008)
- Sustainable Design and Construction SPD (2009)
- Ministerial Statement "Planning for Growth"
- Community Infrastructure Levy Regulation 122
- Circular 05/2005
- Draft National Planning Policy Framework July 2011
- Draft updated Residential design Standards SPD 2011
- Draft Affordable Housing SPD 2011

37 Draft National Planning Policy Framework

The draft NPPF was published at the end of July 2011 for consultation until 17 October 2011 and is capable of being a material consideration. The draft is currently

the subject of public consultation and could be subject to change in the light of that consultation. As a result, whilst it carries some weight, it should not be given substantial weight. The Government has set out its commitment to a planning system that does everything it can do to support sustainable economic growth. Local planning authorities are expected to plan positively for new development. All plans should be based on the presumption in favour of sustainable development and contain clear policies that will guide how the presumption will be applied locally.

The presumption in favour of sustainable development is a new policy designed to ensure that the planning system as a whole focuses on opportunities. The presumption, in practice, means that significant weight should be placed on the need to support economic growth through the planning system and local planning authorities should plan positively for new development and approve all individual proposals wherever possible. But development should not be allowed if it would undermine the key principles for sustainability in the Framework. The draft NPPF makes clear that the policies should apply 'unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits'.

The draft NPPF also states that 'The primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development' and that local authorities should look for solutions to problematic applications, so they 'can be approved wherever practical to do so'.

The draft NPPF also sets out core principles that should underpin both plan-making and development management. It states that 'every effort should be made to identify and meet the housing, business, and other development needs of an area, and respond positively to wider opportunities for growth'.

The NPPF builds upon the Government's 'Plan for Growth' which was published in March 2011. The overall theme of this document is to support long term sustainable economic growth and job creation in the UK. This is set out as a clear and current Government objective.

Consultation

- 38 Site Notice date: 6 notices erected 10/03/09 and again on 16/07/09 (reconsultation)

Press Notice date: 12/03/09, 16/07/09, Feb 2010, June 2011 and 11/08/11

Neighbour consultation letters sent: Over 5000 letters sent from 7 -18 March 2009

Neighbour re-consultation 16/07/09, 16/02/2010, 06/06/2011 and 16/08/2011

Case officer site visit date: Various site visits throughout 2007 and 2008 during pre-application period and application period, most recent being 20 July 2011._

- 39 Internal Consultees: Access Officer; Archaeology Officer, Design and Conservation; Waste Management; Planning Policy; Environmental Protection, Transport Group; Highways Infrastructure, Environment and Housing, Southwark Design Review Panel; Elephant and Castle Major Projects, Waste Management; Economic Development and Strategy Team; Arboriculturalist; Highways Infrastructure.
- 40 Statutory and Non-statutory Consultees: Government Office for London; Greater London Authority (GLA); Transport for London (TfL); Southwark Design Review Panel; Commission for Architecture and the Built Environment-CABE; Design for London; London Fire and Emergency Planning Authority (LFEPA); Environment Agency (EA); Thames Water; London Underground; BBC; BAA; London City Airport, Metropolitan Police; London Borough of Lambeth; City of Westminster; Corporation of London,

Natural England, English Heritage; Royal Parks, Southwark Cyclists.

- 41 Neighbour Consultees: Over 5000 properties were consulted on the application. The consultation area extended south to Walworth Road/ Hampton Street and Churchyard Row, east to Falmouth Road, north to Trinity Street/Great Suffolk Street/Webber Street, and west to Brook Drive/ the Imperial War Museum and Blackfriars Road. All properties within this area were consulted on the application and a full list of addresses can be found on the case file.
- 42 Pre-application Consultation: A Statement of Community Involvement was submitted, which set out the pre-application consultations that were carried out in relation to the application. The consultation was undertaken by a specialist communications agency, and included newsletters (sent January 2008 and October 2008), exhibitions (held January 2008 and October 2008), meetings with some local Ward Members, and meetings with adjoining occupiers at Ministry of Sound, Skipton House (Housing the Department of Health) and LSBU. In addition, the scheme was presented to the Southwark Design Review Panel prior to submission (details below). A presentation to Council Members was held at the Town Hall on 11 March 2009.

Internal Consultation Replies

- 43 Access Officer: All dwellings are to Lifetime Homes standard. The Design and Access statement isn't clear about % of w/c units. Public Realm is all to best practice standards. Retail entrances are level and will be power assisted if not under cover. Retail units will be prepared to shell standard subject to a tenants fit-out, and they will be responsible for installation of facilities. Disabled person parking is provided in the basement. The development is in accordance with Buildings Regulations Part M.
- 44 Archaeology Officer: The site is located within the Borough, Bermondsey and River Archaeological Priority Zone, against the boundary of the Kennington Road and Elephant and Castle Archaeological Priority Zone. The building occupying the site has a basement and this will have had an impact upon buried archaeological remains. Any site investigation works should be archaeologically monitored to help reveal the remaining potential on the site. Depending upon the results of such an investigation, an archaeological evaluation may be required and further works. These works can be secured by condition, in line with Southwark Plan policies 3.15 and 3.19 and the recommendations of PPG16
- 45 Waste Management: Commercial and household waste should be separated. Preference for waste compaction to reduce the number of bins on site. Waste calculations look acceptable and there appears to be sufficient storage capacity. Collection regime is based on a twice weekly collection and, with regard to domestic waste, is something the Council are unlikely to sign up to. The Waste Management Plan anticipates use of a private waste contractor. Council would need to ensure that the collection regime is not passed on to the Council by default. Residents would be paying for domestic waste collection through their Council Tax, so there would need to be something in place that protects the residents from further waste collection recharges. Concern with the frequency of collection for commercial waste as this is a paid for service that the Council doesn't provide. Are control measures in place to ensure commercial waste doesn't end up in the domestic bins? *(Response provided by applicant: Private contractor to be used to allow flexibility of all collections. A compactor may be installed within the basement if required. Developer is willing to accept a s106 clause to confirm twice weekly collection of waste by private contractor for the life of the development without additional charges being imposed on residents. Only the resident's waste room is accessible and it is close to the concierge so fly tipping by commercial users is unlikely.)*

46 Planning Policy

Land use

The site lies in a designated town centre in the core strategy. Saved Southwark Plan policy 1.7 indicates that retail, office and residential uses are appropriate uses in principle in a town centre. Provision of retail use at ground floor level is welcome and complies with guidance in section 3.1 of the 2008 Enterprise Quarter SPD which seeks to ensure that active uses are provided on key routes into the opportunity area. It should be noted that there is a typographical error in Figure I1 in appendix 1 of the SPD in which the nightclub colouring and preferred office location colouring are reversed.

In addition to 287sqm of retail use, the proposal provides 4,785sqm of office (class B1 use). There is currently 6,124sqm of office space on the site along with 152sqm of retail space. Saved policy 1.4 of the Southwark Plan requires re-provision of B class use within the CAZ, unless the applicant can demonstrate that convincing attempts have been made to market the premises either for continued B class use or for mixed uses, including redevelopment, over a period of 24 months. The policy also states that within town centres, alternative town centre uses may be acceptable in place of B class space. Taking retail and employment space together, the proposal would result in a shortfall of 1204sqm of business space over the current provision. This would be contrary to policy 1.4 unless the applicant can demonstrate convincingly that re-provision of business space would be unviable. The proposal would also be contrary to the vision for the Elephant and Castle in the recently adopted core strategy which seeks the provision of 25,000sqm of additional business space in the Elephant and Castle opportunity area. Provision of new office floorspace in the area is welcome and it should be able to accommodate higher employment densities than the existing space which appears outdated. This in itself however does not constitute a reason for providing less space than the existing. Southwark's 2009 Employment Land Review found evidence of strong demand for business space in the centre of the borough. The capacity for additional employment space identified in the ELR is derived from a synthesis of historic floorspace trends and historic and future employment trends, rather than job densities.

Housing mix

Core strategy policy 7 requires 10% of homes in developments at Elephant and Castle to have 3 or more bedrooms. The proposal complies in this respect. It also requires 60% of units to have 2 or more bedrooms. 52.5% of the proposed units have two or more bedrooms and it therefore fails to comply with this element of the policy.

Residential design standards

The council has recently consulted on revised space standards in an updated Residential Design Standards SPD. This document has not yet been adopted and therefore has limited weight. Similar standards are set out in the draft Replacement London Plan 2009. The London Plan EIP panel generally endorsed the standards although recommended that they should be "indicative" rather than "minimum". It is very likely that the standards will feature in the adopted version of the plan, either as indicative or minimum and they should therefore be given significant weight. The council should be satisfied that the proposal provides standards which are roughly in line with the draft Replacement London Plan standards. It is noted that all the one bed units (below level 31) are below the standards set out in the draft Replacement London Plan. The provision should be assessed to see the relationship between levels of occupancy and unit sizes

Energy and sustainable design and construction

Core strategy policy 13 requires development to meet Code for Sustainable Design level 4 and BREEAM excellent. The proposal fails to comply with these standards. In addition, major development is expected to reduce CO2 emissions by 44% over the 2010 Buildings Regulations (56% of the 2006 Building Regulations). The proposal provides a 52% reduction over the 2006 Regulations which is below the Core Strategy standard. The proposal should not be reliant on the MUSCo or an alternative district CHP/communal heating scheme given current uncertainty.

In accordance with Core Strategy policy 13 the proposal should be designed so that it can connect with a district CHP/communal heating system and this should be secured through a s106 obligation

Design and height

Key design considerations for the site are set out in section 4.6 of the Enterprise SPD 2008. Appendix 5 shows public realm proposals for the site.

Saved Southwark Plan policy 3.20 sets out criteria for the assessment of tall buildings. Policy 12 in the Core Strategy also provides overarching design policy indicating that development should conserve or enhance the significance of Southwark's heritage assets, that tall buildings should exemplify standard of design and make a positive contribution to regenerating areas. Section 3.3.2 of the Enterprise Quarter SPD 2008 provides further guidance on the approach to tall buildings in the enterprise quarter. Eileen House is located within an extended tall buildings secondary cluster. Figure 3.16 suggests that Eileen House may be appropriate for a building of less than 135m in height subject to criteria set out in this section of the SPD. Officers should be satisfied that the criteria in these policies are met.

Density

Core strategy policy 5 states that developments above 1,100 hr/ha in opportunity areas must have an exemplary standard of design.

Amenity

The scheme will meet SPD standards for amenity space, both private and communal

Affordable housing

Core strategy policy 6 requires 35% of housing in developments to be affordable. Saved Southwark Plan policy 4.4 indicates that in the Elephant and Castle opportunity area, this should be split 50/50 between social rented and intermediate housing. It is noted that 23.8% of homes in the proposal will be affordable and moreover that all will be intermediate. Justification for this should be provided in an up-to-date viability appraisal.

47 Environmental Protection Team:

Commercial Ventilation: Plans show retail/café use at ground floor and ventilation just above this level. A ventilation outlet at this point is likely to give rise to odour nuisance -any commercial kitchen exhaust system should discharge at a high level. (Note that revised plans were provided to demonstrate how a commercial kitchen exhaust can be discharged at roof level).

Demolition and Construction: am impressed with the level of detail given in the ES. A condition will be recommended for the applicant to submit an Environmental

Management Plan dealing with the potential impacts of this phase of development, to form part of the Demolition and Construction Method Statement.

Sustainability: Section 3.8 of the Sustainability Chapter suggests that large window openings shall be provided in order to control summer temperatures. Should occupiers of the residential units need to open windows during the summer; the sound insulation will be compromised and internal noise levels exceeded. Residential premises should be designed to ensure that they can be occupied comfortably without the need to open windows bar for purge ventilation. Recommended noise levels in section 3.4 are acceptable, in particular the commitment for increased sound insulation between dwellings, which must be designed to ensure that acoustic privacy is maintained. The applicant has proposed NR25 as a sound criterion for mechanical ventilation to act as masking noise to reduce the potential for reduced acoustic privacy. A commitment to increased sound insulation between dwellings to be carried out is requested via a recommended condition.

Ground Conditions/ Contamination: Although the majority of contamination, if any, on site will be removed through the building of the basement, areas not excavated will need remediation if contaminated, which can be dealt with by condition.

Air Quality: The applicant has proposed a means of mitigation with respect to air quality. The extent in terms of height for the mitigation is acceptable; however additional information is to be submitted with respect to the effectiveness of the means for NO₂ filtration, which can be facilitated by condition. To ensure that the system of mitigation will be part of lease agreements, the s106 agreement should ensure that on-going maintenance is undertaken by the building management and is not the responsibility of individual leaseholders through their lease agreements. A major adverse impact on local air quality is considered to occur because of the development and a large number of people will be exposed to high levels of pollution and therefore £60,000 is requested towards future Air Quality monitoring

Noise and Vibration: The site is challenging being an NEC D site.

- a) Construction- Some levels are extremely high and even exceed the first action level under the Noise at Work Regulations.
- b) Building services plant noise- environmental noise limits in table 12-10 are acceptable but should any noise from plant display tonal or other acoustic characteristics, a further reduction of 5dB, L_{Aeq} will be required. Proposed changes to the public realm on Southwark Bridge Road and will need to be taken into account when setting criteria for plant noise, as will any shielding effects of the development itself.
- c) Impact on the proposed development- the challenging nature of the site is recognised with respect to noise and is partly addressed through having no residential premises on the Newington Causeway façade below the 4th floor. Disappointed that lower section is designated for affordable housing. The assessment with respect to the impact of environmental noise on the potential occupiers of the development is acceptable. Accept the rationale for the use of 88dB LAFmax for the design of internal LAFmax levels at night. Conditions are recommended in relation to suitable internal noise levels, sound insulation between dwellings and plant noise.

There have been a series of noise surveys undertaken by representatives of the applicant (Sandy Brown Associates); the Ministry of Sound (Sharps Redmore Partnership) and the Council (Rupert Taylor). The initial assessment of noise from MoS by SBA suggested that noise from the premises was quite high, particularly in the lower frequencies. However, subsequent surveys by the Council have found that the actual noise levels from music break out from the club at the lower frequencies are in fact lower than those reported by SBA by 5-7dB. Music break from was MoS was

audible at both on the podium and roof of Eileen House consisting of a noticeable repetitive beat that varied from time to time. It is difficult to say whether the noise from this music would in fact constitute a statutory nuisance because of the fact that noise from music would reduce from outside to inside premises, even with a window open.

An acceptable noise levels could be achieved by designing the facade of Eileen House to meet the following sound levels with respect to typical music noise from MoS:

Frequency (Hz)	31.5	63	125	250	500	1000	2000	4000	8000	'A'
Internal noise level, dB (L _{Smax})	60	47	38	26	19	15	12	9	7	27

These internal levels could be achieved through the glazing system proposed by SBA in their letter to Christopher Allen dated 21 October 2010.

Considering that music noise from MoS is does not normally start until after 23:00 and is at its peak between 02:00-04:00, the only areas of residential units that could be reasonable expected to be subject to nuisance would be bedrooms and if residents closed bedroom windows to protect against what are high levels of road traffic noise, protection would also be afforded against noise from MoS. There is also a significant contribution of noise from people in the courtyard. Again, noise from this source increases from about 23:00 but stays relatively constant throughout the night. Disturbance might be caused to residents should they leave their windows open but acceptable noise levels will be achieved with windows closed.

Noise from the dragging of barriers is high, however the practices currently used such as dragging barriers and sliding them from one member of staff to another cannot be considered to be best practice and might in fact be a health and safety risk. More considerate means of erecting the queue barrier coupled with quieter barriers (for example, barriers with rubber soles or on wheels) will be likely to be sufficient to reduce any impact from this activity.

- 48 Traffic Group: Policy 5.2 requires developments likely to have significant transport implications to submit a transport assessment (TA). A TA was submitted (within the ES) and was amended during the course of the application.

Parking: The proposal is in a high PTAL area (level 6), within a CPZ and the CAZ where developments are required to be car free. Policy 5.7 requires this development to provide a minimum of 1 disability parking bay. 34 disabled parking spaces are provided to ensure an adequate provision for the development. All parking bays within the basement are to be disabled bays and design is compliant with disability standards.

Cycle Parking: Parking standard for cycles is a minimum of 1 per 250m² of commercial (A and B1) floor space (minimum of 2) and a minimum of 1.1 per residential unit and the levels proposed are acceptable and policy compliant. The cycle parking spaces required for commercial building (13) are located in a dedicated cycle parking area at the ground floor of that building. The cycle parking required for the commercial uses in the tower (9) are in a dedicated area at second basement level (Cycle Parking Room 4). This will be accessed via cycle lifts, takes only approximately 6 seconds longer to travel to second basement than to first basement

level for the round trip from and back to ground floor. A cycle crossing island will be provided over Gaunt Street at the junction with Southwark Bridge Road.

Public Realm Phases I and II: Various meetings and discussions have been held during pre-application and application stage with the applicant, TfL and LBS Transport and Planning Officers in relation to proposed Phase I and II transport works which will allow for the creation of public realm proposals at the base of the tower. In Phase I a car lift waiting bay is located to the north of the car lift as Gaunt Street would operate one way towards Newington Causeway as per the existing situation. In the Phase 2, the waiting bay is located to the south of the car lift as it is proposed that the one way direction of flow on Gaunt Street would be reversed (i.e. away from Newington Causeway). A disabled bay is provided on the south side of Gaunt Street. There are 5 existing parking bays on the north side of Gaunt Street and there is a reduction in pay and display bays on Southwark Bridge Road in the Phase 1. The applicant undertook a Parking Beat Survey which indicated that the existing bays were not well used and therefore re-provision not necessary. In the Phase 2 scenario, there would be a net increase of one pay and display bay.

Servicing: required to take place off street in designated servicing bays during agreed hours. A servicing strategy is to be agreed as part of a Service Management Plan that will be secured by condition.

- 49 Environment and Housing: The scheme includes intermediate rented accommodation that is RSL managed accommodation that is let to households who cannot afford to buy or rent market housing in the borough. It is let at rents that meet the council's affordability criteria for intermediate housing which is typically 20-30% below the cost of market housing. The affordable units at Eileen House will be available on either an intermediate rented or shared ownership basis. The latter would also comply with the council's affordability requirements.
- 50 The Elephant and Castle regeneration team: support the proposal for a 41 storey mixed use scheme on the site of Eileen House. The scheme is a strong building architecturally which will help facilitate the regeneration of the Enterprise Area and begin the process of implementing the public realm improvements identified in the Enterprise Area SPD. The regeneration benefits of the scheme include;
- Redevelopment of existing building which is of poor architectural merit. The office space does not meet current standards. While the office is currently occupied by LSBU this is a short term let and there is no evidence that this space could be let successfully in the longer term.
 - While the office provision within the proposed building does not replace the B1 floorspace which would be lost through the development it will be of a higher quality and is more likely to attract occupiers.
 - New housing [including an element of affordable housing] which will help contribute towards meeting plan targets.
 - Public realm improvements which will provide an improved environment for both pedestrians and cyclists and reduce the dominance of buses in Southwark Bridge Road in particular. The public realm treatment will significantly improve the quality of this part of the Enterprise Area which currently lacks character and coherence. It will help to define an important gateway to the LSBU and secure the first phase of the public realm improvements to Keyworth Street which forms the central spine of the campus.
 - A package of s106 contributions which will help improve local open spaces and create employment and training opportunities through the construction programme.
- 51 It is acknowledged that the scheme does not fully comply with council's affordable

housing and employment policies [which require the existing B1 floorspace to be re-provided]. These departures from plan requirements should be weighed against the overall benefits of the project [summarised above], overall scheme viability and the need to continue to support development while market conditions continue to be challenging. Some form of claw back arrangement or viability review at the point of implementation may be a means by which additional s106 could be secured from the development. If additional contributions are judged to be viable then we would argue that the priority for these should be used to contribute to the strategic objective of improving the environment for pedestrians in the vicinity of the northern roundabout.

Statutory and Non-statutory Consultation Replies

- 52 Government Office for London (GOL): No response received. Further referral will take place post decision.
- 53 Greater London Authority (GLA): The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The application complies with the following London Plan policies:
- Regeneration and land use: proposal is consistent with policies 2A.4, 2A.5, 2A.7, 3A.18, 3B.11, 5D.1-2 and 5G.1-5.
 - Children's play space: proposal is consistent with Policy 3D.13.
 - Urban design and views: proposal is consistent with the design requirements of 4B.1, 4B.9, 4B.10 and 4B.18.
 - Inclusive access: proposal is consistent with Policy 3A.5 and 4B.6
 - Climate change adaptation: application is consistent with policies 4A.10, 4A.11, and 4A.16. The proposal is inconsistent with policies on drainage in particular 4A.12 and 4A.13 and 4A.14. The proposal does not include electric car changing points inconsistent with London Plan Policy 4A.3.
 - Transport: The application is consistent with policy 3C23. The application is inconsistent with London Plan policies 3C2, 3C 17, 3C22 and 3C25.

Where the scheme does not fully comply remedies are proposed which may lead to full compliance with the London Plan as set out below:

- Housing: the applicant has not demonstrated that the site would deliver the maximum reasonable amount of affordable housing and the proposal is therefore inconsistent with London Plan policies 3A.10 and the financial appraisal to support the approach requires further testing. The GLA wish to commission a review of the submission to ensure that the proposed approach represents the maximum reasonable amount of affordable housing in accordance with Policy 3A.10.
 - Climate change mitigation: application is inconsistent with London Plan policies 4A.1, 4A.3, 4A.4, and 4A.7, and further work is required on all aspects of the energy strategy in order to meet with policy 4A.1.
 - Climate change adaptation: the applicant should commit to the provision of electric car changing points. Further work is also required regarding drainage and flooding to ensure consistency with policy 4A.12, 4A13 and 4A14.
 - Transport: In order to ensure consistency with policies 3C2, 3C 17, 3C22 and 3C.25 the applicant must provide further details/information on trip generation cumulative impacts and capacity analysis, cycle parking and integration of the site with the Mayor's Cycle Highway plans, construction management and travel plans and appropriate mitigation. In respect of Policies 3C1, 3C4, 3C20, appropriate planning conditions must be agreed with TfL and the Council.
- 54 Revised information was submitted via the Regulation 19 'further information' response in June 2009, with a fully updated ES submitted which sought to address the various concerns of the GLA. Final comments from the GLA will be received following

Planning Committee via a Stage II consultation, however an interim comment was provided by the GLA in relation to the reduction in height of the tower. GLA advised that further to Stage I and without prejudice to the Mayor's determination of the application, the GLA can confirm that in the opinion of the Deputy Mayor for Policy and Planning and GLA planning officers the reduction in height of three storeys shown in the verified views of the Eileen House proposal from Serpentine Bridge provided for review would satisfy the Mayor's concerns regarding this issue.

55 Transport for London (TfL) Comments follow GLA Stage I:

- a) *Impacts on transport network:* The impact on the highway network is not likely to be significant and therefore considered acceptable. The cumulative impacts of this and other developments in the E & C will have a negative impact on bus services. Mitigation towards improved bus services/bus infrastructure is therefore sought. The additional rail trips generated by this development can be adequately accommodated within existing services and is unlikely to have a significant impact on either the Bakerloo or Northern line services. TfL remains concerned with the cumulative impact of committed and planned developments within the Opportunity Area on the capacity and operation of the Northern Line Ticket hall in particular. Modelling forecasts based on future growth illustrate that unless there is investment in upgrading the ticket hall and associated infrastructure, it is highly likely that the demand generated from new developments such as Eileen House will over burden the underground station resulting in regular station congestion, station management procedures and ultimately station closures. Surface Transport presents a number of challenges and these should be addressed to improve pedestrian access, cycling, bus access and provision in terms of bus standing/stopping and driver facilities and highways alterations.
- b) *Phase I public realm arrangements:* The S106 agreement shall ensure the Phase 2 'interim solution' can only be implemented once an alternative bus standing location, which meets TfL's operational and service requirements, has been agreed. The type of materials to be used in relation to the public realm works should be conditioned, subject to TfL agreement. Funding of bus service alterations associated with relocation of bus stands as part of Phase I shall be £13,600p.a for 10 years (including fuel, tyres and a small element of engineering costs). TfL expects flexibility in the S106 wording to allow this money to be redirected to other transport mitigation in the Opportunity Area if alternative arrangements are made prior to the end of the 10 year period. If a permanent solution is delivered before the start of the 10th year then TfL would no longer claim the money for this purpose. The total payment will be £136,000, towards additional bus running costs associated with the delivery of Phase 1.
- c) *Phase II public realm arrangements:* TfL have reviewed the costs associated with the delivery of the proposed 'interim' (Phase 2) bus solution involving changes to Borough Road and its junction with Southwark Bridge Road. A cost of £250,000 is sought to fully implement the public realm package (Phase 2). If by the time the developer is in a position to deliver Phase 2 a new bus facility/solution has been identified in the E & C, the 'interim' Phase II facility is not likely to be required. TfL will then expect the contributions to be directed towards transport improvements in the wider Elephant and Castle area. The council has advised that this payment will be required at '*implementation stage*' in order to allow TfL to undertake the bus solution works during the project's construction phase, such that the bus stands may be relocated in time to allow for the Phase 2 public realm works to be implemented towards the end of the construction programme.
- d) *Conclusion:* The total contribution requested from TfL in relation to this scheme is £386,000. The majority of transport issues have now been resolved, the key issue

relates to the need to agree an appropriate level of contribution towards enabling this development to proceed (both Phase 1 and 2), as well as mitigating the impacts of this development on the local transport network.

56 Southwark Design Review Panel (pre-application, March 2008):

The Panel welcomes the opportunity to comment on such a significant Elephant and Castle proposal. At 47 storeys, the scheme poses a series of interesting and challenging urban design questions for London's skyline and the Elephant and Castle masterplan. In many urban regeneration areas of such importance it is common that planning policies are in place to give guidance on the appropriate heights for tall buildings. As no such policies are currently in place, the panel feel that the proposal should be assessed on its own merits of architectural quality and site specific design issues. In broad terms, the architecture is thorough and well considered providing a design coherence that is evidenced by a unity of concept, proportion and approach to detailed design. The result is a strong design language that will guide further design development. The bold grid strategy for the building's primary elevations is supported by highly resolved detailed design; the result is a promising geometry that creates the potential for a high degree of interest as the building's deep cuts respond to light and shade. The façade implications of the internal plan may require further consideration. As party walls divide glazed sections within individual grid units a more fragmented façade pattern is likely to emerge. The Panel is keen to see the scheme's high architectural standard achieved in relation to other important design quality measures, most notably the internal accommodation...which will be needed to achieve an exemplary design standard that goes beyond building envelope. In this regard there appears to be a lack of generosity in relation to room sizes. The two building plan with the lower 8 storey building to the north west creating a central open space is welcomed. In spite of the many demands on ground level space for storage, servicing and circulation greater spatial generosity is a desirable and reasonable expectation for a building of such significant height. The responsibility of tall buildings to deliver dynamic and welcoming public realms at ground level is a strong design tradition and thus the scheme should be more ambitious in this regard. Many of the ideas for public realm treatments for Southwark Bridge Road are welcomed and if achieved would go some distance in integrating the scheme within its local environment. The scheme's strong design language will undoubtedly offer a strong basis for further design development.

57 Commission for Architecture and the Built Environment-CABE:

Broadly supportive of the scheme. Consider a cluster of tall buildings at E & C is appropriate, and principle of a tall building on the site is justified. Do not believe impact on views is harmful. Architecture is intelligent and high quality, and we support the well considered form, massing and facade treatment. We have reservations about the public realm treatment and management. Endorse the removal of bus stands and co-ordination of a wider landscape strategy with LSBU and creation of a campus gateway space, and the increased permeability. However, the public spaces feel uncomfortable. Central space works as a public route but not a resident's garden. There is a lack of definition between the spaces. University Square should be a place to linger, do not support a circus type space. Prow by southern apex of lower block creates uncomfortable space to the south, which could be improved by undercutting at ground floor like the northern apex. No management strategy in place is a concern. Sceptical about green wall as will require weekly maintenance. Support the design of the buildings but need more work on landscaping and a management strategy. *Regulation 19 response:* We don't wish to review the additional information, which does not appear to fall under any of the categories recommended by the Department for Communities and Local Government for consulting CABE. *Following Reconsultation-* no further comments to make

58 Design for London:

No response received however Design for London were heavily involved at both pre-application and early in the application process in relation to the design of the public realm and TfL concerns.

- 59 London Fire and Emergency Planning Authority:
Development should comply with requirements of Approved Document B. A full building consultation will take place with when application is received.
- 60 Environment Agency:
Key issues for the EA at this site area flood risk including the management of surface water. A Sequential Test has been agreed for this development. No objection subject to conditions.
Following Reconsultation- Following the submission of all additional information the Environment Agency has no further comments to make.
- 61 Thames Water: Condition regarding waste water infrastructure requested. Surface water drainage is the responsibility of the developer. Condition regarding water supply infrastructure requested. Informatives sought. *Regulation 19 response:* response unamended.
- 62 London Underground:
In principle no objection. A number of potential constraints exist due to proximity of tunnels and infrastructure, and it will need to be demonstrated that there will be no detrimental effect. When available, developer is to send details to engineers to assess impact. *Regulation 19 response:* Comments unchanged. Seek conditions requiring developer to contact London Underground prior to commencement of works.
- 63 BBC:
No response received.
- 64 BAA:
The development has been examined from an aerodrome safety perspective and does not conflict with safeguarding criteria. No objection.
- 65 London City Airport:
No response received.
- 66 Metropolitan Police:
No mention of Secured by Design but will have to make the application if social rented. Note: Phase II landscaping may need further consultation with Anti-terror Police unit. *Regulation 19 responses:* No issues.
- 67 London Borough of Lambeth:
Initial consultation response: No objection to the potential effects of the application.
Following reconsultation: Objection, given the height and location, the development would likely harm the setting of the Walcot Conservation Area and would harm views into it.
- 68 City of Westminster:
Response in relation to 44 storeys: Objection. The extent of the building mass appearing above the tree canopy from Serpentine Bridge in Hyde Park would be intrusive and compromise unacceptably the view. Need comparative images when trees are not in leaf and at night, to understand full visual impact of the development. Response following height reduction: welcome reduction in height but submitted images fail to show the view will not be compromised and further images are required.
- 69 City of London:
Proposal will not have a detrimental impact on City of London.

70 Natural England:

No specific comment to make in relation to this application because we do not feel that the proposals are likely to significantly affect the natural environment. Although we do not have specific comments to make, we recommend that should you be minded to grant permission that you secure, as appropriate, measures to enhance the natural environment in accordance with the planning guidance in relation to Biodiversity (PPS9), Planning for Open Space, Sport and Recreation (PPG17) and Climate Change Adaptation. *Regulation 19 response:* The application does not impact on any priority interest areas for Natural England, therefore do not object, in line with previous response.

71 English Heritage (EH):

Pre-application response to a 46 storey tower in January 2008: Site is not within a designated Conservation Area, and there are no listed buildings on the site or immediately adjacent to it. Visual impact will be felt over quite a wide area. Recognise the redevelopment is part of a wider masterplan-led regeneration of the E & C. The scheme would have a modest impact on the strategic view from the Serpentine Bridge in Hyde Park, and EH considers the impact would be slight. Of greater concern is the impact on the setting of the fly towers of the Grade II listed Royal National Theatre when viewed from Waterloo Bridge, which would compromise this setting and cause modest harm to this view. Similar concern is the impact on the view from Walcot Square, where the impact of the tower would be a modestly harmful intrusion upon the view. Of greatest concern is the impact on the view looking south across St George's Circus, where the proposal rises dominantly over the roofline of the group causing significant harm to the setting. Application should be refused unless the harm is outweighed by other planning considerations. If planning permission is granted, we urge that the s106 agreement secures significant funding towards bringing the listed London Road/ Borough Road terrace buildings back into beneficial use.

72 *Response in relation to 44 storey building in March 09:* The submitted application is generally the same. It remains EH view that the proposal would cause harm to the historic environment of this part of London. Advice remains that the application should be refused unless the harm is outweighed by other planning considerations. If planning permission is granted, we urge that the s106 agreement secures significant funding towards bringing the listed London Road/Borough Road terrace buildings back into beneficial use.

73 *Response in relation to 41 storey building in August 09:* Latest proposal represents a modest reduction in height. It remains EH view that the proposal will still harm to the historic environment of this part of London. Advice remains that , despite the harm, should permission be granted, the s106 agreement should secure significant funding towards bringing the listed London Road/Borough Road terrace buildings back into beneficial use.

74 *Response in relation to regulation 19 consultation July 2011:* Remains as previously submitted i.e. consider proposal will harm historic environment but that if planning permission is granted a s106 contribution towards bringing the listed London Road/Borough Road terrace buildings back into beneficial use should be secured.

75 Royal Parks:

Note and welcome reduction in height by 3 storeys. Still have reservations with regards to negative impact on the sky space around the Royal Parks of Hyde and St James's during autumn and winter when tree canopies will not be in place, leader to a clearer, more intrusive view of Eileen House. *Regulation 19 response:* Still have reservations with regards to the negative impact on the skyspace around the Royal Parks of Hyde and St James's during Autumn and Winter.

- 76 Southwark Cyclists:
Add a condition to ensure secure, covered bike parking spaces are provided for 130% of residents and 30% of employees, with 100 visitor spaces provided within 20m of the site. S106 to provide £500,000 for local walking/ cycling.

Neighbour Consultation Replies

- 77 Letters of objection:
56 letters of objection were received, set out below:
- 78 17 Hayles Buildings, Elliotts Row- object to height (44 storeys), already too many oppressive tall towers being built/ proposed at E & C. Regret that no social rented and only 25% intermediate housing is proposed. If health use is included, hope it will include a pharmacy.
- 79 Flat 126 Metro Central Heights- no objections to redevelopment of site in general, but deeply concerned that height is in excess of what should be allowed. My flat faces north-west and tower will form an enormous visual blight on views currently enjoyed. The size is out of context for northern area of E & C. When purchasing my flat was assured the site would not be developed with such a tall building obstructing views given previous refusal. Was also reassured that development of a tall building was not in scope for this end of regeneration area, and was confined to southern roundabout. Visual impact has not been assessed from a resident's perspective, with emphasis on historical views and no consideration of impact on residents. This will have a serious impact on the price of my property and views across London. Second response: continue to object as the amended application still contains a tower of 128.7m. Further response in July 2011. Objects to height of the structure and the impact this will have on views from the property and on its value. Refers to incorrect height indicated in one of the applicant's documents and repeats a request for a visit to his property by either the Council, Planning team or developer to assess this impact. Response received in relation to August reg 19 consultation repeating previous concerns. Requests his objection in full to be appended.
- 80 SE1 1PA: We have a lot of office blocks and flats and in this present climate people can't afford places to buy. It will also block all the light to my flat.
- 81 27 Tadworth House, Webber Street- do not support another tower block of exceedingly horrendous height (44 storeys). All the historical skyline is disappearing from view in favour of New York look of high buildings. We can no longer see Big Ben and recently the Imperial War Museum disappeared. When will this persistence of having high buildings cease? We are being hemmed in all around.
- 82 21 Devonshire House, Bath Terrace- very concerned that Newington Gardens, one of the few green spaces around E & C will be completely overshadowed by the 44 storey development so close by, which will greatly affect the character of the park, and will not be in keeping with the low-rise nature of the area. Also concerned about extra pressure of cars and people on the park and surrounds. The building is far too big to be properly integrated. July 2011 confirms objection - not against tall buildings per se but thinks this is too tall and has little architectural merit. it will be highly visible and dominate the area
- 83 No address- Strongly object, opposed to any skyscraper being built anywhere. We could end up like New York where you are lucky to see the sky.
- 84 42 Trinity Church Square- 44 storeys equals too high!
- 85 No address- I can envisage another mini Manhattan like you have in the City and

Croydon- no thank you.

- 86 41 Collinson Court, Great Suffolk Street- object as it will block my sunlight/views from balcony, limited spaces for cars as it is- cannot see additional car spaces, 44 storeys extremely high, enough residential unsold properties in the area as it is, more specifics on retail use- i.e. pub etc.
- 87 140 Southwark Bridge Road- encourages traffic congestion and further noise. E & C already an eyesore and this 44 storey proposal will worsen this. Will increase number of Council residents and downgrade what is already a poor area.
- 88 Flat B, 12 Gaywood Street- Object. Structure would be 44 storeys high, out of keeping with neighbouring properties, would be significant obstacle on landscape and horizon. Already feel overshadowed by the tower block being erected at the southern roundabout of which only half is built. A similar structure on eastern side of our corner would have the effect of making us feel completely overshadowed and dwarfed. Density of 350 flats would bring dramatic increase in population. Infrastructure could not cope, no plans to improve other supporting facilities. E & C is already severely over-crowded. A further influx is poor planning, without improving services and amenities for the area. Transport hub is overstretched, no progress on creating an integrated plan that helps ease congestion/ improve passage for pedestrians/cyclists, and ease overcrowding. Call into question the reliability of Oakmayne- they are supposedly responsible for Volvo New Kent Road redevelopment, which seems stalled and on that basis have little faith in them completing this larger project.
- 89 5 Banks House, Rockingham Estate- would be better to leave building at present size and shape, and then get Council to convert into Council flats with parking areas so local people can afford to live in this area, plus have garden area too, retail shops, space to fit them. 44 storeys is too high.
- 90 55 Harper Road- building is significantly higher than other development in area, creating unpleasant conditions below and towering over the existing housing on the Rockingham Estate. In an area where provision for young people/ children is limited, massive building could further fuel the view that they are living in an inner city ghetto rather than a community. The built environment cannot be ignored in terms of impact on local young people. Another example of a development which doesn't benefit them, even, as in the Impact Assessment, will disadvantage them. Very poor provision of safe indoor and outdoor places for children to play. Development would further exacerbate the issue, in area where youth workers are struggling to prevent influence of gang culture, disappointing to see such a major residential development that takes such little care to try and improve facilities for youth, which should be integral to the project. Large number of developments recently- despite large s16 moneys having been paid, no noticeable improvement to youth services or built environment in the area- other areas get the benefit of the s106 moneys.
- 91 Flat 28 Lingfield House, Lancaster Street- Council is unable to clarify the exact location of the proposed building- am not in agreement with the proposal as it will have major effect on natural daylight due to fact I live on ground floor. Have ongoing problems with lack of TV reception due to Council removing aerial from roof.
- 92 11 Gladstone Street- Object. Surely we have learned that high rise blocks of flats are a social and environmental disaster- nothing other than a vertical slum in the sky, that appeals to the architects' and planners' vanity but will be blight and a curse for local residents
- 93 7 Collinson Walk- this part of London benefits from a busy but no over-crowded quality of life. 44 storeys is not in keeping with local atmosphere or architecture. Bound to be

- increased traffic feeding over 300 new residences and offices. Scovell Estate has sunlight almost all day- a key feature in choosing to live here. Outside space will be overshadowed by enormous incongruous building. Lengthy time to build with increased noise and traffic, including once it is built. Strongly object.
- 94 SE11 4TD- tower blocks bring nothing but problems. Increased population, traffic, crime. Need more green areas and less ugly concrete blocks.
- 95 SE1 6PP- 44 floors would block sunlight to most of surrounding area, increase danger to traffic/pedestrians, cause major transit log jams.
- 96 8 Scovell Crescent- object due to effect it will have on existing community, it will completely overwhelm the Borough as a community, add to recent and planned development in the area, that have little consideration for people already living here. Was a quiet residential borough, but this and other developments will leave area overburdened with colleges/ late night pubs/clubs/ supermarket etc. Number of people living/passing through area increased to point that transport and amenities are difficult to use. Older people finding it harder to get around, and have been overlooked. Offshoots from Eileen House will add to sense that we are being marginalised especially the elderly. No normal peace and quiet left, add to this the Shard and London Bridge Station expansion and whole area will feel like a terminus. Whilst area has become fashionable, many people passing through, Borough not their home so impossible for community structure to grow. Too much concentrated in this area. Disturbance from building work is far outweighed by concerns for our environment. Other concerns- Eileen House will affect light and privacy, and tall building a target for terrorists, and negative effects on historic borough.
- 97 210 Metro Central Heights- too high at 44 storeys. It will block light and views of St. Pauls and Tate Modern. Too many developments of flats in surrounding area, believe there is a risk of having too many flats available as existing developments have unsold units. Would support smaller scale development.
- 98 33 Trinity Church Square- height is main reason for objection, 44 storeys is huge and imposing and out of context. Transient nature of the dwellings- if for student use, should be managed as student block, otherwise would prefer to see greater proportion of 2 and 3 bed flats for families planning to live for longer than 1 or 2 years in the area.
- 99 119A Brook Drive SE11- tower will be too high and intrusive, something on a smaller scale, already have large tower at E & C under construction. Second response: totally against any further towers in E & C area. Strata visually intrusive from many viewpoints and proposal will be the same. Cladding of new tower looks cheap, just like other tower blocks in Wandsworth and Battersea. Concentrate on quality instead. July 2011 - remains opposed to the tower. It will be out of character with the surrounding area, create noise and traffic and be intrusive from every angle and perspective.
- 100 7A Princess Street- too tall, one of many applications of this proportion and not part of unitary plan. The long discussed development of the E & C is not taking place; instead large style projects are planned. Will cause traffic congestion, overstretch public transport, and place undue strain on local services. Will create a long shadow across neighbourhood, block light and encroach on skyline. Will not be in keeping with surrounding buildings except the skyscraper already being built. Will change the nature and quality of the neighbourhood. The planned retail and office units are not part of an existing redevelopment of the social, shopping, economic development of the area- will lead to increase demand on roads/public transport/local services. Likely to create a fractured rather than planned redevelopment of existing E & C shopping centre.

- 101 37 Oswin Street- having lived in area since 1991, realise it is waste of time opposing a development which is integral to what is proposed for the E & C area. I believe these so called landmark buildings are examples of architectural bling that in 2 to 3 generations will contribute to city blight in much the same way as what is being replaced- you are creating another pink elephant.
- 1-2 50 Elliott's Row- partly agree to redevelopment of site but scale of 44 floors is obscene in relation to other buildings. Would look unsightly and dwarf other buildings and block sunlight. Question what community amenities are available and what housing will be affordable. What is the education and health use proposed? Height is outrageous and inappropriate- E & C is not the new Canary Wharf but should retain character.
- 103 Top Flat, 156 Southwark Bridge Road- 44 storeys out of place on this north side of E & C roundabout where there are no buildings taller than 8-10 storeys. This give neighbourhood nice feel which would be lost. Will take sunlight and privacy away. Do not object to proposal other than height, and see a risk that various towers in the area will not be filled for a long time which could have a negative impact on area.
- 104 18 Market Place, Blue Anchor Lane- object as none of the proposed residential units are social rented, contrary to requirement that 50% of affordable housing in E & C are social rented. Policy 4.4 required 35% of total to be affordable, or 129 units, and 64 social rented. Application only proposes 85 affordable units, none social rented.
- 105 45 Martin House, Falmouth Road- strongly do not support application, 44 storeys too high, ruins atmosphere of our community. People living in these types of flats often isolated and lonely. Why is Council recreating the mistakes of the 1960s again? Second response: too many storeys, far too tall, an eyesore. Strongly oppose it.
- 106 74 Rockingham St- area already is becoming quite congested and has a fair few developments already underway. Impact on traffic and facilities will be a factor.
- 107 9 Stephenson Street- object as infrastructure in the area will not support such a high density building, not enough parking spaces, size of development will block light, will overload limited services that currently exist.
- 108 SE17 3AF- this is yet another proposal that will obstruct light of residents at 9-11 Steedman St. Too high given little consideration to current residents.
- 109 No address: too many housing developments in this area. It will bring too many people who will be fighting to utilise all the facilities i.e. tube/train/buses, making an already congested area over crowded. While hoping for increased revenue Council should also look at pressure of increased demand for all facilities.
- 110 102 Metro Central Heights- support regeneration in area but 41 storey block is monstrously out of proportion with surrounding buildings. Metro Central is highest block along Newington Causeway at 16 storeys; this is 2.5 times as large. It will seriously affect the outlook from my property. Urge reconsideration.
- 111 27 Merrick Square- building is too high and will dominate area.
- 112 47 Collinson Walk, Scovell Estate- I have a south facing window and doorway to my main room- do not object to general plan and welcome progressing the area. Strongly object to the height of the tower, which will affect my sunlight and my living conditions and property value.
- 113 No address- Feel we have far too many flats in the area. Most people prefer to live in

a house with a garden. Haven't got enough parking for people who live in this area as it is. People need bigger flats not smaller, don't want another 255 flats in the area. Area has a lot of disused office space with the recession don't need any more. 34 disabled spaces- where are the people who are not disabled or ride a motorcycle or bike on our C2 permits?

- 114 38 Metro Central Heights- I live 4th floor, north facing flat- a 41 storey building being built so close to where I live will block out far too much light, not to mention the noise and dust over several years. I have the right to not have my light blocked by the building of a new tower block that is right outside my window.
- 115 37 West Square- Hard to believe the blight of 41 storey skyscraper in this part of London can be justified in planning terms. Canary Wharf yes, City possibly, in a primarily residential area with density constraints of the Elephant's traffic hub and periphery of the Congestion Zone, surely not. July 2011 confirm this objection still stands. Reaffirmed objection following latest reg 19 consultation.
- 116 43 Comber House, Comber Grove- No social rented units, contrary to Southwark and London Plan policy, Core Strategy calls for no parking and cycle parking provision. Plan includes parking and limited cycle parking. Argument that developer doesn't have finance is inadequate. No mention of s106.
- 117 No address- no social rented units contrary to policy, site is a major source of noise, contrary to PPG24 and London Plan. Essential that correct noise mitigation measures are imposed. Repeated objection in July 2011 regarding the lack of social rented accommodation within the scheme.
- 118 156 Southwark Bridge Road- concern is not the building itself but the timing. 41 storey tower a huge change for the area, in which there are no buildings of even a smaller height, not much smaller than One Canada Square. Not possible to predict impact on immediate neighbourhood, why not wait until it can learn from other nearby cases what the impact will be, particularly in a weak environment for housing and economy.
- 119 Balfour Street Housing Project- object. Lack of social housing contrary to policy, Environmental Statement suggests provision of a 'broad mix of private and affordable' unsure what 'broad' means but London Plan and Southwark Plan targets for affordable are not met by the scheme and should be refused accordingly.
- 120 28 Thornton House- application should not be considered till a masterplan is in place for E & C Opportunity Area, with full involvement from stakeholders. Scheme has severe detrimental impact on amenity of neighbours- air quality and noise exceed regulations; developer friendly Environmental Statement has no credibility, debatable if in compliance with statutory regulations on EIA and SEA. No social rented housing contrary to policy, a copy of viability test should be available for independent assessment; s106 fails to meet local need such as community premises, affordable business units, rather than some s106 funds for air quality monitoring; fails to meet energy targets, should connect to MUSCO; peculiar to bring forward another Oakmayne scheme when ex-Volvo site is stalled.
- 121 28 Sutherland Square - vital that developments such as Eileen House contribute towards improving the pedestrian and cycling movement in the area. contributions need to improve accessibility by bike and foot from the surrounding area.
- 122 130 Draper House -concern about impact on local amenities including parking, tube, shopping facilities and local GPs. Improvements to Newington Causeway also required and S106 should cover all these matters.

- 123 14 London Road- object to height of new development as inconsistent with urban design and quality of the area, negative impact on London Southbank University by dwarfing its buildings and outdoor spaces and impacting negatively on its micro-climate. Concerned about potential ground- level winds across the new university square;
- 124 64 Smeaton Court - objects - need more trees not blocks of flats
- 125 3 Stephenson House - a building of this height is not welcome in the area.
- 126 10 Rockingham Estate - objects because of the loss of Elephant Park and considers city to be already over-crowded not needing more developments
- 127 40 Albert Barnes House - objects because there are too many residential buildings in our area with a shortage of open spaces. Response in relation to August 11 reg 19 consultation - opposed to further residential development. More parks needed instead.
- 128 89 Albert Barnes House - too many developments in the area, already over-populated with less open spaces. Needs to be a decent park. Objection repeated in response to further consultation august 2011.
- 129 12 Smeaton Court - Totally against the plans due to the influx of so many people moving to this area.
- 130 28 Wollaston Close - concerned that there may be inadequate amenities for local population or social infrastructure.
- 131 5 Albert Barnes House - objects as the area is too congested and public transport is already over-crowded. Objection repeated in response to August 2011 consultation. Area is over-populated
- 132 75 Rockingham estate. objects due to loss of elephant park and lack of open space. Objection repeated in response to August 2011 consultation
- 133 No address - Objects on grounds that no more high rise blocks required - what is needed is more flats for local people to rent not buy. Parking is a problem.
- 134 57 Leybourne Rd E11 consider luxury flats and Ministry of Sound will not co-exist happily; If permission is given there should be sound proofing requirements.
- 135 45 Smeaton Court opposed to development due to strain on public services which are at breaking point.
- 126 20 Albert Barnes House - objects as the plans are not practical - there are too many buildings and not enough parks.
- 127 8 Wellesley Court, 15 Rockingham St objects to planning permission due to the massive population already at Elephant and Castle. The area is congested and we do not need more properties being built.
- 138 50 Smeaton Court objects as public services are already over-stretched.
- 139 37 Albert Barnes House objects as there are too many blocks of flats already in the area. The area should be more green.
- 140 Flat 3 Stephenson House, Bath Terrace objects to the height of building which would be out of context and seeks assurance that the development would be carbon neutral.

- 141 3 Smeaton Court - objects as our public services are overloaded and we do not need another block of flats.
- 142 No address - objects because we need a park at elephant and castle.
- 143 Ministry of Sound (MOS)
a) Summary of initial objection letters and email correspondence:
- MOS HQ is at 103 Gaunt Street. Over 125 people are employed in the building, with the night club central to the business and the brand. If the club is unable to operate in its current location, the brand will lose its focal point and identity. The club has been operating for 18 years from this site, and since 2005 has operated 24 hours a day 7 days a week, but mainly weekends and Tuesday nights, with plans for regular Thursday nights in the future or let out as a private hire venue when not in club use. An independent assessment of the ES Noise chapter was undertaken to consider the specific threat of introducing a sensitive noise receptor in the form of a residential development directly opposite the club, a major noise source. The review found that the survey information was insufficient to conclude that the future occupants of the building would be adequately protected from noise generated by the club and that current levels of mitigation would not be sufficient to avoid future complaints. The content of the noise, i.e. the very heavy base element associated with a nightclub, was not addressed. It is also questioned whether it is appropriate to have open balconies in a Noise Category C environment, and should be required to have 'winter gardens' which would add an additional level of noise protection. There is an informal taxi waiting area on club nights and at present drivers enter Gaunt Street from the north looping around from the southern section of Southwark Bridge Road which is to be partially closed by the application. The MOS do not object the proposals to rearrange Southwark Bridge Road and Gaunt Street, but the arrangements do not take account of off peak traffic movements associated with the club, and an off peak taxi waiting area should be able to operate. The addition of a public open space could provide the opportunity for congregation at unsociable hours, leading to complaints, and needs to be carefully managed though implementation of secure by design principles such as CCTV and site management. MOS have agreed with the applicant what further work would need to be undertaken to make the report sound and take a view on whether or not the proposed attenuation measures go far enough as there are still concerns over the potential for music break-out from other areas of the club, and the impact this may have on upper floors of the proposed residential tower having a view over the roof of the club.
- 144 Further MoS comments following re-consultation: We have met with the developer and agreed a further noise survey would be undertaken. MOS is satisfied the revised survey is robust and welcomed the upgraded glazing specification recommended. Should the application be granted, request a condition to ensure the glazing is implemented and that measurements are undertaken post-construction to verify performance. Design solutions other than reliance on closed windows and mechanical ventilation should be explored. The residents "choice" of whether to occupy these units does not, however, stop these residents complaining about noise from Ministry of Sound in a few years time. Irrespective of the objections raised, the planning process and any resulting façade noise control does not exempt Ministry of Sound from future action for noise nuisance and this could be an unacceptable risk. There are currently no residential premises in close proximity to the Ministry of Sound and the operation of the club is not restricted in a planning or licensing sense. The club could increase the intensity of operations at any time without the need for further permissions or licenses. The latest assessment still fails to take account of such an eventuality. It is very important that the Ministry of Sound have flexibility for operations and this is how their business has developed over the years. This would be seriously jeopardised through the development of residential property next door.

- 145 The above submissions were received prior to December 2009 when the application was first due to be reported to the planning committee. A letter dated 3 December 2009 from Richard Max & Co (Solicitors acting for Ministry of Sound) was received in advance of that meeting raising the following issues:
- 146 Members should be made aware of the importance of the Ministry of Sound before determining the application. The impact of granting planning permission on Ministry of Sound is a highly important material consideration which members must take into account. Proposals for noise mitigation works to be carried out at Ministry of Sound were not agreed and should be dealt with in the S106 agreement. The impact of external noise and activity should be addressed in full and a condition requiring acoustic glazing and fully sealed windows should be imposed. The proposed conditions and S106 agreement are not sufficiently comprehensive or precise.
- 147 In the event the report was withdrawn in order to deal with the matters raised in this submission. Further submissions were received in September and November 2010 and there were ongoing discussions between all parties.
- 148 Further submissions (in relation to both this application and the application at 89-93 Newington Causeway) have been received:
- Letter dated 9 November 2010, email February 2011 from Planning Perspectives.
 - Letter dated 10 September 2010 from Planning Perspectives

The key issues raised in this letter are as summarised below:-

Noise - The noise surveys are inadequate. The proposed mitigation scheme is flawed. Anxiousness about vulnerability to potential nuisance claims.

Cost of the mitigation enhancement scheme cost - no agreement between Oakmayne and Ministry on the cost of the mitigation works.

Impact on Ministry of Sound Business - lack of socio-economic chapter in Eileen House environmental statement. Failure to assess impact of granting planning permission on MoS business.

Planning Policy – Both schemes breach major areas of established and adopted planning policy. Protection of amenity interests of existing occupiers. Importance of understanding impact on MoS. Regard to be had to possible outcome for MoS business.

Housing Need – No demonstrable planning imperative for housing development. SPD does not acknowledge the proximity of MoS premises to Eileen House. The Council's own figures show that the housing targets can be met without the Eileen House or this site. Grounds for Council to reconsider regeneration strategy for the Enterprise Quarter Area needs good quality office accommodation and not further housing.

Planning Balance and Human Rights – Council must assess whether the public benefits of the two applications are such that they justify interference with the MoS business. (See below for officer response.)

- 149 Letter dated 3 June 2011 from Planning Perspectives
The key issues are summarised below:-

- Regeneration- report fails to acknowledge positive regenerative role of MoS.

Regeneration can be delivered in another way without recourse to high density residential led developments. MoS does not accept the housing need on the site. Planning balance must be struck between the perceived merits of the scheme in regeneration terms and the probable impact a grant of planning permission would have on a major business.

- Noise – concern at reliance on January and April 2011 fundamentally flawed reports. Conclusion not to have sealed windows is based on imprecise findings of recent noise surveys and belief that noise limiters introduced by MoS. Council should undertake further more comprehensive assessments to reach an informed view. Little weight should be attributed to results of January survey because of insufficient duration, wind speed too great, noise from external speakers masking noise from main building, no noise measurements carried out within the club and no account taken of external activity. April survey does not go far enough in addressing deficiencies in Jan survey. Reliance on incorrect assumptions re noise limiters.

