

Item No. 13.	Classification: Open	Date: 22 November 2011	Meeting Name: Cabinet
Report title:		Elephant and Castle Supplementary Planning Document / Opportunity Area Planning Framework	
Ward(s) or groups affected:		Newington, East Walworth, Faraday, Cathedrals, Chaucer, Camberwell Green	
Cabinet Member:		Councillor Fiona Colley, Regeneration and Corporate Strategy	

FOREWORD – COUNCILLOR FIONA COLLEY, CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY

I'm delighted to recommend that Cabinet approve for consultation the draft Elephant & Castle Supplementary Planning Document.

Whilst much of our focus is, quite rightly, on the future of the Heygate Estate area and the Shopping Centre, the regeneration of Elephant & Castle is about so much more than that. There are opportunities for development and regeneration right across the Elephant & Castle area, including Newington Causeway, the Walworth Road and the two university campuses.

Alongside the opportunity for growth in residential and commercial space we must address the challenges of upgrading the infrastructure of the area to support this growth. Most crucially the capacity of the Northern Line station must be increased and in the SPD we propose introducing a new strategic transport tariff to ensure all new developments in the area make a financial contribution towards this. We also need to improve the interchanges between the tube, rail and buses and make the area much easier, safer and more enjoyable to navigate by foot and bike.

This Supplementary Planning Document will replace the existing 2004 Elephant & Castle SPG and the 2008 SPDs for the Enterprise Quarter and Walworth Rd. It draws upon these documents and updates them to comply with our Core Strategy and the 2011 London Plan – particularly with regard to the impact the new London View Management Framework has on the appropriate locations for Tall Buildings.

The draft SPD confirms our vision of the Elephant & Castle as a vibrant central London location where people will want to live, to work, to visit and to study. It sets out our commitment to delivering 35% affordable housing in the area and also to affordable business space. It recognises the heritage of the Elephant and introduces plans for two new conservation areas – around Larcom Street and Elliott's Row. It also recognises that the Elephant & Castle is not one homogenous area where one set of policies fits all and so it sets out a vision and strategy for nine different character areas across the opportunity area.

Our next step will be three months of consultation with the public and local stakeholders with a view to adopting the final version of the SPD in Spring 2012.

RECOMMENDATIONS

That cabinet approves:

1. For consultation the draft Elephant and Castle Supplementary planning document/opportunity area planning framework (appendix A) and note the Consultation Plan (appendix B), the Equalities Impact Assessment (appendix C), the Sustainability Appraisal (appendix D) and the Appropriate Assessment carried out under the EU Habitats Directive (appendix E).

BACKGROUND INFORMATION

2. The Elephant and Castle opportunity area is identified in the London Plan (2011) and the council's recently adopted Core Strategy (2011). It covers an area of 122 hectares. In addition to the shopping centre and Heygate Estate, the opportunity area also incorporates Walworth Road, London South Bank University campus, St George's Circus, West Square and the Imperial War Museum and Newington Causeway. Both the London Plan and the Core Strategy recognise its potential for change and growth and set a target of providing at least 4,000 new homes by 2026 and around 5,000 new jobs.
3. In 2004 the council adopted a supplementary planning guidance (SPG) document to provide a framework for development for the core of the opportunity area. This was supplemented by supplementary planning documents (SPD) for the Enterprise Quarter and Walworth Road in 2008. However, these documents which were based on the 2007 Southwark Plan, are now becoming out-of-date. In particular the floorspace quantum and number of homes sought do not reflect the Core Strategy or the London Plan. Some of the uses identified in the 2004 SPG, such as a new secondary school are no longer required. The tall buildings proposed by the 2004 SPG on the shopping centre site may not be compatible with the 2009 London View Management Framework.
4. There is a need to refresh planning guidance to ensure it remains fit for purpose. This document should aim to coordinate growth, directing development to those areas in which it is appropriate and desirable, and protecting areas which are sensitive, such as conservation areas. Many of the neighbourhoods which comprise the opportunity area have a distinct character. Development should aim to reinforce the sense of distinctiveness and help create a sense of place.
5. The purpose of supplementary planning documents is to provide more detailed guidance on existing policies in the Core Strategy and the London Plan. They can not be used to create new policies. When finally adopted, SPDs are a material consideration in the determination of planning applications.
6. London Plan policy 2.13 indicates that the boroughs should work with the Mayor to produce opportunity area planning frameworks (OAPFs) for the opportunity areas. The new planning document will therefore comprise an SPD and an opportunity area planning framework (OAPF). It will cover the entire opportunity area and replace the 2004 SPG and 2008 SPDs. The council and GLA have worked closely on the preparation of the draft. Adopted by both Southwark and the Mayor, an agreed approach will help provide certainty for developers, clarity for members of the public and councillors, and a robust basis on which forthcoming planning applications can be assessed.

