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<b>Item No.</b> 6.2	<b>Classification:</b> Open	<b>Date:</b> 24 February 2020	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>	<p><b>Development Management planning application:</b> Application 19/AP/1166 for: Approval of reserved matters</p> <p><b>Address:</b> PLOT H7 HEYGATE STREET WITHIN LAND BOUNDED BY ELEPHANT PARK TO THE NORTH, PLOT H2 TO THE WEST, HEYGATE STREET TO THE SOUTH AND H11B TO THE EAST, LONDON SE17</p> <p><b>Proposal:</b> Application for the approval of reserved matters (access, scale, appearance, layout and landscaping) for Plot H7 within Elephant Park (previously referred to as the Heygate Masterplan), submitted pursuant to Outline Planning Permission ref: 12/AP/1092. The proposal comprises the construction of a development ranging between 9 and 25 storeys in height (maximum building height 86.75 m AOD), comprising 424 residential units, 1,237sqm (GEA) of flexible retail (Classes A1-A5) uses and 628 sqm (GEA) flexible retail, community and leisure (Classes A1-A5, D1-D2), car parking, cycle storage, servicing, plant areas, landscaping, public realm, and other associated works.</p>		
<b>Ward(s) or groups affected:</b>	North Walworth		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 18/04/2019		<b>Application Expiry Date</b> 18/07/2019	
<b>Earliest Decision Date</b> 01/06/2019			

## RECOMMENDATION

1. That approval of reserved matters be granted subject to conditions.

## EXECUTIVE SUMMARY

2. This application is being referred to the planning committee because more than five objections have been received.
3. This is a reserved matters application for Plot H7, which is in the fifth construction phase MP5 of Elephant Park and sits near the centre of the larger redevelopment site. It is submitted pursuant to the 2013 outline planning permission (ref. 12/AP/1092) for the redevelopment of the former Heygate Estate. It proposes a residential-led development comprising 424 flats in two nine-storey mansion blocks and a 25-storey tower, and 1,865sqm of Class A, D1 and D2 uses across the ground floor.
4. The proposal would accord with the parameters and requirements of the outline planning permission and later non-material amendments, in terms of the scale and height of the plot, its uses, and affordable housing provision. The 72 affordable units (35 affordable rent and 37 shared ownership) in this plot would contribute towards the 25% provision

required by the outline permission, and as the final residential plot would ensure this required provision is achieved (and exceeded) across Elephant Park. All the objections received to the application were to the quantum of affordable housing.

5. The form and architecture of the plot are appropriate for this central plot that sits between the new park and Heygate Street. It would make a positive contribution to the character of Elephant Park, and provide public realm on all sides. The tower would not harm the setting of listed buildings and conservation areas around Elephant Park, nor the borough view of St Paul's Cathedral nor LVMF view from Serpentine Bridge to Westminster.
6. The density of the scheme is above that expected in the Central Activities Zone, although similar to other approved plots within Elephant Park, and as anticipated by the outline permission. Amendments were made to the application to improve the quality of some of the residential units, and the scheme includes indicators of an exemplary residential design.
7. Existing homes in adjacent Plots H2 and H6 would experience a noticeable change in daylight, and flats yet to be constructed in Plot H11B would experience a noticeable change in sunlight hours. The siting and massing of the scheme are within the parameters of the outline permission, and its impacts on the amenity of neighbouring properties (which are other plots within the Elephant Masterplan) are in line with those envisaged in the outline application.
8. Planning aspects such as the sustainability of this plot and its highways impacts are acceptable, and would tie in with obligations and the mitigation secured by the permission.
9. The application is recommended for approval, subject to the imposition of conditions.

