

Item No. 13.	Classification: Open	Date: 20 March 2012	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 adopt the 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 introduce 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.

The 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.

During the consultation period we received a great many representations about the SPD and have made a number of amendments which are highlighted in the report and appendices. Changes include clarifying that TfL proposals to make London Road a "public transport corridor" and St George's Rd two-way to traffic are no longer a TfL priority and that further consultation would take place if they do decide they wish to take these proposals forward. We have also amended walking and cycling policies to refer explicitly to the need to create safe and convenient links between Walworth Road, the Rockingham Estate and the cycle network beyond.

RECOMMENDATIONS

That cabinet

1. Adopts the Elephant and Castle Supplementary Planning Document/Opportunity Area Planning Framework (Appendix A).
2. Notes the comments of the planning committee and the recommendations of the regeneration and leisure scrutiny sub-committee.
3. Notes the consultation report (Appendix B), the table of representations received on the draft SPD and the council's response (Appendix C), the updated equalities impact assessment (Appendix D), the updated sustainability appraisal (Appendix E) and the sustainability adoption statement (Appendix F).

BACKGROUND INFORMATION

4. 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.
5. In 2004 the council adopted the Elephant and Castle Development Framework supplementary planning guidance (SPG) to provide a framework for development for the core of the opportunity area. This was supplemented by the Elephant and Castle Enterprise Quarter supplementary planning document (SPD) in 2008 and the Walworth Road SPD also 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 to 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.
6. 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.
7. The purpose of supplementary planning documents is to provide more detailed guidance on existing policies in the core strategy and the London Plan. They cannot be used to create new policies. When finally adopted, SPDs are a material consideration in the determination of planning applications.
8. 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 covers the entire opportunity

area and will replace the 2004 Elephant and Castle Development Framework SPG, the 2008 Elephant and Castle Enterprise Quarter SPD and the 2008 Walworth Road SPD. The council and GLA have worked closely on its preparation. 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.

9. The draft SPD was reported for approval to cabinet on 22 November 2011. The document was available for public consultation between 15 November 2011 and 7 February 2012. Following the close of consultation, the representations received on the draft document have been considered and where appropriate changes have been made to the document. A track changed version of the SPD is provided in appendix A.

CONSULTATION

10. 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.
11. In accordance with the SCI the council consulted on the draft SPD for a total of 12 weeks. This comprised a 6 week informal period of consultation between 15 November 2011 and 26 December 2011 and a 6 week period of formal consultation between 27 December 2011 and 7 February 2012. During this period the document was available on the council's website and was available in libraries and one-stop shops for the formal part of the consultation. The council also sent notification letters to around 3000 consultees in the planning policy team's database.
12. A number of events were held to publicise the SPD and engage with the community. This included: walkabouts with members of the local community; workshops at Walworth Community Council and at the Youth Community Council; presentations at the community councils of Camberwell, Bermondsey and Borough & Bankside; a presentation at the Elephant and Castle Regeneration Forum; workshops with the Bangladeshi community on the Rockingham estate, faith groups and Latin American businesses; workshops at Keyworth and Victory primary schools and Walworth Academy and; exhibitions in the shopping centre, the consultation Hub on Walworth Road and London South Bank University.
13. In addition, the council attended meetings and participated in workshops of other groups including Living Streets, Southwark Cyclists, the Elephant and Castle Amenity Network, Southwark Space, the Walworth Society, the Elephant and Castle Regeneration Forum liaison groups on housing, design, community facilities and the economy, the Rockingham TRA and the Waterloo Community Development Group. Further details of all events are set out in the Consultation Report (Appendix B).
14. In all 205 letters, emails and questionnaires were received by the council on the draft SPD. These contain 1103 individual comments. A summary of the comments received from statutory organizations as well as from other individuals and organizations is set out below. All the representations and the council's response are set out in Appendix C.

GLA/TfL

- To be circulated prior to the meeting.