150 In response to 2 no. Regulation 19 consultations (June & August 2011) in letters dated 1st July and 8th September 2011 MoS maintains its objection and make similar comments on the proposal. In particular it contends that there are deficiencies in noise surveys carried out in January and April this year and that their results are invalid partly due to the fact that they did not span the full opening hours of the club. Reliance on these surveys is wrong given the findings of their own survey undertaken in June.

However MoS accepts the validity of the July 2011 survey (carried out by Council officer & noise consultant in the presence of MoS' own noise consultants) which it says comes to different conclusions and provides conclusive evidence of noise break-out from the roof of the club;

MoS consider the advice provided by the Council's noise consultant has been inconsistent in that he advised in May 2010 that " future residents would find internal noise levels from the Ministry of Sound unacceptable even with sealed glazing" whereas he now advises that an acceptable internal sound level can be achieved with dual glazing and closed windows.

MoS also considers that the Council's internal noise criterion relating to average Leq noise levels does not go far enough to protect future residents from regular low frequency peaks of noise.

It further suggests that the glazing specification required to mitigate the noise will be impractical although it accepts that closed high-specification glazing may achieve the Council's required internal levels.

MoS submit that any resident buying a flat within the scheme in full knowledge of MoS is not a defence to any future noise nuisance claim. This point is dealt with in an email dated 5 August 2011 from Planning Perspectives to Councillors and Planning Officer

151 Planning Perspectives email attached a legal opinion from David Elvin QC in relation to the law of nuisance and the impact of a potential noise nuisance complaint on the Ministry of Sound

The legal opinion can be summarised as follows:

- It is likely that amplified music from MoS played constantly during the nightclub's normal operating hours would constitute an actionable nuisance.
- Noise from outside the MoS which is a consequence of the operation of the MoS may also constitute an actionable nuisance against MoS. This would

include people congregating/queuing to get into MoS and people leaving.

- A successful claim in nuisance would result in a court order that the noise nuisance be abated. This would happen irrespective of the Council's view about MoS's licence or the desirability of MoS and its noisy activities. The law is clear and it is not a defence to a nuisance claim to show that the claimant "came to the nuisance".
- The Council cannot control whether proceedings are taken to abate the nuisance. This is because the residents of the proposed developments could themselves bring claims in nuisance and seek injunctions. Also, if a statutory nuisance exists the Council has a duty to issue an abatement notice – it does not have discretion to do so (e.g. if it might harm economic activity in the Borough) and it would be unlawful for the Council not to act if a statutory nuisance were found to exist.
- The risk of nuisance claims being brought to abate what is currently a lawful activity is a material planning consideration to which weight ought to be given when determining the planning application.

152 *Officer's comment: The section headed "Noise" below covers the points raised in the legal opinion.*

153 MoS consider a further review of the socio-economic assessment in the ES is required in the light of the latest noise survey findings.

154 Officer Response

The September 2010 and June, July and September 2011 letters raise similar issues and to the extent that the points have not been covered elsewhere in the report the officer response is set out below.

155 Breaches of Planning Policy

MoS raised a number of policy matters in its representation dated 9 September 2010. The officer view is as follows:

Southwark Plan (UDP, July 2007) policies SP10 Development Impacts, SP11 Amenity and Environmental quality, 4.1 Density of residential development, and 6.1 Elephant and Castle Opportunity Area have been overtaken by the adoption of the Core Strategy and are not saved under the Core Strategy (2011). Members are advised that the relevant saved policies of the Southwark plan are listed in the body of the main report at paragraph 31 and the relevant strategic policies are listed at paragraph 32. Policy 4.1 is replaced by strategic policy SP5 – Providing new homes

The MoS representation suggests that Southwark Plan (UDP) policy 2.1 Enhancement of community facilities is relevant. Officers disagree. Policy 2.1 is not relevant and members are to have no regard to this policy as there is no community facility (Uses Class D) either lawful or unlawful established on the site of the proposed development. For clarity, the established uses are set out in the body of the main report in paragraph 3.

The relevant London Plan 2011 policies are set out in the main report at paragraph 14. Officers do not agree with the MoS representation that London plan 2008 policies 3.A.18 Protection and enhancement of social infrastructure and community facilities and 3D. 4 Development and promotion of arts and culture are relevant material considerations. Officers do accept that and members are to have regard to 5G.3 C Central Activities: Offices as a relevant consideration given that the application site does lie within the Central Activity Zone (CAZ). The scheme proposes a mix of uses

that includes replacement floorspace of protected office (B1) and cafe (A3) uses that results in a slight shortfall of 1.5sqm that is considered acceptable as previously set. The remainder of the 490sqm of existing floorspace has an established use as a bank (A2) which is not similarly protected by policy.

156 Regeneration and Housing Need

MoS argues that regeneration could be delivered in another way without high density housing. If high density housing is acceptable in planning terms, which officers consider to be the case, there is no requirement to look at alternatives.

If the proposed development were identified as likely to have an adverse impact upon MoS then the balancing exercise identified by MoS in its letter of 2 June 2011 would have to be undertaken. However, the advice is that MoS is likely to be able to operate without unacceptable impacts arising on future occupiers of the proposed development.

With regard to housing need, the MoS sets out on page 11 and 12 of its September 2010 representation that Southwark housing targets can be comfortably met without the Eileen House and Newington Causeway sites. Officers disagree with this for the following reasons:

The Core Strategy makes it clear that the housing targets contained within it are to be exceeded where possible. Further, there are two targets to which regard must be had: the Elephant and Castle target and the overall target for the Borough. The Elephant and Castle target in the core strategy and the draft replacement London Plan is 4000 net new homes to 2026. The Southwark housing target in the core strategy is 24,450 net over the 15 years (1630 net a year).

However, the draft replacement London Plan increases this overall target to an annual target of 2005 net a year (30,075 over 15 years). In the last 14 years for which figures are available, this is a level of growth that the Borough has only achieved in one year (2006/7) at the height of the construction boom. Officers consider that the Borough will struggle to achieve the housing targets anticipated by the draft replacement London Plan.

MoS has focussed upon the sites identified in the DCA but has failed to recognise that not all of the sites identified will come forward for housing. As a result of the above, officers consider that the proposed development would make a valuable contribution towards meeting housing targets. Weight should be given to this factor in favour of the grant of planning permission.

157 Noise

MoS disputes the validity of the surveys and rely upon earlier surveys.

The advice is that the recent surveys are reliable and corroborate one another. Earlier survey results, which indicated that mitigation may be required, have not been replicated however by the later surveys. The July 2011 survey which covered the full opening hours of the club revealed that noise levels do increase in the early hours of the morning but not to an extent that altered the conclusions in relation to internal noise levels of future residences with windows closed. The note below summarising the numerous noise surveys provides the explanation.

158 Human Rights Act

See amendments to human rights section to the report above. If the proposed development were identified as likely to have an adverse impact upon MoS then the balancing exercise identified by MoS in its letter of 10 September 2010 would have to be undertaken. However, the advice is that MoS is likely to be able to operate without

unacceptable impacts arising on future occupiers of the proposed development.

- 159 Online petition: MoS wishes to direct members' attention to the online petition running on Ministry of Sound's website, which at the time of writing has a total of 25,000 entries. The petition was submitted in person to the Council by representatives of MoS and their supporters.

Summary of noise surveys carried out

- 160 Note by Rupert Thornely-Taylor 8 September 2011

This note summarises the noise surveys and reports, together with the conclusions drawn from them and the advice given, that have been completed since the Eileen House and Newington Causeway Planning Applications were lodged.

- 161 *Surveys on behalf of the Eileen House Applicants*

The applicants for the Eileen House development first carried out a noise survey in November 2007 in line with the requirements of PPG24. This did not address noise from the Ministry of Sound (MoS). Southwark subsequently requested a night time noise survey which was carried out between Wednesday 27th May and Monday 1 June 2009.

My original advice to Southwark, given on 20 April 2010, was based on the results of this survey and associated data contained in the report of Sandy Brown Associates (SBA), acoustical consultants to the developers, dated 29 June 2009 and the associated raw data, together with a letter from SBA dated 11 January 2010. This report, under the heading "3.6 External noise levels during event" and the sub-heading "3.6.2 Maximum LAF_{max} noise levels" stated maximum night-time LAF_{max} noise levels of 86 dB LAF_{max}, peaking in the 63Hz octave band with an unweighted level of 87 dB. The 11 January letter repeats the reference to Music (max) LAF_{max} 86 dB predicted at 1m from Eileen House.

SBA then carried out measurements on Thursday 14 May 2009 to assess noise break-out from the Main Bar and Loft areas of the MoS Club. This was done during the day using pink noise (synthetically generated noise with equal sound level in all octave bands) and music as the source. The external microphone locations were at a position close to and overlooking the Main Bar roof (microphone on a mast at a height of approximately 3 metres above roof level), at an external position close to and overlooking the Loft roof (microphone on a mast at a height of approximately 3 metres above roof level) and on the roof of Lancaster House. No measurements were made at Eileen House or elsewhere during this survey. The report stated that there was significant breakout of music and pink noise from the Main Bar, primarily at low frequencies.

Data provided to Southwark by SBA in an email to Dipesh Patel dated 24 November 2009 included spectrum information down to the 31.5Hz octave band, in which levels were frequently over 4 dB greater than those in the 63Hz octave band.

(The 31.5Hz octave band contains the 25Hz, 31.5Hz and 40Hz 1/3 octave bands and the 63Hz octave band contains the 50Hz, 63Hz and 80Hz 1/3 third octave bands.)

Based on the measurements carried out by SBA, the sound insulation of the roof on the main bar at the MoS was considered by them to be weak, and that as part of the process of achieving acceptable conclusions for the grant of planning permission negotiations had taken place regarding the installation of an enhanced roof to the main bar. A specification was prepared by Sharps Redmore Partnership (SRP), acoustical consultants to MoS, and the SBA letter of 11 January contained an

assessment of external noise levels from MoS, including a theoretical assessment of the proposed new roof construction.

162 *Surveys on behalf of the Ministry of Sound*

A report dated 14 June 2010 was made available to Southwark in July 2011 containing a Noise Exposure Assessment in the context of the Noise at Work Regulations 2005, carried out by SRP. It found L_{Aeq} levels of 106 dB in the centre of the main bar and made recommendations for controlling the noise exposure of employees, including noise level reduction and hearing protection. Additional results from this survey were provided to Dipesh including five-minute L_{eq} and L_1 levels in octave bands from 31.5Hz upwards. The highest unweighted level was 127 dB in the 63Hz octave band (octave band levels are always higher than 1/3 octave band levels). The 63Hz level after 2.30am was about 5 dB higher than before 2.30am, but did not go on growing and declined slightly after 3.00am.

SRP prepared a further report dated 30 June 2011 entitled "Supplementary Noise Break-Out Testing and Response to Regulation 19 Submission" which gave the results of a repeat of the SBA tests in 2009 using some of the same measurement positions used by SBA, namely within the main bar and at an external position close to and overlooking the Main Bar roof (microphone on a mast at a height of approximately 3 metres above roof level). No measurements were made at Lancaster House (and none were made at Eileen House or Newington Causeway either in the SBA 2009 survey or the SRP 2011 survey). The results confirmed the findings of the SBA 2009 report regarding breakout of music noise through the roof structure of the Main Bar. For no explained reason, this was used to support a statement that "The findings of Southwark Council in January and April 2011 can be dismissed as unrepresentative of the normal, typical, worst-case operating conditions" although no measurements were made in the locations assessed by Southwark (see below).

163 *Noise Surveys by Southwark and Rupert Thornely-Taylor*

My initial advice to Southwark, based on these sets of data, was that consideration should be given to the 31.5Hz octave band, since sound at low frequencies is particularly difficult to attenuate in building design. Advice given in my letter dated 11 May 2010 concluded:

"A review of the proposed development leads to the conclusion that future residents would find internal noise levels from the Ministry of Sound unacceptable even with sealed glazing. The nature of the development precludes the use of a planning condition to require sufficient sound insulation to overcome the unacceptability, because of the necessity for access to balconies and the consequent impracticability of fixed, unopenable glazing. The assessment criteria considered by the applicants' consultants would be considered in the trial of any nuisance action, and would support a conclusion that complaints made were reasonable."

This paragraph has been quoted by MoS as recently as July 2011, although, as explained below, subsequent noise surveys have found that the underlying predictions of external noise levels on which the advice in the letter was based do not occur.

Having seen my advice, SBA considered that there was not an issue in the 31.5Hz Octave Band at least with regard to sound from the MoS. I therefore considered it would be desirable for me to attend a noise survey in order to be able to discover at first hand the relationship between measured sound levels at Eileen House and music from the Ministry of Sound.

That survey took place on 22/23 January 2011 between 12.30am and 2.00am. The noise measurements were made by SBA. SRP were also present. I was present as an

observer and I reported on it in an email dated 24 January. While there were wind speeds on the night which could have caused increased measured noise levels on occasions due to turbulence at the microphone, the outstanding observation on the night was that measured noise levels of music from the Ministry of Sound were much less than 86 dB L_{AFmax} , and much less than 87 dB in the 63Hz octave band. If there had been no wind the measured levels may, if anything, have been lower (although the wind was not continuous and valid measurements were possible).

The MoS subsequently observed that the January survey did not begin early enough to include noise from the setting up of crowd barriers in the street at the start of the evening. A further noise survey was carried out on 16 April 2011 with an earlier start time of 9.30pm, ending just after midnight

The MoS then observed that the January and April surveys did not extend late enough into the night to take account of an increase in amplifier gain settings that are made as the club fills up to compensate for the sound absorption of the bodies of patrons. A further noise survey was carried out on the night of 23/24 July 2011, extending until 6.15am. The July survey included measurements inside the main bar as well as at Eileen House. Including four sets of equipment deployed by Southwark, logging measurements were also made at Eileen House by SBA and at Newington Causeway by the Equus partnership.

The conclusions on the three surveys were:

164 **January**

There was much less noise from music at the MoS than expected according to the SBA report. The music that was evident was predominantly due to the courtyard speakers. When they were switched off, the music that could just be heard was perceived as being emitted through the entrance doors.

The conclusions of the January Survey were

1. Noise from within the MoS was not observable, except at podium level where it appeared to be coming out of the doorways.
2. Noise from customers queuing in the street was minor.
3. Noise from customers within the courtyard, underneath the awnings was significant.
4. Noise from the courtyard speakers was significant.
5. Music noise coming from the MoS entrance doorways was significant.
6. There was no indication that music noise escaping from the interior of the MoS through the fabric of the buildings was significant, or even audible.
7. Because of (6) we could not know the relative contribution of sound in the 31.5 Hz octave band to the spectrum of sound coming from the main building.
8. The spectrum of the courtyard speaker sound was not particularly low frequency.

165 **April**

Without the courtyard speakers, as in January, sound levels due to MoS music were much lower than had been expected based on the SBA 2009 report, up until the survey ceased just after midnight. There was significant noise between 10.30pm and 11.00pm caused by dragging metal crowd barriers into position in the street.

The conclusions of the April Survey regarding music noise from the Ministry of Sound were the same as those of the January Survey.

166 **July**

Whereas MoS sound did not influence the overall ambient levels in terms of the dBA scale usually used for environmental noise assessment, the opportunity was taken to observe sound at Eileen House in a single 1/3 Octave Band, in order to provide some numerical quantification of the MoS sound. At Eileen House, the level in the 50Hz 1/3 Octave Band was found to be most sensitive to the music sound that was just audible in the absence of local traffic. Internal noise measurements showed a rise in low frequency noise as the night progressed, although noise levels reached at around 1.00am (i.e. within the time period of the January survey) were similar in level to the highest levels reached between 3.00am and 4.00am. When the sound levels due to music from the MoS were at their highest, the A-weighted sound level was in the 60s, very substantially lower than the supplied figure of 86 dB LAF_{max} on which my original advice was based.

The conclusion of the July survey were, for Eileen House:

“With open windows, music noise would be audible inside a dwelling, and may cause annoyance.

Noise from the courtyard and other activities in the street would significantly exceed the internal noise spectrum with windows open, but the spectrum would be achievable with dual glazing and closed windows.”

And for Newington Causeway:

“Music would be audible inside the building with windows open, but the required spectrum could be achieved with closed dual glazing. There was no significant noise from the courtyard or the street at Newington Causeway.”

167 **Conclusion**

The core feature of the outcomes from the above sequence of noise surveys and reports is that SBA extrapolated noise levels measured close to the roof of the Main Bar (by both SBA and later confirmed by SRP) to predict noise levels at Eileen House which significantly overestimated music noise levels from the MoS as received at the façade of Eileen House. My original advice was based on those overpredictions, and was changed once it was discovered that music noise levels from the Main Bar as measured at Eileen House are much lower than the SBA predictions.

In relation to the socio-economic impact assessment as part of the ES the applicant has reviewed both the ES and the ES addendum. In the light of the noise assessments carried out the view is maintained that the ES material assesses the likely significant impacts

168 Other Comments:

2 other comments were received, set out below:

169 Flat 3, Stephenson House, Bath Terrace- should be carbon neutral. Was unable to find Environmental Statement on website, so not convinced it is.

SE1 1PA- in this area the residents find it very hard to park our cars so if this development goes ahead they need to include parking for the residential use.

170 Letters of support:

15 letters of support were received, set out below:

171 Flat 22, Hugh Astor Court, Thomas Doyle Street- support the development in my area, it is good.

172 Flat 9 Trinity House, Bath Terrace- Development would bring significant improvements to the area- more housing, more residents in a de-populated area, new shops, and

new public space. Believe the development is close to Ministry of Sound nightclub- would this generate a lot of noise at night for residents?

- 173 72 Metro Central Heights- On balance support the application, which will bring forward regeneration of the area, provided that the developer provides a quantity of affordable housing as part of the development.
- 174 29 Trinity House, Bath Terrace- there is a shortage of housing in the area and this development may help to boost economy and kick start the housing market. Could not view on website so difficult to judge if it will improve the area.
- 175 Flat 10 Gibbings House Lancaster Estate- better than a disused office block. Have to ensure provisions for rubbish, security, are organised professionally to keep area from deteriorating. Looking now you can see rubbish/urine/sick in area due to Ministry of Sound.
- 176 SE1 6ET- agree that permission should be granted- I was very impressed with the plans including the green issues, all the bicycle spaces and the mixed use of the building. It will bring much needed jobs in these hard times in its construction and after in maintenance and services. It will match with great Strata tower and the 360 building at London Park Hotel, and will bring back much needed development to south east London as most development is north and east of Thames. It is ideally situated and not obstructing light or overlooking residents in the area. This grey area needs to be brought to life and the new Eileen House could do that.
- 177 Flat 40, 140 Southwark Bridge Road- On balance support the application
- 178 285 Metro Central Heights- Give full support for proposal, Eileen House is an eyesore, and E & C urgently needs more regeneration and redevelopment. Area will benefit from bold, high density mixed use developments such as this and Strata tower. This is an exciting new project that will benefit the local area.
- 179 52 Stephenson House, Tarn Street- surrounding area is very dated and this plan to redevelop the area is very welcoming, since it needs to be modernised along with the rest of E & C. Shame you are not doing anything to the building I live in.
- 180 58D St Georges Road- it is an ideal site for such a building, not affecting any other residences. I like the mix of flats and business, much needed in such a cosmopolitan and central area. Like the green issues and the cycle and disabled facilities.
- 181 475 Metro Central Heights: Proposal appears well thought out, considers wider public realm (which area is in need of) and is in line with wider developments for the E & C. Very much in
- 182 58A St George's Road- With a bit of luck it will improve the area, I might be able to sell my tiny 1 bed expensive to run flat and buy in the new development. Further letter of support following reg 19 consultation. No issue with noise from bars and discos opposite
- 183 Weller Street: Eileen House is a very grotty and depressing building and the new development is very much welcome.
- 184 London Southbank University: Application is generally supported by LSBU. It is appreciated that Phase I includes public realm works to Keyworth street but not those to the southern end of Southwark Bridge Road, this being Phase II. We request that any works to Southwark Bridge Road be included, any s106 should incorporate these works. Disappointing to see the timing for Phase II works is dependent on TfL, and

we feel Phase II should be delivered as soon as possible in order to enhance this key gateway to the University, and set the benchmark for future public realm improvements within the Enterprise Quarter.

185 Letter of concern

Building manager 237 Southwark Bridge Road

Largely concerned about potential vehicular and pedestrian restrictions during construction, impact on the fire assembly point for that building and the impact of shadowing from the new development.

PLANNING CONSIDERATIONS

Principle of the Proposed Use

General Policy

186 PPS1 and PPS3 all emphasise the benefits of creating mixed communities. PPS1 promotes the efficient use of land through high density, mixed use development on previously developed land. The application site is located within the Central Activities Zone, a Major Town Centre, Central London Sub-region, the Elephant and Castle Opportunity Area and a Transport Development Area and it is located within the boundary of Proposals Site 39P in the Southwark Plan.

187 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 local, sub-regional and London wide needs for new homes, provide an enhanced public transport interchange, employment and retail floor space and other social benefits. The London Plan establishes the need for regional growth in new homes and employment and identifies further development in the Central Activities and associated Opportunity Areas as a means by which this requirement for homes and employment can be accommodated. London Plan policy 2.13 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. The new London Plan (2011) requires that 4200 jobs are identified and 6000 homes are provided within the Opportunity Area between 2001 and 2026, and that opportunities within the Central Activities Zone for local communities/businesses/ London as a whole to be identified as a strategic priority

Enterprise Quarter SPD and Proposed Mixed Use Development

188 Stemming from its designation as an Opportunity Area in both the Southwark Plan and the London Plan, the Enterprise Quarter SPD (September 2008) was formulated to provide details of acceptable types of development, including land-use and other aspects of urban form, within the area to the north-west of the core Elephant and Castle Opportunity Area. It provided further guidance on previous Policy 6.1 of the Southwark Plan, which pertains to the Enterprise Quarter and set out how the area would contribute towards the regeneration of the wider Elephant and Castle Opportunity Area. The vision for the area is to create *'a distinctive university quarter, part of a thriving and sustainable town centre, that supports a range of university related and other businesses, including recreation, entertainment and cultural uses, and also accommodates a variety of residents and local facilities and services. A place that is safe and convenient on foot, with attractive public streets and spaces and memorable buildings to enjoy'*.

189 The SPD identifies the potential for significant levels of new development over the next ten to fifteen years, which will contribute towards meeting London Plan targets for new homes at the Elephant and Castle, whilst having the potential to support

employment and economic function, and deliver a substantial amount of mixed-use floorspace and transform the quality of the environment. It identifies a number of development objectives, which will apply to any application for development within the Enterprise Quarter, which include:

- Supporting the economic and business function of the Enterprise Quarter (existing business and employment generating floorspace should generally be retained or replaced by new employment generating uses or town centre uses);
- Diversifying/ increasing the mix of uses within the area (mixed use residential development will generally be encouraged and is particularly appropriate towards the edges of the area);
- Bringing vacant or underused land and buildings into productive use through refurbishment or redevelopment;
- Extending the concentration of town centre activity proposed for the core area northwards to help revitalise the Enterprise Quarter;
- Introducing a variety of public open spaces, green links, roof gardens, public squares and promote/ support biodiversity;
- Creating a high quality urban place with an attractive and distinctive character and a more coherent townscape through the form and height of new development
- Ensuring street frontages are active and supervise the public realm with active town centre ground floor uses along the main arterial routes of Newington Causeway and London Road. Where tall landmark buildings are proposed, town centre ground floor uses, accessible to the public, should be incorporated to create a focus of activity, with a preference for social, community, cultural or leisure uses;
- Securing developments of high quality architecture and urban design;

190 The SPD also provides site specific guidance for the Eileen House site, which is identified as Site 5 'Newington Causeway- Eileen House', a 'key development site' within the SPD, with Figure 4.15 suggesting the site is suitable for a 'City Scale Landmark Tall Building'. In setting the context for development of the site, the SPD identifies some key considerations specific to the site, including:

- The site is identified as being a point of landmark significance and within the extended Secondary Cluster of tall buildings for the Elephant and Castle.
- The site is located at a point where major routes, Newington Causeway and Southwark Bridge Road, meet, and it will be the focus of views north along Newington Causeway from the extended Walworth Road high street when the redevelopment of the core area is completed.
- The north of the site is locally prominent when viewed south along Southwark Bridge Road, and lies at one of the key gateways into the heart of the area.
- Immediately to the south, Southwark Bridge Road is identified as being part of the proposed network of pedestrian priority/ pedestrianised public spaces, and there are a number of street trees, including one significant mature specimen, that contributes to the character of Southwark Bridge Road.
- Southwark Bridge Road and Gaunt Street currently have a number of bus stands that serve bus services from South London, terminating at Elephant and Castle.

191 The SPD contained errors in a map showing existing land uses in the area. Firstly, the key to the map reversed the colours on the map representing the preferred office locations (grey) and the location of the nightclub (maroon) secondly, the boundary of the nightclub site was incorrectly shown and should have shown it extending into a

neighbouring area adjoining the railway and thirdly, it did not recognise that the nightclub's offices are located in the adjacent office site shown blue on the map.

192 The SPD also identifies key opportunities for the site which are:

- To provide a mixed use development that contributes both towards meeting the increased London Plan target for new housing in the opportunity area and towards reinforcing the town centre/ commercial character of Newington Causeway.
- To create a city-wide scale landmark tall building that contributes to the proposed cluster of towers for the Elephant and Castle.
- To introduce town centre activities at lower levels so as to create a focus of activity.
- To improve the pedestrian environment around the site, in particular to create a pedestrian priority area for the key gateway into the university area, at the southern end of Southwark Bridge Road.
- To work with Transport for London to consider provision of an alternative arrangement or location of bus stands that meets operators' requirements but which has a reduced impact on environmental quality for pedestrians.

193 It is considered that the proposed scheme addresses all these opportunities adequately and responds well to the context described within the SPD.

194 The vision for the Elephant and Castle Opportunity Area in the Core Strategy (2011) sets out that we will use land at the heart of the area to stimulate 440,000 sqm of new development with of up to 45,000 sqm new shopping and leisure floor space and 25,000-30,000 sqm of business floorspace. We will meet our target of 4000 new homes and a minimum of 1,400 affordable housing units by working with the local community, registered providers and private developers to deliver new homes. We will also meet the London plan target of 5,000 new jobs by encouraging more offices, hotels, small businesses and developing the evening economy and cultural activities. The application proposals will play an important role in promoting a wider mix of uses and consolidating the role and function of the Elephant and Castle town centre.

195 The Core Strategy (2011) policies are based on a number of evidence studies including the Strategic Housing Market Assessment 2010, the Housing Requirements Study 2009 and the Affordable Housing Viability Study 2010. The council also has a Development Capacity Assessment (DCA) which estimates potential future housing capacity that may come forward across a number of sites in the borough. The Core Strategy (2011) sets out a 15 year housing target from 2011-2026 which is in general conformity with the London Plan. The DCA has identified potential housing sites for the future and the timescale in which they realistically may come forward. The application site has been identified in the DCA as a key site to contribute towards meeting the housing target in the Elephant and Castle Opportunity Area.

196 The draft NPPF requires local planning authorities to deliver a wide choice of homes and widen opportunities for home ownership. This includes planning for a mix of housing, identifying the size, type and tenure of housing, and setting policies for meeting this need on sites unless off-site provision or a financial contribution can be robustly justified. The application proposal includes a range of housing choice which is also in compliance with the Core Strategy (2011)

Public Realm

197 The public realm improvements proposed within the scheme centre on the area identified within the SPD as Project 4a 'University Gateway- Newington Causeway' and 'University Gateway-Southwark Bridge Road'. The SPD aims for developing the

public realm around the base of the Eileen House site are:

- Enhance the pedestrian environment around the gateway to the university from Newington Causeway, promote pedestrian links towards Bankside, and extend the existing public space design to link across to Eileen House, increasing the physical presence of the building.
- Reinforce the 'Boulevard' character of Southwark Bridge Road, in order to enhance the pedestrian environment and provide opportunities for seating.
- Maintain cycle routes and improve safety of cyclists using them and reduce impact of vehicles on the area. Provision of cycle racks that could be used for general cycle parking or a future cycle hire scheme.
- Reduce barrier effect and enhance east west permeability across the university.

198 The design principles that will assist in achieving these public realm improvements are also defined. In the area around Southwark Bridge Road, between Keyworth Street and Gaunt Street, there will be a need to work with Transport for London to find an innovative urban design and highways solution which meets the needs of all users including pedestrians, cyclists and buses, the aim being to create an attractive and useable environment, using high quality materials and providing cycle parking, street furniture and seating. Further, all parking should be moved, including bus stands and islands that currently define the contra flow cycle lane, and extend footways on both sides to define the narrowed carriageway and reinforce with tree planting. Relocate the seven bus stands from Southwark Bridge Road to Gaunt Street and/or further north on Southwark Bridge Road and improve layover facilities for drivers. The proposed public realm improvement offered by the scheme is considered to meet the aims and design principles set out within the SPD- full details of the public realm improvements are set out within the design section of this report.

Class B Floorspace

- 199 Southwark Plan saved Policy 1.4 and Core Strategy policy 10 requires that on sites within the Central Activities Zone there should be no net loss of Class B floorspace. The policy allows for the replacement of Class B uses with suitable town centre uses. Southwark Plan saved Policy 1.7 states that within town centres, developments will be permitted where they provide a range of uses, including retail, leisure, entertainment, community, civic, cultural and tourism, residential and employment. Therefore the inclusion of Class A and other town centre uses is considered to be acceptable, and in compliance with criterion iii) of saved Policy 1.4. In the context of a new build development, adequate evidence is therefore required to justify any loss of employment floorspace given the desire to maintain a broad range of uses in the opportunity area and Enterprise Quarter in line with saved policy 1.4.
- 200 The site currently has 6124sq.m of gross internal office floorspace (Use Class B1) and 152sq.m Use Class A floorspace, or 6,276sq.m employment floorspace. The applicant has advised that only 2541sq.m or 41% of the total floorspace is currently used as offices, with the remainder of the building having been now vacant for more than 4 years. The application proposes 285sq.m of gross internal floorspace in a Class A1-A5 retail use (287sq.m GEA) and 4488sq.m in a Class B1 use (4785sq.m GEA). The proposed commercial and retail floorspace will total 4773sq.m resulting in an overall loss of 1351sq.m (or 22%) of the existing Class B floorspace, contrary to Policy 1.4 of the Southwark Plan. As originally submitted, the application included an option for the Class B floorspace to be used for a D1 education or healthcare use. However, officers were concerned that if the applicant filled all the proposed commercial space with a Use Class D1 use, the entire loss of B1 floorspace would occur. Therefore, following negotiation, it was agreed that the application would no longer include an option for a D1 use.

- 201 The Southwark Employment Land Study (2009) identifies additional demand for 625,742sq.m of B1 floorspace up to 2026. While the majority of this demand is in the SE1 area, the report recognises that Elephant and Castle can help to meet local demand for smaller and medium sized office premises. It is likely that the reason the existing building is not fully let is due to the space being inappropriate for modern office use. The applicant submitted a Southwark Office Market report, (DTZ, 2009) which also identified a rising demand for office space, which is held back by lack of modern, purpose built accommodation and current market deterioration. There have been no significant modern office developments within the area in the past 10 years. Further, the report states that due to competition from the City and pipeline office schemes within Southwark, there is limited demand for office uses in the Elephant and Castle area.
- 202 The intent of saved Policy 1.4 is to encourage a range of uses in the Central Activities Zone and to protect employment opportunities for local people. In support of the loss of floorspace within the proposed application, the applicant provided a direct comparison of employment provision between the existing and proposed buildings in what they consider to be a more appropriate means of assessing compliance with the intent of the policy.
- 203 The existing building currently accommodates 72 employees within an area of 2,541sq.m, equating to a density of 1 employee per 35sq.m. The employment capacity of the existing building was considered using a number of different scenarios. By applying the Average Employment Density Figures from the Southwark s106 SPD, the applicant demonstrated that the existing building could potentially provide employment for up to 368 people. Based on the age and condition of the existing building together with the requirement to comply with current building standards such as existing lift capacity, the building could accommodate a maximum of 314 people, or based on existing toilet capacity, 235 people. The applicant suggests that the non-residential floorspace within the proposed scheme is likely to provide employment for 357 people based on current building standards such as existing lift capacity. Policy officers have advised that calculating re-provision in terms of numbers of employment spaces cannot be accepted as there is no guarantee how many people will be employed in each area or how the offices will be laid out or occupied.
- 204 Whilst the loss of approximately 1351sq.m of Class B1 floorspace would not generally be considered acceptable, a strong case has been presented by the applicant for the reduced re-provision. Their argument centres around the lack of demand within the area under the current economic climate, the poor quality of the existing building that would preclude its full occupation, and the likelihood that only a very limited amount of commercial B1 floorspace will be built within the Elephant and Castle area until the more significant regeneration of the core area is undertaken. The modernised building is more likely to provide increased employment opportunities to local people, which is broadly in accordance with the intent of Policy 1.4 of the Southwark Plan.
- 205 Despite this, policy officers maintained the view that the scheme should re-provide the Class B1 floorspace in accordance with saved Policy 1.4. The only real justification for the proposed shortfall would be the impact of the provision of additional commercial floorspace on the overall viability of the scheme. A full financial viability assessment was submitted for consideration by Southwark Valuers (full details provided under the affordable housing section of this report), which clearly shows that the scheme is currently unviable. An updated viability assessment has been carried out in August this year and the conclusion remains that the scheme is unviable. The building envelope cannot be increased- the tower having already been reduced by 3 storeys and therefore any increase in office floorspace within the tower would result in a reduction in the housing provision, most likely the affordable housing. The smaller

office building is designed to a maximum height given the localised impacts such as rights to light to surrounding properties, so an additional floor cannot be inserted therein. It is on this basis that in this case the shortfall in replacement floorspace is considered to be acceptable

Principle of the Proposed Use - Summary

- 206 The principle of introducing mixed use development onto the site is fully supported by the Southwark Plan and Core Strategy, London Plan and Enterprise Quarter SPD. The scheme will see the redevelopment of a currently underused site, providing 335 new homes in a high density, quality mixed-use scheme making a significant contribution to the provision of housing, including affordable housing, whilst maximising the opportunity to enhance the public realm on the site through creation of a University Square. This, combined with a retail element at ground floor, will enliven the street frontage, thereby creating a high quality urban place which is consistent with the requirements of Southwark and London Plan policies, and the development objectives of the Enterprise Quarter as set out above.
- 207 London Plan policy 3.3 and Southwark Plan saved policy 3.11 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. There is no in-principle objection to higher density developments within the Central Activities Zone, particularly in areas that have high public transport accessibility levels and where a development exhibits an exemplary standard of design with an excellent standard of living accommodation and the scheme respects local context, character and communities, including contributing to the skyline and the streetscape. Very high density is not in itself an impediment and it is the resulting built form that is of most relevance.
- 208 The site is located within the 'Central Activities Zone' under the Southwark Plan which attracts a density range of 650-1100 habitable rooms per hectare, with development typically of 6-8 storeys high, though there will be sites where tall buildings are considered appropriate and densities may subsequently exceed these levels. The area also has excellent public transport links with a PTAL of 6

Density

- 209 The proposal consists of 40 three bed, 136 two bed, 143 one bed and 16 studios, equating to 874 habitable rooms. The density calculation set out under Appendix 2 of the Southwark Plan requires that a percentage of the non-residential area be included in the calculation, which in this instance is 174 meaning the total number of habitable rooms within the scheme is 1048 which, with a site area of 0.64ha (including the public realm area at the base of the tower), results in a density calculation of 1638 habitable rooms per hectare. The scheme represents a high density proposal which is in excess of the 1100 habitable room guidance figure. Whilst it is inevitable that a proposal for a landmark tall building will have a high density, due consideration must be given to whether there are any identified adverse impacts resulting from the higher density level and whether there is justification for the density though provision of an exemplary standard of design and accommodation across the entire scheme.

Mix

- 210 Southwark Plan saved Policy 4.3 and Core Strategy policy 7 require a mix of housing sizes, particularly flats of two or more bedrooms, to reflect the housing demands of the borough. At least 60% of units should have two or more bedrooms and at least 20% three or more bedrooms with direct access to private outdoor space. Studio flats should not exceed 5% of the total number of dwellings (private tenure only) provided and at least 10% of should be suitable for wheelchair users. The scheme, having been

designed well in advance of the Core Strategy does not fully comply. It met the previous standards but does not comply with Core Strategy requirements providing 16 studios (4.8%), 143 one bed (42.7%), 136 two bed (40.6%) and 40 three bed (11.9%) units. On this basis 2 beds and above are 52.5% instead of 60% and 3 bed units are 11.9% instead of 20%. In terms of wheelchair accessible units, 16 affordable (8 two bed, 8 three bed) and 22 private (20 three bed, 1 two bed) accessible units, or 11.3% are included which is in compliance with the standards. Dual lift access is available to all the accessible flats and all flats incorporate design features to meet Lifetime Homes standards. Notwithstanding the shortfall in terms of mix the scheme represents a balanced and sustainable mix of accommodation.

- 211 PPS1 and PPS3 emphasise the benefits of creating mixed communities. London Plan policies 3.4, 3.8, 3.10 and 3.12 set out housing targets in terms of tenure and mix and the promotion of mixed and balanced communities. Southwark Plan saved policy 4.4 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 social rented: intermediate split in this location.

Tenure- Affordable Housing

- 212 The scheme provides a total of 255 private flats (16 x studio, 120x 1-bed, 86 x 2-bed and 33 x 3-bed or 646 habitable rooms) and 80 intermediate flats (23x 1-bed, 50 x 2-bed and 7x 3-bed or 224 habitable rooms). The intermediate flats are located over levels 3 (a half floor) to 11 (a half private floor). The Residential Design Guide SPD advises that for the purposes of affordable housing calculations, habitable rooms over 27.5sq.m should be counted as two rooms. The existence of some larger flats, including duplexes and penthouses at the top of the tower, must be taken into account. There are an additional 7 affordable habitable rooms and 30 private habitable rooms over 27.5sq.m, resulting in a total of 907 habitable rooms across the scheme (676 private and 231 affordable). A 35% affordable housing provision would equate to 317 affordable habitable rooms. Saved Policy 4.5 allows for a "discount" of 1 affordable habitable room for every affordable wheelchair unit provided (in this case a reduction of 16 affordable habitable rooms). Therefore, the affordable wheelchair discount means that a policy compliant scheme would need to provide 301 (or 33%) affordable habitable rooms. As the scheme only provides 231 affordable habitable rooms (25.46%), the scheme is considered to be contrary to saved policy 4.4 and represents a shortfall of 70 affordable habitable rooms (or 8.6%).
- 213 The Core Strategy requires a minimum provision of 35% private housing and the scheme is in compliance with this requirement which will be secured within the S106 legal agreement
- 214 The affordable housing will be provided as either shared ownership or intermediate rental. Intermediate rental is an alternative form of affordable housing that is usually RSL managed, and is let to households who cannot afford to buy or rent market housing in the borough. It is let at rents that meet the Council's affordability criteria for intermediate housing which is typically 30-40% below the cost of market housing. The shared ownership units would also comply with the council's affordability requirements. No social rented accommodation is provided.
- 215 The design of the tower, whilst incorporating a large floor plate, only allows for a single residential core, as the remainder of the ground floor is used for retail floorspace, commercial entrances and core, plus plant and waste facilities. Housing Associations have indicated that they require a separate core for social rented accommodation (to maintain separate control) and as such it was unlikely a Housing Association would take on any social rented accommodation in this scheme given the single residential core. Whilst this does not strictly conform to the Southwark Plan requirements, there

is some precedent from an appeal on a nearby site at 44-46 Borough Road, in which the Inspector supported the inability to provide social rented housing where a separate core was not possible.

- 216 Provision of a separate entrance and core for social rented accommodation was not considered appropriate because it would have resulted in a reduction or complete removal of the ground floor retail floorspace which was considered a priority on the scheme and would be contrary to the vision for the area which aims to create strong retail frontages and activity at the base of buildings. In addition, it is considered that the scheme will help to address the current imbalance of affordable housing evident in the area. This imbalance is acknowledged within the Elephant and Castle SPG which states that *'it is accepted that there is currently considerable imbalance in favour of social housing at the Elephant and Castle and hence it may be appropriate to reduce the London Plan target...in preference to the provision of more intermediate housing than might otherwise be considered appropriate...precise levels of affordable housing...will thus be subject to negotiation on a site by site basis.'*
- 217 Over and above the physical constraints outlined above, the provision of social rented accommodation was not considered to be financially viable. PPS3 requires that developers cannot benefit from not providing social housing. Southwark's SPG on Affordable Housing advises that the Sequential Approach must be applied meaning that where on site provision is not possible, off site provision is the next consideration, followed by an in-lieu payment. A number of 3 Dragons Financial appraisals were submitted, which were considered by the Southwark Valuer and independently by the District Valuer. This has been further reviewed in July this year. On balance the appraisal/s demonstrate that the scheme cannot support more than a 25% affordable housing provision plus public realm works, estimated by the applicant at around £2.3m (£1.45m for Phase I works), plus the full LBS S.106 Toolkit contribution. The toolkit shows a significant deficit when reflecting the Existing Use Value of the site. Even taking on board a higher end value for the sale of the units, the appraisal would still produce a deficit. Given the lengthy delays in bringing the application forward to planning committee for a decision due to issues associated with the Ministry of Sound and noise mitigation, the Southwark Valuer was asked to provide an updated response. Although there are factors that suggest that the scheme may be more viable than at the beginning of 2010, there is no evidence to suggest that the scheme can support more S.106 contributions/affordable housing than currently proposed. It is probable that the scheme still has a negative viability, albeit less negative than at the beginning of 2010. The safeguard for the Council is the review of viability to be included in the S.106 agreement- detailed below.
- 218 The reason the applicant is prepared to proceed on the basis of a negative appraisal may be attributable to either an expectation of an improvement in the housing market, or ability to drive down costs at tender stage, or a combination of both. Consideration therefore should be given as to whether the s106 agreement attached to the planning consent should make provision for future improvement in viability. It is recommended that a clawback provision be included to recover the shortfall of 70 affordable habitable rooms via an in lieu payment (or on site additional affordable housing if practical) in the case of a market improvement. As outlined above, the original appraisal was based on the 3 Dragons method, and this indicated a deficit. At the point of implementation of the scheme, the Council will carry out another full financial appraisal, (i.e. a 3 Dragons appraisal if that is still applicable), and if this shows that more affordable housing is viable then the quantum shown in the appraisal will need to be provided either on site or as an in lieu contribution. If the appraisal shows less than currently proposed then the current affordable housing provision remains in place. It is an option officers would favour since it clearly recognises the work done on the financial appraisals to date, and puts in place a relatively simple mechanism to address any uplift which occurs from the time of any planning permission being issued

and the implementation of the scheme. On the basis of a clawback being included, the affordable housing provision is considered to be acceptable in accordance with London Plan policies 3.4, 3.8, 3.10 and 3.12 and Southwark Plan saved policy 4.4.

Design and Layout

- 219 London Plan policies 3.5 and 7.1 set out design principles and requirements for quality of new housing provision. Saved Policy 3.11 of the Southwark Plan seeks to maximise the efficient use of land where a positive impact on local character and good design are achieved and saved policy 3.12 seeks to ensure that a high standard of architecture and design are achieved in order to create high amenity environments. Saved 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 and saved policy 4.2 requires that residential development achieve good quality living conditions within the development. The proposal has benefited from pre-application discussions with officers and a presentation to the Design Review Panel, whose views are presented earlier within the report.

Context

- 220 The townscape character and local context is extremely mixed, with a general increase in scale and density as one approaches the Elephant and Castle. The immediate context is one of medium to high rise development, with a mixture of uses. Opposite the site to the east across Newington Causeway is a 2 storey commercial development, currently occupied by the Salvation Army, which rises to 11/12 storeys. Adjoining this building further south is Metro Central Heights and the recently completed Metro Central Vantage, residential developments of up to 18/19 storeys at the uppermost point. Directly to the west and north of the site are buildings within the LSBU campus, ranging in height from 3 to 10 storeys (up to 42m AOD). To the north across Gaunt Street are a range of office buildings of up to 7 storeys and the Ministry of Sound nightclub.

Height: Tall Buildings Policy

- 221 Policies in the Southwark Plan, Core Strategy and the London Plan set out criteria to guide decision making on applications for tall buildings. It is clear that the main impetus of the London Plan policy is for maximising the potential for redevelopment in the Opportunity Area and ensuring that careful consideration is given to all the various criteria relating to the impact of a tall building. Core Strategy policy 12 and Southwark Plan saved policy 3.20 states that tall buildings (defined as one that exceeds 30m in height) may be suitable on sites which have excellent accessibility to public transport and are located in the Central Activities Zone (particularly in Opportunity Areas) outside landmark viewing corridors, where the building should:

- make a positive contribution to the landscape; and
- be located at a point of landmark significance; and
- be of the highest architectural standard; and
- relate well to its surroundings, particularly at street level; and
- contribute positively to the London skyline as a whole, consolidating a cluster within that skyline or providing key focus within views.

- 222 The 'Guidance on Tall Buildings' by CABI/ English Heritage, in addition to the criteria set out above, requires that a tall building should:

- meet the requirements of the View Management Framework;
- illustrate exemplary standards of sustainable construction, resource management and renewable energy generation and recycling;

- be sensitive to their impact on micro-climates in terms of wind, sun, reflection and overshadowing and consider privacy, amenity and overshadowing;
- be safe in terms of their own integrity and the safety of occupiers and have an acceptable relationship to aircraft/ telecommunication networks;
- be appropriate to the transport capacity of the area ensuring adequate, attractive, inclusive and safe pedestrian and public transport access;
- provide high quality spaces, integrate green spaces/ planting and support vibrant communities both around and within the building; and
- contain a mix of uses with public access, such as ground floor retail or cafes, interact with streetscape at ground floor level.

223 London Plan policies 7.4, 7.6 and 7.7 provide specific policy guidance on design and suitable locations and design of tall buildings. London Plan policy 7.7 generally encourages tall buildings and requires that tall buildings "should be limited to specific areas including sites in the Central Activity Zone, with good access to public transport, where the character would not be adversely affected by the scale, mass or bulk of a tall or large building, relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level, individually or as a group, form a distinctive landmark that emphasises a point of civic or visual significance, and enhances the skyline and image of London ,incorporate the highest standards of architecture and materials, have ground floor activities that provide a positive relationship to the surrounding streets ,incorporate publicly accessible areas on the upper floors, where appropriate and make a significant contribution to local regeneration."

224 The Elephant and Castle Opportunity Area is identified as one where tall buildings may be appropriate. The Elephant and Castle Development Framework (2004) defined appropriate locations for tall landmark buildings in terms of a Core Cluster - the area suitable for the tallest 'city' scale buildings, and a Secondary Cluster - an area suitable for tall/ landmark buildings, lower in height and scale than the Core Cluster, which will complement and reinforce the central area and hence Core Cluster. The application site is located to the north of the area covered by the Elephant and Castle SPG, and as such lies outside of these core and secondary tall building clusters, in the area covered by the Enterprise Quarter SPD.

Height: Enterprise Quarter SPD

225 The Enterprise Quarter SPD extends the Elephant and Castle secondary cluster northwards, with the aim of creating a concentration of activity and define a zone for city scale tall buildings. The application site is located within this extended cluster, identified as being suitable for a landmark tall building. This tall building zone occupies a gateway from the north-south approach to the Elephant and it is considered that the site has the potential to support a prominent landmark building that will signify and reinforce the transition between existing and new development, forming part of a new cluster to the north of the Elephant and Castle which will potentially balance the cluster of towers already approved to the south in terms of form, scale and activity (Strata Tower and the former London Park Hotel London 360 development). There is an emerging relationship between this scheme, the tall building proposed at 89-93 Newington Causeway (opposite the site), and the gateway tall building proposed on the Newington Triangle site further to the north. When combined, these sites start to establish the gateway from the north of the Borough into the Elephant and Castle, forming part of a newly emerging regeneration cluster, a "local cluster" where tall buildings may be appropriate subject to further testing.

226 The proposal would need to meet the various criteria for tall buildings as set out above, and those more specific to the area as identified within the Enterprise Quarter SPD which requires tall buildings to:

- contribute to a coherent and dynamic skyline for the Elephant and Castle;
- form attractive elements within the city, particularly in terms of the profile of the building from all angles;
- be of the highest architectural and urban design quality and to be exemplars of sustainable construction;
- relate well to their surroundings, particularly at street level,
- contain active uses and frontages at lower levels;
- create a high quality public realm; and
- be appropriate in terms of impact on managed views/ the historic environment.

227 As outlined under Principles of Development section of this report, the Enterprise Quarter SPD provides site specific guidance for Site 5 'Newington Causeway- Eileen House', which is a 'key development site' within the SPD, with Figure 4.15 suggesting the site is suitable for a 'City Scale Landmark Tall Building'. The SPD identifies a range of design requirements relating to the height of the building, including:

- The appropriate height for a tall building in this location will be determined by consideration of its potential visual impact in relation to the Serpentine to Westminster Strategic Townscape View and to other long views from south and central London and an assessment of its other environmental impacts.
- Proposals must be of the highest quality of architecture and landscape.
- The roofline of the landmark tall building must contribute to the London skyline in a distinctive and elegant manner.
- A tall building in this location must create a focus of town centre activity through the proposed uses at lower levels. These uses must help to animate any additional pedestrian space to be created on the north side of Southwark Bridge Road.

Height - Summary

228 The tower is considered to fit well within both the existing and emerging context described above. In this way the development can be considered to make a positive contribution to the landscape and to the London skyline as a whole, consolidating (an emerging) cluster within that skyline and providing key focus within views, in line with Southwark Plan saved policy 3.20 and London Plan policy 7.7. These points will be addressed in more detail below. The remaining emphasis in terms of tall buildings policy relates to architectural and urban design quality, impacts on surroundings including skyline and views and sustainability, all of which are addressed elsewhere within this report

Quality of Accommodation

229 Within the tower, residential accommodation extends from the 3rd to 38th floors. Level 3 contains only 5 units across the western half of the floor plate, with the area fronting Newington Causeway containing various rooms reserved for residents' use, including a gym area. Over levels 4-17, each floor contains ten units; levels 18-21 contain nine units per floor, and levels 22-30 contain twelve units per floor. The upper levels start to see the cutting away of the buildings bulk, meaning a reduction in unit numbers, as well as the inclusion of larger units and penthouses. Levels 31-34 contain some larger 2 and 3 beds with only eight units per floor, level 35 has six units and level 36 has just four. Level 37-37 contains 4 duplex penthouse units connected by an inner staircase.

- 230 The Residential Design SPD expects that higher density residential developments will include a predominance of dual-aspect units. The design of the tower has resulted in only 41% of the apartments being dual aspect, with a significant number of single aspect flats provided, particularly below level 31. However, of the 197 flats which are single aspect, 66 include balconies of over 10.5sq.m, (including the only single aspect flat per floor which faces north-east), helping to improve the single aspect nature of the flats. In this case officers are of the view that the overall architectural quality and wider public-realm improvements will mitigate against this particular compromised aspect.
- 231 The Residential Design SPD sets out minimum space standards for dwellings. Studio flats should be a minimum of 35sq.m, 1 bed 45sqm, 2 beds 60sqm and 3 beds 75sqm. The London Plan has standards in excess of this with minimum requirements: 37 sqm, 50sqm, 61 sqm and 74 sqm respectively. The Council's standards are also in the process of being revised upwards in accordance with the London Plan and it is expected that an exemplary scheme would exceed the space standards, particularly where a high density is being proposed. A range of unit sizes are provided as follows:
- 1 bed affordable- from 46.61 to 47.95sq.m, many with a 10.5sq,m balcony;
 - 2 bed affordable- from 61.80 to 68.95sq.m, some with a 10.5sq.m balcony;
 - 3 bed affordable- 86.49 to 86.93sq.m, all with 10sq.m balcony;
 - Studios all private- 36.22sq.m, no balconies
 - 1 bed private- from 45.36 to 47.95, many with a 10.5sq,m balcony;
 - 2 bed private- from 64.01 to 70.42sq.m, some with 10.5sq.m balconies;
 - 3 bed private- from 82.59 to 87.71sq.m, all with 10sq.m balcony
 - 1 bed (above Level 31) - 46.32 to 72.40sq.m, most with balcony over 10.5sq.m
 - 2 bed (above Level 31) - 70.86 to 117.44sq.m, most with balcony over 10.5sq.m
 - 3 bed (above Level 31) - 115.27 to 216.30sq.m, all with a balcony of 20.0sq.m or greater.
- 233 Although these exceeded the relevant standards at the time of submission there is now a shortfall in relation to a number of the 1 bedroom units. In particular, other than the 1 bed flats above level 31, none of the 1 bed flats meet the new London Plan standard which requires a minimum of 50 sq ms the shortfall being in the range of 2 - 5 sq ms. .
- 234 With the exception of the 1 bed flats mentioned above the internal layouts of the flats achieve a high level of residential amenity across all tenures, with most units exceeding minimum standards in terms of unit and room sizes. All flats contain in built storage, the 3 bedroom affordable (and some private) units have kitchens with sliding doors to allow for separation from living rooms. Some of the 2 and all of the 3 bed units have dual bathrooms and/or ensuites. The standard of accommodation is therefore generally considered to be high and in line with the expectations for a higher density scheme such as that proposed, in accordance with the Residential Design SPD and London Plan policy 3.5, and Southwark Plan saved policies 3.2, 3.12, and 4.2.

Amenity Space

- 235 The Residential Design SPD sets out amenity space standards and advises it is particularly important for family housing in order to provide a safe outdoor area for children to play in. It can take the form of private gardens, balconies, terraces and roof gardens. There should be 50sq.m of communal amenity space per development, plus 10sq.m per unit, though for smaller flats a reduced amount (minimum 3sq.m balconies) is acceptable where the shortfall is added to the overall communal

provision. London Plan policy 3.6 also sets out that developments including housing should make provision for play and informal recreation, based on the expected child population generated by the scheme. Children's play areas should be provided at a rate of 10sq.m per child bedspace (covering a range of age groups) in this case up to 32 child bed spaces are likely. On this basis the scheme should provide up to 3400sq.m of amenity space, of which around 320sq.m should be dedicated to children's play

- 236 Over levels 3-30, balconies, all 10.5sq.m, are located in the same position throughout the tower, with 6 per floor distributed along the northern and southern 'ends' of the building, equating to 1701sq.m of balcony space. Of this, 3 balconies on Level 3 are for communal use, or 31.5sq.m. Above level 30 the balconies are much larger as the building starts to cut back and unit numbers are reduced. The balcony space across the upper floors totals approximately 631sq.m. Total private amenity space is therefore 2300sq.m from balconies, and of the total 335 units, 203 (over 60%) have direct access to a balcony of over 10.5sq.m.
- 237 Communal amenity space for residents' use (although publicly accessible) has been provided in the form of an approximately 458sq.m resident's garden located between the two buildings, offering a vibrant external space as well as a new route through the site during the daytime. In the evening, a gate will be closed at the northern end of the residents' garden to restrict the movement of people, such as those leaving the Ministry of Sound, from moving through the space during the night. Whilst full details will be sought via condition, this space is expected to satisfy the requirement for a playable space for children, providing an extended lawn area incorporating a large tactile sculpture, level changes and climbable elements, plus seating and landscaping. A green wall is proposed to the south-eastern facade of the office building facing onto the residents' garden, which will provide additional greenery to the space whilst enhancing biodiversity and assisting in climate control. The space should receive a reasonable amount of sunlight given its widest open aspect is to the south though a number of large trees are retained along the site boundary at this point. In addition, a communal amenity space (132.99sq.m 'gym' and 123.90 undesignated space) is provided within the tower at level 3.
- 238 Concerns remain about whether the proposal has adequate outdoor amenity space for future occupants, with the residents' garden being considerably less than the area of one tower floor-plate (with 35.5 floors of apartments above). This is to some extent balanced by the fact that almost 61% of the apartments have a large balcony. The reality of a tall-tower is that outdoor amenity space can be compromised by the high-density of the proposal and the practicalities of siting a high density building on a relatively small site. Therefore on balance the overall amenity space provision is considered to be sufficient when combined with the public realm works (detailed below) which will provide additional directly accessible amenity space for the residents, as well as Newington Gardens and Dickens Park, with open space and children's play areas, which are located a few hundred metres walk from the site. On this basis the amenity space provision is considered generous for a centrally London development and is in accordance with London Plan policies 3.5 and 7.6 and Southwark Plan saved policies 3.2, 3.11, 3.12, 3.13 and 4.2.

