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<b>Item No.</b>	<b>Classification:</b>	<b>Date:</b>	<b>Meeting Name:</b>
7.1	OPEN	29 March 2023	Planning Committee
<b>Report title:</b>	<b>Development Management planning application:</b> Application 21/AP/2838 for: Full Planning Permission  <b>Address:</b> 21 St George's Road, London, Southwark  <b>Proposal:</b> Redevelopment of the site to include demolition of the existing building and the construction of a new 15-storey building with rooftop plant, containing a hotel, office, retail and restaurant space, together with public realm improvements and other associated works.		
<b>Ward(s) or groups affected:</b>	St Georges		
<b>From:</b>	Director of Planning and Growth		
<b>Application Start Date</b> 09.08.2021		<b>Application Expiry Date</b> 08.11.2021	
<b>Earliest Decision Date</b> 17.05.2022		<b>Extension of Time End Date</b> 29.09.2023	

## RECOMMENDATION

1.
  - a) That full planning permission be granted for 21/AP/2838, subject to conditions, referral to the Mayor of London and the applicant entering into a satisfactory legal agreement.
  - b) That in the event that the legal agreement is not been entered into by 29th September 2023 the Director of Planning and Growth be authorised to refuse planning permission for 21/AP/2838, if appropriate, for the reasons set out in paragraph 435 of this report.

## EXECUTIVE SUMMARY

2. Located in Elephant and Castle and occupying a prominent position on the southern side of St George's Road, the application site is in the Major Town Centre, the Central Activities Zone and an Opportunity Area. It comprises a pair of side-by-side three-storey buildings, one dating from the 1930's and the other from the 1950's, which have been internally connected to provide commercial premises. The application site is located adjacent to the Elliott's Row Conservation Area, while approximately 100 metres to the west of the application site is the West Square Conservation Area. The site is in the safeguarded area of the potential future Bakerloo Line Extension promoted by Transport for London.

3. The proposal is for the mixed-use redevelopment of the site comprising a single building, partly of three storeys and partly of fifteen, with a further two storeys of accommodation at basement level. Standing 50.29 metres above ground level at its maximum point, the building would contain an 89-bedroom hotel, office floorspace, a restaurant/café and an affordable micro retail unit. 10% of the office floorspace would be secured at affordable rates, and the meeting rooms within the office would be available outside normal working hours for free-of-charge use by the community. Extended public realm is proposed along St George's Road and Oswin Street, in addition to highway and footway improvement works within the vicinity of the site.



*Image 01: Visualisation of the development in the current-day context, as seen looking eastwards along St George's Road*

4. 239 members of the public have commented on the application, submitting a total of 253 representations. Of the 239 respondents, 230 objected, three made a neutral comment and 6 expressed support for the proposals. The main material planning considerations raised by the objections were:
  - hotel not needed;
  - excessive height;
  - poor quality design;
  - harm to Conservation Area(s);
  - overlooking (of surrounding properties and the pocket park);
  - daylight/ sunlight loss;
  - noise disturbance;
  - wind impact;
  - negative impact on the pocket park;
  - increased traffic, especially along nearby residential side streets; and

- poor developer consultation and unwillingness to amend the scheme in response to objections raised.
5. The mix of uses is considered acceptable taking into account the existing use of the site and having regard to the CAZ, opportunity area and town centre designations. The proposed office floorspace would exceed the existing quantum and be of a superior quality, and the current number of hotel bedrooms within Elephant and Castle is not such that this proposal would result in an overconcentration of visitor accommodation locally. The hotel –to be a mid-range ‘lifestyle’ model combining the personalisation of a boutique hotel with the affordability of a chain hotel– would be interlinked with the restaurant/café unit, providing a public offer albeit limited in scale. Both the restaurant/café and the affordable micro retail unit would bring active frontages to St George’s Road, enlivening this major route into the town centre. For all of these reasons, in land use terms the proposal should be supported.
  6. While the height of the proposal exceeds that of the buildings immediately to the west, the application site marks a point of transition to the much more urban scale of the Major Town Centre. Following careful testing of the building in views, it is considered that the height, scale and massing of the proposed building can be accommodated without undue harm to the established townscape. The detailed architectural resolution brings further refinement to the building form, helping it sit comfortably within its context. Having applied the statutory tests as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements of the NPPF, the public benefits of the scheme outweigh the minor harm to the significance of the Elliott’s Row Conservation Area and the West Square Conservation Area.
  7. With regard to the impact of the proposal on the amenity of surrounding residents, some exceedances of the BRE daylight and sunlight guidance would occur, including 12 substantial adverse VSC reductions and 7 substantial adverse NSL reductions. All but one of these substantial exceedances would be experienced by properties within the Hayles Buildings. The main body of the report details the reasons for the daylight and sunlight impacts, the context within which they would occur and the mitigating factors, concluding that the degree of harm to amenity would not warrant withholding planning permission. In respect of outlook and privacy impacts, although acceptable separation distances between the development and nearby residential windows would be achieved, the applicant has offered to apply an obscuring treatment to the areas of glazing where the window-to-window relationship would be more sensitive, in response to concerns raised by neighbours.
  8. The proposal would maintain a comfortable wind environment within the surrounding streets and the Elliott’s Row Pocket Park without the need for any mitigation. Planning conditions are recommended to control noise and other potential sources of environmental nuisance.
  9. Protective and compensatory measures in respect of Elliott’s Row Pocket Park will be secured through the recommended conditions and Section 106

Agreement. This will include an enhancement fund for the Pocket Park custodians to use for longer-term upkeep and landscaping improvements.

10. A number of transport and highways obligations are proposed to mitigate the impacts of the development, including the construction of a new loading bay on Oswin Street and upgrades to nearby parts of the highway and footway network. The construction logistics and environmental management strategy is considered to be robust, setting out suitable noise, dust and dirt abatement measures alongside appropriate trip consolidation and vehicle routing.
11. As the report explains, the proposal would make efficient use of a prominently-located and under-utilised site to deliver a high quality and sustainable development that accords with the Council's aspirations for the area. In addition to the economic benefits brought by this proposal, such as the new town centre uses and uplift in office space, all of which will generate new jobs, a range of financial contributions will be secured to offset the impacts of the development and assist with local and London-wide infrastructural investment.

## PLANNING SUMMARY TABLES

12.

<b>Housing</b>								
Homes	Private Homes	Private HR	Aff.SR Homes	Aff.SR HR	Aff.Int Homes	Aff.Int HR	Homes Total (% of total )	HR Total
Studio	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1 bed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2 bed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
3 bed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4 bed +	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

13.

<b>Commercial</b>			
Use class and description	Existing GIA	Proposed GIA	Change +/-
E [a] to (f) (Retail/financial)	582.0		
E [g] i) (Office)	N/A	784.9*	-469.1
E [g] ii) and iii) (Light industrial)	672.0		
B2 (Industrial)	N/A	N/A	N/A
B8 (Storage/Distribution)	N/A	N/A	N/A
E (Affordable workspace)	N/A	71.8	+71.8

C1 (Hotel)	N/A	3523.4	+3523.4
Sui Generis	N/A	N/A	N/A
<b>Employment</b>	<b>Existing no.</b>	<b>Proposed no.</b>	<b>Change +/-</b>
Operational jobs (FTE)	2.5	90 (max)	+87.5 (max)

\* This figure does not include the Class E affordable workspace as that is accounted for as a separate item in the table.

14.

<b><u>Parks and child play space</u></b>			
	<b>Existing area</b>	<b>Proposed area</b>	<b>Change +/-</b>
Public Open Space	0	69 sq.m	+69 sq.m
Play Space	0	0	0

15.

<b><u>Carbon Savings and Trees</u></b>			
<b>Criterion</b>	<b>Details</b>		
CO2 savings	61% improvement on Part L of Building Regs		
Trees lost	0 x Category B	0 x Category C	0 x Category U
Trees gained	0		

16.

<b><u>Greening, Drainage and Sustainable Transport Infrastructure</u></b>			
<b>Criterion</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change +/-</b>
Urban Greening Factor	N/A	0.4	+0.4
Greenfield Run Off Rate	N/A	5.0l/s*	N/A
Green/Brown Roof Coverage	0	165 sq.m	+165 sq.m
Electric Vehicle Charging Points	0	1	+1
Cycle parking spaces	0	36	+36

\* This figure accounts for the +40% rainfall climate change scenario, otherwise it would be 3.6l/s.

17.

<b><u>CIL and Section 106 (or Unilateral Undertaking)</u></b>	
<b>Criterion</b>	<b>Total Contribution</b>
CIL (estimated)	£406,716.46
MCIL (estimated)	£189,271.14
Section 106 Contribution	As per the 'Planning Obligations' section of this report

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## BACKGROUND INFORMATION

### Site location and description

18. The application site is a 0.095 hectare trapezium-shaped plot of land, tapering at its southwestern corner, located in the St George's ward. It is bounded:
  - to the north by St George's Road;
  - to the east by Oswin Street;
  - to the south by the Metropolis Building (Flats 1-20) on Oswin Street, and;
  - to the west by Elliott's Row Pocket Park and a vehicular access road leading to a parking courtyard.
19. The site is currently occupied by a pair of semi-detached buildings, both of which have a principal façade fronting onto St George's Road. The western building, which pre-dates its neighbour, has a pronounced parapet and a triple-bayed façade organised by pilasters with a crown moulding. The eastern building, constructed in the 1970s/80s, is faced in red brick with simple window openings and little ornamentation to the facades.



*Image 02 (above): Photograph of the existing site, taken from St George's Road.*

20. Due to the raised nature of the ground floor level, the building occupying the western half of the site stands a half-storey taller than its neighbour. Both buildings are set back slightly from the common boundary with the St George's Road footway; a narrow lightwell occupies the intervening strip of space, and is enclosed by a 2-metre high metal railing.
21. Historic internal works to interconnect these two side-by-side buildings have resulted in the property today comprising two self-contained premises: one

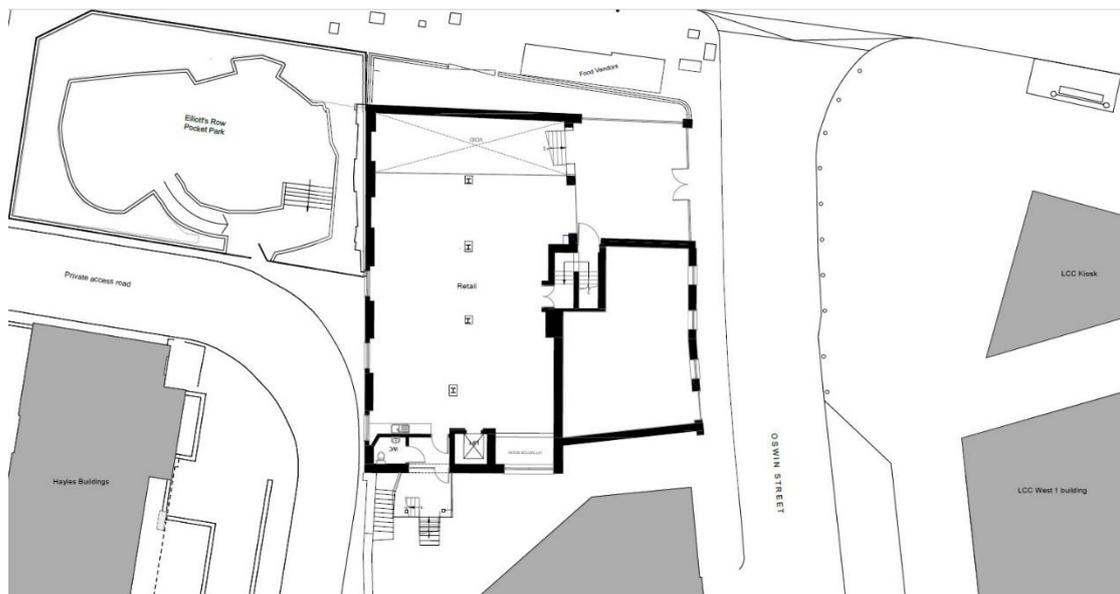
spanning the two upper floors, and the other across the ground and basement levels. In total, the four storeys of accommodation provide 1254 square metres GIA of floorspace. This breaks down as:

- 582 square metres of Class E[c] (professional and financial services) floorspace at ground and basement levels; and
- 672 square metres of Class E[g] (office and light industry) floorspace on the upper two floors.

22. 21 St George’s Road is currently partially tenanted. The occupiers are:

- Digital Marketing 24/7 – a small (two person) digital marketing company based in the office area at ground floor, who have occupied the premises since November 2019. The business is on a rolling monthly contract outside of the Landlord and Tenant Act;
- The Bold and Saucy Theatre Company (trading as Bold Elephant) – occupying the space at second floor, the remainder of ground floor and the basement. The occupiers are on a meanwhile lease, which commenced in March 2020.

23. In the southwest corner of the site is a small gated servicing yard, accessed from a narrow driveway off Oswin Street.



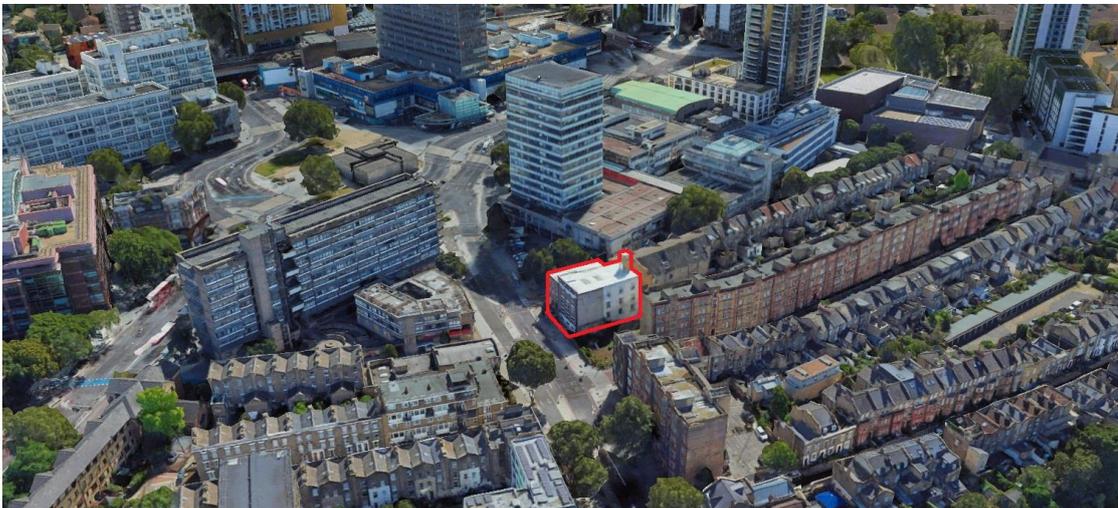
*Image 03 (above): Ground floor plan of the existing 21 St George’s Road building in context, with the Elliott’s Row Pocket Park visible in the top right-hand corner of the image.*

24. Immediately to the front of the site, on the St George’s Road footway, is a 15 square metre retail kiosk and a telephone kiosk. The retail kiosk is outside of Create REIT Ltd’s ownership and the planning application red line. The kiosk is leased by an independent local restaurant group, Nandine, which operates the kiosk in two parts, a coffee and snack bar (“Little Nandine”) and a small Kurdish food outlet (“Falafel Lover”). Although the retail kiosk stands on TfL footway, its

licence is managed by the Local Highways Authority and the Council's Markets and Street Trading Team. The telephone kiosk is part of BT's estate.

## Surroundings

25. The surroundings vary considerably in terms of land use and building height.
26. The site is located immediately to the west of the commercial centre of Elephant and Castle, which has been home to a number of medium and high-rise buildings since the 1970s. The two nearest existing buildings, which frame the view from the peninsula westwards along St George's Road, are the LCC and Perronet House, which are sixteen and ten storeys tall respectively. Other existing taller buildings a little further away from the site include:
  - Metro Central Heights (a four-block complex, now primarily in residential use), which ranges in height from seven to eighteen storeys;
  - One The Elephant (37 storeys);
  - Highpoint (46 storeys);
  - Strata Tower (43 storeys), and;
  - Two Fifty One (41 storeys).
27. In terms of uses, the existing buildings to the east of the application site include educational, leisure, retail, commercial and residential.
28. To the west of the site, the urban form is of a distinctly more modest scale. Around Elliott's Row, the buildings form a cohesive townscape of 19th and 20th Century two, three- and four-storey terraced dwellings arranged in a tight grid of axial streets – the mansion blocks on Hayles Row are the only buildings to deviate slightly in height, being five storeys at their maximum. North of St George's Road, there is a mix of Georgian terraced properties and low- and medium-rise modernist housing blocks. These are arranged along comparatively wider streets and around large green spaces, giving a more spacious feel. Further to the north is the LSBU Triangle; this incorporates a number of medium-rise purpose-built educational buildings dating from the second half of the twentieth century.



*Image 04 (above): Aerial image of the site (edged in red) dating from 2017, looking eastwards towards the Elephant and Castle Major Town Centre*

29. In terms of land uses, the area to the west of the application site is predominantly residential, although there are some commercial, healthcare and retail uses along St George's Road. Approximately 250 metres to the northwest of the application site is the Imperial War Museum and the public gardens and outdoor sports facilities provided by Geraldine Mary Harmsworth Park. Other nearby open spaces include West Square Gardens and St Mary's Churchyard.
30. The site is located within the Elephant and Castle Opportunity Area, the regeneration of which is guided by Area Vision AV.09 in the Southwark Plan 2022. Critical to realising the vision for the Opportunity Area are two large-scale planning applications, both of which will involve significant intensification and densification of areas of land at the heart of Elephant and Castle. Both of these development areas are within close proximity of the application site, and are detailed below.

#### London College of Communication and Elephant and Castle Shopping Centre

31. In 2019, the Local Planning Authority approved the wholesale re-development of two parcels of land to the east of the application site, bisected by Newington Butts and the peninsula. The parcel west of the peninsula contains the London College of Communication (LCC), while the plot to the east contains the Elephant and Castle Shopping Centre. At the time of this Committee Report, demolition of the shopping centre has taken place and the early stages of construction are underway.
32. The west plot, in its redeveloped form, will comprise a series of medium-rise (8-storey) mansion blocks fronting Oswin Street together with a trio of taller buildings, known as W1, W2 and W3 wrapping around the northern and eastern edges and fronting the peninsula. The consented heights of W1, W2 and W3 are 20 storeys (71.9 metres AOD), 24 storeys (84.7 metres AOD) and 35 storeys (119.8 metres AOD) respectively.
33. W1, located only 10 metres to the east of the application site on the opposite side of Oswin Street, will be given over to retail space at ground floor level. The 19 upper floors will comprise 96 proposed flats, all served by a communal terrace on Level 15 of the building. The tower will be set-back from St George's Road to create a plaza, within which a single-storey retail pavilion (9.35 metres AOD at its maximum point) will be located.
34. The east plot is to be redeveloped as four blocks around a central square. Between them, the blocks will contain four tall buildings, the lowest to be 12 storeys and the highest to be part-27, part-32 storeys. A range of residential, cultural, leisure and educational uses will be delivered, alongside an enlarged and improved underground station.

#### Elephant Park (site of the former Heygate Estate)

35. Further to the east beyond the Shopping Centre is Elephant Park. This mixed use redevelopment, approved by the Local Planning Authority in 2013, comprises a number of buildings ranging in height (the maximum being 104.8 metres AOD), arranged in a masterplan of new avenues and a substantial central green space. As of 2022, the masterplan is entering its final stages of implementation. Once completed, it will have delivered approximately 2,500 homes, 15,000 square metres of retail use, 5,000 square metres of office use and 10,000 square metres of community and leisure use space.
36. Together with the LCC and Shopping Centre site, Elephant Park will transform the character of Elephant and Castle, creating a more integrated, mixed-use, dense, walkable and green neighbourhood.

### Designations

37. The following policy, socioeconomic and environmental designations apply to the application site:
  - Central Activities Zone (CAZ);
  - Elephant and Castle Opportunity Area;
  - Elephant and Castle Major Town Centre;
  - “The North West” Multi-Ward Forum Area;
  - Bankside, Borough and Walworth Community Council;
  - Flood Zone 3 (in an area benefitting from flood defences);
  - Air Quality Management Area, and;
  - Community Infrastructure Levy Charging Zone 2;
  - South Bank Strategic Cultural Quarter; and
  - Hot Food Takeaway Exclusion Zone.
38. The site is not within a protected shopping frontage, Business Improvement District or Critical Drainage Area. 21 St George’s Road is not subject to a site allocation in the Southwark Plan.
39. In respect of heritage designations, the application site contains no listed structures, is not within a conservation area and is not within an archaeological priority area. The existing buildings on the site, known together as "Castle Works", are on the draft Southwark Local List of locally listed buildings.
40. The nearest Conservation Area is Elliott’s Row, the boundary of which is at its closest point approximately 5 metres from the application site. In views along St George’s Road (including from the Elephant and Castle peninsula) and Oswin Street, the site and Elliott’s Row Conservation Area can be seen in the same viewframe. Another Conservation Area whose setting is affected by the site is West Square, approximately 100 metres to the west of the application site.
41. Approximately 125 metres to the west of the site is a terrace of Grade II listed properties at nos. 68-83 St George’s Road. The site can be seen in the same context as these twelve listed townhouses, and as such affects their setting.

42. West Square –one of the best Georgian set pieces in the borough, complete with formally laid out central gardens and trees– is located approximately 100 metres to the west of the application site. The Square is flanked by Grade II listed buildings along its eastern, southern and western edges. The application site forms part of the backdrop to the setting of the buildings on the eastern edge of the square.
43. With regard to London Strategic Viewing Corridors, the site is within the Wider Setting Consultation Area of View 23A.1 (Bridge over the Serpentine to Palace of Westminster). The site is not within any of the Borough Views defined by the Southwark Plan.
44. The pocket park immediately to the west of the application site is not subject to an open space designation within the adopted local plan. There are no trees within the site, nor are there any existing trees on the adjacent footways. There are no mature trees within the pocket park.
45. With respect to transport designations, the application site is:
  - within PTAL Zone 6B, meaning it has the highest possible public transport accessibility level;
  - within Controlled Parking Zone C2, operational between 08:00hrs-18:30hrs Monday to Friday;
  - within 10 metres of numerous Permit Holder parking bays (Oswin Street and Elliott’s Row); and
  - within 50 metres of a dedicated Disabled Bay (on Princess Street).
46. The entrance to Elephant and Castle underground station is approximately 100 metres to the east of the site, with the mainline railway station entrance located a further 75 metres beyond. The next two nearest stations offering access to the underground as well as mainline railway services are Waterloo and London Bridge, to the northwest and northeast respectively, both at a distance of approximately 1 kilometre. The Elephant and Castle peninsula is a significant bus interchange, providing various bus services north and west into central London as well as connections east and south into the borough. The pedestrian routes around the application site provide easy access to the bus stops and train stations.
47. Two dedicated cycle lanes exist nearby: Cycle Superhighway 7 on Princess Street and Elliott’s Row, and Cycleway 6 on St George’s Road. Within 100 metres of the site are various banks of Sheffield stands, including one further to the northwest on St George’s Road and six around the Elephant and Castle peninsula. Together, these provide approximately 150 spaces. The nearest TfL/Santander docking station is on St George’s Road, approximately 100 metres from the site, providing 21 docking points.
48. The site is in the safeguarded area of the potential future Bakerloo Line Extension promoted by Transport for London.

## Details of proposal

49. This application seeks full planning permission to demolish the existing commercial (Class E) building and construct in its place a mixed-use building of 15 storeys with a further two storeys of accommodation at basement level. The proposal, which would occupy the majority of the site footprint, is formed of two conjoined masses:

- a 15-storey tower element positioned over the northern two-thirds of the site; and
- a base/plinth block, ranging from 1 to 3 storeys, positioned in-between the proposed tower and the existing 4-storey Metropolis Building.



*Image 05 (above): Isometric of the proposal, illustrating the two masses.*

50. The tower element would at its highest point (top of the plant) stand 50.29 metres above ground level (53.62 metres AOD). The tower's parapet would be one metre below this at 49.29 metres above ground level (52.62 metres AOD). The tower would stand one full storey lower than the shoulder line of the consented W1 tower immediately to the east. The parapet of the base/plinth element would be 11.75 metres above ground level (15.08 metres AOD), broadly in line with the eaves level of the existing adjacent Metropolis Building.

51. The proposed development would occupy the majority of the plot, but would be set back from the St George's Road and Oswin Street footways by a greater distance than the existing frontages to create more generous public realm.

52. The tower element would be chamfered on its four corners and expressed as a 3-storey base, a 10-storey middle and a 2-storey crown. All four elevations would be arranged in bays of consistent width that would extend the full height of the building. The bays within the uppermost two storeys would be concave, creating a concertina building line and giving the top of the building a sculptural twist, counterposing the more ordered and orthogonal elevational arrangement on the lower thirteen floors. A raised parapet, designed to conceal a lift overrun and rooftop plant, would terminate the building. The scheme would incorporate green walls and roofs for aesthetic and sustainable urban drainage purposes.



*Image 06 (above): Visualisation of the lower half of the proposed tower element, as seen looking southwest from the base of Perronet House.*

53. The primary elevational material is proposed to be masonry, with brick piers (in a light grey colour) using 50mm high bricks. Panelling would be in pale GRC. Horizontal elements –such as slab edges, canopies and parapets– would be faced in stone or GRC. Glazing reveals would be faced in Corten.

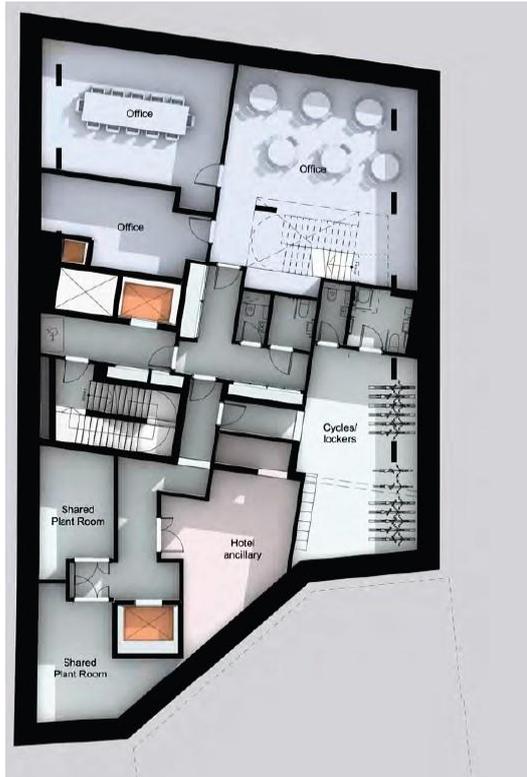
54. Internally, the proposed building would comprise:

- a 112.9 square metre GIA restaurant/café (Class E) unit;
- a 20.5 square metre GIA affordable micro retail (Class E) unit;
- 718.4 square metres GIA of office (Class E) floorspace;
- a 3,523.4 square metre GIA hotel (Class C1) containing 89 rooms; and
- associated provision of employee cycle parking, refuse storage, servicing facilities, plant and a circulation core.

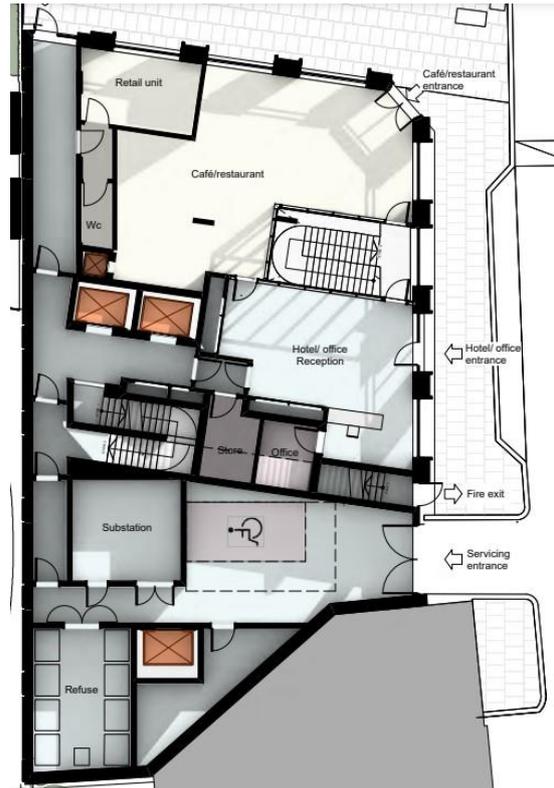
55. A detailed floorspace schedule can be found at Appendix 7 of this report.

56. In terms of layout, the lower basement level would be used exclusively for plant, while the upper basement level would be split between office floorspace and some ‘back of house’ storage facilities for the hotel and office. At ground floor level, the floorplan has been arranged broadly into three parts:

- the restaurant/café unit and affordable micro retail unit would occupy the northern part;
- the hybrid (office/hotel) reception and associated circulation core would be located in the centre of the floorplate with a dedicated entrance from Oswin Street; and
- the remaining (southern) part of the ground floor would be given over to internal servicing, a substation and refuse storage.



*Image 07 (above): Proposed layout of the upper storey of the basement.*



*Image 08 (above): Proposed layout of the ground floor level.*

57. The first and second floors would be for office use, 10% of which would be designated as affordable workspace with the hotel accommodated on the twelve floors above. The 89 hotel bedrooms would include 10 accessible hotel rooms located at levels 4, 6, 8, 10 and 12.
58. Servicing of all uses would be from a new partly inset 12 metre long layby on the western side of Oswin Street, made possible by a 1.0 metre widening of the carriageway. The existing raised table would need to be shortened to facilitate this, and changes would also be required to the associated loading restrictions on Oswin Street.
59. One managed wheelchair parking space would be provided within a secured enclosed bay, access to which would be from Oswin Street via the existing dropped kerb.
60. Short stay cycle parking would be located on the traffic island on St George's Road, directly opposite the site on the northern side of the cycleway, where a cycle rack containing six cycle spaces is currently located

### **Planning history of the application site and nearby sites**

61. Appendix 3 sets out in detail the full planning history for the site as well as details of relevant applications on adjoining or nearby sites.