## **BACKGROUND INFORMATION**

### **Site location and description**

10. Plot H7 is within the red line boundary of the outline planning permission (OPP) which was granted in March 2013. Plot H7 forms part of the fifth and final phase (MP5) of the delivery of Elephant Park, formerly known as the Heygate Masterplan. Plot H7's site area is 0.76 hectare and is in the middle of the Elephant Park site. It currently contains the temporary Lendlease site offices and Construction Skills Centre.
11. Plot H7 is surrounded by Plot H2 to the west (recently occupied), the new park to the north, Plot H11B to the east (approved but construction has yet to begin) and the now occupied plots on the southern side of the Heygate Street (Plots H6 and H3). It will form the eastern side of Sayer Street (the new shopping street), part of the southern boundary of the central park, and part of the northern side of Heygate Street.
12. The arrangement of the plots in Elephant Park is shown by the site layout below:



*Elephant Park with the Plot H7 RMA site marked in red*

13. The OPP established five character areas within the masterplan site; Plot H7 is predominantly within the Park Character Area, but overlaps with the Walworth Road and Walworth Local Character Areas.

### **The surrounding area**

14. The land uses within the immediate vicinity are predominantly residential with the first phase of Elephant Park now occupied on the southern side of Heygate Street. The recently complete Plot H2 on the western side of Sayer Street has new retail units on the ground floor and residential units on its upper levels. To the north-west is future Plot H1 which is intended as an office-led mixed use plot. To the northern side of the plot is the new park and Plots H4 and H5 are nearing completion on the New Kent Road frontage. Future Plot H11B is to the east where construction is yet to start, and is again primarily residential, with ground floor retail units, along with other recent residential developments either side of Rodney Road.
15. There are listed buildings at some distance from this plot including:
  - The Brotherhood for the Cross and the Star grade II listed church on Falmouth Road, approximately 200m to the north of the site.
  - Nos. 154-170 New Kent Road, grade II listed, 270m to the north-east of the site.
  - Driscoll House no. 172 New Kent Road, grade II listed, 350m to the north-east of the site.
  - Elephant House 4 Victory Place, grade II listed, 230m to the east of the site.
  - Former Southwark Municipal Offices, Southwark central library and Cuming museum,

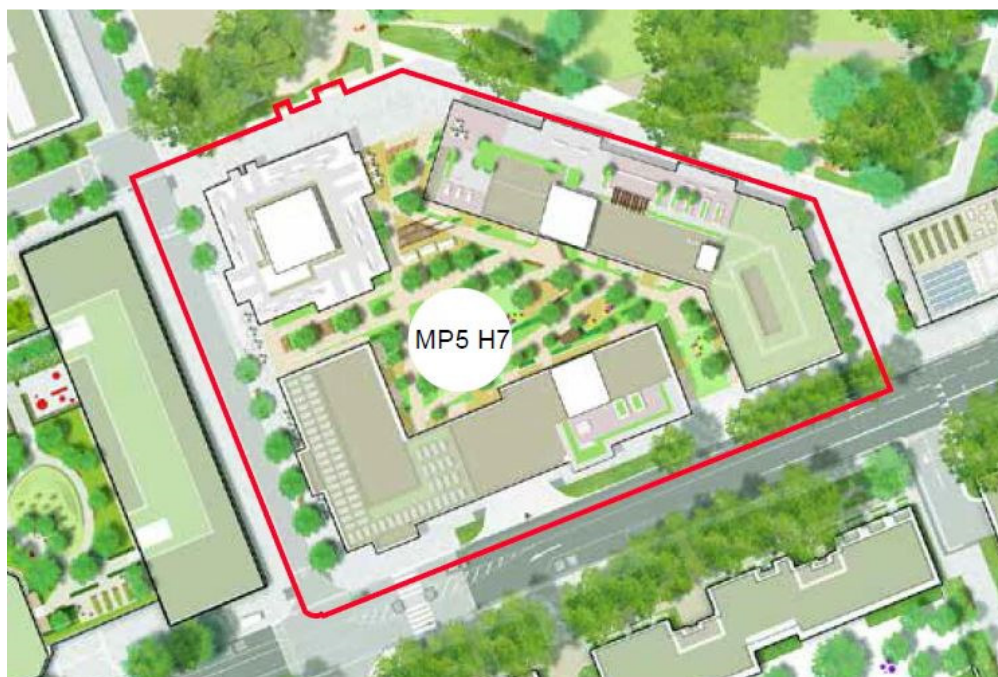
The Walworth Clinic, Church of St John the Evangelist, and 140-152 Walworth Road, all grade II listed, with the closest being 120m to the south of the site.