Public Realm

- 239 The Enterprise Quarter SPD identifies a range of requirements relating to the design of the public realm for the site, including:
- The Environmental Assessment must demonstrate that there will be no adverse impact on the environmental quality of the proposed pedestrian priority space to be created in Southwark Bridge Road and that it will be

comfortable to use.

- The site is an island with public realm on all sides. Whilst Newington Causeway and the southern end of Southwark Bridge Road are the key priority for active frontages, careful consideration must be given to the frontages onto other streets, so that they do not present a blank and inhospitable face to the public realm.
- Improvements to the gateway space must create additional pedestrian space along the south side of Southwark Bridge Road, the most heavily used pedestrian route, but it may also provide additional pedestrian space on the north side immediately adjoining the site.
- Development proposals must retain and protect mature street trees.

240 Eileen House is currently an uninspiring, impermeable building and its solid massing and construction on an angle to Newington Causeway offers no legible frontage to Southwark Bridge Road, which can be difficult to access due to the traffic and buses using the local streets. The site has a high number of inactive frontages presenting a blank and inhospitable facade to surrounding streets. The application proposes significant public realm improvements in this location, reflecting the aims set out within the Enterprise Quarter SPD (set out earlier within the report) and in response to the gateway status of the site and certainly its role as an entrance into the LSBU Campus.

The focal point will be the creation of a University Square in the area between Newington Causeway and Keyworth Street, which is dissected by Southwark Bridge Road. The Square will be landscaped and paved, with the southern section of Southwark Bridge Road to be closed up to the point where it meets Gaunt Street (apart from servicing and access to Keyworth Street and retention of the cycle lane). Longer term, the aim is to install a five sided pavilion structure central to this space, symbolising the convergence of a number of key routes from the north (Bankside), south and east (Elephant and Castle), and west (LSBU Campus). To the immediate north of the Square, a linear park, lined with existing mature trees, will extend north to south between the edge of Southwark Bridge Road and the western façade of the proposed office building. This is expected to be a sunny, landscaped green space that will benefit both local residents and students in the area. The public realm will enliven Keyworth Street and Southwark Bridge Road, establishing a sense of place, reinforced by new landscaping including planting, paving, and the retention of all existing mature trees. The new buildings will incorporate active frontages to all edges, animating the new public realm around the site.

241 A two phase public realm strategy is proposed. Phase I will include the implementation of the majority of the public realm works, with the completion of the residents' garden, linear park and University Square, but with bus movements and bus standing maintained on Southwark Bridge Road. Phase II will be delivered/ funded by the developer as an 'interim' solution, and would see the removal of all bus movements from the southern end of Southwark Bridge Road via Borough Road and the erection of the pavilion structure to complete the University Square. It is an 'interim' solution because ultimately, bus stands and routing will be reconfigured by TfL as part of a wider Elephant and Castle public transport strategy (in the form of a new bus facility in the Opportunity Area), but this is expected to be some time away. Therefore, the applicant has suggested an 'interim' solution to enable both Phases I and II of the public realm proposals to be implemented as part of the Eileen House redevelopment.

242 The interim solution has been costed by the developer and forms part of their s106 contributions. Should TfL provide a more permanent solution to the rerouting of buses and siting of bus stands prior to the implementation of the 'interim' solution, the applicant has agreed that the s106 moneys set aside for the delivery of the 'interim' solution can be redirected towards wider Elephant and Castle transport

improvements/projects within the Elephant and Castle.

- 243 Overall, the public realm proposals are considered to be in line with the vision for the area as set out within the Enterprise Quarter SPD, and with London Plan policy 7.5 and Southwark Plan saved policies 3.2, 3.11, 3.12 and 3.13.

Appearance

- 244 The local street geometry is not reflective of the current building on the site, which does little to reinforce the streetscape with its irregular form and asymmetrically positioned tower element. The two blocks of the proposal have been designed to fit more naturally within the boundaries of the site, strengthening the streetscapes to Newington Causeway and Gaunt Street whilst also allowing all existing trees to be retained and their setting enhanced with new landscaping.
- 245 Geometrically, the main tower has been designed as an extruded parallelogram in form (taking its angles from Newington Causeway and Gaunt Street-lines), whose top is faceted by two angled triangular slices, on diagonally opposing corners. This gives the building form a crystalline nature that varies the perception of the tower depending on the view-point, and provides a distinctive 'capping' that gives the building character and identity. It is also quite difficult to view the building in one single plane; there will almost always be two facades visible at any one point. Views of the tower will change dramatically as one moves towards it or around it, creating a dynamism of form within the local townscape.
- 246 The proposal is considered to respond positively to the local context and complies with policies relating to design; this is not so much the existing context however, but the regeneration masterplan for the Elephant and Castle area and subsequent extension plans such as for The Enterprise Quarter (as outlined above). Seen in isolation from this masterplan, it would be difficult to justify the scale and positioning of this tower, but viewed within the developing context it can be seen as part of a much larger high-density and large-scale town-centre. The now completed Strata Tower has surprised many people with the scale of its impact on South and Central London, with extensive longer distance visibility; consideration of this new proposal in terms of cumulative impact has been considered within the Townscape Assessment. Officers believe that the two towers (and any others that may follow) will relate to each other and form a cohesive and co-dependant grouping, identifying a specific place and establishing a regenerative character for the area. Such high-profile 'landmark' buildings are essential as catalysts to the wider regeneration masterplan, particularly within such a cautious and fragile economic climate.
- 247 In terms of proportions, officers were concerned by the consecutive reductions in the height of the proposed tower, which were not accompanied by any reduction in width. The full width view with two sides visible is proportionately 1:2.4 width: height which may be considered rather bulky and squat. When purely viewing the tower on its long-side, the proportion is approximately 1:2.9 which represents an improvement but is still rather low. The end-on proportions are much better, with a 1:5.25 proportion that is narrower and more elegant. The faceted nature of the building should ensure that a variety of proportions are experienced, although the elevation onto Newington Causeway will always appear rather broad relative to its height.
- 248 This basic form of the tower is modulated by the various treatments of bays and balconies that create rhythm and depth on the elevations. The projection of the balconies on the diagonally opposite outer-corners gives a lightness and transparency to the building's form and outline, helping to alleviate concerns of how the solid bulk is perceived and proportioned. The balcony support-structure which wraps up-and-over the top of the tower also adds a degree of lightness and transparency to the

silhouette's outline, softening the edges of the perceived bulk and adding interest to its skyline

- 249 The two longer facades are a dense pattern of identical window bays, splayed to give depth, with a basic grid that gives strong emphasis to both horizontal and vertical rhythms. The narrower end-elevations counter their strong vertical proportions with expressed balconies giving a strong horizontal rhythm. These end elevations are also sub-divided into 3 vertical bays, corresponding to the flats within; the right-hand third is expressed most strongly with a structural frame that wraps up-and-over the top of the tower, alluding to a continuity of form and a dynamic structural movement. The two sliced-triangles on the tower's top are characterised by the horizontal louvers which shield the glazed-surfacing and also incorporate photovoltaic cells on their upper surface.
- 250 The much lower office building at 8 storeys is something of a foil to the main tower, being triangular in nature and with each of its three sides expressing a different character of elevation. The treatment of the form and the modulation of the elevations is much simpler than on the tower. The north-east and west elevations are both predominantly glazed, but the latter has a strong pattern of vertical louver-fins to provide solar-shading. The south-elevation (above ground-level) is a solidly planted green-wall which will provide a rich boundary treatment and framing to the resident's garden; the appearance (and maintenance) of this green wall will be pivotal to the success of the office building and its contribution to the public realm, and as such a maintenance plan/ regime would be conditioned.
- 251 The design of the top of the building is of particular importance when considering the effect on the skyline, and it is considered that the form and detailing creates an interesting and varied termination to the top of the tower. This element is particularly important with a tall tower, to ensure a positive contribution to the city roofscape as well as establishing an identity and character for the building. While the form and articulation of this element has been assessed as acceptable, we should also consider its appearance in hours of darkness and the extent of illumination that it may have. This will obviously have a major impact on the night-time townscape of Central/South London, and a lighting/illumination strategy would be conditioned for approval. The crystalline nature of this topping should relate and contrast well to that of the Strata Tower, with its much more feminine curved form and wind-turbine features.
- 252 The base of the tower is also incredibly important as such a large building must have a strong grounding on the streetscape, where it is experienced close-up by pedestrians and passers-by. The proposal successfully creates an active frontage around its base with a retail unit and commercial lobby to the harsher environment of Newington Causeway, and residential lobby and entrances to the north-west courtyard garden (to which the lobby can actually open-up). The height of the base element/ openings is approximately 8.5m, double-height+, above which is the second floor office level with enlarged windows, all of which give a reasonably strong and prominent base (although it could potentially have been even stronger for a 40-storey tower). Large double-height+ window-openings should ensure a good level of activity is visible to the public realm, to enliven the streetscape and courtyard areas. The base of the office block is less successful however, with all of the Gaunt Street and over half of the southern facade devoted to servicing; the retail adds interest to the south-east corner but the office entry-lobby is obscurely positioned on the northern flank.

Materials

- 253 In terms of materials, the two long sides of the tower are characterised by the strong structural grid within which sit the repeating window-bays. This structural grid is formed by sections of reconstituted stone cladding, which should give an impression

of quality, interest and masonry-solidity to the structure. These cladding sections incorporate a considerable splayed-edge which gives depth to the openings and a rich texture to the elevations. Within the window bays there is a hinged glass-door/balustrade and a fixed full-height window, separated by a metal panel, above which is a ventilation strip. While this window-bay already exhibits interest and some complexity, 1:5 details and a mock-up sample would be conditioned to ensure the finished quality of the built element.

- 254 On the narrower flank elevations, a metal-clad framework defines the expressed outer-third (which wraps up and over the tower's top) while the remaining two-thirds have re-constituted stone cladding-sections to the glazed balconies. As noted above, the sliced top-triangles are clad with metal-framed glazing and screened by metal-louvers which incorporate PV cells on their upper-edge. Colour and surface-finishes will be extremely important for all material elements, given the huge bulk of this proposal and the visual impact it will have on its surrounding townscape. The material language for the office is more corporate and simply detailed than the tower, with glazed walls and metal cladding and louvers, and an exposed concrete frame. Conditioned details will be just as important for this building, to ensure that its treatment does not feel any less considered next to the tower.
- 255 The landscaping that surrounds these two blocks, creating the public and semi-private zones, is crucial to the success of this proposal, and indeed the contribution to the public realm is one of the major planning factors that can justify its height and impacts. This landscaping should ensure the preservation the existing trees and will create a new public square at the end of Keyworth Street with a considerable enhancement and inter-connection with the university campus. As with the detailing and material finishes, the landscaping (in its various phases) must be carefully controlled by condition and must be considered as an integral part of this development.
- 256 Overall, this design is considered to have the potential to display 'architecturally iconic' qualities and we consider that the proposal achieves a high standard in design. This location is appropriate for a building of this scale and height, and the architectural design is considered to be of sufficient quality to justify a building of this scale which will relate well in terms of height and design to its context. The proposal is considered acceptable and compliant with London Plan policies 7.4, 7.5, 7.6 and 7.7 and Southwark Plan saved policies 3.20 and 3.21 and Core Strategy policy 12.

Impact on Strategic and Local Views and on the Character and Setting of Listed Buildings or Conservation Areas

- 257 London Plan policies 7.11 and 7.12 establish the principles under which London's views should be managed, considered in greater detail within the London View Management Framework, which relates to the management of strategically important views (designated views). Saved Policies 3.21 and 3.22 of the Southwark Plan seek to protect and enhance both local and strategic views and Core Strategy 12 seeks the highest possible standard of design and the enhancement of Southwark's heritage assets. The Enterprise Quarter SPD requires that tall buildings contribute to a coherent and dynamic skyline for the Elephant and Castle. The impact on views and the buildings contribution to the skyline must be considered. Saved Policies 3.15 and 3.18 of the Southwark Plan require that permission will not be granted for developments that would not preserve or enhance the setting or views of a listed building or the setting and views into or out of a Conservation Area. In addition, PPS5 refers to 'Planning for the Historic Environment' and advises that developments must either conserve or enhance the borough's heritage assets including the setting of Conservation Areas and Listed Buildings.
- 258 The potential impact on views was considered within the ES Volume 2 'Townscape

and Visual Assessment' submitted with the application, which includes a range of panoramas, river prospects, townscape and local views, and night-time views. The application site is prominent in terms of providing a focal point for views from several directions, primarily looking south from Borough High Street and north from the Elephant and Castle roundabout, and the building will be more visible from localised viewpoints. The tower will be of sufficient architectural quality to stand as a landmark building, in many cases channelling the eye and terminating a vista- reinforcing the argument that the site is suitable for a prominent building on what is a gateway to the centre of the Elephant and Castle. The building will form part of an emerging cluster of tall buildings, and is well articulated at the top which means it can stand in its own right as a building of merit and is considered to make a beneficial contribution to local views and skyline as well as respond positively to the context of the area.

- 259 In terms of the View Management Framework, an important consideration is the impact of the proposed tower on Designated View 23, a townscape view from the Serpentine Bridge in Hyde Park which aims to protect the silhouette of historic buildings including the Palace of Westminster World Heritage Site, from visual intrusion caused by new buildings. The proposal as originally submitted was considered to impact detrimentally on this view and a reduction in height was sought by the GLA, to take the development below the tree line in order to minimise its impact. Whilst the GLA and English Heritage appear to be satisfied with the impact following the reduction in height, both Royal Parks and City of Westminster maintain concerns with the impact during autumn and winter when tree canopies will not be in place and the top of the tower may be seen where it emerges marginally above the tree line. The building will be a considerable distance from the viewing position, thereby being less distinct than the historic buildings of Westminster in the foreground of the view. As both Southwark officers and the GLA are satisfied with that the impact is acceptable, and the setting of the World Heritage site will be preserved, no further reduction in height is recommended and the application is considered acceptable in this regard.
- 260 Views indicate that the tower will be seen in immediate, local and distant views, thereby altering the setting of the Conservation Areas and any listed buildings within them. The nearest Conservation Areas are West Square, St. George's Circus and Trinity Church Square (to the SW, W and NE respectively) as well as the Renfrew Street and Walcot Square Conservation Areas within Lambeth, which will also be affected to some degree. English Heritage have commented on the various impacts set out within the ES on the various views and Conservation Areas. English Heritage raise a concern with the impact on the setting of the fly towers of the Grade II listed Royal National Theatre when viewed from Waterloo Bridge, which would cause modest harm to this view. Similar concern is the impact on the view from Walcot Square, where the impact of the tower would be a modestly harmful intrusion upon the view. Of greatest concern to English Heritage is the impact on the view looking south across St George's Circus, where the proposal rises dominantly over the roofline of the group which they believe will cause significant harm to the setting. English Heritage would like to see the application refused unless the harm is outweighed by other planning considerations, and this is considered to be the case in this instance, as the site is clearly earmarked for regeneration and is designation for a landmark tall building. Whilst the proposed scheme will be seen in views into and out of the proposed Conservation Areas, it is not considered that the impact will be of such a detrimental nature to outweigh the benefits offered by the scheme.
- 261 The nearest listed buildings are the Grade II Listed Inner London Crown Court (on the corner of Newington Causeway and Harper Road) 250m to the northeast and numbers 47, 49-60 and 62 Borough Road, which lie approximately 270m north of the application site. Other nearby listed buildings include the Faraday Memorial (Elephant and Castle northern roundabout) 128m to the south and the Grade II Listed

Metropolitan Tabernacle, some 260m south. Equidistant at around 280m are also the listed building groups around West Square and St George's Circus/ London Road.

- 262 It is acknowledged that there will be some impact to both listed building's wider settings and to views into and out of the Conservation Areas, by reason of the proposal's height. However it is not considered that these impacts will be detrimental to the character and appearance of the Conservation Areas/ listed buildings as the articulated massing and height of the proposal will (in the distant views) be of limited impact on heritage character. St George's Circus will perhaps have the most open views of the proposed tower, and had it been positioned any closer we would have had serious concern; the distance however does mitigate the impacts to some degree and we are satisfied that the architectural quality will create a landmark building that has a positive impact on its local and wider townscape

Impact on Strategic and Local Views and on the Character and Setting of Listed Buildings or Conservation Areas - Summary

- 263 The overall strength of the design and in particular its ability to establish a gateway from the north are considered to be positive townscape benefits which will assist in the successful regeneration of the Newington area. The development should make a positive contribution to the London skyline, and the impact on localised views is considered to be acceptable as the building will contribute positively to the emerging cluster of tall buildings within the Elephant and Castle town centre. The design is considered to have the potential to display 'architecturally iconic' qualities and the proposal is of sufficient quality to justify a building of this scale, and it relates well in terms of height and design to its context masterplan. The scheme will make a positive contribution to the Elephant and Castle regeneration area in compliance with London Plan policies 4B.1, 4B.9, 4B.8 and 4B.10 and Southwark Plan policies 3.20 and 3.21.

Impact on the Amenities of Neighbouring Residents and Occupiers

- 264 London Plan policy 7.6 requires that all large scale development should not cause unacceptable harm to the amenity of surrounding occupiers in terms of microclimate, overshadowing and wind. London Plan policy 7.7 requires that tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, sunlight, reflective glare and noise. Southwark Plan saved 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.

Sunlight/ Daylight

- 265 A Daylight, Sunlight and Overshadowing Assessment was included as a chapter within the ES submitted with the application. It assessed the impact of the proposed development on the daylight and sunlight of adjoining residential occupiers and future occupiers against the guidance provided in the BRE Report 209 "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (1991). An assessment was made of the Vertical Sky Component (VSC), which assesses loss of daylight entering existing rooms by considering the amount of sky light reaching a window and No Sky Line (NSL), which considers the change in the visible sky line from existing and proposed situations i.e. the impact on the daylight distribution within a room.
- 266 There are a limited number of residential properties located in proximity to the application site that might be affected by the proposed development. The Ontario Street Hostel is the closest, located adjacent to the site to the south-west; though this is temporary accommodation suggesting the requirements are reduced. Residential properties within the Rockingham Estate are located at least 100m to the east and

Metro Central Heights, of which the nearest north facing windows are 60m to the south. Hugh Astor Court, a Peabody Trust-owned block of 32 flats located to the west of the proposal within the LSBU campus is some 200m from the application site and there are residential developments on the northern side of Borough Road which are approximately 200m to the north.

- 267 The Ontario Street Hostel would see all but one of its rooms meeting at least 1 of the day lighting criteria and the impact was seen as minor adverse. On the Rockingham Estate properties, the elevations contain long external access balconies along their length limiting the amount of daylight entering many of the windows in the existing situation. The ES states that the impacts are unlikely to be noticeable to these properties, with only a minor adverse impact predicted. The daylighting effects of Metro Central height are considered to be negligible. It is therefore considered that no significant daylight infringements would occur from the proposed development.
- 268 Sunlight Assessment need only consider the annual probable sunlight hours (APSH) for windows facing within 90° of due south. The impact on any windows falling into this scenario in proximity to the proposal was negligible in all cases.
- 269 In terms of overshadowing, the movement of any shadowing caused by the tower would be constant and would not overshadow a single point on the ground for an extended period of time. On the 21 December, the proposed tower would cause a long shadow to the north of the scheme; though it is considered that there should be little perceived difference from the existing situation as the extremity of the shadow which distinguishes the existing and proposed situations will tend to be diffuse and largely unnoticeable. The nearest residential properties located to the north or west are some distance away, with some overshadowing limited to late afternoon towards the east, all of which would not be so significant as to warrant refusal of the application.
- 270 Within the proposed development, the tower is oriented such that all units include a living room frontage to either the north-west, or the south-east, meaning all units will receive either morning or afternoon sunlight. The design of the residential garden between the tower and office building allows for the maximum penetration of light from the south-west to residential units on the lower floors, with those on the south-east benefiting from the openness provided by Newington Causeway. Obviously in winter, taller buildings surrounding the site across Newington Causeway and within the LSBU campus will mean that lower level units will received more limited sunshine and daylight, but overall the scheme is considered to provide adequate levels of internal daylighting.
- 271 Whilst it is certainly the case that 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, it is considered that only very limited daylight or sunlight infringements would occur from the proposed development in this case.

Outlook and Privacy

- 272 As the proposal includes a tall building, the scheme has the potential to impact on the outlook of many residents within the near and wider vicinity. In order to prevent against harmful overlooking, the Residential Design Standards SPD requires developments to achieve a separation distance of 12m at the front of a building and any elevation that fronts a highway and a minimum of 21m at the rear. The nearest residential occupiers are located within the Rockingham Estate, at least 100m to the east, and Metro Central Heights, of which the nearest north facing windows are 60m to the south. Hugh Astor Court, a Peabody Trust-owned block of 32 flats located to

the west of the proposal within the LSBU campus is some 200m from the application site. In terms of overlooking potential and privacy, it is considered that the significant separation distances between the proposal and the nearest residential development is such that there will be a negligible impact. Objections were received from residents of Metro Central Heights in terms of overlooking and loss of views, however given the closest distance from the edge of the proposed building and the nearest north facing window is some 60m, such impacts cannot be considered so significant as to warrant refusal of the application, and loss of a distant (City) view (as suggested by objectors in this case) is not considered to be a valid planning objection. In addition, the outlook from surrounding developments should be improved in terms of public realm improvements which will improve the overall impression of the site. Overall the proposed development is considered to adequately protect the amenity of adjoining occupiers consistent with the outcomes sought by saved policy 3.2 of the Southwark Plan.

Noise and Air Quality

- 273 Planning permission for development will not be granted where it would cause loss of amenity, including disturbance from noise, to present and future residents and occupiers in the surrounding area or the present or future occupiers on the application site. A Noise Survey was carried out in accordance with PPG24: "Planning and Noise" where it was found the site falls into Noise Exposure Category (NEC) C (daytime) and NEC D (night-time), where development is generally precluded unless noise can be mitigated through the use of appropriate sound insulation measures.
- 274 Due to concerns about the amenity of future occupiers because of the proximity to Newington Causeway, the residential accommodation was raised to level 3 (west side facing into the residents garden between the proposed buildings) and to level 4 fronting Newington Causeway. Following the submission of various clarifications, the Environmental Protection officer is satisfied with the validity of the extensive noise assessments undertaken and the mitigation measures proposed.
- 275 As described above strong objections to the scheme have been raised by the Ministry of Sound nightclub (located opposite the site to the north) who commissioned an independent assessment of the ES Noise chapter to consider the specific threat of introducing a sensitive noise receptor in the form of a residential development directly opposite the club, a major noise source. The review found that the survey information was insufficient to conclude that the future occupants of the building would be adequately protected from noise generated by the club. In the light of all the subsequent noise surveys the applicant has reviewed the socio-economic chapter in their ES and ES addendum but has concluded that as no adverse impact is anticipated from the MoS within the proposed development the original conclusions in this chapter remain valid.
- 276 In order to address issues when first raised by MoS, the applicant's acoustic consultants (Sandy Brown Associates) undertook further survey work and assessment, with the cooperation of MoS. The measurements were undertaken in order to more fully assess music and activity noise from within and outside the club when operating. As a result, and following ongoing negotiation and recommendations by the Council's Environmental Protection officer, it was agreed at that time to explore the abatement of the noise at source (i.e. at the MoS) rather than insulating the receptor (i.e. the proposed development). This would require the noise escape from the building fabric of the club to be ameliorated through installation of a new acoustic ceiling and acoustic doors, at an estimated cost of £60,000. The MoS consultants were not satisfied with this and requested that the roof should be replaced in addition to the acoustic ceiling at a total cost of £100,000. On this basis the developer then agreed to contribute £100,000 (secured via the s106 agreement) to the MoS for the

provision of additional acoustic insulation to the existing building. However further concerns were raised by MoS and it became apparent that more substantial works would be required at greater cost and that would involve an extended period of closure of the club. Such a closure was not to be countenanced by MoS.

- 277 PPG24 advises that local planning authorities should consider carefully in each case whether proposals for new noise-sensitive development (including new housing) would be incompatible with existing activities. Such development should not normally be permitted in areas which are subject to unacceptably high levels of noise. PPG24 goes on to advise that noise-sensitive development should not normally be permitted where high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping (23.00 to 07.00).
- 278 PPG24 advises that mitigation to reduce potential noise impacts should be considered. A number of measures can be introduced to control the source of, or limit exposure to, noise. Such measures should be “proportionate and reasonable”.
- 279 Where it is proposed to grant permission for noise-sensitive development in areas of high ambient noise, planning conditions should be imposed to ensure that the effects of noise are mitigated as far as possible. Further, it should be remembered that the sound level within a residential building is not the only consideration: most residents will also expect a reasonable degree of peaceful enjoyment of their gardens and adjacent amenity areas. This would include the balconies of the proposed development.
- 280 PPG24 advises that local planning authorities should have regard to “noise exposure categories” in determining an application for planning permission. This is considered further below.
- 281 The London Plan 2011 policies are intended to enable Londoners to live in well designed, high quality homes, limiting disturbance from noise. Policy 7.15 of the London Plan 2011 provides that development proposals should seek to reduce noise by:
- a) minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals
 - b) separating new noise sensitive development from major noise sources wherever practicable through the use of distance, screening, or internal layout in preference to sole reliance on sound insulation
- 282 Southwark Plan saved Policy 3.2 seeks to protect the amenity of future occupiers from disturbance from noise. UDP Policy 4.2 seeks good quality living conditions for future occupiers including high standards of protection from noise pollution. Core Strategy Policy SP13 also indicates that a high standard of protection from noise pollution is expected.
- 283 The Sustainable Design and Construction SPD explains that existing sources of high and frequent noise near the site need to be considered when planning the layout of a site and the form and massing of buildings. Noise sensitive uses, such as hospitals, schools and residential developments, and amenity areas should be separated from noise sources. The SPD also advises that dwellings that only have windows that open onto busy roads or railways are not supported by the council. Double glazing should be used on windows to reduce noise levels inside buildings.
- 284 The Sustainable Design and Construction SPD provides that residential development should be designed to so that preferred noise levels for indoor spaces are below – LAeq 16hr 30dB (07:00-23:00) and LAeq 8hr 30dB

– LAFmax 45dB (23:00-07:00).

- 285 The SPD also advises that mechanical systems of ventilation should only be used as a complement to natural ventilation to ensure a constant standard of indoor air quality. In other words, developments which propose sealed windows and which rely upon mechanical systems of ventilation for the provision of fresh air to a residential property are not supported. The Residential Design Standards SPD 2008 (and the draft replacement SPD) seeks a high standard of accommodation and in particular requires that all habitable rooms should have access to natural daylight and rooms should be designed to take advantage of natural sunlight and ventilation.
- 286 It is therefore necessary to consider whether
- i) future residents of the proposed development would be disturbed by noise to an unacceptable degree;
 - ii) if so whether, it would be practical to use distance screening or changes to the proposed internal layout to reduce that level of disturbance;
 - iii) if not whether sound insulation or other mitigation may be required by condition to reduce that level of disturbance.
- 297 In addition to the general level of background noise in this area there are three main specific sources of noise in proximity to the application site:
1. road traffic noise from Newington causeway; and
 2. noise related to the Ministry of Sound nightclub.
 3. noise from trains passing on the railway viaduct;
- 298 It is not appropriate to apply the noise exposure category approach advocated in PPG24 to noise related to the Ministry of Sound. That noise source requires particular consideration. Regard should be had to the noise exposure category approach in relation to the rail and road noise sources however.
- 299 The noise survey submitted by the applicant with the planning application found that the application site falls into Noise Exposure Category C for daytime and Noise Exposure Category D for night-time. PPG24 advises in relation to NEC C sites that planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise. In relation to NEC D PPG24 suggests development should normally be refused. However it does allow for situations where in noise sensitive developments in areas of high ambient noise development can be allowed provided planning conditions are imposed to ensure that the effects of noise are mitigated as far as possible.
- 300 Further the noise exposure categories are based upon assumptions regarding the noise insulation properties of single glazing windows undertaken in the late 1980s. The noise insulation properties of glazing have considerably improved over the last twenty years and as a result officers do not consider that it is appropriate to give significant weight to the application of the noise exposure categories within PPG24. It is necessary for Members to have regard to the high specification of glazing that is available and which would be required by condition for the proposed development.
- 301 The noise survey submitted by the applicant with the application for planning permission identifies road noise as the primary environmental source of noise affecting the development. In order to mitigate this impact high specification acoustic glazing will be incorporated within the design which will mitigate noise from MoS in

addition. On this basis internal noise levels in line with the SPD requirements would be attained internally. Other possibilities of mitigating the noise from MoS in terms of screening are not considered practical given the design of the building. Enclosing the recessed balconies would result in a different appearance and the building would lose articulation. Given the width of the Gaunt Street elevation it is unavoidable to have units facing this street frontage. However only 1 bedroom units on this facade have their sole aspect to this street. The units on the corners are dual aspect fronting as well either Newington Causeway or the residents' garden.

- 302 The noise survey submitted by the applicant with the planning application also provides guidance on the sound insulation measures that would be required for the facades such that appropriate internal noise levels can be met. The scheme incorporates an alternative means of ventilation to minimise the need to open windows. This would accord with the SPD which allows for mechanical ventilation to be provided in conjunction with openable windows. Sound levels on balconies will exceed the 50dB LAeq, 16hr (07:00-23:00) referred to in the preferred standard of the SPD. This is not however an unusual scenario for a city location and while sound levels on balconies may cause annoyance to some residents, this must be balanced against the substantial benefit of private outdoor space.
- 303 Overall in relation to the noise from transportation sources, Officers have concluded that provided sound insulation measures and alternative means of ventilation are provided and required by condition, the likely effects of transport noise will have been appropriately minimised and are not likely to give rise to unacceptable disturbance to future occupiers. Future occupiers would have the ability to close their windows and obtain a quiet internal environment which fresh air provided by means of alternative mechanical ventilation. It is considered that road and rail noise will not give rise to unacceptable living conditions for future occupiers and that the relevant policy standards are attained.
- 304 In relation to the potential impact of the Ministry of Sound nightclub, there has been a considerable amount of work undertaken on behalf of the applicant, the Ministry of Sound and the Council. The Council has sought advice from an external acoustic consultant Rupert Taylor.
- 305 Rupert Thornely-Taylor is a Fellow of the Institute of Acoustics and has headed the international acoustics, noise and vibration consultancy practice Rupert Taylor for 43 years. He has been an expert witness in over 100 cases in courts, planning inquiries and the Houses of Parliament. He has been President of the Association of Noise Consultants in the UK and a Director of the International Institute of Acoustics and Vibration. He is author of the Pelican book "NOISE", and of many other publications on the subject. He is an examiner of the Institute of Acoustics Diploma. He has extensive experience of the acoustics and noise aspects of clubs, studios and theatres, both from the design and enforcement points of view. He has been expert witness in many planning inquiries involving clubs and music venues.
- 306 The Ministry of Sound night club is located on the opposite side of Gaunt Street. It has registered a long-standing objection to the proposed development due to the possible impact of noise related to its activities upon future residents. The MoS is an internationally established business which has been located in Southwark for almost 20 years. MoS's current premises in a former bus garage sited between the railway viaduct and Gaunt Street operates 3 to 4 times a week (with potential to operate more frequently) from 7 pm through to the following morning.
- 307 a) break out noise i.e. noise from music playing within the night club which passes through the fabric of the building and travels to the proposed development;

- b) noise from patrons utilising the external courtyard; and
- c) noise from persons in the street outside the Ministry of Sound i.e. those queuing, entering and leaving the night club.

- 308 **a) Break Out Noise:** The Applicant produced an assessment that examined the potential impact of break out noise dated June 2009. This identified the possibility of low frequency noise break-out from the Ministry of Sound which if not mitigated would be likely to cause an unacceptable level of amenity for future occupiers
- 309 Further noise survey work was then undertaken in January and April 2011. These surveys appear to reveal that noise levels associated with break out noise were not so significant as to require the provision of noise mitigation
- 310 However, the reliability of these surveys has been challenged by MoS. After the committee meeting in June at which the application for the proposal at 89-93 Newington Causeway was considered MoS submitted a further noise survey which contained results over a different time period and with different measurement locations to those in the January and April 2001 surveys. As a result, it was agreed that a further joint survey would be undertaken.
- 311 That further survey was conducted on the night of the 23/24 July 2011. Representatives from the Council, the applicant and MoS attended. The Council representative took measurements within the club itself and at 2 positions on Eileen House: the podium level and at 7th floor level.
Those results indicate that break out noise from MoS does indeed increase during the night reaching a peak between 02:00-04:00. Low frequency noise is the main source of noise heard and measured at the application site. Music from MoS would be audible within the proposed development with windows open but an acceptable internal sound level could be achieved with dual glazed windows closed and alternative ventilation.
- 312 As a result, noise mitigation in the form of a glazing specification is required. The proposal has been designed to an appropriate specification in order to achieve an acceptable level of noise within the development and in accordance with the Council's standards as set out in the SPD
- 313 Mechanical ventilation will be required in any event for reasons stated above and is incorporated within the scheme.
- 314 **b) Noise from the Courtyard:** There is a courtyard which is currently used by patrons of MoS. Patrons gather here to talk and smoke. Music is played via external speakers. The surveys undertaken indicate "noise from the courtyard and other activities in the street would significantly exceed the internal noise spectrum with windows open but the spectrum would be achievable with dual glazing and closed windows". Hence with windows closed this noise would not impact on future occupiers of the proposed development
- 315 It should be noted that there are questions as to the lawfulness of the use of the courtyard in planning terms. It has been suggested to the Ministry of Sound that an application for a Certificate of Lawfulness be submitted in order to establish whether or not the use is lawful. This is likely to take some time to resolve and consequently, without prejudice to the Council's position in relation to this matter, Members should consider the use of the courtyard and its potential impact on future residents, as it currently operates regardless of its planning status.

- 316 It is also worth noting that loudspeakers within the courtyard are not authorised under the club's license for public entertainment. This means that music played through these speakers must be at background level only.
- 317 **c) Noise from patrons in the Street:** This has the potential to affect future residents at the lower levels of accommodation. At the upper levels there is unlikely to be disturbance from this source with windows open or closed. At the lower levels of residential accommodation on the north facade onto Gaunt Street windows would need to be shut to avoid disturbance from this source.
- 318 It has been suggested by MoS that noise related to the setting up of barriers related to the control of queuing will give rise to noise problems. However, whilst this activity does currently create noise, given the level of back ground noise in this vicinity and given that for relatively little cost barriers can be given rubber footings to reduce the noise caused when dragged across the ground, Officers do not consider that this is likely to give rise to unacceptable impacts upon future occupiers which could not be easily and cheaply mitigated.
- 319 It should be noted that activities associated with the Ministry of Sound are by no means the sole source of noise in the street, which contains bus stands and a cabin containing facilities for drivers. Patrons queuing to enter the Ministry of Sound have been observed on the three surveys attended by the Council's noise consultant to be relatively quiet. On one occasion an inebriated bystander was shouting for some time (he did not appear to be a patron of the club). There were other isolated cases of shouting and the arrival of a police car. These shouting events would cause annoyance to a future resident occupying one of the lower floors of the proposed development with windows open.
- 320 It follows that absent a condition requiring sealed windows to be provided, future residents will be able to choose whether they have their windows open or closed. If they open them then when the MoS is operating there will be times when they may be disturbed. At such times if residents close their windows they are unlikely to experience disturbance and they will be able to obtain fresh air via that mechanical ventilation proposed.
- 321 Members will therefore need to consider:
- a) whether the provision of openable windows results in an acceptable level of amenity for future occupiers given the potential impact of break out noise;
 - a) if not whether it is necessary to require windows to be
- 322 If Members consider that with openable windows the proposed development provides a level of amenity which accords with the Council's standards, then in relation to the impact of rail/road noise and of MoS upon future occupiers there will be no breach of policy.
- 323 If, however, Members consider that the provision of openable windows results in an unacceptable level of amenity for future occupiers, members will have to consider:
- a) whether it is necessary to require that windows are sealed
 - b) if so, whether the provision of sealed windows would provide an acceptable level of amenity for future occupiers in accordance with the Council's standards
- 324 Looking at the noise issues overall even without the effects of the MoS operation

residents would have to close their bedroom windows at night in order not to be disturbed due to the noise levels generally in this area. The presence of MoS does not therefore affect this basic position in terms of the amenity of future residents because its operation similarly would result in the need to close bedroom windows to avoid disturbance.

Officers have considered the potential impact of the operation of MoS upon the amenity experienced upon balconies. As the MoS activities do not give rise to noise until relatively late in the evening when balconies are unlikely to be used it is not considered that the MoS operation would be likely to have a significant impact upon the use of balconies.

Officers have concluded that provided that sound insulation measures and alternative means of ventilation are required by condition, the likely effects of MoS will have been appropriately minimised and are not likely to give rise to unacceptable disturbance to future occupiers. Future occupiers would have the ability to close their windows and obtain a quiet internal environment with fresh air provided by means of alternative mechanical ventilation. It is considered that the activities of MoS would not give rise to unacceptable living conditions for future occupiers and that the relevant policy standards are attained.

- 325 If however, Members take a contrary view, Officers believe that the provision of sealed windows would result in a conflict with the Council's Sustainable Design and Construction SPD which requires natural ventilation even where mechanical ventilation is proposed. Thus, the level of amenity that would be provided to future residents would not meet the council's standards if windows were sealed.

It follows that, if Members conclude that openable windows do not provide an acceptable level of amenity, there will be a conflict with Policy 7.15, Policy 3.2 and 4.1 of the UDP and Policy SP12 of the Core Strategy. This conflict could not be remedied in a way which would be consistent with policy through the imposition of a condition requiring sealed windows. Accordingly unless other policies in the Development Plan pull in favour of the grant of planning permission sufficiently to outweigh such a policy conflict, Members would have to refuse to application.

326 Impact upon Ministry of Sound

The concern raised by the Ministry of Sound is that complaints could be made by future residents. MoS contends that such complaints could lead to proceedings against it in nuisance. If those proceedings were successful they would result in a requirement for MoS to abate the nuisance. MoS has indicated that any steps that would require a reduction in noise levels within the club would compromise the club's unique selling point (USP). This would impact upon MoS's ability to trade. MoS contends that ultimately this would lead to the closure of the club and the Borough would lose a significant and important local business.

- 327 It is therefore necessary to consider:

- a) whether it is likely that an actionable nuisance could be established in proceedings;
- b) if so what steps would be likely to be taken
- c) What would the impact of such abatement steps be upon the economic viability of the MoS

- 328 A nuisance action could be commenced by a future occupier of the proposed

development. In addition, under the Environment Act 1995, the Council has a duty to take enforcement action against nuisances arising in its area. If the Council considers that a nuisance is being caused to future occupiers of the proposed development by MoS it will have to serve an abatement notice upon MoS.

It is no defence to an action in nuisance to argue that the person complaining of the nuisance knew of your activities before they moved in. Thus, even if future residents knew of the MoS activities prior to moving into the proposed development they would not be prevented from bringing a claim in a nuisance.

A nuisance is an undue interference with the comfort and convenience of living according to the standards of the average person. Consideration of nuisance involves consideration of the give and take that is expected between neighbours. No-one can expect to live in a way which means they are completely undisturbed by their neighbours activities. The question is whether the level of disturbance is beyond that which is reasonable.

In relation to a noise nuisance there is no absolute standard to be applied i.e. a noise does not have to reach any particular defined level in order to cause a nuisance. In considering the standard of comfort or convenience that a reasonable person might expect regard must be had to the character of the neighbourhood. A person who lives in a large manufacturing town cannot reasonably expect the same purity of air or freedom from noise as one living in a secluded countryside location.

- 329 As has been set out above, disturbance is only likely to arise to a future occupier if they have their windows open. The purpose of opening a window is to obtain fresh air for ventilation. It follows that if apartments that might be adversely affected by noise from MoS are provided with mechanical ventilation the need to open windows at night may be mitigated or removed.

To succeed in any action in nuisance a future resident would have to establish that the average person would expect to be able to sleep without disturbance with his window open in an inner city London location. Officers consider that it is reasonable to conclude that there may be real difficulty in establishing this in this location given the level of sources of noise other than MoS. However, it is not possible to rule out the possibility of a successful claim in nuisance against MoS by a future occupier or the potential for the Council to take action pursuant to its powers.

If a claim in nuisance were to succeed the Court would require MoS to take steps to ensure that nuisance does not recur i.e. to abate the nuisance. In relation to the potential impact of MoS upon future residents this would require steps to be taken to reduce the amount of break out noise.

- 330 MoS have explained that "for a nightclub that has built its reputation for bringing the world's biggest dance music DJs to London and being able to attract them in large part due to its reputation for delivering the highest quality nightclub experience, particularly in the area of sound reproduction (it's the name of the business), it is a fundamental requirement that the experience that both clubber and DJ receive is one of excellence in sound. Clubbers come to Ministry of Sound primarily to dance. Other nightclubs may have a business model which is built on socialising and selling alcohol, but the Ministry of Sound business model is based on music and dancing first and foremost.

As a venue fills, more people absorb the sound and it is necessary to increase system levels to compensate for that absorption. If levels were not increased then the noise of conversation would become more apparent, the effect of the music would lose its power and the clubber would have a significantly less satisfactory experience. Patrons

would inevitably seek to get a better experience elsewhere and DJs would choose to perform in venues where they believed their craft was better exploited, Such an outcome would be disastrous for Ministry of Sound's reputation. A simple Google search for DJ comments on Ministry of Sound will reveal many of the world's most prominent DJs talking effusively about the quality of sound reproduction in the venue. Put bluntly, it is simply inconceivable that Ministry of Sound be expected to turn the volume down. If it were compelled in whatever way to contain its noise levels to a certain level, business would inevitably be lost putting the future of the club and the business as a whole at risk of closure."

- 331 *Comment Council's noise expert does not agree with this suggestion as this is not an acoustically acceptable argument. More people would indeed absorb sound but the increase in 'output' from the sound system would only need to compensate for this adsorption. For example, if a full room reduces the sound levels in the room by 3dB, and increase of only 3dB will be required to bring sound levels back to their previous level. Overall sound levels would therefore remain constant)_except in limited areas relatively close to the loudspeakers. Furthermore, the sound in the club that is radiated to the surrounding area is very strongly concentrated at low frequencies at which human bodies are not efficient sound absorbers)."*

What is notable about this argument is that no distinction is made between the different areas within the club.

- 332 The club has 4 distinct areas:

1. the box;
2. the baby box;
3. the bar; and
4. the loft.

- 333
1. The box is the main dance area where the "headline" DJs perform/operate. This area is effectively acoustically sealed and it is unlikely that any material noise break-out occurs from the box through the fabric of the building. Hence in this key area it is unlikely that any reduction in volume would have a material impact upon break out noise. Thus even a successful action in nuisance would be unlikely to require any change in the operation of the box.
 2. The baby box similarly has no material noise break-out through the building fabric largely due to its location within the club. Again, therefore it is unlikely that that any reduction in volume would have a material impact upon break out noise.
 3. and 4) It is the case that there is noise breakout through the roof of the bar and the loft area. One possible response to a successful nuisance action would be to lower noise levels in the bar and loft areas. There is no evidence to suggest that these are areas which are critical to the MoS business model of "music and dancing". It should be noted that the loft contains both a bar and a "chill out area". Similarly there is no evidence to suggest that such action would be fatal to the business or lead to the club's closure, bearing in mind that the main music and dance areas could operate unconstrained in this regard. The USP of the club is therefore unlikely to be affected even if a nuisance claim was upheld.

- 334 Abatement might also take the form of works to be undertaken to insulate the premises further, although this really only relates to the bar and loft area. Although clearly this would have a financial implications for the club, there is no evidence that the costs of such works would be so prohibitive that they would render the club

financially unviable.

- 335 It follows from the above that if the proposed development does not have sealed windows there is the potential for claims in nuisance to be made. Officers believe that it would be difficult to establish such a claim. If such a claim were established any steps that MoS might be required to take to reduce disturbance would be unlikely to result in the closure of the business although it may affect the profitability of the business to a degree.
- 336 These are matters to which Members should give some weight in determining whether or not to grant planning permission.
- 337 Whilst clearly consideration must be given to the concerns raised in this regard officers are of the view that the benefits of the development, in terms of the contribution it makes towards the delivery of housing, the regeneration of the Elephant and Castle area and the positive contribution made to the public realm in terms of urban design, outweigh the potential impact on the operation of the MoS, an existing and established business. London Plan policy 4.1 recognises the contribution made by central London and its businesses, such as MoS, to London's economic success. Taking this into account together with all other considerations set out elsewhere in this report it is considered that planning permission should be granted.

Air Quality

- 338 The site is located within an Air Quality Management Area so an Air Quality Assessment was submitted as part of the ES. Following submission of additional details and subject to the implementation of proposed mitigation measures and inclusion of conditions, no objection has been raised by the Councils Environmental Protection officer. As a large number of people within the final development will be exposed to high levels of pollution from the quality of the air in the vicinity, the applicant has agreed to make a £60,000 towards air quality monitoring in the area

Transport Issues

- 339 Public Realm and Bus Routes: The Phasing of public realm works has been outlined earlier within this report. Phase I will include the implementation of the majority of the public realm works but with bus movements and bus standing maintained on Southwark Bridge Road. Phase II would see the removal of all bus movements from the southern end of Southwark Bridge Road and the completion of the University Square, which will result in the closure of the southern section of Southwark Bridge Road up to the point where it meets Gaunt Street (apart from servicing and access to Keyworth Street and retention of the cycle lane). The northern section of Southwark Bridge Road will become 1-way in a northerly direction, with Gaunt Street connecting to this with existing 1-way traffic flow reversed to a northerly direction. Bus stands on the closed section of Southwark Bridge Road will be relocated further north, and a servicing bay will be installed in Gaunt Street. The timescale for the implementation of Phase II is dependent upon Transport for London agreeing a public transport strategy for the Elephant and Castle area as a whole, which is some time away. Phase II is however fully funded by the developer such that implementation can occur as soon as possible.
- 340 Car Parking: In line with national policies, the Council is seeking to encourage reduced car dependence particularly in areas with good accessibility to public transport and thus encourage the use of more sustainable transport modes. 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. The site falls within the Congestion Charging Zone and all roads in the immediate vicinity of the site are within a

Controlled Parking Zone. Accordingly, the site has a very high public transport accessibility rating (PTAL) of 6. 34 disabled car parking spaces, 44 motorcycle spaces are provided within two basement floors, access via a car lift from Gaunt Street. A car lift waiting bay and an on-street disabled bay will be sited along Gaunt Street adjacent to the development. Access to electric vehicle charging points will be possible from all spaces. Given the very high accessibility of the site the parking levels (for disabled users only) are acceptable. Further to this, existing traffic orders would be amended to prevent future occupiers (excluding disabled occupiers) from obtaining parking permits. This would prevent overspill car parking in the surrounding street by occupiers of the development. Furthermore, the low volume of additional traffic from the development is not expected to have a negative impact on the existing road network. The Council has negotiated with a car club operator for the installation of car club spaces across the Borough and there are at least 3 spaces proposed that would be accessible to local residents as well as the future occupiers of the proposed development. More spaces are likely to come forward in the future.

- 341 Travel Plan: A draft Travel Plan was submitted which suggests a number of practical measures and travel initiatives to reduce car dependency of future occupiers and visitors to the site. The plan seeks to actively promote the use of non-car modes of transport, including walking, cycling and the use of public transport. Included will be the establishment of a car club, allowing residents and businesses to have access to a car in their neighbourhood without having to purchase and subsequently store one. A full Travel Plan will be required via condition prior to occupation of the development. The Section 106 Agreement will cover the Travel Plan monitoring within which time necessary adjustments can be made in accordance with the success and evolution of the scheme.
- 342 Access/ Deliveries: Gaunt Street provides the vehicular access to the basement parking area, and provides a loading bay for service and refuse vehicles. Domestic deliveries are made to service bays on Gaunt Street and Newington Causeway. A deliveries storage room opening off the entrance lobby gallery will allow for efficient and rapid drop-off of items. Resident mailboxes are arrayed across the wall to the rear to the rear of the lift core and stair core and will be easily accessible from the entrance lobby.
- 343 Cycle Parking: The Southwark Plan requires cycle parking at a rate of 1 cycle space per 250sqm A or B1 floorspace (i.e. 19 spaces) and within the Central Activities Zone, a minimum of 1 space per unit plus 1 visitor space per 10 units (i.e. 369 spaces). The scheme provides 4 separate lockable cycle parking rooms within the second basement of the development which contain Sheffield Stands and some cycle stackers. Within the basement, 335 residential cycle spaces are provided and 9 commercial cycle spaces with a cycle lift allowing for easy transportation between levels. 34 resident visitor spaces provided at street level adjacent to the residential entrance lobby with a further 20 spaces provided at street level for other general visitor cycle parking. Within the office building, 13 cycle spaces are provided for commercial and retail users in a secure cycle room at ground floor level. The scheme provides cycle parking in accordance with the Southwark Plan. The comments from Southwark Cyclists are noted; however in the absence of a local or London-wide policy to support their suggested level, it would not be reasonable to refuse planning permission on this basis. Southwark Bridge Road forms part of the London Cycle Network and whilst it is a public access carriageway, following Phase II of the public realm improvements, the southern portion will no longer be a through route for vehicular traffic but will maintain cycle access.
- 344 Refuse and Servicing: Servicing from the on-street loading bay, located on Gaunt Street, has been agreed by transport officers. Further, full details of servicing operations will be sought through the submission of a Servicing Management Plan.

The tower has an interim waste room (residents refuse drop off) at ground floor which will be transferred by the building management service to a central waste storage area in the basement of the tower prior to collection. Adequate refuse storage space has been incorporated for the commercial and retail floorspace within the basement. The waste strategy for handling residential waste is considered satisfactory. Within the office building, a dedicated refuse store is provided at ground floor with direct access to Gaunt Street for collection. Whilst the proposals for waste storage are considered generally acceptable, final details will be sought via condition of any approval to ensure adequate provision is made

- 345 Overall, the proposal is considered consistent with saved policies 5.1, 5.2, 5.3, 5.6 and 5.7 of the Southwark Plan. It would help promote non-car modes of transport, provide an acceptable level of car parking and bicycle storage, and a suitable refuse and servicing arrangement.
- 346 The site is located within Flood Zone 3a which is considered to be an area of high risk of flooding due to the proximity of the tidal River Thames. 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. As the residential accommodation will be located above ground floor, it will be protected from flooding even in the unlikely event of the river defences being breached. It is for the applicant to demonstrate that the proposed development can be made safe through measures set out in the submitted FRA. The Environment Agency has raised no objections to the scheme subject to conditions. The proposal is therefore considered consistent with Planning Policy Statement 25.
- 347 Due consideration must be given to the sequential test, advocated in Planning Policy Statement 25 "Development and Flood Risk" which requires Local Planning Authorities to direct development towards lower flood risk zones and within development sites the highest vulnerability uses should be located on parts of the site at lowest probability of flooding. However a significant part of Southwark Borough is within Flood Zone 3 and there are no sites at a lower risk of flooding for some distance. It is acknowledged therefore there are no alternative sites in the locality. Whilst the application site is not designated within the Southwark Plan, the development of brownfield sites such as this is encouraged in order to maximise the efficient use of land with the provision of much needed housing as well as promoting mixed use development within the locality. The site is located on previously developed land and there are strong sustainability reasons why the site should be redeveloped and it has excellent accessibility to public transport. The proposed scheme therefore meets the Planning Policy Statement 25 sequential test.

Environmental Impact Assessment

- 348 As detailed above, a voluntary Environmental Statement was submitted with the application in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. The Environmental Statement included the following documents:
- Volume I: Main Report
 - Volume II: Townscape and Visual Assessment
 - Volume III: Technical Appendices
 - Non- Technical Summary
- 349 Following the changes to the scheme Addendums to all Volumes were submitted, and the Non-Technical Summary was replaced. A second addendum relating to socio-economic impacts upon MoS was also submitted. The original ES Volumes together

with the ES Addenda constitute the environmental information submitted under the Environmental Impact Regulations.

350 The ES details the results of the EIA and provides a detailed verification of potential beneficial and adverse environmental impacts in relation to the proposed development, including the following areas of impact (in the order they appear in the ES): The ES provides an assessment of the likely significant effects (both beneficial and adverse) upon the environment arising from the proposed development, including the following areas of impact (in the order they appear in the ES):

- Demolition and Construction;
- Sustainability;
- Socio Economics;
- Traffic and Transportation;
- Ground conditions and Contamination;
- Water Resources and Flood Risk;
- Noise and Vibration
- Air Quality;
- Archaeology;
- Wind;
- Daylight, Sunlight and Overshadowing;
- Ecology;
- Electronic Interference;
- Cumulative Impacts
- Residual Impacts
- Townscape Assessment

351 In terms of assessing the likely environmental effects of a scheme the ES must identify the baseline (existing) environmental conditions prevailing at the site, the nature of the impact, both direct and indirect, whether they are temporary/ short-term or permanent/ long-term impacts and measures to mitigate any adverse impacts in each case. Each individual environmental impact must also be assessed for its potential to impact upon another, for example an increase in the volume of traffic along a road will have implications for noise levels in the vicinity, and therefore such 'combined effects' must also be addressed. The ES must also identify the residual effects after mitigation as well as the cumulative effects of the development in relation to other known developments in the area

352 The potential and residual impacts have been classified as being of adverse, negligible or beneficial significance, with magnitudes of the impact set out below:

353	Minor	Impacts are a slight, very short, or highly localised of no significant consequence
	Moderate	Impacts are limited, by extent, duration or magnitude, which may be considered significant
	Major	Impacts are likely to be considerable, by extent, duration or magnitude which may be considered of more than local significance or in breach of recognised acceptability, legislation, policy or standards

354 The individual areas of impact listed above and addressed within the ES are generally considered elsewhere in this report. Where mitigation of effects through the design process has not been possible, it will be achieved by one of the following means:

- Mitigation through controls on demolition and construction activities;
- Mitigation through on-going management and monitoring once development commences; and

- Mitigation through use of conditions and Section 106 provisions.