CONSULTATION

7. The Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008) and our Statement of Community Involvement 2007 set out consultation requirements for SPDs.
8. The consultation plan (appendix B) sets out the consultation that will be carried out on the SPD. The draft SPD will be published on 15 November 2011. The council will consult formally on the draft for a period of 6 weeks from 27 December to 7 February 2012. In all, the document will be available for public inspection for a period of 12 weeks (15 November – 7 February), which complies with the standards in the council's Statement of Community Involvement. As well as making the document available on the web and in local libraries, the council will write to around 3000 consultees in the Planning Policy team's database. In addition, the council will hold an event on the SPD at community councils, hold exhibitions and walkabouts to publicise the SPD, hold workshops and attend meetings as required.

KEY ISSUES FOR CONSIDERATION

9. The SPD outlines out a set of objectives for the opportunity area which build on the vision in the Core Strategy. It provides overarching policies for the opportunity area as a whole, as well as detailed guidance which describes how this should be applied to individual character areas. The area has been divided into nine character areas: Central Area, Heygate Street, Brandon Street, Walworth Road, Rail Corridor, Pullens, West Square, Enterprise Quarter and Rockingham.
10. The SPD promotes the provision of new shopping space to help consolidate Elephant and Castle as a major centre in Southwark's hierarchy and broaden its appeal to a wider catchment. While the shopping centre has a strong specialist function, Southwark's 2008 retail study indicates that overall, Southwark's centres are not meeting the needs of the local population. Only 16% of the comparison goods (clothes, shoes, books, music etc) expenditure available in Southwark is spent in the borough, with the majority of shopping trips being made in the West End, Lewisham, Croydon and other centres. Southwark's objective in the Core Strategy is to retain more of this spending in Southwark, providing more choice for residents, reducing the need to travel to centres which are further away and promoting inward investment and jobs. The SPD's retail strategy is to support retail growth on the shopping centre through redeveloping or remodelling, support growth on key locations on the Heygate development site and encourage provision of retail and service uses on the key routes leading into the centre, such as Newington Causeway. Large developments over 1,000 square meters will need to provide a proportion of the development as affordable retail space. This should be provided to help mitigate impacts on existing traders displaced by development on the shopping centre and to ensure that the centre reflects local diversity and character.
11. The SPD indicates that there is capacity to provide around 6000 new homes in the opportunity area over the period between 2011 and 2026. In accordance with the Core Strategy, at least 35% should be affordable and at least 35% should be private. At least 10% of homes should have 3 or more bedrooms and all homes should provide good quality living environments with generous space standards, as set out in the council's Residential Design Standards SPD 2011.