## Pre-application engagement and mid-application amendments

62. Planning application 21/AP/2838 was submitted following a detailed pre-application enquiry, the reference number for which is 20/EQ/0207. During the course of the pre-application engagement, the applicant made various amendments to the scheme design. The proposal also evolved in response to feedback from the Design Review Panel, more details of which are provided in a later part of this report. At the end of this iterative process, the Council issued a formal response letter. Although the letter was confidential at the time of issue, in accordance with the Council's commitment to ensuring all information relevant in the determination of a planning application is made publicly available, the response letter has been published on the Public Access for Planning Register alongside the 21/AP2838 application documents. The letter should be referred to if any further information is required about the pre-application process.
63. The images below give a sense of the evolution of the design over the course of the pre-application process:



*Image 09 (above): Early iteration of the scheme proposing a 20 storey tower (depicted in yellow).*



*Image 10 (above): Final iteration of the scheme, where the tower element stands to a reduced height of 15 storeys (far right).*



*Image 11 (above): Early iteration of the scheme. The proposed pocket park elevation was heavily glazed on*



*Image 12 (above): Visualisation of the proposed building's pocket park elevation, showing projecting fins,*

*its lower storeys and included apart- green walling and obscured glazing  
hotel balconies on the upper floors. on the lower three floors.*

64. Over the course of the planning application process, the applicant has made further refinements to the proposal in response to concerns raised through the consultation process and/or issues highlighted by officers. These changes include:
- proposing obscuring treatments to some of the windows on the south and west elevations of the building;
  - offering free-of-charge use of the meeting rooms within the proposed office to community groups (at certain times); and
  - commitments to certain planning obligations and other mitigation.
65. The applicant also provided a series of supplementary and revised reports to provide clarifications and corrections with regard to various issues raised by members of the public – this included a revised TVIA and a Pocket Park Construction Interface Report.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

66. The main issues to be considered in respect of this application are:
- Consultation responses from members of the public and local groups;
  - Principle of the proposed development in terms of land use;
  - Environmental impact assessment;
  - Amenity impacts on nearby residential occupiers and surrounding area;
  - Design;
  - Public realm, landscaping and trees;
  - Green infrastructure, ecology and biodiversity;
  - Transport and highways
  - Environmental matters;
  - Energy and sustainability;
  - Digital connectivity infrastructure;
  - Planning obligations and Community Infrastructure Levies;
  - Community engagement and consultation responses; and
  - Community impacts, equalities and human rights.
67. These matters are discussed in detail in the ‘Assessment’ section of this report.

### **Legal Context**

68. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2021 and the Southwark Plan

2022. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers determining planning applications to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.

69. There are also specific statutory duties in respect of the Public Sector Equalities Duty, which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

### **Adopted planning policy**

70. The statutory development plan for the borough comprises the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework 2021 is a material consideration but not part of the statutory development plan. A list of policies which are relevant to this application is provided at Appendix 2. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

## **ASSESSMENT**

### **Consultation responses from members of the public and local groups**

71. Consultation with members of the public was first conducted in August 2021. Letters were sent to local residents when the application was received, the application was advertised in the local press and site notices were displayed. The table below summarises the number of representations received during this period:

<b><u>Consultation responses: Summary table</u></b>		
No. of representations: <b>170</b>		
Of which:		
In objection: <b>162</b>	Neutral: <b>3</b>	In support: <b>5</b>

72. As mentioned in an earlier part of this report, a number of amendments were made to the application over the course of the determination process. To ensure the public was made aware of the changes, re-consultation was conducted in late April 2022. The table below summarises the number of representations received during this period:

<b><u>Re-consultation responses: Summary table</u></b>
No. of representations: <b>83</b>
Of which:

In objection: <b>82</b>	Neutral: <b>0</b>	In support: <b>1</b>
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73. In total across the consultation and re-consultation period, 239 individuals made representations to the Local Planning Authority about the planning application. Of these 239 individuals, there were 14 who commented as part of the original consultation and then commented again as part of the re-consultation, hence why the total number of representations received comes to 253. Those 14 individuals all objected as part of the original consultation, and maintained their objection when commenting as part of the re-consultation.

### Reasons in objection

74. The following paragraphs summarise the material planning considerations raised in objection by the consultation and re-consultation. The issues raised by these objections are dealt with in the main assessment part of this report. Some objections raised by the public consultation process do not constitute material planning considerations (such as loss of property value); therefore, these are not captured in the following summary paragraphs, nor are they discussed in later parts of this report.

### Amenity Impacts

- 75.
- Will result in loss of daylight and sunlight;
  - Will cause overshadowing (of properties, private amenity spaces and/or the street);
  - Will create overlooking / privacy issues (for properties and the pocket park);
  - Will dominate the pocket park;
  - Will cause adverse microclimate effects;
  - Will cause a loss of general peace and quiet;
  - Will contribute to light pollution;
  - Hotel use, and the potential use of the ground floor retail for a drinking establishment, will create noise and antisocial behaviour;
  - The proposed obscuring treatment of the windows could be easily removed at a later time;
  - The proposed plant does not meet the night time noise requirements.

### Land uses

- 76.
- Hotel not needed;
  - Hotel an inappropriate use for the site;
  - Hotel will bring vice;
  - Hotel will cause an, or add to a pre-existing, overconcentration of hotels locally;
  - The applicant has failed to provide evidence of the demand for a hotel in this location;
  - Hotel will need servicing by vehicles regularly;

- Many other uses would be greatly preferable to a hotel (affordable housing was raised most frequently as an example)
- Office use is at odds with changing working patterns/demand;
- No useful retail is proposed;
- Will result in the loss of an existing cultural space;
- The proposed space (internal and external) at ground level is unappealing;
- The public space offering at ground/street level is inadequate, especially in light of the 'tall building' status of the proposal.

#### Economic impacts

- 77.
- Will result in loss of the kiosk (and the local businesses that operate from it) on St George's Road;
  - Inadequate affordable workspace offer;
  - The job opportunities that will come from the proposed uses will be limited and/or will not be meaningful;
  - Longstanding local businesses that currently operate from the site will be forced out;
  - Users of this development will not spend any money locally.

#### Design

- 78.
- Poor quality architecture/design;
  - Inappropriate/excessive scale and massing;
  - Harmful to or not in-keeping with the local character ;
  - Inappropriate/excessive height;
  - A tall building in this location would extend the Elephant & Castle central zone beyond its current boundary;
  - Excessive density;
  - Harmful to the setting of nearby designated heritage assets;
  - Contrary to the Elliott's Row Conservation Area Appraisal and the West Square Conservation Area Appraisal;
  - Will harm the local streetscape/streetscene;
  - The existing building has been identified by Southwark as a heritage asset, and of local merit, and thus should be protected;
  - Will affect the Wider Setting Consultation Area of View 23A.1 (Bridge over the Serpentine to Palace of Westminster);
  - Excessively close to surrounding properties.

#### Public realm, landscaping and ecology

- 79.
- Will make no substantial improvements to the public realm;
  - Will make no substantial provision of trees and landscaping;
  - Application fails to address the lack of green space in the area;
  - Will make use of the pocket park unappealing, being in the shadow of the proposed building;
  - Will affect the existing planting and landscaping within the pocket park;

- Will cause any new planting and landscaping within the pocket park to fail because of the scale and proximity of the proposed development;
- The green wall proposed on the development's west elevations would be very expensive to maintain;
- Will have a negative effect on the wildlife (driving out birds, insects, squirrels etc.).

### Environmental

- 80.
- Will bring additional traffic post-construction;
  - Will cause additional pollution;
  - Will cause additional noise;
  - Will impact on local urban drainage;
  - Pocket park and/or local streets will experience excessive wind effects and wind tunnelling;
  - The proposed two-storey basement at risk of flooding in the event of a Thames Barrier breach;
  - The accommodation (in particular the hotel accommodation) within the proposed building will be subject to vibration nuisance from the Bakerloo Line Extension, should the Extension be delivered.

### Transport and highways

- 81.
- No mitigation is proposed for the Cycle Superhighway 7 junction on Brook Street;
  - Will endanger cyclists;
  - Will generate an excessive number of taxi trips;
  - Taxis will naturally arrive on Oswin Street via St George's Road, and pull-up on the eastern side of the road, creating highways safety issues;
  - Inappropriate to allow servicing vehicles to the proposal to continue down to Brook Drive and Hayles Street (instead, servicing vehicles should enter and exit Oswin Street via St George's Road only);
  - The application should propose a one way system on Hayles Street to improve passing widths and eliminate the current trend of vehicles mounting pavements;
  - The proposed partly-inset servicing layby on Oswin Street is inadequate (it should be fully inset) and will impact traffic flow;
  - Will create a safety risk for those boarding/alighting buses from the nearby bus stand;
  - Inadequate pedestrian and vehicular access to the proposal;
  - Inadequate parking provision;
  - Inadequate provision for coach pick-up and drop-off;
  - The development should directly fund additional bus services;
  - Due consideration has not been given to the impact of the development on the already overly overloaded passenger ingress and egress at Elephant and Castle underground station;
  - Will create harm, wear and tear to local highway and footway network;
  - Will have road safety impacts.

### Construction Phase

- 82.
- Will generate noise and dust;
  - Will generate traffic and associated pollution;
  - Will result in the loss of 15% of the pocket park during construction;
  - Potential health and safety risk from debris falling directly into the playground;
  - Will create health impacts (physical and mental) for local people.

### Energy and sustainability

- 83.
- Proposal has an inadequate sustainability performance;
  - The existing buildings should be refurbished not demolished if the Council want to hit net zero targets;
  - The building (in particular its overshadowing effects) will require residents living nearby to use more heating, increasing their bills yet further and burning more fossil fuel;
  - The overshadowing caused by the development will cause damp at existing nearby properties.

### Policy conflict

- 84.
- A building of this type/scale is not warranted, as the site is outside the Elephant and Castle Central Character Area;
  - Contrary to local plan and guidance;
  - Will set a precedent for high rise buildings in low rise residential areas;
  - Not compliant with Southwark's and GLA's 'Tall Buildings' policies.

### Social infrastructure and community impact

- 85.
- Will increase pressure on local public services (transport, healthcare, education etc.);
  - Will increase pressure on utilities infrastructure (sewerage etc.);
  - Will erode community spirit and togetherness;
  - Will make the local streets and community less safe;
  - Lack of social/community offer.

### Developer approach and community engagement

- 86.
- Developer has not attempted to engage with residents who do not possess English as a first language;
  - Developer has been dishonest with, and/or not properly considered, the local community;
  - Developer has failed to meet residents directly impacted by views into bedrooms/ living rooms to discuss privacy mitigations;
  - Developer has not amended the application following concerns raised at previous consultations;

- The scheme has not meaningfully evolved through the course of the pre-application process and/or planning application process in response to concerns raised by members of the public.

#### Inaccuracies and deficits with the application information

- 87.
- Not enough information given in the documents and/or drawings;
  - The daylight and sunlight assessment submitted by the applicant is inaccurate;
  - The acoustic report does not take into account the noise emitted by plant to the rear of the office space at night-time;
  - The application documents, as originally submitted, misled the public and planning officers about the planning guidance and designations relevant to the site;
  - Some of the additional information submitted in Spring 2022 is unsourced and unattributed (such as the wind assessment), bringing into question the validity of their professional advice.

#### Reasons in support

88. Listed below are the material planning considerations raised in support of the planning application by the consultation and re-consultation:
- A hotel is appropriate in this location, bringing jobs and supporting local businesses.
  - Users of the development will spend in the local area, supporting local nearby business;
  - Height is reasonable as it is a step down from neighbouring buildings and/or there are other (existing and consented) nearby tall buildings;
  - The proposed modern design is attractive and in keeping with the area;
  - Objections by other representations to the loss of daylight/sunlight have been overstated.
  - Will add to the attractiveness of Elephant and Castle as a leisure destination.

### **Principle of the proposed development in terms of land use**

#### Relevant policy designations

##### *Overarching strategic policy objectives*

89. The National Planning Policy Framework (NPPF) was updated in 2021. At the heart of the NPPF is a presumption in favour of sustainable development. The framework sets out a number of key principles, including a focus on driving and supporting sustainable economic development. Relevant paragraphs of the NPPF are considered in detail throughout this report. The NPPF also states that permission should be granted for proposals unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

90. The Good Growth chapter of the London Plan includes GG2 ‘Making the Best Use of Land’ and GG5 ‘Growing a Good Economy’ which are relevant to the proposal. To create successful sustainable mixed-use places that make the best use of land, objective GG2 states that those involved in planning and development must enable the development of brownfield land, particularly in Opportunity Areas and town centres, and prioritise sites which are well connected by public transport. It goes on to require proactively exploring the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. Objective GG5 states that to conserve and enhance London’s global economic competitiveness and ensure that economic success is shared amongst all Londoners, those involved in planning and development must, among other things, promote the strength and potential of the wider city region, seek to ensure that London’s economy diversifies and plan for sufficient employment space in the right locations to support economic development and regeneration.

#### Central Activities Zone (CAZ)

91. The site is within the CAZ, which covers a number of central London boroughs and is London’s geographic, economic, and administrative core. The London Plan recognises the well-established long term demand for office space within the CAZ. Policies SD4 ‘The Central Activities Zone’ and SD5 ‘Offices and Other Strategic Functions and Residential Development in the CAZ’ strongly promote office provision within this policy area. Part B of Policy SD4 states “the nationally and internationally significant office functions of the CAZ should be supported and enhanced by all stakeholders, including the intensification and provision of sufficient space to meet demand for a range of types and sizes of occupier and rental values”.
92. The London Plan also seeks to promote and enhance the CAZ’s unique concentration and diversity of cultural, arts, entertainment, night-time economy and tourism functions. Policy E10 of the Plan sets out in detail how proposals for visitor accommodation with the CAZ should be assessed by local planning authorities.
93. With regard to retail uses, the London Plan designates Elephant and Castle as one of the CAZ retail clusters, where retail expansion and diversification is to be supported in the interests of delivering “approximately 375,000 square metres of additional comparison goods retail floorspace over the period 2016-2041” across the CAZ.

#### Elephant and Castle Opportunity Area

94. The site is within the Elephant and Castle Opportunity Area, one of twelve in central London. The London Plan sets out an indicative capacity of 5,000 homes and 10,000 jobs for this Opportunity Area over the twenty years to 2041. London Plan Policy SD1 ‘Opportunity Areas’ requires boroughs through their

development plans and decisions to support development which creates employment opportunities and housing choice for Londoners, plan for and provide the necessary social and other infrastructure to sustain growth and create mixed and inclusive communities. The London Plan specifically recognises the value of the proposed Bakerloo Line extension from Elephant and Castle to Lewisham and beyond, which would increase the connectivity and resilience of the area while also reducing journey times to key destinations.

### Elephant and Castle Major Town Centre

95. The site is also within the Elephant and Castle Major Town Centre, where London Plan Policy SD6 'Town Centres and High Streets' encourages development to, amongst other things:
- promote the vitality and viability of town centres;
  - maintain the role of town centres as the primary locations for commercial activity beyond the CAZ;
  - deliver tourist infrastructure, attractions and hotels;
  - enhance the vitality of the area through the provision of vibrant and well-managed daytime, evening and night-time activities;
  - redevelop and intensify identified surplus office space for other uses including housing, taking into account the need for affordable and suitable business premises.
96. The key policy at the local level is Southwark Plan Policy P35 'Town and Local Centres'. This sets out that, amongst other things, development must:
- ensure main town centre uses including markets, community, civic, leisure and cultural uses are located in town centres and local centres; and
  - be of a scale and nature that is appropriate to the role and catchment of the centre; and
  - retain retail floorspace or replace retail floorspace with an alternative use that provides a service to the general public, and would not harm the vitality and viability of the centre; and
  - not harm the amenity of surrounding occupiers or result in a concentration of uses that harms the vitality, viability and economic growth of the centre; and
  - provide an active use at ground floor in locations with high footfall.

### Elephant and Castle Area Vision

97. The site is located within AV.09, the Elephant and Castle Area Vision. In this location, development is expected to:
- support the area's function as a major town centre for all Southwark residents and a central London location that attracts global business, research, teaching, shopping, flexible business spaces and cultural activities;

- provide as many homes as possible at a range of different tenures including social housing;
- provide opportunities for existing small businesses, particularly those from minority ethnic groups, to relocate and continue trading;
- support the creation of a distinctive environment through a mix of innovative and enduring new architecture, heritage buildings, open spaces and quality public realm that provides greenery, safety, connectivity and reduces exposure to air pollution;
- improve the train and underground stations, provide step-free access, provide a new ticket hall for the Northern Line and Bakerloo Line extension and enable new transport infrastructure links with the surrounding areas by providing safe and accessible walking, cycling and public transport routes.

### Conclusion on policy designations

98. The principle of a development containing a mix of uses including Class E office space, Class E restaurant/café, Class E affordable retail and Class C1 hotel would support the role and functioning of the CAZ and the Elephant and Castle Major Town Centre as well as being consistent with the policies for the Opportunity Area. The acceptability of each use is considered below.

### Hotel floorspace

#### Policy background

99. London Plan Policy SD4 states that the attractiveness and inclusiveness of the CAZ to visitors should be enhanced. London Plan Policy SD5 states that the strategic functions of the CAZ, which include the provision of tourism facilities such as hotels and business/institutional uses, should be given equal weight to residential use in Elephant and Castle.
100. Policy E10 of the London Plan supports new hotel uses in town centres within inner London, provided they are well-connected by public transport, particularly to central London. Working Paper 88 'Projections of demand and supply for visitor accommodation in London to 2050' (April 2017), upon which Policy E10 is based, forecasts that London will require 58,000 new serviced bedrooms by 2041, to be directed towards the CAZ and town centres. This figure is informed by an estimate that 1,795 of the rooms will be required in Southwark.
101. With regard specifically to the location of hotels, Policy E10 states "within the CAZ, strategically-important serviced accommodation should be promoted in Opportunity Areas, with smaller-scale provision in other parts of the CAZ except wholly residential streets or predominantly residential neighbourhoods, and subject to the impact on office space and other strategic functions".
102. Policy P41 of the Southwark Plan 2022 sets out various criteria new visitor accommodation must achieve. These include being of a design and function that responds positively to local character, and protecting the amenity of the local community and visitors to the hotel. The policy requires at least 10% of

the hotel floorspace to be given over to publicly accessible daytime uses that offer employment opportunities.

Assessment

- 103. The planning application proposes an 89-bedroom hotel, with a reception area at ground floor level and the bedrooms arranged over levels 3 to 14. The hotel would be co-located with a restaurant/café unit and office floorspace, the latter containing meeting rooms that would be available at certain times for community use. Although there is no committed operator as yet, the application documents indicate the hotel has been designed as a mid-range ‘lifestyle’ model; the ‘lifestyle’ typology combines the personalisation of a boutique hotel with the affordability of a chain hotel.
- 104. Occupying a position close to the heart of the Elephant and Castle Major Town Centre and within walking distance of the Elephant and Castle underground and mainline stations as well as numerous bus stops, the site has a public transport accessibility level of 6b (the best possible accessibility level). Therefore, the location meets the London and borough-level requirements for high public transport accessibility.
- 105. 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 must be considered. An over-concentration of hotels can detract from the vitality of the place, reduce the opportunity for a range of other services to be provided, and increase the transient population in an area. This can manifest itself in harm to the character and successful functioning of an area and can undermine the stability of a community.
- 106. Some objections to 22/AP/2838 contend that the proposed hotel would result in an over-concentration of visitor accommodation locally.
- 107. The table below provides a summary of the existing and pipeline hotel rooms within a 750 metre radius of the application site. This covers a wide area encompassing the northern two-thirds of the Elephant and Castle Opportunity Area, spanning as far as the southern cusp of Waterloo, the northern end of Kennington and Walworth Road, and the western end of New Kent Road. Hotel rooms currently under construction have been treated as ‘existing’ rather than ‘pipeline’ because there can be a high degree of certainty about these rooms’ imminent delivery. The full dataset upon which the table has been compiled can be found in Appendix 8 to this report:

<b>Existing and pipeline hotel rooms in the local area</b>		
<b><u>Distance from site</u></b>	<b><u>Existing</u></b>	<b><u>Pipeline</u></b>
Within a 250 metre radius	0	0
Within a 251 – 500 metre radius	458 (34.3%)	0
Within a 501 – 750 metre radius	877 (65.7%)	550 (100%)

Total	<u>1335</u> (100%)	<u>550</u> (100%)
Of these totals, the accommodation format/type breaks down as:		
Hostel	167 (12.5%)	0
Budget	674 (50.5%)	0
Mid-range	317 (23.7%)	550 (100%)
High end	177 (13.3%)	0

108. As the table shows, of the existing local hotel rooms, there are none within the immediate vicinity of the site (250 metres or closer) and the majority (65.7%) are located at least 0.5 kilometres away. This pattern is reflected in the hotel room pipeline: all consented hotel rooms are on sites located more than 0.5 kilometres away. As the table shows, budget formats are the predominant type of existing hotel room but the pipeline of rooms will enhance Elephant and Castle's mid-range offer.
109. The number of existing visitor bedrooms in and around Elephant and Castle is considered to be modest, taking into account its Major Town Centre, CAZ and Opportunity Area designations. Furthermore, given that the surrounding land uses remain very mixed and include retail, residential, educational, cultural, medical and commercial, the proposed 89 rooms together with the 1335 existing rooms would not create a dominance of visitor accommodation in this location to the point where it would prevent other uses from functioning successfully.
110. The same would remain true even if the 550 consented rooms come forward, as this would bring the total number of rooms to 1885, which is not disproportionate for a Major Town Centre.
111. Being a mid-range 'lifestyle' model, the proposed hotel will help rebalance the mix of accommodation typologies in Elephant and Castle, which at present is heavily weighted in favour of budget formats.
112. Furthermore, because the hotel would predominantly occupy floors 3 to 14 of the proposed building, with town centre uses to be provided on the base three floors in place of the existing three-storey commercial building, the introduction of the hotel would not in itself displace any existing uses.
113. With regard to the Southwark Plan expectation that 10% of new hotel floorspace be dedicated to one or more publicly accessible daytime uses, the proposed development incorporates a publicly accessible restaurant/café unit of 112.9 square metres. Although this represents 3.2% of the total hotel floor area, thereby falling short of the 10% requirement, the hotel would form part of a larger mixed-use development providing an affordable micro retail unit and offices, as well as rooms within the latter available for free-of-charge use by the general public at certain times. As such, it is considered that the proposal as a whole meets the aims of this policy.

114. For the reasons given above, and taking account of the weight of support London Plan Policy E10 gives to visitor accommodation in town centres, the proposed hotel use is considered acceptable in principle. The hotel would add to the vitality and vibrancy of the major town centre, support the local economy and offer accommodation for the growing number of visitors to the local area, many of whom are connected to Elephant and Castle's expanding higher education and offices uses. It would therefore conform not just with Policy E10 of the London Plan 2021 but also with the Plan's broader economic development objectives as set out in Policies SD6, SD8, SD9, E1 and E9. As expanded on in subsequent parts of this report, the hotel would be of a design and function that responds positively to local character, while also protecting the amenity of the local community and visitors to the hotel, and as such is in accordance with the Southwark Plan.
115. The hotel would create approximately 30 direct FTE jobs. A proportion of these will be secured in the Section 106 Agreement for local people.

#### Wheelchair rooms

116. Policy E10 of the London Plan requires serviced accommodation to provide either:
- 10% of new bedrooms to 'wheelchair accessible' standards (whereby the en-suite facility must be either a shower room with corner WC for independent use or a bathroom with a ceiling-mounted tracked hoist system); or
  - 15% of new bedrooms to 'accessible standards' standards (whereby the en-suite facility must meet the requirements for people with ambulant mobility impairments, and be capable spatially and structurally of future adaptation to 'wheelchair accessible' standards).
117. The planning application proposes that 10 (11.2%) of the rooms would be 'wheelchair accessible'. These are to be distributed across the levels 4, 6, 8, 10 and 12 of the hotel. This provision would meet the requirements of London Plan Policy E10 and is therefore acceptable. A condition is to be imposed requiring the 10 accessible rooms to be fitted out from first occupation and retained as such for as long as the building is in hotel use.

#### Demand and viability

118. From the premise that there is no demand for hotel accommodation in Elephant and Castle, a number of public objections contend that the proposed hotel would not be a viable use. While hotel demand is not technically a planning consideration, it is recognised that an unviable use could lead to a failure to lease the premises or significant room under-occupancy; both scenarios would militate against wider social and economic policy objectives.
119. Although Southwark as a whole has a large number of existing and consented hotel rooms, these are mainly concentrated around Bankside, Borough and

Blackfriars. South of these areas there are comparatively lower levels of visitor accommodation. With the redevelopment of Elephant and Castle, it is also anticipated that demand for overnight accommodation in the area will continue to grow. The applicant has submitted a report prepared by Savills, which sets out the marketing process the applicant has undertaken and demonstrates the substantial interest in the site from a number of hotel operators. The report indicates the undersupply of hotel accommodation in Elephant and Castle has made the proposal an attractive proposition.

120. As such, there is no compelling evidence to conclude that the proposed hotel would be unviable.

## Office floorspace

### Policy background

121. Promoting the economy and creating employment opportunities is a key priority for the planning system. Owing to the site's location within an Opportunity Area and a Major Town Centre, London Plan Policies SD1 and SD6 (both of which have been discussed in earlier parts of this report) are relevant considerations. London Plan Policy GG5 requires local planning authorities to plan for sufficient employment and industrial spaces to support economic growth. Policies E1 and E2 deal specifically with the provision of business floorspace (Class E[g] use, formerly Class B use), with a focus on securing good quality, flexible and adaptable office space at varying sizes within the CAZ, alongside increases to the overall quantum of available office stock. London Plan Policy E11 requires development proposals to support employment, skills development, apprenticeships, and other education and training opportunities in both the construction and end-use phases.
122. In order to support the vibrancy and vitality of the CAZ, London Plan policies SD4 and SD5 promote mixed use development, including housing, alongside increases in office floorspace. Policy SD5 is clear, however, that new residential development should not compromise the strategic functions of the CAZ. The Mayor's Central Activities Zone SPG contains additional guidance on maintaining an appropriate mix of uses within the CAZ, setting out the weight that should be afforded to office use and CAZ strategic functions relative to residential.
123. At the borough level, a strategic target of the Southwark Plan is to build a strong, green and inclusive economy. To achieve this, Policy SP4 aims to bring forward at least 460,000 square metres of new office space between 2019 and 2036 (equating to around 35,500 jobs). The policy states that around 80% of new offices will be delivered in the CAZ and sets a strategic target of 20,000 new jobs for the Elephant and Castle Opportunity Area. The policy also expects 10% all new employment floorspace to be affordable workspace for start-ups and small and independent businesses.
124. Policy P30 of the Southwark Plan identifies sites within the CAZ, Opportunity Areas and town centres as appropriate for accommodating the significant

growth needed to meet business demand. This policy requires development proposals at the very least to maintain, but where possible increase, existing levels of business floor space. Applications proposing employment floorspace should be supported by a marketing strategy to demonstrate how the facilities would meet current market demand. Proposals should also bring forward a mix of other complimentary uses as well as residential to enhance the offer, vitality and long term vibrancy of central London.

### Assessment

125. This planning application proposes to deliver a net increase in office floor space in a rationalised and higher quality format, with affordable workspace forming part of the offer. This is entirely appropriate for this central London location and is supported by the aforementioned policies. It is therefore welcome in principle.
126. The existing building contains approximately 672 square metres of office floorspace and currently supports approximately 2.5 full time equivalent (FTE) jobs; prior to Specsavers vacating the premises in Spring 2022, it is understood the site supported approximately 25.5 FTE positions. Due to the building's poor condition, in its current state it is unlikely to attract new tenants. The proposed development would provide 718.4 square metres GIA of Class E[g] office floorspace, supporting up to 90 FTE jobs. This represents an uplift in office employment floorspace of approximately 46.4 square metres and an increase in the number of jobs by a maximum of 64.5 full time equivalent (FTE) positions. This increase in employment floorspace and job provision would satisfy the aims of the London Plan and the Southwark Plan in creating new jobs and high quality office space within the CAZ, the Elephant and Castle Opportunity Area and the Elephant and Castle Major Town Centre.
127. Policy P31 of the Southwark Plan states that employment uses (Class E[g]) "will be secured and where necessary, retained through the implementation of conditions and/or planning obligations in accordance with the tests set out in national policy". Given that the policy framework expects no less than the existing quantum of office floorspace on this site to be re-provided by any redevelopment, it is considered necessary to apply a condition to 21/AP/2838 preventing any change of use from office to occur without express planning permission having first been granted by the Local Planning Authority.
128. The policy requirements to provide skills and employment plans for the offices within the scheme at 10% of the estimated FTE employment on site would be secured through a planning obligation.
129. A number of objections to this planning application from members of the public referred to the Covid-19 pandemic removing or reducing the demand for office space in London, such that the office element of this proposed development is not needed. The development plan policies have not been amended or removed to respond to any long-term changes in working practices that may come out from the pandemic, and so remain as published and adopted for the consideration of this planning application. The Local Planning Authority must determine the submitted application presented in this report, in accordance with

the currently adopted local plan policies unless material considerations indicate otherwise.

130. The applicant has supplied a marketing strategy to demonstrate that there is demand for the proposed office space, in accordance with the requirements of Southwark Plan Policy P30 'Office and Business Development'. The report sets out that the predicted lack of supply of quality Grade A office buildings being delivered post 2024 will ensure that the proposed development will provide attractive high quality business floorspace in a central London location. It anticipates that there will be a large variety of occupiers wanting to upgrade from current secondary office stock, and that these occupiers will be attracted to the surrounding educational institutions, London College of Communications and LSBU. The health sector is also strongly represented locally, with excellent links to Guys, St Thomas's and Kings Hospitals.
131. The basement-level meeting rooms within the proposed offices would be bookable by the community free-of-charge outside of normal working hours. Policy S1 of the London Plan 2021 promotes the delivery of high quality, inclusive and accessible new social infrastructure. Policy P35 of the Southwark Plan seeks to "ensure the provision of main town centre uses including markets, community, civic, leisure and cultural uses are located in town centres and local centres", while Policy P47 welcomes the delivery of new community facilities provided they are available for all members of the community. The opportunity for the community to make use of the proposed meeting rooms is, therefore, acceptable in principle. Notwithstanding, in light of the rooms' limited size and hours of availability, this community use would not be given significant weight in determining the application.