355 Subject to the incorporation of mitigation measures, it is considered that the submitted ES is acceptable and in accordance with the Regulations and responds to London Plan, Southwark Plan policies and supplementary planning documents.

Alternatives Assessment

356 The EIA Regulations 1999 require an assessment of the 'main alternatives' that have been considered by the developer. Accordingly the ES sets out the various alternatives that have informed the development proposal. The ES outlines that the 'no development' alternative refers to the option of leaving the site in its current state. This was considered to constitute a negative impact, by reason of the under-utilisation of the site, the loss of opportunity to deliver housing across London and to enliven the area through the development of retail and cafe uses within the development, and the general loss of public realm benefits offered by the scheme. The development opportunity is a direct result of the location of the site within the Elephant and Castle Opportunity Area covered by the Enterprise Quarter SPD, and therefore the site is identified as being suitable for redevelopment and therefore consideration of an alternative site was not believed to be necessary. The ES describes the design evolution following a series of consultations and design briefs. The design factored in key issues such as Rights of Light and the need to provide a form of development that would fall within an acceptable range of environmental effects.

357 The Council considers that the applicant has adequately addressed this aspect of the EIA Regulations.

Demolition and Construction

358 The ES sets out a construction methodology, which outlines that demolition and construction activities are programmed to last for around 51 months, with 6 months for demolition, 16 months for substructure, and a further 31 months for the main build. The ES includes details such as foundation strategy, hours of work, potential impacts and mitigation. A Demolition and Construction Method Statement (DCMS) is proposed to be developed by the Principal Contractor which will include measures such as a considerate contractor's scheme, management of trade contractors, traffic management, access and egress, temporary road closures, road cleanliness, management of noise, vibration, and dust, site waste management.

Sustainability

359 The ES advises that the Sustainability Assessment was structured around the Mayor's SPG on Sustainable Design and Construction. Further details of the Sustainability Assessment, in particular the Energy Strategy, are provided elsewhere within this report. The ES states that the scheme will make the best use of this previously developed land by providing a carefully designed mix of public space, amenity, office and residential dwellings, and this is agreed by the Council.

Socio Economics

360 The ES details the effects of the development on the local population and economy. The assessment considered that range of effects that may result from the development, including effects during the construction period. The chapter concludes that the development will have a positive effect (on the local and regional economy) by creating more employment opportunities than the existing activity on the site and by meeting the demand for high quality office accommodation within Southwark. The provision of affordable housing is discussed, which will contribute towards achieving

the Boroughs housing targets. The impact on local services was also considered, for example the impact the local GP services, with the impacts considered to be acceptable. The inclusion of amenity space and public realm works was considered to assist in the mitigation of the impact of the new population and provide new space for local residents.

In addition, an addendum to the ES was received in May addressing the potential impacts upon the Ministry of Sound. Officers take the view that, whilst an impact upon MoS arising from potential claims in nuisance from future occupiers cannot be ruled out, such an impact cannot reasonably be viewed as likely. As a result, the likely significant socio economic impacts of the proposed development have been adequately considered within the ES.

Traffic and Transportation

- 361 The EIA included a full assessment of the impact of the scheme on the surrounding road network and public transport facilities, including consideration of impacts during demolition and construction. The methodology used is based on relevant guidance on traffic impact assessment and this is set out in the ES. Existing baseline conditions in respect of the highway network, road safety, facilities for pedestrians and cyclists, public transport and traffic flows are identified
- 362 The scheme is considered to be in line with national, regional and local transport policies, in particular its' location in a highly accessible area and it is expected that 90% of all trips would be non-car based. The scheme will have a travel plan that will be implemented by future occupiers to encourage sustainable transport modes, and this will have a minor beneficial impact on promoting sustainable modes of travel. In addition, an addendum to the ES was received in May addressing the potential impacts upon the Ministry of Sound. Officers take the view that, whilst an impact upon MoS arising from potential claims in nuisance from future occupiers cannot be ruled out, such an impact cannot reasonably be viewed as likely. As a result, the likely significant socio economic impacts of the proposed development have been adequately considered within the ES.
- Public transport services were considered within the ES, including the impact of the development on these services. Adverse impacts associated with HGV movements during the demolition and construction stage were identified but were considered to be temporary and reversible, occurring at a local level and therefore being of a minor adverse significance, as long as mitigation measures recommended within the Demolition and Construction Method Statement are followed. The Council concurs with the ES that impacts will be of a minor adverse nature (though in some cases beneficial such as the pedestrian environment) and conditions can be imposed to ensure environmental impacts are kept to a minimum. The Council also agrees that approval of the Highway Authority will be required in relation to the implementation of Phase I public realm works.

Ground Conditions and Contamination

- 363 This chapter assesses the impacts associated with potentially contaminated soils and groundwater, both in the context of the existing site, during construction and following completion of the development. Assessment included a desk based geotechnical assessment. The ES states that the anticipated impact on groundwater flow would be negligible if appropriate design measures and an Environmental Management Plan (EMP) are correctly implemented during excavations. Disturbance of contaminated soils during construction may adversely impact on groundwater quality, as the historical use of the site suggests that some contamination may exist. Areas of the site not affected by excavation will have appropriate remediation, and earthworks will have due regard to a Waste management Plan. Any hazardous waste will be pre-

treated prior to disposal in accordance with current waste legislation. If any significant contamination were identified, its removal would result in a moderate beneficial impact to ground resources in the area. The storage of any fuels and plant in the basement of the completed development will be designed to meet the statutory requirements established by the EIA, and as such the potential impact is considered to be negligible.

Mitigation measures designed to either alleviate or limit impacts are set out and taken into account in the assessment. With the incorporation of the recommended measures, adverse impacts from the development relating to land contamination and groundwater conditions are not anticipated. The Council considers the ES has appropriately dealt with this area of impact.

Water Resources and Flood Risk

- 364 The ES considers the impact of the proposal on surface water, hydrology and hydrogeology of the surrounding area and potential for floor risk. The application site is located within the Environment Agency's 1 in 100 year indicative floodplain: Flood Zone 3 where the site is considered to be at high risk from fluvial and tidal other flooding, although it benefits from established floor defences. The ES states that the demolition and construction phase surface water and groundwater may occur, however no significant impacts to water resources are expected as long as the mitigation measures detailed within the ES are implemented. The construction of 2 basement levels may result in contact with perched shallow groundwater; however it is expected that the impact of this may be mitigated through waterproofing of the basement to relevant British Standards and through increased pumping rates from the basement void to the drainage network. The inclusion of landscaped areas in the form of a resident's garden and linear park will result in a slight reduction in surface water runoff at the site, but in addition the use of on-site storage will be implemented in the basement which should attenuate peak flows to 50% of the existing runoff. Once the mitigation measures that have been incorporated into the design are implemented, the ES states that there would only be a negligible impact on flood risk. Operational impacts are limited to the capacity of the foul sewerage system and water resource availability. The ES concludes that the residual impact on this receptor is expected to be of a minor adverse, short-term significance.

Noise and Vibration

- 365 The noise and vibration impacts of the development have been assessed in terms of the likely impacts during the construction and operational phase of the facility, and the impact of traffic movements associated with its implementation. The ES sets out the existing (baseline) noise levels on the site and identifies a number of potential noise sources (road traffic, construction noise, road works) and daytime and night-time noise monitoring surveys were undertaken to define baseline noise level conditions.
- 366 During the 51 month demolition and construction phases, the ES recognises that there is the potential for demolition activities to result in an impact of moderate to major adverse significance at local noise sensitive receptors and during substructure works an impact of minor adverse significance. Mitigation is proposed through the preparation of Demolition and Construction Method Statement (DCMS) and Environmental Management Plan (EMP) to minimise environmental impacts including those due to noise and vibration. The ES also considered the effects of construction traffic and the potential impact is considered to be negligible given the existing high traffic flows in the area. The Council believes that no significant adverse impacts would arise on the local road network from noise associated with construction traffic.
- 367 Within the development, the ES sets noise limits for new building services plant associated with the development, and if mitigation measures are in place the residual impact on nearby sensitive receptors would be negligible. The proposed

amendments to highways arrangements resulting from the scheme is predicted to result in noise level increases of 1-2 decibels, however the ES indicates this to be of a minor adverse impact, as the increases are at least in part due to general increases in traffic flows combined with the proposed development impacts. The Phase II public realm (and associated traffic) works are predicted to reduce road traffic noise levels in the immediate vicinity by up to 6 decibels, and the ES indicates this to be a moderate to major beneficial impact. Within the building itself, the building facade has been designed to control noise ingress and mitigation methods such as enhanced facade glazing specifications adjacent to the Ministry of Sound, are included. The ES indicates the scheme will achieve the BS 8233 standards for residences.

Air Quality

- 368 This part of the Borough is an Air Quality Management Area (AQMA) where concentrations of nitrogen dioxide (NO₂) and fine particulate matter (PM₁₀) are already high, exceeding the Air Quality Standard objectives. The ES assesses the impact of the proposed development during demolition, construction and operational phases. The ES acknowledges that the main effect of dust emissions during construction, if unmitigated, would be moderate adverse at the site boundary, but would be short-lived. Mitigation measures are therefore proposed based on London Councils and LBS codes for construction, which should significantly reduce any impacts. The ES predicts that following mitigation, the impacts from construction plant emissions will be of a minor adverse significance and construction road traffic of negligible significance. The submission of an Environmental Management Plan will be submitted prior to commencement of construction works for the Council's approval which will incorporate appropriate mitigation measures. The Council considers this to be an appropriate level of mitigation to ensure impacts are minimised, and the matter will be secured by condition(s).
- 369 Road traffic effects from the completed development during Phase I have been predicted to have a minor adverse impact at a majority of the receptors modelled, and of a major adverse impact at receptor 6 (University Academic building near Borough Road), however this represents a 'small' magnitude of change due to concentrations already exceeding the air quality strategy objectives and this receptor is not a residential environment meaning people will not reside there 24 hours a day. Impacts at all other receptors were considered negligible or minor beneficial. During Phase II, the road traffic impacts are predicted to have a major adverse impact on 4 receptors (Borough Road, Newington Causeway, Gaunt Street) since traffic flows are expected to increase significantly on the eastern boundary of the site, when the scheme becomes operational. Mitigation measures for control of additional road traffic are presented in the ES under the Traffic and Transportation chapter. All other receptors were considered to be impacted to a minor adverse or negligible level (Southwark Bridge Road, Keyworth Street). Some receptors actually indicate an improvement in air quality (of a negligible to minor beneficial significance) following implementation of public realm works which would see a redistribution of some traffic within the local road network. The ES indicated that the heating plant is predicted to have only a minor adverse impact on local air quality at ground level. The applicant has proposed a means of on-site mitigation with respect to air quality, to mitigate against PM₁₀ and NO₂ for the floors affected by exceedances of the national objectives for these pollutants. This proposal has been accepted by the Councils Environmental Protection Team who consider the extent in terms of height for the mitigation to be acceptable. Additional information is to be submitted with respect to the effectiveness of the means for NO₂ filtration, which will be addressed via condition.
- 370 The Council notes that PPS23: Planning and Pollution Control – Annex 1: Pollution Control, Air & Water Quality advises that for all developments within or adjacent to

AQMA's "it is not the case that all planning applications...should be refused if the development would result in a deterioration of local air quality..." (Appendix 1G). The Council notes that although the proposal will result in increased levels NO₂ at some receptors, the increases are mostly of a negligible or minor beneficial for the majority of receptors.

Archaeology

- 371 The site is located within the Borough, Bermondsey and River Archaeological Priority Zone, against the boundary of the Kennington Road and Elephant and Castle Archaeological Priority Zone. A desk-based archaeological assessment of the likely effects of the development on the archaeology and built heritage of the area has been undertaken. A review of the baseline conditions and potential for further discovery of archaeological remains is provided in the ES which is based on relevant literature and documentary sources. The building occupying the site has an existing basement which will have had an impact upon archaeological remains.
- 372 The ES indicates that there is a low potential for archaeological remains from the pre-historic period, but with a high potential for remains dating from the Roman period, as the line of a major Roman road is likely to have run through the centre of the site. There is again low potential for remains during the Medieval period, with some evidence of agricultural features. There is high potential for remains from the Post-Medieval period in the form of forts or defensive ditches from the Civil War. There are also below ground remains of the mid-19th century terraced housing along the perimeter of the site. It is therefore proposed that a programme of archaeological investigation is undertaken, with the aim of achieving preservation by record (trenched evaluation). The ES suggests that the evaluation would result in an overall negligible residual impact. The Council considers that subject to an archaeological investigation being undertaken, further archaeological evaluation and works may be required. This matter can be secured by appropriate conditions.

Wind

- 373 The ES sets out the results of an assessment of the potential wind effects of the proposed development, including wind tunnel testing to provide a quantitative assessment of the effects. Baselines wind conditions were established through wind tunnel tests, which found the site conditions to be relatively calm. The ES included two scenarios for assessment- a worst case in windy conditions and summertime. Under worst case conditions, nine locations were identified as suitable for sitting in the immediate area (the majority within the residents garden close to the tower residential entrance), and 29 locations were suitable for standing/ entrance use within the immediate surroundings (mainly in the public realm areas of the scheme and close to building entrances) and ten locations were suitable for leisure walking (mainly Gaunt Street). The ES sets out mitigation methods that will reduce the impacts to negligible significance, including the use of recessed entrances, removal of the entrance in the south-west corner of the tower, recessing the entrance at the north corner of the office block, use of landscaping to enhance the micro-climate.

Daylight, Sunlight and Overshadowing

- 374 The ES considers the impact of the proposed development on the daylight and sunlight of existing properties and amenity areas surrounding the site. No amenity areas are located within 90 degrees of north so no sensitive receptors in terms of overshadowing are considered to exist. In terms of daylighting impacts on other sensitive receptors, the ES indicates that on Metro Central Heights the impact is negligible, and on Ontario Street Hostel, Stephenson House and Telford House, minor adverse impacts are predicted. All other impacts, including sunlighting, are

considered to be negligible.

Ecology

- 375 There are no statutory or non-statutory nature conservation designations over the site, though The River Thames and Tidal Tributaries, a Site of Metropolitan Importance for Nature Conservation is within 1.2km north of the site. The existing site is entirely built up with associated hardstanding. It is, however, within a 'known key area' for Black Redstarts, though without a suitable habitat, the ES indicates that the site is unlikely to be used for foraging and nesting. The birds are known to inhabit building sites, and where they are found during demolition and construction the ES suggests that Natural England will be contacted to ensure appropriate action can be taken to avoid any impact on the species. During demolition, the impact on ecology in terms of dust and noise will be of negligible significance due to the lack of sensitive receptors of ecological value near the site. The proposed public realm improvements and overall landscaping strategy are considered to have a positive impact on local ecology, considered to be of a minor-moderate beneficial significance. The Council considers the ES to be an accurate assessment and overall, subject to the habitat creation measures outlined in the ES, the impacts on ecology are considered to be acceptable and any temporary adverse impacts will be mitigated.

Electronic Interference

- 376 The ES included an assessment on what effects the tower will have for 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.
- 377 The ES indicates that there is likely to be some impact on coverage immediately to the north of the site, with the likely shadow area similar to the width of the proposal which will diminish in width for more northerly receiver locations. In terms of incremental interference to TV and radio reception, mitigated measures may be introduced to ensure satisfactory reception is restored and as such any residual impact of the proposed scheme will be negligible. The Council is satisfied with the assessment set out in the ES, subject to a planning obligation being included which will require appropriate surveys to be carried out before and after development to assess the likely impacts, and the implementation of mitigation measures to rectify any problems that occur.

Cumulative Impacts

- 378 The ES considers the cumulative impacts of the development, including those impacts that result from incremental changes that are caused by past, present and reasonable foreseeable future actions combined with the proposed scheme. Two types of impacts have been considered, the combined effect of individual impacts, such as noise, dust, or traffic, on receptors, and the likely impacts combined with those of several development schemes. The assessment includes a summary of other developments that are proposed (focussing on those with extant planning permissions or those under construction) within the surrounding area in relation to the demolition,

construction and operational phases of the proposed development.

379 The ES identifies that most of the cumulative impacts are negligible, with those adverse impacts being primarily of minor significance, being short-terms and of a localised nature. The following is a summary of the likely adverse cumulative impacts:

- Foul Drainage- when combined with consented development in the area, there could be a temporary minor adverse impact on downstream sewage treatment works if capacity is limited and assuming all foul drainage is directed to the same treatment plant;
- Air quality impacts during Phase I are of a minor adverse significance in most receptor locations, with improvement (or a minor beneficial impact) in air quality in one location (corner of Gaunt Street and Southwark Bridge Road). Dust impacts are however considered to be negligible. During Phase II the air quality impacts on NO₂ are increased to be of a major adverse impact (due to the concentrations being above the standard without the scheme to start with) in most receptor locations, with one indicating a minor beneficial impact. The applicant has proposed a means of mitigation with respect to air quality, which has been accepted by the Council, subject to conditions of approval.
- The removal of potentially contaminated soil from the site and the immediate area would have a minor-moderate beneficial significance.
- The microclimate/ wind conditions are considered to be improved by the identified cumulative schemes.

Residual Impact Assessment

380 The ES outlines residual impacts, those that remain following the implementation of any mitigation measures. In the Construction phase, there are identified minor adverse impacts from noise and vibration during superstructure construction and fit-out and some temporary adverse impacts of minor-moderate significance on air quality and electrical interference, during construction. In terms of Operational Impacts the ES identifies that a number of beneficial impacts will occur. The key positive benefits offered by the scheme include socio economic impact, noise and vibration, and ecology. Permanent adverse impacts are seen in terms of air quality, noise and vibration (road traffic), traffic and transport (highways impact on closure of Southwark Bridge Road). The Council is satisfied that the residual impacts of the scheme have been fully considered within the ES.0020

Townscape, Conservation and Visual Impacts

381 A separate ES Volume has been dedicated to the Townscape, Conservation and Visual Impacts. The size and scale of the proposed development will mean that there will be a varied and, in certain locations, a significant visual impact on local views and the townscape. A visual assessment has been carried out to establish the existing townscape and visual baseline conditions, including 33 views (some the same location but summer/ winter provided) taken at selected points in the vicinity of the site (Conservation Areas, key viewing corridors) as well as views taken from various designated views as set out within the Mayor's London View Management Framework SPG. A series of photomontages showing existing views from sensitive receptors looking towards the site have been included alongside photomontages depicting the cumulative view (i.e. a view incorporating the proposed scheme and other consented schemes within the vicinity). Each of the views is then assessed in terms of the significance of the potential impact, which in the majority of cases is considered to be of a neutral, negligible or minor-major beneficial significance.

382 Whilst the Council is satisfied with the assessment provided in the ES, there is some contention over a number of views from English Heritage, Royal Parks and the City of

Westminster. EH raise a concern with the impact on the setting of the fly towers of the Grade II listed Royal National Theatre when viewed from Waterloo Bridge, which they consider would cause modest harm to this view. Similar concern is the impact on the view from Walcot Square, where they consider the tower would be a modestly harmful intrusion upon the view. Of greatest concern to EH is the impact on the view looking south across St George's Circus, where the proposal rises dominantly over the roofline of the group which they believe will cause significant harm to the setting. The ES includes an assessment of St George's Circus at View L11, however the location from which the photographs are taken do allow the building to be partially hidden by the existing tree canopies, and the impact is considered to be of major beneficial significance. The Council believes it is more likely to result in a minor adverse impact but one which is not so significant to outweigh the other benefits of the scheme. The City of Westminster and Royal Parks maintain concerns about the impact of the development on views from the Serpentine Bridge in Hyde Park, shown in View D2B. The ES identifies the impact as being of a negligible significance, as the reduction in height of the tower by 3 storeys has resulted in the majority of the tower being below the existing tree line. The Council and the GLA have accepted this position. The Council considers the assessment to be generally satisfactory with potential impacts on the townscape and local views towards the site identified.

ES - Conclusion

- 383 The ES its addendum and the Regulation 19 Responses provide an assessment of the likely significant effects of the proposed development during both construction and operational phases. The documents comply with the relevant Regulations in terms of their scope and methodology for assessment and reporting. As a major development of this nature there are potential environmental impacts and, where appropriate, mitigation has been identified to address any impacts. The general impact of the development is considered to range from negligible to minor beneficial throughout most of the site. There are some adverse residual effects as a result of the development and these have been identified in the assessments and taken into account in the consideration of the application together with the representations made by third parties.

Planning Obligations [S.106 undertaking or agreement]

- 384 Saved Policy 2.5 of the Southwark Plan advises that planning obligations can be secured to overcome the negative impacts of a generally acceptable proposal. This policy is reinforced by the 'Supplementary Planning Document' (SPD) on Section 106 Planning Obligations, which sets out in detail the type of development that qualifies for planning obligations, and Circular 05/05, which advises that every planning application will be judged on its own merits against relevant policy, guidance and other material considerations when assessing planning obligations. The applicant has submitted a proposed Heads of Terms based on the Council's Planning Obligations SPD. Full details are provided below.
- 385 Affordable Housing: The proposal provides 231 affordable habitable rooms resulting in an overall provision of 25.46% of the total habitable rooms being affordable, representing a 70 habitable room shortfall in provision. As discussed earlier in this report, it is recommended that a clawback provision be included to recover this shortfall in the case of a market improvement.
- 386 Education Contribution- £222,756 in line with s106 toolkit;
- 387 Employment and Training: comprising: Employment in the development £27,000 (toolkit requires no contribution for this as no uplift in office space occurs). The

applicant is providing their own Workplace Coordinator during Construction, which will be acceptable only if terms can be agreed within the s106 for the functioning of the WPC. A clause will be included within the s106 such that should the developer not employ a WPC or there is under performance on behalf of the WPC then a contribution of £309,086 should be paid (in addition to the Management Fee). Management Fee of £23,828 to cover costs in association with WPCs;

388 Public Open Space, Children's' Play, Sports Development: See Public Realm and Community Facilities Contributions.

389 Transport Strategic: £214,143 in line with s106 toolkit;

390 Site Specific Transport: £2750 towards amending the Traffic Management Order to restrict future occupiers from obtaining parking permits. Relocation of pay and display parking bays, the introduction of a disabled parking bay, the installation of a loading bay on Gaunt Street and a car lift waiting area will be provided by the applicant.

391 Transport for London: £486,000 comprising:

- £136,000 towards additional bus running costs associated with the temporary re-routing of buses associated with the relocation of bus stands associated with the delivery of Phase 1 (£13,600 per annum, and includes fuel, tyres, engineering costs)
- £250,000 towards the delivery of the proposed interim (Phase 2) bus solution and any associated works to ensure full implementation of the Eileen House public realm package (Phase 2). If by the time the developer is in a position to deliver Phase 2 and a new bus facility/solution has been identified and agreed by TfL and the borough, the 'interim' facility is not likely to be required. TfL will then expect the contributions secured to be directed towards transport improvements in the wider Elephant and Castle area.
- £100,000 towards transport studies that can be used to inform the wider transport solution for the Elephant and Castle. TfL have advised that the surface transport situation at Elephant and Castle presents a number of challenges and these need to be addressed to improve pedestrian access, cycling, bus access and provision in terms of bus standing/stopping and driver facilities and highways alterations. TfL has been working with Southwark Council for some time to identify a preferred transport solution. The costs of delivering both the underground and surface transport enhancements deemed necessary to support the on-going and longer term growth of the E&C Opportunity Area are significant, current estimates are in the region of c£120 million for improvements to the Northern Line Ticket Hall and c£20million update for the surface works which include replacement of pedestrian subways with at-grade pedestrian crossings at northern roundabout, and highway and public realm improvements. The applicant has agreed to make a contribution towards the 'wider transport solution', beyond the specific TfL requests outlined above.

392 Public Realm: Works in lieu of payment equivalent to £2,392,240 (above the s106 toolkit which suggests £327,330 for public realm and £360,655 for open space/ children's play/ sports development). This is the estimated cost for the developer to deliver Phases I and II of the public realm improvements immediately surrounding the site, which includes the creation of a resident's garden, a linear park along Southwark Bridge Road, and a University Square to the east where Keyworth Street meets Southwark Bridge Road at the entrance to the LSBU campus.

393 Archaeology: £10,199 in line with s106 toolkit;

- 394 Health: £343,507 in line with s106 toolkit;
- 395 Community Facilities: £116,000 (toolkit suggests £43,540) comprising:
- £25,000 towards the Newington Gardens Project Banks (e.g. Sustainability and Habitat Initiatives and Creating a Matrix of Wildlife Habitats Projects)
 - £50,000 towards the Dickens Square Park Improvements
 - £5,000 towards the Rockingham Community Centre
 - £15,000 towards the Rockingham Estate Open Space Improvements Project Bank
 - £21,000 towards the Scovell Estate Improvements Project Bank
- 396 Other Contributions: £85,000
- £25,000 towards Partnership Schemes in Conservation Areas for the Saint George's Circus Conservation Area, which comprises an English Heritage grant scheme valued at £300,000, of which LB Southwark has agreed to contribute £150,000
 - £60,000 towards Air Quality Monitoring within the Elephant and Castle
- 397 Total Contributions:
- Cash contribution with TfL requirements: £ £1,531,183
 - Administration fee of 2%: £30,623
 - Total financial contribution: £1,561,806
 - Total Equivalent in Kind contribution: £2,701,226 (£2,392,240 estimated for public realm, £309,086 for provision of a workplace co-ordinator in lieu of contribution)
 - Total of S106 Package: £4,263,032. A standard toolkit compliant scheme would be required to make minimum contributions of £2,304,914.
- 398 Other matters for inclusion in the s106 agreement:
- Commitment to the future connection to ESCO and to investigating the value of the proposed energy efficiency measures to ensure maximum performance;
 - Commitment to developing, implementing and monitoring a travel plan including the appointment of a Travel Plan Co-ordinator;
 - The applicant will be required to enter into a s278 agreement with the Highways Authority in relation to public realm improvements to the pavement fronting the site.
 - Commitment to providing a signalled cycle crossing across Southwark Bridge Road;
 - Commitment to undertaking a consultation process with the Counter Terrorism Unit of the Metropolitan Police prior to finalising public realm and landscaping plans, which will be subject to Local Planning Authority approval;
 - Commitment to ensuring that any adverse impacts of the development on reception of residential properties is identified and resolved satisfactorily, through detailing how the impact of the development on television, radio and other telecommunication services will be assessed, the method and results of surveys to be carried out, and the measures to be taken to rectify any problems identified (which will be subject to Local Planning Authority approval);
 - Commitment that the system of air quality mitigation will be part of lease agreements, to ensure that on-going maintenance is undertaken by the building management and is not the responsibility of individual leaseholders through their lease agreements.
 - Confirmation that twice weekly collection of waste by private contractor will occur for the life of the development without additional charges being

imposed on residents.

399 The proposed Heads of Terms are considered acceptable and appropriate for the nature and scale of the development and will ensure that identified environmental impacts from the development can be adequately negated or minimised. This is consistent with the requirements of saved Policy 2.5 of the Southwark Plan concerning Planning Obligations.

400 In accordance with the recommendation, should an acceptable Section 106 Agreement not be signed within the specified time (31 December 2011), the following reason for refusal would apply:

“In the absence of a signed Section 106 Agreement, there is no mechanism in place to avoid or mitigate the impact of the proposed development on the public realm, public open space, the transport network, health facilities and employment and the proposal would therefore be contrary to saved Policy 2.5 of the Southwark Plan and Policy 8.2 of the London Plan.”

Conclusion

401 The application will see the physical regeneration of a currently unattractive, brownfield site, improving the immediate urban environment, and providing much needed private and affordable housing and employment opportunities. Further, the scheme will create a vastly enhanced public realm, improving the relationship to the adjacent LSBU campus and soon to be revitalised Elephant and Castle core area. The principle of the proposed uses are considered acceptable. Whilst the loss of B1 floorspace is regrettable, it is considered that the overall benefits offered by the scheme will outweigh this loss to an acceptable extent. The traffic impacts, car and cycle parking provision are also acceptable. The height and design of the building is considered acceptable, particularly given its siting within the Central Activities Zone and the Elephant and Castle Opportunity Area.

402 A high density tall building proposal will inevitably have some impact on the local and wider context. On this basis the applicant chose to voluntarily submit an ES in accordance with the EIA Regulations 1999. The ‘Guidance for Tall Buildings’ advises that *‘to be acceptable, any new tall building should be in an appropriate location, should be of excellent design quality in its own right and should enhance the qualities of its immediate location and wider setting. It should produce more benefits than costs to the lives of those affected by it.’* The ES has demonstrated that the identified environmental impacts are acceptable either because they are negligible or of no significance or that mitigation measures can address these impacts. There are some adverse residual effects as a result of the development and these have been identified and taken into account in consideration of the application.

403 The scheme is in accordance with local and national policies and will contribute towards the regeneration of the Elephant and Castle area, in particular within the Enterprise Quarter. Further, the proposal will deliver a sustainable mixed-use scheme that would bring about a marked improvement in the local environment and its appearance which is considered to outweigh any negative impacts. Planning obligations will be secured to offset the impact of the development in accordance with the Supplementary Planning Document on Planning Obligations. The proposal is recommended for approval.

404 Consistent with the objectives set out in the draft NPPF, the application proposal ensures the effective and most efficient use of land and buildings, will help meet Southwark’s housing needs, will promote the vitality and viability of the town centre and will promote prosperity. Consistent with the national policy approach, the

application accord with the principles of sustainable development, is located on an appropriate site, in a sustainable location within the Elephant and Castle town centre, and with access to facilities and services.

- 405 Officers consider the proposed development to be sustainable and not to give rise to significant adverse impacts that would rebut the presumption in favour of the grant of planning permission in the draft NFFS. Thus, that draft policy weighs in favour of the grant of planning permission.

COMMUNITY IMPACT STATEMENT

- 406 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. In addition to this, the applicant has undertaken their own consultation prior to lodging the application, which is described in the consultation section of this report. The impact on local people is set out above, including aspects covered by the ES.

HUMAN RIGHTS

- 407 The application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with convention rights. The term 'engage' simply means that human rights may be affected or relevant. Few rights are absolute in the sense that they cannot be interfered with under any circumstances. 'Qualified' rights, including the Article 6, Article 8 and Protocol 1 rights, can be interfered with or limited in certain circumstances. The extent of legitimate interference is subject to the principle of proportionality whereby a balance must be struck between the legitimate aims to be achieved by a local planning authority providing a mixed use development for 335 new residential units combined with a commercial/retail use against potential interference with individual human rights. Public bodies have a wide margin of appreciation in striking a fair balance between competing rights in making these decisions.
- 408 This approach has been endorsed by *Lough v First Secretary of State* [2004] 1 WLR 2557 and clearly shows that human rights considerations are also material considerations in the planning arena which must be given proper consideration and weight. It is acceptable for the Council to strike a balance between the legitimate aim of the provision of a mixed use development against potential interference with some individual rights. Officers advice is that MOS is likely to be able operate without unacceptable impacts arising on future occupiers of the proposed development.
- 409 In the case of this application, a number of rights may be engaged including: -
- *The right to a fair trial (Article 6)* – giving rise to the need to ensure proper consultation and effective engagement of the public in the application process.
 - *The right to respect for private and family life (Article 8)* - Relevant considerations may include impacts on amenities or the quality of life of individuals by prospective development.
 - *Article 1, Protocol 1 (Protection of Property)* – this right prohibits interference with individuals' right to peaceful enjoyment of existing and future property / homes. Article 1 provides that: "Every natural or legal person is entitled to the peaceful enjoyment of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law". Ministry of Sound being a legal person is therefore entitled

to the protection offered by this article. If the proposed development were identified as likely to have an adverse impact upon MoS then the balancing exercise identified by MoS in its letter of 10 September 2010 would have to be undertaken. However, the advice is that MoS is likely to be able to operate without unacceptable impacts arising on future occupiers of the proposed development.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

- 410 Saved Policy 3.3 of the Southwark Plan asserts that development will not be granted unless the economic, environmental and social impacts of a development have been addressed through a Sustainability Assessment. Saved Policies 3.4 and 3.5 of the Southwark Plan seek energy efficient development and renewable energy technology in new development. Saved Policy 3.6 seeks to maintain air quality. Policy 3.9 advises that all development should incorporate measures to reduce the demand for water supply. Policy 5.2 of the London Plan requires that major development schemes should provide an assessment of their energy demands and demonstrate how they have taken steps to apply the Mayor's energy hierarchy. Policy 5.7 of the London Plan seeks a reduction in carbon dioxide emissions from on site renewable energy generation. The scheme is predicted to save 52% in carbon emissions compared to the baseline.
- 411 A Sustainability Assessment was submitted with the application which followed the energy hierarchy as follows:
- 1) 'Be Lean' (Reduce carbon dioxide emissions through use of energy efficiency measures to produce a new energy efficiency baseline): The reduction in energy consumption can be achieved through various energy efficiency measures. A range of energy efficiency measures are proposed, including centralised plant i.e. the future MUSCO connection, also providing non-potable 'green' water services for use in the WC's, washing machines and dishwashers, low energy lighting, high efficient boilers, optimised facade and enhanced thermal insulation, building energy management system, whole house ventilation. In addition, water efficiency measures are proposed which will limit consumption to 105 litres per day. Biodiversity- The site is currently entirely hard surfaced, so the intention to provide a green wall will promote biodiversity by allowing flora and fauna to populate it and it will assist in localised climate control. The linear park and resident garden will assist surface water drainage as well as improving biodiversity. Overall these measures will result in the proposed development achieving a reduction in total CO₂ emissions of the development will be 15% (120,292 kWh per annum) from these Be Lean measures, though the GLA suggest the figure is closer to 18%.
 - 2) 'Be Clean' (Further reduce carbon dioxide emissions from CHP connection to provide a new energy baseline): the development proposes connection to the Elephant and Castle MUSCO network and plant room space has been provided in the basement to allow for this. The proposal to connect to the MUSCO results in a 32% reduction in total CO₂ emissions of the proposed development.
 - 3) 'Be Green' (Reduce (by 20%) the energy supply baseline through renewables installation): The design of the tower, having a high building efficiency (i.e. a high number of dwellings to a small building footprint) restricts the ability to generate renewable energy from on site installations. Whilst a range of different options were considered, the best option was considered to be the installation of 644sq.m of photovoltaic panels on the roof, which could further reduce emissions by 5% (36,566 kWh per annum).
- 412 Whilst the development may not reach the full 20% renewables target, it is considered

that under the circumstances given what appears to be a substantial CO2 saving of 52%, there is no objection in terms of the approach to energy, and it is considered that the Energy Hierarchy has been followed appropriately.

- 413 Core Strategy policy 13 sets a target to achieve Code for Sustainable Homes Level 4 for all residential units. A preliminary Code for Sustainable Homes assessment was submitted which estimated that the scheme should achieve a Code for Sustainable Homes Level 3. However the applicant has agreed to a condition requiring level 4 as the development is capable of meeting this through additional measures which will become evident as the detail of the scheme develops. A preliminary BREEAM assessment was submitted in relation to the commercial element, which indicated that the scheme should achieve a 'Very Good' rating, which is below the new standard of excellent set by Core Strategy 13. Again the applicant is confident that excellent can be achieved and has agreed a condition to that effect is acceptable. The required standards will therefore be secured by condition and will be in compliance with sustainability policies of the London Plan, Core Strategy and Southwark Plan.

BACKGROUND DOCUMENTS

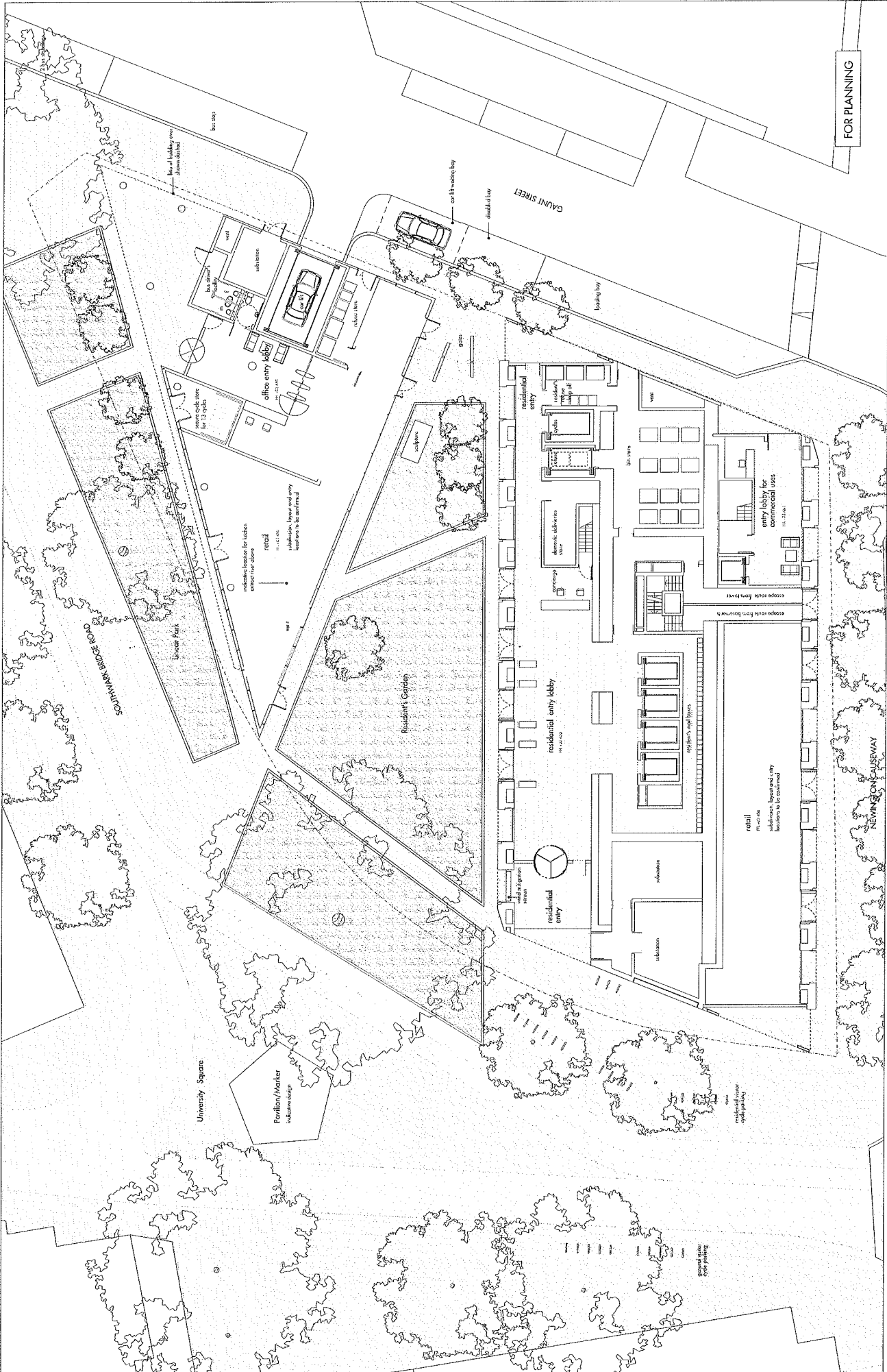
Background Papers	Held At	Contact
Site history file: TP/1396-A Application file: 09-AP-0343 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020-7525-5527 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Images

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Brídín O'Connor, Development Management	
Version	Final	
Dated	27 September 2011	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Leisure	No	No
Date final report sent to Constitutional Team	30 September 2011	



FOR PLANNING

EILEEN HOUSE
GROUND FLOOR PLAN

P3
Revision

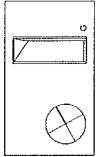
519_07_109
SCALE 1:125 @ A1 1:250 @ A3

Alfco and Norman
85 Southam Street
London SE1 0NF
Tel: 020 7923 1100
Fax: 020 7923 1000
email: info@alfcounorman.co.uk

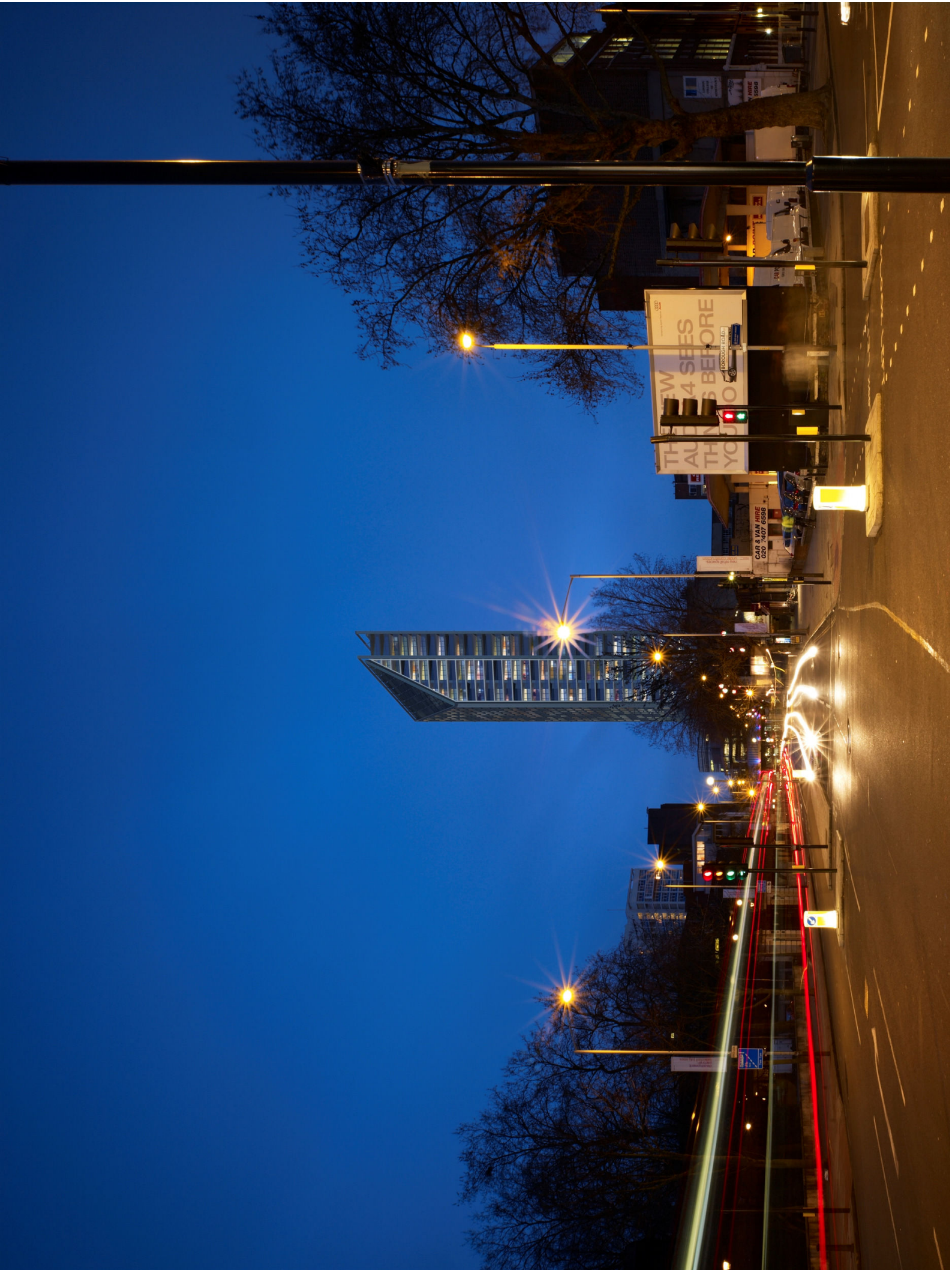
NO.	DATE	DESCRIPTION
1	10/07/11	ISSUED FOR PERMITTING
2	12/07/11	REVISIONS TO PERMITTING
3	12/07/11	REVISIONS TO PERMITTING
4	12/07/11	REVISIONS TO PERMITTING

Please refer to landscape drawings for Phase 1
and 2, public roads etc.

Do not scale drawings. Dimensions are given in feet and inches. All dimensions are to the center of walls unless otherwise stated. Dimensions are given to the center of walls unless otherwise stated. The architect is not responsible for any discrepancy.







RECOMMENDATION LDD MONITORING FORM REQUIRED

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Englewood Ltd	Reg. Number	09-AP-0343
Application Type	Full Planning Permission	Case	TP/1396-A
Recommendation	Grant subject to Legal Agrt, GLA and SoS	Number	

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Demolition of existing office building and erection of a 41 storey (128.7m AOD) mixed use building incorporating 255 private flats (16 x studio, 120x 1-bed, 86 x 2-bed and 33 x 3-bed), 80 intermediate flats (23x 1-bed, 50 x 2-bed and 7 x 3-bed), 4785sq.m of office/ educational/ health uses (Use Class B1) and 287sq.m retail use (Use Class A1-A5) together with a separate 8 storey (35.60m AOD) building incorporating office/educational (Use Class B1) and retail (Use Class A1-A5) uses, together with 34 disabled car parking spaces, 44 motorcycle spaces and 411 cycle spaces within 2 basement levels, plus associated servicing facilities (4626sqm) and public realm improvements including creation of a resident's garden and linear park (458sq.m) and University Square (2768sq.m).

At: EILEEN HOUSE, 80-94 NEWINGTON CAUSEWAY, LONDON, SE1 6EF

**In accordance with application received on 23/02/2009
and revisions/amendments received on 03/11/2009**

16/11/2009
29/01/2010
27/10/2009
17/11/2009
08/09/2009
01/07/2009

and Applicant's Drawing Nos. Existing:

519 - 07 - 001 site location plan - as existing 1:1250 P1
519 - 07 - 009 basement plan - as existing/demolitions 1:125 P1
519 - 07 - 010 ground floor plan - as existing/demolitions 1:125 P1
519 - 07 - 011 roof plan - as existing/demolitions 1:125 P1
519 - 07 - 012 north elevation - as existing/demolitions 1:125 P1
519 - 07 - 013 east elevation - as existing/demolitions 1:125 P1
519 - 07 - 014 south elevation - as existing/demolitions 1:125 P1
519 - 07 - 015 west elevation - as existing/demolitions 1:125 P1
Basement, Ground and Lower floor plans:
519 - 07 - 102 Phase One Site Plan 1:250 P2
519 - 07 - 103 Phase Two Site Plan 1:250 P2
519 - 07 - 107 second basement plan 1:125 P4
519 - 07 - 108 first basement plan 1:125 P4
519 - 07 - 109 ground floor plan 1:125 P3
519 - 07 - 110 mezzanine floor plan 1:125 P2
519 - 07 - 111 first floor plan 1:125 P3
519 - 07 - 112 second floor plan 1:125 P3
Typical Residential floor plans:
519 - 07 - 120 A1 floor plan - level 03 - plan type 1000 D-am 1:125 P3
519 - 07 - 121 A1 floor plan - levels 04 - 07 - plan type 1000 D 1:125 P3
519 - 07 - 122 A1 floor plan - level 08 - plan type 1000 A 1:125 P3
519 - 07 - 123 A1 floor plan - levels 9 - 11 - plan type 950 A, 950 A1:-s125 P2
519 - 07 - 124 A1 floor plan - levels 12 - 14 - plan type 950 C 1:125 P2
519 - 07 - 125 A1 floor plan - levels 15 - 17 - plan type 850 A 1:125 P2
519 - 07 - 126 A1 floor plan - levels 18 - 21 - plan type 850 A-pl 1:125 P2
519 - 07 - 127 A1 floor plan - levels 22 - 28 - plan type 700 B 1:125 P2
519 - 07 - 128 A1 floor plan - level 29 - plan type 600 B 1:125 P2
519 - 07 - 129 A1 floor plan - levels 30 plan type 600 E 1:125 P3

Upper floors:

519 - 07 - 131 A1 floor plan - level 31- plan type upper 01 1:125 P2
 519 - 07 - 132 A1 floor plan - level 32 - plan type upper 02 1:125 P2
 519 - 07 - 133 A1 floor plan - level 33 - plan type upper 03 1:125 P2
 519 - 07 - 134 A1 floor plan - level 34 - plan type upper 04 1:125 P2
 519 - 07 - 135 A1 floor plan - level 35 - plan type upper 05 1:125 P2
 519 - 07 - 136 A1 floor plan - level 36 - plan type upper 06 1:125 P2
 519 - 07 - 137 A1 floor plan - level 37 - plan type upper 07 1:125 P2
 519 - 07 - 138 A1 floor plan - level 38 - plan type upper 08 1:125 P3
 519 - 07 - 139 A1 floor plan - level 39 - plan type upper 09 1:125 P2
 519 - 07 - 140 A1 roof plan 1:125 P2

Sections and Elevations:

519 - 07 - 150 A1 section AA 1:250 P2
 519 - 07 - 151 A1 south-east elevation newington causeway 1:250 P2
 519 - 07 - 152 A1 south-west elevation Southwark Bridge Road 1:250 P2
 519 - 07 - 153 A1 north-west elevation Southwark Bridge Road 1:250 P2
 519 - 07 - 154 A1 north-east elevation Gaunt Street 1:250 P2
 519 - 07 - 155 A1 west elevation 1:125 P2
 519 - 07 - 156 A1 section - resident's garden 1:250 P1

Façade Bay Studies:

519 - 07 - 160 A1 tower baystudy - nw - tower base 1:50 P1
 519 - 07 - 161 A1 tower baystudy - nw - top 1:50 P1
 519 - 07 - 162 A1 tower baystudy - sw - typical floor 1:50 P1
 519 - 07 - 163 A1 tower baystudy - sw - base 1:50 P1
 519 - 07 - 164 A1 tower baystudy - nw - top 1:50 P1
 519 - 07 - 165 A1 office baystudy - north 1:50 P1
 519 - 07 - 166 A1 office baystudy - west 1:50 P1

Public Realm:

TOWN377 (08) 1001R02, TOWN377 (08) 1004R02, TOWN377 (08) 1005R01
 79241/B/12 Rev E (Phase 1) 79241/B/14 Rev F (Phase 2)

Masterplan - Phase 1, Masterplan - Phase 2, Masterplan - Phase 2 (Phase 1 overlay), Planning & Landscape Drawings Feb 2009(A3), Environmental Statement Non-Technical Summary, Environmental Statement - Volumes 1/ 2/ 3, Planning Statement, Design and Access Statement, Statement of Community Involvement, Environmental Statement Addendums-Volumes 1/ 2/ 3, Environmental Statement Non-Technical Summary Addendum.

Reasons for granting planning permission

This planning application was considered with regard to various policies including, but not exclusively:

a] Core Strategy

Strategic Policy 1 Sustainable Development.
 Strategic Policy 2 Sustainable Transport.
 Strategic Policy 5 Providing new homes.
 Strategic Policy 6 Homes for people on different incomes
 Strategic Policy 7 Family homes.
 Strategic Policy 10 Jobs and Businesses.
 Strategic Policy 12 Design and Conservation.
 Strategic Policy 13 High Environmental Standards.
 Strategic Policy 14 Implementation and delivery

b] Southwark Plan (2007) Saved Policies

Policy SP9 (Meeting community needs) seeks that all developments, where appropriate, enable growth and development of education, community and welfare services in line with the community's needs.

Policy SP14 (Sustainable buildings) seeks that all developments should promote the efficient use of land, and be of high quality and where appropriate include a mix of uses

Policy SP15 (Open space and biodiversity) seeks to ensure that where appropriate all developments should create, preserve and enhance open spaces, green corridors, traffic free routes, and biodiversity.

Policy 1.1 ("Access to Employment Opportunities") advises that for all developments creating over 1000sq.m new or improved floorspace, the LPA will seek to enter into planning obligations in relation to training, employment opportunities, childcare, and facilities for those with disabilities.

Policy 1.4 ("Employment Sites outside Preferred Office and Industrial Locations") advises that for all developments located outside POLs and PILs which have an established B Class Use, subject to certain criteria, development will be permitted provided there is no net loss of floorspace in Class B, subject to a number of exceptions.

Policy 1.7 ("Development within Town and Local Centres") states that most new developments for retail and other town centre uses should be accommodated within the existing town centres.

Policy 2.5 ("Planning Obligations") seeks to ensure that any adverse effect arising from a development is taken into account and mitigated, and contributions towards infrastructure and the environment to support the development are secured, where relevant, in accordance with Circular 05/2005 and other relevant guidance.

Policy 3.1 ("Environmental effects") seeks to ensure there will be no material adverse effect on the environment and quality of life resulting from new development.

Policy 3.2 ("Protection of amenity") protects against the loss of amenity, including disturbance from noise, to present and future occupiers on or in the vicinity of the application site.

Policy 3.3 ("Sustainability assessment") requires major applications to be supported by a sustainability assessment

Policy 3.4 ("Energy Efficiency") states that development should be designed to maximise energy efficiency

Policy 3.5 ("Renewable Energy") states that development should draw on at least 10% of the energy requirements from on-site renewable energy production equipment or renewable energy sources.

Policy 3.6 ("Air Quality") states the permission will not be granted for development that would lead to a reduction in air quality.

Policy 3.7 (Waste reduction) states that all developments are required to ensure adequate provision of recycling, composting and residual waste disposal, collection and storage facilities, and in relation to major developments this will include addressing how the waste management hierarchy will be applied during construction and after the development is completed.

Policy 3.9 (Water) seeks to ensure that all developments should incorporate measures to reduce the demand for water, recycle grey water and rainwater, and address surface run off issues, and have regard to prevention of increases in flooding and water pollution.

Policy 3.11 ("Efficient use of land") states that all developments should ensure that they maximise the efficient use of land

Policy 3.12 ("Quality in design") requires new development to achieve a high quality of architectural and urban design.

Policy 3.13 ("Urban design") seeks to ensure that principles of good urban design are taken into account in all developments.

Policy 3.20 (Tall Buildings) advises that permission may be granted for buildings that are significantly taller than their surroundings or have a significant impact on the skyline, where they have excellent public transport accessibility and are located within the Central Activities Zone),

Policy 3.22 (Important Local Views) advises that the Local Planning Authority will seek to protect and enhance identified views, panoramas, prospects and their settings. Developments that would impact negatively on important local views will not be granted.

Policy 3.28 (Biodiversity) requires biodiversity to be taken into account in the determination of planning applications and the inclusion in developments of features which enhance biodiversity will be encouraged.

Policy 3.31 (Flood Defences) advises that permission will not be granted for development sited adjacent to the River Thames unless it is set back at a suitable distance from the river wall to allow for the replacement/repair of flood defences and for any future raising to be undertaken in a suitable and cost effective manner.

Policy 4.1 ("Density of residential development") provides density ranges for different zones within the borough

Policy 4.2 (Quality of residential accommodation) states that planning permission will be granted for residential accommodation provided that they achieve good quality living conditions; and include high standards of accessibility, including seeking to ensure that all new housing is built to Lifetime Homes Standards; privacy and

outlook; natural sunlight and daylight; ventilation; space including suitable outdoor/green space; safety and security; protection from pollution, including noise and light pollution.

Policy 4.3 (Mix of dwellings) seeks to ensure that all major new-build development and conversions should provide for a mix of dwellings sizes and types to cater for the range of housing needs of the area.

Policy 4.4 ("Affordable Housing") seeks to secure affordable housing as part of private development

Policy 5.1 ("Locating developments") states that major developments generating a significant number of trips should be located near transport nodes.

