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Item No.	Classification:	Date:	Meeting Name:
6.2	OPEN	24 April 2022	Planning Committee

Report title:	**Development Management planning application:** Application 22/AP/1068 for: Full Planning Permission **Address:** 5-9 Rockingham Street and 2-4 Tiverton Street, London, SE1 6PF **Proposal:** Redevelopment of site to provide a 24-storey building plus basement and mezzanine consisting of purpose-built student accommodation (Sui Generis), and commercial uses (Use Class E) at ground floor, and the development of the associated railway arches to provide commercial space (Use Class E), plant, refuse and cycle storage, and associated access and public realm works.
Ward(s) or groups affected:	Chaucer
From:	Director of Planning and Growth

Application Start Date	24.03.2022	**Application Expiry Date**	23.06.2022
Earliest Decision Date	11.08.2022	**Extension of Time End Date**	24.10.2023

RECOMMENDATION

1. a) That full planning permission be granted for 22/AP/1068, 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 24th October 2023 the Director of Planning and Growth be authorised to refuse planning permission for 22/AP/1068, if appropriate, for the reasons set out in paragraph 517 of this report.

EXECUTIVE SUMMARY

2. Located in Elephant and Castle and occupying a position close to London South Bank University and the London College of Communication, the application site is in the Major Town Centre, the Central Activities Zone and an Opportunity Area. It comprises a vacant triangular plot of land and the three adjacent railway arches. Nearby to the southwest is Metro Central Heights, a Grade II listed building, with the nearest conservation area at a distance of approximately 250 metres. The site forms part of the Low Line, a vision promoted by the Council for a non-vehicular public realm corridor weaving through the borough adjacent to its historic railway arches.

3. This application proposes the construction of a 24-storey building with basement to provide 244 student bedspaces and 67 square metres of flexible commercial space (Classes E[a], E[b] and E[c]), involving the redevelopment and activation of three railway arches, all supported by associated cycle storage, waste/recycling stores and new public realm.

4. The application site benefits from planning permission under 19/AP/0750, which was technically implemented in early 2023, to deliver an office-led 21-storey scheme. While the scheme proposed by 22/AP/1068 would be of a different use and architectural design to the implemented scheme, it would be no taller. Furthermore, the footprint of each storey would not, with the exception of the corners, be larger than the counterpart storeys in the implemented scheme. The building envelope established by 19/AP/0750 is a material consideration in the determination of planning application 22/AP/1068.

5. The proposed student housing development would be a direct-let scheme (i.e. not linked to any specific university or college) and would not include any affordable student rooms. Instead, the application proposes to prioritise the delivery of general needs affordable housing in the borough, which would be provided in the form of a payment-in-lieu of £8.54 million because it is not practical to include on-site conventional housing alongside a feasible amount of student housing on this relatively small site. This payment-in-lieu is equivalent to 35% affordable housing, with a 'collar' applied to potentially provide above 35% by the point in time the contribution has been paid in full, which the Council's expert assessor has deemed to be reasonable. The payment-in-lieu could potentially be used to directly support the delivery of affordable housing close to the application site, thereby bringing tangible benefits for the local community. This is considered to be a substantial benefit of the application.

6. The development is situated in a location where tall buildings are considered to be appropriate, subject to demonstration that they would provide an exemplary standard of design and meet the requirements of the London Plan and Southwark Plan in all other regards. The proposed development would be of a quality of design that is exemplary given the constrained nature of the site. Furthermore, the application would deliver a linear strip of public realm between the proposed building and the railway viaduct, in so doing unlocking a section of the Low Line. This new walking route would be framed by a flexible retail/service/dining unit, which would support the vitality and viability of the Major Town Centre.

7. The proposal would provide good quality student housing and would not cause unacceptable harm to the amenity of neighbouring properties.

Image 01: Visualisation of the development, looking north from Rockingham Street, with a view along the Low Line walking route (right hand side of image)

8. 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 support for London's higher education institutions, 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

9.

Housing								
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

10.

Commercial			
Use class and description	**Existing GIA***	**Proposed GIA**	**Change +/-**
E [a] to (f) (Retail/financial)	N/A	67	+67
E [g] *i)* (Office)	N/A	N/A	N/A
E [g] *ii)* and *iii)* (Light industrial)	N/A	N/A	N/A
B2 (Industrial)	N/A	N/A	N/A
B8 (Storage/Distribution)	N/A	N/A	N/A
E (Affordable workspace)	N/A	N/A	N/A
C1 (Hotel)	N/A	N/A	N/A
Sui Generis	N/A	7844	+7844
Employment	**Existing no.***	**Proposed no.**	**Change +/-**
Operational jobs (FTE)	0	7 (max)	+7 (max)

* *These figures do not account for the site's most recent lawful uses (and attendant potential job numbers), given that the floorspace no longer exists following demolition of the buildings circa 2017.*

11.

Parks and child play space			
	Existing area	**Proposed area**	**Change +/-**
Public Open Space	0	147 sq.m	+147 sq.m
Play Space	0	0	0

12.

Carbon Savings and Trees			
Criterion	**Details**		
CO2 savings	11% improvement on Part L of Building Regs 2021		
Trees lost	0 x Category A	0 x Category B	0 x Category C
Trees gained	0		

13.

Greening, Drainage and Sustainable Transport Infrastructure			
Criterion	**Existing**	**Proposed**	**Change +/-**
Urban Greening Factor	N/A	0.18	N/A
Greenfield Run Off Rate	N/A	5.0l/s*	N/A
Green/Brown Roof Coverage	0	0	0
Electric Vehicle Charging Points	0	1	+1

Cycle parking spaces	0	216	+216

14.

CIL and Section 106 (or Unilateral Undertaking)	
Criterion	**Total Contribution**
CIL (estimated)	£1,016,797
MCIL (estimated)	£492,998
Section 106 Contribution	As per the 'Planning Obligations' section of this report

BACKGROUND INFORMATION

Site location and description

15. Located in the Chaucer ward, the application site has an area of 0.0783 hectares and is triangular in shape. It is bounded:

- immediately to the east by the railway viaduct, beyond which are a collection of five-storey 1930s deck-access residential blocks known as the Rockingham Estate, of which 'Stephenson House' and 'Rankine House' are the closest to the application site;
- immediately to the southwest by Rockingham Street, beyond which is Metro Central Heights, a series of buildings between twelve and sixteen storeys originally constructed as an office block in the 1960s but converted into residential flats in the 1990s; and
- Immediately to the northwest by Tiverton Street, beyond which is the Salvation Army Headquarters (S.A.H) comprising an eleven storey tower with two-storey rooftop plant and a five-storey ancillary building.

16. The lawful existing use of the open land within the site is Class E. The site was previously occupied by a two-storey building, the last lawful use of which was part retail, part restaurant and part office. All of these uses had ceased by 2015 and the building was demolished in 2017. More information about the planning history is given in a later part of this report entitled 'Existing Lawful Use'.

17. The site has lain vacant since the building's demolition. In the present day, the Tiverton Street perimeter is secured by hoarding and the Rockingham Street perimeter is secured by a mixture of hoarding and walling. There are two points of vehicular access into the site via dropped kerbs – one on Tiverton Street and one on Rockingham Street.

Image 02 (above): Photograph of the existing site, taken from the junction of Rockingham Street and Tiverton Street, looking northeast towards the railway line.

18. The application site includes three arches within the railway viaduct that bounds the eastern edge of the land. Under lease to the applicant, these arches are within the ownership of Network Rail.

Surroundings

19. The area is of a mixed character, comprising offices, residential, commercial, educational, cultural and leisure uses.

20. To the south and west of the site are the various medium and high rise buildings that make up the Elephant and Castle Major Town Centre; predominant uses here are residential, retail, leisure, commercial and education. Although the area is of dense character, it is broken by the wide vehicular routes of Newington Causeway and the Elephant and Castle Peninsula.

21. Spanning northward from the application site, and bisected by the railway line, is the area known as North Elephant. This currently comprises a range of low, medium and high rise buildings, arranged in a relatively tight urban form. Together, these buildings provide a mix of residential, retail, commercial uses and visitor accommodation. North Elephant is also home to leisure and cultural venues, including Southwark Playhouse and Mercato Metropolitano.

22. To the east of the site, beyond the railway line, is a swathe of medium rise housing blocks collectively known as Rockingham Estate. These buildings are arranged around and interspersed by areas of communal green space, giving the area a more spacious feel compared to the Major Town Centre. Newington Gardens and Dickens Gardens are the two main green public spaces.

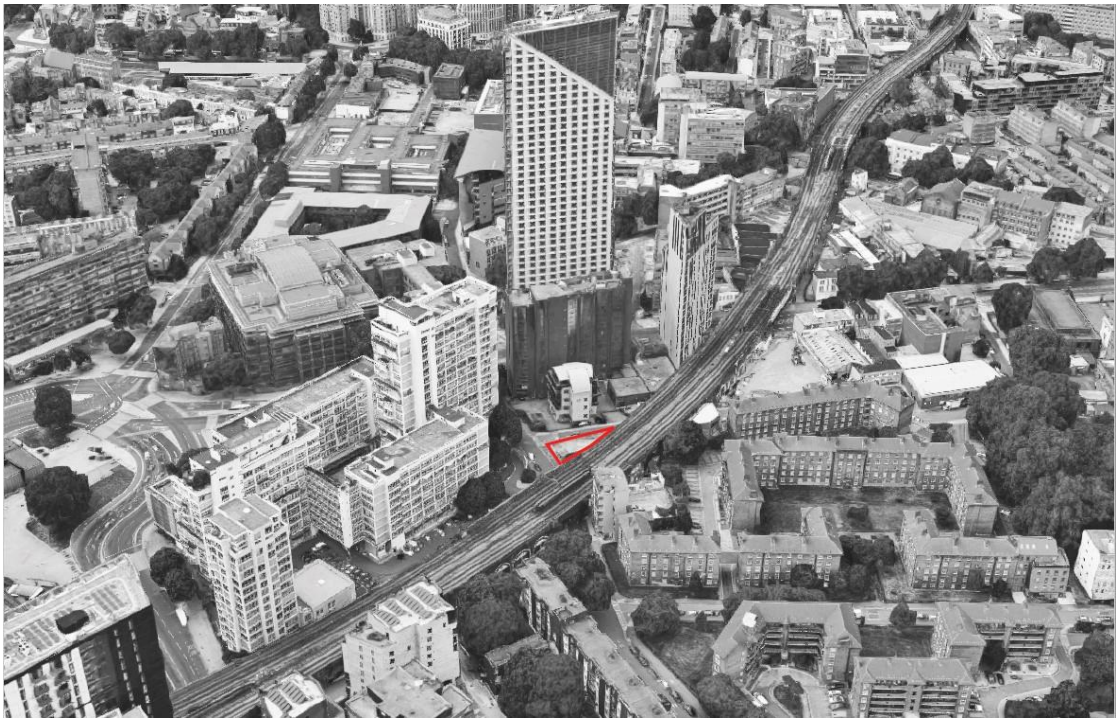


Image 03 (above): Aerial image of the site (edged in red), taken looking in a northwestward direction, demonstrating the taller and denser nature of the built form west of the railway line.

23. 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. Critical to realising the vision for the Opportunity Area are two large-scale consented planning applications, both of which will involve significant intensification and densification of areas of land at the heart of Elephant and Castle. They are the 'London College of Communication and Elephant and Castle Shopping Centre' site, construction of which recently commenced, and the 'Elephant Park' masterplan, which is entering its final stages of implementation. Both of these redevelopments have a significant role to play in transforming the character of Elephant and Castle, creating a more integrated, mixed-use, dense, walkable and green neighbourhood.

24. While the commercial centre of Elephant and Castle has been home to a number of medium and high-rise buildings since the 1970s, in recent years it has undergone intensification and densification as part of the delivery of the Opportunity Area vision. As a result, the commercial core has taken on a more urban scale. Tall buildings within the vicinity of the application site are:

- Within a 100 metre radius of the site:
  - The Pioneer Building, 91 Newington Causeway (22 storeys);
  - The Ceramic Building, 87 Newington Causeway (24 storeys);
  - Two Fifty One, 251 Newington Causeway (41 storeys); and
  - Metro Central Heights, 119 Newington Causeway (tallest block 18 storeys).

- Within a 100-249 metre radius from the site:
  - Elephant Central, 40 New Kent Road (tallest block 26 storeys);

- New Cooper Point, 40 New Kent Road (24 storeys); and
- London College of Communication (16 storeys).

- Within a 250-1,000 metre radius of the site
  - Srata Tower, 8 Walworth Road (43 storeys);
  - One The Elephant, 1 St Gabriel Walk (37 storeys); and
  - UNCLE Elephant, 9 Churchyard Row (45 storeys).

25. The site is also in close proximity to a hub of higher education facilities and providers, including the London South Bank University and London School of Science and Technology campuses, London College of Communications, and associated student amenities.

Designations

26. The following policy, socioeconomic and environmental designations apply to the application site:

- the Central Activities Zone (CAZ);
- Elephant and Castle Area Vision AV.09;
- Elephant and Castle Opportunity Area;
- Elephant and Castle Major Town Centre;
- Elephant and Castle Strategic Cultural Area;
- Better Bankside Business Improvement District Area;
- the Low Line (Route 2 - Camberwell to the River Thames);
- the Article 4 Direction removing permitted development rights for the change of use, within the Central Activities Zone, from offices to residential;
- Flood Zone 3 (in an area benefitting from flood defences);
- the Air Quality Management Area;
- “North-West” Multi-Ward Forum Area; and
- Community Infrastructure Levy Charging Zone 1.

27. The site is not subject to a site allocation in the Southwark Plan.

28. In respect of heritage designations, the application site contains no listed structures and no part of it is within a conservation area. The nearest conservation area is Elliot’s Row, the closest part of which approximately 250 metres to the west of the application site. Owing to the visual obstruction caused by the various medium- and high-rise buildings around the Elephant and Castle Peninsula, it is not possible to observe the application site from within the Elliot’s Row Conservation Area.

29. The following Grade II listed buildings are within 250 metres of the site:

- Metro Central Heights, Newington Causeway (approx. 25 metres southwest of the site);
- Michael Faraday Memorial, Elephant and Castle Peninsula (approx. 175 metres southwest of the site); and

- Inner London Sessions Court, Newington Causeway (approx. 225 metres northwest of the site).

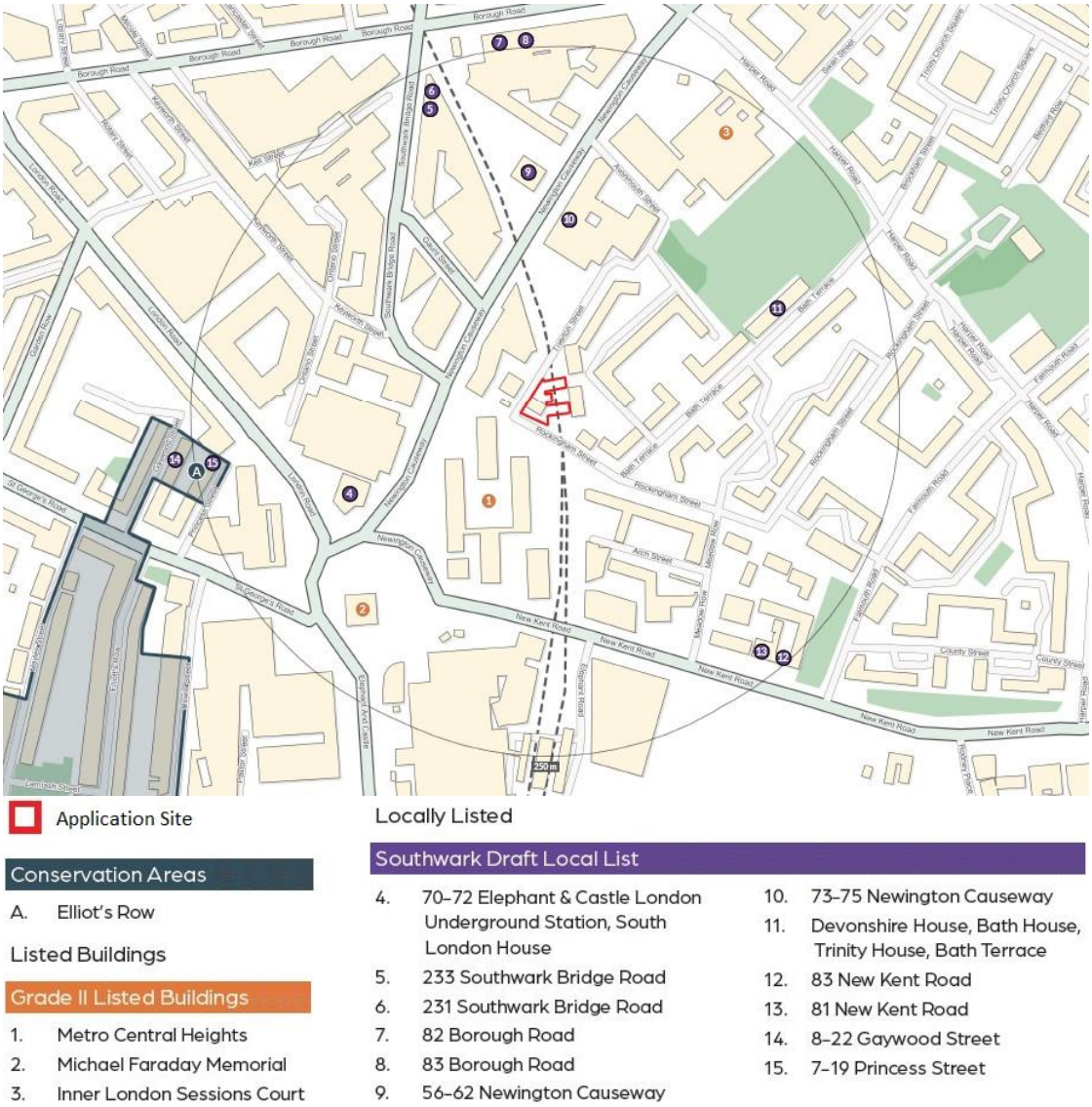


Figure 04 (above): Map showing the site (edged in red) in the context of heritage designations, with the circular line indicating a 250 metre radius.

30. The site is within the 'North Southwark and Roman Roads' Archaeological Priority Area.

31. With respect to strategic and borough views, the site is not within any of the London View Management Framework (including the wider corridors settings and the background regions) or the Borough Views. It is, however, approximately 5 metres north of the background region of Protected View 23.A of the London View Management Framework (Centre of Bridge over the Serpentine to the Palace of Westminster). With respect to Borough Views, the closest, BV.03 (Camberwell Road Linear View towards St Paul's Cathedral), is more than 50 metres to the east of the site.

32. There is no existing public space, nor any trees or other meaningful vegetation, within the application site. The nearest public green space is Newington Gardens, approximately 150 metres (2 minute walk) to the northeast. Farther beyond but within 500 metres of the site are four other public green spaces: Dickens Fields, Elephant Park, St Mary's Churchyard and West Square.

33. With respect to transport designations, the application site is:

- within PTAL Zone 6b, representing the highest possible public transport accessibility level; and
- within the Newington Controlled Parking Zone (operational from 08:00hrs to 18:30hrs on Monday to Friday).

34. With respect to parking and servicing infrastructure locally, there are:

- 1 permit-holder parking space on Rockingham Street;
- 6 paid-for and permit-holder parking spaces on Rockingham Street, 1 of which is directly to the front of the application site, with the other 5 southeast of the railway line;
- 5 paid-for and permit-holder parking spaces on Tiverton Street, all north of the railway line;
- 1 disabled space on Meadow Road, approximately 150 metres southeast of the site;
- 1 disabled space on Southwark Bridge Road; and
- 1 car club space on Keyworth Street.

35. The nearest transport hub is Elephant and Castle tube and mainline railway station, approximately 200 metres to the southwest. The next nearest underground station is Borough, approximately 600 metres to the northeast. Regular bus services operate along Newington Causeway and from the Elephant and Castle peninsula. The pedestrian routes around the application site provide easy access to the bus stops and train stations.

36. London Cycle Network Route 23, which connects Elephant and Castle to Coulsdon in Croydon, runs along Tiverton Street. Cycle Superhighway 7 runs along Keyworth Street, which is approximately 200 metres northeast of the site.

37. There are in excess of 200 public cycle spaces within a 250 metres radius of the site. These can be found in clusters of 'Sheffield' or 'Camden' stands around the Elephant and Castle Peninsula (176 spaces), on Keyworth Street (20 spaces) and on the northern section of Newington Causeway (8 spaces). Also within 250 metres is a Santander docking station on Ontario Street (13 docks); two additional Santander stations can be found slightly farther away at Strata Tower (40 docks) and on Harper Road (42 docks).

38. All roads adjacent to the site are adopted highways.

Details of proposal

39. This application seeks full planning permission for the redevelopment of the site to provide a 24-storey building of a triangular footprint, with one further storey of accommodation at basement level. Accounting for rooftop plant and overrun, the building would stand 70.67 metres above ground level (73.14 metres AOD) at its maximum point. The building's east elevation would run parallel with the railway viaduct but be set away from it by 2.5 metres at ground level; the resulting linear strip of land is to become a publicly-accessible pedestrian route forming part of the Low Line.

Image 05 (above): Handmade model of the proposed tower in context, as seen looking in a northwards direction.

Image 06 (above): Visualisation of the proposed tower, as seen from Tiverton Street, showing its relationship to the railway line.

40. The proposed building would deliver 244 student accommodation units (Class Sui Generis). These would take the form of:

- 206 self-contained studios, 13 of which would be wheelchair accessible; and
- 38 shared studios (i.e. a flat containing two en-suite bedrooms with the two occupiers sharing the living/kitchen/dining space).

41. The building would provide ancillary facilities for the student occupiers including a number of communal amenity rooms, a reception foyer with recreation/lounge space at mezzanine level, and a laundry room. The total communal amenity area provided is 327 square metres which equates to an average of 1.34 square metres per student. The building would also incorporate a self-contained single-

storey ground floor retail/service/dining unit (flexible Class E use) on its northern corner.

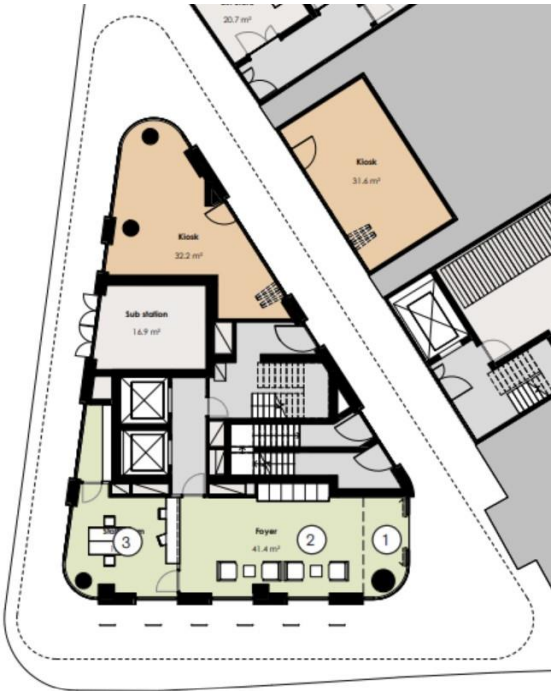


Image 07: Ground floor floorplan of the tower.

Image 08: First floor floorplan of the tower.

42. All 244 units would be let at market rate. A nominations agreement –whereby all or some of the rooms would be operated directly by a higher education provider– has not been agreed. Instead, it is expected that the scheme would be managed by Homes for Students, the largest independent student accommodation provider in the UK.

43. With regard to the form and appearance of the building, the first, second and third floor levels would be of a larger footprint than the ground and mezzanine levels, cantilevering beyond the two base storeys on the southwest and northwest frontages. The footprint of the 19 uppermost storeys would be larger still, cantilevering beyond the base five storeys on the southern corner and along the east (Low Line) frontage. Glazed frontages would be provided at ground and mezzanine levels; where piers are needed, these would be faced in glazed brick of deep red and brown hues with the double-height reveals finished in white semi-gloss brick. The upper 22 storeys would be clad predominantly in vertically-bonded red brickwork, complemented by white brickwork applied to the window jambs. Windows and doors would be framed in bronze-effect metal. A slimline stone-effect coping would provide a simple crown to the building.

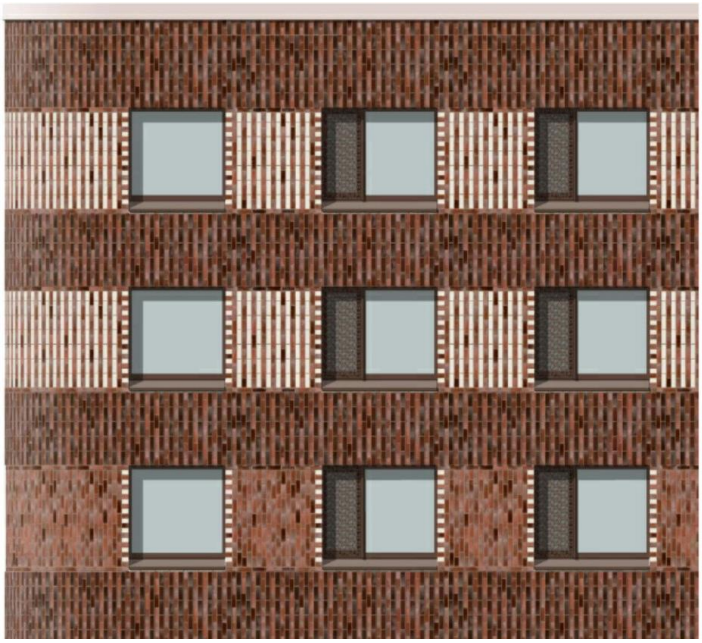


Image 09: Cropped elevation, showing the top three storeys of the tower, including the simple stone-effect coping to the crown.

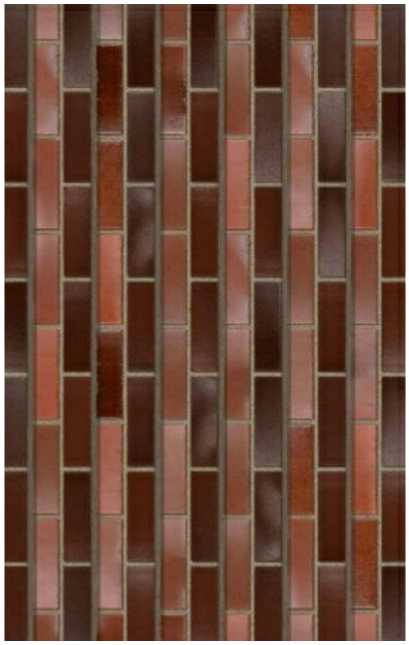


Image 10: A sample of the deep red bricks to be used on the banded elements.

44. The application proposes to bring all three of the adjacent railway arches back into use. New metal framed frontages –one entirely glazed, with the other two containing glazing and latticework– would be installed, along with a new mezzanine level internally. The southern arch would be given over to bicycle storage, while the northern arch would be repurposed for plant and waste/recycling storage. The remaining central arch would become a flexible retail/service/dining unit. Owing to this arch being located opposite the retail unit on the northern corner of the proposed building, the applicant's vision is for the repurposed arch to function as an extension of the commercial unit, with dining furniture from the two 'spilling out' onto the Low Line, creating a direct relationship across the passageway. Together, the two component parts would contain approximately 67 square metres GIA of floorspace.

Figure 11: Proposed elevation of the three railway arches, showing the metal framed frontages to be installed, the central one of which would be brought into active reuse as part of a flexible retail/service/dining unit.

45. Approximately 23% of the site is to be given over to open space. The main component of the public realm offer is the proposed Low Line route, which would measure 3.2 metres in width and approximately 25 metres in length. A 1.5 metre wide clear 'passageway' through the Low Line route –where tables and chairs would be prohibited– is proposed, to be delineated though the use of differentiated paving treatments. Planting boxes would be distributed along the western edge of the Low Line, against the ground floor piers. Affixed to these boxes would be trellises allowing the planting to grow up the building facade. Ornamental planting in moveable boxes would be arranged along the eastern edge of the Low Line.

46. A small further area of hard-surfaced public realm would be provided on the building's southwestern side, enlarging the existing footway. Within this area of public realm a small number of planting boxes are proposed, again fitted with trellises to allow climbing plants to grow up the building piers.

47. Short-stay cycle stands would be located on the small strip of public realm to the southwest of the building. The majority of long-stay cycle storage would be provided in the southern arch, with a small number of Brompton-style cycle lockers accommodated in the entrance reception/foyer. All servicing, including all refuse collections, would take place from a new on-street loading bay located on the southeastern side of Tiverton Street. The bay would provide space for vehicles of up to 12 metres in length. The proposal would be a car free development.

Planning history of the application site and nearby sites

48. 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. Details of two key historic planning permissions are given below.

49. This site has two extant consents. The first (ref: 13/AP/3450) is for the demolition of the existing buildings and construction of a 13 storey building to provide 30 residential units and a restaurant on the ground floor. It also included redevelopment of two of the adjacent railway arches. That permission was granted with a legal agreement in October 2014. An application was made for a certificate of lawfulness to confirm that the permission had been implemented (ref: 18/AP/2902). However the application was withdrawn when the previous owners sold the site.

50. The second extant consent (ref. 19/AP/0750), granted with legal agreement in January 2020, is for the demolition of the existing buildings and construction of an exclusively commercial 21-storey building with basement. It also included the redevelopment of the three adjacent railway arches for flexible commercial space. The permission was technically implemented in January 2023. The principal ways in which the 19/AP/0750 scheme differed from the 13/AP/3450 scheme are:

    - the 'red line boundary' of the 2019 development site was larger, due to incorporating an additional railway arch and land adjacent to the viaduct;

- the height of the 2019 building was 27.515 metres taller, standing to a height of 70.665m AOD; and
- the 2019 scheme was a fully commercial scheme rather than a residential- led development.

Figure 12: Visualisation of the 2014 residential-led consented building.

Figure 13: Visualisation of the office-led building consented in 2020.

51. The 22/AP/1068 application has the same 'red line boundary' as the newly-proposed scheme and the proposal would stand to the same height (70.67 metres above ground). However, there are some key differences, as follows:

- the 22/AP/1068 scheme would be student housing led, whereas the 19/AP/0750 scheme was almost entirely office;
- the 22/AP/1068 scheme would deliver a lesser quantum of flexible town centre / retail floorspace (67 square metres) compared to the 19/AP/0750 scheme (340.1 square metres);
- the basement in the 22/AP/1068 scheme would comprise two storeys, whereas the basement in the 19/AP/0750 scheme was single storeyed;
- the building proposed by 22/AP/1068 would take a more accentuated cantilevered form than the 19/AP/0750 scheme, with a different footprint across the vertical profile of the building;
- the building proposed by 22/AP/1068 would have rounded corners, as opposed to the more rectilinear form of the 19/AP/0750 scheme.

Pre-application engagement and mid-application amendments

52. Planning application 22/AP/1068 was submitted following a detailed pre-application enquiry, the reference numbers for which is 21/EQ/0124. During the course of the pre-application engagement, the applicant made various amendments to the scheme design. 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 22/AP/1068 application documents. The letter should be referred to if any further information is required about the pre-application process.

53. With respect to building design, changes included:

- omitting three large columns (supporting the cantilevering storeys above) that would have punctuated the public realm;
- switching to a warmer, red coloured brick finish;
- introducing a white contrasting semi-gloss glazed brick in the windows reveals, in a course at crown and on the lower levels;
- introducing more greening within the Low Line and on the lower storeys of the building's southeast and southwest façades

54. With respect to layout and quality of accommodation, changes included:

- consolidating the student amenity facilities by moving some of the facilities out of one of the central railway arches and into the main body of the building;
- improving the floor-to-ceiling heights within the student accommodation units;
- improving the proportion of wheelchair student accommodation units fully fitted out for immediate occupation [i.e.M4(3)(2)(b)].