### Affordable workspace

132. Policy E2 of the London Plan requires large-scale development proposals to incorporate flexible workspace suitable for micro, small and medium sized enterprises. Policy E3 deals specifically with affordable workspace. The policy states "In defined circumstances, planning obligations may be used to secure affordable workspace at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose". The policy identifies the circumstances in which it would be appropriate to secure affordable space. Part B of the policy specifically identifies the CAZ as an important location for securing low cost space for micro, small and medium sized enterprises.
133. Policy P31 of the Southwark Plan deals with affordable workspace. Criterion 2 of the policy requires major development proposals to deliver at least 10% of the gross new employment floorspace as affordable workspace on site at a discounted market rent for a period of at least 30 years. The policy recognises that there are many different forms that such space could take depending on the site location, characteristics, the nature of local demand and existing/proposed uses.

134. The total quantum of proposed market and affordable office floorspace within the development is 718.4 square metres GIA, an uplift of 46 square metres on the existing quantum of 672 square metres. Under the terms of Policy P30, a minimum of 10% of the office floorspace within the proposed development should be dedicated as 'affordable workspace'. In this instance, this equates to at least 71.8 square metres of dedicated affordable workspace.
135. The applicant has not confirmed exactly how the affordable workspace would be provided within the proposed offices, preferring at this stage to leave open the option to separate-off some of the floorspace into a standalone unit or provide it as desk space interspersed with the market rate facilities. Deferring these details to the post-decision Management Plan stage will allow an operator to be involved in the process of designating the affordable workspace location.
136. The Section 106 Agreement will include a dedicated 'affordable workspace' schedule. This will ensure, among other things, that:
- the workspace is provided for a 30-year period at a peppercorn rent for months 0-11, and then from 12 months until the end of the affordable workspace lifetime at no more than 75% Local Open Market Rent for equivalent space;
  - no more than 50% of the market rate office floorspace can be occupied until the affordable workspace has been fitted-out to the agreed specification ready for occupation;
  - a Full Management Plan and a Full Marketing Strategy (which will confirm the exact location and format of the affordable workspace), both of which will be secured in advance of the marketing period and first operation of the workspace;
  - the service charges payable by the tenant will be capped;
  - the rates payable by the tenant will be capped;
  - the operator is bound to a process of ongoing reporting over the course of the affordable workspace lifetime.

## Retail floorspace

### Policy background

137. The site lies in a popular area for retail and restaurant/café operators, being located close to the centre of Elephant and Castle with a frontage onto the busy thoroughfare of St George's Road. At present, the site contains 582 square metres of Class E[c] (financial and professional services) floorspace, which qualifies as 'retail' use.
138. Policy SD4 of the London Plan sets out a strategic priority to support the vitality, viability, adaption and diversification of Elephant and Castle, as a CAZ Retail Cluster, through retail and related uses. London Plan Policies E9 and SD7 provide support for, and do not permit loss of, essential convenience retail and specialist shopping in Major Town Centres. Policy SD7 requires development proposals in town centres to deliver commercial floorspace appropriate to the size and role of the town centre.

139. At the local level, Policy SP4 of the Southwark Plan identifies the Elephant and Castle Major Town Centre as appropriate for delivering approximately 10,000 square metres of retail floorspace. Policy P32 of the Plan requires development proposals to provide affordable and suitable space for existing occupiers in the completed development.
140. In order to secure a diversity of traders and small businesses within town centres, Southwark Plan Policy P35 requires development proposals to:
- retain retail floorspace; or
  - replace retail floorspace with an alternative use that provides a service to the general public and would not harm the vitality and viability of the centre.
141. In the CAZ, Opportunity Areas and town centres, Policy P35 requires any proposed retail uses to be conditioned so as to restrict change of use within Class E. Retail uses are defined as those falling within Classes E[a], E[b] and E[c] – which encompasses shops, post offices, cafés, restaurants, banks, building societies, professional services, estate agents and employment agencies.

#### Assessment

142. This planning application proposes a restaurant/café unit at ground floor level with glazed frontages onto St George's Road and Oswin Street. The proposed unit would serve visiting members of the public as well as potentially providing an optional breakfast service to hotel guests. It would have a floor area of 112.9 square metres GIA. Given that the existing retail use on the site has a floor area of 582.0 square metres GIA, this represents a net reduction of 469.1 square metres.



*Image 13 (above): Visualisation of the restaurant/café unit.*

143. The application site is of a modest footprint. To deliver an appropriately mixed-use redevelopment, it is inevitable that a reasonable proportion of the ground floor level will need to be reserved for servicing, circulation and ancillary facilities. Weight must also be given to the new hotel use, which would contribute towards the vitality and vibrancy of the town centre, together with the proposed uplift of office space. As such, while the proposed restaurant/café unit would be of a smaller floor area than the existing on-site quantum of retail floorspace, it would nevertheless provide modern and fit-for-purpose premises

that would support the retail/restaurant offer across the wider town centre. Additionally, the unit would improve activation along St George's Road and Oswin Street by providing a wrap-around glazed frontage. By contrast, the frontage of the existing building is separated from the St George's Road footway by a lightwell and partly obscured by the kiosk, and as such the proposed restaurant/café unit would greatly enhance the relationship between the site and the public realm. In summary, the proposed restaurant/café use accords with development plan policies and aspirations for the area, and on balance the net reduction in retail floorspace is acceptable.

144. In accordance with Policy P35, the proposed restaurant/café unit will, through the use of a planning condition, be limited to Class E[a], E[b] or E[c] uses only; this will remove the right to change the use of the unit to sub-categories [d], [e], [f] or [g] as would otherwise be possible under Permitted Development Rights. This will afford the owner a degree of flexibility in the event that the intended restaurant/café function is deemed unfeasible, while ensuring the use of the unit continues to provide a public service and active frontage.

## Business relocation

### Policy background

145. Where a proposed development may displace existing small or independent businesses, Policy P33 of the Southwark Plan requires the application to be accompanied by a Business Relocation Strategy. This must explain how the existing businesses will be supported through the course of the redevelopment and provide evidence that that the relocation option is suitable for the viable continuation of the businesses.
146. Where existing businesses are proposed to be relocated the strategy should, amongst other things, include:
- reasons why existing businesses cannot be located on site; and
  - details of relocation options explored with individual businesses, the assistance that will be provided, and evidence that the relocation option is suitable for the viable continuation of the business; and
  - identification of alternative premises in Southwark; and
  - collaboration with other landowners to establish whether suitable workspace for existing businesses could be accommodated in different phases of the development programmes.
147. Where existing businesses are to be accommodated in new development the strategy should include:
- specific business requirements including servicing, fit out and ownership or lease terms; and
  - temporary relocation arrangements (on site or as close to the original site as possible) or scheme phasing to allow the continuation of the business during construction; and

- options for temporary relocation should consider the cost and practical arrangements for businesses where multiple moves may not be feasible

#### Assessment – existing businesses within the site

148. There are two businesses operating from the existing building, 'Digital Marketing 24/7' and the 'Bold and Saucy Theatre Company'.
149. A public representation about the planning application asserted that the redevelopment would result in the loss of an existing cultural space. It is assumed this comment is referring to the activities of the 'Bold and Saucy Theatre Company'. The theatre company is not a longstanding tenant of the site, having taken up a meanwhile lease connected fully with the proposed redevelopment of the site – when they moved in, the planning process was underway and they were fully aware of this. While the relocation of the theatre company has not yet been resolved, dialogue is ongoing with the Central School of Speech and Drama about taking up residency in their facilities. 'Bold and Saucy' is not a cultural venue or use, being a business use (Class E[g]), and as such does not benefit from the protections of Policy P46 of the Southwark Plan.
150. Similarly to 'Bold and Saucy', 'Digital Marketing 24/7' expressly entered the building with the expectation of redevelopment, having taken up a flexible lease with regular break clauses. When 'Digital Marketing 24/7' decides to relocate, there are a range of options in the local area for comparable quality office/desk space at similar rents.
151. In summary, neither of the two existing occupiers have had a long-term presence on the site, both having taken advantage of low cost meanwhile space that otherwise would have been left vacant. The applicant's business relocation strategy states these businesses "do not require assistance [but] Create REIT will continue to keep them abreast of timings to allow them to identify alternative facilities in good time". For these reasons, it is considered that the applicant has met the requirements of Policy P33 of the Southwark Plan.
152. Up until March 2022, Specsavers Optical Superstores occupied the top floor of 21 St George's Road. As Specsavers is not an SME, it does not benefit from any policy protection. In any case, Specsavers devised its own business relocation strategy and implemented this upon the expiry of its lease in March 2022. Since Specsavers vacated, the premises have remained empty.

#### Assessment – existing businesses adjacent to the site

153. This planning application proposes an affordable micro retail unit with its own discrete access and back-of-house space including a WC. The micro unit would be demised and function entirely separately from the restaurant/café unit. Occupying a portion of the St George's Road frontage, the 20.5 square metre unit would have a serving hatch fronting directly onto the public realm at which customers would place and receive their orders.



*Image 14 (above): Photograph of the existing Nandine-operated kiosk to the front of the site.*



*Image 15 (above): Sketch of the proposed integral affordable micro unit (with illustrative tenant fascia signage).*

154. The unit will be offered to Nandine (the operator of the existing kiosk to the front of the site) on a first refusal basis on the same terms as its existing Southwark Council leased unit. Should Nandine not wish to lease the micro retail unit, it would be offered to an alternative qualifying occupier on exactly the same affordable terms. The on-site provision of this micro retail unit avoids the need to extinguish the street trading pitch, in turn avoiding any net reduction in the number of pitches in Elephant and Castle, where current demand significantly outstrips supply. The provision of the micro retail unit would also avoid the displacement of an existing local SME. These efforts to retain and re-accommodate the existing small business within new high-quality premises at a rental level equivalent to local trading pitch rates accords with the business retention expectations of Southwark Plan Policy P33, and as such is welcome.
155. It should be noted that the office component of the proposed development fully satisfies the policy requirement for 10% of the employment floorspace to be provided at affordable rents (as detailed in a preceding part of this report). As such, the proposed affordable micro retail unit is additional to (not part of) the developer's 10% affordable commercial space offer. In light of this, and given that neither the Southwark Plan nor London Plan are prescriptive about the minimum duration of affordable retail space, the offer from the developer to provide the micro unit on affordable lease terms for a minimum period of ten years is considered acceptable. This will give the tenant an adequate period time to grow their business, in accordance with the spirit of Policies P31, P32 and P33.
156. During the construction phase of the development, the applicant considers it feasible for the existing kiosk to continue operating from its current location on the St George's Road footway. As there is no absolute certainty of this, the Section 106 Agreement will include fall-back obligations to mitigate the impact to Nandine should it ultimately be necessary for their current operation from the kiosk need to cease during the construction period (this mitigation will apply irrespective of whether Nandine opts to occupy the micro retail unit within the building).

157. Further details about the agreed heads of terms can be found in the ‘Planning obligations and Community Infrastructure Levies’ part of this report. This includes the separate need to address the impact of the loss of the pitch on the income of the Southwark Street Traders and Markets Team including its ongoing agreement with Nandine.
158. Policy P32 of the Southwark Plan allows conditions to be applied to any proposed small shops to prevent future changes of use within Class E. A small shop is defined as being less than 80 square metres GIA, and as such the proposed affordable micro retail unit falls within this definition. It is considered appropriate to restrict the micro retail unit to Class E[a] and [b] uses for the following reasons:
- the proposed development would reduce the on-site retail floorspace, and as such it is important to ensure any reprovided retail space on the site is safeguarded to avoid further erosion of this land use;
  - the proposed micro unit has been purposely designed to serve customers from the street and thus should be limited to conventional retail and ‘street food’ functions – this will ensure the unit activates the street in the intended way, something that Class E[c] to [g] uses would be very unlikely to achieve.
159. The site is within the Hot Food Takeaway Exclusion Zone. Hot food (falafels, wraps, burgers etc.) are a key part of the business model of the current kiosk operator, Nandine. The potential occupation of the micro retail unit by Nandine therefore engages the Southwark Plan hot food takeaway policy, Policy P48. Were hot food takeaway uses not be permitted at the micro retail unit, it would in all probability dissuade Nandine from taking up tenancy – which would run counter to the spirit of business retention policies. To avoid this, it is recommended that the use of the micro retail unit for hot food takeaway purposes be permitted throughout the duration of Nandine’s occupancy (i.e. the permitted uses of the unit would be Class E[a], Class E[b] and Class Sui Generis [r]). In the event that the lease is taken up by any business other than Nandine, only Class E[a] and Class E[b] retail uses would be permitted, which would essentially permit any food retailer to sell cold food and hot drinks but not hot food. This personalised hot food takeaway use class allowance for Nandine will be secured through the Section 106 Agreement.

### Non-provision of housing

160. It is recognised that the proposal would not incorporate any housing, and that some representations from members of the public have objected to the proposal on these grounds. However, the footprint of the site limits its ability to accommodate the reprovided commercial floorspace alongside residential uses and their attendant amenity requirements. Therefore, in this instance and having regard to weight of support Policy SD5 of the London Plan and the Mayor’s CAZ SPD give to office uses in this location, the non-provision of housing is considered acceptable. In conclusion, and given that in land use terms the proposed hotel and retail units are acceptable in this location, non-provision of

housing is not a justifiable reason for refusing permission for the proposed development.

### Conclusion on uses

161. Each of the proposed land uses are appropriate in policy terms for this site within the CAZ, Elephant and Castle Opportunity Area and town centre. The uplift and improvement in office floorspace and the provision of a new mid-range hotel are considered to be major benefits of the scheme, facilitating the growth of Elephant and Castle's employment and tourism offer. The proposed restaurant/café unit would replace existing retail floorspace, albeit in a smaller quantum, and maintain an active frontage in this high footfall location, thereby supporting the vitality and viability of the Major Town Centre. Given the wide range of uses spanned by Class E, it is appropriate to limit by way of a planning condition:
- the restaurant/café use to Class E[a], [b] and [c] only (retail, dining and professional/financial services);
  - the micro retail unit to Class E[a] and [b] only (retail and dining), with a separate planning obligation allowing Sui Generis takeaway use in the event of Nandine taking up occupancy of the unit; and
  - the office to Class E[g] only.
162. To ensure compliance with the economy-focussed policies of the London and Southwark Plans, planning obligations are recommended to secure the affordable workspace, affordable micro retail unit, and the end use jobs and training.

### **Environmental impact assessment**

163. Environmental Impact Assessment is a process reserved for the types of development that by virtue of their scale or nature have the potential to generate significant environmental effects.
164. The Council was not requested to issue a screening opinion as to whether the proposed development, due to its proposed size and scale, would necessitate an Environmental Impact Assessment (EIA).
165. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 set out the circumstances in which development must be underpinned by an EIA. Schedule 1 of the Regulations sets out a range of development, predominantly involving industrial operations, for which an EIA is mandatory. Schedule 2 lists a range of development types for which an EIA might be required due to the potential for significant environmental impacts to arise. Schedule 3 sets out that the significance of any impact should include consideration of the characteristics of the development, the environmental sensitivity of the location and the nature of the development.

166. The range of developments covered by Schedule 2 includes 'Urban development projects' where:
- the area of the development exceeds 1 hectare and the proposal is not dwellinghouse development; or
  - the site area exceeds 5 hectares.
167. The application site is 0.0534 hectares and as such the proposal does not exceed the Schedule 2 threshold.
168. Consideration, however, should still be given to the scale, location or nature of development, cumulative impacts and whether these or anything else are likely to give rise to environmental impacts of more than local significance. Planning application 21/AP/2838 proposes to demolish the existing 3-storey building and construct in its place a 15-storey mixed-use building rising to a maximum height of 53.62 metres AOD metres, together with public realm improvements and other associated works. Its scale is appropriate to its urban setting and it is unlikely to give rise to any significant environmental impacts. Those impacts which are identified through the various submitted reports and studies can be mitigated through appropriate conditions or obligations.
169. For the above reasons, an EIA is not required in respect of the proposed development.

### **Amenity impacts on nearby residential occupiers and surrounding area**

170. The importance of protecting neighbouring amenity is set out in Southwark Plan Policy P56, which states "development should not be permitted when it causes an unacceptable loss of amenity to present or future occupiers or users". The 2015 Technical Update to the Residential Design Standards SPD 2011 expands on policy and sets out guidance for protecting amenity in relation to privacy, daylight and sunlight.

### **Daylight and sunlight**

171. The NPPF sets out guidance with regards to daylight/sunlight impact and states "when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site". The intention of this guidance is to ensure that a proportionate approach is taken to applying the BRE guidance in urban areas. London Plan Policy D6 sets out the policy position regarding this matter and states "the design of development should provide sufficient daylight and sunlight to new and surrounding houses that is appropriate for its context". Policy D9 (Tall Buildings) states that daylight and sunlight conditions around the building(s) and neighbourhood must be carefully considered. Southwark Plan policies identify the need to properly consider the impact of daylight/sunlight without being prescriptive about standards.

172. The BRE Guidance sets out the rationale for testing the daylight impacts of new development through various tests. The first and most readily adopted test prescribed by the BRE Guidelines is the Vertical Sky Component assessment (VSC). 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 approximately 20% of the original value before the loss is noticeable.
173. The second method is the No Sky Line (NSL) or Daylight Distribution (DD) method, which assesses the proportion of the room where the sky is visible, and plots the change in the No Sky Line between the existing and proposed situation. It advises that if there is a reduction of more than 20% in the area of sky visibility, daylight may be affected.
174. Another method of calculation is the Average Daylight Factor (ADF). This is the most effective way to assess the quality and quantity of daylight in rooms within new dwellings, but should only be used where the layout and window positions are known. The ADF takes into account the amount of daylight received on the surface of the window(s), the size and number of windows, the size and use of the room, the diffuse visible transmittance of the glazing used, the maintenance factor and the reflectance of the room surfaces. The recommendations for ADF in dwellings are 2.0% for kitchens, 1.5% for living rooms and 1.0% for bedrooms. In the case of a kitchen/living/dining space, 2.0% should applied. The BRE recommends that while ADF is an appropriate measure for new buildings and master planned areas, VSC/NSL should be principally used to assess impact on existing buildings.

#### Properties assessed for daylight impacts

175. This planning application was accompanied by a daylight and sunlight assessment undertaken in accordance with the BRE guidelines. The document assesses the extent to which the proposed development would affect the dwellings in the following buildings:
- 1) 1 Oswin Street, Metropolis
  - 2) Hayles Buildings, Elliott's Row
  - 3) 65, 66, 67 and 68 Elliott's Row
  - 4) 35 St George's Road
  - 5) Laurie House, Gaywood Street
  - 6) Perronet House, Princess Street
  - 7) LCC, Block W1 (consented)
176. Provided below is a map of the residential buildings (in turquoise) showing their relationship to the application site (in dark blue):



Image 16 (above): Site location plan with the surrounding existing sensitive residential buildings highlighted turquoise. Building 7 (W1 of the LCC consented redevelopment) is the building in the bottom right hand corner of the image.

177. For the purposes of the applicant’s daylight and sunlight report, the consented LCC buildings (W1, W2 and W3) have been modelled as part of the “existing” context to understand the cumulative effect the consented scheme may have on other surrounding properties, and to assess the impact on the consented building itself.

VSC and NSL impacts for sensitive surrounding residential properties

178. The table below summarises the VSC impacts to surrounding properties as a result of the proposed development being built-out in the present day context plus the LCC W1 scheme:

Property	Number of windows that would experience a VSC reduction (as a percentage of the baseline VSC value)			
	No loss or a loss of up to 19.9%	20%-29.9% (minor adverse impact)	30%-39.9% (moderate adverse impact)	40% + (substantial adverse impact)
<b>1 Oswin Street, Metropolis</b>				
Total no. habitable windows tested: 13				
<ul style="list-style-type: none"> <li>Of the 13 windows, none would retain a VSC of 27% or more.</li> <li>The distribution of percentage reductions of these <u>13</u> windows is:</li> </ul>				
Proposed vs existing	12	1	0	0

<b>Hayles Buildings, Elliott's Row</b>				
Total no. habitable room windows tested: 35				
<ul style="list-style-type: none"> <li>• Of the 35 windows, none would retain a VSC of 27% or more.</li> <li>• The distribution of percentage reductions of these <u>35</u> windows is:</li> </ul>				
Proposed vs existing	15	5	4	11
<b>65, 66, 67 and 68 Elliott's Row</b>				
Total no. habitable room windows tested: 16				
<ul style="list-style-type: none"> <li>• Of the 16 windows, none would retain a VSC of 27% or more.</li> <li>• The distribution of percentage reductions of these <u>16</u> windows is:</li> </ul>				
Proposed vs existing	14	2	0	0
<b>35 St George's Road</b>				
Total no. habitable room windows tested: 28				
<ul style="list-style-type: none"> <li>• Of the 28 windows, 10 would retain a VSC of 27% or more.</li> <li>• For the <u>18</u> that would not, the distribution of percentage reductions is:</li> </ul>				
Proposed vs existing	15	3	0	0
<b>Laurie House, Gaywood Street</b>				
Total no. habitable room windows tested: 66				
<ul style="list-style-type: none"> <li>• Of the 66 windows, 21 would retain a VSC of 27% or more.</li> <li>• For the <u>45</u> that would not, the distribution of percentage reductions is:</li> </ul>				
Proposed vs existing	45	0	0	0
<b>Perronet House, Princess Street</b>				
Total no. habitable room windows tested: 53				
<ul style="list-style-type: none"> <li>• Of the 53 windows, 29 would retain a VSC of 27% or more.</li> <li>• For the <u>24</u> that would not, the distribution of percentage reductions is:</li> </ul>				
Proposed vs existing	16	7	0	1

179. The table below summarises the NSL (also known as ‘daylight distribution’) impacts to surrounding properties as a result of the proposed development being built-out in the present day context plus the LCC W1 scheme:

Property	No. windows that would experience a reduction in NSL (as a percentage of the baseline NSL value)			
	No loss or a loss of up to 19.9%	20%-29.9% (minor adverse impact)	30%-39.9% (moderate adverse impact)	40% + (substantial adverse impact)
<b>1 Oswin Street, Metropolis</b>				
Total no. habitable rooms tested: 7				
Proposed vs existing	7	0	0	0
<b>Hayles Buildings, Elliott’s Row</b>				
Total no. habitable rooms tested: 35				
Proposed vs existing	18	3	7	7
<b>65, 66, 67 and 68 Elliott’s Row</b>				
Total no. habitable rooms tested: 16				
Proposed vs existing	15	1	0	0
<b>35 St George’s Road</b>				
Total no. habitable rooms tested: 10				
Proposed vs existing	9	0	1	0
<b>Laurie House, Gaywood Street</b>				
Total no. habitable rooms tested: 18				
Proposed vs existing	18	0	0	0
<b>Perronet House, Princess Street</b>				
Total no. habitable rooms tested: 40				
Proposed vs existing	40	0	0	0

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1 Oswin Street, Metropolis

180. One window would experience a 27.69% proportional reduction in VSC. It is understood that the room is served by an additional three windows, none of which would experience VSC losses in excess of the BRE guidance. As such, and when also considering the room would experience no reduction in NSL, the daylight impacts to this property would be minor.

Hayles Buildings, Elliott's Row

181. Of the surrounding existing dwellings, those within the Hayles Buildings would experience the greatest extent of VSC impact as a result of the proposed development. 11 windows would experience substantial adverse VSC reductions. It is understood that the affected rooms are 3 living rooms, 4 kitchens, 2 kitchen/diners and 2 bedrooms.
182. The single greatest percentage loss of VSC would be 82.14%, affecting a living room and resulting in an absolute VSC value of 0.60%. While this substantial percentage loss must be acknowledged, the existing absolute VSC value is very low, at 3.36%. This low baseline is largely attributable to the host building's design, whereby the window in question looks onto a covered deck-access walkway and is situated close to a corner, restricting the window's access to daylight. Of the other ten substantially impacted windows, four have the same recessed configuration, including the second most significantly impacted window (where the VSC percentage loss would be 76.54%, but from a very low existing absolute VSC value of 2.43%). Given that these windows are heavily reliant on limited quantity of incoming daylight from the direction of the application site, any reasonable redevelopment of the site would inevitably cause marked proportional VSC reductions to these windows.
183. While the six other windows at the Hayles Buildings affected to a substantial adverse extent are not recessed, they stand comparatively closer to the site boundary. These rooms are understood to be a mix of two bedrooms and four kitchens.
184. With regard to the two bedrooms, the absolute VSC of the windows would be reduced to 13.02% and 13.63%. The daylight demands of bedrooms are not as great as other habitable rooms because their primary function is to provide sleeping accommodation, and as such the resulting losses are considered acceptable given the urban context.
185. With regard to the four kitchen windows, these are set back farther from the site than the bedrooms, but the existing daylight they receive is limited to an extent by an adjacent projecting wing at the Hayles Buildings. The absolute VSC of the four windows would be reduced to 6.94%, 7.48%, 7.84% and 8.87% as a result of the proposed development. While occupiers would experience a noticeable change to daylight levels, the resulting values, although low, are not uncommon for an urban environment.

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186. With regard to NSL, there are a total of 17 site-facing rooms at the Hayles Buildings that would be adversely impacted. Three of these would be impacted to a minor adverse extent, seven to a moderate adverse impact and seven to a substantial adverse impact.

187. The rooms substantially adversely impacted are understood to comprise three kitchens, two kitchen/diners and two living rooms. The losses would range from 41.0% to 63.2%. These seven rooms are located on the uppermost two floors of the Hayles Building, and as such currently enjoy a good area of existing sky visibility over the ridge line of the existing 21 St George's Road building opposite. Standing three and a half storeys tall, the existing building is relatively low rise not just in the context of its immediate surroundings, but also in view of its Major Town Centre location. Thus, any reasonable development of the land would have a material effect on the portion of sky visible from these nearby rooms at the Hayles Buildings. For these reasons, and while fully recognising the extent of the NSL reductions, it is not considered that the impact would be significantly harmful to the occupiers' overall amenity.

65, 66, 67 and 68 Elliott's Row

188. Two minor adverse losses would be experienced at these properties. However, in both cases these proportional losses are marginally in excess of the BRE threshold, at 20.46% and 20.89%. The windows would retain absolute VSC values of 17.81% and 19.99%, which are considered reasonable in an urban environment.

189. There would be one minor adverse impact to NSL, but the exceedance of the BRE guidance would be marginal at 21.1%. While this should nevertheless be recognised as a minor adverse impact, it would still be possible for users to see direct sky from a 52.5 square foot portion of the room, meaning the space as a whole would not become uncomfortably cold or dark.

35 St George's Road

190. The three minor adverse VSC losses at 35 St George's Road would, similarly to those at Elliott's Row, be only slightly in excess of the BRE threshold, at 20.65%, 21.58% and 22.43%. None of the resulting absolute VSC levels for the three windows would be below 18%, which is considered reasonable for an urban environment.

191. There would be one moderate adverse impact to NSL, which would affect a first floor window. The existing NSL would be reduced by 32.9%. The affected room faces directly towards the centreline of the application site, and as such the redevelopment of the site to provide a taller building will inevitably reduce the proportion of the room from which sky can be seen. While the degree of impact is acknowledged, taking account of the fact that the window would not undergo a loss of VSC in excess of the BRE guidelines, it is not considered that the occupiers would be subject to a harmful loss of daylight loss.

Perronet House, Princess Street

192. One first floor window at Perronet House, which is tucked into the canopied corner where the taller block intersects the plinth block, would experience a substantial adverse reduction in VSC of 40.62%. However, this is due to the low baseline value; the actual change in VSC would be only 2.64% (from an absolute value of 6.5% down to 3.86%). The other seven windows to experience losses in excess of the BRE guidance, all of which are located at first floor level in the plinth building, would be adversely affected to a minor extent. Overall, and given that all rooms at Perronet House would experience proportional changes in NSL of less than 20%, the effects to the daylight level at these properties would not be harmful to amenity.

ADF impacts for sensitive surrounding residential properties

193. The applicant's daylight and sunlight report also includes ADF testing of the consented W1 building at the LCC site, immediately to the east of the application site. The impacts are summarised below:

Property	Rooms that would experience a loss of ADF to less than the level advised by BRE guidance			
	Bedroom	Living Room	Kitchen or Liv/Din/Kit	Total
<b>London College of Communication site, Block W1 (consented)</b>				
Total no. rooms tested: <b>83</b>				
Existing vs proposed	0 (of 70)	N/A	0 (of 13)	0

194. As the table above shows, none of the 83 site-facing rooms would experience a loss of ADF to less than the level advised by BRE guidance. All rooms tested will therefore continue to receive good levels of daylight with the development in place.

Sunlight

195. The applicant's daylight and sunlight report has assessed the impact of the proposed development on the sunlight received at all windows facing within 90 degrees of due south. The BRE guide states that nearby windows must be assessed using the three-stage process set out below to determine if, as a result of the development, the sunlight levels would reduce to an extent that the room may feel colder and less pleasant.

196. The first stage is to determine if the window would experience:

- a reduction in sunlight to less than 25% Annual Probable Sunlight Hours (APSH); or

- a reduction in sunlight to less than 5% Winter Probable Sunlight Hours (WPSH); or
- both of the above.

197. If one of the above criteria is triggered, the next stage is to determine if:

- the window's resulting APSH is less than 0.8 times its former value; or
- the window's resulting WPSH is less than 0.8 times its former value; or
- both of the above.

198. Where one of the criteria in Stage 2 is met, the final stage is to determine if the overall loss of sunlight across the whole year would reduce by more than 4% of APSH.