Policy 5.2 ("Transport Impacts") states that permission will not be granted for development which has an adverse impact on transport networks through significant increases in traffic or pollution and consideration has been given to impacts on the Transport for London road network as well as adequate provision for servicing, circulation and access to and from the site.

Policy 5.6 ("Car parking") requires all developments requiring car parking to minimise the number of spaces provided

Policy 5.7 ("Parking Standards for Disabled People")

Policy 6.1 ("Elephant and Castle opportunity area") seeks to create a thriving and successful mixed use major town centre, safe, vibrant and accessible to and from an integrated public transport system, and combining historic character with a high quality of design and layout of new buildings.

c] The London Plan 2011:

3.3 Increasing housing supply, Policy 3.4 Optimising housing potential, Policy 3.5 Quality and design of housing developments, Policy 3.6 Children and young people's play and informal recreation facilities, Policy 3.7 Large residential developments, Policy 3.8 Housing choice, Policy 3.10 Mixed and balanced communities, Policy 3.11 Definition of affordable housing, Policy 3.12 Affordable housing targets, Policy 3.13 Negotiating affordable housing on individual private residential and mixed use schemes, Policy 3.14 Affordable housing thresholds, Policy 4.1 Developing London's economy, Policy 4.2 Offices, Policy 4.3 Mixed use development and offices, Policy 4.12 Improving opportunities for all, Policy 5.1 Climate change mitigation, Policy 5.2 Minimising carbon dioxide emissions, Policy 5.3 Sustainable design and construction, Policy 5.6 Decentralised energy in development proposals, Policy 5.7 Renewable energy, Policy 5.9 Overheating and cooling, Policy 5.10 Urban greening, Policy 5.11 Green roofs and development site environs, Policy 5.12 Flood risk management, Policy 5.13 Sustainable drainage, Policy 5.21 Contaminated land, Policy 6.3 Assessing transport capacity, Policy 6.9 Cycling, Policy 6.10 Walking, Policy 6.13 Parking, Policy 7.1 Building London's neighbourhoods and communities, Policy 7.2 An inclusive environment, Policy 7.3 Secured by design, Policy 7.4 Local character, Policy 7.5 Public realm, Policy 7.6 Architecture, Policy 7.7 Location and design of tall and large buildings, Policy 7.8 Heritage assets and archaeology, Policy 7.11 London View Management Framework, Policy 7.12 Implementing the London View Management Framework, Policy 7.13 Safety, security and resilience to emergency, Policy 7.14 Improving air quality, Policy 7.15 Reducing noise and enhancing soundscapes, Policy 8.2 Planning obligations, Policy 8.3 Community infrastructure levy.

d] Planning Policy Statements

PPS 1: Planning for Sustainable Communities; PPG 13: Transport; ; PPS 22: Renewable Energy; PPG 23: Planning and Pollution Control; PPG 24: Planning and Noise; PPS 25: Development and Flood Risk; Design and Access Statements SPD (2007); PPS5 Planning and the Historic Environment Section 106 Planning Obligations SPD (2007); Residential Design Standards SPD, 2008 Sustainable Design and Construction SPD 2009 and draft National Planning Policy Framework July 2011

- Particular regard was had to the principle of the proposed uses and the marginal loss of office floorspace that would result from the proposed development which was considered acceptable given the positive benefits offered by the increase in housing, including affordable housing, and the enhancement of business and employment opportunities on the site, which will make an important contribution to the regeneration of the Elephant and Castle Opportunity Area, in particular the Enterprise Quarter;
- It is considered that the new buildings have been designed in a sensitive and sympathetic manner that integrates with the surrounding area, subject to conditions of consent in particular in relation to materials and detailing. The development is not considered to harm the amenities of surrounding residents, including but not limited to considerations of sunlight and daylight, outlook and privacy and noise and disturbance;
- The scheme is considered to represent a balanced and sustainable mix of accommodation. at an appropriate density given its location in relation to public transport. The proposed affordable housing is considered to contribute to the range of homes sought by the relevant policies and the lack of rented accommodation given the constraints of the building and provision of a single core, is considered acceptable.

- The height of the proposed building is considered appropriate in the context of the Elephant and Castle and the aspirations expressed in the London Plan and Core Strategy for this regeneration area. The quality of accommodation is considered to be of a high standard.
- The impact on strategic views has been taken into account together with the setting of nearby conservation areas and listed buildings and it is considered that the views and settings would be respected appropriately and there will be no adverse impact on the character and appearance of the conservation area.
- The potential impact on the amenities of future occupiers in respect of any noise emanating from the Ministry of Sound has been considered in detail including the potential for sealed windows and the internal noise environment is considered to be of an acceptable standard (without the need for sealed windows) subject to conditions.
- The potential noise sources associated with the Ministry of Sound have been carefully considered and whilst the possibility of a successful claim in nuisance could not be ruled out due to disturbance if windows within the proposed development are kept open, it is not considered likely given the location of the site and the characteristics of the neighbourhood. Regard has been had to the potential impact on the operation of the Ministry of Sound of the potential for a successful claim in nuisance and this has been considered in the context of the Human Rights Act 1998. The proposed development would bring a number of benefits including the contribution it makes towards the delivery of housing, the regeneration of the Elephant and Castle area and the positive contribution made to the public realm in terms of urban design. On balance it is considered that these considerations outweigh the potential impact on the operation of the MoS notwithstanding the possibility that there may be financial implications for the club.
- The impact in relation to flood risk has been satisfactorily addressed subject to condition
- The proposal is considered to provide for sustainable development having regard to social, economic and environmental criteria in accordance with the submitted ES and the policies summarised above, through the appropriate consideration of measures such as energy efficiency, waste management, inclusive design, green wall, local employment and training opportunities and including other measures which will be secured through conditions of consent and planning obligations;
- Transport and highways impacts of the scheme are considered to be acceptable having regard to the policies summarised above and the transport assessment submitted and having regard to the mitigation afforded in relation to transport planning issues through the conditions of consent including servicing management plans and a travel plan;
- Effects of the scheme on trees both on the site and surrounding the site and in terms of landscaped amenity which have been addressed satisfactorily particularly having regard to visual amenity and biodiversity, subject to conditions of consent relating to submission of tree protection measures and the submission and implementation of a landscape plan;
- The site would provide high quality accessible open space/public realm that would offer a valuable resource and it is considered that the high quality design and layout would achieve a measured improvement from the existing on-site open space provision, including site wide landscaping and planting proposals, a series of outdoor passive and informal recreation areas;
- Objections received in relation to, and other matters relating to, the impacts of the scheme on the surrounding area during the construction phase such as noise and traffic impacts which can be adequately mitigated through compliance with conditions of consent and the mitigation measures contained within the ES, in particular the implementation of an Environmental Management Plan;
- Planning obligations are also secured to offset the impact of the development in accordance with the Supplementary Planning Document on Planning Obligations;
- Other policies have been considered, but in this instance these were not considered to have such weight as to justify a refusal of permission. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.
- Regard was had to the environmental statement, its addenda and to the environmental information as required by the EIA Regulations 1999

Subject to the following condition:

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

- 2 Before the development hereby authorised begins, samples (demonstrating how the proposal makes a contextual response in terms of materials to be used) of all external facing materials to be used in the carrying out of this permission, as well as a mock-up (minimum 1:2 scale) of one of the Newington Causeway tower's window-bays, shall be submitted/presented to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the quality of the design, details and materials to ensure that the external appearance of the building is satisfactory and that it contributes positively to the

character and appearance of the area in accordance with Core Strategy policy 12 'Design and Conservation' and Saved Policies: 3.11 Efficient use of land; 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan July 2007.

- 3 Before the development hereby authorised begins, 1:5 section detail-drawings through all principal elements/details of the Newington Causeway tower to be used in the carrying out of this permission (including the window-bay module, balconies, soffits, corners, plinths, parapets, louvres and exposed structural elements) shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the quality of the design, details and materials in order to ensure that the external appearance of the building is contributing positively to the streetscape and public realm; in accordance with Core Strategy policy 12 'Design and Conservation' and Saved Policies: 3.11 Efficient use of land; 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (UDP) July 2007.

- 4 Before the development hereby authorised begins, 1:5 section detail-drawings through all principal elements/details of the Gaunt Street office building to be used in the carrying out of this permission (including all openings, edges, soffits, corners, parapets and louvres) shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the quality of the design, details and materials in order to ensure that the external appearance of the building is contributing positively to the streetscape and public realm; in accordance with Core Strategy policy 12 'Design and Conservation' and Saved Policies: 3.11 Efficient use of land; 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (UDP) July 2007.

- 5 Before any development hereby authorised begins, detailed drawings (1:50, 1:10 and 1:5 scale drawings) of a hard and soft landscaping scheme (plus material samples of the hard landscaping) showing the treatment of all parts of the site not covered by buildings (layouts, materials and edge details) and including proposals for the Linear Park and University Square (including any public art, children's play equipment, Phase II pavilion structure, seating etc.) and Cycle Super Highway, shall be submitted to and approved by the Local Planning Authority and the landscaping shall not be carried out otherwise than in accordance with any such approval given. The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species. Security Measures in accordance with those details required under Condition 39 should be incorporated into the design where relevant, and in consultation with the Counter Terrorism Unit of the Metropolitan Police.

Reason

In order that the Local Planning Authority may be satisfied as to the quality of the design, details and materials of the open areas and that it contributes positively to the streetscape and public realm; in accordance with Core Strategy policy 12 'Design and Conservation' and Saved Policies: 3.11 Efficient use of land; 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (UDP) July 2007.

- 6 Before any development hereby authorised begins, landscaping plans/ details at scale 1:20/5 of all planting, structural framing and watering systems (including a specification and maintenance plan) of the proposed planted living wall/ vertical garden to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, it in accordance with Core Strategy policy 12 'Design and Conservation' and Saved Policies 3.12 Quality in Design, 3.13 Urban Design and 3.28 Biodiversity of The Southwark Plan 2007.

- 7 Before development hereby authorised begins, details of the means by which any existing trees are to be protected from damage by vehicles, stored or stacked building supplies, waste or other materials, and building

plant or other equipment shall be submitted to and approved in writing by the Local Planning Authority, and such protection shall be installed and retained throughout the period of the works in accordance with any such approval given.

Once in place, protective fencing must not be moved or removed without the explicit written permission of the Local Authority Arboriculturalist. Within the protected area, no fires may be lit, no materials may be stacked or stored and no cement mixers or generators may be used. Within the protected area, no contractor access whatsoever is permitted without the explicit written permission of the Local Authority Arboriculturalist, and the supervision of the developer's appointed Arboriculturalist. Within the protected area, any excavation must be dug by hand and any roots found to be greater than 25mm in diameter must be retained and worked around.

Prior to submission of tree protection details, it is requested that Tree number 7- (Dawn Redwood) located on the corner of Newington Causeway and proposed for removal, be considered for retention. The site plan shows there may be space for its retention where the car park space is stepped back from the junction. If the tree is to be retained, details should accompany the application for the discharge of this condition.

Reason

To ensure the protection of the existing trees in accordance with Core Strategy Policy 12 Design and Conservation and Saved Policies 3.2 Protection of Amenity and 3.28 Biodiversity of The Southwark Plan 2007.

- 8 Development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 9 to 12 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy 13 High Environmental Standards and saved policy 3.1 Environmental effects of the Southwark Plan 2007 and PPS 23.

- 9 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines, pipes
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy 13 High Environmental Standards and policy 3.1 Environmental effects of the Southwark Plan 2007 and PPS 23.

- 10 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must

include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy 13 High Environmental Standards and policy 3.1 Environmental effects of the Southwark Plan 2007 and PPS 23.

- 11 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy 13 High Environmental Standards and policy 3.1 Environmental effects of the Southwark Plan 2007 and PPS 23.

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10 which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 10.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy 13 High Environmental Standards and policy 3.1 Environmental effects of the Southwark Plan 2007 and PPS 23.

- 13 All residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings - Code of Practice' to attain the following internal noise levels:
Bedrooms- 30dB LAeq for the 8 hours between 23:00-07:00 and 45dB LAfmax during those hours
Living rooms- 30dB LAeq for the 16 hours between 07:00-23:00

Before the first residential occupation of the building/s hereby permitted, and after completion of the works, a test shall be carried out to show the standard of sound insulation required has been met and the results shall be submitted to and approved in writing by the Local Planning Authority and the residential units within the development shall not be occupied until such approval given.

Reason

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Core Strategy Policy 13 High Environmental Standards and Saved Policies 3.1 Environmental Effects and 3.2 Protection of Amenity of The Southwark Plan 2007 and PPG 24 Planning and Noise.

[RT NOTE: There is a requirement for a condition requiring mechanical ventilation to be provided AND retained thereafter in an operable state]

- 14 The sound insulation between residential units shall be designed to 5dB above the standards set out in the

building regulations Approved Document E for impact and airborne sound transmission.

Reason

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Core Strategy Policy 13 High Environmental Standards and Saved Policies 3.1 Environmental Effects and 3.2 Protection of Amenity of The Southwark Plan 2007 and PPG 24 Planning and Noise.

- 15 Dwelling houses, flats and rooms for residential purposes sharing a party element with commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound. The sound insulation of the party element shall be sufficient to ensure that NR25 is not exceeded in residential premises due to noise from the commercial premises. Any scheme approved is to be completed prior to the commencement of the use hereby permitted and shall be permanently maintained thereafter.

Before the first occupation of the building/s hereby permitted, and after completion of the works, a test shall be carried out to show the standard of sound insulation required has been met and the results shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Core Strategy Policy 13 High Environmental Standards and saved Policies 3.1 Environmental Effects and 3.2 Protection of Amenity of The Southwark Plan 2007 and PPG 24 Planning and Noise.

- 16 The noise level from any plant (e.g. refrigeration, air conditioning), together with any associated ducting, shall be 10(A) dB or more below the lowest measured external ambient L_{Aeq, T^*} on areas of public realm. The equipment shall be installed and constructed in accordance with any approved scheme and be permanently maintained thereafter.

Within one month of the installation of the plant and equipment, you are required to submit a further noise report confirming previous details and subsequent measurement data of the installed plant to demonstrate compliance with the above requirements. The supplementary acoustic report must include:

- i) A schedule of all plant and equipment installed;
- ii) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- iii) Manufacturer specifications of sound emissions in octave or third octave detail;
- iv) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- v) The lowest existing $L_{Aeq, T}$ measurement as already established.
- vi) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning condition.

Reason:

To ensure that users of the surrounding area not suffer a loss of amenity by reason of noise nuisance and other excess noise from plant and that the operation of plant does not add by cumulative effect to the existing sound environment in accordance with Core Strategy Policy 13 High Environmental Standards and saved Policy 3.1 Environmental Effects of the Southwark Plan 2007.

* $L_{Aeq, T}$. $T = 1$ hr between 07:00 and 23:00 and 5min between 23:00 and 07:00.

- 17 The rated noise level from any plant, together with any associated ducting, shall be 10 dB(A) or more below the measured L_{A90} level at the nearest noise sensitive premises. The method of assessment shall be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The equipment shall be installed and constructed in accordance with any approved scheme and be permanently maintained thereafter.

Within one month of the installation of the plant and equipment, you are required to submit a further noise report confirming previous details and subsequent measurement data of the installed plant to demonstrate compliance with the above requirements. The supplementary acoustic report must include:

- i) A schedule of all plant and equipment installed;
- ii) Locations of the plant and machinery and associated: ducting; attenuation and damping

- equipment;
- iii) Manufacturer specifications of sound emissions in octave or third octave detail;
 - iv) The location of all most affected noise sensitive receptor locations and the most affected windows;
 - v) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - vi) The lowest existing LA90, T measurement as already established.
 - vii) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning condition.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from plant and machinery in accordance with Core Strategy Policy 13 High Environmental Standards and saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and PPG24- Planning and Noise.

- 18 Before the use of any commercial kitchen exhaust system hereby permitted begins, a scheme detailing a method to control odour from the kitchen exhaust system shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of odour nuisance in accordance with Core Strategy Policy 13 High Environmental Standards and saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 19 Before any work hereby authorised begins, a report detailing steps to minimise the development's future occupiers' exposure to air pollution (indicating how the scheme will mitigate the effects of NO₂ and PM₁₀ through filtration and include a management scheme for the maintenance of the filtration system thereafter) shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given. Any scheme approved is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reason

To ensure the proposal minimises its impact on air quality in accordance with Core Strategy Policy 13 High Environmental Standards and saved Policies 3.3 Sustainability Assessment, 3.4 Energy Efficiency and 3.6 Air Quality of the Southwark Plan 2007.

- 20 Before any work hereby authorised begins, details of an Environmental Management Plan and Code of Practice (which shall oblige the applicant/developer and its contractors to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and plant emissions emanating from the site) which shall include the following information:

- A detailed specification of demolition (including method and foundation piling) and construction works for each phase of development including consideration of environmental impacts and the required remedial measures;
- A detailed specification of engineering measures, acoustic screening and sound insulation measures required to mitigate or eliminating specific environmental impacts;
- Details of arrangements for publicity and promotion of the scheme during construction;
- A commitment to adopt and implement of the ICE Demolition Protocol and Southwark's Environmental Code of Construction and GLA Best Practice Guidance.
- A Delivery and Servicing Plan (all construction access routes and access details also need to be approved by TfL).

shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given and the demolition and construction work shall be undertaken in strict accordance with the approved Management Plan and Code of Practice.

Reason

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance in accordance with Core Strategy Policy 13 High Environmental Standards and saved Policies 3.1 Environmental Effects, 3.2 Protection of Amenity, 3.6 Air Quality and 3.10 Hazardous Substances of The Southwark Plan 2007 and PPS23 Planning and Pollution Control.

- 21 a) Before any above grade work hereby authorised begins, an independently verified Code for Sustainable

Homes interim certification that seeks to achieve a minimum *very good* or equivalent Code Level rating shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;

- b) Before the first occupation of the building hereby permitted, a Code for Sustainable Homes final certification (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason

To ensure the proposal complies with Core Strategy Policy 13 High Environmental Standards and Saved Policies 3.3 Sustainability and 3.4 Energy Efficiency of the Southwark Plan 2007.

- 22 (a) Before any fit out works to the commercial premises hereby authorised begins, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve a minimum '*very good*' rating shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;
- (b) Before the first occupation of the building hereby permitted, a certified Post Construction Review (or other verification process agreed with the local planning authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason

To ensure the proposal complies with Core Strategy Policy 13 High Environmental Standards and Saved Policies 3.3 Sustainability and 3.4 Energy Efficiency of the Southwark Plan 2007.

- 23 Before any work on the facade as hereby authorised begins, details of a façade cleaning and maintenance strategy shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure that the external appearance of the building is satisfactory and that it contributes to the character and appearance of the area, in accordance with Core Strategy Policy 12 Design and Conservation and Saved Policies 3.2 Protection of Amenity, 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007.

- 24 Before the first occupation of the building hereby permitted, a Travel Plan (in compliance with TfL's travel plan guidance) setting out the proposed measures to be taken to encourage the use of modes of transport other than the car by all users of the building, including staff and visitors, and including at the start of the second year of operation a detailed survey showing the methods of transport used by all those users of the building to and from the site and how this compares with the proposed measures and any additional measures to be taken to encourage the use of public transport, walking and cycling to the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied until any such storage facilities have been provided in accordance with any such approval given.

Reason:

In order that the use of non-car based travel is encouraged in accordance with London Plan policy 6.3, Core Strategy policy 2 'Sustainable Transport' and Saved policies 5.2 and 5.3 of the Southwark Plan (2007).

- 25 Before the first occupation of the building hereby permitted, a detailed assessment of the existing on street parking provision and usage is to be carried out and shall be submitted to and approved in writing by the Local Planning Authority. All works in this respect are to be carried out at the applicants cost as part of the S278 agreement.

Reason:

In order to ensure that adequate parking on street is provided in the final scheme in accordance with London Plan policy 6.13, Core Strategy policy 2 Sustainable Transport and Saved Policy 5.6 of the Southwark Plan 2007, which expects development to take into consideration the demand for parking in a controlled parking zone.

- 26 The wheelchair accessible units hereby approved shall be constructed and fitted out to the South East London Wheelchair Design Guide.

Reason

To ensure the wheelchair units approved are delivered to the relevant standard in accordance with saved policies 3.12, 3.13 and 4.4 of the Southwark Plan (2007) and Policy 3.8 of the London Plan (2011).

- 27 No waste receptacles are to be left on the public highway.

Reason

In order that the Council may be satisfied that suitable facilities for the storage of refuse will be provided and retained in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance, in accordance with Core Strategy policy 13 High Environmental Standards and Saved Policies 3.2 Protection of Amenity, 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007.

- 28 Any deliveries, unloading and loading to the commercial units shall only be between the following hours: Monday to Saturday - 08:00 - 20:00, Sundays/ Bank Holidays - not at all.

Reason

To ensure that and occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with Core Strategy policy 13 'High Environmental Standards' and Saved Policy 3.2 of the Southwark Plan.

- 29 A Service Management Plan detailing how all elements of the site are to be serviced shall be submitted to and approved by the Local Planning Authority prior to work commencing on the site.

Reason:

To ensure compliance with Core Strategy policy 2 " Sustainable Transport " and Saved policy 5.2 of the Southwark Plan 2007.

- 30 The refuse storage arrangements shown on the approved drawings shall be provided and made available for use by the occupiers of the proposed development prior to occupation and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Local Planning Authority.

Reason

In order that the Council may be satisfied that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Core Strategy policy 13 'High Environmental Standards' and Saved Policy 3.2 of the Southwark Plan 2007.

- 31 Details (detailed scale drawings at 1:50) of the facilities to be provided for the secure storage of cycles for commercial and residential occupiers shall be submitted to for approval in writing by the Local Planning Authority before the development hereby approved is commenced and the premises shall not be occupied until any such facilities as may have been approved have been provided. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose without the prior written consent of the local planning authority, to whom an application must be made.

Reason:

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with Core Strategy policy 2 'Sustainable Transport' and Saved Policy 5.3 of The Southwark Plan.

- 32 Details of showering facilities to be provided for all commercial units over 250sq.m shall be submitted to for approval by the Local Planning Authority and any such facilities as may have been approved shall be provided, prior to first occupation of the commercial units. Thereafter the shower facilities shall be retained and the space used for no other purpose without the prior written consent of the Local Planning Authority, to whom an application must be made.

Reason

In order to ensure that satisfactory facilities are provided and retained in order to encourage the use of non-car based travel in accordance with Core Strategy policy 2 'Sustainable Transport' and Saved Policies 5.2 and 5.3 of the Southwark Plan 2007.

- 33 The window glazing of any non-residential ground floor unit to any public space shall not be painted or

otherwise obscured and shall permanently retained and maintained to the satisfaction of the Local Planning Authority.

Reason

To safeguard the appearance and character of the development and to maintain vitality at ground floor level within the public square in accordance with Core Strategy policy 12 'Design and Conservation' and Saved Policy 3.12 Quality in Design of the Southwark Plan 2007.

- 34 Notwithstanding the provisions of Parts 24 and 25 The Town & Country Planning [General Permitted Development] Order 1995 [as amended or re-enacted] no external telecommunications equipment or structures shall be placed on the roof or any other part of a building hereby permitted.

Reason

In order to ensure that no telecommunications plant or equipment which might be detrimental to the design and appearance of the building and visual amenity of the area is installed on the roof of the building in accordance with Core Strategy policy 12 'Design and Conservation' and Saved Policies 3.13 (Urban Design) of the Southwark Plan (2007).

- 35 Before the first occupation of the building hereby permitted, details of a communal satellite system to be placed on the top of each of the buildings to serve all residents in that building shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure that the elevations remain free from unsightly satellite dishes in accordance with Core Strategy policy 12 'Design and Conservation' and Saved policy 3.2 (Protection of Amenity) of the Southwark Plan (2007).

- 36 Before the first occupation of the building hereby permitted, details of any external lighting [including design, power and position of luminaires] and security surveillance equipment of external areas surrounding the building shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Council may be satisfied as to the details of the development in the interest of the visual amenity of the area, the safety and security of persons using the area and the amenity and privacy of adjoining occupiers in accordance with Core Strategy policy 12 'Design and Conservation' and Saved Policies 3.2 (Protection of Amenity) and 3.14 (Designing out Crime) of the Southwark Plan (2007).

- 37 Before any above grade work hereby authorised begins, details of security measures to minimise the risk of crime and to meet the specific security needs of the application site shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given. The Counter Terrorism Unit of the Metropolitan Police should be consulted prior to submission of the details for approval.

Before the first occupation of the building hereby permitted, any security measures shall be implemented in compliance with this condition and the developer shall seek to achieve the 'Secured by Design' accreditation award from the Metropolitan Police.

Reason

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention in accordance with Core Strategy policy 12 'Design and Conservation' and Saved Policies 3.2 (Protection of Amenity) and 3.14 (Designing out Crime) of the Southwark Plan (2007).

- 38 Before any work hereby authorised begins,

a) A drainage strategy detailing any on and off site drainage works, shall be submitted to, and approved in writing by the Local Planning Authority (in consultation with Thames Water who advise that no discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed); and

b) Impact studies of the existing water supply infrastructure (including determination of the magnitude of any additional capacity required in the system and a suitable connection point) shall be submitted to, and approved in writing by the Local Planning Authority (in consultation with Thames Water).

Reason

To ensure that sufficient capacity is made available to cope with new development and in order to avoid adverse environmental impacts on the community, and to ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand in accordance with London Plan policy 5.15, Core Strategy Policy 13 High Environmental Standards and saved policies 3.1, 3.31 and 3.9 of the Southwark Plan 2007.

- 39 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), document reference 493159/LEP0002, dated February 2009.

Reason:

To ensure the development is designed safely in reference to flood risk and to prevent the increased risk of flooding and to improve water quality, in accordance with Core Strategy Policy 13 High Environmental Standards and Planning Policy Statement 25 - Development and Flood Risk.

- 40 No development shall take place within the proposed development site until the applicant, or their agents or their successors in title, has secured the implementation of a programme of archaeological evaluation works in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing.

Reason:

To ensure that the archaeological operations (programme of archaeological evaluation works) are undertaken to an appropriate standard, that the archaeological interests of the site are appropriately managed, that any findings are appropriately disseminated, that any recovered artefacts are conserved and that the information is archived in accordance with Core Strategy policy 12 'Design and Conservation' and Saved policy 3.19 of the Southwark Plan (2007).

- 41 No development shall take place within the proposed development site until the applicant, or their agents or their successors in title, has secured the implementation of a programme of archaeological mitigation works in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing.

Reason:

To ensure that the archaeological operations (programme of archaeological evaluation works) are undertaken to an appropriate standard, that the archaeological interests of the site are appropriately managed, that any findings are appropriately disseminated, that any recovered artefacts are conserved and that the information is archived in accordance with Core Strategy policy 12 'Design and Conservation' and Saved policy 3.19 of the Southwark Plan (2007).

- 42 Within six months of the completion of archaeological site works the applicants will supply an assessment report detailing the proposals for post-excavation works, publication of the site and preparation of the archive and this document has been submitted to the planning authority and approved in writing.

Reason:

To ensure that any findings are appropriately disseminated, that any recovered artefacts are conserved and that the information is archived and the project is published in a suitable way in accordance with Core Strategy policy 12 'Design and Conservation' and Saved policy 3.19 of the Southwark Plan (July 2007). This will be demonstrated by the production of a document following the guidance of Management of Archaeological Projects II (MAP II assessment report).

- 43 Before the first occupation of the building hereby permitted, an Environmental Action Plan detailing proposed ecological mitigation measures, including proposals for bat and bird boxes, shall be submitted to and approved in writing by the Local Planning Authority and the measures pursuant to this condition shall be carried out and thereafter maintained in accordance with any such approval given.

Reason

To ensure the proposal protects and enhances biodiversity in accordance with Core Strategy policy 12 'Design and Conservation' and Saved Policy 3.28 Biodiversity of The Southwark Plan July 2007.

- 44 The development hereby permitted shall not be carried out otherwise than in accordance with the following

approved plans:

Basement, Ground and Lower floor plans:

519 - 07 - 102 Phase One Site Plan 1:250 P2
 519 - 07 - 103 Phase Two Site Plan 1:250 P2
 519 - 07 - 107 second basement plan 1:125 P4
 519 - 07 - 108 first basement plan 1:125 P4
 519 - 07 - 109 ground floor plan 1:125 P3
 519 - 07 - 110 mezzanine floor plan 1:125 P2
 519 - 07 - 111 first floor plan 1:125 P3
 519 - 07 - 112 second floor plan 1:125 P3

Typical Residential floor plans:

519 - 07 - 120 A1 floor plan - level 03 - plan type 1000 D-am 1:125 P3
 519 - 07 - 121 A1 floor plan - levels 04 - 07 - plan type 1000 D 1:125 P3
 519 - 07 - 122 A1 floor plan - level 08 - plan type 1000 A 1:125 P3
 519 - 07 - 123 A1 floor plan - levels 9 - 11 - plan type 950 A, 950 A1:-s125 P2
 519 - 07 - 124 A1 floor plan - levels 12 - 14 - plan type 950 C 1:125 P2
 519 - 07 - 125 A1 floor plan - levels 15 - 17 - plan type 850 A 1:125 P2
 519 - 07 - 126 A1 floor plan - levels 18 - 21 - plan type 850 A-pl 1:125 P2
 519 - 07 - 127 A1 floor plan - levels 22 - 28 - plan type 700 B 1:125 P2
 519 - 07 - 128 A1 floor plan - level 29 - plan type 600 B 1:125 P2
 519 - 07 - 129 A1 floor plan - levels 30 plan type 600 E 1:125 P3

Upper floors:

519 - 07 - 131 A1 floor plan - level 31- plan type upper 01 1:125 P2
 519 - 07 - 132 A1 floor plan - level 32 - plan type upper 02 1:125 P2
 519 - 07 - 133 A1 floor plan - level 33 - plan type upper 03 1:125 P2
 519 - 07 - 134 A1 floor plan - level 34 - plan type upper 04 1:125 P2
 519 - 07 - 135 A1 floor plan - level 35 - plan type upper 05 1:125 P2
 519 - 07 - 136 A1 floor plan - level 36 - plan type upper 06 1:125 P2
 519 - 07 - 137 A1 floor plan - level 37 - plan type upper 07 1:125 P2
 519 - 07 - 138 A1 floor plan - level 38 - plan type upper 08 1:125 P3
 519 - 07 - 139 A1 floor plan - level 39 - plan type upper 09 1:125 P2
 519 - 07 - 140 A1 roof plan 1:125 P2

Sections and Elevations:

519 - 07 - 150 A1 section AA 1:250 P2
 519 - 07 - 151 A1 south-east elevation newington causeway 1:250 P2
 519 - 07 - 152 A1 south-west elevation Southwark Bridge Road 1:250 P2
 519 - 07 - 153 A1 north-west elevation Southwark Bridge Road 1:250 P2
 519 - 07 - 154 A1 north-east elevation Gaunt Street 1:250 P2
 519 - 07 - 155 A1 west elevation 1:125 P2
 519 - 07 - 156 A1 section - resident's garden 1:250 P1

Façade Bay Studies:

519 - 07 - 160 A1 tower baystudy - nw - tower base 1:50 P1
 519 - 07 - 161 A1 tower baystudy - nw - top 1:50 P1
 519 - 07 - 162 A1 tower baystudy - sw - typical floor 1:50 P1
 519 - 07 - 163 A1 tower baystudy - sw - base 1:50 P1
 519 - 07 - 164 A1 tower baystudy - nw - top 1:50 P1
 519 - 07 - 165 A1 office baystudy - north 1:50 P1
 519 - 07 - 166 A1 office baystudy - west 1:50 P1

Public Realm:

TOWN377 (08) 1001R02, TOWN377 (08) 1004R02, TOWN377 (08) 1005R01
 79241/B/12 Rev E (Phase 1) 79241/B/14 Rev F (Phase 2)

Reason

For the avoidance of doubt and in the interests of proper planning.

Informatives

- 1 At least 6 months before the occupation of the new buildings or units of accommodation hereby permitted you are advised that you must obtain the Council's approval for the numbering and naming of buildings and the naming of any new streets created by the development.
- 2 The planning permission granted includes alterations and amendments to areas of public highway which will need to be funded by the developer. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. You are advised to contact the Principal Engineer, Infrastructure Group

(020 7525 5509), and Environment and Housing, Public Realm (chris.johnson@southwark.gov.uk/ 020 75252 2063) at least 4 months prior to any works commencing on the public highway.

- 3 You are advised that under Section 80 of the Building Act 1984 you are required to give the Council a minimum of 6 weeks notice of your intention to carry out any works of demolition of the whole or part of a building. You should submit your notice of intended demolition to the Council's *Building Control Service*. For further advice on submitting your notice and details of the few exemptions that apply please contact the Building Control Service by telephone on 020 7525 5500 or email at *building.control@southwark.gov.uk*.
- 4 The details and/or samples required by the Condition(s) above must be accompanied by a letter stating:
1. the LBS Reference Number which appears at the top of this decision notice;
 2. the full address of the application site;
 3. which condition(s) you seek to discharge; and
 4. a list of all drawing numbers/ sample name and manufacturer, together with the condition(s) they relate to.
- All samples submitted must be clearly labelled with the LBS Reference Number of the original application and the address of the application site.

Please note that the approval of details are subject to the same eight week timeframe as a full planning permission.

- 5 You are reminded that the use hereby permitted falls within Class B1 of the Town and Country Planning (Use Classes) Order 1987 which is restricted to office, research and development, or light industrial activities (other than professional or financial services) that can be carried out without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- 6 During demolition and construction on site:
- The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site;
 - The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 0800 – 1800 Mondays-Fridays, 0800 -1300 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;
 - Vehicular access to adjoining and opposite premises shall not be impeded;
 - All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only;
 - No waste or other material shall be burnt on application site;
 - A barrier shall be constructed around the site, to be erected prior to demolition;
 - A suitable and sufficient means of suppressing dust must be provided and maintained.
- 7 The Archaeology Officer can, on request, provide an archaeological brief detailing the methodology of the archaeological programme and can also provide information on concerning archaeological organisations who work frequently within the Borough and who may be able to carry out the works.
- 8 Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
- i.) Duty of Care Regulations 1991
 - ii.) Hazardous Waste (England and Wales) Regulations 2005
 - iii.) Environmental Permitting (England & Wales) Regulations 2007

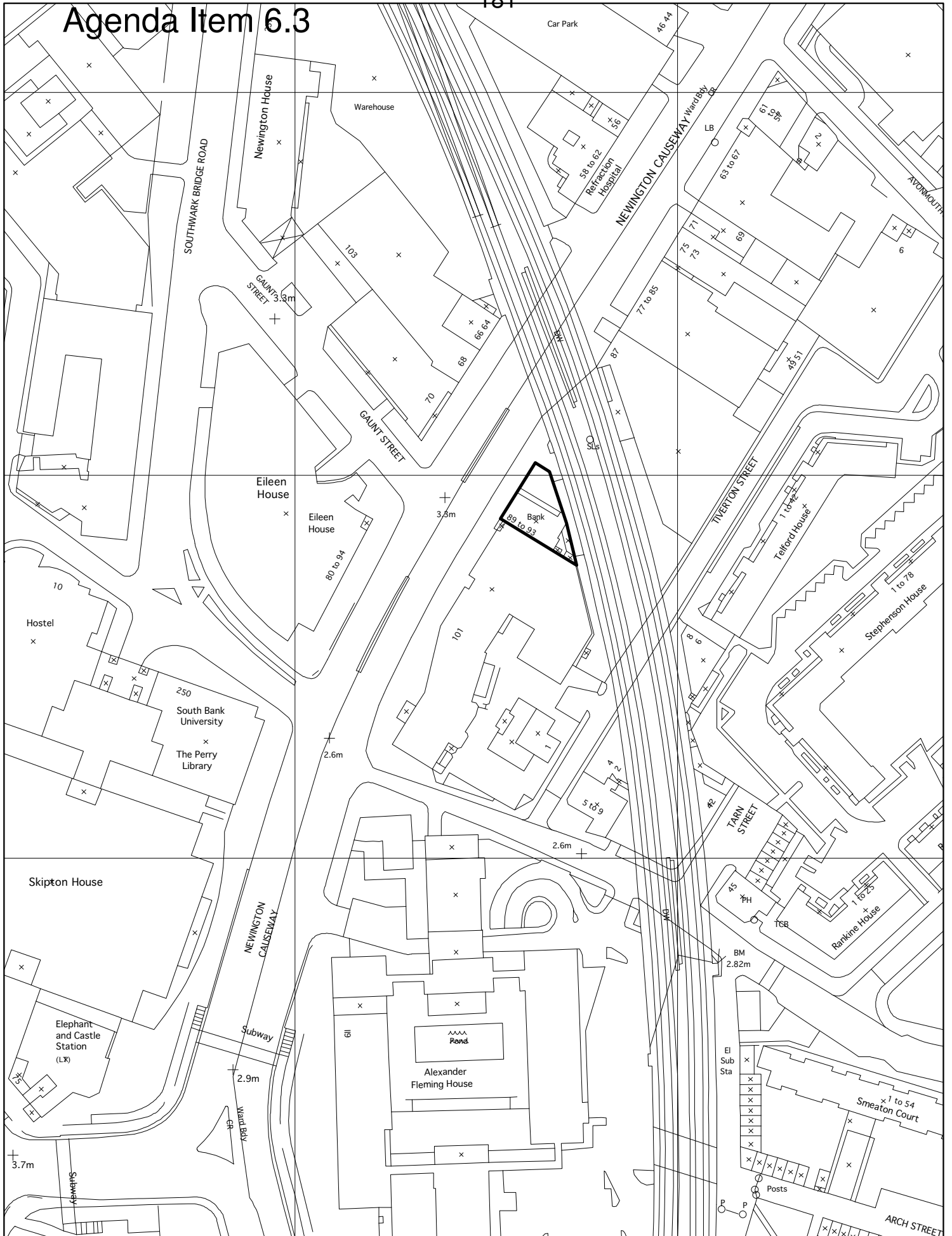
Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

- 9 London Underground has no objection to this planning application in principle but advise that there are a number of potential constraints on the redevelopment of a site situated close to underground tunnels and infrastructure. It must be demonstrated to the satisfaction of LUL engineers that:
- the development will not have any detrimental effect on the tunnels either in the short or long term
 - the design must be such that the loading imposed on the tunnel structure is not increased or removed.

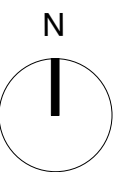
As such LUL require full details on the work to be undertaken, including load calculations and foundation plans.

- 10 There are both large diameter trunk water mains and smaller distribution mains located adjacent to and within the proposed development boundary in Southwark Bridge Road, Gaunt Street, Ontario Street and Newington Causeway. Thames Water will not allow any building within 5 metres of it's trunk mains or 3 metres of it's distribution mains and will require 24 hour access for maintenance purposes. Thames Water advise that they aim to provide customers with a minimum pressure of 10, head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes, which should be reflected in the design of the proposed development.

Agenda Item 6.3



89-93 NEWINGTON CAUSEWAY
LOCATION PLAN 1:1250



Item No. 3	Classification: OPEN	Date: 11 October 2011	Meeting Name: PLANNING COMMITTEE
Report title:	Development Management planning application: Application 09-AP-1940 for: Full Planning Permission Address: 89-93 NEWINGTON CAUSEWAY, LONDON, SE1 6BN Proposal: Demolition of existing building and erection of a 22 storey mixed use building (max.building height 69.82m AOD) incorporating a 65sq.m cafe/kiosk (Use Class A3) over ground and mezzanine floors, 366sq.m of commercial floorspace (Use Class B1) from ground to second floor level, with 38 residential units above (10x 1 bed, 24x 2 bed and 4x 3 bed), 50 cycle spaces over ground/ mezzanine floors with 6 visitor cycle spaces external to the building, in addition to a basement area containing plant and an energy centre, and two wind turbines sited at rooftop level.		
Ward(s) or groups affected:	Chaucer		
From:	HEAD OF DEVELOPMENT MANAGEMENT		
Application Start Date 10/09/2009		Application Expiry Date 10/12/2009	

RECOMMENDATION

- 1 To consider the above application which is for Planning Committee consideration due to the scale of the proposal which is referable to the Greater London Authority (GLA).
- 2
 - 1) Grant Planning Permission subject to the conditions set out in the report and the applicant first entering into an appropriate legal agreement on or before the 31 October 2011, and subject to the referral to the Greater London Authority.
 - 2) In the event that the legal agreement is not entered into by 31 October 2011, the Head of Development Management be authorised to refuse planning permission for the reasons set out in paragraph 193 below.

RECENT EVENTS

- 3 Members will recall considering this application at the beginning of June when they resolved to grant planning permission subject to a legal agreement and the mayor's direction. The legal agreement is almost completed and the mayor confirmed that the Council can determine the application although following this reconsideration the application will have to be referred again
- 4 In July, pending the Mayor's stage 2 report, the Ministry of Sound, a nearby neighbour who had objected to the proposal, submitted a request for re-determination of the planning application relating to concerns regarding noise surveys that had been undertaken. In particular the Ministry of Sound contended that noise surveys undertaken in January and April 2011 were unreliable. The Ministry of Sound carried out a further survey over the period 10-12 June (the weekend following the committee meeting) which they suggest "provided unequivocal evidence that noise levels have not changed within the club since 2009" (when an earlier survey by the applicant at

Eileen House was carried out). They therefore suggest that this new survey of June 2011 was a new material planning consideration in respect of this application which the Council was required to take into account before determining the application for planning permission. Ministry of Sound also suggested that a further agreed noise survey should be undertaken.

- 5 A further survey was undertaken on the night of 23/24 July 2011 with representatives of the Ministry of Sound present. The details of this are referred to below.

In the light of the new noise surveys, Officers consider that it is appropriate for the application to be re-determined as a whole.

Further, since the Committee's last decision the draft National Planning Policy Framework has been published and the London Plan has been replaced with the London Plan 2011.

BACKGROUND INFORMATION

Site location and description

- 6 The 0.026ha triangular application site is located on the east side of Newington Causeway, between the Elephant and Castle northern roundabout and the Newington Causeway railway viaduct. It is located within the Elephant and Castle Opportunity Area (as designated within the London Plan and Southwark Plan). The site is currently occupied by a 4 storey building, originally built for banking purposes, though more recently converted to a residential use. It dates to the early twentieth century, is not listed, nor is it of significant value given it does not form part of a historical grouping of buildings. The site is not located within a Conservation Area, though it is close to the Trinity Church Conservation Area to the northeast. It is not adjacent 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.
- 7 The site fronts onto the A3 Newington Causeway, a Transport for London Road Network (TLRN), which leads into the northern (Elephant and Castle) roundabout. The site is contained within the Congestion Charging Zone, and is highly accessible with a public transport accessibility level (PTAL) of 6b. The site is within 200m walking distance of the Elephant and Castle Underground station providing access to the Bakerloo and Northern lines, as well as access to overland rail services. The Borough underground station is also within 600m north of the site. A number of bus routes serve the site and the local vicinity, with a bus stop located directly outside the site on Newington Causeway.
- 8 The townscape character and local context is extremely mixed, with a general increase in scale and density as one approaches the Elephant and Castle. Significant within this context is the raised mainline railway (Thames Link) viaduct which runs alongside the site's northern and eastern boundaries. The immediate context is one of medium to high rise development to the south and west of the railway viaduct. There is however a significant change in character and context beyond the railway viaduct to the north and east, which has a much lower scale and density. This contextual contrast presents challenges for the proposal as it stands isolated against the railway viaduct, adjacent to the much lower Rockingham Estate beyond the viaduct to the eastern side.
- 9 Immediately to the north a tiny but vacant triangular plot lies between the site and the railway viaduct, with a taxi supplies store sited within an arch at this point which links through to the northern side of the viaduct. The site is bordered to the west by Newington Causeway, beyond which are a mixture of un-modernised commercial

buildings, including the existing Eileen House building, which is also being considered for redevelopment to a 41 storey mixed use tower, and the Ministry of Sound Nightclub. Immediately south the site shares a party wall with a 2 storey commercial development, currently occupied by the Salvation Army, which rises to 11/12 storeys. Further south is Metro Central Heights and the recently completed Metro Central Vantage residential developments of up to 18/19 storeys at the uppermost point.

Details of proposal

- 10 Full planning permission is sought to demolish the existing building for the redevelopment of the site for a mixed use though predominantly residential scheme. The proposal would create 65sq.m of A3 retail space in the form of a café over the ground and mezzanine (first) floors, with 366sq.m B1 office space located over the ground, second and third floors. The residential component comprises 38 residential units, 10 one-bed, 24 two-bed and 4 three-bed units. Of these, 11 will be intermediate rental affordable units. All units are designed to Lifetime Homes standards, with 8 two-bed wheelchair accessible/adaptable units provided.
- 11 Whilst proposed as a single tower of 22 storeys (incorporating a mezzanine at first floor level), the design of the tower is such that the building reads as 3 elements (or vertical columns) of varying heights, having the effect of changing the look of the top of the building depending upon the viewpoint. This has allowed the building to step down towards Newington Causeway and to the south, thereby relating better to the immediate context and building heights to the south. The south column is the lowest, which rises to 16 storeys (52.48m AOD) the next steps up along the Newington Causeway frontage to 19 storeys (61.15m AOD) with the tallest column reaching 22 storeys (69.82m) where it follows the railway viaduct along the eastern boundary. The two lower columns are topped by terraces for resident amenity space with the rooftop holding the 2 proposed wind turbines and a green roof. All units include a private balcony. In terms of the cladding the building features a light pre-cast concrete frame with textured concrete infill panels of varying hue, combined with metallic finishes to windows/ shopfronts and balconies, and elements of coloured/ opaque glass
- 12 Due to the limited size of the site, the building will over-sail the pavement (which is very wide in this location) from the double height ground/mezzanine floor upwards which would require a license for overhanging the highway under S177 of the Highways Act. Similarly, the limitations of a small site combined with a location adjacent to a major road has resulted in an entirely car free scheme including no provision for disabled parking. A basement includes space for ESCO facilities and ancillary servicing requirements. Cycle parking is located at ground and first (mezzanine) floors totalling 46 residential spaces and 4 commercial spaces with a further 6 spaces located outside the café for visitors.

Planning history

- 13 There is no relevant formal planning history for the site. The site was bought by the current owner in March 2006 who advises that at the point of sale the property appeared to have been unlawfully occupied for some time as a dwelling or dwellings, though the use was never regularised and the site is now vacant. Therefore, historically the site had a lawful A2 (Bank) use. The existing floorspace is 490sq.m over 4 floors (or 122.5sq.m per floor) with upper floors as ancillary B1 office space (367.5sq.m).

KEY ISSUES FOR CONSIDERATION

Main issues

- 14 The main issues in this case are:
- Principle of the Proposed Use;
 - Density, Mix and Tenure;
 - Design (including Height and Quality of Accommodation)
 - Impact on Strategic and Local Views and on the Character and Setting of a Listed Building or Conservation Area;
 - Impact on the Amenities of Neighbouring Residents and Future Occupiers;
 - Impact upon the Ministry of Sound;
 - Transport Issues;
 - Flood Risk Assessment;
 - Planning Obligations; and
 - Sustainability

Environmental impact assessment

- 15 An Environmental Statement is not required with this application as the development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- 16 A Screening Opinion was not requested prior to the submission of the application as the site falls well below the 0.5ha threshold (being 0.026ha) for classification as a Schedule 2 'Urban Development Project'. Even if the proposed development was of a size to be considered as an 'Urban Development Project', the development is highly unlikely to have a significant effect upon the environment by virtue of its nature, size, and location based upon a review of the selection criteria set out in Schedule 3 of the Regulations which are used to screen Schedule 2 Development. Furthermore, the site is outside a designated 'sensitive area' as per Regulation 2(1). On this basis it is considered an Environmental Impact Assessment is not required.

Planning policy

- 17 The Southwark Plan (UDP) July 2007: The site is designated under The Southwark Plan as being located within a Major Town Centre within the Central Activities Zone (CAZ), the Elephant and Castle Opportunity Area, an Air Quality Management Zone, and an Archaeological Priority Zone. The site is also within a Transport Development Area. It is within proposals site 43P- the Elephant and Castle Opportunity Area, but is not located within the area covered by the Elephant and Castle SPG; and as such lies outside the Core and Secondary tall building clusters designated within this plan. It is, however, identified within the 'Enterprise Quarter' SPD as site 7c 'Newington Causeway', an 'other opportunity site'. Key Policies:
- Policy 1.1: Access to Employment Opportunities
 - Policy 1.4: Employment Sites
 - Policy 1.7: Development within Town and Local Centres
 - Policy 1.8: Location of Developments for Retail and other Town Centre Uses
 - Policy 2.2: Provision of new Community Facilities
 - Policy 2.5: Planning Obligations
 - Policy 3.1: Environmental Effects
 - Policy 3.2: Protection of Amenity
 - Policy 3.3: Sustainability Assessment
 - Policy 3.4: Energy Efficiency
 - Policy 3.6: Air Quality
 - Policy 3.7: Waste Reduction
 - Policy 3.9: Water
 - Policy 3.11: Efficient use of Land
 - Policy 3.12: Quality in Design
 - Policy 3.13: Urban Design
 - Policy 3.14: Designing out Crime

- Policy 3.15: Conservation of the Historic Environment
- Policy 3.18: Setting of listed buildings, conservation areas and world heritage sites
- Policy 3.19: Archaeology
- Policy 3.28: Biodiversity
- Policy 3.31: Flood Defences
- Policy 4.2: Quality of Residential Development
- Policy 4.3: Mix of Dwellings
- Policy 4.4: Affordable Housing
- Policy 4.5: Wheelchair Affordable Housing
- Policy 5.1: Locating Developments
- Policy 5.2: Transport Impacts
- Policy 5.3: Walking and Cycling
- Policy 5.4: Public transport improvements
- Policy 5.6: Car Parking
- Policy 5.7: Parking Standards for Disabled People and the mobility impaired

18 Southwark Core Strategy (2011)

On the 6th April 2011 the Core Strategy was adopted and its strategic policies, together with the 'saved' policies of the Southwark Plan (2007) are now the development Plan policies.

19 Strategic Policies of the Core Strategy:

- Strategic Policy 1 Sustainable Development.
- Strategic Policy 2 Sustainable Transport.
- Strategic Policy 5 Providing new homes.
- Strategic Policy 6 Homes for people on different incomes.
- Strategic Policy 7 Family homes.
- Strategic Policy 10 Jobs and Businesses.
- Strategic Policy 12 Design and Conservation.
- Strategic Policy 13 High Environmental Standards.
- Strategic Policy 14 Implementation and delivery

20 The London Plan 2011: The site is located within the Central London Sub-Region, within Opportunity Area 8- Elephant and Castle and an Area for Regeneration. Key Policies:

Context and strategy

- Policy 1.1 Delivering the strategic vision and objectives for London

London's Places

- Policy 2.3 Growth Areas and Co-ordination Corridors
- Policy 2.9 Inner London
- Policy 2.10 Central Activities Zone – strategic priorities
- Policy 2.11 Central Activities Zone – strategic functions
- Policy 2.12 Central Activities Zone – predominantly local activities
- Policy 2.13 Opportunity Areas and Intensification Areas
- Policy 2.14 Areas for regeneration
- Policy 2.17 Strategic industrial locations

People

- Policy 3.1 Ensuring equal life chances for all
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.6 Children and young people's play and informal recreation facilities
- Policy 3.7 Large residential developments

Policy 3.8	Housing choice
Policy 3.10	Mixed and balanced communities
Policy 3.11	Definition of affordable housing
Policy 3.12	Affordable housing targets
Policy 3.13	Negotiating affordable housing on individual private residential and mixed use schemes
Policy 3.14	Affordable housing thresholds
Policy 3.16	Coordination of housing development and investment

Economy

Policy 4.1	Developing London's Economy
Policy 4.2	Offices
Policy 4.3	Mixed use development and offices
Policy 4.12	Improving opportunities for all

Climate change

Policy 5.1	Climate change mitigation
Policy 5.2	Minimising carbon dioxide emissions
Policy 5.3	Sustainable design and construction
Policy 5.5	Decentralised energy networks
Policy 5.6	Decentralised energy in development proposals
Policy 5.7	Renewable energy
Policy 5.8	Innovative energy technologies
Policy 5.9	Overheating and cooling
Policy 5.10	Urban greening
Policy 5.11	Green roofs and development site environs
Policy 5.12	Flood risk management
Policy 5.13	Sustainable drainage
Policy 5.14	Water quality and sewerage infrastructure
Policy 5.15	Water use and supplies
Policy 5.18	Construction, excavation and demolition waste
Policy 5.21	Contaminated land

Transport

Policy 6.3	Assessing transport capacity
Policy 6.5	Funding Crossrail and other strategically important transport infrastructure
Policy 6.9	Cycling
Policy 6.10	Walking
Policy 6.13	Parking

Living Places and Spaces

Policy 7.1	Building London's neighbourhoods and communities
Policy 7.2	An inclusive environment
Policy 7.3	Secured by design
Policy 7.4	Local character
Policy 7.5	Public realm
Policy 7.6	Architecture
Policy 7.7	Location and design of tall and large buildings
Policy 7.8	Heritage assets and archaeology
Policy 7.11	London View Management Framework
Policy 7.12	Implementing the London View Management Framework
Policy 7.13	Safety, security and resilience to emergency
Policy 7.14	Improving air quality
Policy 7.15	Reducing noise and enhancing soundscapes

Monitor and review

Policy 8.2	Planning obligations
Policy 8.3	Community infrastructure levy

21 Supplementary Planning Documents, Planning Policy Guidance [PPG] and Planning Policy Statements [PPS]

PPS 1:	Planning for Sustainable Communities
PPS 3:	Housing
PPS 5:	Planning for the Historic Environment
PPG 13:	Transport
PPS 22:	Renewable Energy
PPS 23:	Planning and Pollution Control
PPG 24:	Planning and Noise
PPS 25:	Development and Flood Risk

22 Draft National Planning Policy Framework

The draft NPPF was published at the end of July 2011 for consultation until 17 October 2011 and is capable of being a material consideration. The draft is currently the subject of public consultation and could be subject to change in the light of that consultation. As a result, whilst it carries some weight, it should not be given substantial weight. The Government has set out its commitment to a planning system that does everything it can do to support sustainable economic growth. Local planning authorities are expected to plan positively for new development. All plans should be based on the presumption in favour of sustainable development and contain clear policies that will guide how the presumption will be applied locally.

The presumption in favour of sustainable development is a new policy designed to ensure that the planning system as a whole focuses on opportunities. The presumption, in practice, means that significant weight should be placed on the need to support economic growth through the planning system and local planning authorities should plan positively for new development and approve all individual proposals wherever possible. But development should not be allowed if it would undermine the key principles for sustainability in the Framework. The draft NPPF makes clear that the policies should apply 'unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits'.

The draft NPPF also states that 'The primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development' and that local authorities should look for solutions to problematic applications, so they 'can be approved wherever practical to do so'.

The draft NPPF also sets out core principles that should underpin both plan-making and development management. It states that 'every effort should be made to identify and meet the housing, business, and other development needs of an area, and respond positively to wider opportunities for growth'.