English Heritage

- In general EH welcomes the approach of the draft SPD/OAPF and the various supporting documents that help informed its development.
- EH welcomes the development of evidence base to help inform the management of tall buildings in the Opportunity Area (OA). However there is still a lack of clarity on the overall vision for tall building development in this area and its resulting physical form on the skyline. Further clarification should be provided on the skyline which the council is seeking to create, including through the specification of heights on individual sites.
- At present the detail provided in the SPD focuses on the visual aspect of setting and does not explore sufficiently the impact of development upon the significance of heritage assets affected.
- EH supports the details of the Characterisation Study undertaken. However it is suggested that the Walworth area should be reconsidered as having the potential to be a conservation area.
- The Victorian group of buildings centred on Iliffe Street and Yard are of such local significance that they have the potential of being locally listed, rather than buildings of townscape merit.
- It is important to highlight the two London Squares in the area, these being West Square and County Gardens, and any spaces/gardens identified by the London's Parks and Garden Trust.
- English Heritage's funded Urban Design Framework for St George's Circus should be more clearly referenced and used to inform change in the Enterprise Quarter.

Natural England

- Natural England welcome and support the provision of new open spaces and connections between new and existing spaces through the provision of green routes/chains/links.
- Natural England are pleased to see the recognition of the benefits of Green Infrastructure in development proposals, such as Climate Change, Urban Heat island effects in the SPD.
- In relation to the sustainability appraisal, Natural England acknowledges and welcomes the inclusion of green Infrastructure as a sustainability issue for the area, linking in with the recognition of the area being deficient in access to green space and nature.
- Natural England agrees with the methodology used for the Appropriate Assessment and with Southwark Council's assessment, that Stages 2 and 3 of the Habitats Regulation Assessment are not required.

Environment Agency

- Further reference should make reference to the existing surface water flood risk within the Opportunity Area and the SPD should make links to Southwark Council's Surface Water Management Plan.
- There should be a reference to dealing with land contamination in the OAPF as the area has a significant industrial history.

- The Environment Agency support the section on climate change adaptation in SPD 15: Public Realm.
- The Environment Agency recommend that greenfield run-off rates should be delivered within Elephant and Castle.

Thames Water

- It is unclear at this stage what the net increase in demand on infrastructure will be as a result of redevelopment in and area the Elephant and Castle area. Thames Water would welcome the opportunity to work closely with the local authority to better understand demand for water supply, sewage treatment and surface water drainage requirements.

Coal Authority

- No comments.

Other individuals and organisations

15. The following comments were made by individuals and organisations:

Sections 1 and 2 of the SPD

- The role of prominent community facilities and institutions needs to be highlighted as an integral part of the area's regeneration
- A number of respondents agreed that new housing must be of high quality and that a key challenge is to ensure that it reflects local needs, in terms of type, tenure and affordability
- Stronger focus was sought on the loss of local shops. A petition against the loss of local shops at Rodney road was submitted with around 2600 signatories

Vision and objectives:

- Levels of support and objection were roughly equal
- Elements of the vision relating to the town centre, built environment and protection and improvement of the natural environment were supported.
- Some respondents who supported regeneration in principle stressed the need for a balance that protects and values existing communities
- Several comments highlighted the need to ensure community facilities are provided to underpin population growth, particularly school places and health facilities
- Some objectors felt that the vision and objectives needed a stronger focus on people; the community, support for local groups and fostering social cohesion.

SPD1 - Shopping business and hotels:

- There was support for a promoting a more diverse shopping experience at Elephant and Castle
- There was some concern over affordable retail space, its location and implementation and which businesses would have preference for occupation of the new units.
- Several local businesses wanted more recognition of the contribution which minority ethnic businesses make to the retail offer and cultural diversity of the area
- There were several comments asking for more recognition on the important contribution small retail units and street market traders have in the area in providing goods for local people and as local employers.

SPD2 - Markets:

- A few comments were made on the need to protect existing market stalls in the area and encouraging more variety of goods for sale at East Street market.

SPD3 - Hotels:

- There was some concern that the appropriate locations, sizes and types of hotels needed to be identified further.