199. The seven properties assessed for daylight impacts have also been assessed for sunlight impacts. The table below summarises these. The assessment is based on the proposed development being built-out in the present day context plus the LCC W1 scheme:

Property	No. windows that would experience a reduction in sunlight hours			
	No. of windows tested	No. of windows that pass	No. of windows that fail winter	No. of windows that fail annual
<b>1 Oswin Street, Metropolis</b>				
Proposed vs existing	1	1	0	0
<b>Hayles Buildings, Elliott's Row</b>				
Proposed vs existing	35	33	0	2
<b>65, 66, 67 and 68 Elliott's Row</b>				
Proposed vs existing	16	16	0	0
<b>35 St George's Road</b>				
Proposed vs existing	28	23	5	0
<b>Laurie House, Gaywood Street</b>				

Proposed vs existing	66	66	0	0
<b>Perronet House, Princess Street</b>				
Proposed vs existing	53	53	0	0

200. At the Hayles Buildings, the two windows to experience a reduction in APSH in excess of the BRE guidance serve living rooms. In one case, the number of sunlight hours would be reduced from 5 as existing to zero as proposed. In the other, the number of sunlight hours would be reduced from 4 as existing to zero as proposed. The two windows in question are also the two most heavily impacted windows in terms of VSC percentage loss. As discussed in the 'Daylight Impacts' section of this report, the windows are recessed and thus the inherent design of the building heavily constrains the availability of sunlight. As such, while the further reduction the proposed development would bring is likely to be perceived by the occupiers, because the existing sunlight levels are so low it is not considered that the degree of change within these two rooms would be harmful.
201. The one other residential building to experience sunlight losses in excess of the BRE guidance is 35 St George's Road. Five windows, each serving separate apartments, would experience substantial adverse WASPH impacts. However, these windows face within 90 degrees of due north, and have only been included in the testing because they form part of rooms that contain other windows facing south. The windows themselves receive marginal sunlight levels of 1 APSH at present, which would reduce to zero as a result of the development. Despite the significant percentage change of 100%, in reality the effect would be unnoticeable to the users of the five rooms, especially as the other (south facing) windows would experience no or barely noticeable changes in WASPH.
202. It should be noted that no sunlight testing of the consented W1 building at the LCC site is necessary, as all of the site facing windows are oriented within 90 degrees of due north.

#### Conclusion on daylight and sunlight

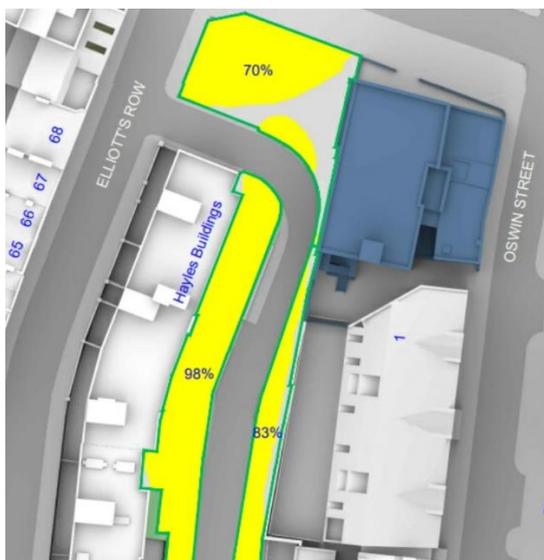
203. In total, the development would result in 18 minor, 4 moderate and 12 substantial adverse reductions in VSC for surrounding properties. With respect to NSL, there would be a total of 4 minor, 8 moderate and 7 substantial reductions for surrounding properties. These exceedances of the BRE guidance, and the negative impact they would have on neighbour amenity, should be given some weight in determining the application.
204. However, when interpreting the daylight losses, regard must be had to the relatively low-rise character of the existing building on the site, as well as its location within a comparatively more densely-developed environment. Some of

the most impacted properties stand close to the site boundary, and thus are overly reliant on it for their receipt of light, or have design features that significantly limit the existing internal light levels, as a result of which any meaningful development on neighbouring land would generate sizeable percentage losses.

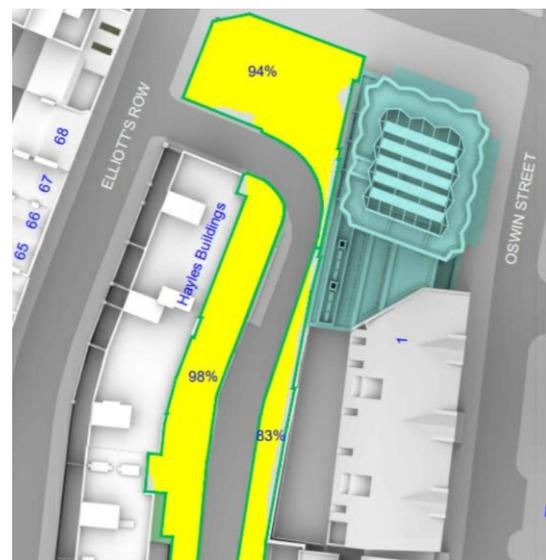
205. Sunlight exceedances would be experienced by two windows at the Hayles Buildings. In both cases, elements inherent to the building's design (such as deck overhangs and pier walls) already significantly hinder sunlight receipt such that any further reduction produces a large percentage loss not representative of how the change would truly be experienced by the users of the room.
206. On balance, and noting that the BRE guidelines should be applied with a degree of flexibility in urban environments, it is not considered that the daylight and sunlight losses, and the degree of harm to amenity, would warrant withholding planning permission.

### Overshadowing

207. The applicant's shading analysis has demonstrated that, in the current-day scenario, 70% of the Elliott's Row pocket park receives more than 2 hours of direct sunlight on the Spring Equinox. With the proposed development in place, 94% of the pocket park would receive more than 2 hours of direct sunlight on the same day. This improvement in sunlight access is largely attributable to the redistribution of massing that would occur as result of the development, whereby the proposed built mass on the southern portion of the site would be of a lesser scale than the existing three and a half storey structure, thus enabling more sunlight to penetrate the southern edge of the pocket park.



*Image 17 (above): Extent of sun-on-ground at nearby open spaces on the Equinox in the current-day scenario*



*Image 18 (above): Extent of sun-on-ground at nearby open spaces on the Equinox in the proposed scenario*

### Privacy

208. A number of representations from members of the public have objected to the proposal on the grounds that it would infringe on the privacy of surrounding existing properties and the Elliott's Row Pocket Park.

209. There are no planning policies or guidelines concerned with protecting the users of public external spaces from overlooking. However, it is recognised that the introduction of the proposed fifteen storey building adjacent to the pocket park would give rise to an increase in perceived overlooking, which could detract from the park's appeal and sense of privacy.

210. With regard specifically to preventing harmful overlooking of dwellings, the 2015 Technical Update to the Residential Design Standards SPD 2011 requires developments to achieve:

- a distance of 12 metres between windows on a highway-fronting elevation and those opposite at existing buildings; and
- a distance of 21 metres between windows on a rear elevation and those opposite at existing buildings.

211. The above minimum distances would be achieved between the proposed development and all surrounding existing and consented dwellings, with the exception of some of the flats in the Hayles Buildings. The closest distance between any clear-glazed windows at the Hayles Buildings and the façade of the proposed building would be approximately 12.6 metres, which represents a marginal improvement on the existing relationship.

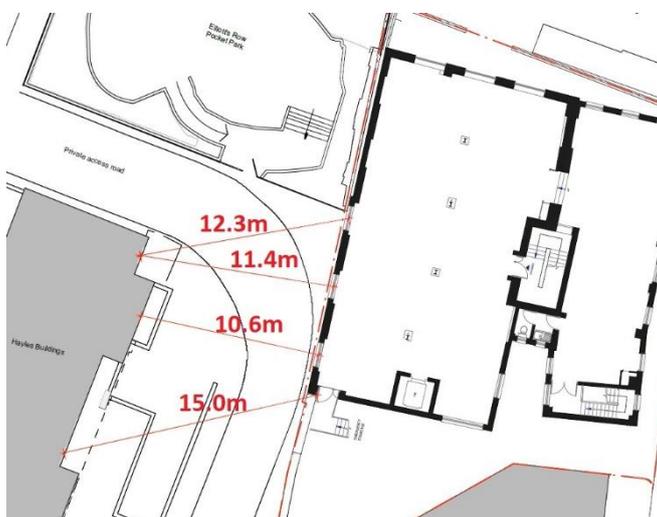


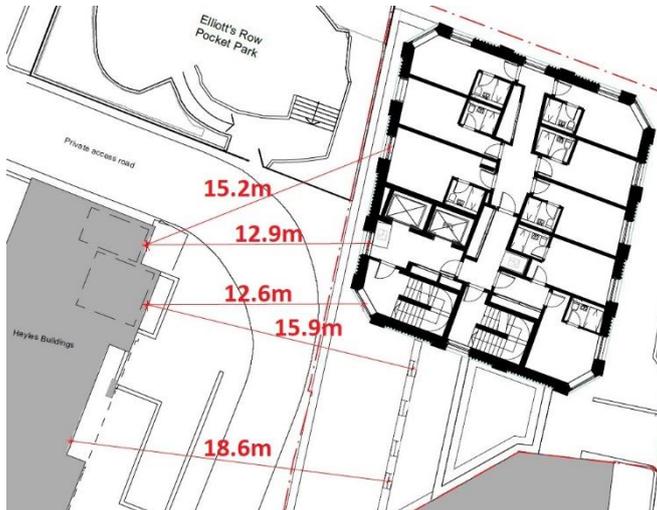
Image 19 (above): First floor plan of the existing building, showing the distances to the clear-glazed windows at the Hayles Buildings



Image 20 (above): View from the existing building towards the Hayles Buildings opposite

212. In recognition of the concerns raised by members of the public about overlooking of the dwellings within the Hayles Buildings and the pocket park, the applicant has agreed to apply obscuring treatments to some of the windows on the proposed building's west and south elevations. The treatments would comprise:

- full-height ‘frosting’ to fifteen windows across levels 1 to 3 of the building (depicted in orange in the figure below);
- full-height directional film applied to two windows at level 3 of the building (depicted in red in the figure below); and
- 1.8 metre high ‘frosting’ to thirty-one windows, across levels 3 to 14 (depicted in blue in the figure below).

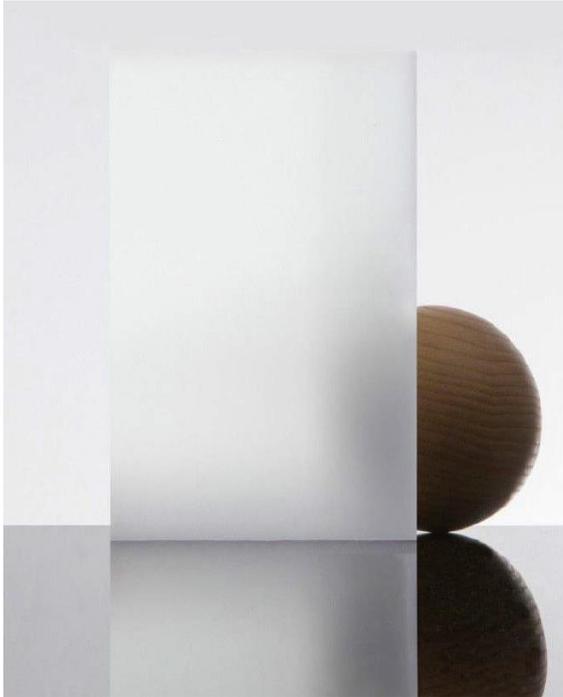


*Image 21 (above): Fifth floor plan of the proposed building, showing the distances to the clear-glazed windows at the Hayles Buildings*

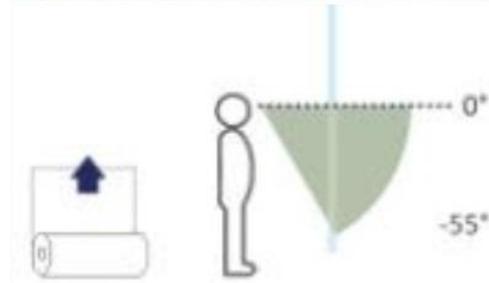


*Image 22 (above): Isometric of the building, showing the proposed treatment to the south and west facing glazing*

213. The permanent ‘frosted’ treatment would be achieved by acid etching, fritting or sandblasting the surface; this would produce a translucent effect. As well as preventing views out, the frosting would also lessen the light transmission from inside to outside, reducing light pollution. As these 46 windows serve office floorspace and circulation cores, the lack of outlook that would result for users of the development would not be harmful.
214. With regard to the two windows at level 3 of the building adjacent to Elliott’s Row Pocket Park, both of which would serve hotel rooms, the directional film the applicant proposes to install is called ‘Lumisty’ view control’. The ‘Lumisty’ product changes the appearance of glass from translucent to transparent and vice versa according to the viewing angle of the person inside the room. A selection of options are available providing privacy or visibility in a vertical or horizontal direction. The applicant proposes to apply to both windows a type of ‘Lumisty’ that blurs downward views but leaves horizontal and upward views unobstructed. This would significantly reduce opportunities for hotel guests staying at either of these rooms to obtain views ‘down’ into the pocket park. All hotel rooms from level 4 upwards fronting the pocket park would be fitted with clear glazing, which –given that these windows are relatively high in relation to the pocket park, thus limiting any risk of perceived overlooking– is considered reasonable in the interests of ensuring the room occupiers can enjoy a good quality of outlook.



*Image 23 (above): Example of the obscuring effect of the proposed 'frosted' treatment.*



*Image 24 (above): Example of the obscuring effect of the proposed 'Lumisty' view control treatment.*

215. To ensure the 'frosted' and 'Lumisty' treatments achieve an adequate degree of visibility reduction, it is recommended that approval of 22/AP/2838 be subject to a condition requiring sample panels to be submitted to and approved by the Local Planning Authority prior to above grade works taking pace.
216. In conclusion, the proposed building would be separated from the majority of the surrounding dwellings by distances in excess of those advised by the Residential Design Standards, thus protecting these residents from any harmful overlooking. Taking account of the opaquing treatment to some of the windows on the south and west elevations, which would reduce both the actual and perceived impact on the privacy of the Hayles Buildings residents and the pocket park users, it is considered that no harmful privacy impacts would result from the proposed development.

### Outlook and sense of enclosure

217. The site is located at a point of transition between the Major Town Centre, which is characterised by a dense urban grain including a number of existing and consented tall buildings, and the lower-rise but nevertheless relatively tightly-knit townscape to the west around Elliott's Row and West Square. The development would introduce to the site a single tower rising from a longer three-storey base/plinth. The tower element has been located on the northern portion of the site to optimise separation distances to surrounding properties, stepping down to the much lower height of three storeys on the more sensitive southern portion. The tower has been designed with chamfered corners to reduce its apparent width, while the western side of the base/plinth element would be of a tiered massing to retain a good sense of openness for the

dwellings directly opposite in the Hayles Buildings. The proposal would incorporate high quality materials and extensive green walls and roofs, all of which would have a positive effect on the surrounding properties' outlook. As such, it is not considered that any of the surrounding dwellings which look towards the site would experience a harmfully diminished quality of outlook or sense of openness as a result of the proposed development.

## Noise and vibration

### Plant noise

218. Plant (power, heating and cooling machinery) would be located on the roof of the tower, as well as on the roof of the ground floor storey of the base/plinth part of the building. The plant on the tower would be screen behind an acoustic enclosure, while the plant on the base/plinth would be contained within its own housing and concealed from public view by a parapet wall.
219. Noting the potential for the office to be used through the night, one public comment about the planning application raised concerns about the night-time noise levels from the plant. In response to this, the applicant has confirmed that a night-time set-back, or "quiet-mode", will be implemented to ensure that the necessary acoustic levels are achieved in line with the Southwark standard noise controls.
220. A condition is recommended requiring the plant not to exceed the background sound level (LA90 15min) at the nearest noise sensitive premises, and for the specific plant sound level to be 10 dB(A) or more below the representative background sound level in that location, all to be calculated fully in accordance with the relevant Building Standard. The condition is considered sufficient to ensure that the proposed plant will not have an unacceptably adverse impact on existing neighbouring residents or the users of the building.

### Public noise nuisance

221. In terms of public noise nuisance from the development for surrounding residents, the only potential sources are the proposed restaurant/café unit and micro retail unit. Examples of potential noise nuisance include the use of the restaurant/café for entertainment or music incidental to the dining function, and the late night serving of food and drink to customers from the serving hatch.
222. In order to limit any risk of public noise nuisance, it is recommended that the following opening hours limitations be imposed on the retail uses:
  - Restaurant/café unit:
    - For visiting members of the public: 07:00-23:00 Mondays to Saturdays and 08:00-22:00 Sundays and Bank Holidays
    - For hotel guests: 06:00-23:00 Mondays to Saturdays and 06:00-22:00 Sundays and Bank Holidays
  - Micro retail unit: 07:00-22:00 Mondays to Sundays (incl. Bank Holidays)

## Odour

223. The application is accompanied by an extraction and ventilation statement. This explains that the restaurant/café and micro retail unit will contain food re-heat facilities only and will not have facilities for full cooking with kitchen extract/exhausts. This will minimise the risk of odour impacts on surrounding properties.

## **Design**

224. Paragraph 56 of the NPPF stresses the importance of good design, considering it to be a key aspect of sustainable development. Chapter 12 of the NPPF (Achieving Well Designed Places) is the key national policy for design. In particular para 134 requires development to reflect local and national design policies, guidance and SPDs. It sets out that outstanding or innovative design should be given significant weight in decision making, and requires development that is not well designed to be refused.
225. Chapter 3 of the London Plan 2021 deals with design related matters. Policy D3 promotes a design-led approach to making the best use of land. Policies D4 and D8 build on this, setting out the design principles for ensuring new development makes a positive contribution in terms of architecture, public realm, streetscape and cityscape. Policy HC1 advises that development affecting heritage assets and their settings should conserve their significance by being sympathetic in their form, scale, materials and architectural detail.
226. London Plan Policy D9 is specifically concerned with tall buildings. The policy sets out a list of criteria against which to assess the impact of a proposed tall building – namely locational, visual, functional, environmental and cumulative. London Plan Policy D4 requires all proposals exceeding 30 metres in height to have undergone at least one design review or demonstrate that they have undergone a local borough process of design scrutiny. The proposed building would, at 50.29 metres above ground level, exceed the 30 metre threshold. It thus engages Policy D9.
227. The importance of good design is further reinforced by Policies P13 (Design of Places), P14 (Design Quality) and P17 (Tall Buildings) of the Southwark Plan. These policies require all new developments to:
- be of appropriate height, scale and mass;
  - respond to and enhance local distinctiveness and architectural character;
  - conserve and enhance the significance of the local historic environment;
  - take account of and improve existing patterns of development and movement, permeability and street widths;
  - ensure that buildings, public spaces and routes are positioned according to their function, importance and use;
  - improve opportunities for sustainable modes of travel by enhancing connections, routes and green infrastructure; and

- be attractive, safe and fully accessible and inclusive for all.

228. Specifically for tall buildings, Policy P17 requires:

- the location to be within a major town centre, an opportunity area and/or the CAZ, where tall buildings are appropriate;
- the location to be at an area of landmark significance;
- proposals to a proportionate height to the location and site;
- proposals to have a positive impact on the London skyline;
- proposals to respond positively to local character and townscape;
- there to be no harmful impact on strategic views;
- proposals to provide a functional public space; and
- the provision of newly publically accessible space near or at the top of the building where appropriate.

229. It also sets out that the design of tall buildings must:

- be of exemplary design and quality;
- conserve and enhance designated heritage assets and make a positive contribution to the wider townscape;
- avoid harmful environmental impacts;
- maximise energy efficiency; and
- have a positive relationship with the public realm, provide opportunities for new street trees, design lower floors to successfully relate to and create positive pedestrian experience, provide wider footways and accommodate increased footfall.

### Site layout, access and public realm

230. The proposed site layout is well-conceived, opening up the majority of the site's St George's Road and Oswin Street perimeters with new street-facing town centre uses, one of which –the micro retail unit– will function akin to a street food stall, helping animate the public realm. The legible entrances of these ground floor uses, and the broader extensive glazed frontage within which they would sit, would bring transparency to the base of the building and provide a positive relationship with the new public realm.

231. The proposals for new public realm to St George's Road and Oswin Street, incorporating high quality surface treatments, continue the example set by the adjacent consented LLC scheme, delivering a positive and coherent public realm experience. The details of the finishes will be secured through the Section 278 Agreement, in conjunction with Council's Highways Team.

232. The proposed interface with the pocket park would take the form of a windowless brick facade at low level, which would be articulated with brickwork piers to continue the rhythm of the masonry frame on the building's upper storeys. This non-glazed condition would allow for seating and climbing plants to be placed on the pocket park's western edge, should the custodians consider this appropriate. At first and second floor levels on this boundary, the building

has been designed with integrated living walls to provide a backdrop of greenery to the park.

233. The co-location of office, hotel and retail uses within a building of relatively modest footprint has been well resolved, with minimised circulation internally and a rational arrangement of rooms across all floors and uses.
234. The servicing and back-of-house areas have been restricted as much as possible to within the heart of the site, which is welcomed in the interests of optimising active frontage around the perimeter. Wider footways would be provided along St George's Road and Oswin Street, helping to reinforce existing routes around the site, while also making the pedestrian experience more comfortable.
235. In summary, the proposed ground plane is considered to be well resolved, with the building providing strong and engaging street frontages together with enhanced public realm. Despite the complexities that co-locating three uses could present, the internal layout of the upper floors and shared servicing spaces within the basement is rational and efficient. Externally, the widened footways are welcomed, as is the appropriately 'soft' condition –comprising green walls and relatively few windows on the lower floors– on the pocket park boundary.

### Height, scale, massing and tall building considerations

236. 21 St George's Road sits at an important juncture, where the urban hinterland to the west –consisting of the statutorily instituted Elliott's Row and West Square conservation areas– meets central Elephant and Castle. The site is within the Elephant and Castle Opportunity Area, and is adjacent to the consented scheme at the LCC site, as shown in the images below. The consented towers at the LCC would stand to 20, 24 and 40 storeys. The LCC scheme also includes a single storey pavilion that would form the centrepiece of an area of new public realm space adjacent to Oswin Street.



*Image 25 (above): Massing model, looking southwards across Elephant and Castle, showing the proposed development (depicted in gold) in the context of the existing and consented townscape, including the adjacent LCC towers.*

237. Opposite the site on the northern side of St George's Road is Perronet House. This comprises two conjoined blocks, the taller of which is 11 storeys in height and contains retail at ground floor and residential uses on the storeys above, while the lower three-storey block incorporates residential use and a doctor's surgery. Further to the west are three storey terraced houses fronting Gaywood Street and the Gaywood Estate, including the 11-storey Prospect House.
238. To the south and west are predominantly residential areas, including flatted developments and terraced housing. Building heights in these areas are generally in the range of three to six storeys. In this neighbourhood, buildings are generally more historic than those in the centre of Elephant and Castle, albeit dating from a number of different eras. Immediately to the south of the application site is the Metropolis building, a relatively modern flatted development. The nearest properties to the west of the site are the Hayles Buildings, a succession of early 20th Century five-storeyed mansion blocks.
239. The site acts as a transitional point between, to the west, the residential areas, and to the east, the town centre around the station and shopping centre.



*Image 26 (above): Cross-section west-to-east through the site, showing the relationship of the proposed building to, on the left hand side of the image, the lower-rise townscape around Elliott's Row and, to the right hand side, the existing and consented taller buildings around the town centre.*

240. The proposed development is of a height that would sit comfortably under the “shoulder” height of the adjacent LCC approved scheme, and would continue to diminish built form in height to help manage a downwards transition to the residential areas to the east and south. The proposals would be viewed in the context of the taller existing and consented towers around Elephant and Castle, and the height, scale and mass has been articulated to ensure that coalescence is avoided.



*Image 27 (above): Visualisation of the proposal in the existing context, looking southwards from Princess Street.*



*Image 28 (above): Visualisation of the proposal in the existing context, looking eastwards from the peninsula.*

241. Although a number of public representations have objected to the proposal on the grounds that its height would exceed the six storeys recommended for this site in the Elephant and Castle SPD and OAPF, this document was rescinded by Cabinet in October 2022. It is therefore no longer a material planning consideration. For the 21 St George's Road site, decisions about height, scale,

massing should be guided by the NPPF, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the statutory development plan.

242. With regard to policy compliance with London Plan Policy D9 (Tall buildings) and Southwark Plan Policy P17 (Tall Buildings), the following aspects are of consideration:

*Landscape contribution:*

243. The development includes additional public open space on-site and a number of significant improvements to the public realm locally. These are considered to be commensurate with the scale of development.

*Point of landmark significance*

244. The site, being close to the town centre of Elephant and Castle, which includes a public transport interchange, education facilities and a retail centre, is considered to be a point of landscape significance. The site location, on the fringes of this major town centre, has informed the height and scale of the building. The height of the building is considered appropriate for this area.

*Highest architectural standard*

245. The proposed building would be a high quality new-build scheme, incorporating a pallet of robust and rich facing materials, brought together into a refined and striking architecture through careful detailing. It would deliver high-performance commercial and hotel accommodation. The scheme is designed to achieve an excellent BREAM rating. The architecture itself is well considered.

*Relates well to its surroundings*

246. At ground floor level –where large framed glazing and principle entrances to the restaurant/café hotel are proposed, complemented by a micro retail unit that would open directly onto the public realm– the scheme would concentrate the active frontage along the public highway. The brick panelling facing the pocket park would provide screening from close-range overlooking, and the incorporation of green walling would help the building sit more comfortably in relation to the pocket park. The lower rise base/plinth block on the southern portion of the site would provide a transition between the tall 15 storey element and the scale of the existing buildings adjacent. The proposals for improved public realm, achieved by setting the building back from the existing pavement line, would make for an improved pedestrian experience along St George’s Road. Additionally, it would better link the public realm of the LCC scheme with the length of St George’s Road as it stretches westwards, while also helping create stronger visual links between the LCC public realm and the pocket park.

*Positive contribution to the London skyline*

247. The building would form the context to the large-scale buildings that sit within Elephant and Castle Major Town Centre, standing adjacent to and

consolidating the cluster of consented taller structures on the LCC site, but being of a lesser order of height so as to mediate between these buildings and the lower-rise townscape to the west. The building's contribution would be positive, with an engaging architectural treatment and elegant concertina expression to its crown.

*Free-to-enter publicly-accessible areas*

248. Within the red line boundary of the site, two strips of land along the building's frontage –one on St George's Road and one on Oswin Street– would be provided as additional public realm, widening the footway. Together, these two pieces of public realm would have a surface area of approximately 69 square metres.
249. While the strip of new public realm along St George's Road would be only 1.0 metre in depth, it must be recognised that the application as whole would enable the removal of the existing kiosk from the existing footway, where it currently presents an obstruction to footway traffic, narrowing the effective width to approximately 3.1 metres. By providing affordable retail premises within the demise of the proposed building, the application would allow for the removal of the existing kiosk and for the trading pitch to be extinguished. This would create a significantly enlarged area of public realm along this section of St George's Road, measuring 6.0 metres from kerblines to building frontage.
250. The total surface area of proposed public realm represents 7.3% of the site's footprint. Given the modest footprint of the site, together with the benefits brought by the removal of the kiosk, the total quantum of off- and on-site publicly accessible realm created by the redevelopment would be commensurate to the height of the proposed tall building.
251. Accessible public space at the top of the building, as is required by Policy P17 of the Southwark Plan, would not be provided by the proposal. In this instance, it is not considered reasonable to require the applicant to provide high-level publicly-accessible facilities because the proposal does not occupy a site and would not be of a height in the context of the Elephant and Castle Opportunity Area that would make it appropriate for such a function.

*Conclusion on massing, height, scale and tall building considerations*

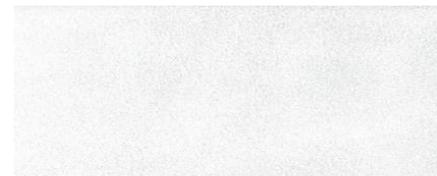
252. Overall and having taken account of the effects arising cumulatively with other existing, consented and planned tall buildings nearby, the development's design meets the policy criteria for a new tall building. However, a significant outcome of a tall building is its visibility and while this is not harmful in itself, the potential effects on the 'receptor' townscape and heritage assets are of special concern.
253. As covered later in this report, in compliance with the requirements of London Plan Policy D4, the proposals were presented to Southwark's Design Review Panel in January 2020.

## Architectural design and treatment

254. The primary elevational material is proposed to be masonry. This would be complemented by brick piers that take a rusticated expression on the lower three storeys of the building. 50mm high bricks are proposed to give a more contemporary appearance.
255. Horizontal slab edges and canopies would be in reconstituted stone or GRC type cast product, as would the reveals to the infill panels. Flat elements such as the slab edges would be in a matt finish whereas profiled elements with relief –such as the canopies, projecting fins and infill panels to levels 3 to 12– would be in a more reflective gloss finish.
256. Grooved infill panels from level 3 upwards are proposed to provide texture and refer to nearby post-war buildings. Reveals to the window and door openings would lend depth and relief to the facades. These would be faced in Corten weathered steel at ground to second floor level to add richness and interest to the lower levels of the building.