12. All new development will need to meet Code for Sustainable Homes level 4 or BREEAM excellent as a minimum. Proposals should explore the potential to connect to existing decentralised energy systems. Where new systems are appropriate, such as on the Heygate development site, proposals should also assess the feasibility of extending the system beyond the site boundary to adjacent sites.
13. The SPD seeks to support the growth of London South Bank University and the London College of Communications. In addition to additional teaching space, both institutions have requirements for additional student accommodation. The SPD signals that the council will work with both universities to ensure that their requirements can be met. There is an area at the northern end of Walworth Road however which already has around 460 bedspaces with another 220 proposed. Given this concentration and the aspiration of the SPD to create mixed areas and a choice of homes, the SPD indicates that further student homes developments would not be supported in that area.
14. Our strategy for the built environment is to ensure that neighbourhoods have a distinctive character and a sense of place. While there is opportunity for considerable change on the Heygate estate and in the central area, other areas are more sensitive to development and have strong character which should be reinforced. New development should be easy to move around for pedestrians and cyclists and should have a human scale at street level, with active frontages and interesting, well articulated elevations and massing. The SPD has been informed by a thorough characterisation appraisal which has identified the potential for two new conservation areas in the opportunity area: Larcom Street and Elliotts Row. Consultation will take place separately on these designations.
15. The Core Strategy and London Plan indicate that tall buildings may be appropriate at Elephant and Castle. The SPD strategy for tall buildings has been informed by the characterisation appraisal and well as by thorough testing of the impacts of potential options in local and London-wide views. Among the options tested was a scenario similar to that promoted in the 2004 SPG which located the tallest elements of development on the shopping centre. However, it was concluded that very tall buildings on the shopping centre would be likely to detract from the Outstanding Universal Value of the Palace of Westminster world heritage site in views from the Serpentine Bridge in Hyde Park. This view was protected in the London View Management Framework in 2009 (after the 2004 SPG was adopted). The SPD states that tall buildings in the opportunity area will help signal its regeneration. The tallest buildings should act as focal points in views towards the Elephant and Castle along main roads and strengthen gateways into the town centre. Moving away from the tallest points, they should diminish in height to manage the transition down to the existing context. They should be used to add interest to London's skyline and when viewed in a cluster, should be articulated to ensure that they do not coalesce to form a single mass.
16. The amount of open space per capita is low in the Elephant and Castle in comparison with other areas of the borough. The SPD proposes a range of measures including a network of green routes, use of living walls and green roofs and new public park provision to improve green infrastructure. It advises trees which are lost as a result of development should be replaced by trees which increase canopy cover. If this is not possible, the council will seek financial contributions to improve tree planting elsewhere in the opportunity area.

17. The SPD promotes walking and cycling and proposals to improve the public realm. This includes the removal of subways on the northern roundabout and their replacement with surface crossings. The SPD acknowledges that improvements will need to be made to the capacity of the northern line station over the life of the plan. It has been agreed with TfL that the provision of 3 additional lifts would provide a fit-for-purpose solution. Funding for this will come from a variety of sources and will include s106 funding.
18. The SPD states that proposals should improve provision of arts, cultural, leisure and entertainment facilities and contribute positively to the evening economy. It notes that a new leisure centre will be built and that the need for further health facilities will be kept under review over the plan period. There is a pressure for new secondary places which we are planning to meet by the provision of the new 5FE Aylesbury Academy in Walworth. It may be also be necessary over the life of the plan to increase primary school places in and around the opportunity area. This may include a combination of temporary bulge classes and permanent additional places at the existing primary schools.
19. The council will use s106 funding to help secure key infrastructure needed, including open space, school places and community facilities. With the exception of strategic transport contributions, the SPD states that the council will continue to use the standard charges set out in the 2007 s106 Planning Obligations SPD to negotiate s106 contributions. The SPD proposes a new standard charge for strategic transport infrastructure:
 - Residential use: £104 per square metre
 - Student housing: £65 per square metre
 - Hotels: £145 per square metre
 - Offices: £0
 - Retail: £12 per square metre
 - Schools, health facilities, libraries, municipal leisure centres and affordable retail space: £0
20. The cost of the strategic transport improvements needed to help address additional demands created by growth in the opportunity area is significant. TfL estimate that the costs of removing the subways on the northern roundabout, improving public realm in the central area and introducing bus only movement in London Road will cost in the region of £20m. TfL also estimates that the cost of improving lift access in the northern line ticket hall by providing additional lifts will be up to £85m, allowing for contingency.
21. The tariff levels we have set out have been informed by a viability study of sites in the opportunity area. The conclusions of these appraisals was that development in the area should generally be able to provide 35% affordable housing and support the s106 charges of around £175 per square metre for residential, student housing and hotel development and £100 per square meter for retail and leisure development. The viability of office development would not support an additional charge.
22. These rates are significantly more than Southwark currently negotiates through s106. The approach set out in the SPD is to allocate the uplift in funding generated to strategic transport improvements. Where developers consider these requirements to be unviable, the council will require an open book financial appraisal, in line with existing practice. Given the need for these improvements

and their costs, the SPD states that Southwark will prioritise strategic transport improvements in negotiating s106 obligations.