SPD4 - Jobs and business:

- A few comments raised the importance of the contribution that creative and cultural industries have in the area.
- More support for the provision of incubation space in new business floorspace was promoted

SPD5 - Homes:

- A large number of comments raised the need for a higher proportion of 3+ bedroom units, particularly affordable family units
- Local residents commented that the majority of the affordable units provided should be social rented
- There was concern around the 25% affordable housing target in the Lend Lease masterplan
- There was some concern from developers that the SPD does not refer to viability and site constraints when looking at the required amount of affordable housing
- There were some comments on the need to ensure that we have the supporting infrastructure for increased housing
- There were also some comments on density, with a split between concerns around the density being too high and others about the density being too low/not flexible enough

SPD6 - Arts, culture, leisure and entertainment:

- A few respondents sought more recognition of the contribution that public art can make to help create uniqueness of place and to enhance local identity.
- A few comments highlighted the importance of promoting links between cultural programming in existing businesses with new arts, culture and leisure organisations
- Several comments were made on the need to highlight the importance of creative and cultural industries to the local economy

SPD7 - Sports facilities

- Only small number of comments. General support, with some respondents noting that it will be important that the new leisure centre is affordable for local people

SPD8 - Student Housing

- There were comments both supporting and objecting to student housing
- London South Bank University commented that providing high quality and affordable student accommodation in the right locations is a key priority for the university
- There were a number of comments suggesting that there is already too much student accommodation in the area

SPD9 - Community Facilities

- A number of respondents requested a greater focus on protecting well valued local facilities. A number of others requested specific attention to individual facilities.
- Several respondents noted the importance of monitoring the need for community facilities as development takes place and local population increases

SPD10 - Public transport:

- Many representations objected to London Road becoming a "public transport corridor" with St George's Road reverting to two-way traffic.
- Several representations supported London Road becoming a "public transport corridor".
- There should be more detail on the London Road proposal and further consultation.

SPD11 - Walking and cycling:

- Many representations stated that the SPD should require the provision of an "eastern bypass" to the main road junctions, along a direct route between Hampton Street and Meadow Row.
- The northern roundabout improvements were widely welcomed but some respondents requested good quality cycling facilities to be incorporated within it (which TfL is currently considering), and some requested more radical treatments.
- A small number of respondents requested the retention of the pedestrian subways at the northern roundabout.
- The Walworth Road project should be extended north to the southern junction and south to Albany Road. The road should be narrowed to two carriageways.

SPD12 - Parking:

- There was support and objection in roughly equal numbers to car-free parking.

SPD13 - Servicing and deliveries:

- There was little comment on this policy.

SPD14 - Transport mitigation:

- Many comments expressed concern over the high volumes of traffic on Transport for London's roads and the effect of this has on noise, pollution, severance and pedestrian and cycle safety.

SPD15 - Public realm:

- There should be more clarity in the SPD on the distinction between public and private space
- Several local residents and groups were cautiously supportive of the proposed Walworth public square, with concern raised regarding noise, anti-social behaviour and preference for a green space in the square.

SPD16 - Built form:

- There were many comments from local residents and community groups requesting the designation of a Conservation Area along the length of the Walworth Road.
- There was concern expressed that the streets and neighbourhoods outside the Opportunity Area may not benefit from the developments within the areas boundary. The SPD should acknowledge that these area will also enjoy the benefits, such as public realm and streetscape improvements.

SPD17 - Building heights:

- The SPD should state what the cap for building heights is.
- Specific mention should be made about the potential for tall buildings on London Road and on the Newington Triangle site.
- The elliptical gateway locations shown on figures 14 and 15 should be more prescriptive in identifying suitable sites.
- The SPD should not seek a consistent building heights on the frontage of Newington Causeway north of the viaduct.
- Tall buildings should contain public viewing areas.
- Balfour Street should be listed as an area which is sensitive to tall buildings.

- As well as the gateway locations, tall buildings should be allowed in other landmark locations.
- The width-to-height ratio of tall buildings should be deleted.

SPD18 - Open spaces

- Greening streets will help to increase greenspace provision and the perception of the 'greenness' of the area.
- The principle characteristics of green routes should be set out in the SPD.
- 0.61ha public park provision per 1,000 population of open space is very low.
- Existing greenspace should be incorporated into the plan including land on housing estates and land within the transport network.
- The SPD should strengthen the protection for existing trees on the Heygate estate especially at the corner of Walworth Road and Heygate Street. The SPD should be stronger on protection of existing trees, any replacement plantings should be large species trees and placed as close to the area of loss as possible.
- Support for use of the CAVAT methodology for evaluating trees.
- New open space should be required to have public access.