*Image 29 (above): Rendered north elevation of the lower storeys of the proposed building.*



Pale GRC/ reconstituted stone cladding to slab edge canopies and projecting fins



Linear bricks



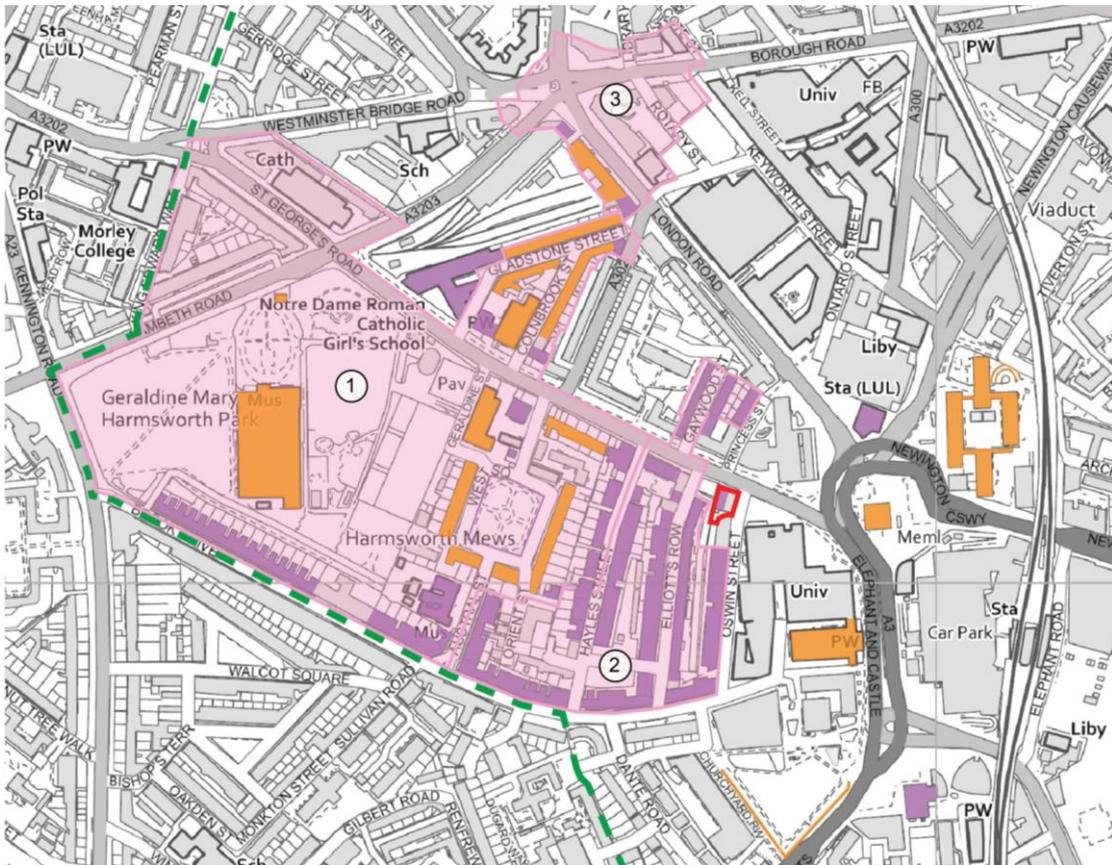
Corten/ weathered steel to glazing reveals

*Image 30 (above): Samples of the main facing materials.*

257. Overall, the facade designs work well to bring a coherent, contemporary appearance to the building. They are sufficiently engaging, making references to the architectural language of the surroundings – the grooved infill panels and rusticated bricks piers picking up on the hammered concrete at Perronet House, and the masonry pilaster walls referencing the Hayles Buildings. The material palette and facade sections (including parapets, fins, canopies and openings) should be conditioned to ensure a high quality of materials and detailing is carried through to the as-built scheme.

## Heritage and townscape impact

258. The site is adjacent to the Elliott's Row Conservation Area. This Conservation Area includes the 19th century houses in Hayles Street, Elliott's Row, and Oswin Street, but excludes the site.
259. The existing buildings on the site, known together as "Castle Works", are on the draft Southwark Local List of locally listed building (i.e. as an address including both the pre-WW2 and post-war elements of the building).
260. The site lies within the outer limits of the protected vista of the strategic view of the Houses of Parliament from Hyde Park. To the west, further along St George's Road, is the West Square Conservation Area.
261. The site sits within the Elephant and Castle Opportunity Area and the CAZ. In terms of townscape character, it is located on the western edge of the relatively controlled urban form around West Square. The peninsula and shopping centre, which form the heart of the town centre, are nearby to the east; here, buildings are typically 20<sup>th</sup> century and of a broader and taller form than those around West Square. As mentioned in earlier parts of this report, the town centre is undergoing densification and intensification.



## Key to heritage assets and townscape designations map

### Conservation areas:

-  Conservation areas
- ① West Square Conservation Area (LB Southwark)
- ② Elliot's Row Conservation Area (LB Southwark)
- ③ St Georges Circus Conservation Area (LB Southwark)

Borough boundary marked with green dotted line

### Listed buildings:

 Grade II listed building

### Locally listed buildings:

 Locally listed building

*Image 31 (above): Map showing the site (edged in red) in the context of heritage designations. The dashed green line denotes the boundary between the Borough of Southwark and the Borough of Lambeth.*

262. The Castle Works were themselves in a transitional zone between streets of housing and an area of commercial and semi-industrial activity. The plot comprises two buildings, with different facades fronting St George's Road. This includes to the east, a 1950s rebuild over three floors in stock brick and to the west a three storey brown gault brick with black brick quoin structure, with flat pediment in plaster. The light industrial character of the western portion building is reflected in this architecture, although its details, including the windows, have been lost over time. The rear portion of the west wing building, visible over the pocket park from St George's Road is faced in white glazed brick, however modern UPVC windows have replaced the original. Overall the building is an eroded example of a small former industrial building with formal frontage facing the principal street. It has some local quality derived from its remaining architectural features and design, however much of its historic integrity has been lost or rebuilt during the 20th Century. The western portion element of the property is on the draft list of locally important historic buildings, the consultation for which closed in late 2022. The draft description states:

*"Three-storey warehouse above semi-basement level with hidden roof. Gault brick with segmental arches but is fronted in brown brickwork and render".*

263. With regards to local listed structures, the NPPF states at para 203:

*"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

264. Policy P26 (Local List) of the Southwark Plan states:

*"Development must take into account locally listed buildings and structures that positively contribute to local character and amenity."*

265. The impact on the non-designated heritage asset would be total loss, and therefore substantial harm to the significance of the asset. While para 203 does not require public benefit to outweigh the harm (as it does with designated assets at para 202), there are clearly a number of public benefits which are provided by the proposals and therefore the policy requires a balanced judgement should be made by the decision makers. In this instance, owing to

the placement of the existing building on the local list, should the application be granted, a planning condition must be imposed requiring a building recording exercise prior to demolition to level 3 of the guidance provided by Historic England in their advice note 'Understanding Historic Buildings A guide to good recording practice'.

266. The application site is adjacent to the Elliott's Row Conservation Area and east of the West Square Conservation Area. The proposals would impact the significance of these conservation areas by affecting the setting of these designated heritage assets. With regards to the conservation areas, the NPPF para 199 states:

*"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

267. Also, at para 202 the NPPF states:

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

268. The Historic England guidance on the "Setting of Heritage Assets" approaches setting in 5 steps:

- Step 1: Identify which heritage assets and their settings are affected;
- Step 2: Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated;
- Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it;
- Step 4: Explore ways to maximise enhancement and avoid or minimise harm;
- Step 5: Make and document the decision and monitor outcomes.

#### Elliott's Row Conservation Area

##### *Step 1: Identify which heritage assets and their settings are affected*

269. The significance of the Elliott's Row Conservation Area is as a cohesive planned townscape comprising mansion block housing development and two to four storey traditional terraces from throughout the 19th and early 20th centuries. The historic street layout remains, creating a legible and permeable environment. Well-defined streets are a feature with high quality and architecturally interesting frontage development. This is a highly urban environment with little in the way of soft landscaping.



*Image 32 (above): Example view from within the Elliott's Row Conservation Area*

*Step 2: Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated*

270. The setting of the conservation area includes the immediate network of streets surrounding the conservation area, and the wider Elephant and Castle area. The latter is comprised of large blocks, offices, towers and civic and educational buildings with larger floorplates centred around the Elephant and Castle peninsula and Faraday Memorial, while to the south and east, a quiet network of dense terraces and inner suburban housing is prevalent. Elliott's Row is a transition point between the town centre uses and scale of the Elephant and Castle, towards the more pedestrian scale of West Square, and Brook Drive to the south. The thoroughfares of Brook Drive, and more notably, St George's Road create a barrier between the conservation area and the wider area, while the planned square of West Square to the west marks a more formal arrangement of historic urban planning. In particular, West Square complements the Elliott's Row Conservation Area in terms of its form and scale, providing a positive historic experience to the significance of Elliott's Row. The glimpses of Elliott's Row from St George's Road provides long views of mansion blocks and terraced houses. These experiences of passing through the area or looking at it from outside the conservation area are positive and contribute to the significance of the conservation area.

271. The site itself is a three storey former industrial building. Its significance derives from its age, use and design. It contributes positively to the significance of Elliott's Row as a partial building of similar age and scale, but is now an outlier, differing from the buildings within the conservation area due to its form and placement facing St George's Road.

*Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate*

272. The loss of the existing buildings would harm, to a very minor extent, the significance of Elliott's Row as Castle Works themselves contribute positively

to the conservation area by age and scale of the buildings. The proposed development seeks to mark a transition point along St George's Road between the terraces of the western end of St George's Road and the Elephant and Castle town centre. The proposals would be highly visible and experienced in numerous views throughout the conservation area; however, the site, at the northern end of Elliott's Row, does follow a different pattern of development to those streets within the conservation area. The majority of the significance of the conservation area, its long terraces and mansion blocks, plus its scale and material, would be able to remain appreciated even with a large development at its northern end. In longer views and wider experiences, the conservation area would remain appreciable within the wider townscape of the existing and consented tall buildings at Elephant and Castle, of which the proposals would in the future form part. Therefore any harm to the significance of the conservation area is limited to the impact of a tall building in the northern parts of the conservation area and the abrupt change in scale at the junction of Elliott's Row and Oswin Street. This harm is considered to be minor, of a less than substantial nature.



*Image 33 (above): A rendered view of the proposed development, looking northwards along Oswin Street towards its junction with St George's Road.*

*Step 4: Explore ways to maximise enhancement and avoid or minimise harm*

273. During the pre-application process, officers sought to ensure that good design –in particular the height and scale of the buildings and the ground floor treatment– minimised impact on the conservation area. This pre-application negotiation included a reduction in the proposed tower's height to ensure it complemented the suite of tall buildings consented at the Elephant and Castle Shopping Centre site. Part of the Local Planning Authority's justification for seeking these height adjustments was the impact on the Elliott's Row Conservation Area.

274. The proposed active frontage along St George's Road, through its use of high quality materials and openings, would enhance this area, providing an entrance to the building which reinforces the character of St George's Road as a primary thoroughfare, leaving Elliott's Row as the historic network of residential streets. This has minimised the harm to the significance of Elliott's Row Conservation Area.

Step 5: Make and document the decision and monitor outcomes

275. A series of conditions requiring details of materials and landscaping to the street will assist in monitoring the future development quality.

276. With regards to Elliott's Row, there would be less than substantial harm to the significance of the designated heritage asset. In making the decision (or recommendation) public benefit, if demonstrated to be of the required quantity or quality, can outweigh this harm, as per para 202 of the NPPF.

West Square Conservation Area

Step 1: Identify which heritage assets and their settings are affected

277. The West Square Conservation Area is a notable example of high quality late Georgian and mid-19th century townscape, with a number of significant public buildings. These include the Imperial War Museum with its surrounding parkland, Geraldine Mary Harmsworth Park, and West Square itself, which is the centrepiece of the conservation area. St George's Roman Catholic Cathedral is another important building.



Image 34 (above): Example view from within the West Square Conservation Area

Step 2: Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated

278. The setting of West Square includes the suburban streets of Elliott's Row Conservation Area, the minor street of Brook Drive and the main thoroughfare of St George's Road. Elephant and Castle town centre, including the existing tall buildings of Elephant Park and those to the south, including Strata and One The Elephant, also form part of the setting of the asset. Planning consent has been granted for tall buildings within Elephant and Castle, including those at the LCC site, which would be visible from West Square gardens. Elliott's Row in particular, and St George's Road as a planned historic street lined with some remaining Georgian townhouses, add to the significance of the conservation area as part of a network of historic streets developed in the early years of the suburbanisation of south London. The tall building development at the LCC site

is part of the wider setting, and has a minor negative impact on the significance of West Square gardens owing to some of the taller buildings constructed and proposed being visible over the ridge line of the terraces, enclosing the square and breaking this historic experience of intimacy within the gardens.

*Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it*

279. The proposal would have some minor harm on the significance of the conservation area, by breaking the ridgeline of the eastern terrace of the square. However, it would be experienced as a tall building as part of the wider development of the Elephant and Castle, including the tall buildings consented at LCC. In comparison with those consented and developed, the building proposed by 22/AP/2838 would be of a smaller impact, and thus have very minor negative impact on the significance of the conservation area.



*Image 35 (above): A wireline view of the proposed development (dotted yellow line), taken from West Square Gardens facing southeastwards towards the Elephant and Castle town centre.*



*Image 36 (above): A wireline view of the proposed development (dotted yellow line) with cumulatives (pink line), taken from West Square Gardens.*

*Step 4: Explore ways to maximise enhancement and avoid or minimise harm*

280. Through the course of the pre-application discussions with the applicant, officers negotiated a smaller scheme to that originally presented. The proposals as presented by this planning application are the product of those pre-application discussions. This has the outcome of a smaller impact on the conservation area, seeking to minimise harm in this regard.

Step 5: Make and document the decision and monitor outcomes

281. A series of conditions requiring details of materials and landscaping to the street will assist in monitoring the future development quality.

282. With regards to West Square Conservation Area, there would be less than substantial harm to the significance of the designated heritage asset. In making the decision (or recommendation) public benefit, if demonstrated to be of the required quantity or quality, can outweigh this harm, as per para 202 of the NPPF.

Other heritage assets affected

Metro Central Heights (grade II)

283. This grade II listed complex designed by Erno Goldfinger was originally offices, being converted to residential prior to listing in the early 2000s. Its significance lies its architectural design and details as a good example of late Brutalist design by a notable architect. Its setting is highly urban with numerous tall buildings and the major junction at Elephant and Castle. The proposals may be experienced within the medium views of the asset; however, they would only contribute to the urban grain of the area and in this regard the impact on Metro Central Height's significance would be neutral.

Michael Faraday Memorial (grade II)

284. The significance of the memorial is as a (former) working transformer station for TfL (or its predecessor) and memorial to Michael Faraday. Designed in the 1950s, its striking form is part of its significance and its location, at a highly visible junction, is both purposeful and practical. Its setting, part of the Elephant and Castle junction has been improved in recent years with landscaping and reconfiguration of the peninsula. Its wider setting again is highly urban and includes tall buildings and large civic and educational buildings. The proposals may be experienced within the medium views of the asset; however, they would only contribute to the urban grain of the area and in this regard, the impact on the building's significance would be neutral.



*Image 37 (above): A rendered view looking eastwards from the Elephant and Castle peninsula, showing the proposed development in the context of the consented LCC towers, in the foreground of which (bottom left hand corner of image) is the Michael Faraday Memorial.*

#### Metropolitan Tabernacle (grade II)

285. Constructed in 1898, the church has a classical frontage in stone with modern offices behind, added in the post WWII era. The façade is reconstructed; however, it forms an important point in the street and perambulation of Elephant and Castle, as a cultural hub. Its setting is highly urban with numerous tall buildings and the major junction at Elephant and Castle. The site would be hidden behind the LCC buildings (existing and proposed) and the asset would only be experienced in moving through the area. Thus, there would be no impact on the setting of the asset.

#### Conclusion of heritage impact

286. In conclusion, if the public benefits of the scheme outweigh the minor harm to the significance of the Elliott's Row Conservation Area and the West Square Conservation Area, then the proposals would meet the requirements of chapter 16 (Conserving and enhancing the historic environment) of the NPPF, and the requirements of P19 (Listed buildings and structures) and P20 (Conservation Areas) of the Southwark Plan 2022. The loss of the existing building would be substantial harm to an undesignated heritage asset, however a balanced judgement should be made in this regards as per para 203 of the NPPF.

#### Design Review Panel

287. The proposed development was considered by the Council's Design Review Panel at the pre-application stage on 15th December 2020. Their full comments are attached as Appendix 6. In summary the Panel were optimistic but cautious about the proposal. While they felt that the design held promise in its scalloped design and rhomboid form, they expressed concerns about the building's feasibility because of the constrained nature of the site and limited

accommodation for back-up and support spaces. The Panel encouraged the early involvement of a hotel/co-working operator and a fire strategy to inform the building control principles for the design in order to better define how the building will be used and serviced in the long term. They also felt the proposal lacked a degree of ambition in terms of sustainability. Finally, the Panel questioned the proposed height and requested more details about the landscape and detailed architectural design.

288. The applicant team responded positively to the DRP comments, reassessing the landscaping and developing the sustainability strategy. The changes included 'softening' the interface between the building and the pocket park by introducing green walling and reducing the amount of glazing on the lower storeys, the latter action helping to reduce the opportunity for direct overlooking. The applicant has agreed a set of planning obligations with officers in relation to the pocket park, including a planting enhancement contribution and mitigation for construction-related impacts. The applicant team has also progressed the elevational treatment, refining the designs for the fins and the arrangement of the picture windows. The Energy Strategy submitted with the application demonstrates on-site carbon savings in excess of 60% (as detailed in the 'Energy and Sustainability' section of this report) as well as policy-complaint Circular Economy and Whole Life Cycle strategies. Officers are satisfied with the adjustments made.

### Inclusive access

289. Policy D3 of the London Plan 2021 states that measures to design out crime should be integral to development proposals and be considered early in the design process. Developments should ensure good natural surveillance, clear sight lines, appropriate lighting, and logical and well-used routes. Policy P16 of the Southwark Plan 2022 reinforces this and states that development must provide clear and uniform signage that helps people wayfind and effective street lighting to illuminate the public realm.
290. The applicant's inclusive design statement sets out the various inclusive access measures. These include:
- all surfaces at a gentle gradient and surfaced in slip-resistant treatments;
  - all uses to have step-free access through the provision of ramped or lift arrangements;
  - cycle storage provision to allow for larger cycles such as cargo cycles, purpose built cycles for disabled people and tricycles; and
  - signage to be clear, legible and consistent.
291. The proposal is ambitious in its inclusive design principles creating a convenient and welcoming building and new public spaces that can be entered, used and exited safely, easily and with dignity for all.

### Designing-out crime

292. Policy D11 of the London Plan 2021 and Policy P16 of the Southwark Plan require development proposals to reduce opportunities for crime and create and maintain safe internal and external environments.
293. Mentioned throughout the application documents are the various ways in which opportunities for crime have been designed-out. Examples include:
- creating well lit routes with good sight lines, creating opportunities for natural surveillance in so doing;
  - designing-out alcoves, secluded areas and other spaces for anti-social behaviour;
  - installing CCTV and intruder detection systems within the building;
  - installing access-controlled doors to eliminate the risk of individual gaining unauthorised access from the demise of one use into the demise of another; and
  - designing the cycle store room to be open-plan, well-surveilled and secure.
294. The Metropolitan Police's Secure by Design Officer has assessed the proposal and is confident that certification can be attained. To ensure certification is ultimately achieved, the imposition of a two-part 'Secured by Design' condition is recommended.

### Conclusion on design

295. This is a carefully conceived scheme which would provide an engaging building of an appropriately urban character. The modulation of the massing –whereby the taller element would be located on the northern portion of the site– would protect surrounding properties from amenity harm.
296. The height of the proposal has been the focus of a number of the objections to this application, with respondents commenting that the fifteen storey height of the tower would be overbearing and inappropriate. While the height exceeds that of the buildings immediately to the west, the application site marks a point of transition to the much more urban scale of the Major Town Centre. The position of the building has been carefully tested in the townscape views and it is concluded that it would neither appear overly dominant nor harm important aspects of the local townscape character. Overall, the height, scale and massing of the proposed building can be accommodated without undue harm to the established townscape.
297. In terms of architectural treatment, the proposed ensemble of GRC, cream-coloured brick and Corten is supported, as these are robust and high quality finishes. Sample materials and mock panels to ensure high quality execution will be required by condition.
298. Having applied the statutory tests as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements of the NPPF, the public benefits of the scheme outweigh the minor harm to the significance of the Elliott's Row Conservation Area and the West Square Conservation Area.

While the loss of the existing building would constitute substantial harm to an undesignated heritage asset, a balanced judgement has been made having regard to the benefits of the scheme.

299. Inclusive design and crime minimisation considerations have all been resolved to an acceptable level of detail.
300. For the reasons given above, it is considered that an acceptable quality of design would be achieved.

## **Public realm, landscaping and trees**

301. London Plan Policy G7 and Southwark Plan Policy P61 recognise the importance of retaining and planting new trees wherever possible within new developments. London Plan Policy G5 requires major development proposals to contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

### Public realm and landscaping on the application site

302. The application proposes no soft planting on-site, with the exception of living walls on part of the proposed building. This green walling would be installed at first and second floor level, on the west elevations and parts of the south and east elevations.
303. A member of the public has raised the concern that green walling systems are very expensive to maintain. Although green wall systems typically entail more upkeep and care than green roofs, they are commonplace in London and many maintenance contractors provide competitively-priced services. Through planning conditions, the developer will be required to install the walling to the agreed specification and maintain it in the long-term. Its enduring positive contribution to the greening of the site and the adjacent pocket park can, therefore, be assured.



*Image 38 (above): Partial west elevation of the proposed building, showing the extent of green walling at first and second floor levels.*

304. In terms of hard landscaping, two strips of public realm are proposed along the building's Oswin Street and St George's Road frontages. These would expand the existing footways. These new areas of public realm would be finished in materials consistent with the adopted footway so that the ownership line would be imperceptible. Some of the public objections to the planning application have asserted that the quantum of proposed public realm is inadequate given the scale of the scheme and/or the pre-existing short supply of open public space in the local area. However, and as mentioned in the 'Design' section of this report, the public realm offer is considered to be commensurate with the scale of the building, taking account of the other benefits the redevelopment of the site would bring.
305. It is also important to recognise that, due to its ground floor configuration, the building itself would enhance the public realm environment of St George's Road as follows:
- extensive glazing to the proposed restaurant/café unit would create an active and attractive street frontage in place of the railings and less engaging frontage of the existing building, which is set back behind a light well;
  - the new building line would be set back, with the existing site boundary railings removed in order to widen the pavement to St George's Road, thereby providing increased pedestrian comfort;
  - the proposed micro retail unit would provide a shop front adjacent to the pocket park, animating the street, while also decluttering the St George's Road pavement.

#### Public realm and landscaping at the pocket park

306. The application site abuts the Elliott's Row Pocket Park. This local public space has a small scale and intimate character. Any new building of height on the application site has the potential to dominate the pocket park. The interface between the proposed building and the park is, therefore, important.
307. As outlined in the 'Public consultation' part of this report, wide-ranging concerns were raised by respondents about the proposal's impact on the pocket park. Matters specific to the impact on the landscaping of this public space were:
- the proposal would affect the existing planting and landscaping within the pocket park, constraining its ability to grow or causing it to die altogether;
  - the proposal would cause any new planting and landscaping within the pocket park to fail; and
  - the proposal would necessitate cordoning-off part of the pocket park during construction, thus rendering it unusable by the public.

308. Having reviewed the application documents, the Council's Urban Forester is satisfied that there is minimal risk of the planting failing, either during the demolition/construction phase or post completion of the building itself. Notwithstanding, a Public Realm Bond will be secured through the Section 106 Agreement as a precautionary measure. If the planting remains healthy two years post occupancy of the building, the monies will be refunded to the developer. Otherwise, all or a necessary proportion of the bonded sum will be retained by the Council and used to fund repair/replacement of:
- any hard landscaping that is damaged as a consequence of the build; and/or
  - any planting that is found to be dead, dying, severely damaged or diseased in the period up until 2 years from first occupation of the development.
309. The applicant originally proposed to fund the planting of four Robinia trees within the pocket park; however, the custodians declined this because they considered tree planting to be unsuitable given the park's relatively small size. As an alternative, the applicant has offered a 'Long-Term Enhancement Fund' equivalent to the cost of buying and planting four Robinias (£12,678.60), which the custodians will be able to draw down in instalments to fund soft and hard landscaping improvement works to the pocket park.
310. Accompanying the planning application is a Construction Method Statement specific to the interface between the site and the pocket park. This sets out how the demolition and construction phases will be undertaken to minimise the impact on the pocket park. It shows that a 1.4 metre wide strip of the pocket park along the common boundary would need to be fenced off throughout the build programme (estimated to be approximately 3 years and 3 months). This "hoarded zone" is needed to accommodate scaffolding, all of which would be sheeted throughout demolition and construction. These preparatory works would require managed access to the park over a few days, including bringing a mini excavator or forklift into the park. Access to the "hoarded zone" thereafter would be from the construction site side, leaving the remainder of the park (approximately 85% of its total area) available for public use. Comments from members of the public about the reduction in the park's useable area, and the potential loss of its recreational appeal, are recognised. To mitigate these impacts, a sum of £19,760 will be secured through the Section 106 Agreement to fund the provision of temporary under-5s play within the vicinity for the duration of the construction phase. The format and location of this additional local play provision will be at discretion of the Council's Parks and Leisure Team.
311. The final matter for consideration is the more general concern raised by the public comments that the tall building would be of an excessive and unneighbourly scale and proximity to the pocket park, giving rise to a sense of encroachment and reducing the park's appeal as a local green space. As discussed in earlier parts of this report, the proposal addresses matters of overshadowing and overlooking sensitively. Furthermore, the proposed greening of the building's parkside elevation is welcomed for its softening effect,

and for helping reduce any sense encroachment on and ownership over the park. A final benefit would be the Long-Term Enhancement Fund, which would support the ongoing maintenance and improvement of this community green space.

312. On account of all of the above, it is considered that the application offers sufficient mitigation for the impact (both in terms of the construction phase and the as-built structure) on the pocket park, and would also invest adequately in its longer-term success as a public realm asset for the local community. This is in accordance with London Plan Policy G7 and Southwark Plan Policy P61.

### Trees

313. There are presently no trees on the site. The application does not propose to introduce any new trees, given the lack of space available within the relatively modest site boundary for accommodating specimens that could grow to a reasonable degree of maturity. The on-site greening and suite of mitigation for the pocket park are considered adequate such that the non-provision of new tree planting is acceptable.

## **Green infrastructure, ecology and biodiversity**

### Urban greening

314. Policy G5 of the London Plan 2021 states that urban greening should be a fundamental element of site and building design. It requires major developments that are predominantly residential to achieve an Urban Greening Factor (UGF) score of 0.4 and those that are predominantly commercial to achieve a score of 0.3. The scheme proposed by 21/AP/2838 falls within the latter category.
315. With extensive natural cover surface, the proposal would achieve an urban greening factor of 0.40 (rounded up). This would be achieved through a combination of:
- 135 square metres of extensive biodiverse roof, distributed across four of the five roofs:
  - 30 square metres of blue roof, located on the lowest roof of the base/plinth building; and
  - 125 square metres of green walls on the building's east, south and west elevations.
316. The score of 0.4 would exceed the minimum policy requirement of 0.3, and as such should be treated as a benefit of the scheme. A two-part condition will be imposed to ensure the development is built-out to achieve the 0.40 UGF.

### Ecology and biodiversity

317. The protection and enhancement of opportunities for biodiversity is a material planning consideration. London Plan Policy G6 requires development proposals

to manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process. Southwark Plan Policy P60 seeks to enhance populations of protected species and increase biodiversity net gains by requiring developments to include features such as green and brown roofs, green walls, soft landscaping and nest boxes.

318. Some representations from members of the public have raised concerns about the potential negative effect of the proposal on local wildlife.
319. The Council's Ecologist has reviewed the application information and deemed the proposal to be satisfactory. The site was found to have low existing ecological value in an area of natural deficiency. The Ecologist welcomed the biodiversity net gain and provision of urban greening, recommending conditions to secure the provision of eighteen Swift bricks within the building fabric to support local biodiversity.

## **Archaeology**

320. The Council's archaeologist has considered the proposal. They noted that the site is of a small scale in plan, not within an Archaeological Priority Area, and has been previously extensively developed. Accordingly, they have advised that no archaeological assessment, fieldwork or conditions are required should planning permission be granted.

## **Transport and highways**

### Trip generation

321. Policy T4 of the London Plan 2021 requires development proposals to ensure the impacts on the capacity of the transport network are fully assessed and that any adverse impacts are mitigated. Policies P45, P49 and P50 of the Southwark Plan require developments to minimise the demand for private car journeys and demonstrate the public transport network has sufficient capacity to support any increase in the number of journeys by the users of the development.
322. The trips associated with the proposed hotel, office and retail uses would predominantly be by sustainable travel modes including on public transport, by bicycle and on foot. The Council's Transport Policy Team predicts the proposed development would generate 10 two-way net additional vehicle movements in the morning peak hours and 7 in the evening peak hours; these numbers are similar to those predicted by the applicant's consultant. When offset against the six (AM peak) and eight (PM peak) two-way vehicle movements for the existing office/retail use of this building, there would be four additional and one fewer two-way vehicle movements in the morning and evening peak hours respectively. The Transport Policy Team is comfortable that these levels of vehicular traffic would not have any noticeable adverse impact on the local highway network, especially in light of the mitigation measures the applicant has proposed in their Travel Plan.

323. Visitors to the site would likely use sustainable modes, given the lack of on-site car parking, the various public transport options in the area, cycle links and cycle parking. The applicant has proposed a range of travel plan initiatives including the appointment of a site-wide travel plan co-ordinator, the provision of cycling facilities, furnishing users of the development with travel information, and committing to monitoring. With regard specifically to the hotel element, staff would be trained to ensure that visitors/guests are advised to travel by modes other than the private car wherever possible. Similar information would be available on the hotel website. Where travel by private car is required for disabled use, guests would be able to use the on-site disabled parking space.
324. A condition requiring a Final Travel Plan and Transport Methods Survey would be secured by condition to ensure the measures outlined in the draft document are implemented and promoted.

### Taxi pick-ups and drop-offs

325. With regard specifically to taxi activity in connection with the proposed hotel use, the Council's Transport Policy Team estimates that the hotel would generate 40 taxi movements per day. In the PM peak hour, it is estimated that there would be two taxi arrivals and two taxi departures, with a reduced demand at all other times. No more than two taxis are expected to be at the site at any one time. When dropping-off or picking-up, taxis would be able to either:
- dwell briefly on Oswin Street on the single yellow line; or
  - wait within the proposed 12 metre long partly inset servicing layby on Oswin Street (as long as service vehicles are not occupying the space).
326. The servicing layby is only expected to be occupied for 11%-12.5% of the day and therefore would provide sufficient capacity to accommodate the predicted taxi activity. The applicant's Operational Management Plan outlines a set of sound measures to prevent taxis from stacking, and a final version of this will be required by condition.