The NPPF builds upon the Government's 'Plan for Growth' which was published in March 2011. The overall theme of this document is to support long term sustainable economic growth and job creation in the UK. This is set out as a clear and current Government objective.

In relation to the vitality and viability of the town centre, the draft NPPF requires planning policies to be positive and promote competitive town centre environments. This includes recognising town centres as the heart of the community, defining a network of centres and setting policies to be clear on which uses will be permitted. It also includes recognising that residential development can play an important role, allowing a range of suitable uses, and setting policies for the consideration of retail and leisure proposals which cannot be accommodated on or adjacent to town centres.

The draft NPPF sets out that to boost the supply of housing, local planning authorities should: use an evidence base to meet full requirements for market and affordable housing, identify key sites, identify and maintain a rolling supply of specific deliverable sites for 5 years, including at least a 20% additional allowance, identify developable sites for year 6-10 and if possible 11-15 and not make allowances for windfall sites in the first 10 years. If the local council does not find enough sites for the first five years of the plan, the council should grant permission for developments in line with the 'Presumption in Favour of Sustainable Development'.

SPG: London View Management Framework

SPG: Sustainable Design and Construction

SPG: Providing for Children and Young People's Play and Informal Recreation

SPG: Planning for Equality and Diversity

SPG: Accessible London: Achieving an Inclusive Environment

Section 106 Planning Obligations SPD (2007)

Residential Design Standards SPD (2008) and consultation draft 2011

Sustainable Transport SPD (2008)

Sustainable Design and Construction SPD (2009)

Affordable Housing SPD and consultation draft 2011

Ministerial Statement "Planning for Growth"

Community Infrastructure Levy Regulation 122

Circular 05/2005

Consultation

- 23 Site notice date: 17/09/09 Press notice date: 19/09/09

Neighbour consultation letters sent: 14/09/09

Case officer site visit date: Various site visits over period prior to submission and several site visits since submission most recently 20/07/11.

- 24 Internal Consultees: Access Officer; Archaeology Officer, Design and Conservation; Waste Management; Planning Policy; Environmental Protection, Transport Group; Highways Infrastructure, Environment and Housing, Elephant and Castle Major Projects.
- 25 Statutory and Non-statutory Consultees: Greater London Authority (GLA), Transport for London (TfL); Southwark Design Review Panel; London Fire and Emergency Planning Authority (LFEPa); Environment Agency (EA), Network Rail, Metropolitan Police, English Heritage, Royal Parks, Southwark Cyclists
- 26 Neighbour Consultees: Properties at/ within the following addresses were consulted:
 Albert Barnes House, New Kent Road
 Balppa House, Newington Causeway
 Banks House, Rockingham Estate, Rockingham Street
 Bath House, Bath Terrace
 Binnie House, Rockingham Estate, Bath Terrace
 Brunlees House, Rockingham Estate, Bath Terrace
 Coburg House, 63-67 Newington Causeway
 TRA Rockingham Estate, 6 Cartwright House
 Devonshire House, Bath Terrace
 Eileen House, Newington Causeway
 Elephant and Castle Underground Station
 77, 82, 83, 86, 86a, 69, 77-81 Borough Road
 10 Keyworth Street
 72,74, 80 (Skipton House) London Road

9 Rockingham Street
 2-4,6-8, 49-51 Tiverton Street
 18, 20-22, 24,26,38, 40-42, 44-46, 48-54, 57-61,58-62,63-67, 64-66, 69-71, 73-75, 77-85,82, 87-87A Newington Causeway
 Lancaster House- 70 Newington Causeway
 2,6 Avonmouth St
 229,231,231-233, 235-237, 233,235,237 Southwark Bridge Road
 5,103 Gaunt St
 29 Bath Terrace
 42a Tarn Street
 34 New Kent Road
 28 Gladstone Street
 Elephant Kiosk
 Hand in Hand- 37 Arch Street/ Meadow Row
 Metro Central Heights-119 Newington Causeway
 Metro Central Heights Residents Association
 Weatherspoons- Metro Central Heights
 Railway Arch E Newington Causeway
 Railway Arches- Newington Court
 Railway Arches- Rockingham Street
 Rankine House, Rennie House, Rumford House-Rockingham Estate, Bath Terrace
 Crown Court, Sessions House, Newington Causeway
 Newington Court Business Centre
 27 and Smeaton Court, Arch Street
 Railway Arch, Southwark Bridge Road
 Stephenson House, Rockingham Estate, Bath Terrace
 Telford House, Rockingham Estate, Tiverton Street
 Trinity House, Bath Terrace
 10 Keyworth Street
 2 Avonmouth Street
 Southwark Cyclists- 3 Dunnage Crescent
 5-9 Rockingham Street

- 27 Pre-application Consultation: A Statement of Community Involvement was submitted, which set out the pre-application consultations that were carried out in relation to the application. No consultation was held with the community prior to submission. The scheme was presented to the Southwark Design Review Panel and to Council officers before submission (details below). Following submission of the application, the applicant confirmed that a community consultation exhibition was held over the 24 and 26 September at the Fusion Leisure Centre. 16 residents attended, and the applicant advised that the response was generally positive about the redevelopment of the site.

Internal Consultation Replies

- 28 Access Officer: The proposals meet the requirements of Part M (Access to and within buildings) of the Building Regulations, the Lifetime Homes Standard and the required wheelchair housing standard. However the Design and Access statement advises that for the disabled persons WC provision in the office element of the development "tenants will need to provide suitable welfare services for disabled persons". WC's are essential service which must be provided as a requirement of the relevant building regulations. An accessible WC is provided in the kiosk on the ground floor. Revised plans have been submitted indicating the inclusion of a disabled office WC, although the arrangement may change due to tenant fit out requirements.
- 29 Archaeology Officer: The site is located within the Borough, Bermondsey and River Archaeological Priority Zone, to the south of known areas of post-medieval settlement, as shown in the mid 18th century maps of London. Remains later than this date are

likely to be present on site. There is also the possibility of archaeological remains from the Roman period to be present. The applicant's archaeologists have presented the material adequately. Following the demolition of buildings currently occupying the site an archaeological evaluation is to be undertaken. Depending upon the results of such an evaluation further archaeological recording may be necessary. These works can be secured by condition, which 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 the recommendations of PPS5.

30 Waste Management: No issues were raised.

31 Planning Policy: Proposal looks acceptable. If the principle of employment use on the site has been lost/ abandoned then it appears to be compliant with policy. The Sustainable Design and Construction SPD, including Flood Risk Assessment, contribution to biodiversity, water conservation etc. should be considered and the energy hierarchy must be followed. Core Strategy Policy 13 'High Environmental Standards' sets out targets that developments are expected to meet. The residential developments should meet at least Code for Sustainable Homes Level 4 and non-residential developments should achieve a minimum BREEAM rating of Excellent. Car-free is supported on the site and a Travel Plan will be required.

32 Environmental Protection Team:

Noise (a) General: Satisfied that appropriate internal sound levels may be achieved and a condition is recommended to ensure that suitable sound insulation is installed. A vibration assessment was undertaken which concluded that there will be a low probability of adverse comment from the occupiers of the premises regarding vibration. A condition is recommended to which will minimise vibration levels in order to protect future occupiers from adverse vibration levels from transportation sources. Wind turbines have the potential to cause adverse impacts on amenity for occupiers of the development and other noise sensitive premises nearby. An assessment was undertaken which concludes that noise from the turbines will be below the background level for the nearest noise sensitive receptor. The assessment is not based upon sound data provided by the manufacturer and wind speeds greater than this are likely and might affect residential amenity although this would be tempered by the fact that high wind speeds themselves create noise which may mask the turbine noise. Smoke vents at ground floor level are emergency 'knock out' vents for the fire brigade to use in the event of a serious fire in the basement, and will not cause noise or pollution issues since plant is located in the basement but will not expel any air through these vents. A condition is recommended to ensure that any impacts from proposed plant will be controlled in order to protect the occupiers of neighbouring premises.

Noise (b) Ministry of Sound: Concern has been raised regarding the impact that break out sound from the MoS would have upon the proposed development. A robust assessment was undertaken in relation to the impact that entertainment noise 'break out' from the Ministry of Sound would have upon the amenity of the proposed development in addition to an assessment of noise from vehicular and pedestrian movement associated with the operation of the Ministry of Sound nightclub. The assessments confirmed that only the impact of break out sound was considered to be significant, a conclusion that is supported by the Environmental Protection Team. A condition requiring suitable internal sound levels to be achieved is recommended in conjunction with a condition requiring that all bedroom windows are to be non-openable in order to protect against entertainment noise 'break out' from MoS with provision to be 'unsealed' should the sound insulation to MoS be improved to an acceptable level in the future. The Environmental Protection Team are satisfied that ensuring all bedroom windows are not openable will suitably mitigate any adverse impact from MoS entertainment noise.

Officer comment: *Since this consultation response was received there has been considerable further discussion with both the applicant's advisers and Ministry of Sound. These matters are set out later in the report.*

Air Quality: The assessment was undertaken using a screening tool and as it has identified NO₂ very near the objective level. Of particular concern is the amenity area/ child play space on level 15 which fronts Newington Causeway, which might be exposed to unacceptable pollution levels. A comparison was made to the air quality assessment undertaken for the Eileen House site at 80-94 Newington Causeway. The assessment for the application site is not as robust and as such, the mitigation proposed to date is unacceptable and a condition is recommended to ensure that an adequate level of protection is provided to residential premises. The extract system for the A3 kitchen will be expelled via a flue which will terminate at high level which alleviates any concern about odour nuisance should the A3 use require cooking facilities. A condition will be required to ensure that a suitable means of odour control is used for any future A3 use.

Energy/ Wind Turbines: Data from 'RenewableUK' wind speed database in urban areas was used but recent studies have shown this database overestimates the annual wind speed in urban environments. An assessment of the potential energy that the proposed turbines will produce has been undertaken using revised wind data, but it is still uncertain whether they will deliver even the revised level of energy. The applicant has agreed to undertake a detailed wind modelling exercise before installing the turbines. Should this show that a sufficient level of energy will not be delivered; a commitment to invest the money that would otherwise have been spent on the turbines on off-site renewable energy has been given. Officers commend the application for this flexible and pragmatic approach.

33 Traffic Group:

Parking standard for cycles is 1 per 250m² of commercial (A & B1) floor space (minimum of 2) and 1.1 per residential unit. The cycle design and layout, as demonstrated in drawings P/011 and P/012, is acceptable and policy compliant.

The proposal is in a high PTAL area (level 6) where developments are required to be car free. This application is proposed as car free and, as such, is in accordance with Southwark Plan Policy 5.6. The site is situated in a Controlled Parking Zone (CPZ). Future occupiers (other than disabled) should be prevented from being eligible for on-street parking permits with a sum of £2,750 to be secured for the costs associated with amending the Traffic Management Order. Policy 5.7 requires this development to provide a minimum of 1 disability parking bay, however due to the constrained nature of the site, a bay could not be provided, mainly due to the bus stop situated in front of the building. In this instance there is cause to depart from Southwark Policy as there is not a suitable position for it.

Servicing is required to take place off street. Given the site constraints, servicing from the on-street loading bay to the north of the site has been agreed. It is requested that an informative be added to the decision notice making the Applicant aware that any servicing which takes place on street is subject to local restrictions (no servicing is to take place on-street, from the bus lane, at any hour).

Policy 5.2 requires developments likely to have significant transport implications to submit a transport assessment (TA). As this is a car free development, the submitted transport statement is considered acceptable. It is noted that the principle of a Travel Plan has been agreed to; however, an outline plan must be submitted, for both the commercial and residential elements. The applicant has confirmed that Travel Plan requirements are covered in the Transport Statement, which outlines what is proposed to be included within the Travel Plan for the development.

S106 contribution should be sought using the S106 SPD standard charge formula and should be secured for public realm improvements in the area.

- 34 Environment and Housing: We would prefer a Registered Social Landlord (RSL) to manage the affordable dwellings. The best way of achieving this would be for the management organisation to be accredited by the Tenant Services Authority. It is therefore agreed that whilst a provision will be included within the s106 agreement requiring the developer to enter into a management agreement with an RSL, if the developer is able to subsequently achieve status as a landlord accredited by the Tenants Services Authority, they shall be permitted to rescind the management agreement with the RSL and carry out direct management of the intermediate units, observing at all times the perpetuity clauses contained within the S106 agreement. The Council support this position as long as the developer is able to maintain the same standards of management as had been provided by the RSL.

- 35 Elephant and Castle Special Projects Team:
 The Enterprise Quarter SPD: The scheme introduces an active frontage and improved public realm on Newington Causeway which is a key aim of the SPD. The commercial space will provide a new offer enlivening the streetscape. The existing building is empty and does not provide any commercial or office space. The introduction of replacement B1 office space is strongly supported creating new opportunities within the Enterprise Quarter which is also in line with the SPD. Whilst the height is above that recommended in the SPD, the quality of architecture and relationship to existing (Salvation Army and Metro Central Heights) and proposed buildings (Eileen House and Triangle Site tower) provides a townscape context within which this 22 storey development will be well suited. Its location adjacent to the railway acts as a 'gateway' for which a tall and distinct building is well suited.

Tenure Split: The scheme does not meet Southwark's planning policy for affordable housing social rented provision within the Elephant & Castle. We would seek for social rented housing to be provided for local residents however appreciate that due to financial constraints this may be unachievable. Given the above benefits that this development will offer we believe the lack of such tenure type is acceptable in this instance. We would request further details about the management of the affordable housing element and would seek that local residents have priority.

S106 Contributions: Recent S106 prioritisation identified investment into Elephant & Castle's network of green spaces as a key priority. We therefore request input into the expenditure of public realm and open space contributions to ensure it is in line with this priority. We also request that the use of the strategic transport contribution is towards wider strategic costs associated with the Elephant & Castle regeneration.

Statutory and Non-statutory Consultation Replies

- 36 Greater London Authority (GLA):
 The proposal would support the ongoing regeneration of the Elephant and Castle area. The housing mix and tenure split are acceptable, and the density is acceptable subject to urban design, transport, and adequate mitigating planning obligations. The principle of a tall building is supported and the scheme would sit comfortably within the existing context and would be modest in comparison to consented and emerging tall buildings in the area. Residential design quality is in accordance with Southwark design standards and broadly with the Replacement London Plan and draft Housing Design Guidance. There is no impact on townscape views. Where the scheme does not fully comply remedies are proposed which may lead to full compliance with the London Plan as set out below:

- Housing- proposal is consistent with London Plan policies however supporting information in relation to viability is required, and the GLA cannot confirm if the maximum amount of affordable housing is provided or whether planning obligations are being made without the additional information;
- Transport- does not fully comply as applicant should commit to a construction management plan and servicing management strategy, payment of a transport contribution and a Crossrail contribution; and
- Climate Change- further information required on decentralised energy but generally compliant with London Plan Policies.

37 Transport for London (TfL):

The impact on the public transport and highways networks from this development is deemed to be minimal, however when considered cumulatively with other proposed developments within the Opportunity Area, the impacts on transport infrastructure are material. Therefore, in line with London Plan policy 3C.2 and other developments in the area the applicant is expected to make a reasonable contribution towards 'wider transport improvements' in and around Elephant and Castle.

The costs of delivering both the underground and surface transport enhancements deemed necessary to support the on-going and longer term growth of the Opportunity Area are significant, current are in the region of about £160 million for improvements to the Northern Line Ticket Hall and c£40million for the surface works which include replacement of pedestrian subways with at-grade pedestrian crossings at northern roundabout, and highway and public realm improvements. A contribution of £55,000 is therefore sought which includes £35,000 towards pedestrian and public realm works and £20,000 towards improvements to bus stops directly outside the site, or if this contribution does not go towards bus stops then it should be re-allocated towards wider transport improvements in the Elephant and Castle area.

A contribution towards Crossrail will be required because the proposals would result in uplift in office floorspace on the site of over 500sq.m. (GEA). Such contributions will be in accordance with the proposed alteration to the London Plan and the draft *SPG: Use of planning obligations in the funding of Crossrail*. Using the SPG methodology, the development proposes an office floorspace uplift of 533sq.m. GEA, generating a Crossrail contribution of £85,280. Following discussion with the applicant, and on the basis that this development just tipped the balance for a contribution, being 33sqm above the 500sq.m. threshold, TfL would accept the application of a 45% contribution (i.e. £38,376) in line with other cases within the Central Activity Zone.

TfL welcomes the car-free nature of the development, particularly given the excellent PTAL level. Given the constrained nature of the site, no disabled car parking can be provided within the vicinity of the site- as a minimum TfL expects that parking, pick-up and drop-off options for disabled users are fully set out as part of the travel plan. Further to this TfL expects a planning condition to exclude future occupiers from eligibility for on-street car parking permits. 42 cycle spaces are proposed, with a further 6 spaces outside the building for staff and visitors to the development, which is in line with the relevant standards and therefore in accordance with London Plan Policy 3C.22.

TfL expects the applicant to prepare and agree a servicing management strategy and a construction management plan; these will need to be secured by planning condition or S106 agreement. All construction access routes and access details need to be approved by TfL prior to the commencement of any works. The developer's intention to provide a travel plan is welcomed. TfL expects this to be secured, monitored and reviewed as part of the Section 106 agreement. In summary, TfL sees no reason why this application could not be supported in principle.

38 Southwark Design Review Panel (pre-application, October 2008): The Panel acknowledged that the proposal exceeds the height stipulated for this site in the SPD. The Panel reacted positively to the image of three contrasting forms; however were not convinced this had been explored far enough. The Panel encouraged the architect to consider making the contrast stronger through greater changes in form, colour and materials and suggested that the three forms would have a stronger rationale if they were to display a closer link to the internal workings of the accommodation and the urban context. As the development forms a visual 'bookend' to this stretch of the Newington Causeway, the Panel felt that it would be appropriate to establish a stronger visual link between it and the Metro Central Heights end of the street, perhaps by dropping the height of one third to be of similar height, so it may set up a dialogue between this building and its context. The Panel commented on the thoughtful composition of the elevation and the use of visual gradation but felt that this may not be legible from all approaches due to the narrowness of the views that can be gained from Newington Causeway. The current 18 storey proposals lacked the visual clarity and confidence of the original 25-storey design. The design has to manage the contradictory requirements of a height established by its varied context in urban terms and one set by its composition. Serious concerns with the quality of the ground floor, in particular, the congested footprint of the building, the quality of the pedestrian walkway created along the railway line, and its use as the primary servicing access for the development and the extent of unadorned flank wall presented to this side. In conclusion, the panel felt this was a bold idea that deserved encouragement and that it was an idea that was very capable of positive development.
Officer Comment: *It is considered that the application as submitted addresses the majority of points raised by the Panel.*

39 London Fire and Emergency Planning Authority: No response received

40 Environment Agency: No objection to the development as submitted. In correspondence received 26 October 2009, the Local Planning Authority demonstrated that the Sequential Test has been passed for this proposal, in accordance with PPS25. The submitted flood risk assessment (Ref. FRA1175/FA001 Final v1.0) by Ambiantal Technical Solutions is acceptable subject to conditions.

41 Metropolitan Police: No issues at present, though no mention of Secured by Design materials being used. Lighting details should sought by condition.

42 Southwark Cyclists: Add a condition to ensure secure, covered bike parking spaces are provided for 130% of residents and 30% of employees, with 30 visitor racks provided within 30m of the site. Only disabled car parking should be provided.

43 English Heritage: No response received.

44 Royal Parks: No response received.

Neighbour Consultation Replies

45 Letters of objection:
89 Albert Barnes House- object as area is already congested and overcrowded. Area needs more green space such as parks. Need to be reducing the population not expanding it. Public services are already overstretched which has resulted in idiotic policies such as Brixton Pound Note and high crime.

46 Flat 126 Metro Central Heights- object purely in terms of the height of the structure and impact on the unique view currently enjoyed from my flat, which will impact on market value. Understand Council does not take account of residential views when making a decision. Would like to emphasise that due diligence carried out prior to

purchase gave no indication that current policy or planning applications suggested that extraordinary tall plots would be developed and obstruct my view. Previous Eileen House application was rejected on height. Proposed height for this scheme does not comply with policy. Visited consultation event and am still unconvinced that the height is nothing more than maximising developer profit, reconfiguration to more acceptable height would still prove viable. Don't accept it would form tall building gateway as there is a suitable gateway building north of the regeneration zone- Metro Central Heights. Developer should show impact of reduced building height in terms of affordability. Member of Council or developer should visit to see impact on my views and potential to impact on property price.

- 47 Flat 95 Metro Central Heights- objects on 3 grounds. Loss of pre-war building, whilst not exceptional or listed, is pleasant and would be a loss to the area. Incorporate the existing building in some way. Already tall buildings on the road, Metro Central Heights and Salvation Army. If this development plus Eileen House go ahead, street at risk of becoming a canyon, overshadowing the road, with effects on air-flow, wind, sunlight. Loss of morning sunlight and overlooking of Metro Central Heights. Salvation Army building has less effect as it is an office building, not occupied on weekends. Wind Turbines of concern- a good idea but can be noisy. Development would have significant disadvantages for area- but some beneficial, particularly the cafe and commercial elements, which would bring life to the street.
- 48 Flat unknown, Metro Central Heights- Need to be assured that toxic dust and debris from demolition and construction will be minimised. We have a right to know exactly what measures will be taken to ensure dust/ toxicity in the air are normal. Many asthmatics/elderly/children in area who will be affected by change in already polluted/ dusty area near E & C roundabout. Applies to both demolition and construction phases, appreciate green features of construction planned, but must ensure the health of nearby residents.
- 49 21 Devonshire House, Bath Terrace- I am concerned the building may overshadow Newington Gardens and effect light and views from my property. Have not been able from the plans to get a clear sense of how bad the problem would be but would object if there was significant overshadowing of the park.
- 50 Ministry of Sound, Gaunt Street: In the course of consideration of this application several submissions have been made objecting to the development.

Objection October 2009 correspondence received from Planning Perspectives on behalf of MoS dated 7 October 2009 and 12 October 2009 from Planning Perspectives, and correspondence dated 8 October 2009 from Sharpe Redmore Partnership.

The development would have facades looking directly along Gaunt Street to the club entrance, and at higher levels, across the roof structure of the club. The main club entrance is off Gaunt Street, and there is a courtyard off Gaunt Street, through part of which patrons queue for entrance to the club; the other part serves as a smoking area. Amplified music is played in this area through external speakers. The club has a licensed capacity of 1280 patrons and is unrestricted in both planning and licensing terms. In reality, it operates 3 or 4 nights a week, usually from evening until 0700 hours the following morning (i.e. all night). *Officer Comment: The Ministry of Sound is not licensed to play amplified music externally except on a temporary basis on a limited number of nights per year for which they must serve specific notice.* There is concern that the issue of noise breakout from the Ministry of Sound and the effect of this all-night facility on the surrounding noise environment has not been addressed in the noise assessment. The noise survey that accompanied the application was undertaken on a Tuesday/Wednesday night in 2007, with no mention of Ministry of Sound as a potential noise source, and Ministry of Sound have confirmed that on the

night of the survey the club was not open. Noise from Ministry of Sound causes a marked increase in the night-time noise climate (by up to 8dB) when operating, especially late at night when noise from traffic and other urban activity is at its lowest. Noise break-out from the roof is a principal source. The mitigation measures proposed are not detailed enough to establish whether they would be effective. The specification arrived at for glazing is based on a simple overall noise level (dBA) and no account has been taken of the frequency content of the noise. Given that the noise climate at night may be dominated by a night club, the very heavy bass content has been ignored and it is unlikely that the glazing specifications will achieve the proposed internal target noise levels. In relation to internal target noise levels, there is an assumption that achievement of BS8233 standards will be acceptable, however achievement of even "good" standards internally is unlikely to protect residents to a sufficient degree and at 30dBA internally, music noise from the Ministry of Sound will be clearly audible and is likely to lead to complaints. There are currently no residential premises in close proximity to Ministry of Sound, and the club could increase the intensity of operations without need for further licenses. There is a serious risk that allowing such a development will lead to an undesirable noise climate for future residents, ultimately leading to complaints and pressure to curtail or control the Ministry of Sound's legitimate and currently unrestricted business activities.

- 51 Further Comments/Objection November/December 2009 - Re-affirm the objections to the application. It is questionable whether a condition requiring a survey to establish noise levels from the Ministry of Sound and mitigation measures after planning permission is granted is valid. No evidence as to whether mitigation measures would actually be adequate and deliverable and mitigation measures may change aspects of the scheme (i.e. design, layout, height, appearance etc.). There is no assessment of noise from MoS with the planning application and it is deficient in that respect. The licensing position regarding the external speakers is largely irrelevant, the applicant's noise assessment does not address noise from outside the building and ignores the effects of over 1,300 people arriving and departing the area over the course of a night. The impact of the Ministry of Sound, especially at higher levels up the building, could be significant with noise breakout from the Ministry of Sound roof and there could be factors which enhance this impact (for example the heavy bass element to the noise). No measurements have been undertaken and no conclusions can be drawn as to the likely impact of the Ministry of Sound on the development. There can be no definitive decision that mitigation is available or deliverable in the absence of any noise data and the application is deficient in this regard despite our raising this issue in our objection. In summary the key issues raised in that letter were:- members should be made aware of the importance of the Ministry of Sound before determining the application. The impact of granting planning permission on Ministry of Sound is a highly important material consideration which members must take into account. Proposals for noise mitigation works to be carried out at Ministry of Sound were not agreed and should be dealt with in the S106 agreement. The impact of external noise and activity should be addressed in full and a condition requiring acoustic glazing and fully sealed windows should be imposed. The proposed conditions and S106 agreement are not sufficiently comprehensive or precise.

Officer Comment- A full assessment of the impact of noise form the Ministry of Sound has since been undertaken and mitigation measures are proposed as detailed elsewhere within this report.

- 52 Letter dated 10 September 2010 from Planning Perspectives

The key issues raised in this letter are as summarised below:-

- Noise - The noise surveys are inadequate. The proposed mitigation scheme is flawed. Anxiousness about vulnerability to potential nuisance claims.

- Cost of the mitigation enhancement scheme cost - no agreement between Oakmayne and Ministry on the cost of the mitigation works.
- Impact on Ministry of Sound Business - Failure to assess impact of granting planning permission on MoS business.
- Planning Policy – Both schemes breach major areas of established and adopted planning policy. Protection of amenity interests of existing occupiers. Importance of understanding impact on MoS. Regard to be had to possible outcome for MoS business.
- Housing Need – No demonstrable planning imperative for housing development. SPD does not acknowledge the proximity of MoS premises to Eileen House. The Council's own figures show that the housing targets can be met without the Eileen House or this site. Grounds for Council to reconsider regeneration strategy for the Enterprise Quarter. Area needs good quality office accommodation and not further housing.
- Planning Balance and Human Rights – Council must assess whether the public benefits of the two applications are such that they justify interference with the MoS business.

53 Further comments received 9 November 2010 and emails of February 2011

Maintain that there is a material difference between the use of the site as a "singular" dwelling-house and the introduction of 38 new housing units in a context where the noise impact of a night-club cannot be satisfactorily mitigated. There remains a concern that proposed noise mitigation is based on assumptions that (i) residents would keep windows closed to block out noise, (ii) would be aware of the presence of the Ministry of Sound prior to purchasing a flat such that they would have no valid grounds to object to the Council and (iii) that the proposed balconies could be restricted and controlled by an access control system between 10pm and 7am. Essentially the Ministry of Sound contend that the proposed mitigation strategy is deficient.

54 In an email of 28 January 2011 MoS maintain that the Jan survey was not robust. In particular it contends that the survey:

- Did not capture the peak noise levels associated with the movement of crowd barriers at the beginning and end of the club's activities nor the noise at peak entry
- Was not reliable due to high wind levels;
- Is not corroborated by other surveys; and
- Failed to take measurements inside the club.

Officer Comment- An additional noise survey undertaken in January 2011 demonstrated that the noise generated by the nightclub, particularly with reference to low frequencies, would not adversely impact on future residents to the extent that sealed windows would be required. The proposal to have restricted access to balconies is therefore withdrawn. The Ministry of Sound had a representative present at the noise survey in January and is aware of the outcome of the survey. The Council undertook a further survey in April 2011 with Council officers and the Council's noise expert which corroborated the findings of the January survey.

The Council undertook a final survey in July which spanned the full operational hours of the club. Weather conditions were good; internal and external measurements were taken. Officers consider that the noise data collected is sufficient to make a proper analysis of the potential impacts on both future residents and any potential consequences for MoS itself.

55 Letter dated 3 June 2011 from Planning Perspectives

The key issues are summarised below:-

- Regeneration- report fails to acknowledge positive regenerative role of MoS.

Regeneration can be delivered in another way without recourse to high density residential led developments. MoS does not accept the housing need on the site. Planning balance must be struck between the perceived merits of the scheme in regeneration terms and the probable impact a grant of planning permission would have on a major business.

- Noise – concern at reliance on January and April 2011 fundamentally flawed reports. Conclusion not to have sealed windows is based on imprecise findings of recent noise surveys and belief that noise limiters introduced by MoS. Council should undertake further more comprehensive assessments to reach an informed view. Little weight should be attributed to results of January survey because of insufficient duration, wind speed too great, noise from external speakers masking noise from main building, no noise measurements carried out within the club and no account taken of external activity. April survey does not go far enough in addressing deficiencies in Jan survey. Reliance on incorrect assumptions re noise limiters.

56 Officer Response

The September 2010 and June 2011 letters raise similar issues and to the extent that the points have not been covered elsewhere in the report the officer response is set out below.

- 57 Letter dated 1 July 2011 from PP on behalf of MoS attaching new Supplementary Noise Break-Out Testing report prepared by Sharps Redmore Partnership. This letter made various comments about comments made by Rupert Thornely- Taylor at planning committee in relation to the surveys of Jan and April 2011. Its states that noise levels in the club increase from 12 am to a peak between 2-4am as the number of patrons reaches capacity. The Jan and April reports cannot be a sound basis to arrive at a properly informed decision. Officers and Planning Committee erred in their respective decision making on the application previously. MOS have commissioned further noise survey in crucial 1-4 am period. Principle conclusions of the report that there is significant music break out from MoS roof. Sound insulation performance of roof is poor especially at low frequencies. This confirms the findings of SBA in 2009 and the Southwark's findings in Jan and April 2011 should be dismissed. Suggest further noise survey. Noise issue not a "red herring" and no defence of coming to the nuisance. Legal opinion to be provided. MOS in E&C for 20 years and provides 200 jobs.

- 58 *Officer comment: A further noise survey has since been undertaken and officer's response to the points raised are dealt with in the noise section below.*

- 59 Letter dated 11 July 2011 from PP on behalf of MoS in which, as stated at the beginning of the report, they seek a reconsideration of the application in the light of their own noise survey undertaken in June.

- 60 Email dated 27 July 2011 from PP included responses to specific issues raised by officers at a meeting on 6th July. These questions related to the operation of the nightclub in the early hours and the different character of noise and activity at those times. In response to queries regarding noise limiters within the club MoS confirm that the club operates in compliance with the Noise at Work Regulations. They also state in this response that the noise level is increased due to the club being at full capacity during these hours. This issue is dealt with in paragraph 117 of the report.

- 61 Email dated 5 August 2011 from Planning Perspectives to Councillors and Planning Officer

Planning Perspectives email attached a legal opinion from David Elvin QC in relation

to the law of nuisance and the impact of a potential noise nuisance complaint on the Ministry of Sound.

- It is likely that amplified music from MoS played constantly during the nightclub's normal operating hours would constitute an actionable nuisance.
- Noise from outside the MoS which is a consequence of the operation of the MoS may also constitute an actionable nuisance against MoS. This would include people congregating/queuing to get into MoS and people leaving.
- A successful claim in nuisance would result in a court order that the noise nuisance be abated. This would happen irrespective of the Council's view about MoS's licence or the desirability of MoS and its noisy activities. The law is clear and it is not a defence to a nuisance claim to show that the claimant "came to the nuisance".
- The Council cannot control whether proceedings are taken to abate the nuisance. This is because the residents of the proposed developments could themselves bring claims in nuisance and seek injunctions. Also, if a statutory nuisance exists the Council has a duty to issue an abatement notice – it does not have discretion to do so (e.g. if it might harm economic activity in the Borough) and it would be unlawful for the Council not to act if a statutory nuisance were found to exist.
- The risk of nuisance claims being brought to abate what is currently a lawful activity is a material planning consideration to which weight ought to be given when determining the planning application.
- Regard must be had to the risk in terms of an established business, the local economy and the fact that the Government seeks to protect economic development in "Planning for Growth" and the draft NPPF. Planning for Growth states that the Government's top priority for the planning system is to "promote, sustainable economic growth and jobs" a consideration to which the Secretary of State will attach significant weight in considering appeals and applications that come before him.

62 *Officer's comment: The section headed "Noise" below covers the points raised in the legal opinion*

63 Online petition: MoS wishes to direct members attention to the online petition running on Ministry of Sound's website, currently has a total of 17,500, entries.

www.ministryofsound.com/saveourclub

Although the focus of attention is in respect of the Eileen House application, MoS is of the view that the concern raised in the online petition applies equally to the Newington Causeway scheme given the looming threat to the club.

Officer comment: *The primary focus of the petition is to the undetermined Eileen House planning application and raises no new issues in respect to the agenda item being considered.*

A number of similar emails have been received from various employees of MoS (and residents of Southwark) setting out a number of benefits that the MoS generates for the area and raising concerns over 'potential noise complaints in the future from residents which may result in there being a problem with the club licence' and endangering their jobs.

- 64 Ministry of Sound (MoS) made a further submission in September, following publication of this report (when it was intended to be considered on 13th September) maintaining their objection. It has made a number of criticisms of the numerous noise surveys that have been undertaken by the Council and the applicant. For the most part these criticisms are already addressed in the report. In particular it criticises what it states to be inconsistent advice from the Council's noise consultant Rupert Thornely Taylor. It refers to the fact that his initial advice in May 2010 was that future residents would find internal noise levels from the MoS acceptable only with sealed glazing of a very high specification and that this was impractical owing to the need to provide openable windows to the balconies. His advice now is that with windows closed there would be an acceptable internal environment and the required levels would be achieved even if the windows were of a type that were openable. (see officer comment below) .

MoS contends that there has been no material change in the outcome or findings of the 2009 and July 2011 surveys to justify a change in the noise consultant's advice.

MoS again raises the concern that it would be vulnerable to nuisance claims from future residents of the proposed development and that the outcome of such claims would be devastating for their business. It relies on the original advice regarding sealed windows to suggest that this would be the only way avoid complaints. Even this would be unacceptable due to the need to access the balconies which would preclude sealed windows for this purpose. It states that turning down the volume to address any complaints would be unacceptable and inconsistent with its "business model".

It is critical of any suggestion that it could undertake noise insulation works at its premises in order to abate any nuisance found to exist in the future due to cost and the need to close the club for a period of at least a year during such building works. Hence it states that the report is misleading to suggest that the MoS could be expected to provide noise insulation to the club without suffering a devastating financial impact and that this is unacceptable.

It considers that substantial weight should be given to this consideration in the planning balance.

MoS considers the planning balance as suggested in the report to be incorrect. It suggests that if members do not believe that music noise breakout from the club can be abated with closed windows this would be sufficient reason to refuse planning permission. The planning balance to be applied could not rely on other policies in the plan to outweigh this consideration. It identifies what it considers to be other policy breaches within this proposal in terms of affordable housing and the Elephant and Castle Enterprise Quarter SPD which it argues does not contemplate a building of this height.

MoS raises a further concern in relation to condition 10 on the recommendation. MoS considers that the maximum level of noise also needs to be controlled in order to address the regular low-frequency peaks of music noise from the club. (officer comment – It is appropriate to qualify the terms of this condition by including a noise index of LSMax and it is accordingly recommended that the condition be amended in this way)

Officer comment: In answer to the challenges made to the validity of surveys and further advice provided by the Council's noise consultant Rupert Taylor the following is a summary of most of the surveys carried out: dates, noise consultants, outcomes, conclusions.

- 65 **Proposed Developments at Eileen House and Newington Causeway and noise**

from the Ministry of Sound - Summary of noise surveys carried out

Note by Rupert Thornely-Taylor
8 September 2011

This note summarises the noise surveys and reports, together with the conclusions drawn from them and the advice given, that have been completed since the Eileen House and Newington Causeway Planning Applications were lodged.

66 Surveys on behalf of the Eileen House Applicants

The applicants for the Eileen House development first carried out a noise survey in November 2007 in line with the requirements of PPG24. This did not address noise from the Ministry of Sound (MoS). Southwark subsequently requested a night time noise survey which was carried out between Wednesday 27th May and Monday 1 June 2009.

My original advice to Southwark, given on 20 April 2010, was based on the results of this survey and associated data contained in the report of Sandy Brown Associates (SBA), acoustical consultants to the developers, dated 29th June 2009 and the associated raw data, together with a letter from SBA dated 11 January 2010. This report, under the heading "3.6 External noise levels during event" and the sub-heading "3.6.2 Maximum L_{AFmax} noise levels" stated maximum night-time L_{AFmax} noise levels of 86 dB L_{AFmax}, peaking in the 63Hz octave band with an unweighted level of 87 dB. The 11 January letter repeats the reference to Music (max) L_{AFmax} 86 dB predicted at 1m from Eileen House.

- 67 SBA then carried out measurements on Thursday 14th May 2009 to assess noise break-out from the Main Bar and Loft areas of the MoS Club. This was done during the day using pink noise (synthetically generated noise with equal sound level in all octave bands) and music as the source. The external microphone locations were at a position close to and overlooking the Main Bar roof (microphone on a mast at a height of approximately 3 metres above roof level), at an external position close to and overlooking the Loft roof (microphone on a mast at a height of approximately 3 metres above roof level) and on the roof of Lancaster House. No measurements were made at Eileen House or elsewhere during this survey. The report stated that there was significant breakout of music and pink noise from the Main Bar, primarily at low frequencies.

Data provided to Southwark by SBA in an email to Dipesh Patel dated 24 November 2009 included spectrum information down to the 31.5Hz octave band, in which levels were frequently over 4 dB greater than those in the 63Hz octave band.

Based on the measurements carried out by SBA, the sound insulation of the roof on the main bar at the MoS was considered by them to be weak, and that as part of the process of achieving acceptable conclusions for the grant of planning permission negotiations had taken place regarding the installation of an enhanced roof to the main bar. A specification was prepared by Sharps Redmore Partnership (SRP), acoustical consultants to MoS, and the SBA letter of 11 January contained an assessment of external noise levels from MoS, including a theoretical assessment of the proposed new roof construction.

68 Surveys on behalf of the Ministry of Sound

A report dated 14th June 2010 was made available to Southwark in July 2011 containing a Noise Exposure Assessment in the context of the Noise at Work Regulations 2005, carried out by SRP. It found L_{Aeq} levels of 106 dB in the centre of the main bar and made recommendations for controlling the noise exposure of employees, including noise level reduction and hearing protection. Additional results

from this survey were provided to Dipesh including five-minute L_{eq} and L_1 levels in octave bands from 31.5Hz upwards. The highest unweighted level was 127 dB in the 63Hz octave band (octave band levels are always higher than 1/3 octave band levels). The 63Hz level after 2.30am was about 5 dB higher than before 2.30am, but did not go on growing and declined slightly after 3.00am.

SRP prepared a further report dated 30th June 2011 entitled "Supplementary Noise Break-Out Testing and Response to Regulation 19 Submission" which gave the results of a repeat of the SBA tests in 2009 using some of the same measurement positions used by SBA, namely within the main bar and at an external position close to and overlooking the Main Bar roof (microphone on a mast at a height of approximately 3 metres above roof level). No measurements were made at Lancaster House (and none were made at Eileen House or Newington Causeway either in the SBA 2009 survey or the SRP 2011 survey). The results confirmed the findings of the SBA 2009 report regarding breakout of music noise through the roof structure of the Main Bar. For no explained reason, this was used to support a statement that "The findings of Southwark Council in January and April 2011 can be dismissed as unrepresentative of the normal, typical, worst-case operating conditions" although no measurements were made in the locations assessed by Southwark (see below).

69 *Noise Surveys by Southwark and Rupert Thornely-Taylor*

My initial advice to Southwark, based on these sets of data, was that consideration should be given to the 31.5Hz octave band, since sound at low frequencies is particularly difficult to attenuate in building design. Advice given in my letter dated 11 May 2010 concluded:

"A review of the proposed development leads to the conclusion that future residents would find internal noise levels from the Ministry of Sound unacceptable even with sealed glazing. The nature of the development precludes the use of a planning condition to require sufficient sound insulation to overcome the unacceptability, because of the necessity for access to balconies and the consequent impracticability of fixed, unopenable glazing. The assessment criteria considered by the applicants' consultants would be considered in the trial of any nuisance action, and would support a conclusion that complaints made were reasonable."

This paragraph has been quoted by MoS as recently as July 2011, although, as explained below, subsequent noise surveys have found that the underlying predictions of external noise levels on which the advice in the letter was based do not occur.

Having seen my advice, SBA considered that there was not an issue in the 31.5Hz Octave Band at least with regard to sound from the MoS. I therefore considered it would be desirable for me to attend a noise survey in order to be able to discover at first hand the relationship between measured sound levels at Eileen House and music from the Ministry of Sound.

That survey took place on 22/23 January 2011 between 12.30am and 2.00am. The noise measurements were made by SBA. SRP were also present. I was present as an observer and I reported on it in an email dated 24th January. While there were wind speeds on the night which could have caused increased measured noise levels on occasions due to turbulence at the microphone, the outstanding observation on the night was that measured noise levels of music from the Ministry of Sound were much less than 86 dB L_{AFmax} , and much less than 87 dB in the 63Hz octave band. If there had been no wind the measured levels may, if anything, have been lower (although the wind was not continuous and valid measurements were possible).

The MoS subsequently observed that the January survey did not begin early enough to include noise from the setting up of crowd barriers in the street at the start of the evening. A further noise survey was carried out on 16th April 2011 with an earlier start

time of 9.30pm, ending just after midnight.

The MoS then observed that the January and April surveys did not extend late enough into the night to take account of an increase in amplifier gain settings that are made as the club fills up to compensate for the sound absorption of the bodies of patrons. A further noise survey was carried out on the night of 23/24 July 2011, extending until 6.15am. The July survey included measurements inside the main bar as well as at Eileen House. Including four sets of equipment deployed by Southwark, logging measurements were also made at Eileen House by SBA and at Newington Causeway by the Equus partnership.

The conclusions on the three surveys were:

70 **January**

There was much less noise from music at the MoS than expected according to the SBA report. The music that was evident was predominantly due to the courtyard speakers. When they were switched off, the music that could just be heard was perceived as being emitted through the entrance doors.

The conclusions of the January Survey were

1. Noise from within the MoS was not observable, except at podium level where it appeared to be coming out of the doorways.
2. Noise from customers queuing in the street was minor.
3. Noise from customers within the courtyard, underneath the awnings was significant.
4. Noise from the courtyard speakers was significant.
5. Music noise coming from the MoS entrance doorways was significant.
6. There was no indication that music noise escaping from the interior of the MoS through the fabric of the buildings was significant, or even audible.
7. Because of (6) we could not know the relative contribution of sound in the 31.5 Hz octave band to the spectrum of sound coming from the main building.
8. The spectrum of the courtyard speaker sound was not particularly low frequency.

71 **April**

Without the courtyard speakers, as in January, sound levels due to MoS music were much lower than had been expected based on the SBA 2009 report., up until the survey ceased just after midnight. There was significant noise between 10.30pm and 11.00pm caused by dragging metal crowd barriers into position in the street.

The conclusions of the April Survey regarding music noise from the Ministry of Sound were the same as those of the January Survey.

72 **July**

Whereas MoS sound did not influence the overall ambient levels in terms of the dBA scale usually used for environmental noise assessment, the opportunity was taken to observe sound at Eileen House in a single 1/3 Octave Band, in order to provide some numerical quantification of the MoS sound. At Eileen House, the level in the 50Hz 1/3 Octave Band was found to be most sensitive to the music sound that was just audible in the absence of local traffic. Internal noise measurements showed a rise in low frequency noise as the night progressed, although noise levels reached at around 1.00am (i.e. within the time period of the January survey) were similar in level to the highest levels reached between 3.00am and 4.00am. When the sound levels due to music from the MoS were at their highest, the A-weighted sound level was in the 60s, very substantially lower than the supplied figure of 86 dB LAF_{max} on which my original advice was based.

The conclusion of the July survey were, for Eileen House:

“With open windows, music noise would be audible inside a dwelling, and may cause annoyance.

Noise from the courtyard and other activities in the street would significantly exceed the internal noise spectrum with windows open, but the spectrum would be achievable with dual glazing and closed windows.”

And for Newington Causeway:

“Music would be audible inside the building with windows open, but the required spectrum could be achieved with closed dual glazing. There was no significant noise from the courtyard or the street at Newington Causeway.”

73 **Conclusion**

The core feature of the outcomes from the above sequence of noise surveys and reports is that SBA extrapolated noise levels measured close to the roof of the Main Bar (by both SBA and later confirmed by SRP) to predict noise levels at Eileen House which significantly overestimated music noise levels from the MoS as received at the façade of Eileen House. My original advice was based on those overpredictions, and was changed once it was discovered that music noise levels from the Main Bar as measured at Eileen House are much lower than the SBA predictions.

The conclusion above answers the criticism MoS have in relation to the alleged inconsistent advice provided by the Council’s noise consultant. The advice is that with windows open music from within MoS will be audible inside the propose development but glazing can be required which would mean that noise levels would be acceptable with windows closed. Noise from the courtyard or street is not likely to have a significant effect upon occupants of the proposed development.

Accordingly, the advice and approach to the implications of MoS for future occupiers and of the proposed development for MoS as set out in this report remain appropriate and Members are asked to have careful regard to these matters.

The report identifies that the potential for a successful claim in nuisance cannot be ruled out and examines the potential means of abatement. Once such means relates to potential noise insulation works at the MoS club itself. With regard to the potential costs of insulating the building occupied by the club there have been costings submitted in relation to the application at Eileen House. These related to the entire roof and were in the order of £1.65m. MoS considered such works would require an unacceptable period of closure. No costings have been provided or requested in relation to more limited work focussing just on the main bar and loft. There has been no financial evidence submitted demonstrating that this level of cost would render the MoS business financially unviable.

74 Letter of support:

72 Metro Central Heights- support the development as part of the regeneration of the area.

57-67 Newington Causeway (dated 27 April 2010) – welcomes the addition of the building and ground floor retail which would improve the area and security.

PLANNING CONSIDERATIONS

75 Principle of the Proposed Use

The application site is located within the Central Activities Zone, a Major Town Centre, Central London Sub-region, the Elephant and Castle Opportunity Area, a Transport Development Area, and it is located within the boundary of Proposals Site 39P in the Southwark Plan. Both the London Plan and Council strategy is for a high density,

high quality, mixed use town centre at the Elephant and Castle that will address local, sub- regional and London wide needs for new homes, provide an enhanced public transport interchange, employment and retail floor space, and other social benefits. The London Plan establishes the need for regional growth in new homes and employment and identifies further development in the Central Activities and associated Opportunity Areas as a means by which this requirement for homes and employment can be accommodated. London Plan policy 3A.3 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. Further Alterations to the London Plan (2008) required that 4200 jobs are identified and 6000 homes are provided within the Opportunity Area between 2001 and 2026, and that opportunities within the Central Activities Zone for local communities/businesses/ London as a whole to be identified as a strategic priority.

- 76 Stemming from its designation as an Opportunity Area in both the Southwark Plan and the London Plan, the Enterprise Quarter SPD (September 2008) was formulated to provide detail of acceptable types of development within the area, including land-use and other aspects of urban form within the area to the north-west of the core Elephant and Castle Opportunity Area. The application site is identified as site 7c 'Newington Causeway', an 'other opportunity site' within the SPD.
- 77 The SPD sets out how the area will contribute towards the regeneration of the wider Elephant and Castle Opportunity Area. The vision for the area is to create 'a distinctive university quarter, part of a thriving and sustainable town centre, that supports a range of university related and other businesses, including recreation, entertainment and cultural uses, and also accommodates a variety of residents and local facilities and services. A place that is safe and convenient on foot, with attractive public streets and spaces and memorable buildings to enjoy'. The SPD identifies the potential for significant levels of new development over the next ten to fifteen years, which will contribute towards meeting London Plan targets for new homes at the Elephant and Castle, whilst having the potential to support employment and economic function, and deliver a substantial amount of mixed-use floorspace and transform the quality of the environment.
- 78 The SPD identifies a number of development objectives which will apply to any application for development within the Enterprise Quarter, which includes:
- Supporting the economic and business function of the Enterprise Quarter (existing business and employment generating floorspace should generally be retained or replaced by new employment generating uses or town centre uses);
 - Diversifying/ increasing the mix of uses within the area (mixed use residential development will generally be encouraged and is particularly appropriate towards the edges of the area);
 - Bringing vacant or underused land and buildings into productive use through refurbishment or redevelopment;
 - Extending the concentration of town centre activity proposed for the core area northwards to help revitalise the Enterprise Quarter;
 - Introducing a variety of public open spaces, green links, roof gardens, public squares and promote/ support biodiversity
 - Creating a high quality urban place with an attractive and distinctive character and a more coherent townscape through the form and height of new development
 - Ensuring street frontages are active and supervise the public realm with active town centre ground floor uses along the main arterial routes of Newington Causeway and London Road. Where tall landmark buildings are proposed, town centre ground floor uses, accessible to the public, should be incorporated to create a focus of activity, with a preference for social, community, cultural or leisure uses;
 - Securing developments of high quality architecture and urban design

- 79 Core Strategy policy 10 ' Jobs and Business' and Southwark Plan Policy 1.4 requires that on sites within the Central Activities Zone there should be no net loss of Class B floorspace. The policy allows for the replacement of Class B uses with suitable town centre uses. Southwark Plan Policy 1.7 states that within town centres, developments will be permitted where they provide a range of uses, including retail, leisure, entertainment, community, civic, cultural and tourism, residential and employment. Therefore the inclusion of Class A and other town centre uses is considered to be acceptable, and in compliance with criterion iii) of Policy 1.4. In the context of a new build development, adequate evidence is therefore required to justify any loss of employment floorspace given the desire to maintain a broad range of uses in the opportunity area and Enterprise Quarter in line with policy 1.4.
- 80 Historically the site had a lawful A2 (Bank) use with upper floors used as ancillary B1 office space totalling 367.5sq.m. The application proposes 65sq.m of A3 cafe use and 366sq.m of B1 floorspace across the three floors above. This is a reduction of 51sq.m of B1 floorspace from the 417sq.m proposed within the submitted application in order to remove the need for a Crossrail levy and enable the provision of a residential 'bulk' storage area. This reduced provision is considered to accord with saved policy 1.4 of the Southwark Plan which allows for Class A or other town centre uses to be permitted in place of B Class uses, meaning no overall reduction in B1 floorspace has resulted. The B1 floorspace combines with the retail element at ground floor to enliven the street frontage, consistent with the requirements of Southwark and Replacement London Plan policies including the Enterprise Quarter SPD and Core Strategy policy 11.
- 81 The scheme will provide 38 new homes in a high density, quality mixed-use scheme making a significant contribution to the provision of housing including affordable housing, whilst maximising the somewhat limited opportunities to enhance the public realm on the site through the provision of a café. The demolition of the existing building is considered acceptable as there is no requirement for its retention (it is not listed), and its replacement will be of superior quality and offer improved office accommodation. There is a consistent and established planning policy objective of regenerating the area within which the application site is located and as such the principle of the proposed use is considered acceptable.
- 82 The vision for the Elephant and Castle Opportunity Area in the Core Strategy (2011) sets out that we will use land at the heart of the area to stimulate 440,000 sqm of new development with of up to 45,000 sqm new shopping and leisure floor space and 25,000-30,000 sqm of business floorspace. We will meet our target of 4000 new homes and a minimum of 1,400 affordable housing units by working with the local community, registered providers and private developers to deliver new homes. We will also meet the London plan target of 5,000 new jobs by encouraging more offices, hotels, small businesses and developing the evening economy and cultural activities. The application proposals will play an important role in promoting a wider mix of uses and consolidating the role and function of the Elephant and Castle town centre.
- 83 The Core Strategy (2011) policies are based on a number of evidence studies including the Strategic Housing Market Assessment 2010, the Housing Requirements Study 2009 and the Affordable Housing Viability Study 2010. The council also has a Development Capacity Assessment (DCA) which estimates potential future housing capacity that may come forward across a number of sites in the borough. The Core Strategy (2011) sets out a 15 year housing target from 2011-2026 which is in general conformity with the London Plan. The DCA has identified potential housing sites for the future and the timescale in which they realistically may come forward. The application site has been identified in the DCA as a key site to contribute towards meeting the housing target in the Elephant and Castle Opportunity Area.

- 84 The draft NPPF requires local planning authorities to deliver a wide choice of homes and widen opportunities for home ownership. This includes planning for a mix of housing, identifying the size, type and tenure of housing, and setting policies for meeting this need on sites unless off-site provision or a financial contribution can be robustly justified. The application proposal includes a range of housing choice which is also in compliance with the Core Strategy (2011)

Density, Mix and Tenure

- 85 London Plan policy 3.4, Core Strategy 5 and Southwark Plan saved policy 3.11 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. There is no in-principle objection to higher density developments within the Central Activities Zone, particularly in areas that have high public transport accessibility levels and where a development exhibits an exemplary standard of design with an excellent standard of living accommodation and the scheme respects local context, character and communities, including contributing to the skyline and the streetscape. Very high density is not in itself an impediment and it is the resulting built form that is of most relevance.
- 86 The site is located within the Central Activities Zone which attracts a density range of 650-1,100 habitable rooms per hectare (Core Strategy policy 5). The area also has excellent public transport links with a PTAL of 6. The proposal consists of 4 three bed (3 with separate kitchen/diners), 24 two bed and 10 one bed flats, equating to 111 habitable rooms. The density calculation set out under Appendix 2 of the Southwark Plan requires that a percentage of the non-residential area be included in the calculation, which in this instance is 18, so therefore the total number of habitable rooms within the scheme is 126 which, with a site area of 0.026ha, results in a density calculation of 4,962 habitable rooms per hectare. On this basis it is clear that the scheme represents an exceptionally high density proposal well in excess of the 1,100 habitable room guidance figure. However, due consideration must be given to the extremely compact nature of the site meaning density levels will inevitably be high, so the emphasis will be on whether there are any identified adverse impacts resulting from the higher density level and whether there is justification for the density though provision of an exemplary standard of design and accommodation across the entire scheme.
- 87 Core Strategy policy 7 'Family Homes' and Southwark Plan Policy 4.3 requires a mix of housing flats, particularly flats of two or more bedrooms, to reflect the changing housing demands of the borough. The majority of flats should have two or more bedrooms and at least 10% three or more bedrooms with direct access to private outdoor space. At least 10% should be suitable for wheelchair users. The scheme is fully compliant with these requirements providing 10 one bed (26.3%), 24 two bed (63.2%) and 4 three bed (10.5%) units. In terms of wheelchair accessible units, 2 affordable and 2 private units (or 10.5%) are included, with a further 4 adaptable units also available, which amounts to a 21% provision overall. Dual lift access is available to all the accessible flats and all flats incorporate design features to meet Lifetime Homes standards. The scheme represents a balanced and sustainable mix of accommodation in compliance with policy 4.3.
- 88 PPS1 and PPS3 emphasise the benefits of creating mixed communities. Replacement London Plan policies 3.10, 3.11 & 3.12 set out affordable housing targets and state that boroughs should take account of the London wide objective of 60% social housing and 40% intermediate provision, and the promotion of mixed and balanced communities. Core Strategy policy 6 and Southwark Plan saved policy 4.4 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 social

rented: intermediate split in this location.