SPD19 - Energy, Water and Waste

- The policy should recognise the challenges of meeting London Plan targets and set out where this might not be possible and why.
- The SPD should acknowledge the LPA's responsibilities under the Flood and Water Management Act.
- Specific reference to water and wastewater issues should be included.
- There should be specific mention of contaminated land.
- CHP should be prioritised and development more fully.
- The SPD should set out a stronger commitment to sustainability.
- There should be greater encouragement for the re-use and refurbishment of existing buildings.

SPD20 - s106 Planning obligations and the community infrastructure study

- The strategic transport tariff is too onerous. Any planning obligations should be subject to viability considerations
- The priority for planning obligations should be infrastructure which brings benefit to the local community such as open space, community facilities and improvements which benefit existing estates such as the Rockingham estate. The SPD should ring-fence s106 planning obligations for community benefits in order to provide more certainty that such benefits will be delivered.
- Transport infrastructure should not be the priority for planning obligations.
- The SPD should deliver benefits for the Rockingham Estate such as new community facilities and public realm improvements.

Comments of the Planning Committee

16. The SPD should:

- Provide greater recognition of the Latin American community.
- Provide more guidance on how the need for faith premises will be met over the plan period.
- Recognise the desirability of establishing a new town hall for Southwark at Elephant and Castle. S106 legal agreements may provide a mechanism for securing a town hall. LB Brent provides an example of how this may be achieved.

- Take into account the needs of the Bangladeshi community on the Rockingham Estate.
- Be sensitive to the integration of Walworth Road into plans for the Heygate Estate and the shopping centre. Shops on Walworth Road are struggling at the moment. The SPD should help ensure that the viability of shops on Walworth Road is reinforced by regeneration and is not harmed.
- It was questioned why the strategic transport s106 tariff for office space was so low and whether this would result in an increase in the amount of office space coming forward.

Recommendations of the Regeneration and Leisure Scrutiny Sub-Committee

17. The committee is broadly supportive of the vision and the objectives that are contained in the Elephant and Castle SPD and:

- Supports the creation of strong link between the Walworth Road and the site of the Elephant and Castle shopping centre. The SPD should seek to restrict the number of payday loan, pawn shops and betting shops or make it clear this is an aspiration if national planning policy is changed to allow such restrictions.
- Supports the commitment that at least 35% of the 4,000 new homes in the opportunity area are affordable. The commitment that at least 10% of new homes have 3 or more bedrooms should be seen as a minimum not a maximum target.
- Recognises the demand and need for dedicated student housing, but believes that consideration should be given to ensuring that there is not an over-concentration of student housing.
- Expresses concerns about the lack of detail and commitment around the provision of future additional school places and provision of improved health facilities.
- Notes the very strong level of concerns about the creation of a bus-only street in London Road. This should be amended or qualified to make it clear that this is a TfL aspiration and that the council's position is that any changes to traffic management should be part of a wider review of traffic, cycle and pedestrian movement and that local residents should be consulted.
- Supports the continued aspiration for the reconfiguration of the northern roundabout to create a peninsular, notes the fact that the Elephant and Castle roundabout is one of the most dangerous junctions for cyclists and supports the desire for an eastern cycle bypass from the Walworth Road.
- Supports consideration being given to the completion of the previous Walworth Road project.
- Recommends that consideration should be given to the option of using a portion of the TfL money for tube access improvements towards better passenger access by replacing the lifts with escalators.
- Supports the creation of new conservation areas and supports the call for consideration to be given for the creation of a conservation area on the Walworth Road
- Notes the low level of green space provision and that open space that is created should benefit both new and existing residents and strongly supports the creation of a new green park on the site of the Heygate Estate, improvements in existing underused or poor quality green spaces in the opportunity area and in the middle of the northern roundabout, the creation of a network of high quality and innovative green links.

- Calls for the allocation of section 106 monies to benefit community facilities, prioritising estates, which have direct links with the footprint of the Heygate like the Rockingham estate.