23. Using the tariff levels set out above, it is estimated that around £50m may be generated for strategic transport improvements over 20 years. The council will work with TfL and developers to identify opportunities to reduce the funding gap. This will include updating the strategic transport tariff every year in line with inflation, construction costs and sales values. Over the course of the next 20 years, the council expects growth in sales values to outstrip the rise in construction costs. It also expects the effects of regeneration, including improved public realm, open spaces and transport capacity to increase values in the area. If this happens, it will increase the amount which can be collected and reduce the funding gap. A 30% increase in land values and 15% increase in construction costs over a 20 year period would increase the amount which could be raised for transport and public realm infrastructure to around £60m.

Community impact statement

24. An equalities impact assessment scoping report (appendix C) has been carried out alongside the preparation of the update to the SPD to assess the impact the update to the SPD will have on groups with protected characteristics. The equalities impact assessment (EQIA) identified a number of key issues to be considered in the preparation to the SPD. One of the most significant issues to be considered is the potential displacement of local businesses from the shopping centre and surrounding area. This may have a disproportionate impact on black and ethnic minorities of which a larger percentage work in the existing SME businesses. This could also have a negative impact on older people who have less opportunity to re-train in other areas and would be forced to move elsewhere if their current employment was removed. The SPD proposes that all developments of retail space in excess of 1,000sqm should provide a proportion of floorspace as affordable business space. Priority for such space will be given to businesses displaced by development in the opportunity area. This should help mitigate impacts set out above.
25. Transport improvements could have a disproportionate impact on different groups with protected characteristics. The EQIA identified that the needs of those with disabilities, young families and older people will need careful consideration to ensure safe and accessible routes through new development. Increased pedestrian and cycle routes can have a positive impact on those with lower incomes, promoting more sustainable means of travels for no cost which can lead to health improvements and increased access to employment. Safe and reliable public transport can also have a beneficial impact on more vulnerable groups such as older people, women and black and minority ethnic groups.
26. Improvements to the public realm and open spaces is likely to have a positive impact on all groups with protected characteristics however the needs of disabled people and people with young families will need to be considered to ensure everyone has equal access to these spaces. It is also important that new open spaces and public spaces are safe and well used in order to ensure more vulnerable groups feel able to visit these spaces without fear of crime and victimisation. The provision on new and improved open spaces can bring positive benefits, especially for younger people and those on lower incomes who may not be able to afford more organised physical activity, helping to encourage sport and recreation which can lead to health improvements and a better quality of life.