### Coach pick-ups and drop-offs

327. The nearest dedicated coach bay is located on Blackfriars Road approximately 1.15km north of the site. The hotel would not contain any large scale conferencing facilities or event spaces, and the food and beverage offer would not be conducive to catering for large coach tours or groups in general. As such, the Operational Management Plan obliges the hotel operator to market itself as a destination unsuitable for coach parties. The Operational Management Plan states that "if group bookings are absolutely necessary / unavoidable, guests will be advised to utilise smaller vehicles such as a people carrier / minibus as an alternative which can utilise the lay-by on Oswin Street". These principles are considered acceptable.
328. A final Operational Management Plan will be required by condition, the detail of which can be informed once a hotel operator is on board.

## Servicing and deliveries

329. London Plan Policy T7 deals with servicing and delivery arrangements during construction and end use. With respect to end use, the policy requires provision of adequate space for servicing, storage and deliveries to be made off-street, with on-street loading bays only used where this is not possible.

### Servicing/delivery trip generation

330. The applicant's Transport Assessment predicts the proposal would generate 9 deliveries, which equates to 18 two-way service vehicle trips per day. The Council's Transport Policy Team agrees that these estimates are realistic and would neither place undue strain on the highway network nor impact upon the amenity of nearby residential occupiers.

### Servicing/delivery facilities and vehicle routing

331. Loading and unloading would be undertaken from a proposed partly-inset 12 metre long servicing layby along the building's Oswin Street frontage. The provision of this layby has been made possible by setting back the proposed building line, the intention being to enable better visibility when a servicing vehicle is attending the site, allowing traffic to continue to pass safely along Oswin Street.
332. Concerns have been raised by members of the public that the servicing strategy is inadequate. More specifically, some respondents argued that the servicing of the site would harmfully impact the smooth flow of traffic along Oswin Street. To overcome this concern, one objector suggested that a fully inset layby is needed. Vehicle tracking diagrams have been produced by the applicant, showing that the largest type of vehicle to service the site (a refuse truck) would be able to manoeuvre along Oswin Street, pull into the layby, pull out of it, and emerge onto St George's Road in a single forward gear movement. When occupying the layby, this vehicle would be sufficiently set-in from the centre line of the carriageway to ensure visibility for competing traffic flows wishing to use the stretch of Oswin Street carriageway immediately beside the layby.



Image 39 (above): Tracking diagram of a refuse vehicle negotiating the cycle shelter on Oswin Street.



Image 40 (above): Tracking diagram of the left-turn manoeuvre from Oswin Street into St George's Road.

333. In terms of routing, because St George's Road is one-way, all vehicles servicing the site would make their approach westbound along St George's Road from the peninsula. Owing to the proposed partly inset layby being located on the western side of Oswin Street, vehicles would not be able to make a left-turn off St George's Road to access the site. Instead, they would be expected to approach the site westbound along St George's Road, turning left into Hayles Street and following it to its southern end, before looping back onto Oswin Street via Brook Drive. When leaving the site, servicing vehicles would rejoin St George's Road and follow the A23 southwards to the A3204.



Image 41 (above): Proposed service vehicle routing to and from the site.

334. While some respondents to the public consultation felt that it was inappropriate to allow vehicles servicing the site to be routed along Brook Drive and Hayles Street, the Transport Policy Team is satisfied that the routing represents the most direct route to/from the strategic highway network while also having the least impact, as it would avoid the cycle superhighway on Elliott's Row. When

taken together with the relatively low number of predicted servicing trips, the Team concluded that there would be no harm to residential amenity.

### Servicing/delivery hours

335. Servicing hours to all of the uses would be restricted by condition, as follows:

- 09:00 to 20:00 on Monday to Fridays;
- 09:00 to 18:00 on Saturdays; and
- 10:00 to 16:00 on Sundays.

336. An additional allowance would be carved out of the above hours to permit a maximum of two deliveries to each use (hotel, office, restaurant/cafe) between the 'early morning' hours of 6am and 8am. These 'early morning' deliveries must be made by vehicles no larger than a 7.5t box van / 8 metre vehicle. The early morning deliveries allowance was sought by the applicant to enable deliveries of baked goods, fresh food supplies etc. The Transport Policy Team are comfortable with this arrangement, given the limitations on vehicle size and trip numbers.

### Conclusion on servicing/deliveries

337. The proposed servicing arrangements, with appropriate routing of inbound and outbound vehicles, as well as limitations on delivery hours, are supported by the Council's Transport Policy and Highways Development Management Teams.

338. The submission and approval of a standalone Final Delivery and Servicing Management Plan (DSP) is to be required by condition. This should be based on the principles established by the outline version submitted with the application, and the operation of the building thereafter will need to be in accordance with the approved Final DSP. As a precautionary measure, a Delivery and Servicing Management Bond will be secured so that adherence to the Final DSP and highways impacts can be monitored over the course of the first two years of operation.

### Refuse storage arrangements

339. To store the combined volumes refuse produced by the uses, a dedicated room is proposed at ground floor level. To be located off the integral parking bay, the room would be easily accessible for all four uses. The applicant's DSP includes calculations of the volumes of refuse the development will generate. To cater for this, four 1,100 litre refuse bins, four 1,100 litre recyclables bins and one 240 litre wheeled bin for food waste would be needed. Plans have been provided demonstrating that the refuse store has been sized to accommodate these refuse receptacles, with sufficient manoeuvring and circulation space factored-in.

340. The Final DSP required by condition would include refuse collection arrangements to be submitted to and approved by the Local Planning Authority.

## Car parking

341. Policy T6 of the London Plan requires developments in locations with existing and future high public transport accessibility to be car-free, save for adequate parking for disabled people. Specific requirements for different uses are set out in Policy T6.1 through to Policy T6.4, while Policy T6.5 deals with non-residential disabled persons parking.
342. Southwark Plan Policy P54 (Car Parking) echoes the London Plan 2021, promoting car-free development in zones with good public transport accessibility. It requires car-free non-residential proposals in CAZ locations, and for any disabled parking to be provided on-site and supported by EVCPs.
343. The Controlled Parking Zone in place in this location provides adequate daytime parking control in this vicinity. The proposed development would be car free except for one off-street disabled space accessed from Oswin Street. The space would be managed by security and reception staff at the shared hotel/office reception. Given the site's location and high PTAL rating this is an acceptable approach. An electric vehicle charging point should be provided for the disabled bay, and this will be required by condition.

## Cycle parking

344. London Plan Policy T5 sets minimum cycle parking standards for different uses. Southwark Plan Policy P53 sets out a higher requirement than the London Plan standards.
345. The table below summarises the minimum cycle parking required by the Southwark Plan, alongside the provision proposed by this application:

<b>Cycle parking minimum policy requirements vs provision</b>				
<b>Land use</b>	<b>Long-stay spaces</b>		<b>Short-stay spaces</b>	
	<b>Requirement</b>	<b>Provision</b>	<b>Requirement</b>	<b>Provision</b>
Hotel	5	5	2	2
Office	16	16	3	3
Retail	2	2	7	8
<b>Total</b>	<b>23</b>	<b>23</b>	<b>12</b>	<b>13</b>

346. As the table above shows, the proposal would meet the minimum requirement of 23 long-stay spaces. These would be housed within a shared cycle store, with the mix of formats as follows:
- 11 two-tier racks (22 spaces); and

- two larger spaces to cater for accessible/ non-standard cycles, equating to 8.3% of the total required spaces, which exceeds the minimum 5% requirement as set out in London Cycle Design Standards (LCDS).
347. End-of-journey cycle facilities for employees of the site would include a WC and a disabled WC, but no showering facilities. This is considered acceptable given the scale of the development. The lift to the proposed basement level would be in accordance with LCDS standards, with two doors required to pass through to access the cycle store.
348. With regard to the proposed short-stay (visitor) provision, as the table above shows, the minimum requirement would be met. It is proposed to install the short-day stands for retail visitors on the central segregation island (between the cycleway and the vehicular carriageway) on St George's Road directly to the north of the application site. The island accommodates 3 existing Sheffield stands (6 spaces). All of the proposed short-stay spaces would also be in a Sheffield stand format. An indicative drawing has been provided by the applicant's transport consultant to demonstrate that the island is large enough to accommodate the additional stands. The installation of the stands will be secured through the Section 278 Agreement the applicant must enter into with TfL; to bind the applicant to this, an obligation will be included in the Section 106 requiring said Agreement to include the delivery of the stands.
349. In summary, the total number and format of cycle spaces complies with the minimum requirements of the London Plan and Southwark Plan, with the details indicating:
- the short stay facilities would be in a fit-for-purpose format and appropriately located; and
  - all long stay cycle parking would be secure, covered, practically arranged and conveniently located.

### Improving access to cycle hire options

350. Given that the town centre is a key destination and the development would introduce up to 64.5 new FTE employees to the site as well as up to 178 hotel guests when all rooms are occupied, the applicant has agreed to contribute £70,000 towards investment in the monitoring and management of TfL (Santander) docking stations within the vicinity of the site. To be secured in the Section 106 Agreement, this contribution would meet the requirements of Policy T5 of the London Plan 2021 and Policy P53 (Cycling) of the Southwark Plan.

### Legible London signage

351. The applicant has agreed, at the request of TfL, to make a contribution of £13,000 towards providing new and refreshed Legible London signage. This will be secured in the Section 106 Agreement.

### Healthy Streets

352. London Plan Policy T2 requires development proposals to demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance.

353. Some ways in which the proposal would support the ten indicators are:

- It would be car free save for one managed wheelchair parking space, thus promoting walking, cycling and use of public transport;
- It would provide investment in sustainable transport facilities and services to commensurately mitigate the impact on existing infrastructure;
- it would enhance public realm around the site as well as within the surrounding network of streets; and
- it has been designed to minimise air and noise pollution.

354. The Active Travel Audit submitted by the applicant identified that level, good quality footway provision is the largest barrier to active travel within the vicinity of the site. The audit identified that, within the local area, there is a need for widening of footways to enable better access for wheelchair users and providing tactile paving at vehicle crossovers to assist the visually impaired.

355. In accordance with Healthy Streets and having had regard to the findings of the applicant's Active Travel Audit, the Transport Policy Team has sought various contributions from the applicant towards a range of highway safety measures together with improvements to pedestrian/cycle routes in the vicinity of this development. The specific set of works is detailed in the 'Planning Obligations: Summary Table' in a later part of this report.

### Relationship with the Bakerloo Line Extension

356. The site is in the safeguarded area of the potential Bakerloo Line Extension (BLE) promoted by Transport for London. In accordance with BLE safeguarding directions and TfL guidance, a Structural Engineering Conceptual Design Submission (SECDS) accompanies the planning application. Produced by Price and Myers, the purpose of this document is to demonstrate that:

- the deliverability of the BLE would not be prejudiced by the proposed building; and
- the proposed structure would not be adversely affected to an unacceptable degree by the construction or operation of the BLE.

### Safeguarding the delivery of the BLE

357. With respect to the requirement not to prejudice the delivery of the BLE, the SECDS tests various scenarios for the tunnel alignment. In a worst-case scenario, one or both tunnels would be aligned under the site. In this scenario, the secant piled retaining wall required for the construction of the basement would need to extend into the exclusion zone by approximately 1.3 metres. The SECDS states "the secant piled wall will not need to support significant vertical loading and so the stresses on the surrounding soil within the exclusion zone

will be minimal”. TfL has reviewed the SECDS and is satisfied that the proposal would not compromise the delivery of the BLE.

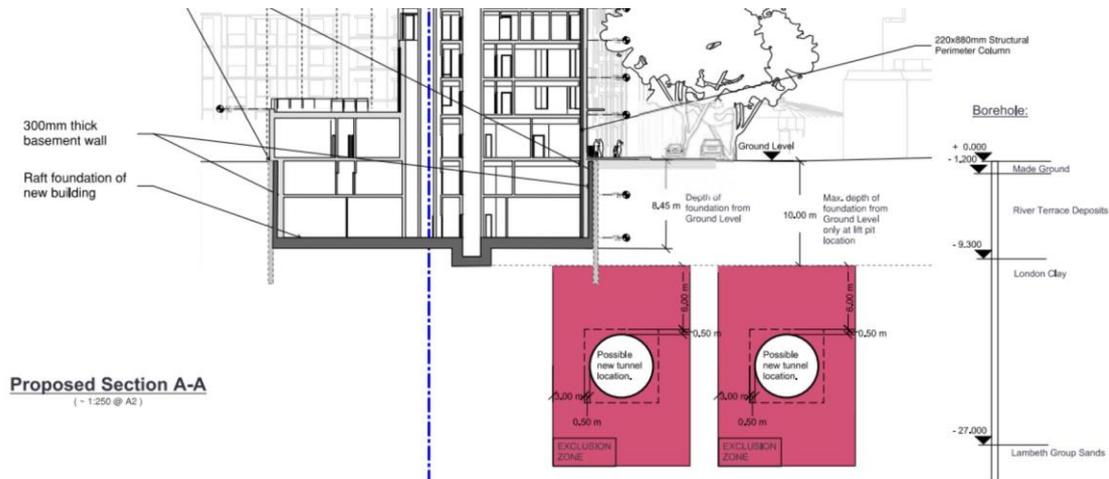


Image 42 (above): Cross-section demonstrating the interaction between the foundations of the proposed development and the BLE safeguarding zone.

Safeguarding the proposed building from BLE construction-related impacts

358. The construction of the proposed 21 St George’s Road development is likely to precede the delivery of the BLE. The SECDS includes an assessment of this scenario, concluding that the construction of the BLE tunnels would have minimal impact on the building, falling within the “Category 0” grade of the Burland damage classification system, which indicates negligible impact. TfL has reviewed the SECDS and is satisfied that the design of the building has taken account of the future running tunnels so as to ensure no construction-related impacts would arise.

Safeguarding the proposed building from BLE operational impact

359. Noting that the application site is located very close to the proposed route of the BLE running tunnels, a member of the public has objected to the proposal on the grounds that the interior accommodation would be subject to re-radiated noise and vibration from railway activity. The objector asserts that this would create poor quality hotel, office and retail environments.

360. The SEDCS concludes that “the predicted levels of re-radiated noise are lower than the proposed criterion [stipulated by TfL] and therefore no vibration mitigation measures are necessary for the proposed development”. As such, there is no reason to conclude that the proposed development would experience injurious transport-related noise and vibration effects.

Transport summary

361. Having considered all transport and traffic related implications, the Council’s Highways, Transport and Waste Management Teams are satisfied with the proposal. The scheme would minimise vehicle movements by prioritising use of public transport, walking and cycling, and by encouraging consolidation of

deliveries. Its relationship with the BLE has been tested in accordance with the requirements of the safeguarding directions, and TfL is satisfied that the delivery of the BLE would not prejudice the construction of the proposed development and vice-versa.

## **Environmental matters**

### Construction management

362. Some public representations have raised concerns that construction activities will generate noise, dust, traffic and associated pollution. The applicant has submitted an Outline Environmental Construction Management Plan explaining how construction activities will be managed to minimise neighbour amenity, environmental and highway network impacts. This document has been reviewed by the relevant transport and environment consultees, who have deemed it to be satisfactory as a framework document.
363. In order to ensure that increases in traffic, noise and dust associated with the demolition and construction phases of the development are minimised, a Final Construction Environmental Management Plan and a Construction Logistics Plan are to be required by condition.

### Flood risk, resilience and safety

364. The site is in Flood Zone 3 and is located within an area benefitting from flood defences. The applicant's Flood Risk Assessment sets out that the site is at low risk of groundwater flooding and very low risk of surface water flooding. The Environment Agency has reviewed the applicant's Flood Risk Assessment and considers it to be acceptable.
365. In terms of flood resilience and safety, the applicant's Flood Risk Assessment recognises that, while the proposed basement would be above the measured level of groundwater, groundwater levels may rise in the future; to mitigate the risk of groundwater ingress, the basement would be tanked and a cavity drainage system installed. No concerns have been raised by the Council's Flood Risk Management Team to the flood risk mitigation measures as set out in the applicant's Flood Risk Assessment. Compliance with the mitigation and resilience measures will be secured by way of a condition.

### Sustainable urban drainage

366. The applicant's Drainage Strategy, which is contained within the applicant's Flood Risk Assessment and proposes that surface water flows would be attenuated through the use of a blue roof system complemented by a flow control, has been deemed satisfactory by the Council's Flood Risk Management Team. A condition is recommended requiring compliance with the proposed drainage strategy.

### Land contamination

367. The application was accompanied by a preliminary Land Contamination Risk Assessment, which the Council’s Environmental Protection Team has assessed and deemed acceptable. A condition is to be imposed requiring a Phase 2 investigation to be conducted and the results submitted to the council for approval, with further remediation measures to apply if contamination is found to be present.

### Wind microclimate

368. London Plan Policy D9 requires all tall building proposals not to cause changes to the wind environment that would compromise comfort and the enjoyment of open spaces around the building and in the neighbourhood. Southwark Plan Policies P14 and P56 require wind effects to be taken into consideration by the Local Planning Authority when determining planning applications, as does Policy P17 where the proposal is a tall building.

369. Public consultation responses raised objections to the effects of the proposal building on the local microclimate, including a number concerned specifically about the impact on the pocket park.

370. The tower element of the proposed building has been modelled to minimise any potential effects from the prevailing south-westerly winds. Chamfered corners, facade texture, canopies and soft landscaping have been incorporated in order to mitigate any wind effects at street level.

371. The application is accompanied by a wind microclimate assessment which employed a wind tunnel-based assessment methodology. The results are expressed using the Lawson Criteria, which establishes four pedestrian activities (comfort categories) taking into account that less active pursuits require more benign wind conditions. The four categories are ‘sitting’, ‘standing’, ‘strolling’ and ‘walking’. Wind of a magnitude that would cause a nuisance for most activities is categorised as ‘uncomfortable’.

372. The applicant’s assessment finds that the wind conditions around the site would remain suitable for the intended use at each location following the completion of the proposed development, including when taking into account cumulative schemes including the nearby LCC scheme. It also finds that there would be no safety exceedances as a result of the proposed development, again including in the cumulative scenario. The maps below depict the change in wind conditions as a result of the development during the windiest season (the winter months):





*Image 43 (above): Wind effects map of the existing development with existing surrounding buildings and existing landscaping in the windiest season.*



*Image 44 (above): Wind effects map of the proposed development with existing surrounding buildings and existing landscaping in the windiest season.*

373. A number of representations made the same comment, as follows: “wind modelling shows 20% areas tested will be unsuitable for sitting upon completion during winter months”. This comment is referring to measurement location 19 in the above wind maps, the blue colour of which in the “proposed” scenario denotes that it would be suitable for standing but not sitting as a consequence of the proposed development. It is accepted that conditions may worsen in the winter when spaces are typically used for shorter periods rather than prolonged sitting. Furthermore, most of the park would still be suitable for sitting during these months. If the cumulative schemes are built-out, measurement location 19 would revert to being suitable for sitting, and by extension so too would the entire pocket park. On balance, it is not considered that the recreational function and value of the pocket park would be harmed by the change in wind conditions during the winter months.
374. One respondent objected on the grounds that the changes to the wind environment at rear of Oswin street and Hayles Buildings would cause problems for residents. It is noted that six measurement locations would, as a result of the development, change from being comfortable for ‘sitting’ in the windiest season to being comfortable for ‘standing’. However, the locations in question are within the driveway serving the Hayles Buildings parking area, and as such it is not considered that any uncomfortable environmental impacts would arise given that the use of this space is for predominantly non-sitting activities.
375. Given that in all scenarios the proposal would maintain a comfortable environment within the surrounding streets and pocket park, no mitigation is necessary. It can therefore be concluded that London Plan Policy D9 and Southwark Plan Policies P14, P17 and P56 have been met.

## Air quality

376. An Air Quality Assessment (AQA) was submitted with the application, which considers the air quality impacts arising from the construction and operational use of the development, taking into account all relevant local and national guidance and regulations
377. In terms of the construction phase, an Air Quality and Dust Management Plan appended to the CEMP sets out a range of mitigation. Proposed measures include locating machinery and dust causing activities away from receptors, enclosing activities with solid screens and barriers to prevent dust dispersion, using covered chutes and skips, and ensuring all on-road vehicles comply with the London Low Emission Zone requirements.
378. The proposed building itself would be all-electric (meaning there would be no on-site combustion), which mitigates air quality issues and facilitates significant advances towards zero carbon in future decades as the National Grid continues to decarbonise
379. The AQA concludes that, subject to the proposed mitigation measures, the effects on air quality during construction and operation are considered to be negligible. The Council's Environmental Protection Team has reviewed the AQA and raised no objection.

## Light pollution

380. Some of the objections to this planning application cited the potential light pollution the proposal would cause. During the applicant's own community engagement exercises carried out in March 2022, the same matter of light pollution was raised. Light pollution (both interior and exterior) from the scheme will be minimised through careful lighting design and compliance with the ILP Guidance notes for the reduction of obtrusive light (2011).
381. With respect to light pollution from interior sources, the applicant has agreed to apply treatments to a number of the windows (as detailed in the 'Overlooking' section of this report). The applicant has proposed this in direct response to the neighbours' light pollution concerns and other concerns regarding overlooking. The proposed treatments have proven Visible Light Transmission (VLT) qualities. It is considered that these measures would address part C.1)h) of London Plan Policy D9 on minimising light pollution from tall buildings.
382. With respect to light pollution from exterior sources, buildings close to existing residential uses are not typically fitted with external lighting above ground floor level. This is in the interests of residential amenity. The application drawings do not suggest an intention to install high level lighting on the facades of the proposed building. As such, no concerns are raised with regard to potential light pollution and light nuisance.
383. In summary, the proposal does not raise light pollution concerns in this central part of the borough, within the CAZ and town centre. Provision of the treated

glazing in the agreed locations will be secured by condition. The final external lighting proposals, including any pre-determined dim-down and turn-off times, will be agreed through the Final Lighting Strategy, to be approved by the Local Planning Authority prior to first occupation of the building, and again this will be secured by condition.

### Fire safety

384. Policy D12 of the London Plan 2021 expects all development proposals to achieve the highest standards of fire safety and to this end requires applications to be supported by an independent Fire Strategy, produced by a third party suitably qualified assessor.
385. A Fire Statement was submitted with the application. This contains a matrix which assesses the scheme for compliance against the relevant parts of Policy D12. Among other things, the Fire Compliance Statement:
- confirms that the building would be served by two stairs for means of escape and fire service operations;
  - proposes a “simultaneous evacuation strategy”;
  - commits to providing a firefighting shaft consisting of a firefighting stair which communicates with a ventilated firefighting lobby, a fire main, firefighting lift and evacuation lift;
  - commits to an appropriate active fire protection system including fire detection and alarm, emergency lighting and signage, sprinklers and smoke control systems;
  - explains that, in the case of an emergency, the evacuation lift would switch from its everyday use to becomes a tool only for the evacuation of persons with disabilities and is not considered a general escape route;
  - confirms compliance with Building Regulations Approved Document B; and
  - explains how the internal layout would achieve compliant travel distances.
386. The Fire Statement was produced by fire risk engineering consultancy Chapman BDSP. The contents of the document have been checked and approved by a certified fire risk engineer (a Member of the Institute of Fire Engineers).
387. As part of the GLA Stage I process, the Fire Statement was assessed and no issues were raised. The relevant fire risk minimisation policies of the London Plan are deemed to have been satisfied. A condition is recommended to ensure the construction and in-use operation of the building are carried out in accordance with the Fire Statement.

### **Energy and sustainability**

388. Chapter 9 of the London Plan deals with all aspects of sustainable infrastructure and identifies the reduction of carbon emissions as a key priority. Policy SI2

'Minimising Greenhouse Gas Emissions' requires all developments to be net zero carbon with a minimum on-site reduction of 35% against the Part L baseline for both commercial and residential uses. Non-residential development should achieve a 15% reduction in emissions through energy efficiency measures. Where developments are unable to meet net zero carbon targets any shortfall between the minimum 35% and zero carbon must be mitigated by way of a payment towards the carbon offset fund. New developments must follow the London Plan hierarchy (comprising 'be lean', 'be clean', 'be green' and 'be seen') and this must be demonstrated through the submission of an Energy Strategy with applications, as well as post construction monitoring for a period of 5 years.

389. Southwark Plan Policies P69 'Sustainability Standards' and P70 'Energy' reflect the approach of the London Plan by seeking to ensure that non-residential developments achieve a BREEAM rating of 'Excellent' and include measures to reduce the effects of overheating using the cooling hierarchy. The policies pursue the 'be lean', 'be clean', 'be green' principles of the London Plan, and require non-residential buildings to be zero carbon with an on-site reduction of at least 40% against the Part L baseline. Any shortfall must be addressed by way of a financial contribution towards the Council's carbon offset fund.

### Energy and carbon emission reduction

#### Be Lean

390. In terms of meeting the 'Be Lean' tier of the hierarchy, a range of passive and active measures are proposed. The passive measures include:

- Optimised glazing solution to reduce overheating risk and reliance on mechanical cooling;
- Window 'g' values of 0.4 to maximise beneficial solar gain in winter and limit excessive solar gain in summer;
- Potential for a mixed-mode ventilation strategy for the office spaces (to be confirmed based on the conclusions of the air quality and noise assessments).
- The use of exposed concrete slabs to provide high thermal mass to moderate the cooling loads;
- Low air permeability reduce leakage through the façade;
- High level of fabric performance across the whole development;
- Optimised glazing ratio to reduce solar gains whilst ensuring access to daylight.

391. The active measures include:

- The proposed lighting would be equipped with auto on / auto off presence detection and photocell dimming in perimeter zones;
- Low energy LED lighting would be specified throughout;

- For heating/cooling purposes, the hotel rooms and circulation spaces would be equipped with fancoil units, while mechanical ventilation with recirculation is proposed for the reception and plant rooms.

392. The reduction in carbon emissions achieved through these 'demand reduction' measures will only be 2% for the non-domestic element, falling short of the policy target of 15%. This is due largely to hotels having a very high hot water demand, which outweighs the passive savings made elsewhere

#### Be Clean

393. Within close proximity of the application site is a communal boiler, Gaywood Boiler Room, and a CHP site at Elephant and Castle Shopping Centre. However, it is understood both of these only have limited capacity and therefore it would not be viable for the 21 St George's Road development to connect to either. Moreover, the aim of the proposed scheme is to reduce dependency on fossil fuel-based technologies and the two nearby networks are dependent on gas infrastructure which is not being decarbonised as extensively as electricity.

394. As no immediate connection to a district heating network or on-site CHP system is proposed, no carbon savings are reported from the 'Be Clean' stage of the energy hierarchy.

395. Although connection to a district heating network cannot be proposed because an appropriate one does not exist in the vicinity at present, the potential for connection at a future time will be futureproofed. This requirement will be secured through the Section 106 Agreement.

#### Be Green

396. With respect to the 'Be Green' tier of the hierarchy, the applicant has proposed the following technologies:

- 60 photovoltaic panels on the roof
- a communal heating and cooling network served by a central energy centre, the latter being served by a reverse cycle ASHP.

397. On a side-wide basis, carbon emissions would be reduced by 59% through these 'Be Green' measures. The applicant has demonstrated that opportunities for renewable energy by producing, storing and using renewable energy on-site have been maximised.

#### Be Seen

398. Introduced as part of the London Plan 2021, 'Be Seen' is the newest addition to the GLA's energy hierarchy. It requires developments to predict, monitor, verify and improve their energy performance during end-use operation. All applications should conduct a detailed calculation of unregulated carbon emissions as part of the compliance with the 'Be Seen' policy and associated guidance.

399. The applicant's Energy Statement calculates that unregulated per annum energy emissions for the development would be 37.2 tonnes of carbon per annum.
400. The applicant's Energy Statement states that a suitable metering strategy will be implemented to record energy consumption and generation from the point at which the different uses within the development are occupied. It is recommended that the on-going requirements for monitoring energy consumption and generation, and the associated reporting to the GLA in line with policy, be secured through a planning obligation.

#### Total energy savings

401. Southwark Council's carbon offset cost is £95 for every tonne of carbon dioxide emitted per year over a period of 30 years. This is the equivalent of £2,850 per tonne of annual residual carbon dioxide emissions.
402. The proposal would reduce on-site regulated carbon dioxide emissions by 61% over a notional building minimally compliant with the Building Regulations 2013, exceeding both the London Plan minimum (35%) and the Southwark Plan minimum (40%). The total per annum shortfall in savings relative to carbon zero would be 58.7 tonnes per year which, at a rate of £95/tonne for 30 years, generates an offset contribution of £167,295. This will be secured in the Section 106 Agreement, with a mechanism built-in to reduce the total sum proportionate to any improvements made to the regulated carbon emissions performance of the building up until practical constructed.
403. The energy savings, as detailed above, which take into account SAP10 and the decarbonisation of the electricity grid, demonstrate the good environmental and sustainability credentials of the proposed development.

#### Whole life cycle and carbon capture

404. London Plan Policy SI2 requires all major development proposals to be supported by a whole life cycle carbon assessment. This assesses the embodied and operational emissions associated with redevelopment.
405. 'Embodied carbon' is the term used to describe the carbon emissions associated with:
- extraction and manufacturing of materials and products;
  - in-use maintenance and replacement;
  - end of life demolition, disassembly and disposal; and
  - the transportation relating to all three.
406. 'Operational carbon' is the carbon dioxide associated with the in-use operation of the building. This usually includes carbon emissions associated with heating, hot water, cooling, ventilation and lighting systems, as well as those associated with cooking, equipment and lifts.