KEY ISSUES FOR CONSIDERATION

18. The SPD outlines 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.

Shopping business and hotels

19. The SPD promotes the provision of new shopping space to help consolidate Elephant and Castle as a major centre in Southwark's hierarchy. Large developments over 1,000 square meters will need to provide a proportion of the development as affordable retail space. A requirement to provide affordable business space is consistent with London Plan policy 4.9. The purpose of providing affordable retail space is to mitigate the impact of development on existing businesses which may be displaced by regeneration, helping them manage a period of transition. Its purpose is not however to provide indefinite support for particular businesses or provide business incubator space. The council recognises the concerns of existing businesses that regeneration inevitably creates some uncertainty. In this context, 5 years is considered a reasonable period to help existing businesses manage the period of transition and establish themselves.
20. A number of individuals and organisations, including businesses in the shopping centre, Cllr Merrill and the Elephant Amenity Network (EAN) considered that more recognition should be given in the SPD to the Latin American community. The SPD has been amended in that regard. Amendments have also been made to provide more clarity about business space within arches and the railway viaduct.
21. The regeneration and leisure scrutiny sub-committee recommended that the council seek to restrict the proliferation of betting shops, pawnbrokers and pay-day loan shops. However, these uses do not require planning permission where the change is from another use in the same "use class" such as a bank, estate agent or travel agent. There is also a permitted change of use from a restaurant, pub or cafe. As a result, the local planning authority (LPA) has very little control over uses such as betting shops. The council recently responded to a government consultation arguing that betting shops should be placed in their own use class which would give the LPA more control. However, this would require a change to the planning regulations.

Homes

22. 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. Several individuals and organisations, including EAN indicated that the council must not accept less than 35% affordable housing or must require provision of up to 50% affordable housing.

23. Affordable housing policy is set out in the core strategy. Where developers propose less than 35% affordable housing, the council requires a financial appraisal to ensure that the maximum viable amount of affordable housing is provided. The council recognises the priority of providing new affordable housing at rental levels which are affordable to those in need of housing. In December 2011, the council reported its approach to affordable rent (rents up to 80% of market rent) to the planning committee and stated that its strong preference is for social rented housing rather than affordable rented housing. Proposals which include affordable rented units will need to justify this approach through a financial appraisal.
24. 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 met.
25. Many representations, including those of Cllr Morris and the regeneration and leisure scrutiny sub-committee, highlight the number of student bedspaces in the area and suggest that there is an over-concentration. The SPD addresses this issue by indicating that new student homes which are provided should contribute to a mix of housing types. It also recognises that 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 the SPD indicates that further student homes developments would not be supported in that area.

Built environment

26. 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.
27. There was support expressed for the designation of the two conservation areas. A number of representations including those of Living Streets, the Walworth Society, Simon Hughes MP, Cllr Eckersley and English Heritage suggested that Walworth Road also be designated a conservation area. The council does not have sufficient evidence at the moment to take this designation forward. However, it will consider further evidence, should this be forthcoming and has not ruled out a future designation.
28. Several representations were submitted suggesting that additional buildings be shown as having the potential to be added to the council's local list of buildings of architectural or historic merit. Others suggested that particular buildings or indeed the entire list be deleted. The council will consult formally on the local list later in the year and this will provide an opportunity for groups and individuals to prepare further evidence to substantiate their recommendations.

29. 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.
30. Some representations suggested that the ellipses showing the gateway locations in Figures 14 and 15 be expanded or moved. Others suggested that specific reference be made to particular sites as being suitable for tall buildings. The purpose of the ellipses is to illustrate the principle that the tallest elements of buildings should be focused around those locations. Their purpose is not to identify specific boundaries where tall buildings may or may not be appropriate. Notwithstanding that, the council has adjusted the ellipse on Newington Causeway to ensure that it recognises the potential locations of the tallest buildings. The council has also amended the guidance on the height-to-width ratio to clarify that it applies to buildings which have a significant impact on the skyline and to ensure that the ratios reflect good examples of recently permitted development in Southwark.

Natural environment

31. 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.
32. These proposals were generally supported. Further explanation has been added to the SPD to clarify the purpose and character of green routes.

Transport

33. 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.
34. In response to concerns raised by the GLA, the council has provided clarification on the phasing of development to ensure that adequate infrastructure improvements are made. The GLA/TfL has confirmed that subject to the changes

the council are proposing, they have no objection to the SPD and consider it to be in general conformity with the London Plan.