55. With respect to energy and sustainability, changes included:

- increasing the greening coverage to improve the UGF score;
- incorporating openable ventilation panels for the student rooms, to afford tenants a degree of human control over their interior environment.

56. The images below give a sense of the evolution of the design over the course of the pre-application process:

Image 14 (above): the ground layout as submitted at the first stage of pre-application engagement, where three columns were proposed within the public realm and a student amenity room within the central railway arch.

Image 15 (above): the ground layout as submitted at planning application stage, showing the columns within the public realm omitted, as well as an enlarged flexible retail/service/dining unit flanking the Low Line.

Image 16 (above): Early iteration of the scheme, where levels 01, 02 and 03 oversailed more of the Low Line, requiring a column to punctuate the public realm

Image 17 (above): Visualisation of the planning application stage scheme, showing levels 01, 02 and 03 smaller in footprint, with the column punctuating the public realm omitted.

Image 18 (above): Early iteration of the scheme as seen from Tiverton Street, where columns supporting the upper floors punctuated the public ream.

Image 19 (above): View from Tiverton Street as submitted at planning application stage, showing a curved facade and unobstructed public realm.

57. Over the course of the planning application process, the applicant made further refinements to the proposal in response to concerns raised through the consultation process and/or issues highlighted by officers. These changes include:

- amendments to the layout of the proposed building, including a reduction in the number of student rooms from 259 to 244 and the addition of a second circulation core for fire safety reasons;

- amendments to the elevations/fenestration of the proposed building;
- the provision of additional greening;
- a Planning Statement Addendum, summarising the proposed changes and replying to concerns raised by public objections;
- updated planning application documentation relating to matters of energy and sustainability, fire, daylight and sunlight etc., including responses to statutory consultees; and
- updated planning drawings to reflect the changes.

58. The images below give a sense of the evolution of the design over the course of the planning application phase:

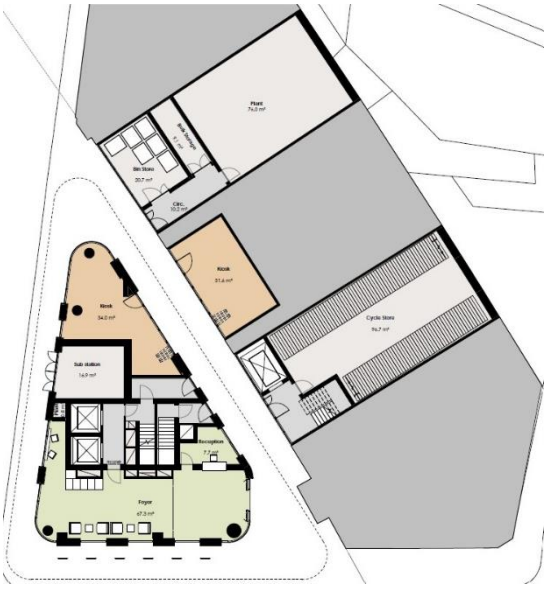


Image 20 (above): Ground floor plan at the outset of the planning application, showing one staircore within the tower.

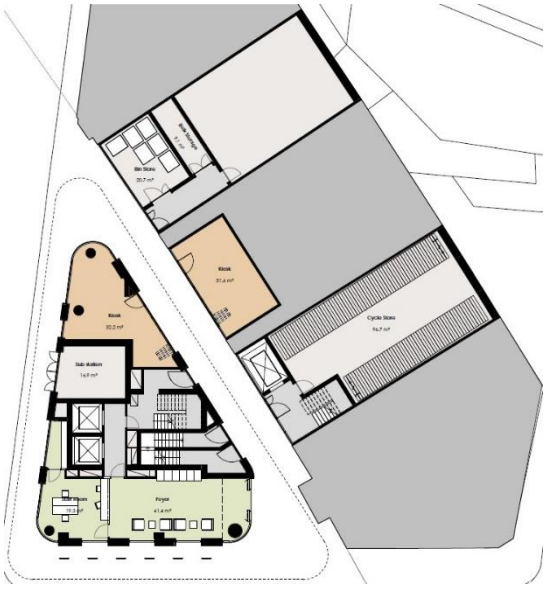


Image 21 (above): Ground floor plan at determination stage, showing two staircores within the tower to address fire safety requirements.

59. 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.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

60. 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;
- Development viability;
- Environmental impact assessment;
- Quality of accommodation;
- 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.

61. These matters are discussed in detail in the 'Assessment' section of this report.

Legal Context

62. 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, the Southwark Plan 2022 and the Elephant and Castle SPD and OAPF. 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.

63. 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

64. 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

65. 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. Comments were received from 20 respondents. The table below summarises the number of representations received during this period:

Original round of consultation: Summary table		
Total number of respondents: **20**	Total number of responses: **24**	
The split of views between the 20 respondents was:		
In objection: **19**	Neutral: **0**	In support: **1**

66. The reason that 24 representations were received from 20 respondents is that two of the respondents submitted multiple responses.

67. 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 away of the changes, re-consultation was conducted in mid July 2022. The table below summarises the number of representations received in response to the re-consultation:

Re-consultation: Summary table		
Total number of respondents: **2**	Total number of responses: **2**	
The split of views between the 2 respondents was:		
In objection: **2**	Neutral: **0**	In support: **0**

68. In total across the consultation and re-consultation period, 20 individuals made representations to the Council about the planning application. Of these 20 individuals, there were 2 who commented as part of the original consultation and then commented again as part of the re-consultation. Those 2 individuals both objected as part of the original consultation, and maintained their objection when commenting as part of the re-consultation.

Reasons in objection

69. 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 view); therefore, these are not captured in the following summary paragraphs, nor are they discussed in later parts of this report.

Amenity Impacts

70.
- Will result in loss of daylight/sunlight;

- Daylight/sunlight testing of surrounding properties is inaccurate, having been based on assumed layouts (from estate agents' particulars etc.) rather than on first hand research (e.g. in person inspections of the flats);
- The daylight and sunlight testing obscures that the greatest impacts will be experienced by flats on the lower floors of Metro Central Heights on the Rockingham Estate (the point presumably being made by the objector here is that, in testing a very large total number windows, the daylight and sunlight assessment has the effect of producing a low percentage rate of adversely affected windows)
- The forthcoming redevelopment of 101 Newington Causeway, and the two site's cumulative amenity impacts, has not been accounted for;
- Will reduce privacy and increase overlooking;
- Compared with the previous/implemented office use on this site, the residential use now proposed will be more invasive/intensive in terms of overlooking;
- Will result in increased noise locally once the development is operational;
- Application documents are unclear as to how noise will be managed, especially out of hours when there is no on-site property manager;
- Will result in increased anti-social behaviour.

Land uses

71.
- There are more appropriate uses for the site, such as office and/or housing;
- There is no need/demand for student housing in this location;
- Student accommodation is an unsuitable use in a predominantly residential location;
- Will provide no permanent/conventional new homes, contrary to the Southwark Plan and the Elephant and Castle Area Vision.

Design and heritage

72.
- Development is too tall;
- Development is of poor architectural/design quality;
- Development will cause harm to the setting of Metro Central Heights, a listed building;
- There are already enough high rise buildings in Elephant and Castle;
- Public realm offer is of a poor quality.

Quality and management of student accommodation

73.
- The student rooms facing the railway will have unacceptably poor living conditions;
- The Student Management Plan is inadequate;
- Facilities provided within the development will be inadequate for the number of student occupiers (e.g. number of washer/driers).

Transport and highways

74.
- Transport Assessment has not accounted for instances of 'move-in, move-out' occurring outside of the two September weekends each academic year;
- The management plan does not deal with the move-out process;
- Danger to trains (from items falling out of windows at the proposed development);
- There has been no assessment of potential car use by student residents;
- Will bring additional traffic post-construction.

Construction Phase

75.
- Increase noise and traffic during construction and the end-use;
- The construction works will increase dust and worsen air quality.

Economic impacts

76.
- Will offer only a few low-skilled, low-wage jobs;
- Student accommodation does not provide many economic benefits;
- Students do not contribute by way of Council tax, so there is very little contribution to the local community from the proposed land use;
- The claims made by the applicant in their submission entitled *"Why student Accommodation?"*, which set out the economic benefits of this land use, are misleading

Social infrastructure and community impact

77.
- When taken together with the 200+ students the Avonmouth Street student housing scheme will introduce, the development will result in nearly 500 students all living in close proximity in this particular part of the Elephant and Castle;
- The transient nature of the student population, which the proposed development will add to, has a negative impact on resident wellbeing and community dynamics;
- Lack of community spirit to the scheme.

Health impacts

78.
- The height and scale of the buildings would be injurious to the mental health and well-being of existing surrounding residents;
- Will be detrimental to the overall health of existing residents.

Infrastructural impact

79.
- Will place increased burden on already over stretched public services and utilities.

Climate considerations

80. • As a result of the proposed development, residents will have to use artificial lighting for longer periods of the day, creating climate and personal finance implications.

Developer approach

81. • The developer has pursued a stealth pathway of submitting a sequence of applications, changing the use and/or height each time, to reach a point where a high rise building is now proposed for a different use to the one originally sought.

Impact on development potential of other sites

82. • The development may curtail the redevelopment potential of the S.A.H site at 101 Newington Causeway.

Reasons in support

83. Listed below are the material planning considerations raised in support of the planning application by the consultation and re-consultation:

- Student accommodation is necessary to support universities, medical and tech buildings, producing a "campus" atmosphere and bringing neighbourhood regeneration and broader urban revitalisation.

Environmental impact assessment

84. 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.

85. 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).

86. 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.

87. 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.

88. The application site is 0.0783 hectares and as such the proposal does not exceed the Schedule 2 threshold.

89. 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 22/AP/1068 proposes a student-housing led scheme rising to a height no greater than that established by the previous/implemented planning consent on this site, 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. 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.

90. For the above reasons, an EIA is not required in respect of the proposed development.

Principle of the proposed development in terms of land use

Existing lawful use

Lawful use as of 9th January 2023, and associated change of use considerations

91. On 9th January 2023, the applicant for 19/AP/0750 technically implemented their permission by demolishing a stretch of boundary wall along the site's Rockingham Street boundary. Within the Town and Country Planning Act 1990, Section 56(4) defines what constitutes a “material operation”, in line with which a development shall be deemed to have been initiated. Sub-section (aa) confirms that ‘any work of demolition of a building’ comprises a material operation for this purpose. In demolishing the boundary wall and thereby technically implementing, the applicant for 19/AP/0750 established the lawful use of the application site for office and flexible commercial purposes. These uses span Class E[a], Class E[g] and Class F1 of the Use Classes Order 2020. Lawful implementation was confirmed in writing by the Council in Spring 2023 as part of a Certificate of Lawfulness application.

92. Planning application 22/AP/1068 now proposes to change the use of the site to a mix of uses not including office.

93. Although the site could be redeveloped for an office use, given the equal weight attributed to office and residential development within the Elephant and Castle Opportunity Area, the change of use away from Class E[g][i] does not raise any strategic concerns in relation to Policy SD5(G) in this instance.

94. Southwark Plan Policy P30, which deals with office uses, requires development proposals to "Retain or increase the amount of employment floorspace on site (Gross Internal Area (GIA) of E[g])". It goes on to say "Development that results in a loss of employment floorspace anywhere in the borough must provide a financial contribution towards training and jobs for local people." In setting out these requirements, Policy P30 is implicitly referring to *existing* employment floorspace. Implemented but not substantially complete employment floorspace would not count. As such, the 22/AP/1068 proposal should not be treated as resulting in a loss of existing office use. Accordingly, the uses proposed by this planning application would neither conflict with Policy P30 nor warrant a compensatory financial contribution towards training and jobs for local people.

Lawful use immediately before 9th January 2023, and associated change of use considerations

95. The following paragraphs detail the historic uses of the site and establish what its lawful use was immediately prior to 9th January 2023. As the paragraphs set out, the implementation of 19/AP/0750 has not in any way enabled the new student housing proposal to avoid being tested against any policies that would otherwise have applied and which may have raised land use issues/conflicts.

Triangular area of open land

96. The triangular area of land forming the primary part of the site is currently vacant, having most recently been occupied by a commercial building. Between 1994 and 2004, the building was occupied by 'P & S Food and Wine,' an off licence and convenience store. This established the building's lawful use as retail (formerly Class A1, now Class E[a]). In 2004, consent was granted under planning application 04/AP/1840 to insert a mezzanine floor and change the building into two self-contained parts, as follows:

- The large unit - a mixed restaurant (former Class A3, now Class E[b]) and office (former Class B1, now Class E[g]) use, arranged over the ground and mezzanine floors, totalling 244 square metres GIA; and
- The small unit - an off licence (former Class A1, now Class E[a]), arranged over the ground and mezzanine floors, totalling approximately 38 square metres GIA.

97. This arrangement of a 'large unit' and 'small unit' is depicted below. The image also shows how the cellular office spaces within the larger unit (highlighted red) represented a very small proportion of the unit's total GIA:

Image 22 (above): Historic plan of the ground floor of the building, with the small unit edged in blue, the restaurant in green and the offices in red.

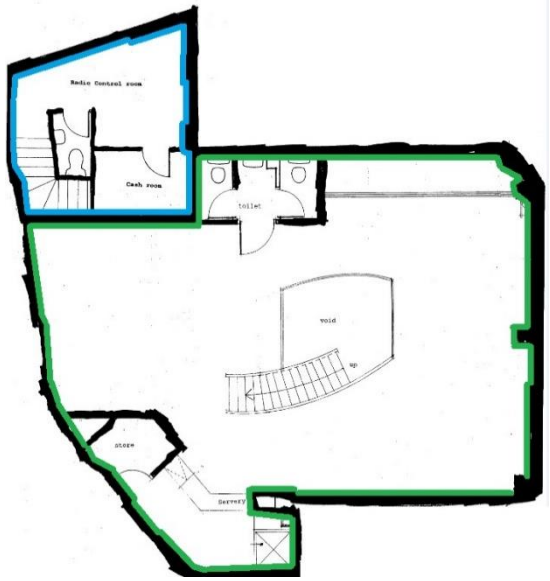


Image 23 (above): Historic plan of the upper floor of the building, with the small unit edged in blue and the restaurant in green.

98. Over an eleven year period between 2004 and 2015, the large unit operated as a restaurant, first under the name 'Sorriso' and later under 'Lenos and Carbon'. Although historic photographic evidence suggests that throughout both of those tenancies the large unit was laid out without the consented cellular office space (and as such the entire unit operated as a dining use), it is not possible to definitively conclude that the unit lawfully became an exclusively restaurant use with the passage of time.

99. The upper floor of the small unit was granted a change of use in 2005, under planning application 05/AP/1121, to a mini cab control office (Sui Generis) for a limited period. Although the exact date on which the off licence and mini cab control office stopped trading is not known, it was no later than 2009. Thereafter, the small unit lay vacant.

100. The building was demolished in 2017, since which time the land has been hoarded and not used for any new purpose.

101. In light of all of the above, the lawful existing use of the land immediately before 9th January 2023 was Class E (Commercial, Business and Service), distributed between the sub-categories in the following approximate proportions:

- Class E[g][a] (Retail) - 78% of the triangle of land;
- Class E[g][b] (Dining) - 9% of the triangle of land; and
- Class E[g][i] (Office) - 13% of the triangle of land.

102. Planning permission 19/AP/0750 is for a scheme containing retail and office. As such, of the three uses listed above, only the dining use has been extinguished by the implementation of 19/AP/0750. The statutory development plan, and the policies contained therein, treats dining uses as 'retail'. Therefore, the

implementation of 19/AP/0750 has not, in extinguishing the dining use, enabled any land use policy considerations to be obviated in the consideration of 22/AP/1068.

103. Furthermore, and as explained in detail in a later part of this report, the 22/AP/1068 proposal incorporates a 67 square metre flexible commercial unit, one potential use of which is as a restaurant/café; were the unit to be used as a restaurant/café, this would have the effect of reinstating one of the site's former lawful uses (Class E[b]). Therefore, no local or strategic land use issues are raised in this respect.

Railway arches

104. As mentioned in an earlier part of this report, the site includes the three adjacent railway arches within the ownership of Network Rail, which together have a floor area of approximately 225 square metres. Until 2014 the arches were occupied by Atlas Fire Engineering Limited trading as Tyco Fire and Integrated Solutions. It is believed that the company used the premises for storage, distribution and fleet parking purposes. However, due to the absence of any planning history as well as the lack of detail about Tyco Fire's duration of occupancy to confirm the lawful use, and also accounting for the period of vacancy having been nearly ten years, it can be concluded that the arches were in 'nil' use immediately before the implementation of 19/AP/0750 in January 2023.

105. Where a planning application proposes to change land or a building from an existing 'nil' use, the only planning test in land use terms is whether the new use is considered acceptable against all relevant policies. As such, in implementing 19/AP/0750 and thereby changing the arches from a nil use to a flexible commercial use, the applicant has not enabled the 22/AP/1068 proposal to circumvent any land use policy considerations that would have otherwise applied. Therefore, no local or strategic land use issues are raised in this respect.

Conclusion

106. In summary, and having considered not just the recently-established lawful use of the land but also the lawful uses prior to this, there is no objection in principle to the site being repurposed for a mix of uses not including office.

Relevant policy designations

Overarching strategic policy objectives

107. 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.

108. 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 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 that are well connected by public transport. It also encourages exploration of land use intensification 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;
- ensure that London continues to provide leadership in innovation, research, policy and ideas, supporting its role as an international incubator and centre for learning;
- provide sufficient high-quality and affordable housing, as well as physical and social infrastructure;
- help London’s economy to diversify; and
- plan for sufficient employment space in the right locations to support economic development and regeneration.

Central Activities Zone (CAZ)

109. The site is within the CAZ, which covers a number of central London boroughs and is London’s geographic, economic, and administrative core. London Plan Policies SD4 and SD5 outline the strategic functions of the Central Activities Zone (CAZ), of which higher education is one, stating that its unique mix of uses should be promoted and enhanced. Policy SD6 of the London Plan recognises that the vitality and viability of London’s varied town centres should be promoted and enhanced.

110. 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

111. 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.

112. 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

113. 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, including by bringing forward mixed-use or housing-led intensification;
- optimise residential growth potential;
- accommodate a diverse range of housing, including student housing; and
- enhance the vitality of the area through the provision of vibrant and well-managed daytime, evening and night-time activities.

114. 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 are located in town centres and local centres;
- be of a scale and nature that is appropriate to the role and catchment of the centre;
- 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;
- 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

115. 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 location that attracts global business, research, teaching, shopping, flexible business spaces and cultural activities;
- provide as many homes as possible, including social housing;

- support the creation of a distinctive environment through a mix of innovative and enduring new architecture, heritage buildings, open spaces and quality public realm;
- contribute towards the development of the Low Line, with lively accessible spaces for creativity, new jobs and retail; and
- harness the expertise and infrastructure from the universities to develop a strong, dynamic and specialised local economy that will attract new specialised services and research.

116. One of the footnotes to AV.09 states that Elephant and Castle has the potential to provide significant amounts of new shops and university facilities, amongst other uses.

Conclusion on policy designations

117. The principle of redeveloping the application site for a student housing-led development with a flexible Class E (retail/service/dining) component is acceptable, as it would support the role and functioning of 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.

Higher education and associated uses

Policy background

118. The London Plan sets out the strategic vision for the higher education sector. Policy S3 "Education and Childcare Facilities" acknowledges that universities play a vital part in ensuring Londoners have the higher order skills necessary to succeed in a changing economy, and for the capital to remain globally competitive. Under Part B of the policy is a set of criteria that development proposals for education facilities should meet, including:

- being located in areas of identified need;
- being in locations with good public transport accessibility; and
- fostering an inclusive design approach.

119. Paragraph 5.3.8 of the supporting text to Policy S3 states:

"Higher education in London provides an unparalleled choice of undergraduate and postgraduate degrees, continuing professional development, advanced research, and infrastructure to support business growth, such as incubation space and business support services. It is also a significant employer and attracts major international companies able to benefit from universities' research reputations, such as in pharmaceuticals and life sciences. Universities also play a vital part in ensuring Londoners have the higher order skills necessary to succeed in a changing economy, and for the capital to remain globally competitive. The Mayor has established a forum for higher education institutions and further education establishments to work with boroughs and other stakeholders to plan future developments, including student accommodation, in locations which are well-connected to public transport"

120. London Plan Policy E8 “Sector Growth Opportunities and Clusters” states that London’s higher and further education providers, and their development across all parts of the city, are to be promoted. Their integration into regeneration and development opportunities to support social mobility and the growth of emerging sectors should be encouraged. The supporting text endorses measures to secure and develop London’s leading role as a centre of higher and further education of national and international importance.

121. Southwark Plan Policy P27 “Education places” says that development for higher and further education facilities will be permitted where they meet identified needs.

Assessment

122. Within walking distance of two universities and benefiting from very strong transport accessibility, the site’s Major Town Centre location makes it appropriate for education-related uses. The proposed student housing use would meet an identified within Southwark for higher education related facilities, while also supporting the CAZ as a centre of excellence for education. Therefore, in principle the proposal aligns with the requirements of London Plan Policies S3 and E8, as well as Southwark Plan Policy P27.

Student accommodation

Policy background

123. Student housing is classified as non self-contained accommodation and a ‘sui generis’ use in the Use Classes Order. Student accommodation is also considered as ‘housing’ for monitoring purposes through the Council’s and GLA’s monitoring reports.

124. The London Plan sets the borough a target of providing 23,550 net new home completions over the next ten years. In order to help meet this target, while also supporting the vibrancy and vitality of the CAZ, London Plan policies SD4 and SD5 promote mixed use development, including housing, as well as locally-oriented retail, cultural, arts, entertainment, night-time economy and tourism functions. Policy SD5 makes clear that new residential development should not compromise the CAZ strategic functions.

125. Policy H15 of the London Plan sets an overall strategic requirement for purpose-built student accommodation (PBSA) of 3,500 bed spaces to be provided annually. The supporting text to Policy H15 is clear that PBSA contributes to meeting London’s overall housing need and is not in addition to this need. Section 3.9 of the Mayor of London’s Housing SPG states that specialist student accommodation makes an essential contribution to the attractiveness of London as an academic centre of excellence.

126. Part A of Policy H15 states that boroughs should seek to ensure the local and strategic need for PBSA is addressed, provided that:

1. the development contributes to a mixed and inclusive neighbourhood;
2. it is secured for occupation by students;
3. the majority of bedrooms and all affordable student accommodation is, through a nominations agreement, secured for occupation by students of one or more higher education providers;
4. the maximum level of accommodation is secured as affordable student accommodation and;
5. the accommodation provides adequate functional living space and layout.

127. Part B of Policy H15 encourages boroughs, student accommodation providers and higher education providers to deliver student accommodation in locations well-connected to local services by walking, cycling and public transport, as part of mixed-use regeneration and redevelopment schemes

128. Paragraph 4.15.3 of Policy H15 states that:

"To demonstrate that there is a need for a new PBSA development and ensure the accommodation will be supporting London's higher education providers, the student accommodation must either be operated directly by a higher education provider or the development must have an agreement in place from initial occupation with one or more higher education providers, to provide housing for its students, and to commit to having such an agreement for as long as the development is used for student accommodation. This agreement is known as a nominations agreement. A majority of the bedrooms in the development must be covered by these agreements".

129. Where this is not achieved, paragraph 4.15.5 states that the accommodation will be treated neither as PBSA nor as meeting a need for PBSA. Instead, the development proposal will *"normally be considered large-scale purpose-built shared living and be assessed by the requirements of Policy H16 Large-scale purpose-built shared living".*

130. At local level, the Southwark Plan aims to deliver at least 40,035 homes between 2019 and 2036, equating to 2,355 new homes per annum. Policy ST2 of the Plan states that new development will be focussed in locations including Elephant and Castle Opportunity Area, where the aim will be to balance the delivery of as many homes as possible against creating jobs, protecting industrial and office locations, sustaining vibrant town centres, and protecting open space and heritage.

131. Policy P5 of the Southwark Plan requires PBSA proposals where all the bedspaces would be 'direct-lets', as is the case with the scheme proposed at 5-9 Rockingham Street, as set out below:

- As a first priority deliver the maximum amount of PBSA alongside a minimum of 35% of the habitable rooms as conventional affordable housing (subject to viability);
- In addition to this provide 27% of student rooms let at a rent that is affordable to students as defined by the Mayor of London.

132. Policy P5 is structured in recognition of the acute need for more family and affordable housing within the borough. One of the footnotes to the policy explains that *"allowing too much student accommodation will restrict our ability to deliver more family and affordable housing. By requiring an element of affordable housing, or a contribution towards affordable housing from student housing development providing direct-lets, we can make sure we work towards meeting the strategic need for student accommodation and our local need for affordable homes including affordable family homes"*.

133. As such, the student housing policies of the Southwark Plan and London Plan, Policy P5 and Policy H15 respectively, differ in two key ways:

- Policy H15 prioritises the delivery of the maximum viable number of affordable student rooms (and does not expressly require student housing proposals to deliver conventional affordable housing either on- or off-site), whereas Policy P5 prioritises the delivery of conventional affordable housing; and
- Policy H15 expects at least 51% of the bedspaces (the majority) to be subject to a nominations agreement, whereas Policy P5 requires all the bedspaces to be subject to a nominations agreement subject to viability.

134. Section 38(5) of the Planning and Compulsory Purchase Act 2004 (as amended) confirms that if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy contained in whichever of those documents became part of the development plan most recently. As the Southwark Plan underwent examination and was adopted more recently than the London Plan, the policies within the Southwark Plan take precedence in this instance. The Council faces a complex situation locally with regard to the provision of affordable housing; at the Southwark Plan Examination in Public, the examining Inspectors recognised this challenge as presenting specific local circumstances in Southwark with regard to PBSA, and endorsed Policy P5 cognisant that the policy requirements do not fully align with those of the London Plan PBSA policies. Essentially, this means a student housing planning application within Southwark prioritising the conventional affordable housing contribution may be acceptable in principle in policy terms, despite not fully aligning with the expectations of London Plan Policy P15.

135. When assessing the principle of a student housing scheme, the policies outlined above require consideration of:

- the principle of introducing a housing use to this site;
- the local and strategic need for student housing;
- whether the student housing would contribute to a mixed and inclusive neighbourhood;
- securing the accommodation for student occupation;
- whether a nominations agreement has been secured;
- securing the maximum level of affordable housing subject to viability; and
- whether adequate and functional accommodation and layouts would be provided.

136. The following paragraphs of this report assesses the proposed development against these considerations. Later parts of this report will deal with the other matters that these policies refer to, such as the affordable housing offer, quality of accommodation and transport aspects.

Assessment

Principle of introducing a housing use to this site

137. Through its assessment of the deliverable housing sites in the borough, the Council can demonstrate a five year supply of housing land, plus the necessary 20% buffer required by the housing delivery test. As 5-9 Rockingham Street is not an identified 'allocation' site in the Southwark Plan, its redevelopment for housing has not been anticipated by the borough-wide assessment of deliverable housing sites. It would thus provide windfall housing, which the Southwark Plan anticipates will come forward at an average of approximately 601 homes per year over the period to 2036. The London Plan advises that 2.5 student bedspaces should be treated as the equivalent of a single dwelling; with 244 student rooms proposed, the development would contribute the equivalent of 98 (rounded) homes towards meeting the Council's housing targets. This would make a substantial contribution towards the 601 home annual target, and as such is welcomed. It would also reduce pressure on the local private rented market, in that it would release back to the private rented sector 98 single dwellings that would otherwise be in student occupation.

138. While the application site would be appropriate for Class C3 residential development (in which circumstances it would contribute to the Council's general housing supply as part of the windfall allowance for small sites), it has not been assumed for such development in calculating the 5 year housing land supply and buffer. The proposed student housing scheme would not compromise the Council's ability to meet its strategic housing targets set out in the Southwark Plan and London Plan, particularly because student housing contributes towards the borough's housing but also because of the relatively small size of the site.

139. For the reasons given above, the proposed student accommodation use would help contribute to, and not in any way constrain, the strategic housing delivery targets of the development plan, including the Council's vision to "build more homes of every kind in Southwark and to use every tool at our disposal to increase the supply of all different kinds of homes", as set out in Southwark Plan Policy ST2.

140. Some of the public objections received about the planning application have asserted that student accommodation does not address the need for housing and is a factor in rising rental charges across London. While these concerns are noted, for the reasons detailed above, it is considered that the development would make a contribution towards addressing housing need.

Is there a local and strategic need for student housing?

141. There is a demand for more student accommodation across London, which needs to be balanced with making sure Southwark has enough sites for other types of homes, including affordable and family housing. The affordable housing element of the current application is considered further in a separate section of this report.

142. There are several higher education institutions (HEIs) in the borough with teaching facilities and student accommodation. These include London South Bank University (LSBU), Kings College London (KCL), University of the Arts (UAL) and London School of Economics (LSE). The borough is also home to some smaller satellite campuses.

143. The evidence base underpinning the Southwark Plan included a background paper on student housing, dated December 2019. It refers to the Council's Strategic Housing Market Assessment (SHMA) Update 2019, which found that:

- major HEIs within Southwark provide a total of 23,500 course places;
- over 21,000 students aged 20 or above live in the borough during term time;
- at least 50% of these students live in private rented accommodation, while 15% live with their parents; and
- there are some 7,800 bed spaces in PBSA in the borough.

144. The applicant has submitted their own Student Need Study in support of this application, prepared by Jeremy Leach Research Ltd. It notes the following key points:

- Demand:
  The numbers of full-time students in London have been increasing steadily, with a 5% rise in full time students over the last five years, and a rise of 10.4% from 2019/20 to 2020/21. This growth has been strong in the 'Central' sub-region of London (in which the site is located) and a number of the larger central London HEIs have experienced particularly high growth rates over this period, with full-time student numbers increasing the most at UCL (by 91%) and KCL (by 74%).

- Supply:
  The growth in full-time student numbers in recent years in London has not been matched by an increase in provision of accommodation by the universities. In London, it is estimated that 14% of students living away from the parental home are housed in university maintained accommodation, compared to the UK-wide figure of 22%. Even when the provision of bedspaces by private sector developers is added to the university-maintained accommodation, the resulting levels of PBSA provision for those living away from the parental home is 22% in London, compared to the UK average of 33%.

- Development pipeline:
  The planning pipeline for student accommodation has been relatively modest in recent years with a particular reduction in developments of

PBSA in the 'Central' sub-region. The planning pipeline for student accommodation in London totals just under 14,000 bedspaces (2,477 currently under construction, 9,041 in consented schemes and 2,312 in application-stage schemes).

- Proximity to HEIs:
  The application site is well connected, being:
  - under 5 minutes' walk from the LSBU and UAL LCC campuses;
  - under 30 minutes by public transport from the KCL Waterloo and St Thomas' campuses, the KCL Strand campus, the London School of Economics (Aldwych) and the University College of Osteopathy;
  - under 40 minutes by public transport to a number of other major university campuses including the Chelsea College of Arts (UAL), the KCL Denmark Hill campus, Goldsmiths College, the University of Westminster, UCL and City University.

145. The Student Need Study concludes that the demand for student accommodation is increasing in London but the development pipeline is not sufficient to address this, particularly in areas of high demand such as those that service the key Central London HEIs (of which the Elephant and Castle area is one). The Student Need Study considers there to be a demonstrable need and demand for student accommodation in the area, which the proposed development would address.