407. Driven by the aim of achieving net carbon zero for new development by closing the implementation gap, whole life cycle carbon assessments are monitored at the pre-application, submission and post-construction stages. Policy P70 of the Southwark Plan 2022 reinforces the need to calculate whole life cycle carbon emissions through a nationally recognised assessment and demonstrate actions taken to reduce life cycle carbon emissions.
408. The submitted whole life carbon assessment for the planning application considers the operational carbon and embodied carbon of the proposal throughout its life from construction, use and deconstruction. The assessment finds that over a 60-year study period, the development's operational and embodied load would be 750kgCO<sub>2</sub>/m<sup>2</sup>. The benchmark set by the GLA is 1,050kgCO<sub>2</sub>e/m<sup>2</sup> GIA, with an aspirational benchmark of 690 kgCO<sub>2</sub>e/m<sup>2</sup> GIA. As such, the WLC performance is considered acceptable. Two conditions to require two further stages of whole life-cycle carbon assessment in the detailed design and completion stages are proposed

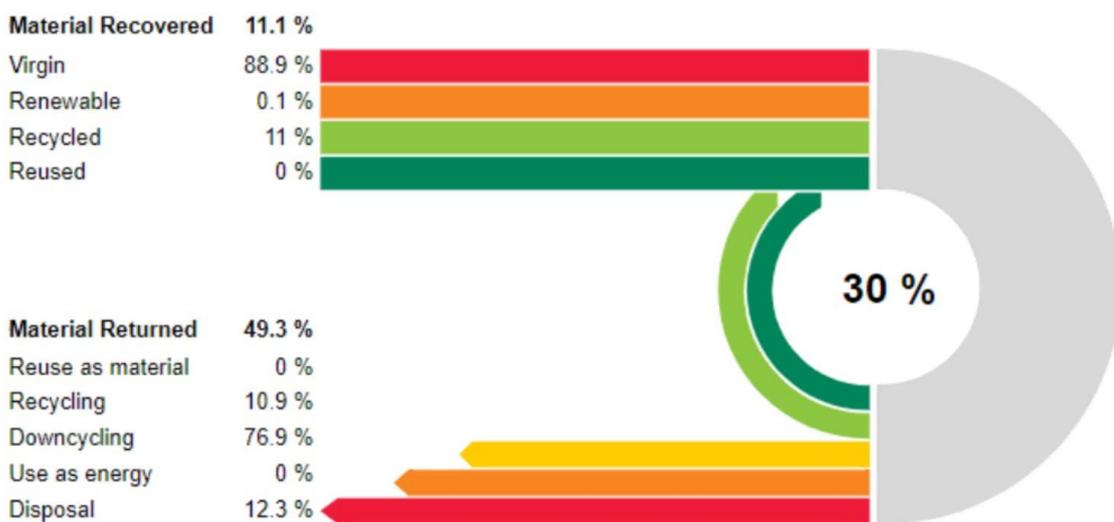
### Circular Economy

409. Southwark Plan 2022 Policy P62 'Reducing Waste' states that a Circular Economy Statement should accompany planning applications referable to the Mayor. Circular economy principles include conserving resource, increasing efficiency, sourcing sustainably, designing to eliminate waste and managing waste sustainably at the highest value. London Plan policies GG5 'Growing a Good Economy', D3 'Growth Locations in the Wider South East and beyond' and SI7 'Reducing Waste' all mention circular economy principles and the benefits of transitioning to a circular economy as part of the aim for London to be a zero-carbon city by 2050.
410. A detailed Circular Economy Statement was submitted with the application, which sets out strategic approaches, specific commitments and the overall implementation approach.
411. The strategic approaches for the development include:
- maximising the reuse of demolition material, ensuring any elements from the demolition that cannot be reused on site will be sent to organisations for onward reuse;
  - undertaking passive design studies to reduce the operational energy of the building;
  - adopting lean design principles;
  - specifying materials responsibly and sustainably;
  - designing the "building layers" with shorter life expectancy (less than 25 years) for ease of maintenance, reuse and recoverability; and
  - providing adequate waste storage space and maximising recycling opportunities.
412. Specific targets committed to by the applicant include:

- diverting at least 95% of the waste from going into landfill or for incineration;
- formed from recycled content at least 25% of the building structure and at least 10% of the shell/skin;
- ensuring the contractor prepares and implements a Site Waste and Resource Management Plan (SWMP/RMP).

413. The proposal would achieve a building circularity score of 30%. The construction of the building would use 11.1% of its materials as recovered (i.e. renewable or from recycled sources), and when deconstructed at the end of its life 49.3% of its materials could be recycled, downcycled or used for energy.

**Building Circularity Calculation (based on the mass of the building)**



*Image 45 (above): The building circularity score of the proposed development.*

414. The application has addressed the requirements of London Plan Policy SI7 ‘Reducing Waste and Supporting the Circular Economy’, Southwark Plan Policy P62 ‘Reducing Waste’, and had reference to the GLA’s guidance in producing the Circular Economy Statement. Conditions are proposed to require a final version of the Circular Economy Statement, and post-completion reporting. Subject to these conditions, the proposal is considered to comply with the sustainable materials element of Policy P17 ‘Tall Buildings’.

**Overheating and cooling**

415. London Plan Policy SI4 ‘Managing Heat Risk’ requires major development proposals to demonstrate how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the cooling hierarchy. Policy P69 ‘Sustainability Standards’ of the Southwark Plan 2022 states that development must reduce the risk of overheating, taking into account climate change predictions over the lifetime of the development, in accordance with the cooling hierarchy.

416. The six-step hierarchy that should be followed when developing a cooling strategy for new buildings is as follows:

- minimise internal heat generation through energy efficient design; then
- reduce the amount of heat entering the building through the orientation, shading, albedo, fenestration, insulation and green roofs and walls; then
- manage the heat within the building through exposed internal thermal mass and high ceilings; then
- use passive ventilation; then
- use mechanical ventilation; then
- use active cooling systems (ensuring they are the lowest carbon options).

#### Minimise internal heat generation

417. Internal heat generation is to be minimised through low energy lighting (to reduce lighting gains), the hot water supply from the ASHP being at a low temperature (thus reducing the risk of significant heat losses), and applying insulation to the communal pipework to avoid distribution losses.

#### Reduce heat entering the building

418. The heat entering the proposed development is to be reduced by a combination of measures. These include locating the building cores on the south façade of the building, using high-albedo facade and paving materials, achieving a low 'U' (thermal transfer) value facade, improving air tightness throughout the building, achieving a high- performance 'G' value double-glazed curtain wall system, and the use of external shading devices to reduce solar gain.

419. Blinds were not included in the assessment as the scheme is a shell and core development. Blinds could be investigated as part of the fit-out design to provide an additional measure to reduce excessive solar gain in the hotel rooms.

#### Manage the heat within the building

420. Generous to floor to floor heights would be achieved and the building fabric would be left exposed where possible.

#### Use passive ventilation

421. A passive natural ventilation strategy –whereby cooling would be achieved at least in part through openable windows– was reviewed by the applicant but precluded by noise and air quality issues arising from the proximity of St George's Road. However, the scheme does incorporate trickle vents operational at night, which may provide a degree (albeit very limited) of background ventilation. As such, and as detailed below, active systems would be needed to manage heat within the building.

#### Use mechanical ventilation

422. The development will incorporate mechanical ventilation (with heat recovery). This system will provide additional ventilation to suppress the internal temperature as much as possible. This reduces the cooling demand because it

avoids --or at least delays for as long as possible-- a breach of the maximum operational temperature, at which point the active cooling system would kick in.

#### Use active cooling systems (low carbon)

423. While the cooling hierarchy set out above would significantly reduce the need for cooling, the steps taken would not be sufficient to avoid overheating risk throughout the year in the proposed development. As such, active cooling would be required in the form of highly efficient low carbon air source heat pumps, as well as variable speed pumps for circulating chilled water to suit the variable levels of demand.

#### Summary

424. Following the cooling hierarchy, the applicant has demonstrated that the cooling demand has been reduced to less than the Part L 2013 Baseline (Notional) building. Active cooling is proposed for the development because natural ventilation alone would not be sufficient to guarantee the occupiers' and users' comfort, in line with the criteria set out in CIBSE TM 52 and TM 59 guidance. With the proposed measures taken into account, the annual cooling load of the hotel rooms would be improved by 42%, enhancing the overall building efficiency. This is considered to be in compliance with London Plan Policy SI4 'Managing Heat Risk' and Southwark Plan Policy P69 'Sustainability Standards'.

#### BREEAM

425. Policy P69 'Sustainability Standards' of the Southwark Plan 2022 states that development must achieve a BREEAM rating of 'Excellent' for non-residential development. The applicant's BREEAM indicates 'Excellent' can be achieved, and a planning condition is recommended to secure this.

#### Water efficiency

426. The Sustainability Strategy submitted by the applicant confirms that the proposed development aims to minimise water consumption such that the BREEAM excellent standard for the 'Wat 01' water category would be achieved, as required by London Plan Policy SI5. This will be achieved through the specification of features such as:

- water-efficient sanitary fittings,
- flow control devices that regulate the supply of water to each WC area/facility according to demand;
- main and sub metres each having a pulsed output (to enable connection to appropriate utility monitoring and management system);
- a major leak detection system will be installed;
- a water efficient irrigation strategy ("automated sub-surface irrigation") for the proposed landscaping features.

## **Digital connectivity infrastructure**

427. The NPPF recognises the need to support high-quality communications infrastructure for sustainable economic growth and to enhance the provision of local community facilities and services.
428. To ensure London's long-term global competitiveness, Policy SI6 (Digital Connectivity Infrastructure) of the London Plan 2021 requires development proposals to:
- be equipped with sufficient ducting space for full fibre connectivity infrastructure;
  - achieve internet speeds of 1GB/s for all end users, through full fibre connectivity or an equivalent.
  - meet expected demand for mobile connectivity; and
  - avoid reducing mobile capacity in the local area.
429. The applicant has confirmed in writing that the development would have the incoming duct arrangements to suit the provisions from the local networks, and that by the time construction works are underway 1GB/s fibre should be available. The level of information submitted demonstrates that digital connectivity has been adequately considered at the planning stage, meeting the requirements of Policy SI6. A compliance condition is recommended, requiring the development to be constructed in accordance with the infrastructure plans.

## **Socio-economic impacts**

430. London Plan Policy E11 requires development proposals to support employment, skills development, apprenticeships, and other education and training opportunities in both the construction and end-use phases. This requirement is also covered by Policy P28 of the Southwark Plan, with the methodology for securing these opportunities prescribed by the Council's Section 106 Planning Obligations and Community Infrastructure Levy SPD (2015 with 2020 Update)
431. In accordance with the policy framework, there would be a requirement for this development to deliver training and employment during the operational phase only. 11 sustained jobs for unemployed Southwark Residents would be required, to be filled by the applicant in accordance with a Post-Completion Employment, Skills And Business Support Plan. These obligations will be secured through the Section 106 Agreement.
432. In terms of direct employment, the proposed uplift in office floorspace has the potential to deliver up to 64.5 extra FTE positions, the hotel has the potential to deliver up to 30 new FTE positions and the restaurant/café unit has the potential to create up to 8 new FTE positions. The maximum FTE additionality from the site would, therefore, be 102.5 jobs. The workers would also generate spend in shops and services in the local area, which is an enduring benefit of the development.

## Planning obligations

433. London Plan Policy DF1 and Southwark Plan Policy IP3 advise that planning obligations can be secured to overcome the negative impacts of a generally acceptable proposal. These policies are reinforced by the Section 106 Planning Obligations 2015 SPD, which sets out in detail the type of development that qualifies for planning obligations. The NPPF echoes the Community Infrastructure Levy Regulation 122 which requires obligations to be:

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

434. In accordance with the Section 106 Planning Obligations and CIL SPD, the following contributions have been agreed with the applicant in order to mitigate the impacts of the development:

<b>Planning Obligations: Summary Table</b>	
<b><u>Obligation</u></b>	<b><u>Mitigation / Terms</u></b>
<b>Community use of the office meeting rooms</b>	
ELIGIBLE USERS AND RENTAL RATES	<p>Throughout the lifetime of the development, the two basement-level office meeting rooms are to be made available on an hourly/slot basis at zero cost to community users in accordance with a Management Plan.</p> <p>Eligible community users shall be community groups, not for profit and cultural projects using the facility for non-profit making purposes.</p> <p>The owner shall be responsible for absorbing all costs associated with the operation of the three spaces, including utilities and cleaning costs, and maintaining the spaces in good running order internally.</p> <p>Applicant's Position: <b>Agreed.</b></p>
MANAGEMENT PLAN	<p>No later than three months prior to occupation of the office floorspace, the developer shall submit a Community Use Management Plan to the Council for its approval. This Plan shall include:</p> <ul style="list-style-type: none"> <li>- the minimum number hours for which the office meeting rooms will be available for community use per week (which shall be no less than 10 hours per week and restricted to Community Use Hours);</li> </ul>

	<ul style="list-style-type: none"> <li>- details of the persons appointed to manage and operate the office meeting rooms during community use hours;</li> <li>- details of the booking system (who will be responsible for managing it, how community and/or non profit-making status of customers will be verified, how popular or high value slots will be managed so as to prevent regular block booking etc.);</li> <li>- the platforms through which the office meeting rooms availability for community use would be marketed, together with details of the frequency/duration of marketing;</li> <li>- Code of conduct for the use of the meeting space, and any agreements required in order to enable occupation (e.g. for insurance reasons); and</li> <li>- such other matters as the Council and the developer may reasonably agree should be included in the Community Use Management Plan.</li> </ul> <p>The developer shall implement and comply with the Community Use Management Plan (or such revised plan as may be agreed between the parties in writing from time to time) for the duration that the office meeting rooms are retained.</p> <p>The developer shall maintain ongoing records of:</p> <ul style="list-style-type: none"> <li>- all bookings which have taken place, the names of the community users, the date and time of the booking and the type of event held; and</li> <li>- any bookings by community users cancelled by the owner, or any refusals to take bookings by the owner, including a record of the circumstances in which such cancellations and refusals occurred and the names of the community users involved;</li> </ul> <p>and shall make these records available to the Council upon reasonable request provided this shall not be required more than two times in any calendar year, and subject to compliance with all data protection requirements.</p> <p>Applicant's Position: <b>Agreed.</b></p>
<b>Local Economy: Employment and Training</b>	
POST-COMPLETION (IN-USE) PHASE	<p>The development is to deliver <b>11 sustained jobs</b> to unemployed Southwark residents,</p> <ul style="list-style-type: none"> <li>- Any shortfall is to be met through the End Use Shortfall Contribution which, at maximum, would be</li> </ul>

JOBS AND TRAINING	<p><b>£47,300.</b> This is calculated on the basis of £4,300 per job.</p> <p>Applicant's Position: <b>Agreed.</b></p>
POST-COMPLETION (IN-USE) PHASE EMPLOYMENT, SKILLS AND BUSINESS SUPPORT PLAN	<p>Produce and submit for approval a Post-Completion Employment, Skills And Business Support Plan, detailing:</p> <ul style="list-style-type: none"> <li>- Methodology for filling the Sustained Employment Opportunities (SEOs) and apprenticeships roles</li> <li>- Milestones and profiles for filling the SEOs and apprenticeships</li> <li>- Identified skills and training gaps to gain sustained employment in the completed development</li> <li>- Methods to encourage applications from suitable unemployed Borough residents by liaising with the local Jobcentre Plus and employment service providers.</li> </ul> <p>Applicant's Position: <b>Agreed.</b></p>
<b>Local Economy: Affordable Workspace</b>	
QUANTUM AND LOCATION	<p>The dedicated affordable workspace is to comprise:</p> <ul style="list-style-type: none"> <li>- c.72 sq.m GIA based on 10% of overall office floorspace, with specific location to be confirmed by submission to the Council; and</li> <li>- the associated communal/circulation spaces.</li> </ul> <p>All ancillary and servicing areas are to be available to the relevant affordable workspace occupants on the same terms/basis as the market office occupiers.</p> <p>Applicant's Position: <b>Agreed.</b></p>
LIFETIME AND RENT LEVELS	<p>The affordable workspace is to be provided for a fixed term commencing upon first operation of the affordable workspace unit in question and terminating no sooner than 30 years (without unnecessary interruption) thereafter.</p> <p>Rental levels of the affordable workspace are to be:</p> <ul style="list-style-type: none"> <li>- 0-11 months at <b>peppercorn rent</b>;</li> <li>- 12 months until the end of the affordable workspace lifetime at no more than <b>75% of Local Open Market Rent</b>;</li> </ul>

	<p>(excluding any rates and reasonable service and building management charges) (Indexed Linked from date of Agreement) per square foot net lettable area per annum.</p> <p>The rental levels referred to above are to be routinely offered to all new tenants throughout the lifetime of the affordable workspace, not just the initial tenant(s).</p> <p>The Local Open Market Rent is to be determined by a commissioned valuer and submitted to the Council for approval. This process shall include a dispute resolution mechanism.</p>	
TENANT ELIGIBILITY	<p>Applicant's Position: <b>Agreed.</b></p> <p>Eligible tenants are to be, as per the definition given in the NSP, from a specific sector that has a social, cultural or economic development purpose. This would include:</p> <ul style="list-style-type: none"> <li>- charities, public health services, voluntary and community organisations or social enterprises;</li> <li>- creative and artists' workspace;</li> <li>- rehearsal and performance space and makerspace;</li> <li>- occupiers for disadvantaged groups starting up in any sector;</li> <li>- occupiers in support of educational outcomes through connections to schools, colleges or higher education;</li> <li>- existing businesses in Southwark who need to relocate;</li> <li>- small businesses located in Southwark; and</li> <li>- start-ups or small businesses otherwise identified by the workspace provider to be agreed with the council.</li> </ul> <p>Priority must be given to pre-existing organisations based within the borough.</p> <p>The Affordable Workspace Provider is to retain discretion over the selection of the eligible tenants that take leases within the affordable workspace areas.</p> <p>Applicant's Position: <b>Agreed.</b></p>	
KEY TERMS OF LEASE	Rent Review	Five yearly, RPI linked.
	Service charges	£4.00 sq/ft lettable area (index linked).
	Break clause	<p>For both the landlord and the tenant:</p> <ul style="list-style-type: none"> <li>• a 2 year break on a 5 year lease;</li> <li>• a 1 year break on a 2 year lease.</li> </ul>

	Applicant's Position: <b>Agreed</b>
MINIMUM SPECIFICATION OF UNIT(S)	<p>Prior to occupancy, all affordable workspace is to be provided to the Council's minimum specification. It prescribes the standards of:</p> <ul style="list-style-type: none"> <li>- Fit-out (floor, ceiling, windows, doors, power, lighting etc.) specification at point of occupancy</li> <li>- Telecommunications</li> <li>- Means of escape</li> <li>- Lifts</li> <li>- Delivery/servicing arrangements</li> <li>- Cycle Storage</li> <li>- Regulations (DDA etc.) compliance</li> </ul>
	Applicant's Position: <b>Agreed.</b>
MARKETING & MANAGEMENT PLAN	<p>Six months prior to practical completion of the affordable workspace, applicant is to submit an Affordable Workspace Marketing and Management Plan.</p> <p>In the event that the developer decides not to manage the day-to-day operation of the workspace, a Workspace Provider is to be appointed to fulfil this role and shall do so in accordance with the approved Affordable Workspace Marketing and Management Plan.</p>
	Applicant's Position: <b>Agreed.</b>
<b>Local Economy: Relocation or suspension of kiosk retailer during construction</b>	
TEMPORARY RELOCATION/ SUSPENSION PLAN	<p>In circumstances where the vacating and/or removal of the kiosk is necessary to enable demolition and/or any other specific phase of construction works to commence, prior to any demolition and construction works commencing on site the applicant is to submit a Kiosk Temporary Relocation/Suspension Plan. The Kiosk Temporary Relocation/Suspension Plan shall detail:</p> <ul style="list-style-type: none"> <li>• In the event that the developer has secured an alternative pitch location within Elephant and Castle for occupation by Nandine for the full duration of the construction phase of the development: <ul style="list-style-type: none"> <li>- the location of the pitch;</li> <li>- the associated agreement with the landowner;</li> <li>- confirmation that the pitch rate and any service charges will be no higher than the current rates and</li> </ul> </li> </ul>

charges paid by Nandine (developer to absorb differential costs if necessary);

- timeframe for relocation;
  - details of marketing support from the developer i.e. signage at development site advertising the address of the new pitch; and
  - any financial or other business support from the developer to assist in the relocation process.
- In the event that the developer is unable to secure an alternative pitch location within Elephant and Castle for occupation by Nandine throughout the construction phase of the development:
    - evidence of research and enquiries made by the developer to seek out potential alternative pitch locations, supported by a detailed written statement explaining why these efforts were unsuccessful;
    - the mutually-agreed financial compensation to be paid to Nandine to offset the loss of income throughout the construction phase of the development resulting from the kiosk's suspension, to include:
      - i. detailed calculations based on the operator's averaged profits from the past 3 years, or other valuation methodology agreed upon by all parties;
      - ii. the arbitration process (full costs to be paid by the developer) used to resolve valuation disputes;
      - iii. dates/triggers for when these sums will be paid by the developer to the kiosk operator; and
    - timeframes for giving notice to Nandine to vacate their existing pitch.

In addition to the above, irrespective of whether the kiosk is ultimately relocated or suspended, the Kiosk Temporary Relocation/Suspension Plan is to:

- detail the engagement undertaken by the developer with the Council's Markets and Street Trading Division to agree on the compensation to be paid to Southwark Council to offset the loss of income arising from the inoperation of the pitch throughout the construction phase of the development; and
- confirm the agreed financial compensation, and the process/dates/triggers for making the payment(s) to the Council's Markets and Street Trading Division (which for the current financial year [2022/2023] would be based on £312 per month, or part thereof, of inoperation).

	<p>The actions within the agreed Kiosk Temporary Relocation/Suspension Plan, including payment of all financial sums, are to be carried out by developer by the agreed trigger points.</p>	
	<p>Applicant's Position: <b>Agreed.</b></p>	
<p><b>Local Economy: Affordable Micro Retail Unit</b></p>		
QUANTUM AND LOCATION	<p>The micro retail unit is to comprise the ground floor dedicated sales area and the associated WC (together totalling 20.7 sq.m GIA), with access to a shared lobby / fire exit (providing lobby access to only the kiosk).</p> <p>Tenants of the micro retail unit are to have unencumbered rights of access along the stretch of fire escape corridor that connects the St George's Road entrance door to the kiosk's internal entrance door.</p>	
	<p>Applicant's Position: <b>Agreed.</b></p>	
LIFETIME AND RENT LEVELS	<p>The micro retail unit is to be provided for a fixed term commencing upon first operation of the unit and terminating no sooner than 10 years (without interruption) thereafter irrespective of occupier churn.</p> <p>The rental level of the micro retail unit is to be capped at <b>£300/month</b> (excluding any rates and reasonable service and building management charges), to be adjusted in April of each year to match the rate applied to the '<i>OTHER LOCATIONS – Prime Sites; Elephant and Castle; Licensed Traders</i>' pitch category contained within Southwark Council's annually-published '<i>Markets and Street Trading Fees and Charges</i>'</p> <p>The rental level referred to above is to be offered to each new tenant throughout the lifetime of the micro retail unit, not just the initial tenant.</p>	
	<p>Applicant's Position: <b>Agreed.</b></p>	
KEY TERMS OF LEASE	Rent Review	<p>Yearly, to be adjusted in line with Southwark Council's annually-published '<i>Markets and Street Trading Fees and Charges</i>', including in the event of a downward adjustment to the pitch rate.</p>

	<p>Break clause For both the landlord and the tenant:</p> <ul style="list-style-type: none"> <li>• a 2 year break on a 5 year lease;</li> <li>• a 1 year break on a 2 year lease.</li> </ul>
	<p>Applicant's Position: <b>Agreed.</b></p>
TENANT ELIGIBILITY AND SELECTION PROCESS	<p>Eligible tenants are to be Nandine (as occupier of the existing kiosk and on the basis of vacating the existing kiosk), or an existing, independently-owned retail businesses, traders, kiosk holders, restaurants, and market stall holders who do not trade from more than 3 locations and currently operate (at least one of their outlets) from a site within the Elephant and Castle Major Town Centre.</p> <p>Where no prospective tenant meeting the above criteria expresses an interest in the micro retail unit at the time it is available for tenancy, the eligibility criteria is to be widened to existing, independently-owned retail businesses, traders, kiosk holders, restaurants, and market stall holders who do not trade from more than 3 locations and currently operate (at least one of their outlets) from a site within the borough of Southwark.</p> <p>The selection process is to be undertaken by the developer in liaison with the Council's Markets and Street Trading Division and the Council's Local Economy Team.</p> <p>The developer is to consider nominations for occupation of the micro retail unit from the Council and shall provide the Council with a written summary of reasons where a nominee put forward by the Council has been declined.</p> <p>The selection process shall not be concluded nor shall any tenancy be agreed until formal written agreement of the suitability of the tenant has been issued by the two aforementioned Council divisions.</p>
	<p>Applicant's Position: <b>Agreed.</b></p>
DELIVERY AND SIGN-OFF	<p>Prior to the occupancy of the micro retail unit, the developer is to:</p> <ul style="list-style-type: none"> <li>- at its own expense, have constructed and completed in shell form the micro retail unit, to include a shop front and service heads (gas, electricity and water) but for the avoidance of doubt, the developer shall not be obliged to fully fit out;</li> <li>- have submitted to the Council evidence of the completed micro retail unit; and</li> </ul>

	<ul style="list-style-type: none"> <li>- have received written confirmation from the Council that the submitted evidence is satisfactory.</li> </ul>
	Applicant's Position: <b>Agreed</b>
FIRST RIGHT OF REFUSAL	Nandine to be offered first right of refusal (limited offer for up to three months from practical completion).
	Applicant's Position: <b>Agreed.</b>
TENANT APPROVAL PROCESS	In the event that a tenant other than Nandine is identified for the micro retail unit, the developer shall provide to the Council the details of the new tenant and evidence that the agreed rental terms are consistent with those prescribed above.
	Applicant's Position: <b>Agreed.</b>
<b>Transport Impacts Mitigation</b>	
TfL DOCKING STATION CONTRIBUTION	The developer is to contribute <b>£70,000</b> (index-linked) towards expansion of the TfL cycle docking station scheme in the vicinity of the site
	Applicant's Position: <b>Agreed</b>
LEGIBLE LONDON SIGNAGE	The developer is to contribute <b>£13,000</b> (index-linked) towards provision of Legible London signage on the site and within the vicinity.
	Applicant's Position: <b>Agreed.</b>
ELECTRICITY AND COMMS CABINETS RELOCATION	The developer is, through liaison with the relevant utilities operators, to undertake reasonable endeavours to seek to ensure the relocation of all the existing electricity/communications cabinets along the site's St George's Road boundary to an alternative nearby location where they will cause less of an obstruction to the public realm and footway traffic.
	Applicant's Position: <b>Agreed.</b>
DELIVERY AND SERVICING	For a period of two years from opening of the hotel the daily vehicular servicing activity of the site is to be monitored and returns made on a quarterly basis. If the site meets or betters its own baseline target the Delivery and Servicing Management Bond will be returned within 6 months of the

MANAGEMENT BOND	<p>end of the monitoring period. If the site fails to meet its own baseline the bonded sum will be made available for the Council to utilise for sustainable transport projects in the ward of the development.</p> <p>The Bond will be <b>£2,967</b>, calculated on the basis of the GFA of commercial floorspace.</p> <p>The Bond is to be paid to the Council prior to occupation of any part of the development.</p> <p>The Council will retain £1,600 of the £2,967 Bond for assessing the quarterly monitoring. This means the refundable sum will be £1,367.</p> <p>Applicant's Position: <b>Agreed.</b></p>
BLUE BADGE RESTRICTION	<p>The one parking space within the loading bay shall be reserved exclusively for Blue Badge holders.</p> <p>Prospective occupiers/employees of all uses (the market and affordable commercial floorspace, the market and affordable retail floorspace, and the hotel) shall be notified that the parking space will be prohibited from use except by Blue Badge holders. This notification shall be provided in the material used for marketing and the terms of all leases.</p> <p>Applicant's Position: <b>Agreed.</b></p>
<b>Highway Impacts Mitigation</b>	
BOROUGH NETWORK: SCOPE OF S278 WORKS	<p>Prior to implementation, with the exception of any site clearance/demolition and archaeological investigative works, the developer is to submit the Section 278 specification, detailed design and estimated costs to the Local Highways Authority for approval. This shall comprise the following works, and all shall be constructed in accordance with SSDM standards:</p> <ul style="list-style-type: none"> <li>- Repave the footway including new kerbing fronting the development on Oswin Street;</li> <li>- Reconstruct the footway on the western section of Oswin Street;</li> <li>- Increase footway width on Oswin Street to 2.4m, including behind inset bay (achieved by setting back building line as per proposed drawings);</li> <li>- Offer for adoption the footway on Oswin Street formed by the set back of the building;</li> <li>- Reconstruct and shorten the raised table on Oswin Street from the junction with St George's Road to the agreed length;</li> </ul>

	<ul style="list-style-type: none"> <li>- Construct a partially inset layby along the Oswin Street frontage, commencing from the end of the shortened raised table;</li> <li>- Promote the necessary Traffic Regulation Orders (TMOs) to enable loading to take place in the inset layby at times to be agreed;</li> <li>- Reconstruct the existing vehicle crossover on Oswin Street;</li> <li>- Refresh road markings following kerb installation and reconstruction of raised table;</li> <li>- Change all utility covers on Oswin Street to recessed type covers;</li> <li>- If deemed necessary in the interest of safety or pedestrian comfort, to relocate (to new locations in accordance with approved drawings) the three following existing footway items: <ul style="list-style-type: none"> <li>- the lamp column at the corner of St George's Road and Oswin Street;</li> <li>- the illuminated sign post; and</li> <li>- the post on the west side of Oswin Street with speed limit signs;</li> </ul> </li> <li>- Install any existing and proposed signs fronting the development on the building's wall (if possible) in order to improve effective footway widths;</li> <li>- Rectify any damaged footways, kerbs, inspection covers and street furniture within the vicinity of the development due to the construction of the development (including construction work and the movement of construction vehicles).</li> </ul>
	Applicant's Position: <b>Agreed.</b>
BOROUGH NETWORK: S278 AGREEMENT DEADLINE	<p>Prior to commencement of the agreed highway works, the developer is to enter into a Highway Agreement under Section 278 (and Section 38).</p> <p>Applicant's Position: <b>Agreed.</b></p>
BOROUGH NETWORK: S278 DELIVERY	<p>All works agreed under the Highway Agreement shall be completed within the agreed timeframe.</p> <p>Applicant's Position: <b>Agreed.</b></p>
STRATEGIC NETWORK:	<p>Prior to implementation, with the exception of any site clearance/demolition and archaeological investigative works, the developer is to submit the Section 278 specification, detailed design and estimated costs to TfL for approval, with all works to be constructed in accordance</p>