35. 54 representations, including those of Southwark Cyclists, the Southwark Liberal Democrat group, Valerie Shawcross AM and Jenny Jones AM stated that the SPD should highlight the need for a safe, direct and convenient eastern cycle bypass connecting Walworth Road with Meadow Road. The SPD has been amended to include this principle.
36. 55 representations were submitted about the proposal to convert London Road into a public transport corridor and allow two-way traffic movement on St George's Road. Most were opposed, but some supported this proposal. Since the SPD was prepared, TfL have indicated that this proposal, while an aspiration, is no longer a priority. The SPD has been amended to indicate that this proposal would need to be explored further and that further consultation would need to take place if it were to be implemented.

Social and community infrastructure

37. 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 anticipated 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, which would be considered as part of standard primary place planning and strategy work.
38. Many representations indicated that the SPD should give more certainty on how the need for school places and health facilities will be met. However, given that the SPD has a 15 year time horizon it is difficult at this point to provide concrete proposals. The council will keep the need for school places under review and work closely with NHS Southwark to identify opportunities for new health facilities where and when the need arises.

S106 funding

39. 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.
40. A number of representations, including the Rockingham TRA's, stated that the SPD should prioritise community projects rather than transport infrastructure. Others stated that s106 monies should be ring-fenced to provide more certainty over the delivery of public realm, open space, green link and other improvements.
41. The purpose of s106 funding is to mitigate the impact of development. Improvements are required to northern line station and northern roundabout to accommodate the growth levels anticipated. If mechanisms to mitigate the impact of growth are not put in place, there is a risk that the regeneration of the

area will stall. The strategic transport tariff in the SPD reflects the cost of providing the necessary transport infrastructure.

42. The council recognises that there are other elements of infrastructure which will need to be improved, such as open space, public realm and community facilities. As is noted above, it will continue to negotiate s106 funding to realise these improvements using the standard charges in the existing s106 Planning Obligations SPD.
43. Over the summer, the council will be consulting on its draft preliminary community infrastructure levy and in conjunction with this will be consulting on updating the community project banks. This will provide the community with the opportunity to identify projects and their priority. Because CIL is a mandatory charge and because there is more flexibility in the way it can be spent, this should provide greater certainty over the delivery of priority projects.

Community impact statement

Equalities impact assessment

44. An equalities impact assessment (EQIA) (Appendix D) has been carried out alongside the preparation of the SPD to assess the potential impacts on groups with protected characteristics. The EQIA consisted of a stage 1 scoping report and a stage 2 report. They considered both the potential impacts during the preparation of the SPD, such as through our consultation, and the potential impacts in terms of the eventual delivery of the SPD policies.
45. The 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. As part of the preparation of the SPD, we held a consultation workshop targeted at members of the Latin American community, who are particularly prominent in terms of existing businesses in the central area. 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. We also stipulate that all new business space should be designed flexibly to accommodate a range of unit sizes, which would be suitable for the local office market and SME businesses. This should help mitigate impacts set out above.
46. The role of local faith communities has also been highlighted in the introductory sections of the SPD. The diversity of faith groups is noted, as is the need to ensure that the views of faith groups continue to inform the regeneration of the area. The SPD has been amended to stress that well valued community facilities, including faith premises, will be protected in accordance with the Southwark Plan.
47. 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.

48. 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. Guidance in relation to the design of public realm has been strengthened to reflect these issues. 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

49. 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.
50. 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.
51. 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.

52. Following the consultation on the draft SPD, the SA has been finalised to take account of the changes that were made in response to the comments we received. The summary, the main report and the commentary has been updated to reflect the new text. These changes are shown as underlined in the final SA report. The changes were minor in nature and so did not impact on the overall results of the appraisal or the sustainability of the plan.

Financial implications

53. This report is seeking cabinet approval for the adoption of the Elephant and Castle Supplementary planning document/opportunity area planning framework (appendix A) and to note the Consultation Report (appendix B), the Table of Representations Received on the Draft SPD and the Council's Response (appendix C), the updated Equalities Impact Assessment (appendix D), the updated Sustainability Appraisal (appendix E) and the Sustainability Appraisal statement (appendix F).
54. There are no immediate financial implications arising from the adoption of the contents of this report. The costs involved in adopting the SPD will be contained within existing Planning Policy team budgets without a call on any additional funding. There are no risks to other council budgets.
55. 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