146. In summary, while the proposed accommodation would add to a number of pre-existing direct-let student housing developments in the borough, it would nevertheless contribute towards the borough's and London's stock of PBSA, for which there is an identified need. In this respect, the application addresses the overarching aim of Part A of London Plan Policy H15.

Would the student housing contribute to a mixed and inclusive neighbourhood?

147. Criterion 1 of London Plan Policy H15(A) requires student housing proposals to contribute to a mixed and inclusive neighbourhood.

148. The area surrounding the application site is characterised by a mix of uses, with commercial and conventional residential and uses predominating. Directly to the south of the site is Metro Central Heights, containing approximately 400 conventional residential homes. The S.A.H site, to the north west of the application site, is allocated for redevelopment and is expected to deliver at least 57 new homes. Other Class C3 housing nearby includes the Rockingham Estate and 251 Southwark Bridge Road. In this surrounding land use context, the proposed student-housing led scheme would sustain a mixed and inclusive community through the introduction of an alternative residential product and demographic.

149. Some members of the public have objected to the application site being redeveloped for student housing on the grounds that the location is inappropriate for students and out of character for the area. However, for the reasons given above, the location is considered suitable for a student housing use.

150. Two other location-related objections have also been raised to the site being redeveloped for student housing, as follows:

- local services and infrastructure would not be able to cope with the additional population; and
- together with the scheme at 6 Avonmouth Street for 219 student bedspaces (allowed at appeal in late 2022 under planning application ref. 22/AP/2227), which is located 100 metres to the northeast of the application site, the proposal would result in an overconcentration of student residents locally.

151. With regard to the first of these concerns, the impacts arising from the 244 new residents are discussed in the later relevant parts of this report (transport, Section 106 contributions etc.), along with the details of the mitigation secured. Mayoral and Community Infrastructure Levies, payable by the developer upon implementation of the development, can be channelled into the provision of coordinated new infrastructure to meet the needs of the local population.

152. With regard to the recent consent for student accommodation at 6 Avonmouth Street, given the low representation of PBSA schemes within the wider area, in the event that both schemes were implemented, it is not considered that together they would negatively impact the neighbourhood in terms of the mix of uses and inclusivity. On this basis, the proposed land use is considered to be broadly in conformity with the London Plan policy. Introducing a modest amount of student housing into a town centre location, and one where conventional residential uses are well represented, is not considered to cause harm.

Would the accommodation be secured for student occupation?

153. Criterion 2 of London Plan Policy H15(A) requires the use of the accommodation to be secured for students.

154. The proposed development will be managed by an independent provider, most probably Homes for Students, an Accreditation Network UK certified operator. As such, responsibility will rest with Homes for Students to ensure the units are let to students on courses with HEIs. Student-exclusive use will be secured by way of an obligation in the Section 106 Agreement.

155. A supporting paragraph to Policy H15 notes that boroughs should consider allowing the temporary use of accommodation during vacation periods for ancillary uses. The viability evidence base for the Southwark Plan tested direct-let student housing schemes assuming a 40 week term time tenancy with 11 week summer let allowance. In light of this, it is considered reasonable to allow the operator of the proposed student housing scheme to let the rooms during the summer period when not in use by the principal student occupiers. This will be limited to an 11-week period starting in late June and ending in early September, and will be secured through the Section 106 Agreement.

Is a nominations agreement in place?

156. Criterion 3 of London Plan Policy H15(A) requires the majority of the accommodation within a PBSA proposal to be secured for students, and for this to be achieved through a nominations agreement with one or more HEIs.

157. The applicant does not intend to enter into a nominations agreement with a HEl for any of the proposed accommodation; instead, the accommodation will be directly managed by an independent provider. While the proposed development would not comply with Criterion 3 of Policy H15(A) due to being 100% 'direct-let', the locally-specific and more up-to-date student housing policy (Southwark Plan Policy P5) supports direct-let student housing subject to the provision of affordable housing (which is in turn subject to viability) and additionally a proportion of the affordable student accommodation and recognises it as PBSA. Accordingly, it is considered that if a development proposal complies with the affordable requirements that Policy P5 sets out for direct-let schemes, there is a policy compliant basis in this location for student accommodation schemes to not require the securing of a nominations agreement.

Has the maximum level of affordable housing been secured?

158. Criterion 4 of London Plan Policy H15(A) requires the maximum level of accommodation to be secured as affordable student accommodation.

159. However, and as mentioned in earlier parts of this report, it is considered that Southwark Plan Policy P5, in its prioritisation of conventional affordable housing delivery (subject to viability), provides a legitimate alternative pathway for student accommodation proposals to provide maximised affordable housing. While such general needs affordable housing would preferably be delivered on-site, a payment-in-lieu may be appropriate in exceptional circumstances and subject to robust justification, as per the Council's Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD.

160. Turning firstly to the matter of the London Plan's specific requirement for student housing proposals to deliver affordable rooms, while this is noted, the Council's priority is for conventional affordable housing due to the pressing need in the borough. Officers consider that although there would be some benefit to providing affordable student housing, this would be significantly outweighed by the benefits arising from general needs affordable housing delivery. Therefore, the latter should be prioritised. Southwark is one of the top four London Boroughs in terms of the provision of student housing, and already contributes significantly to London's student housing needs (notwithstanding the fact that there remains an unmet demand for student housing in the borough as set out earlier in the report). In reviewing the viability of the scheme, therefore, the payment-in-lieu has been considered in terms of a contribution towards general needs affordable housing, rather than for use in reducing the rent levels of students occupying the site. Including affordable student housing within the development would adversely affect the overall viability, and therefore the level of contribution the development could make to general needs affordable housing.

161. Turning next to the Southwark Plan preference for conventional affordable housing provision to be on- rather than off-site, in the case of this particular site

it would prove extremely difficult to accommodate conventional housing alongside student accommodation. This is due to its small footprint and constrained nature, having access only from Tiverton Street and Rockingham Street, and with the railway running along the longest boundary. For example, there would not be sufficient space to accommodate separate cores or dedicated facilities ancillary to the conventional housing such as communal amenity space or playspace. Accordingly, in this instance, it is considered permissible for the redevelopment of the site not to deliver this particular requirement of Southwark Plan Policy P5, and for an in-lieu equivalent to be secured to fund the delivery of general needs affordable housing elsewhere in the borough.

162. The applicant has other student housing sites in the borough that are occupied. As a student housing provider, it does not have alternative sites where it could self-deliver the off-site affordable housing. Therefore, the payment-in-lieu from this proposal will be placed into the Affordable Housing Fund and ring-fenced to help fund the delivery of affordable housing schemes in the borough, with sites in this ward having first priority.

163. A subsequent part of this report provides some examples of council housing redevelopment sites within the vicinity of 5-9 Rockingham Street that the payment-in-lieu from this planning application could be channelled into.

164. With a payment-in-lieu having been deemed acceptable in this instance, and given the applicability of Southwark Plan Policy P5, the proposed development has been viability reviewed to determine the maximum viable contribution. In negotiation with officers and the expert viability specialist acting on behalf of the Council, and because of the way the total payment is staged across the course of the build programme, the applicant has agreed to index-link the equivalent of 35% contribution to conventional affordable housing (85.4 habitable rooms x £100,000), which equates to £8,540,000. The application of indexation ensures that the amount payable, at each of the instalment stages, keeps pace with inflation. The applicant has also offered to apply a collar of £11,161,826 to the total payment; this collar assumes a period of three and half years from planning permission to completion/occupation, with payments staged at three intervals and an inflation rate of 21.7%.

165. With a Late Stage Review and an implementation-dependent Early Stage Review to be imposed through the Section 106 Agreement, officers consider that the maximum viable amount of affordable housing has been secured, and that therefore Criterion 4 of London Plan Policy H15(A) has been met, having regard to the expectations of the more up to date Southwark Plan and considering the two development plan policies in the round.

166. The matter of viability is dealt with in detail in a subsequent part of this report.

Does the accommodation provide adequate functional living space and layout?

167. A supporting paragraph to London Plan Policy H15 states that schemes not securing a nominations agreement for the majority of the accommodation will normally be considered as large-scale purpose-built shared living. The London

Plan expects the quality of accommodation within purpose-built shared living schemes to be assessed against the requirements of Policy H16 “Large-scale Purpose-built Shared Living”; these are more onerous than the counterpart standards for PBSA, which are set out in Criterion 5 of Policy H15(A). However, owing to the supportive position of the Southwark Plan regarding the principle of 100% direct-let PBSA, when assessing whether the accommodation proposed by this planning application would provide adequate functional living space and layout, it is considered appropriate to do so against the standards set by Criterion 5 of Policy H15(A) rather than Policy H16.

168. Criterion 5 of Policy H15(A) requires the accommodation to be adequate and functional in terms of its living space and layout. Southwark Plan Policy P5 which requires 5% of student rooms as “easily adaptable for occupation by wheelchair users”.

169. It is considered that the proposed development would provide good quality accommodation for students, meeting the expectations of the London Plan Policy H15 Part A (5) and Southwark Plan Policy P5. The spatial arrangement, environmental internal conditions, level of amenity (within the individual units and the communal spaces), and the provision of wheelchair housing would all be adequate, as explained in detail in a subsequent part of this report entitled ‘Quality of Accommodation’.

Is the location suitable for student accommodation?

170. Part B of London Plan Policy H15 requires student housing scheme sites to be well connected by transport to local services. Situated within the CAZ and a Major Town Centre, the site benefits from excellent accessibility to public transport (as reflected in its PTAL rating of 6B), services and established higher educational facilities. Within a few minutes’ walk of the site are two university campuses (LSBU and the University of the Arts) as well as a wide range of leisure and recreation activities for students, including Newington Gardens open space. Furthermore, at present there is not a large concentration of student accommodation in the Major Town Centre.

171. Site Allocation NSP49 (London Southbank University Quarter) of the Southwark Plan, the red line boundary of which is approximately 100 metres to the northwest of the application site, requires redevelopment to provide research and education facilities or otherwise support the functioning of London Southbank University Quarter. While the 5-9 Rockingham Street site is located outside of this allocation, owing to its proximity to LSBU, the student housing led proposal could be seen as helping support the Council’s ambitions to consolidate this nearby strategic site as a specialist higher education cluster.

Summary on the principle of student housing

172. In conclusion, the site is considered to be appropriate in principle for student accommodation, meeting a demonstrable need and achieving compliance with the requirements of London Plan Policy H15 and Southwark Plan Policy P5. The

proposal would provide high quality accommodation for students in an accessible and sustainable area to meet local need and demand.

Flexible retail/service/dining floorspace and Low Line promotion

Policy background

173. 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 emerging Low Line route.

174. Policy SD4 “The Central Activities Zone” 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 Polices E9 “Retail, Markets and Hot Food Retail” and SD7 “Town Centres; Development Principles and Development Plan Documents” 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.

175. At the local level, Southwark Plan Policy SP4 “Green and Inclusive Economy” identifies the Elephant and Castle Major Town Centre as appropriate for delivering approximately 10,000 square metres of retail floorspace.

176. Southwark Plan Policy P35 “Town and Local Centres” sets out retail requirements in the context of the evolving role of town centres, requiring new development to provide an active use at ground floor level in locations with high footfalls. In order to secure a diversity of traders and small businesses within town centres, 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.

177. 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. Uses such as indoor sport and recreation, crèche/nursery and offices fall outside the E[a], E[b] and E[c] classifications.

178. The Southwark Plan also highlights a strategic desire for vibrant and creative uses within the borough’s railway arches. Policies P34 “Railway Arches” and P52 “Low Line Routes” of the Plan requires development within railway arches to promote the delivery of Low Line walking routes by providing active frontages and commercial or community activities. The supporting text to Policy P34 states:

"We support and encourage creative and vibrant uses within our historic railway arches, as they are economical spaces to rent and well suited to 'incubating' smaller businesses and helping them to grow. They also add character and are interesting places for shops, cultural, creative and community uses and restaurants."

Assessment

179. This planning application proposes a retail/service/cafe unit at ground floor level. Split between the ground floor of the main building and the middle railway arch, it would be 67 square metres GIA. The part of the unit located at the base of the tower would present a glazed frontage onto the west side of the Low Line, which would wrap around the building's curved northern tip to create a short return frontage onto Tiverton Street. The portion within the arch would present a stretch of glazed frontage onto the eastern side of the Low Line.

Image 24 (above): Visualisation of the restaurant/café unit, depicting how it would frame the east and west sides of the Low Line.

180. Other parts of the building frontage would be activated by the student reception, which would include a small display window fronting Tiverton Street where public art would be promoted. Planting and a scheme of lighting would be used to enliven the remaining areas of non-active frontage.

181. The proposal would help bring into productive economic use an under-utilised railway arch, activate a section of the Low Line and introduce a new active glazed frontage along part of Tiverton Street. It would support the visitor and working populations, and would successfully integrate and co-exist with the student homes on the floors above. This achieves the aims of Policy SD4 and SD7 of the London Plan as well as Policy SP4 and P35 of the Southwark Plan, and as such is welcomed.

182. The retail outlet approved under 19/AP/0750 has a floor area of 340.1 square metres GIA. Due to 19/AP/0750 having been recently implemented, the 22/AP/1068 proposal could be viewed as effecting a loss of 274.1 square metres of retail floorspace. While the retail quantum proposed by 22/AP/0168 would be less than that in the 19/AP/0750 scheme, it would not technically constitute a "loss" of floorspace, as the 19/AP/0750 has not yet been built out. In any case, the proposed flexible unit would provide a service to the general public and deliver maximised active frontage, in turn supporting the vitality and economic growth of the Central Activities Zone, Opportunity Area, Major Town Centre and

the Low Line. Given that this is all in accordance with the above noted policies, on balance the quantum of retail floorspace proposed is considered acceptable.

183. With regard specifically to the railway arches, these have been vacant since their use ceased circa 2014. The proposal to bring these back into active use and to provide commercial Class E use within the middle arch, in line with the expectations of Policy P34.

Image 25 (above): Cross-section through the ground floor level of the building and arches, showing how the flexible unit would present an active frontage onto Tiverton Street and two active frontages onto the Low Line walking route.

184. In accordance with Policy P35, the proposed retail/service/dining 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, while ensuring the use of the unit continues to provide a public service and active frontage.

Summary on the principle of flexible retail/service/dining use

185. In summary, the proposals for flexible commercial Class E floorspace are considered appropriate and acceptable in this location, revitalising long-vacant railway arches and contributing towards the vitality and economy of the Major Town Centre, Opportunity Area and Central Activities Zone.

Conclusion on uses

186. The proposed land uses are appropriate in policy terms for this site within the CAZ, Elephant and Castle Opportunity Area and town centre. The introduction of student housing is considered to be a major benefit of the scheme, facilitating the growth of Elephant and Castle's education offer and bringing economic and housing delivery benefits through a contribution to off-site general needs affordable housing. The proposed flexible retail/service/dining unit, albeit in a smaller quantum than the retail use previously consented (and now

implemented) at this site, would maintain an active frontage in this high footfall location, thereby supporting the vitality and viability of the Major Town Centre.

Impact of proposal on development potential of nearby land

187. Southwark Plan Policy P18 “Efficient Use of Land” states that development will be permitted where it would not unreasonably compromise development potential or legitimate activities on neighbouring sites.

188. Objections were received to the planning application on the grounds that the proposal may prejudice an optimal redevelopment of the adjacent site, the S.A.H at 101 Newington Causeway, which is subject to a site allocation within the Southwark Plan, NSP47. The allocation states that the redevelopment of the S.A.H:

- must provide at least 7,030 square metres of employment floorspace;
- must provide ground floor retail, community or leisure uses that will bring active frontages to Newington Causeway; and
- should provide conventional residential housing (with an indicative capacity of 57 homes).

189. To demonstrate that the 5-9 Rockingham Street proposal would not compromise the ability of the S.A.H site to be redeveloped in line with the expectations of the allocation, this planning application was accompanied by four masterplanning ‘options’ exploring how the uses and quantum of development might be arranged on the S.A.H site. This optioneering exercise takes account of various other site constraints and infrastructural requirements, such as the need for communal amenity space and playspace. The four options are shown below.

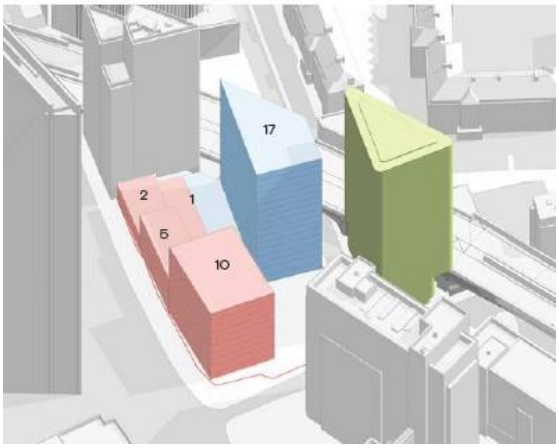


Image 26 (above): ‘Option 1’, showing a mix of residential (red) and office (blue) uses arranged around the site’s northeastern and northwestern edges.

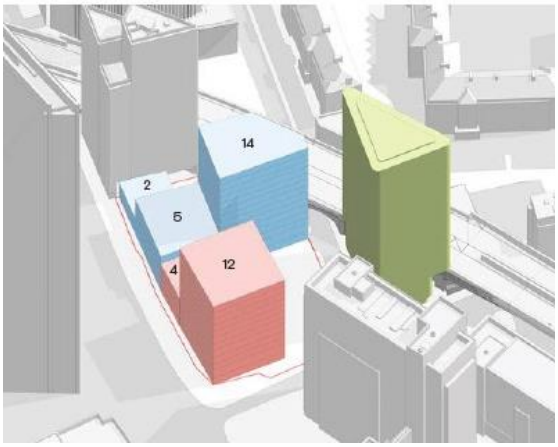


Image 27 (above): ‘Option 2’, showing office (blue) uses on the northern half of the site and residential (red) uses along Newington Causeway.

Image 28 (above): 'Option 3', showing a mix of residential (red) and office (blue) uses, with the taller elements located closer to Tiverton Street.

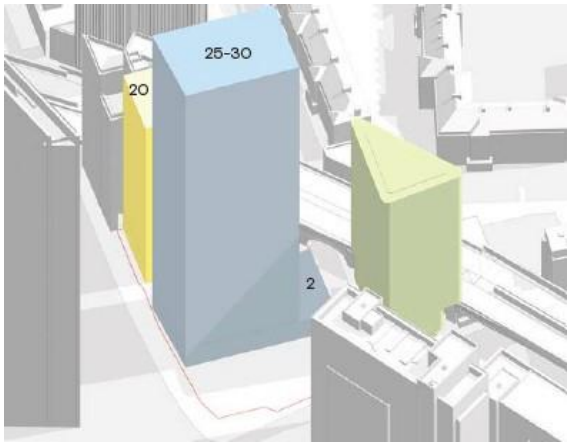


Image 29 (above): 'Option 4', where two taller buildings containing a hotel (yellow) and office (blue), would occupy the north of the site, creating a public space on Rockingham Street.

190. One of the outcomes, 'Option 4', was based on public exhibition material from two community consultation events held in 2022 for the S.A.H site, together with additional information sourced directly from the developer about the emerging proposals. As such, of the four outputs, 'Option 4' is considered to be the most realistic scenario for how development, in terms of building forms and arrangement of uses, will come forward on this neighbouring allocated site.

191. 'Option 4' shows a public space to the south of the S.A.H site. An office building of between 25 and 30 storeys would be positioned to the north of this open space, minimising overlooking and overshadowing of the Rockingham Street proposal to the east, as well as the Metro Central Heights building to the south. However, Option 4 is predicated on the 25-30 storey building being set back from the Tiverton Street boundary to create a separation distance of 18 metres to the 5-9 Rockingham Street proposal, which cannot necessarily be assumed. In the event that the S.A.H redevelopment was to introduce boundary-edge development along Tiverton Street, the separation gap to the 5-9 Rockingham Street scheme would be only 8 metres.

192. The Mayor of London's Housing SPG (2016) sets out that:

"Designers should consider the position and aspect of habitable rooms, gardens and balconies, and avoid windows facing each other where privacy distances are tight. In the past, planning guidance for privacy has been concerned with achieving visual separation between dwellings by setting a minimum distance of 18 – 21m between facing homes (between habitable room and habitable room as opposed to between balconies or terraces or between habitable rooms and balconies/terraces). These can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density".

193. At the local level, and 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.

194. It is recognised that a 8 metre façade-to-façade distance would be an intense relationship between two tall buildings, likely to give rise to a canyon-like environment along this stretch of Tiverton Street, albeit for only approximately 11 metres where the two buildings run parallel (as shown in the image to the right). However, it would be reasonable to expect the S.A.H scheme, as the site coming forward later and with greater flexibility owing to its larger footprint, to set-back a short distance from the Tiverton Street boundary if this was deemed necessary to achieve a comfortable across-street relationship.

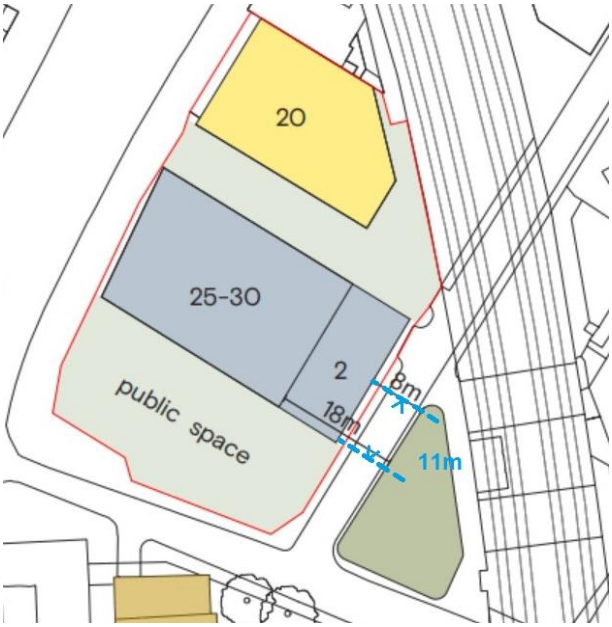


Figure 30 (above): Option 4, shown in plan with approximate dimensions in relation to the 5-9 Rockingham Street proposal.

195. With regard specifically to the constraint the 5-9 Rockingham Street proposal would place on the S.A.H redevelopment to protect the privacy of the student occupiers, there are no definitive proposals before the Council for development on the S.A.H site against which to judge the guidelines set out in the Mayor's SPD and the Residential Design Standards SPD. A minimum distance to protect privacy of 21-18 metres in this context is not an absolute, and there are design interventions that development on the S.A.H site could take to mitigate the impact on privacy and provide a more spacious street environment. It should also be noted that the proposed student housing development features less glazing on the Tiverton Street elevation than the implemented (office) scheme, and features regularly spaced windows. As such, any privacy or overlooking concerns for future residents could feasibly be mitigated through the design of the S.A.H site, for example by staggering the windows and/or restricting the splays such that no windows to habitable rooms are directly facing each other.

196. While it is recognised that the 5-9 Rockingham Street proposal would place a constraint on the S.A.H site, the proposal would not unreasonably compromise development at the S.A.H because mitigation to manage any impact on privacy and streetscape environment can be designed into any future development. In summary, should the 5-9 Rockingham Street proposal be built out, many different

options would remain available to the developer of the S.A.H site to deliver the requirements of NSP47.

Development viability

Policy background

197. Southwark's Development Viability SPD requires a Financial Viability Appraisal (FVA) to be submitted for all planning applications which trigger a requirement to provide affordable housing. Southwark's Development Viability SPD pre dates the current London Plan and Southwark Plan policies for student housing. Nonetheless the FVA should also identify the maximum level of affordable housing that can be sustained within a direct let scheme as a first priority and additionally identify if 27% of the student rooms within the development can be let at an affordable rent, as required by Policy P5 "Student Homes".

198. The SPD, in requiring an in lieu payment of £100,000 per habitable room of conventional affordable housing, effectively establishes the minimum payment-in-lieu a scheme should deliver. However, the policy expectation, as per Southwark Plan Policy P5, is for development proposals to deliver the *maximum* viable amount. It should also be noted that the SPD does not provide an in lieu figure for affordable student housing, as the SPD was drafted before the current London Plan policy was adopted.

199. Earlier parts of this report have explained the rationale for this proposal to deliver no on-site affordable student housing, and to instead deliver a 100% direct-let scheme with a payment-in-lieu towards off-site affordable housing. For the proposed development, a 35% provision equates to 85.4 habitable rooms, resulting in a minimum expected contribution of £8,540,000 as an in-lieu payment to the Council to use for providing affordable housing.

200. The applicant has submitted a Financial Viability Assessment (FVA) in accordance with the Affordable Housing SPD and Southwark Plan Policy P5 to allow an assessment of the maximum level of affordable housing that could be supported by the development. The appraisal was reviewed by BNP Paribas on behalf of the Council.

Assessment

Findings of the viability review process

201. The applicant's FVA, prepared by Doug Birt Consulting, establishes the proposed student housing scheme based on the AUV of the recently-implemented office-led scheme (19/AP/0750). The FVA indicates a Residual Land Value (RLV) for the site of £6,671,262 and a Benchmark Land Value (BLV) of £6,629,000. With a nominal differential between these two figures of £42,262, the FVA concludes that the proposed scheme can only viably sustain the proposed affordable housing contribution of 35% (i.e. there would be no surplus).

202. These values differ from the findings of BNP Paribas' viability review, which indicates that the scheme could viably support the applicant's 35% equivalent affordable housing offer while generating a surplus of £9,997,277. This is on the basis of a RLV of £14,318,620 and a BLV of £4,321,343.

203. The applicant's assessor fundamentally disagreed with BNP Paribas' inputs and findings, contending that a payment-in-lieu of £18,447,227 (i.e. the £8,540,000 baseline plus the £9,997,277 identified surplus) would make the scheme unviable such that the planning application would not be pursued.

204. BNP Paribas carried out some sensitivity analysis whereby the student housing investment yield was adjusted from 4.0% to 4.25%. At 4.25%, the surplus would reduce to £4,699,255. This demonstrates the sensitivity of viability testing to small changes in inputs. Nevertheless, even at this higher yield, the scheme surplus would be substantial.

205. BNP Paribas has acknowledged that there are other costs that will potentially militate against the applicant being able to make a payment of as much as £18,447,227 (the affordable housing payment-in-lieu and the surplus), which their FVA review did not account for. These include any indexation applied to other Section 106 contributions and the community infrastructure levies. Furthermore, costs may or may not increase due to changes to Building Regulations (one such example being the 2021 changes to Part L), and various building contract issues such as supply and demand of products and labour. Some consideration needs to be given to costs such as these which fall outside the remit of, or cannot be forecasted and factored-into with any accuracy, a typical viability process at the planning application stage. The proposed Late Stage Review would identify the actual total costs incurred by the applicant in building the scheme, and would compare these to the estimated costs in the application-stage viability report, enabling a proportion of any surplus profit that might be generated to be captured.

Payment-in-lieu offer

206. Notwithstanding the considerations set out in the preceding paragraph, the magnitude of the surplus reported by BNP Paribas was such that officers insisted on an improvement to the applicant's payment-in-lieu offer to ensure the maximum viable amount was secured. As part of the negotiations that ensued, officers made clear to the applicant that affordable housing payments-in-lieu are index-linked as a matter of routine; this mechanism offsets the depreciation that would otherwise occur due to inflation. The applicant expressed concerns about offering an index-linked payment-in-lieu of more than £8.54 million in the current highly inflationary environment, their argument being that this would be prohibitive to delivering the scheme (i.e. should the current economic climate persist, build and financing costs will continue to climb, but the pressures on households, spending and borrowing mean the real estate market may not necessarily keep pace).

207. To directly address this concern, and at the request of the Council, BNP Paribas modelled three different inflation scenarios, one for each of the three main

construction price and cost indices, to estimate what the baseline figure of £8.54 million would equate to at the approximate point in time that the final instalment would be triggered (this being ten quarters' time). These three modelling exercises relied on best-estimate industry forecasts. The modelling accounts for a payment-in-lieu instalment programme as follows:

- 25% of the payment-in-lieu prior to implementation;
- 50% of the payment-in-lieu prior to practical completion; and
- 25% of the payment-in-lieu prior to occupation.

208. The results are summarised below:

Index Method	Calculation Rate (Q1 2023 to Q3 2025)	Total affordable housing payment-in-lieu at Q3 2025	Uplift on base position
BCIS 'All in' Tender Price Index	4.86%	£9,617,777	£1,167,777
BCIS 'General Building Cost' Index	8.22%	£9,925,277	£1,475,277
Retail Price Index	17.9%	£10,813,306	£2,363,306

209. BNP Paribas carried out the same exercise, but with an adjustment to account for the start-on-site being deferred for one year. This scenario produced the following estimates for what the baseline figure of £8.54 million would equate to at the point in time the final instalment is triggered (this being fourteen quarters' time):

Index Method	Calculation Rate (Q1 2023 to Q3 2026)	Total affordable housing payment-in-lieu at Q3 2025	Uplift on base position
BCIS 'All in' Tender Price Index	8.11%	£9,915,234	£1,465,234
BCIS 'General Building Cost' Index	10.86%	£10,167,459	£1,717,459
Retail Price Index	21.7%	£11,161,826	£2,711,826

210. As the two tables above show, the estimated uplift on the baseline amount of £8.54 million could be anywhere between £1,167,777 and £2,711,826, depending on the index applied and whether construction commences immediately or not for a year post-permission. BNP Paribas accompanied their findings with the following conclusion:

"As our viability assessment results in a surplus of £9,363,459, the amount at the upper end of this range [i.e. £11,161,826] is easily accommodated within the surplus".

211. On the basis of the above exercises carried out by BNP Paribas, and in order to progress the negotiations, the applicant improved their payment-in-lieu offer by agreeing to index-link the £8.54 million sum and include a collar at £11,161,826. The figure of £11,161,826 was chosen because it was the outcome of BNP Paribas' "worst-case" inflation trajectory scenario i.e.:

    - applying RPI, the index with the highest percentage rate of 21.7%, to the baseline £8.54 million; and
    - assuming a deferral of start-on-site for one year following grant of planning permission, thereby protracting the overall programme and in so doing delaying the payment trigger points.

212. The applicant has indicated a strong commitment to starting on site as soon as practically possible post-permission, but has nevertheless agreed to set the collar at the highest of the forecasted figures, which assumes one year start-on-site deferral. As the payment-in-lieu is collared but not capped, if by the time the final instalment is triggered inflation has run much higher than expected such that the total due exceeds £11,161,826, the applicant must pay the surplus. This will guarantee that the Council receives at the very least the appreciated equivalent of the £8,540,000, and at the very least £11,161,826, but in all probability an uplift on this.

213. The Section 106 Agreement will secure an Early Stage Review in the event of implementation being delayed for more than two years, as well as the Late Stage Review, in accordance with Policy H5 (F) (2). As student housing is not typical 'for sale' housing, and the value relies on the rent levels achieved, it is proposed that the Late Stage Review be carried out after the first full academic year of occupation of the development. In this case, the maximum additional payment the applicant would be liable for should the Late Stage Review reveal a surplus is £1,300,000 (13 habitable rooms x £100,000). This is based on £100,000 per extra habitable room (or part thereof) that would need to be provided as affordable (equivalent) to bring the total proportion up to 40% and thereby meet the Council's Fast Track threshold.

214. BNP Paribas have considered the applicant's collared payment-in-lieu offer and, in the knowledge that appropriate review mechanisms would be secured in the Section 106 Agreement, have advised as follows:

    "Broadly and upon consideration of the assessment in our draft viability report and exploration of the indexation parameters, we consider that the Applicant's offer is reasonable".