- 89 The scheme provides 27 private flats (8 one bed, 17 two bed, 1 three bed or 74 habitable rooms) and 11 affordable flats (2 one bed, 6 two bed, 3 three bed or 37 habitable rooms). The Residential Design SPD advises that for the purposes of affordable housing calculations, habitable rooms over 27.5sq.m should be counted as two rooms. The existence of some larger flats, including duplexes at the top of the tower, must be taken into account. There are an additional 5 affordable habitable rooms and 8 private habitable rooms over 27.5sq.m, resulting in a total of 124 habitable rooms across the scheme (82 private and 42 affordable). A 35% affordable housing provision would equate to 44 affordable habitable rooms. Policy 4.5 allows for a "discount" of 1 affordable habitable room for every affordable wheelchair unit provided (in this case a reduction of 2 affordable habitable rooms). Therefore, a policy compliant scheme would comprise 42 affordable habitable rooms. The scheme provides 42 affordable habitable rooms equating to (34%), the scheme is considered to be compliant with London Plan policies on affordable housing provision.
- 90 No social rented accommodation is provided within the scheme. Due to the size limitations of the site, only a single residential core was possible (a separate core already being provided for the office use). Housing Associations have indicated that they require a separate core for social rented accommodation (to maintain separate control) and as such it was unlikely a Housing Association would take on any social rented accommodation in the scheme. Provision of a separate core and entrance for social rented accommodation was not physically or financially viable. Whilst this does not strictly conform to the Core Strategy and Southwark Plan requirements, there is some precedent from an appeal on a nearby site at 44-46 Borough Road, in which the Inspector supported the inability to provide social rented housing where a separate core wasn't possible.
- 91 The affordable housing is provided as intermediate rental, an alternative form of affordable housing that is usually RSL managed, and is let to households who cannot afford to buy or rent market housing in the borough. It is let at rents that meet the Council's affordability criteria for intermediate housing which is typically 20-30% below the cost of market housing. In this case, the developer aims to maintain ownership and management of the units in perpetuity, and the s106 agreement will require that they enter into a management agreement with an RSL unless they can achieve status as a landlord (accredited by the Tenants Services Authority).
- 92 PPS3 and Southwark's SPG on Affordable Housing suggest that developers should not benefit by not providing social rented housing, requiring that a Sequential Approach be applied to developments, meaning that where on site provision is not possible, off site provision is the next consideration, followed by an in-lieu payment. A Three Dragons Financial appraisal was submitted, (updated in April 2011) which has been considered by the Southwark Valuer. On balance the appraisal demonstrates that the scheme cannot support an additional in lieu payment to compensate for the lack of social rented accommodation. However, the appraisal did include an estimated £230,000 for s106 contributions and provided the toolkit requirement is not significantly greater than this, the scheme should be able to meet these S106 requirements in full. The applicant does not propose to seek grant support. On this basis, the affordable housing provision is considered acceptable and will provide an affordable means for first time buyers and key workers to purchase properties in accordance with London Plan policies 3.10, 3.11, 3.12, 3.13, & 3.14 and Southwark Plan policy 4.4.

The Core Strategy requires a minimum provision of 35% private housing and the scheme is in compliance with this requirement which will be secured within the S106 legal agreement.

Design and Layout

- 93 Replacement London Plan policies 3.5, 7.1, 7.2, 7.3 and 7.4 set out design principles and requirements for quality of new housing provision. Policy 3.11 of the Southwark Plan seeks to maximise the efficient use of land where a positive impact on local character and good design are achieved. Core Strategy policy 12 and Southwark Plan policy 3.12 seek 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 and policy 4.2 requires that residential development achieve good quality living conditions within the development. The proposal has benefited from pre-application discussions with officers and a presentation to the Design Review Panel, whose views are presented earlier within the report.

Context

- 94 The townscape character and local context is extremely mixed, with a general increase in scale and density as one approaches the Elephant and Castle. This site is unusual, being predominantly bounded by a raised railway viaduct and major road. The immediate context is one of medium to high rise development to the south and west of the railway viaduct, with buildings ranging in height from 3 to 7 storeys opposite, and 2 rising to 11 and up to 19 storeys to the south. There is, however, a significant change in character and context to the east/northeast of the railway viaduct which has a much lower scale and density. In terms of urban grain, development patterns and density, this proposal is unusual in that it is developing a significantly tall building on a very small site which allows for very little flexibility and 'breathing-space' for the building, and a limited contribution to the public realm.

Height and Tall Buildings Policy

- 95 Core Strategy policy 12, together with saved policies in the Southwark Plan and the Replacement London Plan, set out criteria to guide decision making on applications for tall buildings. It is clear that the main impetus of the Replacement London Plan policy is for maximising the potential for redevelopment in the Opportunity Area and ensuring that careful consideration is given to all the various criteria relating to the impacts of a tall building. Southwark Plan saved policy 3.20 states that tall buildings (defined as one that exceeds 30m in height) may be suitable on sites which have excellent accessibility to public transport and are located in the Central Activities Zone (particularly in Opportunity Areas) outside landmark viewing corridors, where the building should:
- make a positive contribution to the landscape; and
 - be located at a point of landmark significance; and
 - be of the highest architectural standard; and
 - relate well to its surroundings, particularly at street level; and
 - contribute positively to the London skyline as a whole, consolidating a cluster within that skyline or providing key focus within views.
- 96 The 'Guidance on Tall Buildings' by CABI/ English Heritage, in addition to the criteria set out above, requires that a tall building should:
- meet the requirements of the View Management Framework;
 - illustrate exemplary standards of sustainable construction, resource management and renewable energy generation and recycling;
 - be sensitive to their impact on micro-climates in terms of wind, sun, reflection and

- overshadowing and consider privacy, amenity and overshadowing;
 - be safe in terms of their own integrity and the safety of occupiers and have an acceptable relationship to aircraft/ telecommunication networks;
 - be appropriate to the transport capacity of the area ensuring adequate, attractive, inclusive and safe pedestrian and public transport access;
 - provide high quality spaces, integrate green spaces/ planting and support vibrant communities both around and within the building; and
 - contain a mix of uses with public access, such as ground floor retail or cafes, interact with streetscape at ground floor level;
- 97 Replacement London Plan policy 7.7 provides specific policy guidance on suitable locations and design of tall buildings. Replacement London Plan policy 7.7 generally encourages tall buildings where they create attractive landmarks enhancing London's character; help provide a coherent location for economic clusters of related activities and/ or act as a catalyst for regeneration and where they are acceptable in terms of design and impact on their surroundings. Policy 7.7 relates to the design and impact of large-scale buildings requiring that they be of the highest quality design, be suited to their wider context, be attractive city elements and where appropriate contribute to an interesting skyline, consolidating clusters within that skyline or providing key foci within views, and paying particular attention, in residential environments, to privacy, amenity and overshadowing, providing high quality spaces, capitalising on opportunities to integrate green spaces and planting and support vibrant communities both around and within the building. The Replacement London Plan also sets general policy directions to be followed in the Elephant and Castle Opportunity Area and states: 'The planning framework for the area around the Elephant and Castle should draw on its good public transport accessibility, closeness to the Central Activities Zone and relatively affordable land. This could be a suitable location to meet some of London's longer-term needs for extra office space and is generally suitable for tall buildings.'
- 98 The Elephant and Castle Opportunity Area is identified as one where tall buildings may be appropriate. The Elephant and Castle Development Framework (2004) defined appropriate locations for tall landmark buildings in terms of a Core Cluster - the area suitable for the tallest 'city' scale buildings, and a Secondary Cluster - an area suitable for tall/ landmark buildings, lower in height and scale than the Core Cluster, which will complement and reinforce the central area and hence Core Cluster. The application site is located to the north of the area covered by the Elephant and Castle SPG, and as such lies outside of these core and secondary tall building clusters, in the area covered by the Enterprise Quarter SPD. The Enterprise Quarter SPD extends the secondary cluster northwards, with the aim of creating a concentration of activity and define a zone for city scale tall buildings.
- 99 Suitable locations for landmark tall buildings have been identified within the SPD subject to visual impact, micro climate, and other environmental assessments which will help to determine their appropriate height. In the vicinity of the application site, a 'landmark tall building' is identified for the Eileen House site opposite and a 'gateway tall building' is identified for the Newington Triangle site to the north. These landmark tall buildings will create a new cluster to the north of the core Elephant and Castle cluster and will potentially balance the cluster of towers already approved to the south in terms of form, scale and activity (Strata Tower and the former London Park Hotel). Whilst not identified as a landmark site within the SPD, the application site can potentially contribute positively towards this emerging cluster. However, the proposal would need to meet the various criteria for tall buildings as set out above, and those more specific to the area as identified within the Enterprise Quarter SPD which requires tall buildings to:
- contribute to a coherent and dynamic skyline for the Elephant and Castle;

- form attractive elements within the city, particularly in terms of the profile of the building from all angles;
- be of the highest architectural and urban design quality and to be exemplars of sustainable construction;
- relate well to their surroundings, particularly at street level,
- contain active uses and frontages at lower levels;
- create a high quality public realm; and
- be appropriate in terms of impact on managed views/ the historic environment.

100 The 'Enterprise Quarter SPD' sets out parameters to guide development under Figure 3.16. The application site is located marginally outside of the extended tall buildings secondary cluster, for which an indicative building height of up to 31m, equating to 8-10 commercial or 10-13 residential storeys, is provided. The SPD expands on this guidance for building heights, advising that:

- residential or commercial storey heights provide a general indication of how to interpret maximum heights within defined areas. The building heights...relate to street frontages, behind which greater heights may be acceptable provided there is no adverse impact on the street, on neighbours or the public realm, and the creation of more coherence in terms of building heights is not compromised;
- appropriate heights are not necessarily the maximum identified but will depend upon site specific considerations and the design approach/ quality of design;
- building heights must not prejudice the environmental quality of the public realm, for instance by completely overshadowing a street or pedestrian route; and
- other visually prominent locations are suitable for landmark elements, where buildings may be locally taller than those in the immediate context but will not be significantly taller than their surroundings. It may be appropriate for buildings in these locations to be landmarks.

101 Therefore, this guidance stipulates that a tall building may be acceptable on the application site subject to the various tall buildings criteria, environmental impacts, and design.

102 The maximum overall height of the building is 69.82m above ordinance datum (wind turbines above) and therefore it must be considered against the tall buildings policy criteria. In considering the acceptability of the proposed height due consideration should be given to the changes that are occurring within the wider Elephant and Castle regeneration area and the developing Enterprise Quarter which will alter the scale and character of the area.

103 Within this changing context, the proposed development can potentially make a significant contribution. Much of the success of the scheme will depend on the way in which the Elephant and Castle Enterprise Quarter develops, in particular those sites in close proximity to this proposal. There is an emerging relationship between this scheme, the landmark tall building proposed on Eileen House opposite the site, and a possible tall building proposed on the Newington Triangle site to the northwest. When combined, these sites start to establish a gateway from the north of the Borough into the Elephant and Castle, forming part of a newly emerging regeneration cluster, a "local cluster" where tall buildings may be appropriate subject to further testing. The 'gateway-significance' could address the fact that the site cannot reasonably be established as a singular point of landmark significance, a requirement for tall buildings under policy 3.20. Whilst not considered a point of landmark significance, the site will have local prominence as part of this gateway, and as the proposed building is of a high architectural standard, relates well to the surrounding context and makes a contribution to the townscape, it is considered to comply with the intent of policy 3.20.

- 104 The site has the potential to support a prominent building that will signify and reinforce the transition between existing and new development and will provide a statement at this gateway location. As described above, the building will be sited in an area of diverse character with a range of building heights and forms. Although currently the tallest column of the building's three volumes will be higher than any surrounding buildings (it will be half the height of Eileen House if both schemes obtain planning permission), the visual impact of its height is reduced, partly because the base of the tallest element is hidden by the raised railway viaduct, and partly due to the reduction in height as the building steps down along the Newington Causeway frontage. This was a key recommendation of the Design Review Panel, the building now sitting comfortably within its immediate townscape context. In particular the relationship to the Salvation Army building (predominantly 42.9m AOD, 45.85 at highest point) is improved by being closer in height to the lowest element (52.48m AOD), and the Metro Central Heights building (up to about 61m) at the Elephant and Castle end of the street is of similar height to the median element (61.15m AOD). The tri-partite nature of the massing is therefore setting up a clear dialogue between the existing contextually taller buildings and the proposal.
- 105 The tower is considered to fit well within both the existing and emerging context described above, would not over-dominate its surroundings and would remain subservient in height to the buildings within the core and secondary clusters of the Elephant and Castle. In this way the development can be considered to make a positive contribution to the landscape and to the London skyline as a whole, consolidating (an emerging) cluster within that skyline and providing key focus within views, in line with policy 3.20. These points will be addressed in more detail below. The remaining emphasis in terms of tall buildings policy relates to architectural and urban design quality, impacts on surroundings including skyline and views and sustainability, all of which are addressed elsewhere within this report.

Quality of Accommodation

- 106 There are a maximum of 3 flats per floor, though depending on unit mix, some floors have only 1 or 2 units, including duplex units on the upper 7 floors. As the future development potential of the adjoining site (Salvation Army building) cannot be prejudiced, no window openings have been included in the southern façade of the scheme. Due to the triangular shape of the site, and the siting of balconies on each angled corner, a majority (76%) of the units may be considered as dual aspect. The only single aspect units are the one bedroom units located on the southwest corner, though these include inset balconies that allow for an element of dual aspect with an outlook/opening both west and south (where the building over-sails the pavement beyond the building line of the adjoining Salvation Army building). It is considered that there will be an acceptable standard of accommodation within these single aspect flats.
- 107 The Residential Design SPD sets out minimum space standards for dwellings: 1 bed flats should be a minimum of 45sq.m, 2 beds 60sq.m. and 3 beds 75sq.m. and it is expected that an exemplary scheme would exceed the space standards, particularly where a high density is being proposed. A range of units sizes are provided:
- 1 bed- 9 units 47sq.m. with 3.0sq.m balcony, 1 unit 50sq.m with 4.5sq.m. balcony;
 - 2 bed affordable- 60.5sq.m. with 3.5sq.m. balcony, 83sq.m with 10sq.m. balcony;
 - 2 bed private 104/132/137sq.m. with 10-11.5sq.m. balconies;
 - 2 bed wheelchair accessible units 78sq.m with 10sq.m. balcony;
 - 3 bed affordable 97.5sq.m. with 13sq.m balcony
 - 3 bed private 114sq.m. with 10sq.m. balcony
- 108 The internal layouts of the flats achieve a high level of residential amenity across all tenures, with all units exceeding minimum standards in terms of unit and rooms sizes.

All flats contain in built storage and private balconies and the 2 and 3 bed units have dual bathrooms and/or ensembles. There is also an additional 'bulk' storage area provided at second floor.

Amenity Space

- 109 The Residential Design SPD sets out amenity space standards and advises it is particularly important for family housing in order to provide a safe outdoor area for children to play in. It can take the form of private gardens, balconies, terraces and roof gardens. There should be 50sq.m of communal amenity space per development, plus 10sq.m per unit, though for smaller flats a reduced amount (minimum 3sq.m. balconies) is acceptable where the shortfall is added to the overall communal provision. London Plan policy 3.6 also sets out that “the Mayor will and the boroughs should ensure developments...make provision for play and informal recreation, based on the expected child population generated by the scheme”. Children's play areas should be provided at a rate of 10sq.m per child bedspace (covering a range of age groups), in this case up to 5 child bed spaces are likely, equating to 50sq.m. of playspace. On this basis the scheme should provide up to 430sq.m. of amenity space, of which around 50sq.m. should be dedicated to children's play.
- 110 The site is only 0.026 hectares (260sq.m.) so there is no opportunity to provide amenity space at ground level, though improvements to the pavement area fronting the site are proposed, such as tree planting, lighting, paving and bicycle stands. Communal amenity space has been provided in the form of roof terraces on the 15th (a 31sq.m. children's playspace) and 18th (44sq.m) floors. As outlined above, all units contain balconies, the smallest being 3.0sq.m. for the 1 bed units, while the 3 bedroom units each have a minimum balcony of 10sq.m, and 18 of the 38 units have balconies of 10sq.m. or greater. The overall amenity space provision is therefore 75sq.m. communal amenity space and 258.5sq.m. private amenity space. Newington Gardens, with open space and children's play area, is located a short walk (around 200m) from the site, and s106 moneys towards open space and children's play have been secured.
- 111 In addition, significant upgrade works have been proposed to the adjacent railway viaduct and the immediate site surrounds. Currently, a wide footpath runs along the main site frontage along Newington Causeway. Small Yorkstone paving is proposed for the floor of the cafe which extends out beyond the building line between the railway viaduct and along Newington Causeway, in order to delineate an area where the cafe can 'spill out' onto the pavement. The entrance hallway and remainder of the pavement fronting the site will be resurfaced in large Yorkstone paving and is interspersed with natural stone paving aligned with the buildings piers. The improvements to the pavement area fronting the site will include provision of three new street trees, upgraded crossover, bike stands and new street furniture (stone clad seating with timber seat).
- 112 In the context of a central urban site, the works being undertaken, and the proximity of Newington Park, and given the limitations of the site area, the amenity space provision is considered sufficient for the scheme, in accordance with Replacement London Plan policies 7.1 and 7.18 and Southwark Plan policies 3.2, 3.11, 3.12, 3.13 and 4.2 and the Residential Design SPD.

Appearance and Materials

- 113 The height, scale and massing work successfully in the overall design, resulting in an elegant and dynamic triangular-structure that is well modulated into three vertical volumes. These three volumes are of varying height and give the triangular building a differing profile to each side which adds interest and variety to its townscape

contribution. The architectural modulation of the proposal is successful on a number of levels. Vertically the form is expressed as three volumes, all of which have a different architectural treatment, and work to reduce the perceived mass and bulk of the building. Horizontally, the building is split into sections which get taller as the building rises, but in terms of perspective and proportions they are read as being similar and serve to reduce the perceived height of the tower.

- 114 The design of the top of the building is of particular importance when considering the effect on the skyline, and it is considered that the creation of 3 separate volumes of varying height, allowing for a stepping down towards Elephant and Castle to the south, creates an interesting and varied termination to the top of the tower.
- 115 The facade treatment is a variable hit-and-miss system of vertical solid panels and fins (corresponding to the horizontal sections) within which there is a varying pattern of fenestration. On each corner there is a balcony or terrace which cuts-out solidity from the overall volume and makes a significant reduction to the perceived bulk, making a significant contribution to 'lightening' the structure. The predominantly blank facade facing the Salvation Army building has been improved through inclusion of surface-modulation, with additional panels and non-openable windows incorporated on the upper levels where it is unlikely a redevelopment of the adjoining (currently 2 storey) Salvation Army building would block it. On this basis the windows are not considered to prejudice the future development of the adjoining site.
- 116 The base of the building has been strengthened by a 2 and 3-storey cut-back, giving it prominence and a level of activity and interest to the streetscape, as well as a sense of drama from the over-hang. The ground floor includes a large cafe space extending out into the street/ pavement and with a clear recognition of the area to the north between the site and the railway viaduct. As the site falls within the Elephant and Castle Opportunity Area, there is an expectation that the development will contribute to the creation of a lively, safe and attractive public realm with active frontages, and the ground floor, containing the cafe, office and residential entrances will provide an active frontage. Thick masonry columns give the base of the building a strong and secure grounding.
- 117 In terms of materials, the building's structure is an expressed pre-cast concrete frame, with an emphasis on the vertical columns but also strongly balanced by the horizontal sections. Within this framing the building is clad with pre-cast concrete panels, which vary in surface-texture and colour to give contrast to the frame and richness in visual quality. Within this predominantly masonry structure the fenestration, balconies and shopfront are expressed in a much lighter fashion with aluminium framed units and extensive areas of both translucent and opaque glass. The intention to treat the three vertical volumes differently in terms of material texture and hue is an interesting concept that should serve to further articulate their massing within the overall bulk.

Impact on Strategic and Local Views and on the Character and Setting of Listed Buildings or Conservation Areas

- 118 London Plan policies 7.11 and 7.12 establish the principles under which London's views should be managed, considered in greater detail within the London View Management Framework, which relates to the management of strategically important views (designated views). Core Strategy policy 12 and saved Policies 3.21 and 3.22 of the Southwark Plan seek to protect and enhance both local and strategic views. The Enterprise Quarter SPD requires that tall buildings contribute to a coherent and dynamic skyline for the Elephant and Castle. The impact on views and the buildings contribution to the skyline must be considered. Saved Policies 3.15 and 3.18 of the Southwark Plan require that permission will not be granted for developments that would not preserve or enhance the setting or views of a listed building or the setting

and views into or out of a Conservation Area. In addition, PPS 5 'Planning for the Historic Environment' advises that developments must either preserve or enhance the setting of Conservation Areas and Listed Buildings.

- 119 The potential impact on views was considered within the Townscape and Visual Assessment submitted with the application, which includes a range of panoramas, river prospects, townscape and local views, and night-time views. The application site is reasonably prominent in terms of providing a focal point for views from several directions, primarily looking south from Borough High Street and north from the Elephant and Castle roundabout, and the building will be more visible from localised viewpoints. The building will form part of an emerging cluster of tall buildings, and is well articulated at the top which means it can stand in its own right as a building of merit and is considered to make a beneficial contribution to local views and skyline as well as respond positively to the context of the area. The impacts on the various viewpoints are acceptable as the development will be of a high quality, is located in a constantly evolving townscape, and will enhance the visual appearance of central Southwark by contributing positively to an emerging cluster of towers.
- 120 In terms of the View Management Framework, an important consideration is the impact of the proposed tower on Designated View 23, a townscape view from the Serpentine Bridge in Hyde Park which aims to protect the silhouette of historic buildings including the Palace of Westminster World Heritage Site, from visual intrusion caused by new buildings. The proposal does not impact on this view as it is completely obscured by existing development and is therefore acceptable.
- 121 Views indicate that the tower will be seen in immediate, local and distant views, thereby altering the setting of the Conservation Areas and any listed buildings within them. However, it is not considered that the building will harm the settings and will not dominate the views detrimentally. The nearest Conservation Areas are West Square, St. George's Circus and Trinity Church Square. Whilst the proposed scheme will be seen in views into and out of the proposed Conservation Areas, it is not considered that the impact will be of a detrimental nature since the articulated massing and height of the proposal will (in the distant views) be very limited. The nearest listed building is the Grade II Listed Inner London Crown Court (corner Newington Causeway and Harper Road) 160m to the northeast and the Faraday Memorial (Elephant and Castle northern roundabout) 240m to the southwest. Other nearby listed buildings include Numbers 47, 49-60 and 62 Borough Road, which lie approximately 220m north of the application site. It is acknowledged that there will be some impact on both listed buildings and Conservation Areas by reason of the proposed height and in some cases there is a noticeable change in the existing views. However it is not considered that these impacts will be detrimental to the character and appearance of the Conservation Areas and the views and settings would be preserved.

Suitability of a Tall Building

- 122 The overall strength of the design and in particular its ability to establish a gateway from the north are considered to be positive townscape benefits which will assist in the successful regeneration of the Newington area. The development should make a positive contribution to the London skyline, and the impact on localised views is considered to be acceptable as the building will contribute positively to the emerging cluster of tall buildings within the Elephant and Castle town centre. The scheme is considered to achieve excellence in design which is of sufficient quality to justify a building of this scale, which relates well to its context. The scheme will make a positive contribution to the Elephant and Castle regeneration area in compliance with Replacement London Plan policies 2.13 & 2.14, Southwark Core Strategy policy 12 and Southwark Plan saved policy 3.20.

Impact on the Amenities of Neighbouring Residents and Future Occupiers

- 123 London Plan policy 7.7 requires that all large scale development should be sensitive to their impact on the microclimate in terms of sunlight, reflection, overshadowing and wind. 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. Core Strategy Policy SP13 indicates that the Council will set high standards for reducing noise pollution and will seek to avoid amenity and environmental problems that affect how the environment is enjoyed and how we live and work.

Sunlight Daylight

- 124 A Daylight and Sunlight Report was submitted with the application. It assessed the impact of the proposed development on the daylight and sunlight of adjoining residential occupiers and future occupiers against the guidance provided in the BRE Guide BR 209 "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (2002). An assessment was made of the Vertical Sky Component (VSC), which assesses loss of daylight entering existing rooms by considering the amount of sky light reaching a window and No Sky Line (NSL), which considers the change in the visible sky line from existing and proposed situations i.e. the impact on the daylight distribution within a room.
- 125 There are a limited number of residential properties located in proximity to the application site that might be affected by the proposed development, namely the five storey Telford and Stephenson Houses in the Rockingham Estate, located over 40m away beyond the railway viaduct to the east. The next nearest residential development is some distance away to the south at Metro Central Heights, whose north facing windows are 80m from the proposed development. On the Telford and Stephenson properties, the report assumes that the elevations facing the application site (north-western side) contain a mixture of hallways, WCs, bedrooms and kitchens, and suggest that living rooms are located on the elevation facing away from the proposed development. The elevations contain long external access balconies along their length limiting the amount of daylight entering many of the windows in the existing situation.
- 126 The guidelines state that where the VSC remains above 27% this should be regarded as sufficient daylight but otherwise a reduction of over 0.8 times the former value (20%) will cause a noticeable loss of daylight to existing occupiers. In the case of both Telford and Stephenson House, the balconies mean most VSC values are well below 27% as a starting point, and those few windows over 27% saw no reductions greater than 20%, in line with BRE recommendations. In terms of NSL, the guidelines state that where the area of a room getting light is reduced by more than 20%, there could be a noticeable loss of light. In both Telford and Stephenson Houses, a vast majority of the rooms see no reduction in NSL, and those with any reduction are well below 20% in the majority of cases and are therefore in accordance with BRE recommendations.
- 127 Sunlight Assessment need only consider the annual probable sunlight hours (APSH) for windows facing within 90° of due south and there are no adjacent properties that fall into this category. Further, as there are no residential properties located to the north or west, any overshadowing would be limited to late afternoon towards the east and would not be so significant as to warrant refusal.
- 128 Whilst it is certainly the case that 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, it is

considered that only very limited daylight infringements would occur (to Telford and Stephenson House) from the proposed development in this case.

Outlook and Privacy

- 129 As the proposal includes a tall building, the scheme has the potential to impact on the outlook of many residents within the near and wider vicinity. In order to prevent any harmful overlooking, the Residential Design Standards SPD requires developments to achieve a separation distance of 12m at the front of a building and any elevation that fronts a highway and a minimum of 21m at the rear. The nearest residential occupiers are located within the Rockingham Estate, at least 40m to the east, and Metro Central Heights, which is 80m to the south. In terms of overlooking potential and privacy, it is considered that the significant separation distances between the proposal and the nearest residential development is such that there will be a negligible impact. Objections were received from residents of Metro Central Heights in terms of overlooking and loss of views, however given the closest distance from the edge of the proposed building and the nearest north facing window is some 80m, such impacts cannot be considered so significant as to warrant refusal of the application. Overall the proposed development is considered to adequately protect the amenity of adjoining occupiers consistent with the outcomes sought by policy 3.2 of the Southwark Plan.

Noise

- 130 PPG24 advises that local planning authorities should consider carefully in each case whether proposals for new noise-sensitive development (including new housing) would be incompatible with existing activities. Such development should not normally be permitted in areas which are subject to unacceptably high levels of noise. PPG24 goes on to advise that noise-sensitive development should not normally be permitted where high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping (23.00 to 07.00).

PPG24 advises that mitigation to reduce potential noise impacts should be considered. A number of measures can be introduced to control the source of, or limit exposure to, noise. Such measures should be "proportionate and reasonable".

Where it is proposed to grant permission for noise-sensitive development in areas of high ambient noise, planning conditions should be imposed to ensure that the effects of noise are mitigated as far as possible. Further, it should be remembered that the sound level within a residential building is not the only consideration: most residents will also expect a reasonable degree of peaceful enjoyment of their gardens and adjacent amenity areas. This would include the balconies of the proposed development.

PPG24 advises that local planning authorities should have regard to "noise exposure categories" in determining an application for planning permission. This is considered further below.

- 131 The London Plan 2011 policies are intended to enable Londoners to live in well designed, high quality homes, limiting disturbance from noise. Policy 7.15 of the London Plan 2011 provides that development proposals should seek to reduce noise by
- a. minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals
 - b. separating new noise sensitive development from major noise sources wherever practicable through the use of distance, screening, or internal layout in preference to

sole reliance on sound insulation

132 Southwark Plan saved Policy 3.2 seeks to protect the amenity of future occupiers from disturbance from noise. UDP Policy 4.2 seeks good quality living conditions for future occupiers including high standards of protection from noise pollution. Core Strategy Policy SP13 also indicates that a high standard of protection from noise pollution is expected.

133 The Sustainable Design and Construction SPD explains that existing sources of high and frequent noise near the site need to be considered when planning the layout of a site and the form and massing of buildings. Noise sensitive uses, such as hospitals, schools and residential developments, and amenity areas should be separated from noise sources. The SPD also advises that dwellings that only have windows that open onto busy roads or railways are not supported by the council. Double glazing should be used on windows to reduce noise levels inside buildings.

The Sustainable Design and Construction SPD provides that residential development should be designed to so that preferred noise levels for indoor spaces are below
 – LAeq 16hr 30dB (07:00-23:00) and LAeq 8hr 30dB
 – LAFmax 45dB (23:00-07:00).

The SPD also advises that mechanical systems of ventilation should only be used as a complement to natural ventilation to ensure a constant standard of indoor air quality. In other words, developments which propose sealed windows and which rely upon mechanical systems of ventilation for the provision of fresh air to a residential property are not supported. The Residential Design Standards SPD 2008 (and the draft replacement SPD) seeks a high standard of accommodation and in particular requires that all habitable rooms should have access to natural daylight and rooms should be designed to take advantage of natural sunlight and ventilation.

134 It is therefore necessary to consider whether

- i) future residents of the proposed development would be disturbed by noise to an unacceptable degree;
- ii) if so whether, it would be practical to use distance screening or changes to the proposed internal layout to reduce that level of disturbance;
- iii) if not whether sound insulation or other mitigation may be required by condition to reduce that level of disturbance.

135 In addition to the general level of background noise in this area there are three main specific sources of noise in proximity to the application site:

- a) noise from trains passing on the railway viaduct;
- b) road traffic noise from Newington causeway; and
- c) noise related to the Ministry of Sound nightclub.

136 It is not appropriate to apply the noise exposure category approach advocated in PPG24 to noise related to the Ministry of Sound. That noise source requires particular consideration. Regard should be had to the noise exposure category approach in relation to the rail and road noise sources however.

137 The noise survey submitted by the applicant with the planning application found that the application site falls into Noise Exposure Category C. PPG24 advises in relation to NEC C sites that planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no

alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

- 138 However, the noise exposure categories are based upon assumptions regarding the noise insulation properties of single glazing windows undertaken in the late 1980s. The noise insulation properties of glazing have considerably improved over the last twenty years and as a result officers do not consider that it is appropriate to give significant weight to the application of the noise exposure categories within PPG24.

It is necessary for Members to have regard to the high specification of glazing that is available and which would be required by condition for the proposed development

- 139 The noise survey submitted by the applicant with the application for planning permission examines the impact of road noise upon the western elevation of the proposed building and rail noise upon the eastern elevation. This identifies that if thermal double glazing is provided the noise levels within the SPD would be likely to be attained internally.

- 140 Due to concerns about the amenity of future occupiers due to the close proximity to the railway and the busy Newington Causeway- the residential accommodation was raised to level 4 (third storey plus mezzanine) and the survey reflects this. Thus, the layout of the proposed development has been designed so far as is practical with regard to potential disturbance from road and rail noise sources.

- 141 The noise survey submitted by the applicant with the planning application also provides guidance on the sound insulation measures that would be required for the facades such that appropriate internal noise levels can be met and suggest that an alternative means of ventilation should be provided in order to minimise the need to open windows. This would accord with the SPD which allows for mechanical ventilation to be provided in conjunction with openable windows. Sound levels on balconies will exceed the 50dB LAeq, 16hr (07:00-23:00) referred to in the preferred standard of the SPD. This is not however an unusual scenario for a city location and while sound levels on balconies may cause annoyance to some residents, this must be balanced against the substantial benefit of private outdoor space.

- 142 The Council's Environmental Protection officer sought additional information in relation to this noise assessment, and also sought a vibration survey. A vibration assessment was undertaken which concluded that there will be a low probability of adverse comment from the occupiers of the premises regarding vibration. The proposed wind turbines have the potential to cause adverse impacts on amenity for occupiers, and an assessment was undertaken which concluded that noise from the turbines will be below the background level for the nearest noise sensitive receptor. Whilst higher wind speeds could increase the noise generated and affect residential amenity, it is likely this would be tempered by the fact that high wind speeds themselves create noise which could mask the turbine noise.

- 143 Overall in relation to the noise from road and rail sources, Officers have concluded that provided that sound insulation measures and alternative means are required by condition, the likely effects of rail and road noise will have been appropriately minimised and are not likely to give rise to unacceptable disturbance to future occupiers. Future occupiers would have the ability to close their windows and obtain a quiet internal environment which fresh air provided by means of alternative mechanical ventilation. It is considered that road and rail noise will not give rise to unacceptable living conditions for future occupiers and that the relevant policy standards are attained.

- 144 In relation to the potential impact of the Ministry of Sound nightclub, there has been a

considerable amount of work undertaken on behalf of the applicant, the Ministry of Sound and the Council. The Council has sought advice from an external acoustic consultant Rupert Taylor.

- 145 Rupert Thornely-Taylor is a Fellow of the Institute of Acoustics and has headed the international acoustics, noise and vibration consultancy practice Rupert Taylor for 43 years. He has been an expert witness in over 100 cases in courts, planning inquiries and the Houses of Parliament. He has been President of the Association of Noise Consultants in the UK and a Director of the International Institute of Acoustics and Vibration. He is author of the Pelican book "NOISE", and of many other publications on the subject. He is an examiner of the Institute of Acoustics Diploma. He has extensive experience of the acoustics and noise aspects of clubs, studios and theatres, both from the design and enforcement points of view. He has been expert witness in many planning inquiries involving clubs and music venues.
- 146 The Ministry of Sound night club is located across Newington Causeway on Gaunt Street. It has registered a long-standing objection to the proposed development due to the possible impact of noise related to its activities upon future residents. The MoS is an internationally established business which has been located in Southwark for almost 20 years. MoS's current premises in a former warehouse sited between the railway viaduct and Gaunt Street operates 3 to 4 times a week (with potential to operate more frequently) from 7 pm through to the following morning.
- 147 There are three potential sources of noise associated with the Ministry of Sound that might affect residents of the proposed development:
- a) break out noise i.e. noise from music playing within the night club which passes through the fabric of the building and travels to the proposed development;
 - b) noise from patrons utilising the external courtyard; and
 - c) noise from persons in the street outside the Ministry of Sound i.e. those queuing, entering and leaving the night club.
- 148 **a) Break Out Noise:** The Applicant produced an assessment that examined the potential impact of break out noise dated January 2010. This identified the possibility of low frequency noise break-out from the Ministry of Sound which if not mitigated would be likely to cause an unacceptable level of amenity for future occupiers.
- 149 Further noise survey work was then undertaken in January and April 2011. These surveys appear to reveal that noise levels associated with break out noise were not so significant as to require the provision of noise mitigation
- 150 However, the reliability of these surveys was challenged by MoS. Indeed, after the last committee meeting at which this application was considered MoS submitted a further noise survey which contained results over a different time period and with different measurement locations to those in the January and April 2001 surveys. As a result, it was agreed that a further joint survey would be undertaken.
- 151 That further survey was conducted on the night of the 23/24 July 2011. Representatives from the Council and MoS were present. On behalf of the applicant, the Equus Partnership undertook measurements at 89-93 Newington Causeway. Those results indicate that break out noise from MoS does indeed increase during the night reaching a peak between 02:00-04:00. Low frequency noise is the main source of noise heard and measured at the application site. Music from MoS would be audible within the proposed development with windows open but an acceptable

internal sound level could be achieved with dual glazed windows closed and alternative ventilation

- 152 This is corroborated by a measurements made by Rupert Taylor who identified similar noise levels related to low-frequency break-out noise.

As a result, noise mitigation in the form of a glazing specification is required. The proposal has been designed to an appropriate specification in order to achieve an acceptable level of noise within the development and in accordance with the Council's standards as set out in the SPD

- 153 Mechanical ventilation will be required in any event for reasons stated above and is incorporated within the scheme.

- 154 **b) Noise from the Courtyard:** There is a courtyard which is currently used by patrons of MoS. Patrons gather here to talk and smoke. Music is played via external speakers. The surveys undertaken do not suggest that this would impact on future occupiers of the proposed development due to a number of factors: distance, the intervening Newington Causeway - a busy road, rail noise and the fact that the site is shielded by another building from the courtyard and does not have a direct line of sight. Consequently, officers are of the view that any noise from the courtyard will not impact significantly on future occupiers either with windows open or windows closed

- 155 It should be noted that there are questions as to the lawfulness of the use of the courtyard in planning terms. It has been suggested to the Ministry of Sound that an application for a Certificate of Lawfulness be submitted in order to establish whether or not the use is lawful. This is likely to take some time to resolve and consequently, without prejudice to the Council's position in relation to this matter, Members should consider the use of the courtyard and its potential impact on future residents, as it currently operates regardless of its planning status.

- 156 It is also worth noting that speakers within the courtyard are not authorised under the club's license for public entertainment. This means that music played through these speakers must be at background level only

- 157 **c) Noise from patrons in the Street:** At Newington Causeway, noise from the street would be unlikely to give rise to disturbance to future occupiers either with windows open or windows closed.

It has been suggested by MoS that noise related to the setting up of barriers related to the control of queuing will give rise to noise problems. However, whilst this activity does create noise, given the level of back ground noise in this vicinity and given that for relatively little cost barriers can be given rubber footings to reduce the noise caused when dragged across the ground, Officers do not consider that this is likely to give rise to unacceptable impacts upon future occupiers.

It should be noted that activities associated with the Ministry of Sound are by no means the sole source of noise in the street, which contains bus stands and a cabin containing facilities for drivers. Patrons queuing to enter the Ministry of Sound have been observed on the three surveys attended by the Council's noise consultant to be relatively quiet. On one occasion an inebriated bystander was shouting for some time (he did not appear to be a patron of the club). There were other isolated cases of shouting and the arrival of a police car. These shouting events would cause annoyance to a hypothetical resident in Gaunt Street with windows open, but would not be significant in Newington Causeway because of the additional distance and the intervening buildings.

- 158 It follows that absent a condition requiring sealed windows to be provided, future residents will be able to choose whether they have their windows open or closed. If they open them then when the MoS is operating there will be times when they may be disturbed. At such times if residents close their windows they are unlikely to experience disturbance and they will be able to obtain fresh air via that mechanical ventilation proposed.
- 159 Members will therefore need to consider:
- a) whether the provision of openable windows results in an acceptable level of amenity for future occupiers given the potential impact of break out noise;
 - a) if not whether it is necessary to require windows to be sealed.
- 160 If Members consider that with openable windows the proposed development provides a level of amenity which accords with the Council's standards, then in relation to the impact of rail/road noise and of MoS upon future occupiers there will be no breach of policy.
- 161 If, however, Members consider that the provision of openable windows results in an unacceptable level of amenity for future occupiers, members will have to consider:
- a) whether it is necessary to require that windows are sealed
 - b) if so, whether the provision of sealed windows would provide an acceptable level of amenity for future occupiers in accordance with the Council's standards.
- 162 Looking at the noise issues overall even without the effects of the MoS operation residents would have to close their bedroom windows at night in order not to be disturbed. The presence of MoS does not therefore affect this position because its operation similarly would result in the need to close bedroom windows to avoid disturbance.

Officers have considered the potential impact of the operation of MoS upon the amenity experienced upon balconies. As the MoS activities do not give rise to noise until relatively late in the evening when balconies are unlikely to be used it is not considered that the MoS operation would be likely to have a significant impact upon the use of balconies.

Officers have concluded that provided that sound insulation measures and alternative means of ventilation are required by condition, the likely effects of MoS will have been appropriately minimised and are not likely to give rise to unacceptable disturbance to future occupiers. Future occupiers would have the ability to close their windows and obtain a quiet internal environment with fresh air provided by means of alternative mechanical ventilation. It is considered that the activities of MoS would not give rise to unacceptable living conditions for future occupiers and that the relevant policy standards are attained.

- 163 If however, Members take a contrary view, Officers believe that the provision of sealed windows would result in a conflict with the Council's Sustainable Design and Construction SPD which requires natural ventilation even where mechanical ventilation is proposed. Thus, the level of amenity that would be provided to future residents would not meet the council's standards if windows were sealed.

It follows that, if Members conclude that openable windows do not provide an acceptable level of amenity, there will be a conflict with Policy 7.15, Policy 3.2 and 4.1

of the UDP and Policy SP12 of the Core Strategy. This conflict could not be remedied through the imposition of a condition requiring sealed windows. Accordingly unless other policies in the Development Plan pull in favour of the grant of planning permission sufficiently to outweigh such a policy conflict, Members would have to refuse to application.

164 Impact upon Ministry of Sound

The concern raised by the Ministry of Sound is that complaints could be made by future residents. MoS contends that such complaints could lead to proceedings against it in nuisance. If those proceedings were successful they would result in a requirement for MoS to abate the nuisance. MoS has indicated that any steps that would require a reduction in noise levels within the club would compromise the club's unique selling point (USP). This would impact upon MoS's ability to trade. MoS contends that ultimately this would lead to the closure of the club and the borough would lose a significant and important local business.

165 It is therefore necessary to consider:

- a) whether it is likely that an actionable nuisance could be established in proceedings;
- b) if so what steps would be likely to be taken
- c) What would the impact of such abatement steps be upon the economic viability of the MoS

166 A nuisance action could be commenced by a future occupier of the proposed development. In addition, under the Environment Act 1995, the Council has a duty to take enforcement action against nuisances arising in its area. If the Council considers that a nuisance is being caused to future occupiers of the proposed development by MoS it will have to serve an abatement notice upon MoS.

It is no defence to an action in nuisance to argue that the person complaining of the nuisance knew of your activities before they moved in. Thus, even if future residents knew of the MoS activities prior to moving into the proposed development they would not be prevented from bringing a claim in a nuisance.

A nuisance is an undue interference with the comfortable and convenience of living according to the standards of the average person. Consideration of nuisance involves consideration of the give and take that is expected between neighbours. No-one can expect to live in a way which means they are completely undisturbed by their neighbours activities. The question is whether the level of disturbance is beyond that which is reasonable.

In relation to a noise nuisance there is no absolute standard to be applied i.e. a noise does not have to reach any particular defined level in order to cause a nuisance. In considering the standard of comfort or convenience that a reasonable person might expect regard must be had to the character of the neighbourhood. A person who lives in a large manufacturing town cannot reasonably expect the same purity of air or freedom from noise as one living in a secluded countryside location.

167 As has been set out above, disturbance is only likely to arise to a future occupier if they have their windows open. The purpose of opening a window is to obtain fresh air for ventilation. It follows that if apartments that might be adversely affected by noise from MoS are provided with mechanical ventilation the need to open windows at night may be mitigated or removed.

To succeed in any action in nuisance a future resident would have to establish that the average person would expect to be able to sleep without disturbance with his window open in an inner city London location. Officers consider that it is reasonable to conclude that there may be real difficulty in establishing this. However, it is not possible to rule out the possibility of a successful claim in nuisance against MoS by a future occupier or the potential for the Council to take action pursuant to its powers.

If a claim in nuisance were to succeed the Court would require MoS to take steps to ensure that nuisance does not recur i.e. to abate the nuisance. In relation to the potential impact of MoS upon future residents this would require steps to be taken to reduce the amount of break out noise.

- 168 MoS have explained that "for a nightclub that has built its reputation for bringing the world's biggest dance music DJs to London and being able to attract them in large part due to its reputation for delivering the highest quality nightclub experience, particularly in the area of sound reproduction (it's the name of the business), it is a fundamental requirement that the experience that both clubber and DJ receive is one of excellence in sound. Clubbers come to Ministry of Sound primarily to dance. Other nightclubs may have a business model which is built on socialising and selling alcohol, but the Ministry of Sound business model is based on music and dancing first and foremost.

As a venue fills, more people absorb the sound and it is necessary to increase system levels to compensate for that absorption. If levels were not increased then the noise of conversation would become more apparent, the effect of the music would lose its power and the clubber would have a significantly less satisfactory experience. Patrons would inevitably seek to get a better experience elsewhere and DJs would choose to perform in venues where they believed their craft was better exploited, Such an outcome would be disastrous for Ministry of Sound's reputation. A simple Google search for DJ comments on Ministry of Sound will reveal many of the world's most prominent DJs talking effusively about the quality of sound reproduction in the venue. Put bluntly, it is simply inconceivable that Ministry of Sound be expected to turn the volume down. If it were compelled in whatever way to contain its noise levels to a certain level, business would inevitably be lost putting the future of the club and the business as a whole at risk of closure."

- 169 *Comment Council's noise expert does not agree with this suggestion as this is not a acoustically acceptable argument. More people would indeed absorb sound but the increase in 'output' from the sound system would only need to compensate for this adsorption. For example, if a full room reduces the sound levels in the room by 3dB, and increase of only 3dB will be required to bring sound levels back to their previous level. Overall sound levels would therefore remain constant)_except in limited areas relatively close to the loudspeakers. Furthermore, the sound in the club that is radiated to the surrounding area is very strongly concentrated at low frequencies at which human bodies are not efficient sound absorbers).*"

What is notable about this argument is that no distinction is made between the different areas within the club.

- 170 The club has 4 distinct areas:

1. the box;
2. the baby box;
3. the bar; and
4. the loft.

- 171 1) The box is the main dance area where the “headline” DJs perform/operate. This area is effectively acoustically sealed and it is unlikely that any material noise break-out occurs from the box through the fabric of the building. Hence in this key area it is unlikely that any reduction in volume would have a material impact upon break out noise. Thus even a successful action in nuisance would be unlikely to require any change in the operation of the box.
- 2) The baby box similarly has no material noise break-out through the building fabric largely due to its location within the club. Again, therefore it is unlikely that any reduction in volume would have a material impact upon break out noise.
- 3) and 4) It is the case that there is noise breakout through the roof of the bar and the loft area. One possible response to a successful nuisance action would be to lower noise levels in the bar and loft areas. There is no evidence to suggest that these are areas which are critical to the MoS business model of “music and dancing”. It should be noted that the loft contains both a bar and a “chill out area”. Similarly there is no evidence to suggest that such action would be fatal to the business or lead to the club’s closure, bearing in mind that the main music and dance areas could operate unconstrained in this regard. The USP of the club is therefore unlikely to be affected even if a nuisance claim was upheld.
- 172 Abatement might also take the form of works to be undertaken to insulate the premises further, although this really only relates to the bar and loft area. Although clearly this would have a financial implications for the club, there is no evidence that the costs of such works would be so prohibitive that they would render the club financially unviable.
- 173 It follows from the above that if the proposed development does not have sealed windows there is the potential for claims in nuisance to be made. Officers believe that it would be difficult to establish such a claim. If such a claim were established any steps that MoS might be required to take to reduce disturbance would be unlikely to result in the closure of the business although it may affect the profitability of the business to a degree.
- 174 These are matters to which Members should give some weight in determining whether or not to grant planning permission.

Whilst clearly consideration must be given to the concerns raised in this regard officers are of the view that the benefits of the development, in terms of the contribution it makes towards the delivery of housing, the regeneration of the Elephant and Castle area and the positive contribution made to the public realm in terms of urban design, outweigh the potential impact on the operation of the MoS, an existing and established business. London Plan policy 4.1 recognises the contribution made by central London and its businesses, such as MoS, to London's economic success. Taking this into account together with all other considerations set out elsewhere in this report it is considered that planning permission should be granted.

175 Air Quality

The site is located within an Air Quality Management Area so an Air Quality Assessment was submitted which assessed local conditions and the impact of the scheme. Further details were requested in relation to dispersal modelling and the impact on the amenity area/ child play space on level 15 which fronts Newington Causeway, which might be exposed to unacceptable pollution levels. Following submission of the additional details, no further objection was been raised by the Environmental Protection officer who was satisfied with the proposals. Although a dispersal model was not submitted, since the application was submitted guidance on air quality assessments had changed and a condition is recommended to ensure that

a suitable scheme of mitigation is submitted based on a detailed modelling exercise. Officers are satisfied that an appropriate mitigation scheme is likely to be identifiable

Other Matters

- 176 MoS raised a number of policy matters in its representation dated 9 September 2010. The officer view is as follows.

Southwark Plan (UDP, July 2007) policies SP10 Development Impacts, SP11 Amenity and Environmental quality, 4.1 Density of residential development, and 6.1 Elephant and Castle Opportunity Area have been overtaken by the adoption of the Core Strategy and are not saved under the Core Strategy (2011). Members are advised that the relevant saved policies of the Southwark plan are listed in the body of the main report at paragraph 12 and the relevant strategic policies are listed at paragraph 13. Policy 4.1 is replaced by strategic policy SP5 – Providing new homes as set out in the body of the main report in paragraphs 67 and 68.

- 177 The MoS representation suggests that Southwark Plan (UDP) policy 2.1 Enhancement of community facilities is relevant. Officers disagree. Policy 2.1 is not relevant and members are to have no regard to this policy as there is no community facility (Uses Class D) either lawful or unlawful established on the site of the proposed development. For clarity, the established uses are set out in the body of the main report in paragraph 10.

- 178 The relevant London Plan policies are set out in the main report at paragraph 14. Officers do not agree with the MoS representation that London plan policies 3.A.18 Protection and enhancement of social infrastructure and community facilities and 3D.4 Development and promotion of arts and culture are relevant material considerations. Officers do accept that and members are to have regard to 5G.3 C Central Activities: Offices as a relevant consideration given that the application site does lie within the Central Activity Zone (CAZ). The scheme proposes a mix of uses that includes replacement floorspace of protected office (B1) and cafe (A3) uses that results in a slight shortfall of 1.5sqm that is considered acceptable as set out in the main body at paragraphs 64 - 66. The remainder of the 490sqm of existing floorspace (see main report - paragraph 10) has an established use as a bank (A2) which is not similarly protected by policy.

- 179 Regeneration and Housing Need

MoS argues that regeneration could be delivered in another way without high density housing. If high density housing is acceptable in planning terms, which officers consider to be the case, there is no requirement to look at alternatives

If the proposed development were identified as likely to have an adverse impact upon MoS then the balancing exercise identified by MoS in its letter of 2 June 2011 would have to be undertaken. However, the advice is that MoS is likely to be able to operate without unacceptable impacts arising on future occupiers of the proposed development.

In regard to housing need, the MoS sets out on page 11 and 12 of its September 2010 representation that Southwark housing targets can be comfortably met without the Eileen House and Newington Causeway sites. Officers disagree with this for the following reasons:

The Core Strategy makes it clear that the housing targets contained within it are to be exceeded where possible. Further, there are two targets to which regard must be had the Elephant and Castle target and the overall target for the Borough. The Elephant and Castle target in the core strategy and the Replacement London Plan is 4000 net

new homes to 2026. The Southwark housing target in the core strategy is 24,450 net over the 15 years (1630 net a year).

- 180 However, the Replacement London Plan 2011 increases this overall target to an annual target of 2005 net a year (30,075 over 15 years). In the last 14 years for which figures are available, this is a level of growth that the Borough has only achieved in one year (2006/7) at the height of the construction boom. Officers consider that the Borough will struggle to achieve the housing targets anticipated by the Replacement London Plan.

MoS has focussed upon the sites identified in the Development Capacity Assessment (DCA) but has failed to recognise that not all of the sites identified within the DCA will come forward for housing. As a result of the above, officers consider that the proposed development would make a valuable contribution towards meeting housing targets. Weight should be given to this factor in favour of the grant of planning permission.

Transport Issues

- 181 Car Parking: In line with national policies, the Council is seeking to encourage reduced car dependence particularly in areas with good accessibility to public transport and thus encourage the use of more sustainable transport modes. 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. The site falls within the Congestion Charging Zone and all roads in the immediate vicinity of the site are within a Controlled Parking Zone. Accordingly, the site has a very high public transport accessibility rating (PTAL) of 6. The scheme proposes no car parking provision, primarily because the size and configuration of the site, and location next to a major road, would make it impossible to provide, and this combined with the high level of accessibility fully justifies a car free scheme. Further to this, existing traffic orders would be amended to prevent future occupiers (excluding disabled occupiers) from obtaining parking permits. The Council has an agreement with a car club operator for the installation of car club spaces across the Borough and there are at least 3 spaces proposed that would be accessible to local residents as well as those within the proposed development.
- 182 Travel Plan: The submitted Transport Statement provides an outline of what is proposed to be included in the Travel Plan for the development, which is to promote more sustainable transport choices such as walking, cycling and public transport. A Travel Plan will be required via condition prior to occupation of the development. Commitment to the implementation of the Travel Plan will be included in the Section 106 Agreement, with a Travel Plan Co-ordinator to be appointed by the developer in order to develop, implement and monitor the Plan.
- 183 Cycle Parking: The Southwark Plan requires cycle parking at a rate of 1 cycle space per 250sqm A or B1 floorspace (i.e. 2 spaces) and within the Central Activities Zone, a minimum of 1 space per unit plus 1 visitor space per 10 units (i.e. 42 spaces). The scheme proposes 4 spaces for the commercial accommodation, plus 46 residential spaces at ground and mezzanine levels, with a cycle lift allowing for easy transportation between levels. A further 6 visitor cycle spaces are provided along the pavement directly in front of the café. The scheme provides cycle parking in accordance with the Southwark Plan. The comments from Southwark Cyclists are noted; however in the absence of a local or London-wide policy to support their suggested level, it would not be reasonable to refuse planning permission on this basis.
- 184 Refuse and Servicing: Given the site constraints, servicing from the on-street loading

bay, located to the north of the site, has been agreed by transport officers, and any servicing which takes place will be subject to local restrictions. Further, full details of how the on-street servicing will operate will be sought through the submission of a Servicing Management Plan. Adequate refuse storage space has been incorporated for the commercial and residential element on the mezzanine level, and the waste strategy for handling residential waste is considered satisfactory. Building management staff will be responsible for moving the waste to the kerbside for collection on the relevant collection day. There is a separate refuse store for the café at ground floor.

- 185 Overall, the proposal is considered consistent with Core Strategy policy 2 and policies 5.1, 5.2, 5.3, 5.6 and 5.7 of the Southwark Plan. It would help promote non-car modes of transport, provide an acceptable level of bicycle storage, and a suitable refuse and servicing arrangement.