56. SPDs are local development documents under the legislative framework established under the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") and form part of the planning framework for the borough. SPDs cover a range of issues, both thematic and site specific, which expand upon policy. SPDs must not be used to allocate land and do not have development plan status and as such the presumption in favour of the development plan in s38 (6) of the 2004 Act does not apply to SPDs. This draft SPD complies with these principles.
57. 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 ("the Regulations"), and once adopted they may carry substantial weight as a material consideration in the determination of planning applications, where relevant.
58. SPDs are not subject to independent examination, however the legislation requires that they should undergo a rigorous procedure of community involvement. There is government guidance relating to Development Plan

Documents which best practice would dictate could also apply to SPD's. Therefore an SPD 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;
- be reviewed on a regular basis alongside reviews of the development plan document policies to which it relates; and
- ensure 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

59. All the matters covered in SPDs must relate to and set out the further detail of policies in a development plan document or, as is the case here, saved policies in the Southwark Plan and be consistent with national planning policy and generally conform with the London Plan.
60. The draft SPD is accompanied by a sustainability appraisal, which is required under the Planning and Compulsory Purchase Act 2004 and Regulation 17 of the above Regulations. 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.
61. SPDs must also be subject to SEAs pursuant to the Environmental Assessment of Plans and Programmes Regulations 2004. In the case of this SPD, the SA contains within it the elements required to form a strategic environmental assessment (SEA). Members should note the contents of the SA in respect of this Policy before deliberating and deciding whether to adopt the SPD.
62. The proposed consultation process for this SPD was set out in the consultation plan, which accompanied it and conforms with the policies contained in Southwark's Statement of Community Involvement (including 6 week periods of informal consultation, followed by 6 weeks of formal consultation).
63. It is noted that following consideration of representations received on the consultation draft SPD, changes were made as identified in Appendix D. These changes are not deemed to be material and do not present new policy implications. Members are simply made aware of these changes and advised that they must be confident about the final content of the SPD before proceeding adoption.
64. Part 5 of the Regulations set out the requirements that must be met before SPDs are adopted. Statements of compliance, under Regulation 18(4), have been prepared in relation to all SPDs that confirm that the required statutory and other consultation requirements have been met. This includes an identification of the issues raised in the consultation process and the officer responses to those issues set out in Appendix B. The statements confirm that the steps required by

the SCI were carried out. Each statement also contains a Sustainability Statement in accordance with the Environmental Assessments of Plans and Programmes Regulations 2004.

65. In accordance with the SCI, the Council has also published a schedule identifying issues raised by each objector and, where relevant, the response to them. These schedules were provided to those making representations for information to provide increased transparency in the way the draft SPDs have progressed.

Equalities and Human Rights

66. 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.
67. 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.
68. There has been compliance with the council's Approach to Equalities 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).

Functions

69. Section 8 of Part 3F of the Council's Constitution gives Planning Committee the authority to comment on draft supplementary planning documents and make recommendations to the executive as appropriate.
70. Section 21 of Part 3C of the Council's Constitution gives cabinet the authority to adopt supplementary planning documents taking into account any comments made by Planning Committee.

Departmental Finance Manager

71. This report seeks the adoption of the Elephant and Castle supplementary planning document / opportunity area planning framework. The costs involved in adopting the SPD will be contained within existing planning policy team budgets.

BACKGROUND DOCUMENTS

Background paper	Held at	Contact
Table of Proposed Changes to the SPD (available on the website)	160 Tooley Street, London SE1 2QH	Sandra Warren 020 7525 5471
Core strategy April 2011	160 Tooley Street, London SE1 2QH	Sandra Warren 020 7525 5471
London Plan 2011	160 Tooley Street, London SE1 2QH	Sandra Warren 020 7525 5471
Statement of Community Involvement 2008	160 Tooley Street, London SE1 2QH	Sandra Warren 020 7525 5471

APPENDICES

No.	Title
Appendix A	Elephant and Castle supplementary planning document/opportunity area framework (circulated separately to members)
Appendix B	Consultation Report (available on the website)
Appendix C	Table of Representations Received on the Draft SPD and the Council's Response (available on the website)
Appendix D	Equalities Impact Assessment (available on the website)
Appendix E	Sustainability Appraisal (available on the website)
Appendix F	Sustainability Statement (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, Acting Head of Planning Policy	
Version	Final	
Dated	9 March 2012	
Key Decision?	Yes	
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		9 March 2012