    Potential allocation of the Payment-in-Lieu

215. Launched in 2013, Southwark's 'Council Homes Building Programme' has delivered approximately 2,500 starts on site to date, with a target to build a further

1,000 homes by 2026. For budgetary reasons, a directorial decision was issued in 2022 to put on hold any Council housing projects not contractually agreed by the end of that calendar year. Such schemes would, therefore, only be able to proceed should other sources of funding be secured. One such alternative form of funding is affordable housing payments-in-lieu from development sites in the borough.

216. The Elim Estate project is an example of how the payment-in-lieu from the 5-9 Rockingham Street proposal could be directed into reviving stalled sites. To be delivered on the Council's behalf by the Leathermarket JMB, the Elim Estate redevelopment could create a total of 32 new homes, all to be social rent, alongside new community space and indoor recreation facilities.

Image 31 (above): Aerial view of the Elim Estate (comprising three parcels of land, shown pink) and early/indicative massing of the three proposed buildings.

217. It is likely that the funding would be allocated to eligible sites on the following locational 'cascaded' basis:

- First priority - Chaucer Ward;
- Second priority - Elephant and Castle Opportunity Area;
- Third priority - Southwark.

218. Another nearby stalled scheme is on Rodney Place, which proposes nine new homes and a commercial unit located on a former windscreen repair shop site. Although not within the Chaucer ward, this site is in the Elephant and Castle Opportunity Area.

219. As these examples demonstrate, the payment-in-lieu secured by this planning application could potentially be used to directly support the delivery of affordable housing close to the application site, thereby bringing tangible benefits for the local community.

Figure 32 (above): Artist's impression of the proposed Rodney Place redevelopment.

Conclusion on viability

220. The London Plan and Southwark Plan contain policies seeking the maximum reasonable and financially viable amount of affordable housing in proposed developments. These policies at London and borough levels allow for a commuted sum in exceptional circumstances, and the NPPF acknowledges that there may be circumstances where a payment-in-lieu can be justified. Where it is clear that a payment-in-lieu approach would deliver more (and more appropriate) affordable housing, a commuted sum is acceptable.

221. The Council would use a payment-in-lieu for the purposes of delivering truly affordable housing through its Council Homes Building Programme. The payment in lieu of £8.54 million index-linked (with collar) offered by the applicant is substantial and could deliver a number of new affordable homes, of a better quality and higher number than could be provided on site. The acceptability of the offered payment-in-lieu is based on the specific merits of this proposal, taking account of all the material considerations highlighted above. It is considered that the Council Homes Building Programme is the most effective way to provide affordable housing, to the extent that any departure from the on-site preference of the NPPF, London and Southwark Plan is justified (for the above reasons based on the specific merits of this student housing proposal).

Quality of residential accommodation

222. Although student housing falls within the "Sui Generis" use class, it comes with many of the same functional, amenity and environmental requirements as conventional residential development. As such, it is necessary to give regard to the development plan policies concerned with residential uses when considering the acceptability of student housing proposals.

223. The Southwark Plan does not prescribe any minimum space standards with respect to student accommodation. Policy P15 "Residential Design", which sets out the standards for new homes generally and includes a 17-point criteria, is

clearly designed for conventional residential housing. Nevertheless, it is not unreasonable to expect student housing proposals to achieve some of those criteria, namely:

- Criteria 1 - Provide a high standard of quality of accommodation for living conditions;
- Criterion 6 - Provide acceptable levels of natural daylight by providing a window in every habitable room;
- Criterion 7 - Achieve a floor to ceiling height of at least 2.5 metres for at least 75 per cent of the Gross Internal Area of each dwelling to maximise natural ventilation and natural daylight in the dwelling; and
- Criterion 14 - Provide communal facilities.

224. There are no other local-level requirements that student housing proposal should meet in terms of quality of accommodation.

Spatial arrangement

225. The majority of the 244 student bedrooms would take the form of en-suite 'studios' containing all the necessary facilities to meet the sleeping, living and food preparation needs of the individual occupier. A smaller proportion of the units would be two-bedroom shared flats (described by the applicant as 'two-dios'), where the occupiers would have a private bedroom but share the kitchen, living and bathroom facilities. The smallest studio would be 16.0 square metres GIA and the largest would be 26.5. With regard to the 'two-dios', these would range from 44.1 to 44.4 square metres GIA, with the bedrooms in each being 13.6 and 16.8 square metres GIA. While some of the units are of an efficient configuration, the proposed layouts include furnishings to illustrate how queen sized beds, dining and seating space could be accommodated within each of the units in a way that would not be cramped or impractical for use. On balance, the flats are considered to be of an adequate size and layout.

Image 33 (above): Artist's impression of a standard studio bedroom.

Image 34 (above): Artist's impression of the kitchen/dining area in a two-dio.

226. The majority of the student bedrooms would achieve 2.5 metre floor-to-ceiling heights within the main study and sleeping area, dropping to 2.225 metres in the kitchen and bathroom areas to allow for mechanical ventilation equipment in a bulkhead. Only the shared studios at the northern tip of each floorplate would

have floor-to-ceiling heights lower than this due to being located on the cantilever (where deeper floor profiles are needed); in these instances, the floor-to-ceiling height would be 2.45 metres, dropping to 2.175 metres. The dual aspect nature of these units would provide some mitigation for the lower floor-to-ceiling height. 38 of 244 bedrooms are affected, equating to 16%. While not achieving full accordance with Policy P15, officers consider that the floor-to-ceiling heights within these particular units would not give rise to a cramped or claustrophobic living environment.

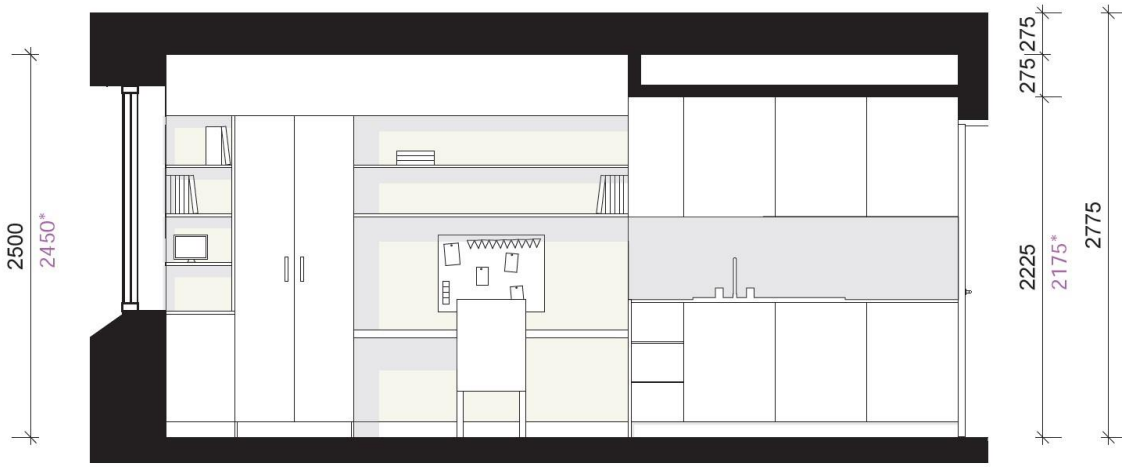


Image 35 (above): Cross-section through a typical studio, showing the head heights that would be achieved in the study/sleeping area and in the kitchen/ bathroom area.

Environmental comfort

227. A Noise and Vibration Impact Assessment accompanies the application, which outlines the façade and ventilation strategy, including mechanical ventilation and sound insulation performance for both the glazed and non-glazed elements of the façade. While the ambient background noise in this location is such that windows could not be left open for long periods of the day, the report identifies that no significant adverse impacts are predicted in relation to noise or in relation to vibration levels.

228. Each student room would incorporate at least one window with an openable decorative grille panel to one side of the principal glazed pane. This grille would allow for a degree of manually-controlled passive ventilation and thermal control. Comfort cooling would be available in the rooms to complement the natural ventilation.

229. The Environmental Protection Team are satisfied that an acceptable level of amenity would be secured for the student occupiers. A subsequent section of this report entitled ‘Energy and Sustainability’ deals in more detail with the environmental strategy for the accommodation.

Outlook, sense of openness and privacy

230. Outlook, sense of openness and privacy are all very important considerations for student housing proposals, as unlike conventional housing which provides occupiers with multiple rooms and a variety of outlooks, the single-aspect bedrooms would be in many cases the only space inhabited by the occupiers, and they would do so for much of the year.

231. In the current day context, all rooms would benefit from good outlook and levels of privacy.

232. In a potential future scenario where the S.A.H site is redeveloped, there is a possibility that built form would be introduced directly opposite the northwest-facing student rooms, potentially at a façade-to-façade distance as close as 8 metres. It is likely that such a relationship would give rise to a feeling of enclosure within the proposed student rooms, particularly those on the lower floors where the lower levels of natural light would intensify the sense of enclosure. However, there are no definitive proposals before the Council for development on the S.A.H site against which to judge the impact on the 5-9 Rockingham Street student rooms. As the 5-9 Rockingham Street scheme is the proposal coming forward first, the proposals for the S.A.H site will be expected to make reasonable adjustments to account for the proximity of the student rooms, for instance by setting-back from the Tiverton Street boundary or limiting the height of any boundary-flanking built form. It is considered that acceptable levels of outlook and openness can be achieved for the student rooms without unreasonably curtailing the development potential of the S.A.H site.

233. Again with regard to a potential future scenario where the S.A.H site is redeveloped, if windows were to be proposed close to or on the Tiverton Street boundary this could put the northwest-facing student rooms at risk of overlooking. However, because the windows on the Tiverton Street elevation of the student housing proposal are regularly spaced, this would provide an opportunity for the S.A.H redevelopment to arrange its windows at inverted intervals to avoid any direct window-to-window relationship. Other architectural devices such as chamfered reveals could be employed at the S.A.H to aide privacy. As such, it can be concluded that good levels of privacy can be achieved in the long-term for the student occupiers.

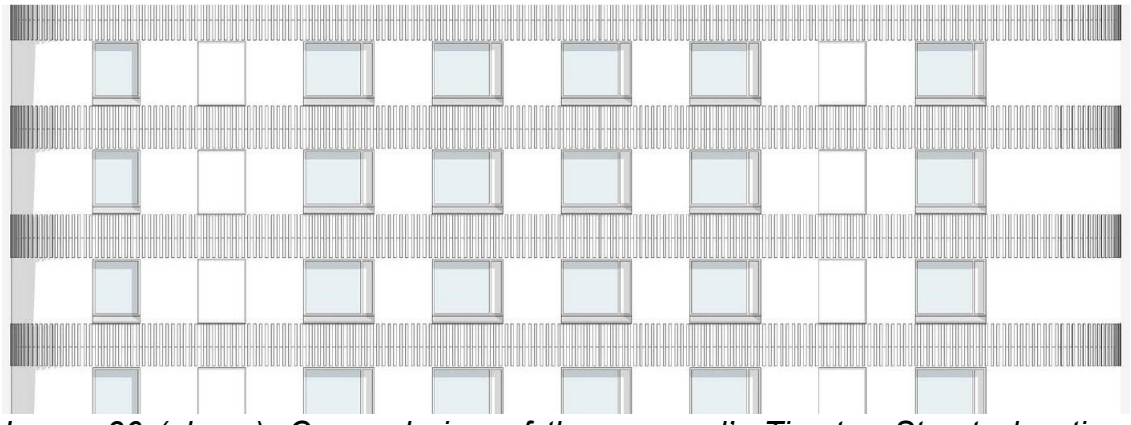


Image 36 (above): Cropped view of the proposal's Tiverton Street elevation, showing the regular spacing of the bedroom windows, providing opportunities for staggered windows on any redevelopment opposite at the S.A.H site.

Daylight

234. In new buildings, the BRE 2022 guidelines recommend calculating ‘illuminance’ to determine whether a dwelling will appear reasonably daylit. The UK National Annex gives illuminance recommendations of:

- 100 lux in bedrooms;
- 150 lux in living rooms; and
- 200 lux in kitchens.

235. These are the median illuminances, to be exceeded over at least 50% of the assessment points in the room for at least half of the daylight hours.

236. Where a room has a shared use, the highest illuminance target should apply. However, in the interests of discouraging applicants from designing small separate windowless kitchens, a degree of design flexibility can be applied in the case of a combined living/dining/kitchen area if the kitchens are not treated as habitable spaces.

237. With respect to daylight, 277 of the 281 rooms assessed (99%) would comply with the BRE 2022 guidelines for daylight amenity. The four rooms not meeting the guidance are:

- the communal hub at mezzanine level located at the building’s northern tip;
- two studios, one at second floor level and one at third floor level, both located on the Tiverton Street frontage towards the building’s northern tip; and
- a kitchen serving one of the student rooms, located at fifth floor level.

238. The two studios not meeting the guidance would achieve the target lux to 39% and 42% of their respective areas and the illuminance drawings demonstrate that the living areas would receive high lux levels, with the area not meeting the guidance at the rear of the room, where the kitchens (which typically rely on a degree of artificial lighting) are located. Overall the daylight performance would have a degree of impact on the residential amenity of the occupiers of these two rooms, but not harmfully so.

239. Neither the communal hub nor the individual kitchen would be used in the intensive and continuous way that a bedroom can be, and as such the deviation from the BRE guidance in these two instances is considered acceptable.

240. In summary, the analysis results show a very high level of compliance, with the vast majority of rooms meeting the BRE’s illuminance guidelines. It is therefore considered that the future occupants of the development would have access to adequate levels of daylight.

Sunlight

241. In new buildings, the BRE 2022 guidelines recommend calculating the 'sunlight exposure' to assess whether a dwelling will appear reasonably sunlit. This test measures the hours of sunlight that could be received at the centre point of each window on 21st March.

242. The BRE recommends that:

- through site layout design, at least one main window wall should face within 90-degrees of due south;
- a habitable room, preferably a main living room, should receive a total of at least 1.5 hours of sunlight on 21st March; and
- where groups of dwellings are planned, site layout design should aim to maximise the number of dwellings that meet the above recommendations.

243. In housing, the main requirement for sunlight is in living rooms. It is viewed as less important in kitchens and bedrooms.

244. There are 129 rooms within the development that are served by at least one window orientated within 90-degrees of due south and the analysis shows that 128 of these rooms (99%) would receive at least 1.5 hours of sunlight on 21st March. The one room that would not achieve the sunlight exposure target is located directly beneath a cantilevering storey, restricting its ability to receive sunlight. While the impacts on this one occupier must be noted, the levels of sunlight exposure would not be harmfully low.

245. In summary, the analysis results show a very high level of compliance, with the vast majority of rooms meeting the BRE's sunlight exposure guidelines. It is therefore considered that the future occupants of the development would have access to adequate levels of sunlight.

Wheelchair rooms

246. The proposed development would provide the following wheelchair accommodation:

- 8 studios would be 'wheelchair accessible' i.e. fully fitted-out and readily usable by a wheelchair user at the point of completion [M4(3)(2)(b) equivalent]; and
- 5 studios would be 'wheelchair adaptable' i.e. easily adapted to meet the needs of a wheelchair user [M4(3)(2)(a) equivalent].

247. Together, the 13 wheelchair user studios represent 5% of the total number of bedspaces, meeting the minimum requirement of Southwark Plan Policy P5. The 8 'wheelchair accessible' studios would ensure options are available for potential wheelchair occupiers who need to move in immediately and could not wait for adaption works to be carried out (e.g. those have gone through clearing and are applying for accommodation just before the start of term). The wheelchair user accommodation would be secured through the Section 106 Agreement.

Communal facilities

248. In addition to the private and shared spaces within the units themselves, internal communal amenity spaces are proposed. These would be distributed throughout the building to offer a range of different spaces for communal amenity and include:

- a ground floor foyer, to be furnished with informal seating;
- two student communal hubs on the mezzanine level, one of which would include a light well to provide an area of double-height space over the foyer below;
- a study/library space and a laundry room on first floor;
- a 'quiet study' room on the second floor;
- a 'quiet study' room on the third floor; and
- a top floor lounge and relaxation room with views south across the city.

Image 37 (above): Floorplans of the six levels of the building where communal amenity facilities, depicted in light green, would be provided.

249. In total, these communal amenity spaces would be 327 square metres, which equates to 1.34 square metres per student. This is considered to be in accordance with the levels of internal communal amenity space provided on other student schemes across London and the borough.

250. The laundry room at first floor level would be equipped with 4 washers and 4 driers. Although a member of the public has objected on the grounds that these facilities are too few for the number of bedspaces proposed, the number conforms to the ANUK ratio standards (1:75). There would also be a card-based payment system that can be topped up on site as well as a laundry app, enabling students to see if machines are in use and how their wash is progressing. This provision is considered adequate.

Access to outdoor space

251. The proposed development would provide no dedicated outdoor space, either individual (e.g. balconies) or communal (e.g. roof gardens). However, the students would also have ready access to Newington Gardens, a park approximately 150 metres to the northeast. In recognition of the additional maintenance costs to the Council from this increased/intensified use of the park, and to allow for improvement works (such as planting, seating, additional bins, paths and potential entrance changes), a financial contribution of £108,214 (index-linked) has been requested from the applicant. This will be spent by the Council in relation to Newington Gardens only. It is considered that this is necessary to directly mitigate the increased intensity, and attendant impacts, on this nearby public park arising from the additional student population.

Conclusion on quality of residential accommodation

252. In conclusion, and although some of the respondents to the public consultation have raised concerns about the quality of life for the student occupiers particularly for those whose bedrooms would face the railway line, the proposal would achieve high quality living accommodation for students. A range of room sizes and shared facilities is proposed, achieving good internal natural light and outlook. There has been clear consideration of accessibility, and a financial contribution towards investment in a nearby public outdoor space would be secured. The development would provide good functional living spaces and layout for future student occupiers, thereby complying with London Plan Policy H15, while also meeting the four relevant criteria of Southwark Plan Policy P15.

Amenity impacts on nearby residential occupiers and the surrounding area

253. 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

254. 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 states that daylight and sunlight conditions around tall building(s) and the neighbourhood must be carefully considered. Southwark Plan policies identify the need to properly consider the impact of daylight/sunlight without being prescriptive about standards.

255. 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.

256. 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.

Properties assessed for daylight impacts

257. 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) Metro Central Heights;
2) 6-8 Tiverton Street;
3) Stephenson House, Rockingham Estate;
4) Rennie House, Rockingham Estate;
5) Rankine House, Rockingham Estate; and
6) Wellesley Court, 15 Rockingham Street.

258. The above properties were tested for VSC and NSL impacts, but not illuminance as this method is more appropriately applied to new buildings.

259. The applicant's daylight and sunlight assessment also undertook testing of 91-93 Tiverton Street and 73-75 Newington Causeway, both of which are buildings to the north of the site containing dwellings. However, by reason of their distance from and relationship to the site, neither of these buildings would experience any daylight impacts above the recommendations of the BRE guidance. Therefore,

this report gives no further consideration to the daylight impacts on these residential properties.

260. Provided below is a map of the residential buildings (in dark grey) showing their relationship to the application site (in turquoise):

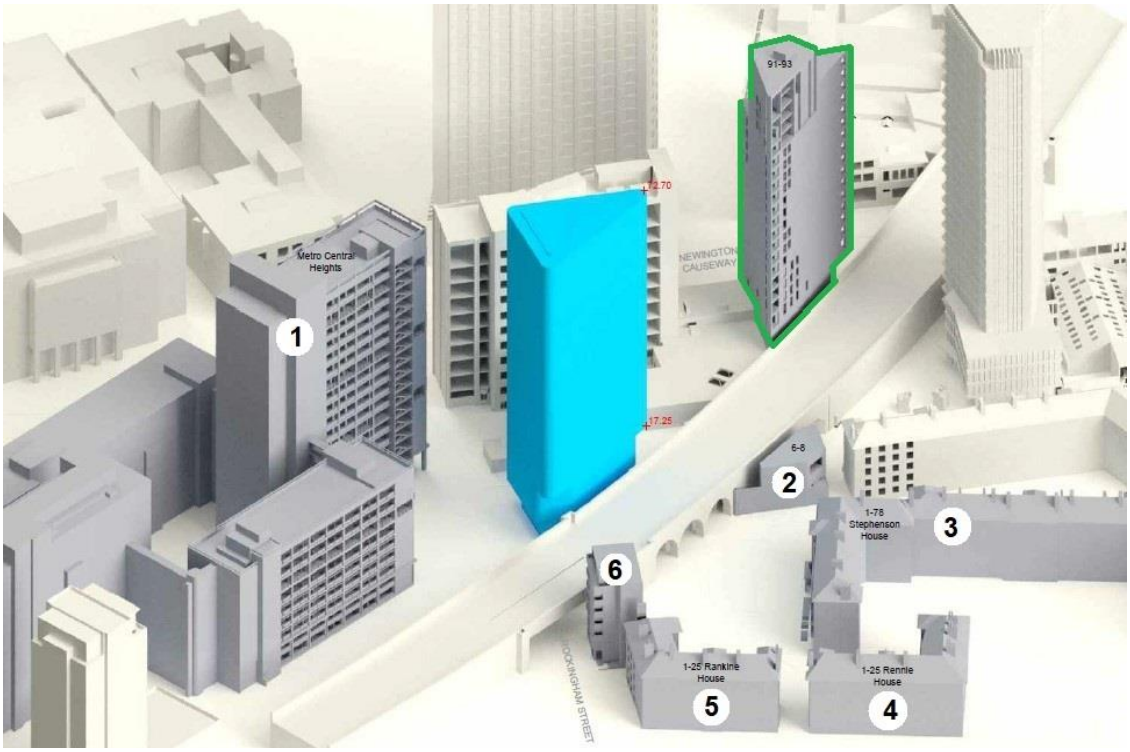


Image 38 (above): Model of the site with the surrounding existing sensitive residential buildings shown in dark grey. 91-93 Tiverton Street (edged in green) and 73-75 Newington Causeway (obscured in this view) are not accounted for in the subsequent parts of this report as none of the windows experience losses in excess of the BRE guidelines.

VSC and NSL impacts for sensitive surrounding residential properties

261. 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:

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)**
Metro Central Heights				
Total no. habitable windows tested: 524				
• Of the 524 windows, 168 would retain a VSC of 27% or more.				

• For the 356 that would not, the distribution of percentage reductions is:				
Proposed vs existing	229	41	47	39**
** *The applicant's report suggests three windows would undergo a substantial adverse percentage change to 0%. However, this is an anomaly of the presentation format. While the three windows would indeed have a resulting VSC of zero, their starting/existing VSC is zero. There would, therefore, be no change. As such, the table above categorises these three results as 'no loss' rather than as a '40%+' loss.*				
6-8 Tiverton Street				
Total no. habitable room windows tested: 15				
• Of the 15 windows, 1 would retain a VSC of 27% or more. • For the 14 that would not, the distribution of percentage reductions is:				
Proposed vs existing	12	2	0	0
Stephenson House, Rockingham Estate				
Total no. habitable room windows tested: 85				
• Of the 85 windows, 2 would retain a VSC of 27% or more. • For the 83 that would not, the distribution of percentage reductions is:				
Proposed vs existing	62	19	2	0
Rennie House, Rockingham Estate				
Total no. habitable room windows tested: 45				
• Of the 45 windows, none would retain a VSC of 27% or more. • The distribution of percentage reductions across these 45 windows is:				
Proposed vs existing	34	4	1	6
Rankine House, Rockingham Estate				
Total no. habitable room windows tested: 60				
• Of the 60 windows, 17 would retain a VSC of 27% or more. • For the 43 that would not, the distribution of percentage reductions is:				
Proposed vs existing	33	9	0	1
Wellesley Court, 15 Rockingham Street				
Total no. habitable room windows tested: 26				

• Of the 26 windows, 10 would retain a VSC of 27% or more. • For the 16 that would not, the distribution of percentage reductions is:				
Proposed vs existing	10	6	0	0

262. 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:

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)**
Metro Central Heights				
Total no. habitable rooms tested: 250				
Proposed vs existing	248	2	0	0
6-8 Tiverton Street				
Total no. habitable rooms tested: 4				
Proposed vs existing	4	0	0	0
Stephenson House, Rockingham Estate				
Total no. habitable rooms tested: 85				
Proposed vs existing	79	5	1	0
Rennie House, Rockingham Estate				
Total no. habitable rooms tested: 45				
Proposed vs existing	43	0	0	2
Rankine House, Rockingham Estate				
Total no. habitable rooms tested: 60				
Proposed vs existing	60	0	0	0
Wellesley Court, 15 Rockingham Street				

Total no. habitable rooms tested: 40				
Proposed vs existing	40	0	0	0

Metro Central Heights

263. Of the surrounding existing residential buildings, Metro Central Heights contains the greatest number of windows to experience VSC impacts as a result of the proposed development. 39 windows would undergo substantial adverse VSC reductions. It is understood that of these windows, 22 serve studio apartments, 12 serve living/dining rooms and 5 serve bedrooms.

264. Of the substantially adversely affected windows, the two that would undergo the greatest percentage VSC loss would also have the two lowest resulting absolute VSCs. Both are understood to serve a living/dining room. These windows are:

- Window R13/W32 at fifth floor level:
  - VSC reduction of 68%; and
  - Resulting absolute VSC of 0.46%.

- Window R12/W30 at fifth floor level:
  - VSC reduction of 65%; and
  - Resulting absolute VSC of 0.55%.

265. In both cases, while the substantial percentage loss must be acknowledged, the existing absolute VSC value is very low, being 1.44% at R13/W32 and 1.56% at R12/W30. This low baseline is largely attributable to the host building's design, whereby the windows in question are, firstly, deeply recessed from the host façade, and secondly, located directly beneath a cantilevering storey. This has the effect of restricting the windows' access to daylight. It is also important to note that the windows in question each form part of a two-pane picture window, and as such they are not the only glazed panes serving the host room. This arrangement is depicted in the images below:

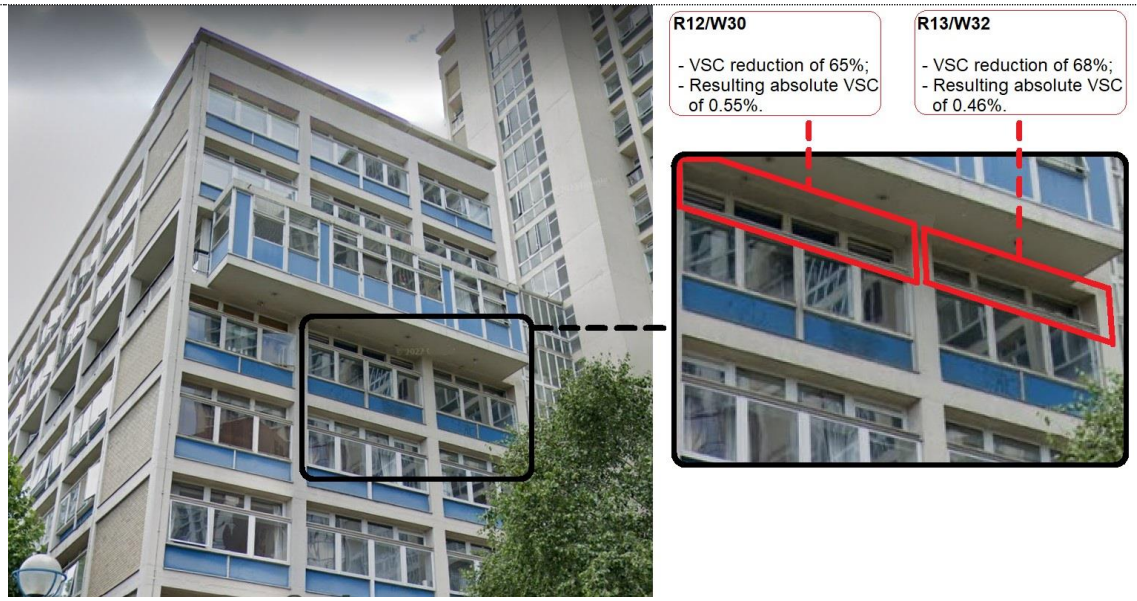


Image 39 (above): Photograph of Metro Central Heights, with magnification of the two windows to undergo the greatest proportional reduction in VSC (edged red), showing their recessed design and the oversail of the cantilevering storey above.

266. The next three windows to undergo the greatest percentage VSC losses all share the recessed design of R13/W32 and R12/W30, but differ in that they are not located beneath a cantilever. In all three instances, the VSC reduction would be 52%, resulting in absolute VSCs of 5.03%, 5.33% and 5.64%. Like R13/W32 and R12/W30, these glazed panes are not the only aperture providing daylight to the host room, as they each form part of a larger picture window. While it must be recognised that occupiers would experience a noticeable change to daylight levels, the resulting values, although low, are not uncommon for an urban environment.

267. With regard to NSL, the two rooms to experience a minor adverse impact are located on the ground floor. As these rooms look directly towards the vacant application site, they benefit from a largely unobstructed view. Any reasonable redevelopment of the site would, therefore, have an effect on the area of sky visible from this room. In these two cases, the lit area of the rooms would be 63% and 65%, which is not uncommon in an urban location. As such, the occupiers' amenity would not be harmed.

6-8 Tiverton Street

268. 6-8 Tiverton Street is located to the northeast of the site, on the opposite side of the railway line. It is understood that the building contains a residential unit, the habitable rooms within which comprise a living/kitchen/dining space at second floor level and two bedrooms at first floor level. The two windows to experience a minor adverse loss –both serving the living/kitchen/dining space– would retain 0.79% and 0.77% of the existing VSC, only marginally below the BRE recommendation of 0.80%. The living/kitchen/dining space is served by a further three windows that would meet the guidelines.

269. With two windows experiencing a minor VSC adverse loss and none of the rooms experiencing a reduction to NSL beyond the 20% recommended by the BRE, it is considered that the impacts would not be harmful to the occupiers' residential amenity.

Stephenson House, Rockingham Estate

270. This five-storeyed deck-access residential block is located to the east of the application site, on the opposite side of the railway line.

271. Of the 19 windows not meeting the guidelines, 17 would undergo a minor adverse loss of VSC. The vast majority of these losses would occur at windows on ground to third floor level, all of which are located beneath a projecting access deck serving the floor above. Some are also tucked in relatively close to the projecting vertical circulation wing of the building. These building features have a limiting effect on the existing levels of VSC these windows receive, and cause any further losses to generate a significant percentage change that does not necessarily represent how the users of the room would perceive the loss.

272. It is understood that the two windows to experience moderate adverse VSC losses, both of which are at fourth floor level, serve a kitchen and bedroom. The scale of impact would be at the lower end of the 'moderate' adverse range, being a 31% VSC reduction in the case of the kitchen and a 30% VSC reduction in the case of the bedroom. Both windows are set-back beneath deep projecting eaves, which restrict light received from higher altitudes. The impacts on these upper floor windows should therefore be considered as partly consequential of the building's inherent design. While the extent of change generated by the proposed development would be noticeable to the users of this kitchen and bedroom, the two windows would each retain an absolute VSC of over 10.0%, which is considered reasonable given the urban context.