Sustainability appraisal

27. A sustainability appraisal has been prepared to help identify the environmental, social and economic issues that the SPD needs to address. The preparation of a scoping report was the first stage of the sustainability appraisal to assist in the preparation of the SPD and its sustainability appraisal. The scoping report set out the sustainability objectives and indicators that will be used to measure the impacts of the policy upon sustainable development. Baseline information was gathered to draw attention to key environmental, social and economic issues facing the borough, which may be affected by development in Elephant and Castle.
28. The next stage of the process involved appraising three options for regeneration against the sustainability objectives. These included; a) Business as usual (no SPD); b) Managed Growth: A major new town centre destination and c) Managed Growth: A district centre which meets local needs. The results of the appraisal showed that the overall impact of Option b) was more positive in terms of promoting a more distinctive and varied town centre with a mix of uses which in the long term would help promote sustainable communities than for Option a) and c). Option b) presented more of a balanced approach to the regeneration of the area by focusing on providing leisure facilities, employment opportunities, the public realm and community facilities as well as new homes. While this growth will increase demand for energy, water and generate more waste and traffic these impacts can all be mitigated by other measures which seek to reduce car parking, set energy guidance and design guidance. While the impacts of option 2 can also be mitigated against, overall Option 2 will have more sustainability benefits in the long term than Option 3 in terms of job creation, new skills, community cohesion, providing local services and community facilities improving walking and cycling routes, and reducing crime and fear of crime.
29. The options SA informed the draft policies within the SPD. These were subsequently appraised. For every policy, the positive impacts outweighed the negative impacts when assessed across the whole range of sustainability objectives. In some cases the policies have no significant impact with the sustainable objectives. Where the SA identified potential shortcomings of particular policies, mitigation measures are proposed to help off-set the negative impacts. Many of these mitigation measures are policy requirements in either the Core Strategy or Supplementary Planning Documents (SPDs) such as the Sustainable Transport SPD, Residential Design Standards SPD, Sustainable Design and Construction SPD and Sustainability Assessment SPD. For example: Strategic Policy 13 in the Core Strategy, which sets out the council's targets for development to minimise their impacts upon climate change.

Financial implications

30. This report is seeking cabinet approval for consultation on the draft Elephant and Castle Supplementary planning document/opportunity area planning framework (appendix A) and note the Consultation Plan (appendix B), the Equalities Impact Assessment (appendix C), the Sustainability Appraisal (appendix D) and the Appropriate Assessment carried out under the EU Habitats Directive (appendix E).
31. There are no immediate financial implications arising from the adoption of the contents of this report. The cost of the consultation exercise as well as any additional work required to finalize the report will be contained within existing

Planning Policy team budgets without a call on any additional funding. There are no risks to other council budgets.

32. Any specific financial implications arising from the adoption of the final Elephant and Castle Supplementary planning document/opportunity area planning framework will be included in subsequent reports for consideration and approval.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

33. This report is being brought before members' of the cabinet under Part 3C of the Southwark Constitution 2011-2012.
34. The draft SPD/OAPF is now at consultation stage, accordingly, members' of the cabinet are requested to consider the documents listed at the appendices of this report and to approve the consultation of the draft Elephant and Castle SPD/OAPF.
35. SPDs are local development documents under the new legislative framework established under the 2004 Act and will form part of the planning framework for the borough. They may cover a range of issues, both thematic and site specific which expand upon policy or provide further detail to policies in development plan documents. They must not be used to allocate land. SPDs do not have development plan status and as such the presumption in favour of the development plan in section 38(6) of the 2004 Act does not apply to SPDs.
36. A detailed procedure for the adoption of SPDs is set out in Part 5 of The Town and Country Planning (Local Development) (England) Regulations 2004. Until an SPD has been adopted to replace an existing SPG, the SPG and guidance in PPG12 continues to apply. PPS12, the successor to PPG12, does not state how much weight should be given to new SPDs but it is likely that given their preparation under the new procedures involves proper public consultation, once adopted substantial weight may be placed on SPDs as a material consideration, where relevant.
37. SPDs will not be subject to independent examination, however the legislation requires that they should be subjected to rigorous procedures of community involvement. PPS12 set out the criteria an SPD must conform with:
 - (i) It must be consistent with national and regional planning policies as well as the policies set out in the development plan documents contained in the local development framework;
 - (ii) It must be clearly cross-referenced to the relevant development plan document policy which it supplements (or, before a relevant development plan document has been adopted, a saved policy);
 - (iii) It must be reviewed on a regular basis alongside reviews of the development plan document policies to which it relates; and
 - (iv) The process by which it has been prepared must be made clear and a statement of conformity with the statement of community involvement must be published with it.
38. All the matters covered in SPDs must relate to policies in a development plan document or a saved policy in a development plan. They must therefore conform to the relevant development plan document (or saved policies), and thereby be

consistent with national planning policy and generally conform, in London, with the spatial development strategy.

39. This SPDs has been prepared in accordance with the Core Strategy 2011 and saved policies of the Southwark Plan, which is the adopted development plan for Southwark and which has been prepared so that it is in general conformity with the London Plan – the Mayor’s spatial development strategy.