SCOPE OF S278 WORKS	<p>with the applicable regulating plan and materials palette. This shall comprise at least the following works:</p> <ul style="list-style-type: none"> <li>- Renew and upgrade the kerb and footway along St George's Road adjacent to the development;</li> <li>- Reduce and/or relocate the number of lighting and signage columns on the footway along St George's Road adjacent to the development, in order to improve effective footway widths; and</li> <li>- Install short-stay cycle stands (to be Sheffield format) on the segregated island immediately to the north of the site on St George's Road.</li> </ul> <p>The developer is also to secure Technical Approval from TfL Structures Team for the proposed excavation works adjacent to the highway in connection with the construction of the basement.</p> <p>The developer is, within 6 weeks of the date of completion to each, to submit evidence to the Council of:</p> <ul style="list-style-type: none"> <li>- the Section 278 Agreement; and</li> <li>- the Approval in Principle from the TfL's Structures Team.</li> </ul>
Applicant's Position: <b>Agreed.</b>	
<b>Publicly-accessible open space</b>	
DETAILED DESIGN	<p>Prior to implementation, with the exception of any site clearance/demolition and archaeological investigative works, the developer is to submit a Specification for all areas of privately-owned publicly-accessible open space to the Local Planning Authority and receive its approval. The Specification shall demonstrate that the publicly-accessible open space has been designed to an adoptable standard (in accordance with the SSDM) and shall comprise:</p> <ul style="list-style-type: none"> <li>- detailed drawings (plans, sections, levels etc.);</li> <li>- details of street furniture (cycle stands, seating, bollards etc.);</li> <li>- details of planting;</li> <li>- details of external lighting and CCTV;</li> <li>- details of boundary enclosure and entry gates;</li> <li>- finishes schedules and samples of proposed materials;</li> <li>- demonstration that principles of Secured by Design have been incorporated; and</li> <li>- details of the phasing and timing for delivery.</li> </ul>
Applicant's Position: <b>Agreed.</b>	

DELIVERY AND SHORT-TERM MANAGEMENT	<p>Upon receipt of a Provisional Completion Certificate from the Local Planning Authority, the developer shall make the publicly-accessible open space available to the public (in accordance with the access hours and permitted rights of closure).</p> <p>Any defects within the first 12 months of opening are to be rectified by the developer.</p> <p>At the end of the initial 12 month period, the developer is to seek and receive from the Local Planning Authority a Final Completion Certificate.</p> <p>Applicant's Position: <b>Agreed.</b></p>
LONG-TERM MANAGEMENT	<p>The developer covenants to manage, maintain and allow public access to the publicly-accessible open space except for a limited period in certain circumstances (fire, flood, carrying out of essential maintenance etc.).</p> <p>Applicant's Position: <b>Agreed.</b></p>
HOURS OF ACCESS	<p>The publicly-accessible open space shall be open 24 hours a day every day of the week including Bank Holidays save for Force Majeure and permitted closures/suspensions.</p> <p>Applicant's Position: <b>Agreed.</b></p>
RIGHTS OF CLOSURE	<p>The developer shall be entitled to close the publicly-accessible realm (with prior notification to members of the public) for up to one day per year so as to prevent public rights of way being obtained.</p> <p>Applicant's Position: <b>Agreed.</b></p>
<b>Off-site Public Open Space Mitigation</b>	
PROTECTION OF THE HARD AND SOFT LANDSCAPING WITHIN THE POCKET PARK	<p>Prior to any demolition and construction works, the developer shall commission an Independent Audit and Valuation of the existing planting and hard landscaping in the pocket park (cataloguing all the planting/landscaping on-site and their values), and receive the LPA's approval of this.</p> <p>The Independent Audit and Valuation shall be saved on file by the Council.</p> <p>Over the course of the monitoring period (a period of 5 years from first occupation of the development), any</p>

	<p>planting/landscaping that requires replacement shall be paid for by the developer and replaced in liaison with the Urban Forester, with costs to be index-linked from those in the independent audit and valuation.</p> <p>Prior to any demolition and construction works, the Council will shall be paid a non-refundable monitoring fee to fund the Urban Forester's work in connection with monitoring the status of the Pocket Park landscaping.</p>
	<p>Applicant's Position: <b>Agreed.</b></p>
MITIGATION OF CONSTRUCTION PHASE IMPACT	<p>Prior to any demolition and construction works, a sum of <b>£19,760</b> (index linked) is to be paid to the Council to fund the provision of under-5s play within the vicinity for the duration of the construction phase, the format and location of which shall be fully at the discretion of the Parks and Leisure Team.</p>
	<p>Applicant's Position: <b>Agreed.</b></p>
POCKET PARK LONG-TERM ENHANCEMENT FUND	<p>Prior to any demolition and construction works, a sum of <b>£12,678.60</b> (index linked) (equivalent to the cost of buying and planting four immature Robinia trees) is to be paid to the Council.</p> <p>This Pocket Park Long-Term Enhancement Fund shall be disbursed to the custodians upon receipt of a Park Enhancement Proposal deemed acceptable to the Council. The Park Enhancement Proposal shall describe the proposed enhancement(s) to the park, the costings for said enhancement(s) and evidence of advanced procurement.</p> <p>The Pocket Park Enhancement Fund shall be disbursed in one or more stages, until fully disbursed.</p> <p>The Pocket Park Enhancement Fund shall only be available for disbursement applications from the custodians once the period of 5 years following first occupation of the development has elapsed.</p>
	<p>Applicant's Position: <b>Agreed.</b></p>
<b>Energy and Sustainability</b>	
FUTURE-PROOFED	<p>Prior to occupation, a District Heat Network Energy Strategy must be approved setting out how the development will be designed and built so that all parts of it will be capable of connecting to any future District Heat Network.</p>

CONNECTION TO DHN	Applicant's Position: <b>Agreed</b>
CARBON OFFSET PAYMENT 1	<p>The development as built is to achieve the respective carbon reduction as set out in the submitted Application Stage Energy Strategy.</p> <p>Prior to implementation, the developer shall pay an off-site contribution of 50% of the total application stage predicted carbon shortfall (58 tonnes/CO<sub>2</sub>). This equates to 29 tonnes/CO<sub>2</sub>. Calculated applying the Council's current tariff rate of £95/tonne for 30 years, this is <b>£83,647.50</b> (index linked).</p> <p>Applicant's Position: <b>Agreed.</b></p>
CARBON OFFSET PAYMENT 2	<p>No later than 4 weeks following occupation of the development, the owner shall submit an Occupation Stage Energy Strategy to the Council for approval.</p> <p>The Occupation Stage Energy Strategy shall demonstrate how the development will achieve the Agreed Carbon Targets in accordance with the principles contained in the Application Stage Energy Strategy.</p> <p>In the event that the Occupation Stage Energy Strategy demonstrates the application stage predicted savings have been met or exceeded, the applicant shall pay the Carbon Green Fund Contribution 2 (thereby fully offsetting the differential between on-site as-built carbon savings and net zero), which shall be calculated applying the Council's carbon offset tariff in place at that time. Only following receipt of the Carbon Green Fund Contribution 2 will the Local Planning Authority issue its approval in writing. In the event that the Strategy demonstrates carbon savings greater than the outstanding balance of 29 tonnes/CO<sub>2</sub> have been achieved, the developer will be eligible for a proportionate disbursement from the monies paid as part of Carbon Offset Payment 1.</p> <p>In the event that the Occupation Stage Energy Strategy demonstrates the as-built scheme falls short of the application stage predicted savings, the applicant shall accompany their submission with an Energy Strategy Addendum setting out additional energy efficiency proposals to achieve the Agreed Carbon Targets. If the Council agrees to the proposed additional measures, the owner shall implement all of the measures within six months of the Council's approval of the Addendum. If the Council and owner cannot come to an agreement on the proposed additional measures, the owner shall pay a further carbon</p>

	<p>offset contribution (to be calculated applying the Council's carbon offset tariff in place at that time) within 28 days of the Council issuing their request.</p> <p>The Occupation Stage Energy Strategy shall be complied with in completing and occupying the development.</p> <p>Applicant's Position: <b>Agreed.</b></p>
<p>REVIEW OF AGREED CARBON TARGETS</p>	<p>The applicant shall submit a Post-Occupation Energy Review on the first and third anniversaries of occupation verifying that the Agreed Carbon Targets continue to be achieved in the immediate post-occupation period.</p> <p>In the event that the Year 1 Post-Occupation Energy Review and/or the Year 3 Post-Occupation Energy Review reveals the actual post-occupation carbon savings performance of the building to be inferior to the Agreed Carbon Targets, the applicant will be obligated to submit an Energy Strategy Addendum and to follow the same set of steps as detailed in the equivalent 'CARBON OFFSET PAYMENT 2' scenario.</p> <p>Applicant's Position: <b>Agreed.</b></p>
<p>BE SEEN MONITORING</p>	<p>Within 8 weeks of the grant of the planning permission, the owner shall submit to the GLA and the Council accurate and verified estimates of the 'Be Seen' energy performance indicators.</p> <p>Prior to occupation of the development the owner shall provide to the GLA and the Council updated accurate and verified estimates of the 'Be Seen' energy performance indicators.</p> <p>On the first anniversary of occupation or following the end of the Defects Liability Period (whichever is the later) and at least for the following four years after that date, the Owner shall submit to the GLA accurate and verified annual in-use energy performance data for all relevant indicators.</p> <p>In the event that the 'in-use stage' evidence shows that the 'as-built stage' performance estimates have not been or are not being met, the owner shall identify the causes of underperformance and the potential mitigation measures. The owner shall submit to the GLA and the Council a Mitigation Measures Plan comprising of measures that are reasonably practicable to implement, along with a proposed timescale for implementation. The measures shall be</p>

	implemented in accordance with the approved Mitigation Measures Plan.
	Applicant's Position: <b>Agreed.</b>
<b>Administration</b>	Payment to cover the costs of monitoring these necessary planning obligations (with the exception of those that have monitoring contributions already factored-in), calculated as 2% of total sum.
	Applicant's Position: <b>Agreed</b>

435. In the event that a satisfactory legal agreement has not been entered into by 29<sup>th</sup> September 2023, it is recommended that the Director of Planning and Growth refuses planning permission, if appropriate, for the following reason:

*“The proposal, by failing to provide for appropriate planning obligations secured through the completion of a S106 agreement, fails to ensure adequate provision of mitigation against the adverse impacts of the development through projects or contributions, contrary to: Policy DF 1 (‘Planning Obligations’) of the London Plan 2021; Policy IP3 (‘Community Infrastructure Levy (CIL) and Section 106 Planning Obligations’) of the Southwark Plan; and the Southwark ‘Section 106 Planning Obligations and Community Infrastructure Levy SPD’ 2015”.*

### **Mayoral and Borough Community Infrastructure Levies**

436. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material "local financial consideration" in planning decisions. The requirement for payment of the Mayoral or Borough CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, while the Borough CIL will provide for infrastructure that supports growth in Southwark.
437. The gross amount of CIL is approximately £595,987.60, consisting of £189,271.14 Mayoral CIL and £406,716.46 Borough CIL. It should be noted that this is an estimate, and the floor areas on approved drawings will be checked when the related CIL Assumption of Liability Form is submitted, after planning approval has been obtained.

### **Community involvement and engagement**

438. This application was accompanied by a Statement of Community Involvement, confirming the public consultation that was undertaken by the applicant during the pre-application. A further statement was submitted mid-application to explain the additional consultation undertaken during the application phase. The table below summarises this consultation:

**Developer Consultation: Summary Table**

<b><u>Date</u></b>	<b><u>Form of consultation</u></b>
<b>Meetings (Pre-application engagement)</b>	
January 2020	<p>Design Review Panel, at which the following topics were presented:</p> <ul style="list-style-type: none"> <li>• Context and design response</li> <li>• Land uses and building operations</li> <li>• Public realm</li> <li>• Servicing, access and transport</li> <li>• Sustainability</li> <li>• Architectural character</li> </ul>
November 2020	Meeting with the then Cabinet Member for Planning.
<b>Public Consultation Events (pre-application phase)</b>	
February 2021	<ul style="list-style-type: none"> <li>• Letter sent to six local political and community stakeholders introducing the applicant and inviting them to meet.</li> <li>• An information pack and feedback form sent to 85 addresses that neighboured the site.</li> <li>• The same information pack and feedback form hand delivered to 2,770 further residents.</li> <li>• The launch of a dedicated consultation website, <a href="http://www.21sgr.co.uk">www.21sgr.co.uk</a>, so that residents could learn more about the proposals and provide their feedback.</li> <li>• A letter sent to 11 key local stakeholders to ensure they were aware about the launch of the consultation.</li> <li>• Six meetings held with local political and community stakeholders.</li> </ul>
May 2021	<ul style="list-style-type: none"> <li>• An updated information pack (with freepost feedback form) containing more details about the proposals delivered to 85 addresses around the site (two copies in each instance – one posted, one hand delivered).</li> <li>• The same information pack (with freepost feedback form) hand delivered to 2,770 further local residents.</li> </ul>

	<ul style="list-style-type: none"> <li>An update to the dedicated consultation website, <a href="http://www.21sgr.co.uk">www.21sgr.co.uk</a>, so that it contained the latest information about the proposals.</li> </ul>
<b>Public Consultation Events (planning application phase)</b>	
November 2021	Meeting with the Ward Councillors to discuss their representations to the Planning Application.
November 2021	Meeting with the custodians of the pocket park and a member of the 'Stop the Tower' Campaign Group.
March 2022	<ul style="list-style-type: none"> <li>Two in-person drop-in events were held on the application site for near neighbours.</li> <li>The sessions were advertised via a printed letter sent to 187 addresses on Oswin Street/Elliot's Row and at Perronet House, with interested neighbours invited to register in advance for 20-minute slots over the course of either session.</li> <li>Notifications were also sent via email to: <ul style="list-style-type: none"> <li>the St George's ward councillors;</li> <li>Hayles TRA;</li> <li>Perronet TRA;</li> <li>Metropolis; and</li> <li>the Stop 21 St George's Tower Hotel campaign group.</li> </ul> </li> </ul>

439. Included within the Statement of Community Involvement are the consultation materials that were circulated as part of the pre-application engagement exercise. A summary of each topic raised by the community feedback is also provided, along with details of how the applicant responded.

440. The pre-application consultation undertaken by the applicant was an adequate effort to engage with those affected by the proposals. Due to Covid-19 restrictions that were in place at the time, face to face meetings were not deemed to be suitable in line with national guidance. The 'at a distance' engagement (via postal, virtual and website tools), as detailed in the table above, is considered to be an acceptable engagement method.

441. The engagement undertaken at the application stage that was open to the broader public (as opposed to specific stakeholders), by which time all Covid-19 restrictions had been lifted, took the form of two separate in-person consultation events at the 21 St George's Road building. The extent and format of application stage community engagement is considered adequate.

442. Although some respondents to the public consultation have complained that consultation materials circulated/presented by the applicant were not in languages other than English and that this may have prejudiced non-English speakers or those whose first language is not English, the applicant confirmed

that they would have been happy to provide translated materials on a person-by-person basis if approached. This is considered to be a reasonable offer that meets the intentions of the Equality Act 2010.

443. The Council, as part of its statutory requirements, sent letters to surrounding residents, issued a press notice publicising the planning application and displayed notices in the vicinity of the site. Re-consultation letters were issued to all those who commented as part of the original round of consultation. Details of the consultation undertaken by the Local Planning Authority are set out in the appendices. The responses received are summarised earlier in this report.

### **Consultation responses from external consultees**

444. Bakerloo Line Extension Safeguarding Unit

- TfL BLESU is satisfied the application documents provide adequate assurances that a workable foundation design is possible. To ensure the final foundation design is compatible with the BLE, if the Council, in its capacity as Local Planning Authority, is minded to grant planning permission, a condition should be attached requiring Design and Construction Method Statements for Ground Floor and Below Ground Structures prior to commencement.
  - **Officer response:** The recommended condition has been attached to the draft decision notice.

445. City Airport:

- Did not wish to comment.

446. City of London:

- Did not wish to comment.

447. Civil Aviation Authority

- Did not wish to comment.

448. Environment Agency:

- No objection/comments.
  - **Officer response:** Noted.

449. Heathrow Airport:

- Informative relating to Construction Aviation Warning Lights is recommended
  - **Officer response:** The recommended informative has been attached to the draft decision notice.

450. Historic England:

- No objection/comments.
  - **Officer response:** Noted.

451. GLA [Stage I response]:

- Full details of the affordable workspace must be provided prior to the Mayor's decision making stage and secured as part of any future planning permission.
  - **Officer response:** 10% of the total office GIA would be secured at an affordable rate of 75% of the LMR. Further detailed information, including qualifying criteria, can be found in the 'Principle of development' and 'Planning obligations' sections of this report.
- The Local Planning Authority must agree and secure the relocation strategy for Nandine and their right to first refusal of the micro retail unit.
  - **Officer response:** A strategy for relocating Nandine temporarily during construction works and permanently following completion of the building has been agreed with the applicant. Compliance with this will be secured in the Section 106 Agreement. Further detailed information about the strategy can be found in the 'Principle of development' and 'Planning obligations' sections of this report.
- Full details of the affordable retail unit must be provided prior to the Mayor's decision making stage and secured as part of any future planning permission.
  - **Officer response:** The micro retail unit would be secured at an affordable rate of no more than the rate for a typical Southwark-licensed market trading pitch in Elephant and Castle. Further detailed information, including qualifying criteria, can be found in the 'Principle of development' and 'Planning obligations' sections of this report.
- Detailing of the green wall should be secured as part of any future planning permission
  - **Officer response:** The suggested condition has been included on the draft decision notice.
- The Local Planning Authority should identify any noise and vibration impacts arising for the neighbouring plots. Any appropriate mitigation should be robustly secured as part of any planning permission
  - **Officer response:** Noise and vibration impacts have been assessed by the Environmental Protection Team and it is considered that, by securing compliance with the relevant documentation via condition, no undue harm will arise as a result of the development.
- GLA officers would welcome discussions with the applicant and the Council regarding the provision of public toilets as part of these proposals.
  - **Officer response:** Although the scheme comprises over 1,000 square metres of main town centre uses, and thus engages part 1) 6.

of Southwark Plan Policy P3 which relates to the provision of public toilets, the constrained footprint of the site makes free-of-charge public toilets too difficult to accommodate while also providing optimised active frontages. Given that the restaurant/café unit would be legally required to provide a WC within its demise for use by its customers, and taking account of the proximity of public toilets at Geraldine Mary Harmsworth Park, on balance the non-provision of public toilets in this instance is considered permissible.

- GLA officers are of the view the proposed scheme and its public benefits could off-set the harm arising from the demolition of the existing building – once these have been appropriately detailed and secured. An update will be provided at the Mayor’s decision making stage accordingly, following Southwark Council’s consideration of the proposal and the receipt of a draft decision and any draft Section 106 agreement.
  - **Officer response:** Noted.
- Transport comments as per TfL’s sent under separate cover.
  - **Officer response:** See comments, and officer response where relevant, under the ‘Transport for London’ bullet point below.
- The applicant is required to submit additional energy information, regarding: non-domestic CO2 emissions; overheating and active cooling; renewable technologies; and ‘be seen’ monitoring. Once this additional information has been provided the applicant must confirm the carbon shortfall in tonnes CO2 and the associated carbon offset payment that will be made to the borough.
  - **Officer response:** The applicant has submitted the requested additional information, which the Local Planning Authority considers to be adequate.
- A fully completed GLA WLC template should be submitted as an Excel document, and a post-construction assessment to report on the development’s actual WLC emissions should be secured by condition.
  - **Officer response:** The applicant has submitted the requested Excel document, and a planning condition is recommended with regard to WLC reporting.
- On circular economy, the applicant should provide additional information regarding: recycling and waste reporting; the overall policy target of 20% reused or recycled content by value; and the pre-demolition audit, operational waste and end of life strategy
  - **Officer response:** The applicant has submitted the requested items, and a planning condition is recommended with regard to circular economy reporting.
- The specification and final UGF should be confirmed prior to Stage 2.
  - **Officer response:** The applicant has submitted detailed information to confirm that a score of 0.40 would be achieved, and a planning

condition is recommended to ensure the scheme as built would achieve the score.

- The FRA provided for the proposed development does not comply with London Plan Policy SI.12, as it does not give appropriate regard to emergency planning and flood resilience measures due to the risk of breach flooding at the site, and it does not include an assessment of sewer flood risk.
  - **Officer response:** The applicant has submitted an updated FRA to address these points, and the GLA will be able to comment again on this as part of the Stage 2 process.
- The surface water drainage strategy for the proposed development does not give appropriate regard to the greenfield runoff rate. The northern part of the site should be included within the drainage strategy or justification provided as to why it has not been mentioned. Hydraulic calculations and a drainage strategy plan should be provided for the proposed attenuation and SuDS features.
  - **Officer response:** The applicant has submitted an updated FRA to address these points, and the GLA will be able to comment again on this as part of the Stage 2 process.
- With regard to water efficiency, the applicant should also consider and 'active' rainwater harvesting system.
  - **Officer response:** A rainwater harvesting system had been considered by the applicant, but it was discounted due to limited space and depth, as well as the need for excessive pumping. The Council's Flood Risk Management Team has been willing to accept this justification for non-provision. The GLA will be able to comment again on this as part of the Stage 2 process.
- On air quality, the applicant should continue to work with the Council to identify any appropriate mitigation prior to the Mayor's decision making stage.
  - **Officer response:** A Final CEMP, CLP and DSP will be secured by condition to ensure the construction and operational phases limit air quality impacts as much as is reasonable. GLA will be able to comment again on this as part of the Stage 2 process.

452. Health and Safety Executive (Fire Risk Unit):

- No comments, as the building is not a "relevant building" due to being entirely non-residential.
  - **Officer response:** Noted.

453. London Borough of Lambeth

- Did not wish to comment.

454. London Fire Brigade

- No objection/comments.
  - **Officer response:** Noted.

455. London Underground:

- No objection/comments.
  - **Officer response:** Noted.

456. Metropolitan Police:

- No objection subject to a two part 'Secured by Design' condition being applied.
  - **Officer response:** The suggested condition has been included on the draft decision notice.

457. Natural England:

- No objection/comments.
  - **Officer response:** Noted.

458. Network Rail

- No objection/comments.
  - **Officer response:** Noted.

459. Thames Water

- A Piling Method Statement must be secured by condition. Other informatives relating to waste water are recommended
  - **Officer response:** Noted. The recommended conditions and infomatives have been attached to the draft decision notice.

460. Transport for London:

- The outward-opening emergency exit door adjacent to the micro retail unit would present a potential encroachment into the highway and a potential risk if someone is standing there. It should be inward-opening or recessed if possible.
  - **Officer response:** In-setting the emergency escape doors, and in so doing creating alcoves, would generate opportunities for rough sleeping and litter gathering, contrary to good design and the recommendations of the Metropolitan Police's Secured by Design Team. The door in question would not be used regularly and a reasonable degree of pedestrian protection would be provided by a short barrier, to be installed on land the applicant intends to retain ownership of (but to be accessible 24/7 by the general public). As such, the Local Planning Authority considers it acceptable for this particular door to swing outward.

- £13,000 should be secured, for one new sign and four map refreshes, as should £70,000 (reduced from an original request of £220,000) for investment in ongoing management of Santander docking stations in the local area.
  - **Officer response:** Both of these contributions would be secured through the Section 106 Agreement.
- To ensure the final foundation design is compatible with the BLE, the Council should include an appropriately worded condition in any draft decision notice.
  - **Officer response:** The suggested condition has been included on the draft decision notice.
- The proposed one accessible parking space should have electric vehicle charging facilities.
  - **Officer response:** A condition requiring an EVCP for the parking space has been included on the draft decision notice.
- The proposed short-stay parking, owing to its location on St George's Road, which is TLRN, will need to form part of the s278 agreement with TfL, and any permission should impose on the applicant the requirement to obtain Technical Approval from TfL for the basement excavation works.
  - **Officer response:** The applicant would be obligated to deliver on both requirements via the Section 106 Agreement.
- A Final Travel Plan, Final DSP and CLP should be secured by condition.
  - **Officer response:** The suggested condition has been included on the draft decision notice.

461. UKPN:

- Did not wish to comment.

## **Community impact and equalities assessment**

462. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:

1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
  - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic

- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
  - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.

463. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

464. The Council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights

465. The Council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application. The positive impacts have been identified throughout this report. They include:

- Accessible accommodation: 10% of all hotel rooms would be wheelchair accessible. One wheelchair parking space would also be provided.
- Affordable workspace: 10% of the office space would be available at affordable rates to SMEs that meet the Council's qualifying criteria.
- Business relocation: An existing small local retailer operating from a pitch adjacent to the site would benefit from first refusal of new premises within the proposed development at a rental rate capped in line with Southwark street trading rates. In the event that the existing small local retailer declines, the unit would be available to eligible SMEs at the same capped rental rate.
- Employment and training opportunities: Local unemployed people would benefit from jobs and training opportunities connected with the end use of the building.
- Improved and more accessible public realm: The proposed public realm at the base of the building, as well as the agreed improvements to footways and highways within the vicinity of the site, would all be designed to assist people with mobility impairments. Physical measures such as level or shallow gradient surfaces and dropped kerbs would benefit disabled and older people in particular.
- Public safety: Safer public spaces (through the various proposed active and passive security and surveillance measures) would benefit all groups, but in particular older people, disabled people and women.

466. Officers are satisfied that equality implications have been carefully considered throughout the planning process and that Members have sufficient information available to them to have due regard to the equality impacts of the proposal as required by Section 149 of the Equality Act 2010 in determining whether planning permission should be granted.

## Human rights implications

467. 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.
468. This application has the legitimate aim of redeveloping the site, to include demolition of the existing building, for a new 15-storey building with rooftop plant, containing a hotel, office, retail and restaurant space, together with public realm improvements and other associated works. 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.

<b>Positive and proactive engagement: summary table</b>	
Was the pre-application service used for this application?	YES
If the pre-application service was used for this application, was the advice given followed?	YES
Was the application validated promptly?	YES
If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	YES

## CONCLUSION

469. This application would bring into productive and optimised re-use this brownfield and underutilised site, providing a complementary mixture of office, hotel and retail uses that would support the role and vibrancy of the Central Activities Zone and the Elephant and Castle Major Town Centre. It would also provide a policy compliant level of affordable workspace suitable for new and small businesses, as well as a micro affordable retail unit with first refusal rights given to the operator of an existing kiosk situated to the front of the site on St George's Road. Once operational, the development has the potential to accommodate over 100 employees, bringing significant economic benefits to the borough.
470. As expanded upon in the report, the proposal would be separated from the majority of the surrounding dwellings by distances in excess of those advised by the Residential Design Standards. In the relatively limited number of instances where the relationship to residential windows opposite would be sensitive, obscuring treatments are to be applied to the proposed glazing. The proposed office, hotel and retail uses are not especially noise generating; as such, and with further protections secured (in the form of management plans, hours of use controls, and plant sound maximum thresholds), it is highly unlikely

that nearby residents would experience noise disturbance. The proposal would cause daylight impacts in excess of the BRE guidance to a small number of surrounding properties. However, in most cases the resulting daylight levels would not be uncommon for central London and in all instances the degree of change would not cause harm to the occupiers' amenity.

471. The issue raised most commonly by the public objections is the height and scale of the proposed building. Associated concerns about the proposal being harmful to or not in-keeping with local character have also been raised. The design of the proposed development evolved as a result of extensive discussions throughout the pre-application phase, with further refinement during the formal application stage. The articulated form and elevational treatment, terminated by a faceted crown, would make for a distinctive building that adds visual interest to the local townscape. As a consequence, the proposal would read as a complimentary component of the cluster of tall buildings within Elephant and Castle, its fifteen storeyed height providing a transition between the taller elements consented the east and the conservation area and lower residential elements to the west. While the loss of the existing building would constitute substantial harm to an undesignated heritage asset, a balanced judgement has been made having regard to the public benefits of the scheme. These benefits would outweigh the minor harm to the significance of the Elliott's Row Conservation Area and the West Square Conservation Area.
472. With its active frontage and new publicly-accessible external space, the latter made possible by relocating the existing kiosk to within the demise of the building, the development would provide a more engaging and animated building at street level. It would also bring valuable greening and biodiversity benefits to this part of the borough.
473. Environmental matters of concern to local residents, such as wind effects, construction management, noise and vibration have all been addressed satisfactorily by the applicant, and compliance will be secured by appropriate conditions.
474. Subject to compliance with the detailed energy and sustainability strategies submitted and payment of the Carbon Green Fund, the development satisfactorily addresses climate change policies.
475. In line with the requirements of the NPPF, the Council has applied the presumption in favour of sustainable development. The proposal would accord with sustainable principles and would make efficient use of a prominent underutilised brownfield site to deliver a high quality development that is in accordance with the Council's aspirations for the area. It is therefore recommended that planning permission is granted, subject to conditions as set out in the attached draft decision notice, referral to the GLA, and the timely completion of a Section 106 Agreement.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: 797-M Application file: 21/AP/2838 Southwark Local Development Framework and Development Plan Documents	Environment, Neighbourhoods & Growth Department, 160 Tooley Street, London, SE1 2QH	<ul style="list-style-type: none"> <li>• Planning enquiries telephone: 020 7525 5403</li> <li>• Planning enquiries email: planning.enquiries@southwark. gov.uk</li> <li>• Case officer telephone: 020 7525 5535</li> <li>• Council website: www.southwark.gov.uk</li> </ul>

## APPENDICES

No.	Title
Appendix 1	Recommendation (draft decision notice)
Appendix 2	Relevant planning policy
Appendix 3	Planning history of the site and nearby sites
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received
Appendix 6	DRP report
Appendix 7	Floorspace schedule
Appendix 8	Existing and pipeline visitor accommodation within a 750m radius of the application site

## AUDIT TRAIL

<b>Lead Officer</b>	Stephen Platts, Director of Planning and Growth	
<b>Report Author</b>	Patrick Cronin, Team Leader	
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<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance & Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
<b>Date final report sent to Constitutional Team</b>		16 March 2023