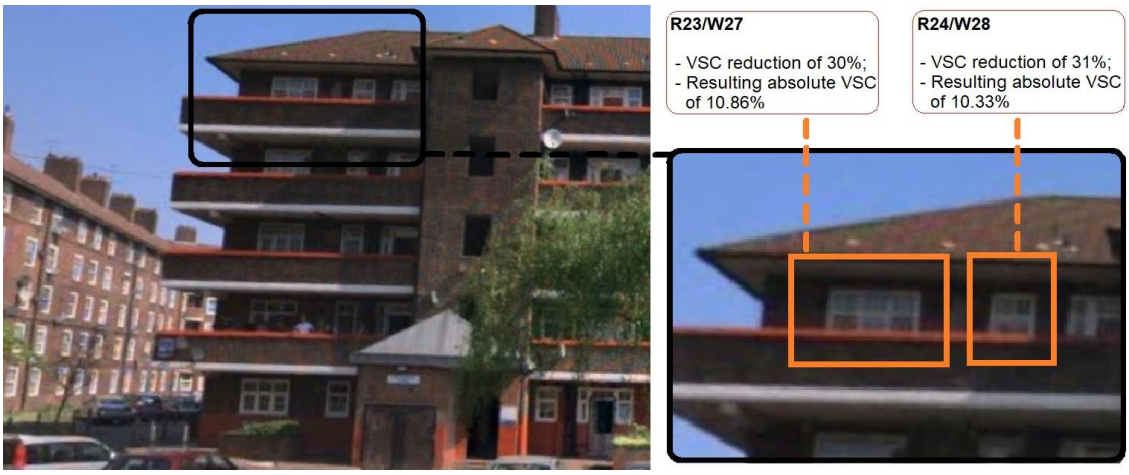


Image 40 (above): Photograph of Stephenson House, with magnification of the two windows to undergo the greatest proportional reduction in VSC (edged orange), showing the deep nature of the eaves and the proximity of the projecting circulation core.

273. With regard to NSL, the five rooms at Stephenson House to undergo a minor

adverse loss comprise four kitchens and one bedroom. All five of these rooms are distributed across the ground to third floors of the building, where the overhanging decks have a limiting effect on sky visibility. Of these five rooms, the room with the lowest resulting NSL would still retain a lit area of 56%. The one moderate adverse loss would be experienced by the same fourth floor kitchen that would undergo the greatest VSC proportional reduction (discussed in an earlier paragraph). However, the proportion of the room that would remain lit is 61%, meaning the space as a whole would not become uncomfortably cold or dark.

Rennie House, Rockingham Estate

274. This five-storeyed deck-access residential block is located southeast of the application site, to the rear of Stephenson House.

275. The six windows at Rennie House to be substantially adversely impacted are understood to serve five bedrooms and one kitchen. The VSC percentage losses would range from 42.0% to 100%. Of the six windows, five are of a matching design and location, being:

- tucked into a corner where the two wings of the building meet; and
- located underneath access decks serving the floor above.

276. As a consequence, these five windows have a very low existing absolute VSC. It is important to consider the loss of VSC in absolute terms for these five rooms – the single greatest loss would be 0.93% and the single smallest loss would be 0.03%. This quantum of light loss is unlikely to be perceptible to the occupiers.

Image 41 (above): Photo of Rennie House, overlaid with the outlines of three of the five bedroom windows that would experience substantial adverse VSC percentage losses.

277. The one minor and four moderate adverse losses at Rennie House affect windows that have an existing low level of VSC receipt such that any further reduction, despite not being substantial in absolute terms, produces a significant percentage reduction.

278. With regard to NSL, of the 45 rooms tested, two would experience losses beyond the BRE recommendations, and in both of these instances the extent of loss constitutes a substantial adverse impact. The rooms in question are bedrooms, each located at the intersection of Rennie House's two wings and underneath access decks. The windows have a relatively limited frame of sky visibility due to the obstruction of the deck access walkway, as reflected in their low existing NSL

levels. Therefore any reasonable development of the land would have a material effect on the portion of sky visible from these rooms.

279. The applicant has also undertaken an alternative analysis without the deck walkways, which shows that all of the windows and rooms assessed would comply with the BRE Report guidelines for daylight amenity. This demonstrates that the deck-access design of Rennie House is the predominant reason for the transgressions.

280. Overall, while the effects on Rennie House are recognised, the VSC and NSL levels of the adversely impacted windows and rooms are significantly constrained by features of the building's own design. On balance, it is not considered that the impact of the proposal would be significantly harmful to the occupants' overall amenity.

Rankine House, Rockingham Estate

281. The proposed development would cause nine minor VSC reductions and one substantial VSC reduction at Rankine House, which forms part of the Rockingham Estate to the southeast of the site. Similarly to the other blocks in the estate, Rankine House has a deck-access design and deep overhanging roof eaves.

282. All of the ten adversely affected windows are located either beneath the decks or the eaves. Owing to the windows having low existing VSC levels, the resulting percentage reduction is not an accurate representation of how the change would be perceived by users of the rooms. Taking the example of the one substantially adversely impacted window, its starting absolute VSC is very low at 2.15%, and this would reduce to 1.12% as a result of the proposed development. While the proportional change is marked, experientially the loss of 1.03% VSC from such a low baseline would not be harmful.

283. In summary, because the level of VSC these windows presently receive is low (Rankine House's own design being a causal factor), the substantial adverse VSC percentage losses do not accurately reflect how the change in daylight would be experienced by the occupiers. The fact that there would be no NSL losses in excess of the BRE guidance further testifies to the neighbourly scale of the proposed development. It is considered that there would be no materially harmful impact to the daylight levels and feel of the affected rooms.

Wellesley Court, 15 Rockingham Street

284. This seven-storey apartment building is located to the south-east of the application site. The proposed development would cause a minor adverse loss of VSC to five windows, with the percentage reductions ranging from 20% to 26%. The lowest absolute VSC would be 14.74%, which is not uncommon for central London. The other four windows would all retain a VSC above 16.0%. Given that the rooms served by these windows would not experience any NSL loss beyond the recommendations of the BRE, the effects to the daylight level at the Wellesley Court flats would not be harmful to amenity.

Sunlight

285. 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.

286. 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.

287. 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.

288. 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.

289. The six properties assessed for daylight impacts have also been assessed for sunlight impacts. The table below summarises these:

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**
Metro Central Heights				
Proposed vs existing	25	25	0	0
6-8 Tiverton Street				
Proposed vs existing	14	11	3	0
Stephenson House, Rockingham Estate				

Proposed vs existing	35	33	2	0
Rennie House, Rockingham Estate				
Proposed vs existing	15	15	0	0
Rankine House, Rockingham Estate				
Proposed vs existing	15	15	0	0
Wellesley Court, 15 Rockingham Street				
Proposed vs existing	13	13	0	0

290. At 6-8 Tiverton Street, the three windows to experience a reduction in APSH in excess of the BRE guidance serve a bedroom and a living room. The number of sunlight hours would be reduced as follows:

- Bedroom window: from 17 as existing to 12 as proposed;
- Living room window #1: from 36 as existing to 21 as proposed; and
- Living room window #2: from 46 as existing to 23 as proposed.

291. By reason of their outlook over the top of the railway viaduct and towards the currently vacant application site beyond, all of these windows benefit from very good sunlight levels at present. Thus, any meaningful development opposite would result in a sizeable loss. Given that all three of these windows would remain WPSH compliant, and while acknowledging that there would be an appreciable change to APSH for the occupiers, on balance the impacts would not be harmful to residential amenity.

292. The one other residential building to experience APSH losses in excess of the BRE guidance is Stephenson House. Here, two windows at fourth floor level would be affected, experiencing the following reduction of sunlight hours:

- Bedroom window: from 30 as existing to 21 as proposed; and
- Kitchen window: from 28 as existing to 20 as proposed.

293. While these reductions, and the impacts they would have on residential amenity, are recognised, the levels of resulting ASPH are not uncommon for central London. When also taking into account that the WPSH of both windows would remain unchanged, the impacts are considered acceptable.

<u>Daylight and sunlight impacts relative to those caused by 19/AP/0750</u>

294. The assessment results show that the effect on neighbouring properties caused by the proposed student housing scheme would be very similar to those

produced by the previous planning consent for the site, 19/AP/0750. As 19/AP/0750 has recently been implemented, the scheme could be built-out. In determining 22/AP/1068 some weight must be given to the fact that the daylight and sunlight losses produced by the newly-proposed student housing scheme are not substantially greater than those established by 19/AP/0750.

Conclusion on daylight and sunlight

295. In total, the development would result in 81 minor, 50 moderate and 46 substantial adverse reductions in VSC for surrounding properties. With respect to NSL, there would be a total of seven minor, one moderate and two 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.

296. However, when interpreting the daylight losses, regard must be had to the vacant nature of the site, as well as its location within a comparatively more densely-developed environment. Some of the most impacted properties 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. An alternative 'no balconies' assessment of the three residential blocks on the Rockingham Estate, which was submitted as part of the applicant's daylight and sunlight report, shows that the derogations from the BRE guidance are primarily due to the presence of deck walkways above the windows serving these properties.

297. Sunlight exceedances would be experienced by a small number of windows at 6-8 Tiverton Street and Stephenson House. All of these windows face west or southwest in the general direction of the application site. As such, they are reliant on the openness of the land to achieve these baseline APSH levels, which are relatively high for an urban environment. In turn, this makes the windows more susceptible to change. While the extent of ASPH impact is recognised, it is not considered that the resulting levels would be harmful to amenity.

298. Given the location within the CAZ and Elephant and Castle Opportunity Area, where more intensive development is expected and where the BRE guidelines should be applied flexibly following the design-led approach to density promoted by the London Plan, the impacts are on balance acceptable. As noted above, the BRE guidelines are not mandatory and the advice within the guide should not be seen as an instrument of planning policy. Some of the impacts would go beyond the recommended guidelines but these are not of such significance that it would warrant a reason for refusal of an otherwise acceptable development. Furthermore, the impacts are of a very similar in their extent to those previously deemed acceptable under the implemented permission, 19/AP/0750.

Overshadowing

299. No private external amenity areas have been identified that would be significantly overshadowed by the proposed development.

Privacy

300. Some 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.

301. 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.

302. The plan below shows the façade-to-façade distances between the proposed development and the surrounding existing buildings:

Image 42 (above): Plan of the proposal in context, showing the separation distances to the surrounding buildings.

303. All the 'across street' distances between the development and habitable residential rooms opposite would exceed 12 metres, with many being in excess of 21 metres. The closest distances between the proposed development and neighbouring residential buildings are 17 metres (to the Pioneer Building) and 19 metres (to Metro Central Heights), but this would be the closest pinch point of the two buildings and is a corner-to-corner relationship; there would be no directly

facing habitable rooms at these distances. As the 12 metre 'across street' guideline of the Residential Design Standards would be achieved, no privacy infringement issues are raised.

304. The separation distance between the student rooms fronting Tiverton Street and windows opposite at the S.A.H would be approximately 8.5 metres. However, as the S.A.H is in commercial use, and the four windows appear to serve a stairwell, it is not considered that there would be any overlooking issues.

305. The S.A.H is allocated for redevelopment in the Southwark Plan as NSP47 and is expected to deliver approximately 57 new homes alongside at least 2,600 square metres of commercial floorspace and potentially other uses. Due to this potential future residential use of the S.A.H, the applicant has prepared four masterplanning 'options' exploring how the uses and quantum of development might be arranged on the S.A.H site (these are set out in more detail in an earlier part of this report). One of the options includes built form situated along the south-eastern frontage of the S.A.H site, and demonstrates that with a relatively modest set-back from the boundary line a separation distance of 12 metres could be maintained. Any privacy or overlooking concerns for future residents could feasibly be mitigated through the design of the S.A.H proposal, for example through the staggering of windows and/or applying splay restrictions, so that no habitable room windows are directly facing each other. Overall, the separation distance to the S.A.H site is considered acceptable given the urban context, the existing relationship between the sites, and the narrowness of Tiverton Street.

306. It is also relevant that the proposed development is within the same footprint of the previous/implemented permission, 19/AP/0750, in terms of its relationship with Tiverton Street (only extending further to allow for the curved corner). As such, the principle of habitable room windows facing onto Tiverton Street at a distance of 8.5 metres from S.A.H has been established previously, albeit prior to the adoption of the Southwark Plan and the allocations set out therein.

Outlook and sense of enclosure

307. The site is located within the Major Town Centre, which is characterised by a dense urban grain including a number of existing and consented tall buildings. Although the townscape to the east and southeast of the site is lower-rise with more spaciously laid out buildings, the site –being on the northwestern side of the railway line– clearly forms part of the more high-rise urban environment of North Elephant. The development would introduce to the site a single tower of a slim profile, designed with rounded corners to reduce its apparent width. The proposal would incorporate high quality materials and low-level green walling, which would have a positive effect on the surrounding properties' outlook. As such, it is not considered that any of the surrounding dwellings that look towards the site would experience a harmfully diminished quality of outlook or sense of openness as a result of the proposed development.

Management and maintenance of the student housing

308. The Council's 2015 Technical Update to the Residential Design Standards requires student housing proposal to be accompanied by details of the long-term management and maintenance arrangements of the student accommodation, including details of security. This is in the interests of ensuring that, once operational, the development:

- does not generate adverse neighbour amenity or local environmental impacts;
- is managed and maintained to ensure the continued quality of the accommodation, communal facilities and services; and
- will positively integrate into the surrounding communities

309. The applicant has identified the probable operator of the proposal as Homes for Students, who have been involved in the design evolution of the proposal to ensure it is fit for purpose. An application-stage Student Management Plan prepared by Homes for Students has been submitted in support of the planning application, which sets out how the proposed development will be managed and maintained. With regard to the management of the scheme, the Plan makes the following provisions:

- Staffing:
  - a dedicated property manager will lead the management team and be at the building from Monday to Friday during office hours;
  - support staff will include a part-time customer services assistant and maintenance operative, part-time cleaning staff, part-time security and designated student wardens;
  - outside of office hours, there will be on-site resident wardens trained to deal with various situations (security, emergencies, interaction with the helpdesk service etc.);
  - A 24/7 helpdesk service will be available for both tenants and local residents; and
  - mobile security will be provided by a local security company via live CCTV feedback, who will be able to deal with lock outs, additional perimeter patrols and other out-of-office-hours issues.

- Noise and anti-social behaviour:
  - tenancy agreements will include rules and regulations relating to the property, local neighbourhood consideration and enforcement measures;
  - tenants will attend a welcome event at which they will be issued with a customised 'resident handbook'; and
  - tenants will receive an 'on arrival' induction about the rules, regulations and enforcements.

- Community liaison:
  - The on-site team will hold regular meetings with local residents and groups to discuss and address any issues.

- Residents will be able to contact the Property Manager by a number of channels (at the reception, via the 24/7 help desk (which has an escalation mechanism to formal bodies); and
- a formal complaint and incident procedure to the management company.

- Security
  - CCTV cameras in and around the building will be fed back to the management office to allow monitoring of incidents and potential incidents 24/7;
  - There will also be an electronic access control system to prevent unauthorised access into the building; and
  - The lifts will have access control fitted to restrict use of the lifts to the management team and tenants only.

- Tenancies
  - Where tenants breach the agreement, there will be escalating levels of enforcement which will include deductions from their deposits, written and final warnings and ultimately expulsions.

310. On account of the above, it is considered that sufficient information has been provided to address the requirements of the SPD, and that a robust framework strategy is in place to ensure the day-to-day operation of the student accommodation would not cause harm to the amenity of surrounding residents. Through a planning obligation, a finalised version of the Student Management Plan will be required prior to occupation of the student accommodation.

Noise and vibration

Plant noise

311. Plant (power, heating and cooling machinery) would be contained within three rooms at basement level and one room at Level 21. Plant would also be located on the roof of the tower, screened behind an acoustic enclosure

312. 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

313. In terms of public noise nuisance from the development for surrounding residents, a Student Management Plan submitted with the application details how the probable provider, Homes for Students, would operate the accommodation so as to limit sources of human noise disturbance to neighbours.

314. The only other potential source of public noise nuisance is the proposed retail/service/dining unit. Examples include the use of the unit for entertainment or music incidental to the dining function, and the late night serving of food and drink to customers within the external dining areas along the Low Line.

315. In order to limit any risk of public noise nuisance, it is recommended that the following opening hours limitations be imposed on the flexible retail/service/dining use:

- 07:00-23:00 Mondays to Saturdays; and
- 08:00-22:00 Sundays and Bank Holidays

316. An additional condition restricting the use of the Low Line for outdoor dining to these hours only is recommended:

- 08:00-22:00 Mondays to Saturdays; and
- 09:00-22:00 Sundays and Bank Holidays

Vibration

317. A condition is recommended requiring an assessment of vibration and re-radiated noise to be submitted for the Council's approval following piling but prior to commencement of above-ground construction. The purpose of the assessment is to ensure that the student occupiers would not be exposed to vibration or re-radiated noise in excess of the Council's recommended maximum levels, those 0.13 m/s VDV in the case of vibration during the night-time period, and 35dB LASmax in the case of re-radiated noise.

Odour

318. The application is not accompanied by any extraction details. Preserving the architectural integrity of the proposed development --with its appurtenance-free façade, rounded corners and striking form— is considered to be of importance to the success of the development in terms of its townscape role. Thus, it is likely that any scheme of externally-affixed extraction (which would in all probability need to rise up the full profile of the building to terminate at roof level) would militate against an exemplary building design. Accordingly, it is expected that the flexible commercial unit, if used for restaurant/café purposes, would contain re-heat facilities rather than full cooking facilities with extracts/exhausts. A fully internalised extraction system would minimise the risk of odour impacts for the student occupiers above and those residing in surrounding properties.

319. For safeguarding purposes, a condition is recommended requiring details of any extraction and ventilation system to be submitted to the Council for its consideration prior to the installation of any such system.

Design

320. 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.

321. Chapter 3 of the London Plan 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.

322. 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 70.67 metres above ground level, exceed the 30 metre threshold. It thus engages Policy D9.

323. 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.

324. 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.

325. 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.

326. The site benefits from an extant permission (ref. 19/AP/0750), implemented in early 2023, for the construction of a 21 storey commercial building with a basement and the redevelopment of the three railway arches. This is a material consideration when assessing the design quality of the 22/AP/1068 proposal. In particular the height, scale, and form of the 22/AP/1068 proposal are very similar to this consent.

Site layout, public realm and contribution to the Low Line

327. The principal triangular part of the site would be almost entirely occupied by the ground floor footprint of the building. Internally, the two main spaces would be the student accommodation foyer and the flexible retail/service/dining unit. These would 'wrap' around a centralised sub-station and circulation core. The glazed frontages of both the foyer and the flexible unit would read architecturally as being double-height.

328. To be located along the building's southwestern frontage, the foyer would comprise two parts:

- the main reception/welcome area, to be furnished with seating, which would present glazed frontages partly onto Rockingham Street and partly onto the Low Line; and
- the staffed reception area, demarked by a reception desk, which would present glazed frontages partly onto Rockingham Street and Tiverton Street.

329. By reason of its office-like function, there is a risk that the reception area could fail to provide a suitably active frontage, for instance due to obscuring/privacy treatments being applied to the inner side of the glazing. To guard against this as much as is practicable, a condition is considered necessary prohibiting the application of films/treatments to the glazing. With this condition in place, it is

considered that the foyer would provide a successful wrap-around frontage, helping to activate the public realm and draw passers-by into the Low Line.

Figure 43 (above): View from Rockingham Street of the base of the proposed building, showing the glazed frontage of the foyer.

330. The ground floor of the proposed tower would also incorporate a small room accessed off the reception. With a glazed façade onto Tiverton Street, the room is intended to function as an art/exhibition display window, activating the street and providing interest to passers-by. Although relatively short in length, being 3.25 metres, the art/exhibition display window is a welcome way of dressing what would otherwise be inactive frontage and bringing visual interest to Tiverton Street. A condition is recommended requiring the room to be retained in perpetuity principally for the purposes of displaying art and/or exhibition pieces.

Image 44 (above): View from Tiverton Street, with the display window edged in red

331. With regard to the ground floor back-of-house facilities, these would present short frontages onto Tiverton Street and the Low Line. It is an inevitably of any proposed development that utilitarian functions will occupy a proportion of the ground floor and that, where the site is of a constrained footprint as is the case at 5-9 Rockingham Street, there will be some non-active ground floor frontage. With the extent of non-active frontage amounting to approximately 45% of the building's perimeter, it is considered that the scheme achieves the aims of Policy P14 of the Southwark Plan.

Image 45 (above): Cropped view of the Tiverton Street elevation, showing the centrally-located stretch of non-active ground floor frontage. This stretch of elevation has been minimised and would very much play a subordinate visual role to the foyer and flexible retail/service/dining unit.

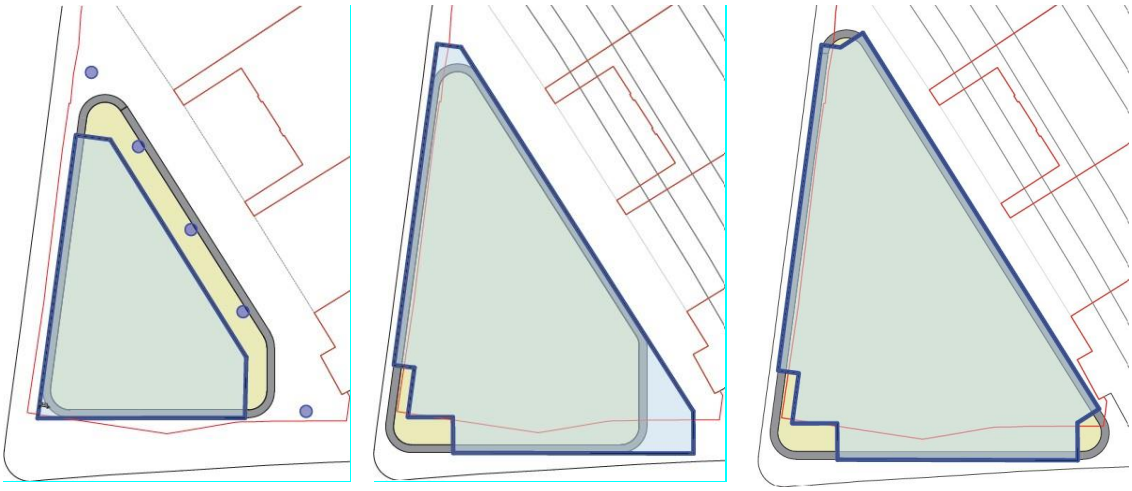
332. The flexible retail/service/dining unit would comprise two separate parts, each of similar floor area. One part would occupy the northern tip of the tower's footprint, while the other would occupy the middle arch. This two-part arrangement is effective in activating the Low Line. From a practical perspective, the arrangement would lend itself well to one part operating as a café complemented by a bar, servery or kiosk in the other. Alternatively, if a conventional retailer was to take up tenancy, one part could function as the main sales space, with the other being used as a display/show room. The strip of Low Line between the two parts of the flexible commercial unit would accommodate spill-out dining furniture, making for a vibrant and convivial publicly-accessible realm.

333. The proposed building would be cut-back at its base as a compositional device and to provide for a more generous public realm, particularly adjacent to the railway viaduct immediately to the east. The proposal is less generous than the previous/implemented scheme in that, firstly, the passageway between the building and the railway viaduct at ground floor level would be narrower, and secondly, the upper floors of the tower would overhang the passageway comparatively more. However, it would still create an active Low Line with units opening out onto the passageway from both sides. This activity, and the way the two-part unit would 'frame' the walking route is supported. The contribution to the Low Line would be completed by intermittent trellis-mounted greening as well as scheme of lighting to the facades of the arches.

334. In summary, the proposed site layout is well-conceived, opening up the majority of the site's Rockingham Street and Low Line perimeters with new active frontages. 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 revive the railway arches, ultimately making for a positive relationship with the new public realm.

Height, scale, massing and tall building considerations

335. The overall height, at 70.67 metres above ground level, matches that of the previous/implemented scheme. The footprint of the building is within the consented scheme footprints, with the exception of its corners. The curved massing and brick would produce a softer building profile compared with the sharply rectilinear form of the extant/implemented scheme, providing an opportunity to tie the building's character to the Low Line, the latter being of brick construction and featuring arched openings.



Figures 46, 47 and 48: Comparison of the footprint of the previous/ implemented scheme with that of the 22/AP/1068 proposal (ground floor is above left, first and second floor is above centre, typical upper floor is above right). The shaped filled and edged in blue is the previous/implemented scheme; the shaped filled in yellow and edged in grey is the 22/AP/1068 proposal.

336. With regard to policy compliance with London Plan Policy D9 and Southwark Plan Policy P17, the following aspects are of consideration:

Landscape contribution

337. 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

338. 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 within an area of landscape significance. While the site's landmark significance is not of the same order as the sites on the main transport routes into the centre and within Elephant Park, the site has some significance as a result of its situation within the Opportunity Area and Major Town Centre, and would help manage the transition in scale from the taller buildings in the centre stepping down towards the lower scale residential environments to the south and southeast. 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

339. 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 student housing and commercial floorspace. The scheme is designed to achieve an excellent BREEAM rating. The architecture itself is well considered.

Relates well to its surroundings

340. At ground floor level –where large framed glazing and principal entrances to the student accommodation and flexible retail/service/dining unit are proposed– the scheme would concentrate the active frontage and main entrances along the key public spaces. The scheme would also unlock part of the Low Line, helping create a more direct north-south link from Newington Causeway to the Rockingham Street arches and Elephant Park beyond.

Positive contribution to the London skyline

341. The building would form part of the context of large-scale buildings within Elephant and Castle Major Town Centre, standing adjacent to and consolidating the cluster of existing tall structures in North Elephant. The cumulative impact has been assessed as part of the applicant's HTVIA which includes consideration of the proposed development within the cumulative context of existing proposed future developments and planning consents. The HTVIA demonstrates that the scale, form and massing of the development would be congruent to the existing and emerging context. By reason of its elegant profile, curved massing and engaging architectural treatment, the building's skyline contribution would be positive.

Free-to-enter publicly-accessible areas

342. 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. Furthermore, given the modest footprint of the site, delivering the amenities necessary to support public access to a high-level space (such as a waiting area, lift core and toilers) would be challenging in a practical sense as well as prohibitive to delivering a viable quantum of floorspace internally.

343. The proposal would deliver public realm at the base of the building, as well as the Low Line route. The latter should be considered as a significant benefit of the scheme. In light of this, and given the modest footprint of the site, the total quantum of new publicly accessible realm created by the redevelopment would be commensurate to the height of the proposed tall building.

Conclusion on massing, height, scale and tall building considerations

344. 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.

345. In compliance with the requirements of London Plan Policy D4, the proposals were subject to a multiple-stage design scrutiny process from planning, urban design and conservation officers. This scrutiny process ran throughout the pre-application phase and the planning application stage. Examples of how the scheme's design was positively progressed through collaboration with officers include:

- changes to the appearance of the building's crown and base;
- the omission of a column from the public realm;
- the optimisation of activity within the arches;
- the reconfiguration of the internal layouts to provide single studio wheelchair units; and
- the integration of a second stair core for fire safety purposes.

346. It was ultimately decided that, given the previous/implemented consent on the site, and that the proposed development was largely within these parameters, it was not necessary for the scheme to be fully reviewed by the Council's independent Design Review Panel. Officers are satisfied that the requirements of Policy D4 have been met.

Architectural design and treatment

347. The proposed tower's rounded form would be articulated through the predominant material treatment, a mix of rich red bricks. The red tone would be contrasted by occasional white gloss elements, in the form of string courses on the lower floors and dressings to openings. Articulation would be brought with different bond styles and horizontal bands created from vertically-stacked projecting brick. On the top two floors, spandrels treated in white are proposed, together with a slightly larger final horizontal band to create a delicately accentuated crown. The building would terminate cleanly, with a non-stepped parapet line. While differing from the neighbouring tall buildings in that it would not possess a strongly rectilinear or sharped-edged form, the proposal would

have a distinctive identity within the North Elephant neighbourhood without appearing discordant among the nearby tall buildings.

Image 49 (above): Visualisation of proposal, looking north from outside Metro Central Heights

348. To ensure the texture and interest of the elevational designs are carried through to the as-built scheme, conditions are recommended requiring sample panels of each brick and brick banding with bond and mortar, as well as samples of the window and door frames.

349. With regard to the railway arches, the coppery-brown framing to be installed, which would feature central banding and upper vertical glazing, would be successful in providing simple divisions while allowing the original form of the arches to remain part of the experience of the Low Line. The northern arch and part of the southern arch would not incorporate glazing at ground floor; instead decorative lattice-style panelling is proposed. On the northern arch, this would be complemented by a scheme of integrated lighting. High-level projecting illuminated signage, to be affixed to the viaduct façade, is also proposed, which would help contribute to the character of this stretch of the Low Line during the evening and night-time. Details of the decorative lattice-style panelling and the scheme of lighting will be secured by obligation.

Image 50 (above): Elevation of the northern arch, showing indicatively how a scheme of lighting could be applied to the panelling.

Image 51 (above): The middle and southern arches, showing indicative illuminated signage.

350. Overall, the proposal would achieve an exemplary quality of architectural design.

Heritage and townscape impact

351. The adjacent Metro Central Heights is a grade II listed building. Its significance is a purpose-built office block built in a brutalist style by the notable architect Erno Goldfinger. Its setting, an urban and vibrant one at the heart of Elephant and Castle, has changed since its construction and now includes tall buildings. However, this changeable highly urban and metropolitan setting remains a contributor to the experience of the asset.

352. Turning to the proposals, the scheme, and the previous/implemented scheme, would add to this highly urban environment. The height and scale of the building would not compete with the overall experience of Metro Central Heights which would remain visible as a series of blocks from key viewpoints at the Elephant and Castle and from the north. The scheme would block some close views of the asset, but these are not the principal experiences of the cluster of blocks of Metro Central Heights, and therefore have limited impact on the building's significance. Overall, the significance of Metro Central Heights would not be harmed by development within its setting, as proposed in this application.

Image 52 (above): View from outside Elephant and Castle underground station entrance, looking northeast towards Metro Central Heights, with the outline of the proposed development indicated by the yellow line.

353. The Michael Faraday Memorial is located approximately 190 metres south west of the centre of the site and was statutory listed at Grade II in 1996. The significance of the structure is derived from its architectural quality, being an early British example of the use of stainless steel as a cladding skin. The building is a good example of post-war development. However, there is limited intervisibility between the two, and while there would be an impact on the overall experience of the asset, with the proposed development being part of the cluster of tall buildings within Elephant and Castle, there would be no harm to the significance of the building.

354. The Inner London Sessions Court was statutory listed at Grade II in 1998. The public building was constructed between 1914 and 1921, to the designs of LCC architect W. E. Riley in a 'restrained classical' style. Historically there has been a judicial building on the site since 1794, when the Surrey County Sessions House designed by George Gwilt was erected. Since development of the present building, the court has seen piecemeal changes over the years, having been extended in 1954-58 and subsequently in 1967-9. The experience of this building is largely from Newington Causeway. There is a different character north of the

viaduct and the set back of the building helps to minimise the impact on the significance of the asset within the kinetic experience, as the proposal would be viewed within the wider context of other highly urban buildings including Eileen House and the Elephant and Castle Shopping Centre development.

355. With regard to the visibility and impact of the development on Trinity Church Square Conservation Area, the church and the terraces of listed buildings to the west and south of the square, in the majority of views there would be no impact on the significance of these buildings because the proposal would not protrude above the terraced properties' roof line.

356. The only viewpoint identified where the tower would be visible is in Viewpoint 1 of the applicant's HTVIA addendum. Viewpoint 1 is taken from the northern edge of the square, opposite the church, looking southwest. Here the very top of the development would be marginally visible in glimpses over the roofs; however, the roof lines, facades and collective characteristics would remain the prominent features in the experience of the terraces and square as a designated heritage asset. With the cumulative effect of the already approved and as built towers of Elephant and Castle also appreciable in this view, the proposed development would not feature conspicuously.