Flood Risk Assessment

- 186 The site is located within Flood Zone 3a which is considered to be an area of high risk of flooding due to the proximity of the tidal River Thames. 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. As the residential accommodation will be located above ground floor, it will be protected from flooding even in the unlikely event of the river defences being breached. It is for the applicant to demonstrate that the proposed development can be made safe through measures set out in the submitted Flood Risk Assessment. The Environment Agency has raised no objections to the scheme subject to conditions. The proposal is therefore considered consistent with Planning Policy Statement 25.

- 187 Due consideration must be given to the sequential test, advocated in Planning Policy Statement 25 "Development and Flood Risk" which requires Local Planning Authorities to direct development towards lower flood risk zones and within development sites the highest vulnerability uses should be located on parts of the site at lowest probability of flooding. However a significant part of Southwark Borough is within Flood Zone 3 and there are no sites at a lower risk of flooding for some distance. It is acknowledged therefore there are no alternative sites in the locality. Whilst the application site is not designated within the Southwark Plan, the development of brownfield sites such as this is encouraged in order to maximise the efficient use of land with the provision of much needed housing as well as promoting mixed use development within the locality. The site is located on previously developed land and there are strong sustainability reasons why the site should be redeveloped and it has excellent accessibility to public transport. The proposed scheme therefore meets the Planning Policy Statement 25 sequential test.

Planning Obligations [S.106 undertaking or agreement]

- 188 Core Strategy policy 14 and Policy 2.5 of the Southwark Plan advises that planning obligations can be secured to overcome the negative impacts of a generally acceptable proposal. This policy is reinforced by the 'Supplementary Planning Document' (SPD) on Section 106 Planning Obligations, which sets out in detail the type of development that qualifies for planning obligations, Regulation 122 of the Community Infrastructure Levy regulations, and Circular 05/05 which advises that every planning application will be judged on its own merits against relevant policy, , and other material considerations when assessing planning obligations. The applicant has submitted a proposed Heads of Terms based on the Council's Planning Obligations SPD. Full details are provided below.

- 189 Affordable Housing: The proposal provides 42 affordable habitable rooms resulting in an overall provision of 33% of the total habitable rooms being affordable;
- 190 Education: £28,915 in line with s106 toolkit;
- 191 Employment and Training: The applicant is providing their own Workplace Coordinator during Construction (WPC), which will be acceptable only if terms can be agreed within the s106 for the functioning of the WPC. A clause will be included within the s106 such that should the developer not employ a WPC or there is under performance on behalf of the WPC then a contribution of £25,197 should be paid (in addition to the Management Fee). Management Fee of £2,043 to cover costs in association with WPCs;
- 192 Public Open Space, Children's' Play, Sports Development: £40,736 in line with s106 toolkit (Public Open Space £10,464, Children's Play £4,737, Sports Development £25,535);
- 193 Transport Strategic: £16,399 in line with s106 toolkit;
- 194 Site Specific Transport: £2,750 towards amending the Traffic Management Order to restrict future occupiers from obtaining parking permits in addition to the Transport for London bus improvement and public realm contributions (set out below);
- 195 Transport for London: £55,000 as requested by TfL/ the Greater London Authority:
- £35,000 towards pedestrian and public realm works;
 - £20,000 towards improvements to bus stops within the immediate Elephant and Castle area .
- 196 Public Realm:
- Works (being undertaken by applicant) estimated at £61,500, to the pavement area immediately surrounding the site, including street trees/seating/paving.
 - £9,966 for further works in accordance with the toolkit.
- 197 Archaeology: £2,400 in line with s106 toolkit;
- 198 Health: £36,525 in line with s106 toolkit;
- 199 Community Facilities: £5,310 in line with s106 toolkit;
- 120 Sub Total: with TfL requirements and in-lieu works- £286,741
Administration fee of 2%: £5,734
TOTAL financial contribution: £2892,475 OR £8,223 per unit
- 201 The following clauses are also to be included within the Section 106 Agreement
- Commitment to connect as soon as possible to the ESCO or decentralised energy system and to investigate the value of the proposed energy efficiency measures to ensure maximum performance;
 - Commitment to undertake a detailed wind modelling of the site and surrounding environment (utilising data from recent trials such as Ashenden for data input and verification) to provide insight into the wind climate at the height of the proposed wind turbines and allow for an accurate calculation of the energy converted. Should the modelling exercise demonstrate that limited energy savings are attributable to the installation of the turbines, a payment equal to the purchase and installation cost of the turbines (evidenced by a cost plan which will be subject to Council approval) should be made in lieu of the installation of the turbines, which would be put towards 'off site' carbon savings, to ensure an equivalent carbon

saving can be made elsewhere and to assist in meeting the renewable energy target as required by Core Strategy policy 13 and saved policy 3.4 of the Southwark Plan. .

- Commitment to developing, implementing and monitoring a travel plan including the appointment of a Travel Plan Co-ordinator;
- Commitment to entering into a s278 agreement with the Highways Authority in relation to public realm improvements to the pavement fronting the site.

202 The proposed Heads of Terms are considered satisfactory for the scale of the development and at the time of writing this report a draft S106 Agreement is in place. This is consistent with the requirements of Core Strategy 14 and Policy 2.5 of the Southwark Plan concerning Planning Obligations and Policy 8.2 of the Replacement London Plan and no objections are raised. In addition regard has been had to Regulation 122 of the Community Infrastructure Levy regulations 2010 and the proposed S106 agreement satisfies the relevant tests in that regard.

203 In accordance with the recommendation, should an acceptable Section 106 Agreement not be signed within the specified time (31st October 2011) the following reason for refusal would apply:

“In the absence of a signed Section 106 Agreement, there is no mechanism in place to avoid or mitigate the impact of the proposed development on the public realm, public open space, the transport network, health facilities and employment and the proposal would therefore be contrary to Core Strategy 14, Policy 2.5 of the Southwark Plan and Policy 6.3 of the Replacement London Plan.”

Conclusion

204 The application would see the redevelopment of a currently underused brownfield site to provide both replacement employment opportunities, improving the immediate urban environment, and providing much needed private and affordable housing. The principle of the use is accepted. The height and design of the building is considered acceptable particularly given its siting within the Central Activities Zone and the Elephant and Castle Opportunity Area. Planning obligations will be secured to offset the impact of the development in accordance with the Supplementary Planning Document on Planning Obligations. The scheme will contribute towards the regeneration of the Elephant and Castle area and the Enterprise Quarter and will deliver a sustainable mixed-use scheme that would bring about a marked improvement in the local environment.

Sound insulation measures and alternative means of ventilation (which are integral elements of the proposal) will be required by condition, and therefore the likely effects of MoS will have been appropriately minimised and are not likely to give rise to unacceptable disturbance to future occupiers. Future occupiers would have the ability to close their windows and obtain a quiet internal environment which fresh air provided by means of alternative mechanical ventilation. It is considered that the activities of MoS would not give rise to unacceptable living conditions for future occupiers and that the relevant policy standards are attained.

205 Officers consider that whilst future occupiers might bring proceedings in nuisance it is reasonable to conclude that there may be real difficulty in establishing this. However, it is not possible to rule out the possibility of a successful claim in nuisance against MoS by a future occupier. If such a claim were established any steps that MoS might be required to take to reduce disturbance would be unlikely to result in the closure of the business although it may affect the profitability of the business to a degree.

Officers are of the view that notwithstanding any breaches in policy identified above

the benefits of the development, in terms of the contribution it makes towards the delivery of housing, the regeneration of the Elephant and Castle area and the positive contribution made to the public realm in terms of urban design, outweigh the potential impact on the operation of the MoS. The balance lies in favour of granting planning permission in the terms detailed in this report.

- 206 Consistent with the objectives set out in the draft NPPF, the application proposal ensures the effective and most efficient use of land and buildings, will help meet Southwark's housing needs, will promote the vitality and viability of the town centre and will promote prosperity. Consistent with the national policy approach, the application accord with the principles of sustainable development, is located on an appropriate site, in a sustainable location within the Elephant and Castle town centre, and with access to facilities and services.
- 207 Officers consider the proposed development to be sustainable and not to give rise to significant adverse impacts that would rebut the presumption in favour of the grant of planning permission in the draft NFFS. Thus, that draft policy weighs in favour of the grant of planning permission.

COMMUNITY IMPACT STATEMENT

- 208 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. In addition to this, the applicant has undertaken their own consultation during the application process, which described in the consultation section of this report. The impact on local people is set out above.

HUMAN RIGHTS

- 209 The application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with convention rights. The term 'engage' simply means that human rights may be affected or relevant. Few rights are absolute in the sense that they cannot be interfered with under any circumstances. 'Qualified' rights, including the Article 6, Article 8 and Protocol 1 rights, can be interfered with or limited in certain circumstances. The extent of legitimate interference is subject to the principle of proportionality whereby a balance must be struck between the legitimate aims to be achieved by a local planning authority providing a mixed use development for 38 new residential units combined with a commercial/retail use against potential interference with individual human rights. Public bodies have a wide margin of appreciation in striking a fair balance between competing rights in making these decisions.

This approach has been endorsed by *Lough v First Secretary of State* [2004] 1 WLR 2557 and clearly shows that human rights considerations are also material considerations in the planning arena which must be given proper consideration and weight. It is acceptable for the Council to strike a balance between the legitimate aim of the provision of a mixed use development against potential interference with some individual rights.

- 201 In the case of this application, a number of rights may be engaged including: -
- *The right to a fair trial (Article 6)* – giving rise to the need to ensure proper consultation and effective engagement of the public in the application process.
 - *The right to respect for private and family life (Article 8)* - Relevant considerations may include impacts on amenities or the quality of life of

individuals by prospective development.

- *Article 1, Protocol 1 (Protection of Property)* – this right prohibits interference with individuals' right to peaceful enjoyment of existing and future property / homes. Article 1 provides that: "*Every natural or legal person is entitled to the peaceful enjoyment of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law*". As set out above, the possibility of a successful claim in nuisance against MoS by a future occupier cannot be ruled out. Accordingly the grant of planning permission for the proposed development has the potential to result in MoS being required to alter its operation and/or to expend funds to mitigate noise emanating from its premises. As a result, the grant of planning permission has the potential to interfere with MoS's human rights. Accordingly, planning permission can only be granted consistent with the rights if the benefits of the proposed development outweigh the impact upon MoS. As set out above, Officers consider that this is the case.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

- 211 Strategic Director of Communities, Law and Governance: No comments made.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

- 212 Core Strategy Policy 1 and saved Policy 3.3 of the Southwark Plan assert that development will not be granted unless the economic, environmental and social impacts of a development have been addressed through a Sustainability Assessment. Core Strategy Policy 13 and saved Policy 3.4 of the Southwark Plan seek energy efficient development and renewable energy technology in new development. Saved Policy 3.6 seeks to maintain air quality. Saved Policy 3.9 advises that all development should incorporate measures to reduce the demand for water supply. Policy 5.2 of the Replacement London Plan requires that major development schemes should provide an assessment of their energy demands and demonstrate how they have taken steps to apply the Mayor's energy hierarchy. It requires a demonstration that the scheme has applied the Mayor's energy hierarchy and that a reduction in carbon dioxide emissions of 20% can be gained from on site renewable energy generation (required by Replacement London Plan policy 5.7).
- 213 An Energy Statement was submitted for the proposed development which advises that as a result of the energy strategy proposed the overall total CO₂ emissions of the site would be reduced by 61% over a Building Regulations compliant specification. The application followed the energy hierarchy as follows:
- 1) *'Be Lean'* Reduce carbon dioxide emissions through use of energy efficiency measures to produce a new energy efficiency baseline: A range of energy efficiency measures are proposed, including reduction of internal water consumption through the use of practical and hygienic water saving measures (water efficient taps and white goods/ flow restrictions/ water metres), potential future connection to a system providing non-potable 'green' water services for use in the WC's, washing machines and dishwashers, low energy lighting controlled by energy efficient means to ensure lights are not illuminated when the area is not occupied, high efficient boilers, fabric design to provide solar shading, achieved through 'set back' windows, and balconies set within the façade of the structure, natural ventilation. Together with natural ventilation, high levels of insulation will be included throughout to ensure heat is not absorbed through the fabric of the building resulting in temperatures remaining relatively constant throughout the year, and avoid overheating in the summer months. The intention to provide a green roof covering the entire top roof area, covering some 80sq.m, will promote biodiversity by allowing flora and fauna to populate the roof, and will assist surface

water drainage. The 'Be Lean' improvements will reduce the regulated CO₂ emissions of the proposed dwellings by 9%. The reduction in total CO₂ emissions of the development will be 5.5% (327,814 kWh per annum) from these Be Lean measures.

- 2) 'Be Clean' Further reduce carbon dioxide emissions from CHP connection to provide a new energy baseline: The development originally proposed connection to the Elephant and Castle MUSCo network. Although the specific MUSCo is not being progressed the development of an alternative decentralized energy system (an ESCo) remains a council objective and is being pursued. Consequently plant room space has been provided in the basement to allow for this. The proposal to connect to this system results in a 45% reduction in total CO₂ emissions of the proposed development (the reduction does not represent a reduction in energy demand from the 327,814 kWh but from the overall energy demand). Following connection to the ESCo the development will be able to exceed Code for Sustainable Homes Level 3 energy targets. Given that the ESCo is unlikely to be operational at the time of construction, heat will be provided through natural gas-fired boilers.
 - 3) 'Be Green' Reduce (by 20%) the energy supply baseline through renewables installation: The scheme proposes two 6kW roof mounted wind turbines which the applicant suggests could further reduce emissions by 8.2% of the new baseline post ESCo connection. However, officers are unconvinced that the proposed turbines will provide much benefit in terms of renewable energy. In addition, recent studies into the data used by the applicant have shown the database used can overestimate annual wind speed in urban environments. One possible way of estimating the amount of energy generated by the turbines would be by undertaking some detailed wind modelling of the site and surrounding environment. This would provide insight into the wind climate at the height of the proposed turbines and allow for more accurate calculations of the energy converted. It is therefore recommended that a detailed study be undertaken, utilising data from recent trials (the Ashenden trials) for data input and verification of the wind modelling results. The s106 agreement will stipulate that if the modelling exercise demonstrates that little benefit will be accrued from the installation of the proposed turbines, a payment (equal to the purchase and installation cost of the turbines) should be made in lieu of the installation of the turbines, and this obligation would be put towards 'off site' carbon savings, to ensure an equivalent carbon saving can be made off site.
- 214 The applicant has advised that providing the wind turbines was an attempt to reach the renewable energy targets, and due to the physical constraints of the site there are no other feasible measures that could generate a greater CO₂ reduction from renewable energy. Whilst the development may not reach the full 20% renewables target, it is considered that under the circumstances given what appears to be a substantial CO₂ saving, there is no objection in terms of the approach to energy, and it is considered that the Energy Hierarchy has been followed appropriately, and the proposals have been accepted by the GLA.
- 215 The Southwark Sustainable Design and Construction SPD set a mandatory Code for Sustainable Homes target of Level 3 for all residential units. However the Core Strategy policy 13 'High Environmental Standards' adopted in April 2011 has now set a target that all residential developments should achieve at least Code for Sustainable homes level 4. A preliminary Code for Sustainable Homes assessment was submitted which estimated that the scheme would achieve a Code for Sustainable Homes Level 3. However, further development of the scheme now demonstrates that the proposed residential units will achieve Code level 4 as required by the Core Strategy. The

benefit of the ESCo connection in these calculations has been excluded since the Code for Sustainable Homes certification needs to be performed on completion of the dwellings and this connection would not be available at that stage.

- 216 The scheme as originally submitted was designed to achieve a 'Very Good' rating under the BREEAM Office Pre-Assessment, which was in compliance with sustainability policies of both the London Plan and Southwark Plan at the time of application. However since April 2011 Core Strategy policy 13 sets a target that all non-residential developments (except schools and community facilities) should achieve at least BREEAM "excellent". Again further development of the scheme now demonstrates that the scheme will achieve BREEAM excellent.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1411-91 Application file: 09-AP-1940 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020-7525-5527 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Images

AUDIT TRAIL

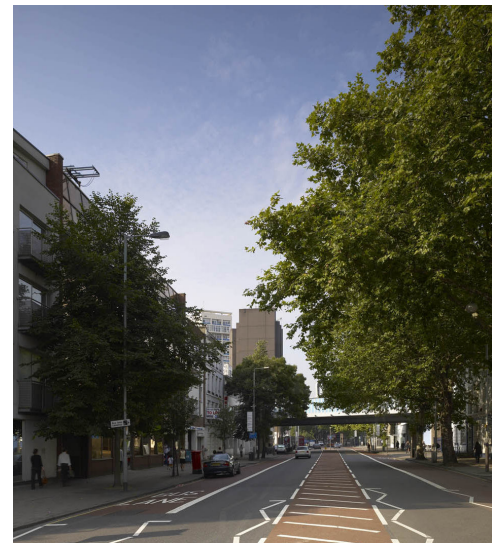
Lead Officer	Gary Rice, Head of Development Management	
Report Author	Brídín O'Connor, Development Management	
Version	Final	
Dated	27 September 2011	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Leisure	No	No
Date final report sent to Constitutional Team	30 September 2011	



Site Location



Existing View north along Newington Causeway



Existing view looking south from the junction of Newington Causeway and Avonmouth Road.



Existing street view of the Site



Verified Photomontage showing Newington Causeway elevation in detail.



Verifiable photomontage of proposal viewed from south

RECOMMENDATION LDD MONITORING FORM REQUIRED

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Neobrand Ltd	Reg. Number	09-AP-1940
Application Type	Full Planning Permission	Case	TP/1411-91
Recommendation	Grant subject to Legal Agreement and GLA	Number	

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Demolition of existing building and erection of a 22 storey mixed use building (max. building height 69.82m AOD) incorporating a 65sq.m cafe/kiosk (Use Class A3) over ground and mezzanine floors, 366sq.m of commercial floorspace (Use Class B1) from ground to second floor level, with 38 residential units above (10x 1 bed, 24x 2 bed and 4x 3 bed), 50 cycle spaces over ground/ mezzanine floors with 6 visitor cycle spaces external to the building, in addition to a basement area containing plant and an energy centre, and two wind turbines sited at rooftop level.

At: 89-93 NEWINGTON CAUSEWAY, LONDON, SE1 6BN

**In accordance with application received on 28/08/2009
and revisions/amendments received on 22/10/2009
12/04/2010**

and Applicant's Drawing Nos. Existing:

340-P/100	Site Location Plan	1:1250
340-P/101	Existing Site Plan	1:200
340-P/102	Existing Elevations and Plans	1:200

Proposed:

340-P/105	Proposed Site Plan	1:500
340-P/010	Basement Plan	1:100
340-P/011	Ground Floor Plan	1:100
340-P/012	Mezzanine Plan	1:100
340-P/013A	First Floor Plan/Office Floor	1:100
340-P/014B	Second Floor Plan/Office Floor	1:100
340-P/015	Residential Floor Plan/Level 03	1:100
340-P/016	Residential Floor Plan/Level 04	1:100
340-P/017	Residential Floor Plan/Level 05	1:100
340-P/018	Residential Floor Plan/Level 06	1:100
340-P/019	Residential Floor Plan/Level 07	1:100
340-P/020	Residential Floor Plan/Level 08	1:100
340-P/021	Residential Floor Plan/Level 09	1:100
340-P/022	Residential Floor Plan/Level 10	1:100
340-P/023	Residential Floor Plan/Level 11	1:100
340-P/024	Residential Floor Plan/Level 12	1:100
340-P/025	Residential Floor Plan/Level 13	1:100
340-P/026	Residential Floor Plan/Level 14	1:100
340-P/027	Residential Floor Plan/Level 15	1:100
340-P/028	Residential Floor Plan/Level 16	1:100
340-P/029	Residential Floor Plan/Level 17	1:100
340-P/030	Residential Floor Plan/Level 18	1:100
340-P/031	Residential Floor Plan/Level 19	1:100
340-P/032	Residential Floor Plan/Level 20	1:100
340-P/033	Roof Plan	1:100

Elevations/ Sections

340-P/106	Proposed Sections/Building uses	1:500
340-P/140	Section AA	1:400
340-P/141	Section BB	1:400
340-P/150	Proposed Elevation/North West	1:400
340-P/151	Proposed Elevation/East	1:400
340-P/152	Proposed Elevation/South West	1:400

340-P/155	Detail Wall Section and Elevation Residential	1:40
340-P/156	Detail Wall Section and Elevation Penthouse	1:40
340-P/157	Detail Wall Section and Elevation	1:100
<u>Detailed/ Lifetime Homes</u>		
340-P/160	Detailed Unit Layout/Type A	1:50
340-P/161	Detailed Unit Layout/Type B [Wheelchair Adaptable]	1:50
340-P/162	Detailed Unit Layout/Type B [Wheelchair Accessible]	1:50
340-P/163	Detailed Unit Layout/Type C	1:50
340-P/164	Detailed Unit Layout/Type E- Lower Floor	1:50
340-P/165	Detailed Unit Layout/Type E- Upper Floor	1:50
340-P/166	Detailed Unit Layout/Type F- Lower Floor	1:50
340-P/167	Detailed Unit Layout/Type F- Upper Floor	1:50
340-P/168	Detailed Unit Layout/Type K	1:50
340-P/169	Detailed Unit Layout/Type L	1:50
340-P/170	Detailed Unit Layout/Type N	1:50
340-P/171	Detailed Unit Layout/Type P Lower Floor	1:50
340-P/172	Detailed Unit Layout/Type P Upper Floor	1:50
340-P/173	Detailed Unit Layout/Type Q Lower Floor	1:50
340-P/174	Detailed Unit Layout/Type Q Upper Floor	1:50
<u>External Works</u>		
340-P/180	Proposed External Works	1:100

Reasons for granting planning permission

This planning application was considered with regard to various policies including, but not exclusively:

a] Core Strategy

Strategic Policy 1	Sustainable Development.
Strategic Policy 2	Sustainable Transport.
Strategic Policy 5	Providing new homes.
Strategic Policy 6	Homes for people on different incomes
Strategic Policy 7	Family homes.
Strategic Policy 10	Jobs and Businesses.
Strategic Policy 12	Design and Conservation.
Strategic Policy 13	High Environmental Standards.
Strategic Policy 14	Implementation and delivery

b] Southwark Plan (2007) Saved policies

Policy 1.1 ("Access to Employment Opportunities") advises that for all developments creating over 1000sq.m new or improved floorspace, the LPA will seek to enter into planning obligations in relation to training, employment opportunities, childcare, and facilities for those with disabilities.

Policy 1.4 ("Employment Sites outside Preferred Office and Industrial Locations") advises that for all developments located outside POLs and PILs which have an established B Class Use, subject to certain criteria, development will be permitted provided there is no net loss of floorspace in Class B, subject to a number of exceptions.

Policy 1.7 ("Development within Town and Local Centres") states that most new developments for retail and other town centre uses should be accommodated within the existing town centres.

Policy 2.5 ("Planning Obligations") seeks to ensure that any adverse effect arising from a development is taken into account and mitigated, and contributions towards infrastructure and the environment to support the development are secured, where relevant, in accordance with Circular 05/2005 and other relevant guidance.

Policy 3.1 ("Environmental effects") seeks to ensure there will be no material adverse effect on the environment and quality of life resulting from new development.

Policy 3.2 ("Protection of amenity") protects against the loss of amenity, including disturbance from noise, to present and future occupiers on or in the vicinity of the application site.

Policy 3.3 ("Sustainability assessment") requires major applications to be supported by a sustainability assessment

Policy 3.4 ("Energy Efficiency") states that development should be designed to maximise energy efficiency

Policy 3.5 ("Renewable Energy") states that development should draw on at least 10% of the energy requirements from on-site renewable energy production equipment or renewable energy sources.

Policy 3.6 ("Air Quality") states the permission will not be granted for development that would lead to a reduction in air quality.

Policy 3.11 ("Efficient use of land") states that all developments should ensure that they maximise the efficient use of land

Policy 3.12 ("Quality in design") requires new development to achieve a high quality of architectural and urban design.

Policy 3.13 ("Urban design") seeks to ensure that principles of good urban design are taken into account in all developments.

Policy 4.1 ("Density of residential development") provides density ranges for different zones within the borough

Policy 4.4 ("Affordable Housing") seeks to secure affordable housing as part of private development

Policy 5.1 ("Locating developments") states that major developments generating a significant number of trips should be located near transport nodes.

Policy 5.2 ("Transport Impacts") states that permission will not be granted for development which has an adverse impact on transport networks through significant increases in traffic or pollution and consideration has been given to impacts on the Transport for London road network as well as adequate provision for servicing, circulation and access to and from the site.

Policy 5.6 ("Car parking") requires all developments requiring car parking to minimise the number of spaces provided

Policy 5.7 ("Parking Standards for Disabled People")

c] The London Plan 2011:

3.3 Increasing housing supply, Policy 3.4 Optimising housing potential, Policy 3.5 Quality and design of housing developments, Policy 3.6 Children and young people's play and informal recreation facilities, Policy 3.7 Large residential developments, Policy 3.8 Housing choice, Policy 3.10 Mixed and balanced communities, Policy 3.11 Definition of affordable housing, Policy 3.12 Affordable housing targets, Policy 3.13 Negotiating affordable housing on individual private residential and mixed use schemes, Policy 3.14 Affordable housing thresholds, Policy 4.1 Developing London's economy, Policy 4.2 Offices, Policy 4.3 Mixed use development and offices, Policy 4.12 Improving opportunities for all, Policy 5.1 Climate change mitigation, Policy 5.2 Minimising carbon dioxide emissions, Policy 5.3 Sustainable design and construction, Policy 5.6 Decentralised energy in development proposals, Policy 5.7 Renewable energy, Policy 5.9 Overheating and cooling, Policy 5.10 Urban greening, Policy 5.11 Green roofs and development site environs, Policy 5.12 Flood risk management, Policy 5.13 Sustainable drainage, Policy 5.21 Contaminated land, Policy 6.3 Assessing transport capacity, Policy 6.9 Cycling, Policy 6.10 Walking, Policy 6.13 Parking, Policy 7.1 Building London's neighbourhoods and communities, Policy 7.2 An inclusive environment, Policy 7.3 Secured by design, Policy 7.4 Local character, Policy 7.5 Public realm, Policy 7.6 Architecture, Policy 7.7 Location and design of tall and large buildings, Policy 7.8 Heritage assets and archaeology, Policy 7.11 London View Management Framework, Policy 7.12 Implementing the London View Management Framework, Policy 7.13 Safety, security and resilience to emergency, Policy 7.14 Improving air quality, Policy 7.15 Reducing noise and enhancing soundscapes, Policy 8.2 Planning obligations, Policy 8.3 Community infrastructure levy.

d] Planning Policy Statements

PPS 1: Planning for Sustainable Communities; PPG 13: Transport; PPG 16: Archaeology; PPS 22: Renewable Energy; PPG 23: Planning and Pollution Control; PPG 24: Planning and Noise; PPS 25: Development and Flood Risk; Design and Access Statements SPD (2007); Section 106 Planning Obligations SPD (2007); Residential Design Standards SPD 2008; Sustainable Design and Construction SPD 2009 and draft National Planning Policy Framework July 2011

- Particular regard was had to the principle of the proposed uses which were considered to be acceptable, and which will make an important contribution to the regeneration of the Elephant and Castle Opportunity Area, in particular the Enterprise Quarter. The development would contribute towards meeting the Council's housing targets and affordable

housing targets.

- It is considered that the new building has been designed in a sensitive and sympathetic manner that integrates with the surrounding area, subject to conditions of consent in particular in relation to materials and detailing. The development is not considered to harm the amenities of surrounding residents, including but not limited to considerations of sunlight and daylight, outlook and privacy, and noise and disturbance.
- The scheme is considered to represent a balanced and sustainable mix of accommodation, at an appropriate density given its local in relation to public transport. The proposed affordable housing is considered to contribute to the range of homes sought by the relevant policies and the lack of rented accommodation, given the constraints of the site is considered acceptable..
- The height of the proposed building is considered appropriate in the context of the Elephant and Castle and the aspirations expressed in the London Plan and Core Strategy for this regeneration area. The quality of accommodation is considered to be of a high standard.
- The impact on strategic views has been taken into account together with the setting of nearby conservation areas and listed buildings and it is considered that the views and settings would be respected appropriately and there will be no adverse impact on the character and appearance of the conservation area.
- The potential impact on the amenities of future occupiers in respect of any noise emanating from the Ministry of Sound has been considered in detail including the potential for sealed windows and the internal noise environment is considered to be of an acceptable standard (without the need for sealed windows) subject to conditions.
- The potential noise sources associated with the Ministry of Sound have been carefully considered and whilst there is the possibility that nuisance claims may arise if windows are left open, it is considered that there may be difficulty in successfully establishing such a nuisance. Any potential impact on the operation of the Ministry of Sound having regard to human rights due to potential noise complaints has been addressed and it is considered that the combined factors of distance, glazing, alternative ventilation, building fabric and the intervening Newington Causeway will act to ensure no prejudice to the continued operation of the nightclub although there is the possibility that there may be financial implications for the club.
- The impact in relation to flood risk has been satisfactorily addressed subject to condition
- The proposal is considered to provide for sustainable development through the appropriate consideration of measures such as energy efficiency, waste management, inclusive design, green roof, local employment and training opportunities and including other measures which will be secured through conditions of consent and planning obligations.
- Transport and highways impacts of the scheme are considered to be acceptable particularly as the scheme is car free and the restriction on future occupiers from obtaining parking permits.
- Effects of the scheme on the surroundings of the site and public realm have been addressed satisfactorily, subject to conditions of consent relating to submission and implementation of a landscape plan.
- Planning obligations are secured to offset the impact of the development in accordance with the Supplementary Planning Document on Planning Obligations.
- Other policies have been considered, but in this instance were not considered to have such weight as to justify a refusal of permission. It is considered that the benefits of the development, in terms of the contribution it makes towards the delivery of housing, the regeneration of the Elephant & Castle area and the positive contribution made to the public realm in terms of urban design, outweigh the potential impact on the operation of the Ministry of Sound. On balance it was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following condition:

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

- 2 Sample-boards of all facing materials to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority before any work in connection with this permission is carried out; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as to the quality of the design, details and materials in order to ensure that the external appearance of the building is satisfactory and that it contributes positively to the character and appearance of the area; in accordance with Core Strategy policy 12 'Design and Conservation' and Saved Policies: 3.11 Efficient use of land; 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan July 2007.

- 3 Section detail-drawings at scale 1:5 through all typical external elements/details of the facades to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning

Authority before any work in connection with this permission is carried out; the development shall not be carried out otherwise than in accordance with any such approval given. This should include all openings, edges, corners, junctions, cappings and balustrades.

Reason:

In order that the Local Planning Authority may be satisfied as to the quality of the design, details and materials in order to ensure that the external appearance of the building is satisfactory and that it contributes positively to the character and appearance of the area; in accordance with Core Strategy policy 12 'Design and Conservation' and Saved Policies: 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan July 2007.

- 4 1:50 detail elevations of the commercial frontage and ground-level plan showing finishes/landscaping to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority before any work in connection with this permission is carried out; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as to the quality of the design, details and materials in order to ensure that the external appearance of the building is contributing positively to the streetscape and public realm; in accordance with Core Strategy policy 12 'Design and Conservation' and Saved Policies: 3.11 Efficient use of land; 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (UDP) July 2007.

- 5 Detailed drawings (1:50, 1:10 and 1:5 scale drawings) of a hard and soft landscaping scheme (plus material samples of the hard landscaping) showing the treatment of all parts of the site not covered by buildings (layouts, materials and edge details) shall be submitted to and approved in writing by the Local Planning Authority before any work in connection with the landscaping is commenced and the planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of building works and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In order that the Local Planning Authority may be satisfied as to the quality of the design, details and materials in order to ensure that the external appearance of the building is satisfactory and that it contributes positively to the character and appearance of the area; in accordance with Core Strategy policy 12 'Design and Conservation' and Saved Policies: 3.11 Efficient use of land; 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan July 2007.

- 6 Details of landscaping of all roof terraces plus details of the green/brown roof (including a specification and maintenance plan) to be provided as part of the development shall be submitted to and approved in writing by the Local Planning Authority before any work in connection with the terraces is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, in compliance with Core Strategy policy 12 'Design and Conservation' and Saved Policies 3.12 Quality in Design; 3.13 Urban Design, 3.28 Biodiversity of The Southwark Plan July 2007.

- 7 The development shall not commence until details of an Environmental Management Plan has been submitted to, and approved in writing by the Local Planning Authority for that part of the development. The Management Plan and Code of Practice shall oblige the applicant, or developer and its contractor to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and plant emissions emanating from the site and will include the following information for agreement:

- A detailed specification of demolition and construction works at each phase of development including consideration of environmental impacts and the required remedial measures.
- The specification shall include details of the method of demolition and piling.
- Engineering measures, acoustic screening and the provision of sound insulation required mitigating or eliminating specific environmental impacts.
- Arrangements for publicity and promotion of the scheme during construction.
- A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme registration.
- A Delivery and Servicing Plan (all construction access routes and access details also need to be approved

by TfL).

All demolition and construction work shall be undertaken in strict accordance with the approved management scheme and codes of practice, unless otherwise agreed in writing by the Local Planning Authority (in conjunction with TfL).

Reason

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance in accordance with Core Strategy policy 13 'High Environmental Standards' and Saved Policies 3.1 'Environmental Effects' and 3.2 'Protection of Amenity' of The Southwark Plan 2007.

8 No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remediation strategy, together with a timetable of works being submitted to the Local Planning Authority for approval in writing:

- The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be submitted for approval to the Local Planning Authority prior to investigations commencing on site.
- A site investigation report detailing all investigative works and sampling on site with results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.
- Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not been previously identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority
- Upon completion of the works, this condition shall not be discharged until a validation report has been submitted to and approved by the Local Planning Authority. The validation report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full, in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy policy 13 'High Environmental Standards' and Saved Policy 3.1 Environmental effects of the adopted Southwark Plan 2007 and PPS 23.

9 All residential premises shall be designed to attain the following internal noise levels are not exceeded as a result of environmental noise sources:

Bedrooms- 30dB LAeq,T* and 45dB LAfmax

Living rooms- 30dB LAeq, T*

A test shall be carried out after completion but prior to occupation to show that the criteria above have been met and the results submitted to the Local Planning Authority for approval.

*T- Night-time 8 hours between 23:00-07:00 and daytime 16 hours between 07:00-23:00.

Reason:

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Core Strategy policy 13 'High Environmental Standards' and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and PPG 24: Planning and Noise.

10 All residential premises shall be designed to ensure that the following internal noise levels are not exceeded as a result of entertainment noise sources (from the Ministry of Sound) with windows closed:

Frequency (Hz)	31.5	63	125	250	500	1000	2000	4000	8000	'A'
Level (dB)	60	47	38	26	19	15	12	9	7	27

Reason: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise from the Ministry of Sound in accordance with Core Strategy policy 13 'High Environmental Standards' and Saved Policy 3.2 Protection of Amenity of the Southwark Plan 2007 and PPG 24: Planning and Noise.

- 11 The proposed alternative means of ventilation shall be provided and thereafter retained in accordance with the submitted details and plans and the building shall not be occupied without this ventilation system being fully operational and available to future residents.

Reason: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with Core Strategy policy 13 'High Environmental Standards' and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and PPG 24: Planning and Noise.

- 12 Dwelling houses, flats and rooms for residential purposes sharing a party element with commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound. The sound insulation of the party element shall be sufficient to ensure that NR25 (Leq, 5min) is not exceeded in residential premises due to noise from the commercial premises. Any scheme approved is to be completed prior to the commencement of the use hereby permitted and shall be permanently maintained thereafter.

A test shall be carried out after completion but prior to occupation to show the criterion above have been met and the results submitted to the Local Planning Authority for approval.

Reason:

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises in accordance with Core Strategy policy 13 'High Environmental Standards' and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 13 Residential developments must be designed to ensure the following Vibration Dose Values are not exceeded due to road, rail or industry, BS6472-1: 2008 Evaluation of human exposure to vibration in buildings (1Hz to 80 Hz): Residential Buildings 16hr day- 0.2 to 0.4 $\text{ms}^{-1.75}$ and 8hr night- 0.1-0.2 $\text{ms}^{-1.75}$.

A test shall be carried out after completion but prior to occupation to show the criterion above have been met and the results submitted to the Local Planning Authority for approval.

Reason:

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess vibration from transportation sources in accordance with Core Strategy policy 13 'High Environmental Standards' and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and PPG 24: Planning and Noise.

- 14 The rated noise level from any plant, together with any associated ducting, shall be 10 dB(A) or more below the measured L_{A90} level at the nearest noise sensitive premises. The method of assessment shall be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The equipment shall be installed and constructed in accordance with any approved scheme and be permanently maintained thereafter.

Within one month of the installation of the plant and equipment, you are required to submit a further noise report confirming previous details and subsequent measurement data of the installed plant to demonstrate compliance with the above requirements. The supplementary acoustic report must include:

- i) A schedule of all plant and equipment installed;
- ii) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- iii) Manufacturer specifications of sound emissions in octave or third octave detail;

- iv) The location of all most affected noise sensitive receptor locations and the most affected windows;
- v) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- vi) The lowest existing $L_{A90, T}$ measurement as already established.
- vii) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning condition.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from plant and machinery in accordance with Core Strategy policy 13 'High Environmental Standards' and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and PPG24- Planning and Noise.

- 15 The noise level from any plant (e.g. refrigeration, air conditioning), together with any associated ducting, shall be 10(A) dB or more below the lowest measured external ambient L_{Aeq, T^*} on areas of public realm. The equipment shall be installed and constructed in accordance with any approved scheme and be permanently maintained thereafter.

Within one month of the installation of the plant and equipment, you are required to submit a further noise report confirming previous details and subsequent measurement data of the installed plant to demonstrate compliance with the above requirements. The supplementary acoustic report must include:

- i) A schedule of all plant and equipment installed;
- ii) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- iii) Manufacturer specifications of sound emissions in octave or third octave detail;
- iv) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- v) The lowest existing $L_{Aeq, T}$ measurement as already established.
- vi) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning condition.

Reason:

To ensure that users of the surrounding area not suffer a loss of amenity by reason of noise nuisance and other excess noise from plant and that the operation of plant does not add by cumulative effect to the existing sound environment in accordance with Core Strategy policy 13 'High Environmental Standards' and Saved Policy 3.1 'Environmental Effects' of the Southwark Plan 2007.

* $L_{Aeq, T}$. $T = 1$ hr between 07:00 and 23:00 and 5min between 23:00 and 07:00.

- 16 Prior to the commencement of use for any commercial kitchen exhaust system, a scheme shall be submitted to the local planning authority detailing a method to control odour from the kitchen exhaust system. Any scheme approved shall be implemented and maintained thereafter.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of odour nuisance in accordance with Core Strategy policy 13 'High Environmental Standards' and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 17 Prior to the commencement of building works on site, a report detailing steps to minimise the development's future occupiers' exposure to air pollution shall be submitted to and approved by the Local Planning Authority. The scheme shall mitigate the effects of NO_2 and PM_{10} through filtration to a height of no less than 40m for residential premises and include a management scheme for the maintenance of the filtration system thereafter. Any scheme approved is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reason:

To ensure that end users of the premises do not suffer a loss of amenity by reason of pollution in accordance with Core Strategy policy 13 'High Environmental Standards' and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and PPG23- Planning and Pollution Control

- 18 (a) Before any work in connection with this permission is carried out above grade, the applicant shall provide to the Local Planning Authority for approval in writing an independently verified Code for Sustainable Homes interim certification that identifies the minimum Code Level rating expected to be achieved prior to connection to the MUSCo, including an estimated Code Level rating following the connection to MUSCo.

- (b) The approved scheme shall then be provided in accordance with these details and a Code for Sustainable Homes final certification (or other verification process agreed with the Local Planning Authority) shall be submitted to, for approval in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met, prior to the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.
- (c) Immediately following connection to the MUSCo, a revised Code for Sustainable Homes final certification (or other verification process agreed with the Local Planning Authority) shall be submitted to, for approval in writing by the Local Planning Authority, confirming that a minimum Code Level 4 has been achieved.

Following approval of (a)-(c) above, the condition can be considered to be fully discharged.

Reason:

To ensure the proposal complies with Core Strategy policy 13 'High Environmental Standards' and Saved Policy 3.4 of the Southwark Plan 2007.

- 19 (a) Prior to the commencement of fit out works to the commercial premises, the applicant shall provide to the Local Planning Authority for approval in writing an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve a minimum "Excellent" rating.
- (b) The approved scheme shall then be provided in accordance with these details and a certified Post Construction Review (or other verification process agreed with the local planning authority) shall be submitted for approval in writing by the Local Planning Authority, confirming that the agreed standards have been met prior to the occupation of these premises.

Reason:

To ensure the proposal complies with Core Strategy policy 13 'High Environmental Standards' and Saved Policy 3.4 of the Southwark Plan (2007).

- 20 Details of the Façade Cleaning and Maintenance Strategy shall be submitted to for approval in writing by the Local Planning Authority before work on the façade is begun.

Reason:

To ensure that the external appearance of the building is satisfactory and that it contributes to the character and appearance of the area, in accordance with Core Strategy policy 12 'Design and Conservation' and Saved Policies 3.12 and 3.13 of the Southwark Plan.

- 21 Before the use hereby permitted commences a Travel Plan (in compliance with TfL's travel plan guidance) shall be submitted for approval in writing to the Local Planning Authority setting out the proposed measures to be taken to encourage the use of modes of transport other than the car by all users of the building, including staff and visitors, and shall include at the start of the second year of operation a detailed survey showing the methods of transport used by all those users of the building to and from the site and how this compares with the proposed measures and any additional measures to be taken to encourage the use of public transport, walking and cycling to the site.

Reason:

In order that the use of non-car based travel is encouraged in accordance with London Plan policy 3C.2, Core Strategy policy 2 'Sustainable Transport' and Saved policies 5.2 and 5.3 of the Southwark Plan (2007).

- 22 The wheelchair accessible units hereby approved shall be constructed and fitted out to the South East London Wheelchair Design Guide.

Reason:

To ensure the wheelchair units approved are delivered to the relevant standard in accordance with saved policies 3.12, 3.13 and 4.4 of the Southwark Plan (2007) and Saved Policy 3.8 of the London Plan (2011).

- 23 No waste receptacles are to be left on the public highway.

Reason

In order that the Council may be satisfied that suitable facilities for the storage of refuse will be provided and retained in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Core Strategy policy 13 'High Environmental Standards' and Saved Policy 3.2 of the Southwark Plan.

- 24 Any deliveries, unloading and loading to the commercial units shall only be between the following hours: Monday to Saturday - 08:00 - 20:00, Sundays/ Bank Holidays - not at all.

Reason

To ensure that and occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with Core Strategy policy 13 'High Environmental Standards' and Saved Policy 3.2 of the Southwark Plan.

- 25 A Service Management Plan detailing how all elements of the site are to be serviced shall be submitted to and approved by the Local Planning Authority prior to work commencing on the site.

Reason:

To ensure compliance with Core Strategy policy 2 'Sustainable Transport' and Saved policy 5.2 of the Southwark Plan 2007.

- 26 The refuse storage arrangements shown on the approved drawings shall be provided and made available for use by the occupiers of the proposed development prior to occupation and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Local Planning Authority.

Reason

In order that the Council may be satisfied that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Core Strategy policy 13 'High Environmental Standards' and Saved Policy 3.2 of the Southwark Plan 2007.

- 27 Details (detailed scale drawings at 1:50) of the facilities to be provided for the secure storage of cycles for commercial and residential occupiers shall be submitted to for approval in writing by the Local Planning Authority before the development hereby approved is commenced and the premises shall not be occupied until any such facilities as may have been approved have been provided. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose without the prior written consent of the local planning authority, to whom an application must be made.

Reason:

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with Core Strategy policy 2 'Sustainable Transport' and Saved Policy 5.3 of The Southwark Plan.

- 28 Details of showering facilities to be provided for all commercial units over 250sq.m shall be submitted to for approval by the Local Planning Authority and any such facilities as may have been approved shall be provided, prior to first occupation of the commercial units. Thereafter the shower facilities shall be retained and the space used for no other purpose without the prior written consent of the Local Planning Authority, to whom an application must be made.

Reason

In order to ensure that satisfactory facilities are provided and retained in order to encourage the use of non-car based travel in accordance with Core Strategy policy 2 'Sustainable Transport' and Saved Policies 5.2 and 5.3 of the Southwark Plan 2007.

- 29 The window glazing of any non-residential ground floor unit to any public space shall not be painted or otherwise obscured and shall permanently retained and maintained to the satisfaction of the local planning authority.

Reason:

To safeguard the appearance and character of the development and to maintain vitality at ground floor level within the public square in accordance with Core Strategy policy 12 'Design and Conservation' and Saved Policy 3.12 Quality in Design of the Southwark Plan 2007.

- 30 Notwithstanding the provisions of Parts 24 and 25 The Town & Country Planning [General Permitted Development] Order 1995 [as amended or re-enacted] no external telecommunications equipment or structures shall be placed on the roof or any other part of a building hereby permitted without the prior written consent of the Local Planning Authority.

Reason

In order to ensure that no telecommunications plant or equipment which might be detrimental to the design and appearance of the building and visual amenity of the area is installed on the roof of the building in accordance with Core Strategy policy 12 'Design and Conservation' and Saved Policies 3.13 (Urban Design) of the Southwark Plan (2007).

- 31 Details of a communal satellite system to be placed on the top of each of the buildings to serve all residents in that building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason:

To restrict the installation of satellite dishes to the elevations of the buildings to ensure that the elevations remain free from unsightly satellite dishes in accordance with Core Strategy policy 12 'Design and Conservation' and Saved policy 3.2 (Protection of Amenity) of the Southwark Plan (2007).

- 32 Details of any external lighting [including design, power and position of luminaires] and security surveillance equipment of external areas surrounding the building shall be submitted to (2 copies) and approved by the Local Planning Authority before any such lighting or security equipment is installed and the development shall thereafter not be carried out otherwise than in accordance with any approval given.

Reason:

In order that the Council may be satisfied as to the details of the development in the interest of the visual amenity of the area, the safety and security of persons using the area and the amenity and privacy of adjoining occupiers in accordance with Core Strategy policy 12 'Design and Conservation' and Saved Policies 3.2 (Protection of Amenity) and 3.14 (Designing out Crime) of the Southwark Plan (2007).

- 33 The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site in the development. Details of security measures shall be submitted and approved by the Local Planning Authority before any work in connection with this permission is carried out above grade and any security measures shall be implemented prior to occupation in compliance with this condition and shall seek to achieve the 'Secured by Design' accreditation award from the Metropolitan Police.

Reason

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention in accordance with Core Strategy policy 12 'Design and Conservation' and Saved Policies 3.2 (Protection of Amenity) and 3.14 (Designing out Crime) of the Southwark Plan (2007).

- 34 The development permitted by this planning permission shall only be carried out in accordance with the following mitigation measures described in the Flood Risk Assessment (Ref. FRA1175/FA001 Final v1.0):

- 1.All residential accommodations should be set on the third floor and above, with only less vulnerable uses permitted at lower levels.
- 2.Flood resilient materials should be incorporated into the design and construction of the basement and ground floor levels.

Reason:

To ensure the development is designed safely in order to mitigate and protect against residual flood risk and to prevent the increased risk of flooding and to improve water quality, in accordance with Core Strategy policy 13 'High Environmental Standards' and Planning Policy Statement 25 - Development and Flood Risk.

- 35 All residents within the development shall have access to the proposed communal amenity areas.

Reason:

To ensure all tenures have equal access to the communal amenity space in accordance with Core Strategy policies 5 'Providing New Homes' and 12 'Design and Conservation' and Saved Policies 3.2 and 4.2 of the Southwark Plan 2007.

- 36 No development shall take place within the proposed development site until the applicant, or their agents or their successors in title, has secured the implementation of a programme of archaeological evaluation works in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing.

Reason:

To ensure that the archaeological operations (programme of archaeological evaluation works) are undertaken to an appropriate standard, that the archaeological interests of the site are appropriately managed, that any findings are appropriately disseminated, that any recovered artefacts are conserved and that the information is archived in accordance with Core Strategy policy 12 'Design and Conservation' and Saved policy 3.19 of the Southwark Plan (2007).

- 37 No development shall take place within the proposed development site until the applicant, or their agents or their successors in title, has secured the implementation of a programme of archaeological mitigation works in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing.

Reason:

To ensure that the archaeological operations (programme of archaeological mitigation works) are undertaken to an appropriate standard, that the archaeological interests of the site are appropriately managed, that any findings are appropriately disseminated, that any recovered artefacts are conserved and that the information is archived in accordance with Core Strategy policy 12 'Design and Conservation' and Saved policy 3.19 of the Southwark Plan (2007).

- 38 Within six months of the completion of archaeological site works the applicants will supply an assessment report detailing the proposals for post-excavation works, publication of the site and preparation of the archive and this document has been submitted to the planning authority and approved in writing and that the works detailed in this assessment report shall not be carried out otherwise than in accordance with any such approval given.

Reason:

To ensure that any findings are appropriately disseminated, that any recovered artefacts are conserved and that the information is archived and the project is published in a suitable way in accordance with Core Strategy policy 12 'Design and Conservation' and Saved policy 3.19 of the Southwark Plan (July 2007). This will be demonstrated by the production of a document following the guidance of Management of Archaeological Projects II (MAP II assessment report).

- 39 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

Proposed:

340-P/105	Proposed Site Plan	1:500
340-P/010	Basement Plan	1:100
340-P/011	Ground Floor Plan	1:100
340-P/012	Mezzanine Plan	1:100
340-P/013A	First Floor Plan/Office Floor	1:100
340-P/014A	Second Floor Plan/Office Floor	1:100
340-P/015	Residential Floor Plan/Level 03	1:100
340-P/016	Residential Floor Plan/Level 04	1:100
340-P/017	Residential Floor Plan/Level 05	1:100
340-P/018	Residential Floor Plan/Level 06	1:100
340-P/019	Residential Floor Plan/Level 07	1:100
340-P/020	Residential Floor Plan/Level 08	1:100
340-P/021	Residential Floor Plan/Level 09	1:100
340-P/022	Residential Floor Plan/Level 10	1:100
340-P/023	Residential Floor Plan/Level 11	1:100
340-P/024	Residential Floor Plan/Level 12	1:100
340-P/025	Residential Floor Plan/Level 13	1:100
340-P/026	Residential Floor Plan/Level 14	1:100
340-P/027	Residential Floor Plan/Level 15	1:100
340-P/028	Residential Floor Plan/Level 16	1:100
340-P/029	Residential Floor Plan/Level 17	1:100
340-P/030	Residential Floor Plan/Level 18	1:100
340-P/031	Residential Floor Plan/Level 19	1:100
340-P/032	Residential Floor Plan/Level 20	1:100
340-P/033	Roof Plan	1:100

Elevations/ Sections

340-P/106	Proposed Sections/Building uses	1:500
340-P/140	Section AA	1:400
340-P/141	Section BB	1:400
340-P/150	Proposed Elevation/North West	1:400
340-P/151	Proposed Elevation/East	1:400
340-P/152	Proposed Elevation/South West	1:400
340-P/155	Detail Wall Section and Elevation Residential	1:40
340-P/156	Detail Wall Section and Elevation Penthouse	1:40
340-P/157	Detail Wall Section and Elevation	1:100

Detailed/ Lifetime Homes

340-P/160	Detailed Unit Layout/Type A	1:50
340-P/161	Detailed Unit Layout/Type B [Wheelchair Adaptable]	1:50
340-P/162	Detailed Unit Layout/Type B [Wheelchair Accessible]	1:50
340-P/163	Detailed Unit Layout/Type C	1:50
340-P/164	Detailed Unit Layout/Type E- Lower Floor	1:50
340-P/165	Detailed Unit Layout/Type E- Upper Floor	1:50
340-P/166	Detailed Unit Layout/Type F- Lower Floor	1:50
340-P/167	Detailed Unit Layout/Type F- Upper Floor	1:50
340-P/168	Detailed Unit Layout/Type K	1:50
340-P/169	Detailed Unit Layout/Type L	1:50
340-P/170	Detailed Unit Layout/Type N	1:50
340-P/171	Detailed Unit Layout/Type P Lower Floor	1:50
340-P/172	Detailed Unit Layout/Type P Upper Floor	1:50
340-P/173	Detailed Unit Layout/Type Q Lower Floor	1:50
340-P/174	Detailed Unit Layout/Type Q Upper Floor	1:50

External Works

340-P/180	Proposed External Works	1:100
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Reason

For the avoidance of doubt and in the interests of proper planning.

Informatives

- 1 At least 6 months before the occupation of the new buildings or units of accommodation hereby permitted you are advised that you must obtain the Council's approval for the numbering and naming of buildings and the naming of any new streets created by the development.
- 2 The planning permission granted includes alterations and amendments to areas of public highway which will need to be funded by the developer. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. You are advised to contact the Principal Engineer, Infrastructure Group (020 7525 5509), and Environment and Housing, Public Realm (chris.johnson@southwark.gov.uk/ 020 75252 2063) at least 4 months prior to any works commencing on the public highway.
- 3 You are advised that under Section 80 of the Building Act 1984 you are required to give the Council a minimum of 6 weeks notice of your intention to carry out any works of demolition of the whole or part of a building. You should submit your notice of intended demolition to the Council's *Building Control Service*. For further advice on submitting your notice and details of the few exemptions that apply please contact the Building Control Service by telephone on 020 7525 5500 or email at building.control@southwark.gov.uk.
- 4 The details and/or samples required by the Condition(s) above must be accompanied by a letter stating:
 1. the LBS Reference Number which appears at the top of this decision notice;
 2. the full address of the application site;
 3. which condition(s) you seek to discharge; and
 4. a list of all drawing numbers/ sample name and manufacturer, together with the condition(s) they relate to.
 All samples submitted must be clearly labelled with the LBS Reference Number of the original application and the address of the application site.

Please note that the approval of details are subject to the same eight week timeframe as a full planning permission.

- 5 You are reminded that the use hereby permitted falls within Class B1 of the Town and Country Planning (Use Classes) Order 1987 which is restricted to office, research and development, or light industrial activities (other than professional or financial services) that can be carried out without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- 6 During demolition and construction on site:
 - The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site;
 - The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 0800 – 1800 Mondays-Fridays, 0800 -1300 Saturdays and at no time on Sundays or Bank Holidays unless

otherwise agreed in writing by the Local Planning Authority;

- Vehicular access to adjoining and opposite premises shall not be impeded;
- All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only;
- No waste or other material shall be burnt on application site;
- A barrier shall be constructed around the site, to be erected prior to demolition;
- A suitable and sufficient means of suppressing dust must be provided and maintained.

7 The Archaeology Officer can, on request, provide an archaeological brief detailing the methodology of the archaeological programme and can also provide information on concerning archaeological organisations who work frequently within the Borough and who may be able to carry out the works.

8 Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

i.) Duty of Care Regulations 1991

ii.) Hazardous Waste (England and Wales) Regulations 2005

iii.) Environmental Permitting (England & Wales) Regulations 2007

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

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OPEN

MUNICIPAL YEAR 2011/12

COMMITTEE: PLANNING COMMITTEE

NOTE: Original held in Constitutional Team; all amendments/queries to Kenny Uzodike, Constitutional Team,
Tel: 020 7525 7236.

OPEN

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