Sustainability appraisal

40. The Planning and Compulsory Purchase Act 2004 and Regulation 17 of the above regulations also requires sustainability appraisal (SA) of all emerging DPDs. The new Town and Country Planning (Local Development)(England) (Amendment) (Regulations) 2009 provide that a SA report is no longer required if the respective issues are addressed at a higher policy level. Nonetheless, consistently with the council’s practice of preparing SA’s for all of its SPDs to date an SA has been prepared. The purpose of the SA is to promote sustainable development through better integration of sustainability considerations into the preparation and adoption of plans. In accordance with this provision, a SA was prepared to ensure the wider impacts of the SPD policies were addressed. The Sustainability Appraisal has informed the preparation of the draft Elephant and Castle SPD/OAPF and it is recommended that Members’ approve the consultation of the document.
41. SPDs must also be subject to strategic environmental assessment (SEA) pursuant to the Environmental Assessment of Plans and Programmes Regulations 2004.
42. Local planning authorities, in preparing local development documents must fulfil the minimum requirements of sustainability appraisal. Whilst the requirement to carry out a sustainability appraisal (SA) and a strategic environmental assessment (SEA) are distinct, it is possible to satisfy both through a single appraisal process. The guidance referred to above has been produced by the government to ensure that sustainability appraisals meet the requirements of the SEA directive, and to assist authorities in carrying out such appraisals.

Equalities and human rights

43. The Equality Act 2010 introduced a single public sector equality duty (PSED). This duty requires us to have due regard in our decision making processes to the need to:
 - (a) Eliminate discrimination, harassment, victimisation or other prohibited conduct;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
 - (c) Foster good relations between those who share a relevant characteristic and those that do not share it.
44. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The PSED also applies to marriage and civil partnership, but only in relation to (a) above.

45. There has been compliance with the council's Equalities and Human Rights Scheme 2008-2011 as well as the public sector equality duty as contained within section 149 of the Equality Act 2010. All six equality strands have been duly considered and assessed, this is evidenced at in the Equalities and Human Rights Impact Assessment (EqIA).

Human rights implications

46. The Human Rights Act 1998 imposes a duty on the council as a public authority to apply the European Convention on Human Rights and the council must not act in a way which is incompatible with these rights. The most important rights for planning purposes are article 8 the right to respect for home and article 1 of the First Protocol, the right to peaceful enjoyment of property. Article 6 is also engaged in relation to the principles of natural justice. In general, these principles are inherent in domestic law. As this SPD has been prepared in accordance with the statutory process, it is likely that it is in conformity with the Human Rights Act 1998. Any human rights implications will be considered throughout the application of the policies in the SPD through the development control process.

Departmental Finance Manager

47. This report seeks approval for consultation on the draft Elephant and Castle supplementary planning document / opportunity area planning framework. Costs of the consultation exercise as well as any additional work required to finalise the report will be contained within existing planning policy team budgets.

BACKGROUND DOCUMENTS

Background paper	Held at	Contact
Core strategy April 2011	160 Tooley Street	Sandra Warren 0207 525 5471
London Plan 2011	160 Tooley Street	Sandra Warren 0207 525 5471
Statement of Community Involvement 2008	160 Tooley Street	Sandra Warren 0207 525 5471

APPENDICES

No.	Title
Appendix A	Draft Elephant and Castle supplementary planning document/opportunity area framework (circulated separately)
Appendix B	Consultation Plan (circulated separately)
Appendix C	Equalities Impact Assessment (available on the website)
Appendix D	Sustainability Appraisal (available on the website)
Appendix E	Appropriate assessment (available on the website)

AUDIT TRAIL

Cabinet Member	Councillor Fiona Colley, Regeneration and Corporate Strategy	
Lead Officer	Eleanor Kelly, Deputy Chief Executive	
Report Author	Tim Cutts, Head of Planning Policy	
Version	Final	
Dated	14 November 2011	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Departmental Finance Manager	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		14 November 2011