Image 53 (above): A chalked view (Viewpoint 1), looking southwest across Trinity Church Square, with the massing of the proposed tower depicted in red, showing its marginal breach of the terraced properties' roofline. Summertime is shown in the main image, wintertime in the inset.

357. On balance, having regard to the advice in Historic England's guidance "The setting of heritage assets", the proposals would have a neutral impact on the significance of the conservation area and groups of terraces in Trinity Church Square, and the church itself. In this respect, the development would comply with P19 (Listed Buildings) and P20 (Conservation Areas) of the Southwark Plan.

Inclusive access

358. Policy D3 of the London Plan 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 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.

359. The various inclusive access measures within the proposal would 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.

360. 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

361. Policy D11 of the London Plan and Policy P16 of the Southwark Plan require development proposals to reduce opportunities for crime and create and maintain safe internal and external environments.

362. 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, and of the cycle store room accessed off the Low Line; and
- designing the cycle store room to be open-plan, well-surveilled and secure.

363. 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

364. This is a carefully conceived scheme which would provide an engaging building of an appropriately urban character. With its curved corners providing a sculptural

quality, the proposed massing adeptly provides a soft yet striking form. To an extent, the curvature also helps to visually soften the impact of the deep cantilevering floors.

365. The height of the proposal has been the focus of a number of the objections to this application. The previous/implemented planning permission, 19/AP/0750, is important in this regard as it establishes in principle the acceptability of a building of the same envelope in design terms. Moreover, the application site is situated within an opportunity area with excellent public transport accessibility and a location where tall buildings are considered to be appropriate. With the height of the proposal not exceeding that of the previous/implemented permission, and having been carefully tested in the townscape views, it is concluded that it would neither appear overly dominant nor harm important aspects of the local townscape character. It would achieve high quality architecture and relate well to surroundings at the ground floor level. Overall, the height, scale and massing of the proposed building can be accommodated without undue harm to the established townscape.

366. In terms of architectural treatment, the proposed deep red brick mix contrasted by five bands of lighter brick (three at the base and two on the uppermost storeys), would bring a clear ‘base, middle and top’ hierarchy to the building. Window openings would be imbued with depth by the full brick white gloss reveals. The bespoke openable patterned grilles to the side of windows would bring further finesse to the facades. Throughout, robust and high quality finishes are proposed. Sample materials and mock panels to ensure high quality execution will be required by condition.

367. Having applied the statutory tests as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements of the NPPF, it is considered that the proposal would conserve and enhance the significance of designated heritage assets and would make a positive contribution to the wider townscape character. The proposed development would also make efficient use of land and optimise density, in accordance with NPPF paragraphs 122 and 123, London Plan Polices GG2 and Policy D3 and Southwark Plan Policy P18.

368. Inclusive design and crime minimisation considerations have all been resolved to an acceptable level of detail.

369. For the reasons given above, it is considered that an acceptable quality of design would be achieved.

Public realm, landscaping and trees

370. 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

371. In terms of the proposal's hard landscaping offer, small areas of extended footway around the base of the building would be delivered, all of which would be finished in materials consistent with the adopted footway so that the ownership line would be imperceptible.

372. The main public realm contribution, however, would be the provision of the Low Line route along the building's eastern edge. This would be a 3.2 metre wide passageway, with a centralised strip of minimum width 1.5 metres dedicated for pedestrian circulation and clear of tables and chairs. The strips where dining furniture can be placed would be laid in slightly wider sand / seed joints to allow plants to naturally grow between pavers, helping to soften the environment. The alignment and width of the passageway would also be sufficient to meet the maintenance access needs of Network Rail in respect of the adjacent railway line.

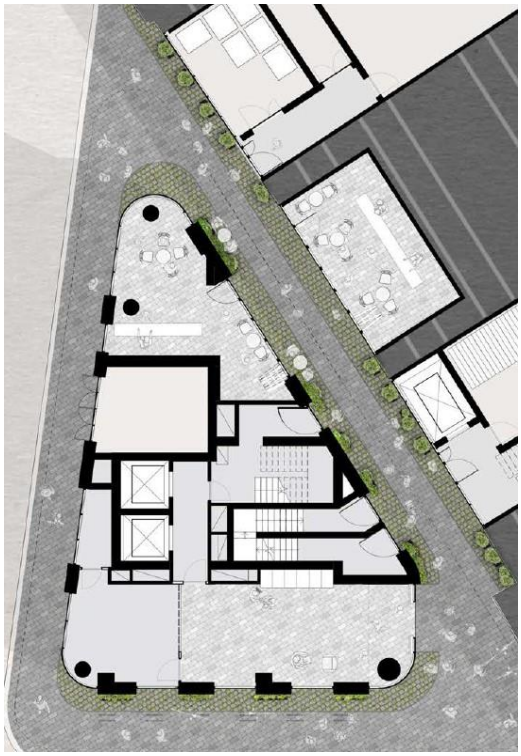


Figure 54 (above): Proposed ground plan showing the extent of the designated outdoor dining zone within the Low Line in green.

373. The minimum 1.5 metre wide route through the passageway to be clear of dining furniture has been demarcated on a ground floor plan submitted with the application, and a condition is recommended to ensure compliance with this throughout the lifetime of the development.

Landscaping

374. The application site is constrained in its ability to optimise planting because, due to the active adjacent railway line, Network Rail has a 10 foot covenant zone from the viaduct façade into the site. Network Rail is entitled to clear access in this zone whenever they need to maintain the viaduct. For this reason, any planting within this zone needs to be removable.

375. Soft landscaping would be limited to planters within the Low Line which would support climbers on trellising. Through planning conditions, the applicant will be required to install the planter- and trellis-mounted greening 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.

376. Climbing plants would also be provided at roof top level on the plant screen. Although these would not provide visual landscaping benefit within the public

realm, they would contribute to the Urban Greening Factor (described in more detail in a later section of this report).

Trees

377. 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 is considered adequate such that the non-provision of new tree planting is acceptable.

Conclusion on public realm, landscaping and trees

378. The scheme would deliver a high quality public realm, enlarging the footway along Rockingham Street and unlocking part of the Low Line walking route. These hard surfaced areas would be complemented by appropriate soft landscaping. Given the constrained nature of the site and the need to accommodate the access requirements of Network Rail to the viaduct, the landscaping proposals are considered acceptable.

Green infrastructure, ecology and biodiversity

379. Policy G5 of the London Plan 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 22/AP/1068 falls within the latter category.

380. 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 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.

Urban greening

381. The proposal would achieve a UGF score of 0.18 through a combination of:

- 77.2 square metres of ground level climbing plants;
- 90.4 square metres of roof-level climbing plants; and
- 13 square metres of greenery behind the northern arch; and
- 39.1 square metres of extensive green roof with substrate of minimum settled depthof 80mm (or 60mm beneath vegetation blanket).

382. This is deemed to be the maximum achievable UGF score given the following constraints:

- the small site area;
- requirements to maximise functional pedestrian / maintenance uses through use of hard surfaces;
- soil conditions result in poor drainage at ground floor and prevent rain gardens;
- roof areas have been maximised for use of services equipment to deliver the required Energy Strategy, resulting in no possibility of green/brown roofs on the tower top; and
- a large area of the site sits underneath the railway and offers no possibility of greening.

383. The score of 0.18 is a considerable shortfall on the minimum policy requirement of 0.4. While the applicant has demonstrated that all opportunities for optimising greening have been exhausted, the performance should nevertheless be treated as a deficit of the scheme. However, when balanced against the various benefits of the proposal, one of which is the overall high quality of the public realm, this matter alone is not considered sufficient to warrant refusal of planning permission.

Ecology

384. The applicant's Ecological Appraisal notes that the site comprises mainly hardstanding, with a small area of introduced shrub and ephemeral / short perennial vegetation. Finding that habitats on-site are common and widespread and of low or negligible ecological importance, the Appraisal concludes that no impacts to designated habitats or priority habitats will occur as a consequence of the proposed redevelopment.

385. With regard to bats, through a targeted desk study data search, the closest record was 0.3 kilometres from the site and for a pipistrelle bat; no records were found within the site boundary. The site also has low potential to support nesting and foraging invertebrate and bird species. Therefore, the report concludes that impacts on any of these species' groups are considered low or negligible.

Biodiversity

386. The applicant's Biodiversity Net Gain Assessment found the site to have a baseline score of 0.034. The proposal would deliver biodiversity gain through the climbing planter boxes on the ground floor and roof top, and planting on the northern façade of the northern railway archway. As a consequence, the site's score would rise to 0.0437, exceeding the target score of 0.0374 and representing a betterment of 28.51%.

Conclusion on urban greening, ecology and biodiversity

387. The Council's Ecologist and Urban Forester have reviewed the application information and deemed the proposal to be satisfactory. The Ecologist welcomed the biodiversity net gain of 28.51% and provision of urban greening,

recommending conditions to secure the provision of 12 Swift bricks and six bat tubes within the building fabric to support local biodiversity. A two-part condition will be imposed at the request of the Urban Forester to ensure the development is built-out to achieve the 0.18 UGF score.

Archaeology

388. The site is located within the 'North Southwark and Roman Roads' Archaeological Priority Area. The Council's archaeologist has considered the proposal. They noted that the desk-based assessment submitted with the application reports on earlier phases of fieldwork that have been undertaken on site. This has largely been geoarchaeological research, related to understanding the formation of the Rockingham Anomaly and its relationship to historic and archaeological land use within the area. The applicant has agreed to a number of conditions recommended by the Council's archaeologist to adequately secure the archaeological interests of the site.

Transport and highways

Trip generation

389. Policy T4 of the London Plan 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.

390. Given the lack of on-site parking along with the various public transport options in the area, cycle links and cycle parking, the trips associated with the proposed student accommodation and retail use 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 public transport trips as follows:

- 26 two-way public transport trips in the AM peak hour; and
- 37 two-way public transport trips in the PM peak hour.

391. These numbers are similar to those predicted by the applicant's consultant. These are relatively high trip numbers. The Transport Policy Team is comfortable that these trip numbers would not have any noticeable adverse impact on the local highway network due to the initiatives proposed in the Travel Plan; these include the appointment of a dedicated Student Travel Plan Coordinator, the provision of cycling facilities, furnishing users of the development with travel information, and offering cycle training courses. However, as there would be a public transport capacity impact, a contribution of £135,000 towards local bus service investment has been requested to ensure the network is commensurately resourced to accommodate the extra passengers, which the applicant has agreed to.

392. It is also relevant to consider the forecasted trip generation for the proposed development in comparison to that of the previous/implemented office-led planning permission: there would be over 100 fewer trips during the AM and PM peak hours. This lower trip generation would, comparatively, have a positive impact on the surrounding transport network and would reduce the demand on public transport during the AM and PM peak hours.

393. A Final Travel Plan and Transport Methods Survey is to be secured by condition to ensure the measures outlined in the draft document are implemented and promoted.

Student move-ins and move-outs

394. Students moving in and out of PBSA can generate a significant demand for loading space nearby. To ensure these impacts are minimised, the procedure for managing student arrival and departure periods at the start and end of term will be set out within the Final Student Management Plan to be secured by obligation, and this will be expected to align with the principles in the application-stage documents. The key elements proposed at this stage within respect to move-ins are:

- the process will be spread over two weekends each academic year;
- the allocated drop-off point would be the single yellow line stretch of Tiverton Street adjacent to the site;
- to stagger arrivals, each student will be advised of a date and time to take up occupancy of their room, and each move-in slot will be limited to 30 minutes;
- during move-in days there will be an increased on-site management presence, partly to enforce booking appointment times, and partly to assist with the unloading process; and
- students will be sent a supporting information pack relating to nearby unloading positions and public transport routes.

395. Members of the public have objected on the grounds that the Transport Assessment has not accounted for instances of move-ins outside of the two September weekends each academic year. It is considered that move-ins either side of this two week period would be sufficiently low, and that these would to some extent be managed by the CPZ in operation in this location, such that no harm would be caused to the local highway network or surrounding residential amenity.

396. Members of the public have objected to the Transport Assessment not committing to any measures during the move-out period. However, as students tend to finish courses and occupation at different times over the summer, and by reason of the site's PTAL 6 location where a CPZ is in place, there are unlikely to be any significant highway or amenity impacts. The operator has offered to review the move-out process when preparing the Final Student Management Plan, and if deemed necessary will utilise a similar approach to the move-in managed process. The proposed obligation relating to the Final Student

Management Plan will be worded to expressly require inclusion of measures in respect of the move-out period.

Servicing and deliveries

397. 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

398. The applicant's Transport Assessment predicts on a daily basis approximately 20 deliveries to the student housing and 2 to the flexible commercial unit, with potential for up to 5 deliveries in the peak hour. The Council's Transport Policy Team agrees that these estimates are realistic, and is of the view that these numbers would neither place undue strain on the highway network nor impact upon the amenity of nearby residential occupiers.

Servicing/delivery facilities

399. Owing to the one-way arrangements locally, vehicles would approach the site southbound along Tiverton Street. The proposed development would be serviced from the single yellow line stretch of Tiverton Street flanking the site along its northwestern boundary. This arrangement is the same as that approved under the previous/implemented permission, 19/AP/0750.

400. Assuming a maximum loading duration of 20 minutes per delivery, the proposed area on Tiverton Street would, at 12 metres in length, be able to accommodate simultaneous deliveries. It would also be of a sufficient size to accommodate the maximum forecasted servicing demand. The Site Management Team (or equivalent) would be responsible for overseeing servicing and delivery operations at the development.

401. As part of the servicing and delivery strategy, amendments are proposed to the junction of Rockingham Street and Tiverton Street to match those consented under the previous/implemented permission.

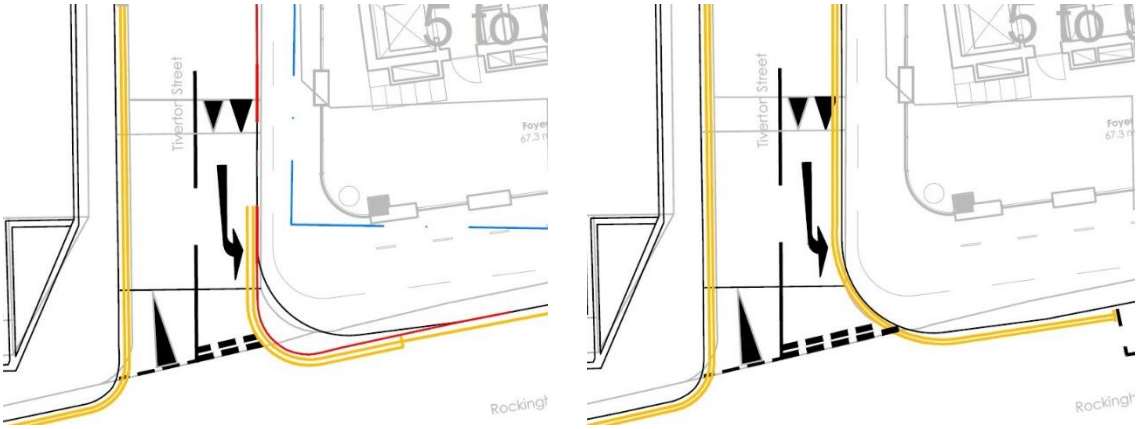


Image 55 (above): Existing highway arrangement at the junction of Tiverton and Rockingham Streets.

Image 56 (above): Proposed highway arrangement at the junction of Tiverton and Rockingham Streets.

402. The highway reconfiguration, involving an expansion to the bellmouth as depicted in the image above right, would enable a 10 metre rigid vehicle travelling southbound along Tiverton Street towards the site to:

- manoeuvre around the on-street parking spaces on the stretch of Tiverton Street beneath the railway arches; then
- pull up along the single yellow line stretch to unload; and then
- depart the site making a left-turn into Rockingham Street without overrunning the kerb or any of the three (one new, two relocated) disabled parking spaces.

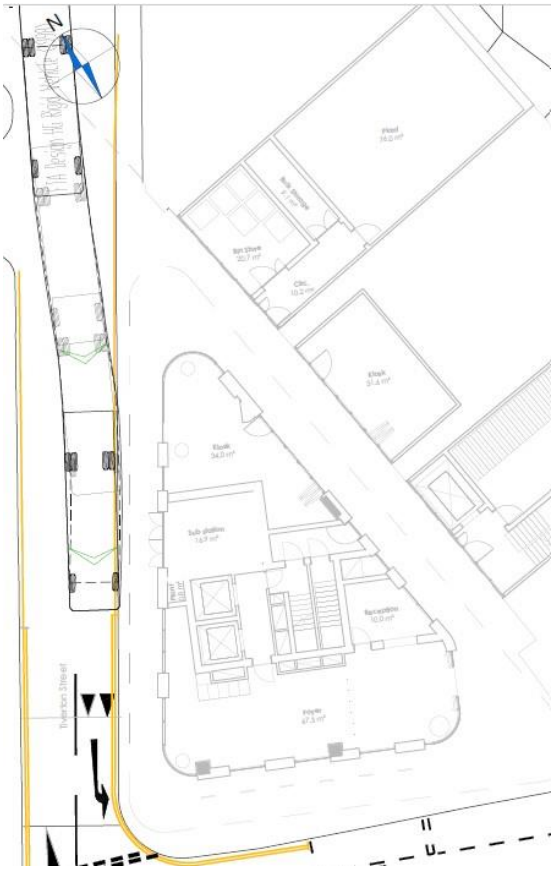


Image 57 (above): Tracking diagram of a rigid vehicle negotiating the parking spaces under the arch in order to pull up on the stretch of single yellow line.

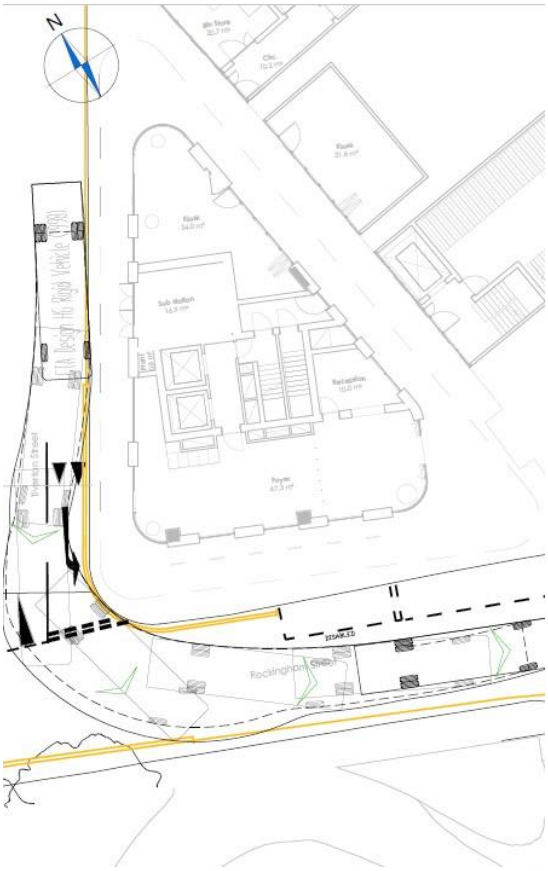


Image 58 (above): Tracking diagram of the left-turn manoeuvre made by a rigid vehicle from Tiverton Street into Rockingham Street.

403. This junction redesign is welcome, and is to be secured by way of a Section 278 Agreement.

Servicing/delivery hours

404. 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.

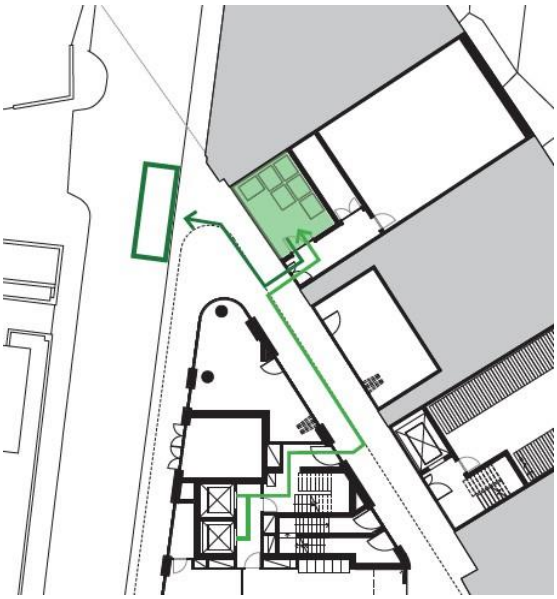
Conclusion on servicing/deliveries

405. 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.

406. 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

407. To store the combined volumes of refuse produced by the proposed uses, a dedicated facility is proposed within the northernmost arch. Waste would be collected daily by a private contractor. The proposed refuse storage has a built-in capacity for 2 days' worth of waste should a collection day be missed. Plans have been provided demonstrating that the refuse store has been sized to accommodate the refuse receptacles necessary to meet the volumes of waste generated by the student accommodation and flexible commercial unit, with sufficient manoeuvring and circulation space factored-in.



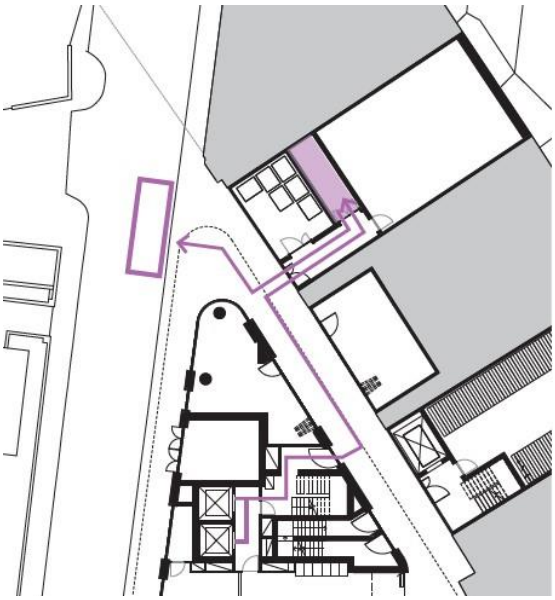


Image 59 (above): Refuse strategy

Image 60 (above): Bulk waste strategy

408. The Final DSP, to be required by condition, will secure the finalised refuse details including the collection arrangements.

Car parking

409. Policy T6 "Car Parking" 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.

410. Southwark Plan Policy P54 "Car Parking" echoes the London Plan, 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.

Disabled car parking provision

411. Containing 244 student bedspaces (the equivalent of 97.6 single homes), this development would be expected to provide three disabled parking spaces on site applying the London Plan standards.

412. The Southwark Plan requires a maximum of one car parking space per wheelchair accessible unit (which for this application would equate to a maximum of 13), depending on:

- the anticipated demand for parking spaces,
- the tenure of the development;
- The quality and accessibility of the local public transport network; and
- the access to local amenities.

413. The proposed development would be car free except for one disabled parking space, which would be provided on-highway on Rockingham Street. The applicant has put forward the following argument in favour of this provision:

"An assessment of disabled parking demand from student accommodation in London has been undertaken based on information provided by the University of the Arts (UAL). The data indicates that of the current 3,600 students living in UAL halls of residence, none are in the ownership of a blue badge permit. Therefore, there is an argument to provide no, or a reduced provision of, disabled parking when compared with the London Plan (2021").

414. Given the site's location and high PTAL rating, and taking into account the other factors as set out above, on balance this is an acceptable approach. An electric

vehicle charging point should be provided for the disabled parking space, and this will be required by condition.

Reducing car usage and rationalising on-street parking provision

415. Some respondents to the public consultation have noted that the Transport Assessment does not consider potential car use by students. The Controlled Parking Zone (CPZ) in place in this location provides adequate daytime parking control against on-street parking. Through an obligation in the Section 106 Agreement, all residents of the proposed development would be exempted from applying for parking permits.

416. As part of the Section 278 works, the applicant has agreed to relocate the existing parking spaces on the south-western side of Rockingham Street so that they are consolidated with one proposed space on the northeastern side of the highway. This is in the interests of pedestrian safety. Clustering the spaces in this way will also potentially allow for optimised use of the electric vehicle charging point.

Cycle parking

417. London Plan Policy T5 "Cycling" sets minimum cycle parking standards for different uses. Southwark Plan Policy P53 "Cycling" sets out a higher requirement than the London Plan standards.

418. The table below summarises the minimum cycle parking required by the Southwark Plan and London Plan, alongside the provision proposed by this application:

Cycle parking minimum policy requirements vs provision						
Land use	**Long-stay spaces**			**Short-stay spaces**		
	Requirement		**Provision**	**Requirement**		**Provision**
	SP '22	**LP '21**		**SP '22**	**LP '21**	
Student housing	244	183	204	25	7	12
Retail	2	0	0	4	4	
Total	**246**	**183**	**204**	**29**	**11**	**12**

Long-stay cycle parking

419. As the table above shows, the proposal would exceed the minimum London Plan requirement of 183 long-stay spaces. In total, 204 secure long stay cycle parking spaces for students would be provided – these would be located at ground and mezzanine level within the southernmost railway arch. The mix of formats would be:

- 87 two-tier Josta Stands [174 spaces] (85.3% of the total);
- 10 standard Sheffield Stands [20 spaces] (9.8% of the total); and

- 5 Sheffield Stands for use by accessible/larger cycles [10 spaces] (4.9% of the total).

420. As part of the planning application, indicative furnished layouts have been suppled showing the southernmost arch could comfortably accommodate the mix of long-stay formats, as listed above, with sufficient manoeuvring room for users. Access from the exterior into the interior of the two separate store rooms would be via two pass doors, in accordance with LCDS standards, to minimise tailgating opportunities. The mezzanine-level store room would be served by a cycle lift. CCTV is proposed at the entrance of the store to ensure safety and security. Full detailed plans of the cycle store and the stands will be required by obligation prior to first occupation of the building.

421. As the proposal includes a relatively small quantum of flexible commercial space, and because there will be limited number of on-site staff present at any one time in respect of the student accommodation, the non-provision of dedicated showers for non-resident cyclists is acceptable in this instance.

422. In addition to the 204 long-stay spaces detailed above, 12 pre-loaded folding cycle lockers (providing a total of 12 spaces) would be located within the foyer of the main building. This is a non-conventional form of long-stay cycle parking. Nevertheless, the provision is welcomed as an additional benefit of the scheme, as this typology removes the barriers to cycling that some students face, which include:

- the cost of renting London cycles;
- the difficulties in owning a private cycle (e.g. an international student for whom purchasing a cycle for their study duration would not be suitable, or a student staying in the accommodation during the summer let period).

423. As such, this provision can be advantageous to those who may not regularly choose, or may not have previously sought out, cycling as a means of travel. A planning obligation is recommended to ensure that the cycle lockers remain free-of-charge and for the exclusive use of student staying in the accommodation.

424. While for the purposes of this assessment, the long-stay requirement for the flexible commercial unit has been treated as zero, facilities could realistically be provided as part of the fit-out of the premises, given that the requirement is low (2 spaces).

425. It is recognised that the total number of long-stay spaces falls short of the Southwark Plan requirements, being 83% of the minimum (88% if including the lockers). Due to the constrained nature of the site, it would be very challenging for the applicant to meet these higher standards without significantly impacting on the overall provision of housing and/or amenity spaces within the scheme. While some weight should be given to the failure to meet the Southwark Plan standards, having regard to the other various benefits of the scheme, this matter would not warrant the refusal of planning permission.

Short-stay cycle parking

426. With regard to the proposed short-stay (visitor) provision, six stands all in a Sheffield format are proposed, providing 12 spaces in total. The stands would be sited on the stretch of Rockingham Street footway immediately to the southwest of the proposed tower. This is an appropriate location, as it would keep the Low Line clear of cycle storage.

427. Similarly to the long-stay provision, while the minimum London Plan requirement would be met by the short-stay provision, the minimum Southwark Plan requirement would not. Given that there is very limited public realm available around the base of the building and within the red line boundary of the site to accommodate visitor cycle parking, and having regard to the applicant's offer to contribute towards investment locally in TfL (Santander) docking stations, in this particular instance the shortfall is considered permissible.

Improving access to cycle hire options

428. Given that the town centre is a key destination and the development would introduce up to 7 new FTE employees to the site as well as up to 244 students when all rooms are occupied, the applicant has agreed to contribute £100,000 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 and Policy P53 of the Southwark Plan.

Legible London signage

429. The applicant has agreed, at the request of TfL, to make a contribution of £16,000 towards providing new and refreshed Legible London signage. This will be secured in the Section 106 Agreement.

Healthy Streets

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

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

- It would be car free save for one 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.

432. 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.

433. 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.

Transport summary

434. 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.

Environmental matters

Construction management

435. 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.

436. 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

437. 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 only a small portion of it is at risk of surface water flooding. The Environment Agency has reviewed the applicant's Flood Risk Assessment and considers it to be acceptable.

438. In terms of flood resilience and safety, the Council's Flood Risk Management Team has assessed the applicant's Flood Risk Assessment and is satisfied that:

- the site will not flood as a result of the 1 in 30 year rainfall event;

- there will be no flooding of buildings as a result of events up to and including the 1 in 100 year rainfall event;
- on-site flow as a result of the 1 in 100 year event (with a climate change consideration) will be suitably managed via adjusted floor levels directing flows away from buildings; and
- the basement storey will be safeguarded from ingress with suitable tanking.

439. Compliance with the Flood Risk Assessment will be secured by way of a condition, and a pre-commencement obligation will be imposed requiring submission of a Flood Warning and Evacuation Plan.

Sustainable urban drainage

440. The applicant's Drainage Strategy, which is contained within the applicant's Flood Risk Assessment, proposes that surface water flows would be attenuated through the use of a blue/green roof system, complemented by geo-cellular storage crates located beneath the paved areas around the base of the building. This has been deemed satisfactory by the Council's Flood Risk Management Team. Two conditions are recommended, one requiring details of the final surface water drainage system to be submitted prior to commencement of the development, and the other requiring submission of a verification report prior to occupation.

Land contamination

441. 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.

Basement-related impacts

442. A Basement Impact Assessment (BIA) was submitted with the application. It assesses predicted ground movements and estimates of any possible degree of damage (according to the Burland scale) on nearby structures and buildings. The BIA concludes that the properties adjacent to the proposed basement are not expected to suffer damage any greater than Damage Category 1 (Very Slight) whereas the buildings farther away are expected to suffer damage no greater than Damage Category 0 (Negligible). The Council's Environmental Protection Team has assessed the BIA and raised no objections.

Wind microclimate

443. 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 when determining planning applications, as does Policy P17 where the proposal is a tall building.

444. The applicant's Wind Microclimate Report concludes that:

- wind conditions with the proposed development in place would be no worse than the existing baseline scenario; and
- pedestrian thoroughfares and entrances at the site would have suitable wind conditions for the intended use.

445. When considering a future scenario including the cumulative proposed development within the area, wind conditions on site and in the nearby surrounding area would be calmer than with the existing surrounding buildings in situ.

446. Given that no wind or microclimate mitigation measures would be required and wind conditions surrounding the proposed development would be suitable and safe for the intended use or no worse than in the baseline scenario, it can be concluded that London Plan Policy D9 and Southwark Plan Policies P14, P17 and P56 have been met.

Air quality

447. An Air Quality Assessment 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

448. In terms of the construction phase, the Outline Construction Environmental Management Plan sets out a range of mitigation. Proposed measures include locating machinery and dust causing activities away from receptors, enclosing activities with screens and barriers to prevent dust dispersion, covering soil or debris mounds with tarpaulins to prevent dust becoming airborne, and ensuring all on-road vehicles comply with the London Low Emission Zone requirements.

449. 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

450. The Air Quality Assessment 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 Air Quality Assessment and raised no objection.

Light pollution

451. With respect to light pollution from interior sources, no undue effects would result from the occupation of the proposed commercial and residential uses.

452. 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 in the interests of minimising amenity harm to the surroundings. The proposed development includes the installation of lighting in the form of downlights and catenary illumination over the Low Line. These lighting additions would be set no higher than ground/mezzanine level, and not in close proximity to surrounding residential dwellings. As such, they would not result in overspill harmful to residential amenity.

453. In summary, the proposal does not raise light pollution concerns in this town centre and CAZ location. 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 Council prior to first occupation of the building; this will be secured by condition.

Fire safety

454. Policy D12 of the London Plan 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.

455. A Fire Strategy was submitted with the application; this was replaced by an updated version when the proposed development was amended mid-way through the application process to incorporate a second stair. The updated Fire Strategy includes a matrix that assesses the scheme for compliance against the relevant parts of Policy D12. Among other things, the Fire Strategy confirms that:

- the building would be served by two stairs for means of escape and fire service operations;
- the corridors that lead to both stairs on each floor would be separated, and that both of these corridors would have mechanical smoke ventilation;
- the lifts would stop at ground floor level and would not be connected to the basement level;
- the building would contain a single firefighting shaft incorporating a firefighting lift, evacuation lift, wet riser outlets and designed smoke ventilation system to the lobbies;
- all plant rooms and common rooms accessed from single direction escape would be provided with lobby protection to the residential corridor;
- a “stay put” policy would apply for the student rooms, but a “simultaneous evacuation” strategy would apply for all other ancillary areas (such as the common rooms);
- appropriate active fire protection system would be installed, including fire detection and alarm, emergency lighting and signage, sprinklers and smoke control systems;
- 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;

- Building Regulations Approved Document B compliance would be achieved; and
- the internal layout would achieve compliant travel distances.

456. The Fire Strategy was produced by fire risk engineering consultancy Orion Fire Engineering. The contents of the document have been checked and approved by a certified fire risk engineer (a Member of the Institute of Fire Engineers).

457. 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 Strategy.

Energy and sustainability

458. In the context of energy and sustainability policy, student housing is treated as a non-residential use.

459. 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 2021 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. The energy strategy for 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.

460. 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 ‘lean, green, clean and seen’ principles of the London Plan and requires non-residential buildings to be zero carbon with an on-site reduction of at least 40% against the Part L 2021 baseline. Any shortfall must be addressed by way of a financial contribution towards the carbon offset fund.

Energy and carbon emission reduction

461. Following the resolution of Part L software modelling issues in December 2022, The GLA has updated its Energy Assessment Guidance 2022 to confirm that all new major planning applications submitted from 1 January 2023 should now be assessed against Part L 2021 of the Building Regulations when assessing policy compliance for SI2. All major development planning applications that were submitted before 1 January 2023 (as is the case with 22/AP/1068) will continue to be assessed and determined using Part L 2013 of the Building Regulations. It

is for this reason that the following paragraphs of this report discuss the carbon savings performance of the proposal against Part L 2013.

Be Lean

462. In terms of meeting the 'be lean' tier of the hierarchy, a range of passive and active measures are proposed. The passive measures include:

- window 'g' values of 0.4 to maximise beneficial solar gain in winter and limit excessive solar gain in summer;
- optimised glazing ratio to reduce solar gains whilst ensuring access to daylight.
- the use of exposed concrete where possible to provide high thermal mass to moderate the cooling loads;
- low air permeability to reduce leakage through the façade and roof; and
- very high level of fabric performance across the whole development (0.15 W/m²K where the Building Regulations limiting value is 0.26 W/m²K);

463. The active measures include:

- low energy proposed lighting throughout the student accommodation;
- low energy light fittings with photocell (i.e. daylight compensation) controls in the common areas and auto on / auto off presence detection where appropriate elsewhere in the development; and
- energy efficient heat recovery ventilation systems in the student bedrooms, with automatic summer bypass.

464. These 'demand reduction' measures will achieve a 11% reduction in carbon emissions, falling short of the policy target of 15%.

Be Clean

465. The site is within an area identified as having district heating potential and is within a local heat study area, as identified within the London Heat Map. However, no district heating network with connection opportunities exists at the current time. As such, all parts of the student accommodation would be served by a centralised energy centre, which itself would draw from a centralised air-source heat pump system (ASHP).

466. By designing-in a futureproofed plant room at basement level, the opportunity to link the development into a wider district heating system would be safeguarded. This meets the requirements of Policy SI 3 of the London Plan.

467. As no immediate connection to a district heating network is proposed, no carbon savings are reported from the 'be clean' stage of the energy hierarchy.

Be Green

468. With respect to the 'be green' tier of the hierarchy, the applicant has proposed the following technologies:

- air source heat pumps (a mix of low and high temperature models) to supply heat and hot water; and
- photovoltaic panels (2.5kWp) with an area of 13.2 square metres (to be located on the south face of the plant screen at rooftop level) to supply direct current electricity.

469. On a side-wide basis, carbon emissions would be reduced by 54% 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

470. 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.

471. The applicant's Energy Statement calculates that unregulated per annum energy emissions for the development would be 57.4kWh/m2.

472. 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

473. 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.

474. The proposal would reduce on-site regulated carbon dioxide emissions by 64% over a notional building minimally compliant with the Building Regulations 2013, which is above the 40% on-site target. The performance is summarised in the below table:

Development CO2 Emissions from each stage of the Energy Hierarchy			
	Total Regulated Emissions	**CO2 Savings**	**Percentage saving**
Part L 2013 Baseline	285 tonnes CO2		
With **Be Lean** applied	254 tonnes CO2	31 tonnes CO2	11%
With **Be Clean** applied	254 tonnes CO2	0	0

With **Be Green** applied	102 tonnes CO2	153 tonnes CO2	54%
Cumulative saving		**183 tonnes CO2**	**64%**
Shortfall on carbon zero	**102 tonnes CO2**		

475. The energy savings, as detailed above, which take into account the decarbonisation of the electricity grid, demonstrate the good environmental and sustainability credentials of the proposed development. The total per annum shortfall in savings relative to carbon zero would, at a rate of £95/tonne for 30 years, generate an offset contribution of £289,881. The following paragraphs explain why an offset contribution generated by an assessment against the Part L 2021 baseline, no the 2013 baseline, will be secured in the Section 106 Agreement.

Implications of the change to the Part L 2021 baseline

476. An earlier part of this report explained why the proposal has been assessed and determined against the Part L 2013, rather than the Part L 2021, baseline.

477. Only where a planning application benefits from 'transitional arrangements' may the proposal be built to Part L 2013. These 'transitional arrangements' apply where:

- the proposal was registered with Building Control before 15 June 2022; and
- works commenced on-site before 15 June 2023.

478. Neither of the above are likely for this proposed development, given that planning permission will almost certainly not be issued before 15 June 2023 due to the need to complete the Section 106 Agreement. The proposal will therefore be expected to be built to Part L 2021.

479. The applicant recently commissioned a study of the performance of the proposed development against Part L 2021. The results indicate the proposal would reduce on-site regulated carbon dioxide emissions by 11% over a notional minimally compliant building. The performance is summarised in the below table:

Development CO2 Emissions from each stage of the Energy Hierarchy			
	Total Regulated Emissions	**CO2 Savings**	**Percentage saving**
Part L 2021 Baseline	29.8 tonnes CO2		
With **Be Lean** applied	28.3 tonnes CO2	1.4 tonnes CO2	5%
With **Be Clean** applied	28.3 tonnes CO2	0	0
With **Be Green** applied	26.5 tonnes CO2	1.8 tonnes CO2	6%

Cumulative saving		**3.2 tonnes CO2**	**11%**
Shortfall on carbon zero	**26.5 tonnes CO2**		

480. It must be recognised that the same building assessed under previous guidance (Part L 2013 of the Building Regulations with SAP 10 emission rates) resulted in a 64% CO2 reduction below the then baseline. The percentage saving of 11% reported by the recently-commission study is, therefore, largely a consequence of the change in reporting baseline. The Mayor's note to accompany the GLA Energy Assessment Guidance 2022 recognises that in the initial period following operationalisation of the Part L 2021 baseline, achieving the policy targets will be challenging particularly for non-domestic uses. The note says:

"Initially, non-residential developments may find it more challenging to achieve significant on-site carbon reductions beyond Part L 2021 to meet both the energy efficiency target and the minimum 35 per cent improvement. This is because the new Part L baseline now includes low carbon heating for non-residential developments but not for residential developments. However, planning applicants will still be expected to follow the energy hierarchy to maximise carbon savings before offsetting is considered".

481. On account of the above, the regulated energy savings performance of the proposal is considered acceptable. The total per annum shortfall in savings relative to carbon zero would, at a rate of £95/tonne for 30 years, generate an offset contribution of £75,549.

482. The £75,549 contribution will be secured through the Section 106 Agreement, with appropriate adjustment clauses should there be any improvements to the carbon emissions in the post-planning design development stages.

Whole life cycle and carbon capture

483. 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.

484. '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.

485. '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.

486. 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 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

487. 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:

- 739.48kgCO2e/m2 for Modules A1-A5 (covering the product sourcing and construction stages); and
- 387.68 KgCO2e/m2 for modules B to C (covering the in-use and end-of-life stages), excluding operational energy and water.

488. The benchmark set by the GLA for Modules A1-A5 is 850kgCO2e/m2, with an aspirational benchmark of 500 kgCO2e/m2 GIA. The benchmark for Modules B-C is 350kgCO2e/m2, with an aspirational benchmark of 300kgCO2e/m2. As such, the WLC performance for Modules A1-A1 is compliant is considered acceptable. While the performance for Modules B to C falls short of the benchmark, it does so by a relatively small degree. Two conditions to require two further stages of whole life-cycle carbon assessment in the detailed design and completion stages are proposed

Circular Economy

489. Southwark Plan 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" and 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.

490. A detailed Circular Economy Statement was submitted with the application, which sets out strategic approaches, specific commitments and the overall implementation approach.

491. The broad strategic approaches for the development include adopting lean design principles, minimising waste, specifying materials responsibly and sustainably, and designing for longevity, adaptability and flexibility. Ways this will be achieved include:

- minimising material use through prefabrication off-site;

- using as hardcore the contents of broke-up surfaces on site such as tarmacs and subbases;
- using steel with high recycled content;
- using concrete that has a minimum Ground Granulated Blast Furnace Slag (GGBS) value of 50%;
- making design and material selections in keeping with future weather requirements for better thermal performance and energy efficiency;
- using timber certified under the Programme of Endorsement of Forest Certification (PEFC) or Forest Stewardship Council (FSC);
- where possible giving preference to materials with Environmental Product Declarations;
- sizing the ASHP to meet the heating loads efficiently to ensure there is no wasted over capacity; and
- allowing for all major plant to dismantled and removed.

492. Specific targets committed to by the applicant include:

- diverting at least 95% of the waste from going into landfill or for incineration;
- requiring at least 20% of the total value of materials to be from manufacturers that use recycled and reused content in their products.
- ensuring the contractor prepares and implements a Site Waste and Resource Management Plan (SWMP/RMP).

493. 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 has referenced the GLA’s guidance in producing the Circular Economy Statement. Conditions are proposed requiring 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

494. London Plan Policy SI4 “Managing Heat Risk” details that major development proposals should 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 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.

495. 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).

496. The site is exposed to high ambient noise levels, meaning it would not be possible to maintain acceptable noise levels within the building if the windows were open for extended periods to mitigate the risk of overheating, therefore the occupied spaces are comfort cooled. However,

Minimise internal heat generation

497. Internal heat generation is to be minimised through measures including low energy lighting (to reduce lighting gains), low heating system water temperatures, and applying insulation to the communal pipework in excess of the Building Regulations and British Standards enhanced specification to avoid distribution losses.

Reduce heat entering the building

498. The heat entering the proposed development is to be reduced by a combination of measures. These include solar control glazing incorporating a G value of 0.4, deep reveals, the use of blinds on all fixed window panes, and the use of security screens on the opening panes

Manage the heat within the building

499. Good floor-to-ceiling heights would be achieved and floor slabs would be left partially exposed where possible.

Use passive ventilation

500. Despite the need for comfort cooling being established at the outset because of the noise levels locally prohibiting windows being open for extended periods, the applicant first assessed the student bedrooms and common rooms as naturally ventilated. The purpose of this exercise was twofold: firstly, to ensure solar gains were not excessive; and secondly, to demonstrate that overheating would not occur if natural ventilation was possible.

501. When assessing the student bedrooms and common rooms as predominantly naturally ventilated, all rooms were found to be compliant with Criterion 1 of the CIBSE Technical Memoranda, but the majority fell short of complying with Criterion 2 by between 1 to 30 hours per year. This can be attributed to the security screens to the windows of the student bedrooms having an impact on the ventilation rates overnight. Assessing the bedrooms as naturally ventilated spaces without the security screen in place (i.e. similar to a normal apartment arrangement) would result in full compliance. However, due the high ambient external noise levels and the attendant need to provide an installation that will accommodate the windows in the closed position throughout the year, a restricted level of comfort cooling is required (as discussed below).

Use mechanical ventilation

502. The student bedrooms would incorporate mechanical ventilation. This system, which would be stimulated when the air temperature reaches 22 degrees Celsius, would temper the fresh air, allowing the rooms to qualify as “Predominantly Mechanically Ventilated”. Essentially, the system provides 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 temperature (24 degrees Celsius), at which point the peak lop cooling system would kick in.

503. All student bedrooms are predicted to remain within acceptable temperature ranges as defined by CIBSE TM59, for predominantly mechanical ventilated dwellings, without the need to open the windows due to the high external ambient noise levels. The peak lop cooling is designed to allow elevated temperatures on hotter days to create conditions similar to those of a naturally ventilated space. Restricting the cooling capacity in this way minimises the energy consumed, while ensuring conditions are not higher than the upper temperature for an excessive number of hours. As full temperature control through the summer would not be available to the students, the bedrooms would not constitute ‘air conditioned’ spaces.

504. The communal corridors would be ventilated using an environmental ventilation system to remove excess heat from the corridors via the smoke ventilation system.

Use active cooling systems (low carbon)

505. While the steps taken in accordance with the cooling hierarchy, as set out above, would reduce the need for cooling, they would not be sufficient to avoid overheating risk throughout the year in all parts of the proposed development. As such, active cooling would be required in the form of highly efficient low carbon air source heat pumps to serve the common rooms, reception and staff offices where higher occupancy levels and equipment gains are anticipated. This is due to the need to keep the windows closed because of the external noise levels, particularly from the railway.

Summary

506. Following the cooling hierarchy, the applicant has demonstrated that the building cooling demand has been kept as low as possible with minimal solar gains. Active cooling is proposed for the development because –in this location where ambient noise levels are high, which in turns prohibits windows being open for long periods– 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 overall building efficiency would be enhanced. This is considered to be in compliance with London Plan Policy SI4 and Southwark Plan Policy P69.

BREEAM

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

Water efficiency

508. 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,
- a water meter on the mains water supply; and
- a leak detection system will be installed.

Digital connectivity infrastructure

509. 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.

510. To ensure London's long-term global competitiveness, Policy SI6 "Digital Connectivity Infrastructure" of the London Plan 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.

511. The applicant has not confirmed in writing that the development would have the incoming duct arrangements to suit the provisions from the local networks, or that by the time construction works are underway 1GB/s fire should be available. In this Major Town Centre location, it is very unlikely that delivering such digital infrastructure would prove difficult, and as such it is considered acceptable in this instance for the requirements of Policy SI6 post-decision through a Digital Connectivity Strategy planning condition.

Socio-economic impacts

512. London Plan Policy E11 "Skills and Opportunities for All" 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 Southwark Plan Policy P28 "Access

to Employment and Training", 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)

513. In accordance with the policy framework, there would be a requirement for this development to deliver training and employment during the construction phase only. Four construction industry apprentices, 17 short courses and 17 sustained jobs for unemployed Southwark Residents would be required. These would all need to be filled by the applicant in accordance with a Construction Phase Employment, Skills And Business Plan. These obligations will be secured through the Section 106 Agreement.

514. In terms of direct employment, the student housing element of the proposal has the potential to deliver up to 3 FTE positions, while the retail/service/dining unit has the potential to create up to 4. The maximum FTE additionality from the site would, therefore, be 7 jobs.

Planning obligations

515. London Plan Policy DF1 "Delivery of the Plan and Planning Obligations" and Southwark Plan Policy IP3 "Community Infrastructure Levy and Section 106 Planning Obligations" 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 and CIL 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

516. 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:

Obligation	**Mitigation / Terms**
Viability and affordable housing	
AFFORDBALE HOUSING PAYMENT IN-LIEU	Applicant is to pay a minimum of **£8,540,000 (subject to BCIS All in Tender Price Index)** in lieu of providing on-site affordable housing, equivalent to the maximum viable amount (as agreed between the applicant's viability consultants, GLA Viability officers and the Council's independent assessor). The total sum is to be paid in three tranches linked to stages of construction, as follows:

	- Instalment 1: 25% prior to implementation (i.e. **£2,135,000 BCIS All in Tender Price Index-linked**); - Instalment 2: 50% prior to completion (i.e. **£4,270,000 BCIS All in Tender Price Index-linked**); and - Instalment 3: 25% prior to first occupation (i.e. **£2,135,000 BCIS All in Tender Price Index-linked**). The staging set out above is in accordance with section 6.3.12 of the Council's Draft Affordable Housing SPD 2011.
	Applicant's Position**: Agreed**
AFFORDABLE HOUSING PAYMENT IN-LIEU COLLAR	When Instalment 3 is triggered, if the total PiL paid by the applicant (i.e. all three instalments) would amount to less than the agreed 'collar' of £11,161,826, **the applicant must pay the Instalment 3 baseline amount (of £2,135,000 BCIS All in Tender Price Index-linked) <u>plus</u> the outstanding difference necessary to bring the total PiL paid up to £11,161,826.**
	Applicant's Position**: Agreed**
AFFORDABLE HOUSING EARLY STAGE REVIEW	Early Stage Review Mechanism to be triggered if substantial implementation has not occurred within 24 months of planning permission being granted.
	Applicant's Position**: Agreed**
AFFORDABLE HOUSING LATE STAGE REVIEW	Late Stage Review to be required at first full year of occupation. In the event that an additional in-lieu affordable housing payment is required following the identification of a profit surplus through the Late Stage Review process, occupation of more than 75% of the student accommodation in the third academic year shall be prohibited unless and until said monies (index-linked) have been paid in full to the Council. The Late Stage Review cap shall be £1,300,000.
	Applicant's Position**: Agreed**
Local economy: Employment and training	

CONSTRUCTION PHASE JOBS/ CONTRIBUTIONS	Development to: - Deliver **17 sustained jobs** to unemployed Southwark residents, - Deliver **17 short courses**, and; - Take on **4 construction industry apprentices** during the construction phase. Or make the pro-rata Employment and Training Contribution which, at maximum, would be **£81,650**. This breaks down as: - **£73,100** against sustained jobs; - **£2,550** against short courses, and; - **£6,000** against construction industry apprenticeships.
	Applicant's Position**: Agreed**
CONSTRUCTION PHASE EMPLOYMENT, SKILLS AND BUSINESS	The Plan would be expected to detail: - methodology of training, skills, support etc.; - targets for construction skills and employment outputs; - methodology for delivering apprenticeships; and - local supply chain activity methodology.
	Applicant's Position**: Agreed**
Operation and management of student accommodation	
STUDENT MANAGEMENT PLAN	Prior to occupation of the development, a Final Student Management Plan is to be submitted to and approved by the Council. The Final Student Management Plan shall be based on the principles established by the application-stage Student Management Plan and shall include details of: - the day to day operation of the student housing to ensure noise and disturbance is minimised during the day- and night-time (including codes of behaviour / conduct and other protocols for managing breaches of acceptable behaviour); - the logistics and coordination of the move-in and move-out arrangements to minimise disruption to the public highway (and shall include specified management measures in respect of both the move-in and move-out period, not just the former, including coordination of arrangements with other student residences in the area so as to avoid overload at peak times);

	- deliveries and servicing management; - security and surveillance measures; and - strategies for establishing and managing relationships and lines of communication with local residents and other potentially affected parties. The approved Final Student Management Plan (as amended from time to time) shall be complied with throughout the lifetime of the development.
	Applicant's Position**: Agreed**
USE OF PREMISES	The development is: - not to be used and occupied for anything other than its authorised purpose as accommodation available for letting as student accommodation to students; - to be used at all times as a single planning unit, with no part of it to be rented, sold, sub-let, licensed or otherwise disposed of in any form as a separate planning unit; and - -with respect to all parts of the basement and ground floor of the building, prohibited from being used in the future for sleeping accommodation The student accommodation may be let to part time and full time students from UK registered educational institutions during the holiday period.
	Applicant's Position**: Agreed**
Railway arches activation	
RAILWAY ARCHES (EXTERNAL) WORKS SPECIFICATION	Prior to implementation, with the exception of any site clearance/demolition and archaeological investigative works, the developer is to submit a 'Railway Arches (External) Works Specification' to the Council and receive its approval in writing. The 'Railway Arches (External) Works Specification' shall set out how the western elevation of the viaduct (and the three arches contained therein) between Tiverton Street and Rockingham Street shall be externally refurbished. The Specification shall comprise: - detailed drawings (plans, sections, large scale details etc.); - finishes schedule and samples of proposed materials to be used (door and window frames for the arch infills including spandrels, the decorative lattice-style panel insets etc.);

	- the external lighting strategy and details of any CCTV equipment; - signage details; - details of any boundary enclosures and entry gates; - demonstration that principles of Secured by Design have been incorporated; - commentary about how the external works have been designed and detailed to account for / respond to the placement of planters immediate in front of the façade on the Low Line; and - details of the phasing and timing for delivery. Thereafter, and for the lifetime of the development, the as-built external works shall be maintained in good working order (and refurbished as necessary) and the building owner shall commit to keeping/funding any illuminated signage or other illuminated features fully operational.
	Applicant's Position**: Agreed**

RAILWAY ARCHES (INTERNAL) WORKS AND CYCLE STORAGE SPECIFICATION	Prior to implementation, with the exception of any site clearance/demolition and archaeological investigative works, the developer is to submit a 'Railway Arches (Internal) Works and Cycle Storage Specification' to the Council and receive its approval in writing.
	
	The 'Railway Arches (Internal) Works Specification' shall set out how the three arches within the stretch of viaduct between Tiverton Street and Rockingham Street shall be internally refurbished. The Specification shall comprise:
	
	- detailed drawings (plans, sections, large scale details etc.);
	- schedule of finishes (to include the floor finish);
	- demonstration that principles of Secured by Design and inclusive access have been incorporated;
	- lift maintenance strategy;
	- commentary about how the external works have been designed and detailed to account for / respond to the placement of planters immediate in front of the façade on the Low Line;
	- details of the phasing and timing for delivery and
	- cycle storage details (1:50 scale drawings) of the facilities to be provided for the secure and covered storage of cycles, to comprise:
	  - no fewer than 87 two-tier Josta Stands [174 spaces];
	  - no fewer than 10 standard Sheffield Stands [20 spaces];

	- 5 Sheffield Stands for use by accessible/larger cycles [10 spaces]; and - (should there be sufficient space) lockers, showers and any other end-of-journey facilities. Thereafter, and for the lifetime of the development, the as-built internal works shall be maintained in good operational order (and refurbished as necessary) and shall not be used for any purpose other than: - the approved refuse storage (northern arch); - the approved flexible commercial use (middle arch); and - the approved cycle storage (southern arch); with in all three cases unfettered access to be made available to the eligible users.
	Applicant's Position**: Agreed**
Retention of architectural design team	
ARCHITECT NOVATION	The ongoing involvement of the original design team (i.e. Maccreanor Lavington Limited) shall be secured through the post-permission stages of the design process up to the practical completion of the building.
	Applicant's Position**: Agreed**
Publicly-accessible open space	
DETAILED DESIGN	Prior to implementation, with the exception of any site clearance/demolition and archaeological investigative works, the developer is to submit a Publicly-accessible Open Space Specification for all areas of privately-owned publicly-accessible open space to the Council (specifically the Local Planning Authority, who shall liaise with the Highways Authority) and receive its approval in writing. The Publicly-accessible Open Space Specification shall demonstrate that the publicly-accessible open space has been designed to an adoptable standard (in accordance with the SSDM) and shall comprise: - detailed drawings (plans, sections, levels etc.); - details of street furniture (cycle stands, seating, bollards etc.); - details of planting; - details of external lighting and CCTV; - details of any boundary enclosures and entry gates;

	- finishes schedules and samples of proposed materials; - demonstration that principles of Secured by Design have been incorporated; and - details of the phasing and timing for delivery.
	Applicant's Position**: Agreed**
DELIVERY AND SHORT-TERM MANAGEMENT	Upon receipt of a Provisional Completion Certificate from the Council, the developer shall make the publicly-accessible open space available to the public (in accordance with the access hours and permitted rights of closure). Any defects within the first 12 months of opening are to be rectified by the developer. At the end of the initial 12 month period, the developer is to seek and receive from the Council a Final Completion Certificate.
	Applicant's Position**: Agreed**
LONG-TERM MANAGEMENT	No part of the development shall be occupied until the developer has submitted to and received approval from the Council of a Public Realm Management Plan. The Plan shall: - set out a methodology to ensure the Low Line is kept free from obstruction; - set out the servicing arrangements for both the main building and the railway arches, together with a method for both controlling and monitoring this; - maintenance and cleaning arrangements; - demonstrate accordance with the Public London Charter LPG; and - include the name of the person(s) responsible for ensuring the effective provision of the publicly-accessible open space as public realm. The developer covenants to manage, maintain and allow public access to the publicly-accessible open spaces except for a limited period in certain circumstances (fire, flood etc.).
	Applicant's Position: **Agreed**
HOURS OF ACCESS	The publicly-accessible open spaces shall be open 24 hours a day every day of the week including Bank Holidays (with the exception of the rights of closure detailed below).

	Applicant's Position**: Agreed**
RIGHTS OF CLOSURE	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.
	Applicant's Position: **Agreed**
Off-site Public Open Space Mitigation	
NEWINGTON GARDENS ENHANCEMENT CONTRIBUTION	Prior to occupation, the developer is to contribute **£108,214** (index linked) (equating to £443.50 per student bed space) for improvement and maintenance works to Newington Gardens, required because of the increased use of the gardens by occupiers of the development.
	Applicant's Position**: Agreed**
Archaeology	
MONITORING AND SUPERVISION CONTRIBUTION	On signing of the Section 106 Agreement, a sum of **£11,171** is to be paid by towards monitoring and providing technical archaeological support during the works on and in the vicinity of the site.
	Applicant's Position**: Agreed**
Transport impacts mitigation	
TfL DOCKING STATION CONTRIBUTION	Prior to implementation, with the exception of any site clearance/demolition and archaeological investigative works, the developer is to contribute **£100,000** towards expansion of one or more TfL cycle docking stations in the vicinity of the site
	Applicant's Position: **Agreed**
LEGIBLE LONDON SIGNAGE	Prior to implementation, with the exception of any site clearance/demolition and archaeological investigative works, the developer is to contribute **£16,000** towards provision of new Legible London signage and/or and to enhance existing Legible London signage on the site and/or within the vicinity.
	Applicant's Position**: Agreed**

LOCAL PUBLIC REALM UPGRADES CONTRIBUTION	Prior to implementation, with the exception of any site clearance/demolition and archaeological investigative works, the developer is to pay a contributory sum of **£48,848** towards necessary local public realm improvements to the Borough Road Network. The sum breaks down as follows: - **£20,640** towards the reconstruction of footway along Tiverton Street; - **£8,208** towards the reconstruction of footway along Rockingham Street; - **£20,000** towards a raised table on Rockingham Street. Works are be carried out by the relevant highway authority.
	Applicant's Position**: Agreed**
LONG-TERM PROVISION OF CYCLE LOCKERS FREE-OF-CHARGE	Prior to occupation, the pre-loaded folding cycle lockers shall be installed and available for use, and thereafter for the lifetime of the development the cycles shall remain free-of-charge and for the exclusive use of student staying in the accommodation.
	Applicant's Position**: Agreed**
DELIVERY AND SERVICING MONITORING PLAN	Prior to occupation, a Delivery and Servicing Monitoring Plan is to be submitted to and approved by the Council. The Delivery and Servicing Monitoring Plan shall set out the method for monitoring and recording the number of servicing and delivery trips to and from the development.
	Applicant's Position**: Agreed**
DELIVERY AND SERVICING MANAGEMENT BOND	Prior to occupation, a Delivery and Servicing Bond is to be paid to the Council. The bond will be **£9,733**, comprising: - a cash deposit of **£8,133** (index linked), calculated on the basis of £100 per three bedspaces; and - a monitoring fee of **£1,600** to cover the Council's costs of assessing the quarterly monitoring. For a period of two years from opening of the student accommodation scheme the daily vehicular servicing activity of the site is to be monitored (in accordance with the approved Delivery and Servicing Monitoring Plan) and returns made on a quarterly basis. If the site meets or betters its own baseline target the Delivery and Servicing Management Cash Deposit will be returned to the

	developer within 6 months of the end of the monitoring period. If the site fails to meet its own baseline the cash deposit will be made available for the Council to utilise for sustainable transport projects in the ward of the development. Irrespective of whether the development meets or fails to meets is baseline target, the Council will retain the monitoring fee.
	Applicant's Position**: Agreed**
BUS SERVICES CONTRIBUTION	Prior to implementation, with the exception of any site clearance/demolition and archaeological investigative works, the developer is to contribute **£135,000** (index linked) towards improved easterly bus services in the vicinity of this development
	Applicant's Position**: Agreed**
Highway impacts mitigation	
BOROUGH ROAD NETWORK: SCOPE OF S278 WORKS	Prior to implementation, with the exception of any site clearance/demolition and archaeological investigative works, the developer is to submit the Section 278 Highway Works Specification, detailed design and estimated costs to the Council (specifically the Local Planning Authority, who shall liaise with the Highways Authority) and receive its approval in writing. This Specification, detailed design and estimated costs shall comprise the following works, and all shall be constructed in accordance with SSDM standards: − construct a raised table/junction entry treatment on Arch Street; − re-organise/reconstruct the cycle route at the western end of Rockingham Street; − relocate the 'No Entry' sign on the western side of Rockingham Street; − improve the turning radius/entry treatment at the Rockingham Street/Tiverton Street junction; − reposition the two parking spaces opposite this development on Rockingham Street (works to include road marking and signage), and in connection with this promote a TMO; − install a loading bay on Tiverton Street; − repave/relay the footways and kerbing (including the elimination of three redundant vehicle crossovers):

	• to the front of the site along Rockingham Street and Tiverton Street; • along Tiverton Street towards Newington Gardens; and • along Arch Street; – refresh road markings following kerb installation; – provide a dropped kerb for refuse bins access; – upgrade street lighting to current standards; and – repair any damage to the highway (including any inspection covers and street furniture) due to construction activities for the development including construction work and the movement of construction vehicles.
	Applicant's Position**: Agreed**
BOROUGH ROAD NETWORK: S278 AGREEMENT DEADLINE	Prior to commencement of the agreed highway works, the developer is to enter into a Highway Agreement under Section 278 (and Section 38).
	Applicant's Position**: Agreed**
BOROUGH ROAD NETWORK: S278 WORKS DELIVERY	All works agreed under the Highway Agreement shall be completed within the agreed timeframe.
	Applicant's Position**: Agreed**
BOROUGH ROAD NETWORK: S278 DETAILED DESIGN	Prior to implementation, with the exception of any site clearance/demolition and archaeological investigative works, the developer is to submit the 'Highway Works Specification and Estimated Costs' for approval. Prior to Implementation, an Approval in Principle (AIP), relating specifically to the basement element of the proposed development, shall be submitted to and received approval from the Council (specifically the Local Planning Authority, in liaison with Council's Highways Structures Team).
	Applicant's Position**: Agreed**
PARKING PERMIT ELIGIBILITY EXCLUSION	All future occupiers shall be prohibited from being eligible for CPZ parking permits.
	Applicant's Position**: Agreed**
Energy and sustainability	

FUTURE-PROOFED CONNECTION TO DISTRICT CHP	Prior to occupation, a CHP 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 CHP.
	Applicant's Position**: Agreed**
CARBON OFFSET PAYMENT 1	The development as built is to achieve the carbon reduction set out in the submitted Application Stage Energy Strategy. Prior to implementation, with the exception of any site clearance/demolition and archaeological investigative works, the developer shall pay an off-site contribution of 50% of the total application stage predicted carbon shortfall (34.06 tonnes/CO2). This equates to 17.03 tonnes/CO2. Calculated applying the Council's current tariff rate of £95/tonne for 30 years, this is **£48,540.00** (index linked).
	Applicant's Position**: Agreed**
CARBON OFFSET PAYMENT 2	No later than 4 weeks following occupation of the development, the owner shall submit an Occupation Stage Energy Strategy to the Council for approval. 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. 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). The sum 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 Council issue its approval in writing. In the event that the Strategy demonstrates carbon savings greater than the outstanding balance of 34.06 tonnes/CO2 have been achieved, the developer will be eligible for a proportionate disbursement from the monies paid as part of Carbon Offset Payment 1. 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 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. The Occupation Stage Energy Strategy shall be complied with in completing and occupying the development.
	Applicant's Position**: Agreed**
REVIEW OF AGREED CARBON TARGETS	On the first and third anniversaries of occupation, the applicant shall submit a Post-Occupation Energy Review verifying that the Agreed Carbon Targets continue to be achieved in the immediate post-occupation period. 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.
	Applicant's Position**: Agreed**
BE SEEN MONITORING	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. 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. 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. 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 Be Seen Mitigation Measures Plan comprising of measures that are reasonably practicable to implement, along with a proposed timescale for implementation. The measures shall be implemented in accordance with the approved Be Seen Mitigation Measures Plan.
	Applicant's Position**: Agreed**
Administration	
Monitoring	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**: Agreed**

517. In the event that a satisfactory legal agreement has not been entered into by 24th October 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

518. 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.

519. The gross amount of CIL is approximately £1,509,795, consisting of £492,998 Mayoral CIL and £1,016,797 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

520. This application was accompanied by a Statement of Community Involvement, confirming the public consultation that was undertaken by the applicant during the pre-application phase. The table below summarises this consultation:

Consultation Undertaken by Applicant: Summary Table	
Date	**Form of consultation**
Meetings (Pre-application engagement)	
October 2021	Meeting with the Cabinet Member for the Climate Emergency and Sustainable Development
Public Consultation Events (pre-application phase)	
November 2021	• A letter was sent to four key local political and community stakeholders introducing the applicant and inviting them to the 11th November public consultation event. • A flyer was delivered to all 410 addresses at Metro Central Heights, and a pile of flyers was placed at reception. • The same flyer was delivered to 1,969 further residents. • A dedicated consultation website, www.5-9rockinghamstreet.co.uk, was launched so that residents could learn more about the proposals and provide their feedback. • A letter was sent to the four key local political and community stakeholders, offering a follow-up meeting. • A public consultation event held at “Etc Venues”, 6 Avonmouth St (4-minute walk from the site) between 3:30pm and 6:30pm on 11th November 2021.
January 2022	• A newsletter and invitation to the 13th January public consultation event was delivered to 673 local addresses. • An update was made to the dedicated consultation website, www.5-9rockinghamstreet.co.uk, so that it contained the latest information about the proposals. • Dedicated online slots were set-up through Eventbrite, for 11th January and 13 January 2022.

	• An online (due to COVID-19 restrictions) public consultation event held between 5:30pm and 6:30pm on 13th January 2022.

521. 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.

522. 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 of the second round of pre-application consultation, 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.

523. Although no direct community engagement was undertaken by the application at the planning application stage, following closure of the Council's public consultation process, the applicant prepared a 'response' letter together with additional documentation addressing the matters raised. The extent and format of application stage community engagement is considered adequate.

524. 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 Council are set out in the appendices. The responses received are summarised earlier in this report.

Consultation responses from external consultees

Bakerloo Line Extension Safeguarding Unit

525.
- No objection/comments.
  - ***Officer response:*** Noted.

City Airport

526.
- No objection/comments.
  - ***Officer response:*** Noted.

City of London

527.
- Did not wish to comment.

Civil Aviation Authority

528. • Did not wish to comment.

Environment Agency

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

Heathrow Airport

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

Historic England

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

GLA [Stage I response]

532. Retail floorspace

- The Council should seek to restrict the floor area of the flexible retail/service/dining unit to active uses in line with the current submission.
  - ***Officer response:*** A condition to this effect has been included on the draft decision notice.

533. Student accommodation

- The scheme does not meet the strategic London Plan requirement which, along with demonstrating a need for a new PBSA development, is to ensure the accommodation will be supporting London's HEIs.
  - ***Officer response:*** In providing student accommodation within a Major Town Centre that is home to two universities, both within a short walk of the site, and in a location benefiting from a PTAL of 6B that is well connected to other higher education providers in London, it is considered that the proposal would support London's HEIs. The applicant has provided market research suggesting that there is a need for the student housing. An earlier part of this report entitled 'Student accommodation' sets out in detail the evidence of demand for the student housing.

- To follow the Fast Track Route the amount of affordable student accommodation provided should be at least 35% of student bedrooms in the development. If the required threshold for affordable student accommodation is not met, a scheme will be considered under the Viability Tested Route.

- ***Officer response:*** The applicant is not offering affordable student accommodation as part of the proposal, and therefore has pursued the Viability Tested Route. The GLA's viability team have been involved in the viability negotiations through the course of the planning application process.

- It is expected that the following will be secured by obligation by the time the application has progressed to the Mayor's Stage II decision-making stage:
    - The occupation of the student accommodation would be restricted to full-time students from local HEIs; and
    - A commitment that the majority of the student accommodation (including all affordable bedrooms) would be secured through a nominations agreement for occupation by students of one or more higher educational providers; and that the agreement must be in place from initial occupation; and to commit to have such an agreement for as long as the development is used for student accommodation.
  - ***Officer response:*** While the first of these bullet points would be achieved, the scheme is being put forward by the applicant as 100% direct-let, and as such none of the rooms would be secured under the nominations agreement referred to by the second bullet point. The 100% direct-let model is supported by the policies of the more up-to-date and locally-specific Southwark Plan, and as such the Council considers the development should be exempt from entering into a nominations agreement. The rationale for this is explained in detail in the 'Student accommodation' section of this report.

- Where the majority of the accommodation would not be secured through a nominations agreement, the development would need to be assessed as large-scale purpose-built shared living. When assessed as large-scale purpose-built shared living, the proposal would not conform to the detailed design criteria for amenity space and quality of accommodation
  - ***Officer response:*** Owing to the supportive position of the Southwark Plan regarding the principle of 100% direct-let PBSA, when assessing whether the accommodation proposed by this planning application would provide adequate functional living space and layout, it is considered appropriate to do so against the standards set by Criterion 5 of Policy H15(A) rather than Policy H16. As set out in the 'Quality of Residential Accommodation' part of this report, the proposed accommodation is considered to be compliant with Criterion 5 of Policy H15(A).

- The applicant should confirm whether it intends to use the accommodation during vacation periods for ancillary uses and this should be appropriately secured through conditions and/or a Section 106 agreement.
  - ***Officer response:*** For an 11-week period from late June to early September, summer lets will be permitted to part time and full time students from UK registered educational institutions. This will be secured through an obligation in the Section 106 Agreement.

534. Viability

- The applicant must provide information on the overall potential quantum of conventional affordable housing habitable rooms that could be delivered by the off-site contribution
  - ***Officer response:*** The £8,540,000 could deliver as many as 85.4 habitable rooms of conventional affordable housing. Depending on the effects of inflation between now and the date the final payment-in-lieu instalment is made, the total payment-in-lieu may be more than the inflation-adjusted £8,540,000, and as such the number of habitable rooms that could be delivered may be even higher.

- Both an early and late review mechanism will be required.
  - ***Officer response:*** Both reviews will be secured through the Section 106 Agreement.

535. Affordability of direct-let student accommodation

- Providers of PBSA should develop models for the delivery of PBSA in London which minimise rental costs for the majority of the bedrooms in the development and bring these rates nearer to the rate of affordable student accommodation.
  - ***Officer response***: The proposed development would include range of accommodation typologies such that there would be options accessible to a range of students depending on their financial circumstances. The FVA submitted with the application indicates that rental levels would be in line with those charged by other direct-let schemes locally. All rents would also be inclusive of bills, which provides financial certainty for prospective occupiers.

536. Quality of student accommodation

- GLA is concerned that the function of some of the units could be compromised due to a combination of irregular size and shape. The units are very compact, and it is not apparent that units could all accommodate essential features such as storage, wardrobes and desk space along with the inclusion of kitchen space. The applicant should reconsider the size and internal layout, and convincingly demonstrate that the development meets the Policy H15 requirement to providing adequate functional living space and layout.
  - ***Officer response:*** Similar concerns were raised by Council officers during the application process. In response, the applicant amended the layouts mid-way through the planning application process to provide more spacious and practical accommodation. Detailed analysis of the finalised accommodation offer is provided in the 'Quality of residential accommodation' section of this report.

- Considerations relevant to unit quality including privacy, ventilation, noise and thermal comfort will also need to be considered at Stage II.

- ***Officer response:*** Detailed analysis is provided in the 'Quality of residential accommodation' section of this report.

- The internal/communal amenity space is not distributed evenly across all the floor levels.
  - ***Officer response:*** It is considered that the location of the amenity spaces (in the revised design) is acceptably distributed both at lower levels and upper levels of the building, being split across four different levels. It would allow for different sizes of gatherings and greater flexibility for the use by students.

- Any internal amenity spaces should be secured for use by students only within the S106 agreement.
  - ***Officer response:*** The use restriction within the Section 106 Agreement will cover the entirety of the student accommodation.

537. Design, heritage and tall building considerations

- The proposal must undergo a DRP or demonstrate that it has undergone a local borough process of design scrutiny, based on the principles set out in Policy D4(E).
  - ***Officer response:*** The proposal was subject to a multiple-stage design scrutiny process from Council planning, urban design and conservation officers. This ran through the pre-application stage and into the planning application process. It is considered that this meets the expectations of Policy D4(E).

- Key design details, for instance review of materials, should be secured as part of any planning application to achieve and maintain the highest design quality, ensuring that the architectural quality and materials remain of an exemplary standard.
  - ***Officer response:*** Appropriate conditions have been included on the draft decision notice.

- As set out in London Plan Policy D4, the ongoing involvement of the original design team should be conditioned to monitor the design quality through to completion.
  - ***Officer response:*** The applicant is willing to agree to architect novation.

- The Council should be satisfied that the optimisation of both the application site and the S.A.H site opposite to the northwest can be achieved and that any necessary design mitigation measures are incorporated.
  - ***Officer response:*** Council officers are satisfied, as explained in the 'Impact of proposal on development potential of nearby land' section of this report.

- The Low Line frontage features (lighting, signage etc.) should be appropriately secured, given their important contribution to the activation

of the Low Line and for surveillance. The mechanism must be robust, given that the arches fall outside of the identified ownership boundary.
  - ***Officer response:*** The scheme of lighting and signage will be secured by way of a 'Railway Arches (External) Works Specification' obligation in the Section 106 Agreement. A similar specification will be included in the Section 106 Agreement for the internal facilities.

- To ensure compliance with London Plan Policies D13 and D14, any required design mitigation measures in respect of noise and vibration should be appropriately secured.
  - ***Officer response:*** As set out in the 'Noise and vibration' section of this report, conditions are recommended to: limit plant noise; control inter-use noise transfer; require the submission of a vibration and re-radiated noise assessment pre-occupation of the accommodation; and limit the use of the commercial floorspace and any associated outdoor dining furniture to neighbourly hours.

- The applicant should work with the Council to ensure that any aviation or telecommunication impacts arising from the development are suitably addressed and that no significant detrimental effect on solar energy generation on adjoining buildings would result.
  - ***Officer response***: Arqiva –the organisation responsible for providing the BBC, ITV and the majority of the UK's radio transmission network, as well as for ensuring the integrity of Re-Broadcast Links– has raised no objection to the proposal. All aviation-related consultees are satisfied that the proposal would cause no impacts.

- GLA officers have identified that there would be less than substantial harm resulting to the setting and significance of the Grade II Metro Central Heights which would need to be weighed against the public benefits of the proposal. The results of the assessment by the Council on the proposal's impact on heritage assets will also be reported to and taken into account by the Mayor at Stage II.
  - ***Officer response:*** Noted. The Council's heritage impact assessment is set out in detail in the 'Design' section of this report.

538. <u>Inclusive design</u>

- The application as originally submitted proposed that, should there be demand, six wheelchair units could be created by combining two standard studios to become one wheelchair studio. The GLA question how affordable this would be for end disabled users.
  - ***Officer response:*** The applicant amended the design of the proposal mid-way through the planning application process, which included omitting altogether the proposal for converting side-by-side studios into a single large wheelchair use studio should there be demand. Instead, and as per the 'Quality of residential accommodation' section of this report, the policy requirement for 5% of the bedspaces to be wheelchair homes would be delivered up-front into the form of 13 wheelchair

studios, five to M4(3)(2)(a) equivalent and eight to M4(3)(2)(b) equivalent.

- An accessibility and inclusive design statement should be a planning application submission item, with consideration given to Part B of Policy D5 and supporting paragraph 3.5.3. Although this has not been provided, GLA officers are generally satisfied that the information provided throughout the submission is proportionate as GLA officers do not anticipate any further adverse impacts with regards to inclusive access would arise as a result of the development.
  - ***Officer response:*** Noted. No further information will be sought from the applicant by condition or obligation.

- The Council should secure the accessible bedrooms by condition.
  - ***Officer response:*** A condition to this effect is included on the draft decision notice.

539. Public realm

- The management and maintenance of the public realm, which must be in accordance with the Public London Charter LPG, should be appropriately secured.
  - ***Officer response:*** A Public Realm Management Plan will be secured through the Section 106 Agreement.

540. Digital connectivity

- The Council should ensure provision of sufficient ducting space for full fibre connectivity infrastructure is provided to all end users within new developments, unless an affordable alternative 1GB/s capable connection is made available to all end users.
  - ***Officer response:*** A digital connectivity strategy is to be required by condition.

541. Fire safety

- The applicant's Fire Strategy does not provide the level of detail required to satisfy the requirements of London Plan Policies D5, D12(B) and the recently published draft Fire Safety Guidance. A revised fire statement should be submitted and secured by condition, and fire evacuation lift(s) should be secured by condition.
  - ***Officer response:*** Further information has since been prepared and submitted by the applicant. This has been reviewed by the HSE, who are satisfied that fire safety considerations from a planning perspective have been fully addressed. Compliance with the applicant's Fire Strategy will be secured by condition; this is considered sufficient to ensure the fire evacuation(s) are retained and used for this purpose for the lifetime of the development.

542. Wind microclimate

- In terms of the wind environment, impacts to the surrounding public realm and streets must be carefully considered and where necessary, mitigation measures incorporated into the design and secured by the Council.
  - ***Officer response:*** The applicant's Wind Microclimate Report finds that no wind or microclimate mitigation measures would be required and wind conditions surrounding the proposed development would be suitable and safe for the intended use or no worse than in the baseline scenario.

543. Air quality

- Conditions should be imposed, requiring on-site plant and machinery to comply with LRMM Low-Emission Zone standards, and measures to control emission during the construction phase should be included in the Air Quality and Dust Management Plan (AQDMP) or Construction Environmental Management Plan.
  - ***Officer response:*** These requirement will be secured through the Final Construction Environmental Management Plan. The AQDMP will form an integrated part of the latter.

544. Transport

- Transport comments as per TfL's sent under separate cover.
  - ***Officer response:*** See comments, and officer response where relevant, under the 'Transport for London (TfL)' bullet point below.

545. Energy and carbon reduction

- The applicant is required to submit additional energy information, regarding: 'be lean' measures and efficiencies; energy costs to consumers; overheating and active cooling; further information on potential for connection to district heating and future-proofing; further information on the ASHP; reconsideration of PV potential; 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 Council considers to be adequate. Liaison has also taken place with the GLA, as a result of which the Energy Statement has been updated to include changes such as omitting cooling loads associated with the student rooms and the inclusion of photovoltaic panels on the roof. The final agreed version of the Energy Statement is V08 dated 13.03.2023. A contribution towards the Carbon Green Fund will be secured through the Section 106 Agreement. With regards to energy costs, rooms are let for an academic year, and the fuel costs would be included within the rent agreement which is fixed for each academic year; any increase in fuel cost would be met by the accommodation provider.

- Confirmation that that commercial element should be included within the energy statement and reported CO2 emissions.
  - ***Officer response:*** The applicant's updated energy statement (V08 dated 13.03.2023) confirms that the commercial space has been included. The emissions from this space have a minimal impact on the overall building emissions.

- Matters identified in the GLA Energy Memo should be resolved in discussion with GLA officers prior to the Council's determination of the scheme.
  - ***Officer response:*** Since receipt of the GLA Stage I response, the applicant has liaised with the GLA's Energy division regarding memo. It is understood that the memo now meet's the GLA's requirements.

546. Whole life cycle and circular economy

- A fully completed GLA WLC template should be submitted as an Excel document, and a post-construction assessment 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 matters such as the bills of materials 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.

547. Urban greening

- More information is required to determine whether the scheme's UGF score is compliant, namely:
    - Confirmation whether the existing vegetation east of the railway within the site boundary, categorised in the applicant's UGF calculation as semi natural vegetation, would be retained and managed as semi natural vegetation in the long term. It is noted that the management plan sets out the need for plug planting new plants in this area which appears contradictory;
    - Why it is not possible to increase the proportion of the roof space covered by a green roof.
    - Confirmation whether the proposed climbers on the north-eastern facing facades are realistic, given the low light levels due to the orientation and adjacent railway that would cause shading; and
    - A review to confirm whether additional planting could be included at ground level.
  - ***Officer response:*** Mid-way through the planning application process, the applicant made revisions to the roof plan and maintenance access to enable the provision of 39 square metres of extensive green roof. In addition, to maximise the planting at ground level, 5 planting boxes

would be added to the eastern side of the passageway – four in front of the northern arch, one in front of the southern. These changes had the effect of increasing the UGF from 0.14 to 0.18. The applicant has addressed this in detail in their Design and Access Statement Addendum (received 14th July 2022). The planting species proposed are suitable for growing conditions with lower levels of sunlight, and final details / species are to be secured by planning condition.

- The applicant should seek to maximise all potential options for additional greening
  - ***Officer response:*** As set out in the 'Urban Greening' section of this report, it is considered that greening opportunities have been exhausted. A planning condition is recommended to ensure the scheme as built would achieve the score.

548. Flood risk and drainage

- The Flood Risk Assessment requires amendments to give appropriate regard to emergency planning and flood resistance/resilience measures due to the risk of tidal/reservoir breach flooding at the site (in particular to protect sensitive plant and to provide a safe haven on the upper floors).
  - ***Officer response:*** The applicant has submitted an updated Flood Risk Assessment to address these points, and the GLA will be able to comment again on this as part of the Stage 2 process.

- The extents of green/blue roofs should be indicated on a plan
  - ***Officer response:*** The roof plan was amended in July 2022 to respond to this issue. The amended roof plan incorporates green roof of a total coverage of 39 square metres. The applicant contends that this is the maximum coverage possible due to the available space at roof level needing to accommodate ASHP, photovoltaics, retail outdoor VRF units, smoke fans, a back-up supply generator and the access hatch, while also maintaining a façade maintenance zone around the perimeter of the roof. The UGF has been calculated assuming 39 square metres of green roof. The Council's Flood Risk Management Team has agreed in liaison with the applicant to allow a plan indicating the extent of green/blue roofs to be submitted for approval post-decision.

- The provision of a Flood Warning and Evacuation Plan should be secured by condition.
  - ***Officer response:*** This will be secured by condition.

- A covenant should be placed over the ground floor areas to prevent any future use for sleeping accommodation.
  - ***Officer response:*** This will be secured in the Section 106 Agreement.

- An assessment of exceedance flood flow routes above the 100-year event plus 40% climate change should be provided.

- ***Officer response:*** This information was supplied by the applicant mid-way through the planning application process in the form of a SuDS proforma; it has been assessed and deemed acceptable by the Council's Flood Risk Management Team.

- With regard to water efficiency, a rainwater harvesting system should be proposed and water efficient features (meters, leak detection systems, and greywater harvesting) should also be considered.
  - ***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. Water efficiency features have been incorporated.

Health and Safety Executive (Fire Risk Unit)

549. • Following a review of the information provided with this consultation, HSE is satisfied with the fire safety design, to the extent that it affects land use planning.
  - ***Officer response:*** Noted.

London Borough of Lambeth

550. • Did not wish to comment.

London Fire Brigade

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

London Underground

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

Metropolitan Police

553. • 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.

Natural England

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

Network Rail

555.
- Comments, but no objections or recommended conditions/informatives.
  - ***Officer response:*** Noted.

Thames Water

556.
- A Piling Method Statement must be secured by condition, along with plans setting out how additional water flows will be accommodated. Some informatives are recommended
  - ***Officer response:*** Noted. The recommended conditions and infomatives have been attached to the draft decision notice.

Transport for London (TfL)

557. Financial contributions

- The applicant is expected to enter into a nominations agreement. Should this happen, given the nature of the development and the potential impacts on Elephant and Castle Underground Station, a contribution would be requested towards the upgrade of this station on a pro rata basis related to other schemes not eligible for the borough CIL payment.
  - ***Officer response:*** For all of the reasons set out in earlier parts of this report, no nominations agreement will be entered into. As a 100% direct-let scheme, the proposal would be liable for borough CIL, which could be used to contribute towards local transport improvements.

- £16,000 should be secured for Legible London signage, as should £100,000 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.

558. Servicing

- No assessment of the servicing trip rate for the retail use has been provided. Survey data from before COVID is likely to be out of date because of the significant growth in online ordering. This should be considered when assessing and mitigating the impact of the proposals.
  - ***Officer response:*** As confirmed by the applicant in commentary supplied post receipt of the GLA's Stage response (Transport Note, dated 1st September 2022), the servicing demand for the flexible commercial unit on-site is anticipated to generate 1-2 deliveries per day, based on the servicing demand trip rates determined by the City of London within their Loading Bay Ready Reckoner. This trip rate is considered to apply most suitably to small retail units. In the aforementioned Transport Note the applicant says "this is a sensible estimate for servicing demand, as opposed to a prorated trip rate from

the TRICS database for retail, which would be typically based on a larger unit/retail park setting", which the Council's Transport Policy Team has raised no objection to.

- Smaller electric vans and cargo bikes, which are better suited to the constrained road network in this area, should be utilised.
  - ***Officer response***: The applicant contends that there is no opportunity to force deliveries to the site to be undertaken by certain vehicles types. The Council recognises that ad hoc deliveries are inherently difficult to control. In the applicant's Transport Note, dated 1st September 2022, they say "sustainable deliveries will be targeted where possible".

- Given the narrow road width on this section of Tiverton Street, there is concern that servicing activity could impact upon pedestrian and cyclist safety and traffic flows along Tiverton Street, contrary to Vision Zero. Further information is required and mitigation.
  - ***Officer response:*** The proposed servicing arrangements match those consented under 19/AP/0750. The 22/AP/1068 proposal will create an open area of public realm adjacent to the proposed servicing location, as the route along the Low Line is opened up to create public realm space and a new pedestrian route. It is considered that this represents reasonable mitigation, and will provide a safe environment for pedestrians and cyclists.

- Controls on servicing to avoid times when there are many pedestrians and cyclists in the area should be imposed and consideration given to only night time/early morning activity.
  - ***Officer response:*** Servicing hours will be controlled by condition.

559. <u>Cycle storage and footways</u>

- The long-stay cycle parking needs amending to bring it in line with LCDS standards (aisle widths, spacings, provision of gullies on staircases, provision of two exit points from the stores for personal safety reasons etc). Design amendments should be secured prior to determination to ensure that fully policy compliant cycle parking is capable of being delivered.
  - ***Officer response:*** It is considered that these details can be secured by way of a Section 106 Agreement obligation.

- The short-stay cycle parking has been proposed on the footway of Rockingham Street, which is outside of the site boundary. As Rockingham Street is a borough highway, the location of short stay cycle parking should be agreed with the Council.
  - ***Officer response:*** The location is considered acceptable.

- Given that Rockingham Street will have a high pedestrian footfall, a wider pedestrian width than the minimum 2 metres in TfL's Streetspace design guidance may be appropriate.

- ***Officer response:*** At the pinch point, the distance between the Sheffield stands and the kerb would be 2.4 metres. When a cycle is parked in the stand, this would reduce the effective width to approximately 2.0 metres. This is relatively narrow but, as the effective width between the stands and the kerb would be wider further to the northwest, on balance it is considered acceptable.

560. Student move-ins and move-outs

- The move-in and move-out plan must require coordination of arrangements with other student residences in the area so as to avoid overload at peak move in and move out times with resultant impacts on safety, comfort and convenience of pedestrians and cyclists and others living, working and visiting the area. This information has not been provided. Prior to determination, an updated framework plan should be submitted with the full plan secured by condition.
  - ***Officer response:*** As explained in the applicant's Transport Assessment, when vehicle use is required for move-in, the drop-off point would be the section of single yellow line kerbside adjacent to the Site on Tiverton Street. As move-in slots will be allocated, this will enable the management of all movements to prevent the blocking and stacking of vehicles on Tiverton Street. A Final Student Management Plan will be secured in the Section 106 Agreement; the obligation wording will make specific reference to coordination with other student residences locally.

561. Car parking

- 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. This would need to be delivered as part of the Section 278 works or an alternative fully-funded Local Highways Authority arrangement.

- To compensate for only being able to provide an on- rather than off-street wheelchair parking space, improved and increased provision to facilitate travel for disabled residents by other modes should be provided.
  - ***Officer response:*** In accordance with the findings of the Active Travel Audit, a series of improvements to the local footway environment are proposed; these will facilitate travel to and from the site for disabled residents, providing improved means of access to sustainable modes of transport.

562. Construction environmental management and logistics

- Controls should be placed on vehicle movement to avoid times when there are many pedestrians and cyclists in the area should be imposed and consideration given to only night time/early morning activity.

- ***Officer response:*** This can be controlled through details secured in the Final Construction Environmental Management Plan.

- The developer must commit to join the Elephant and Castle Development Cooperation Group.
  - ***Officer response:*** This will be required in the full Construction Logistics Plan.

- Given that local roads are not suitable for HGVs it should be demonstrated that their use is limited to only essential movements and how the safety and comfort of pedestrians and cyclists would be maintained.
  - ***Officer response:*** This will be required in the full Construction Logistics Plan.

563. Documentation

- A Final Travel Plan, Final DSP and Construction Logistics Plan should be secured by condition.
  - ***Officer response***: The suggested conditions have been included on the draft decision notice.

Tower Hamlets Council

564. - Did not wish to comment.

UKPN

565. - Did not wish to comment.

Westminster Council

566. - Did not wish to comment.

Community impact and equalities assessment

567. 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.

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

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

570. 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: 5% of the studios would be wheelchair accessible, as would all of the ancillary and common spaces within the student housing scheme. One wheelchair parking space would also be provided.
- Employment and training opportunities: Local unemployed people would benefit from jobs and training opportunities connected with the construction stage.
- Improved and more accessible public realm: The proposed public realm at the base of the building and along the new Low Line section, 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. The cycle store within the southern railway arch has been designed with sight lines from the student housing reception and a lobby to prevent tail-gaiting, complemented by CCTV surveillance.

571. 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

572. 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.

573. This application has the legitimate aim of redeveloping the site for a new 24-storey building with rooftop plant, containing a student accommodation and flexible commercial uses, 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.

Positive and proactive engagement: summary table	
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

574. This application would bring into productive and optimised re-use this brownfield and underutilised site, providing a complementary mixture of student housing and retail uses that would support the role and vibrancy of the Central Activities Zone and the Elephant and Castle Major Town Centre, while also activating a short stretch of the Low Line.

575. There is support in the London Plan and Southwark Plan for student housing, which helps to release local family housing and is counted towards the borough's housing delivery. Located very close to two universities and with strong transport connections to other HEIs in the borough and London, the site is considered to be appropriate for student accommodation, meeting a demonstrable need and achieving compliance with the requirements of Southwark Plan Policy P5.

576. The proposal would be a direct-let scheme and would not include any affordable student rooms. As no conventional affordable housing is proposed within the redevelopment, a payment-in-lieu is proposed of £8,540,000 (index-linked), which equates to 35% affordable housing by habitable room, with the applicant offering to 'collar' this so that, at the time it the final instalment is made, the payment-in-lieu would be no less than £11,161,826. The payment-in-lieu could potentially be used to directly support the delivery of affordable housing close to the application site. The payment-in-lieu is therefore considered to be a substantial benefit of the application.

577. The design of the proposed development evolved as a result of officer scrutiny throughout the pre-application phase, with further refinement during the planning application stage. The softening and sculpting effect of the rounded corners, the coloured mix of brick and variety in detailing, the defined 'top' and 'base' resulting from the horizontal banded finish, and the cantilevered upper levels combine into an exemplary standard of architecture. The façade design is reflective of the building's significance as a tall rather than a landmark building in this Opportunity Area location, contributing positively to the local townscape. Through optimised active frontages and the delivery of a new section of the Low Line, the development would provide an engaging and animated building at street level. Although the UGF score would fall short of the 0.4 policy requirement, within the constraints of the site all opportunities for greening have been exhausted. In summary, the proposed building would comply with all aspects of the tall building policy, while also making a public space contribution commensurate with the small site area.

578. The impacts on neighbours' amenity have been assessed and, while it is recognised that for some properties the daylight and sunlight losses would exceed the BRE guidelines, they are very similar in their extent and magnitude to the impacts caused by the previous/implemented planning permission. There have been a number of objections to the proposal as referenced in this report. Nevertheless the impacts are not considered to be significantly harmful, especially in view of the site's location, and would not warrant refusal of the application.

579. Transport matters, including those of particular concern to objectors such as the move-in and move-out process, have been satisfactorily addressed by the application documents, with detailed arrangements and mitigation to be secured through planning conditions and obligations. Although the long- and short-stay cycle parking would comply with the London Plan, it would not meet the more onerous requirements of the Southwark Plan. However, it is considered that the on-site provision of free-of-charge Brompton-style lockers and the £100,000 contribution towards TfL cycle docks locally make for acceptable mitigation in this instance.

580. 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.

581. 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 vacant 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: 1421-7 Application file: 22/AP/1068 Southwark Local Development Framework and Development Plan Documents	Planning Division, Environment, Neighbourhoods & Growth Department 160 Tooley Street, London, SE1 2QH	• Planning enquiries telephone: 020 7525 5403 • Planning enquiries email: planning.enquiries@southwark.gov.uk • Case officer telephone: 020 7525 5535 • Council website: www.southwark.gov.uk

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

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth		
Report Author	Patrick Cronin, Team Leader		
Version	Final		
Dated	13 April 2023		
Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		**Comments Sought**	**Comments included**
Strategic Director of Finance & Governance		No	No
Strategic Director of Environment and Leisure		No	No
Strategic Director of Housing and Modernisation		No	No
Date final report sent to Constitutional Team			13 April 2023