- Metropolitan Tabernacle, grade II listed, 290m to the west of the site.
- Michael Faraday memorial, grade II listed, 320m to the north-west of the site.
- Metro Central Heights, grade II listed, 280m to the north-west of the site.

16. The Larcom Street Conservation Area and Walworth Road Conservation Area extend to the southern side of Wansey Street, and are approximately 100 metres to the south of Plot H7, separated by other plots.

### Details of proposal

17. This reserved matters application (RMA) seeks approval of the reserved matters - the access, scale, appearance, layout, and landscaping - for the Plot H7 building and surrounding public realm. It is submitted pursuant to the outline planning permission (OPP) for the redevelopment of the former Heygate Estate, ref. 12/AP/1092.
18. This proposal comprises 424 residential units at first floor and above, and a total of 1,865sqm of retail, community and leisure uses (Classes A1-A5/D1/D2) across the ground floor. The plot would comprise a podium building with two blocks and a tower above. 352 of the residential units would be market housing, and 72 would be affordable. Of the commercial floor space, 1,237sqm is proposed for flexible retail Class A1-A5, and another 628sqm as flexible retail Class A1-A5, community (Class D1) and leisure (Class D2).
19. The plot is made up of five principal elements, which are described in more detail below:
- A tall building
  - A mansion block fronting the Park
  - A mansion block fronting Heygate Street and Sayer Street
  - The public realm
  - A central podium garden.



*Arrangement of the two mansion blocks and tower*

20. Tall building – Block D would be 25 storeys high (82m high to the lift overrun), 29.5m by 29.5m wide, and located at the north-western corner of the plot. It would have two ground floor retail units opening onto Sayer Street, as well as two resident amenity rooms and concierge at the ground level. The residents entrance would face onto the park, and be double height with stairs and lifts taking residents up to the first floor (where two further amenity rooms are proposed) to reach the podium garden which links all the blocks. 181 homes would be provided from the first floor up, with a further amenity room and roof terrace at the 24<sup>th</sup> floor. It would be constructed from concrete panels in a pale buff colour for the main facades, with the projecting element on each elevation in profiled darker panels, metal spandrel panels and glass balustrades to the balconies, with textured concrete for the base.



*Visual of the base of the tower from the park, looking down Sayer Street*

21. Mansion block fronting the Park - Block A/E would be a midrise mansion block of 9 storeys (32m high to the parapet and 35.5m high to the lift overrun) fronting onto the park along the north-eastern and eastern sides of the plot. Its footprint would be 19.1m deep and 60.7m long fronting the park, and a further 27.8m long facing onto Plot H11B. A large Class A retail unit is proposed on the ground floor of the northern side, and two smaller units (for flexible uses Class A1-5, D1 or D2) on the north-eastern side.
22. The building would be in brick, with a masonry base and glazed tiles to the two residential entrances. It would provide 123 homes on the eight floors, each with a balcony or terrace, and have a communal roof garden.



*Visual showing the park mansion block in the centre, tower to the right and Plot H11B to the left*

23. Mansion block fronting Heygate Street and Sayer Street - Block B/C would be an L-shaped, midrise mansion block of nine storeys (32m to parapet, 35.5m to the lift overrun). It would front onto Heygate Street on the southern side of the plot and onto Sayer Street on the western side. Its footprint would be 19.2m deep, and 67.7m wide along Heygate Street, and 35m wide along Sayer Street. Four retail units (Class A1-A5) are proposed along the Sayer Street frontage, and flexible retail or Class D1 and D2 uses on two units on Heygate Street.
24. The building would be in brick, with a masonry base and glazed tiles to the two residential entrances on Heygate Street. It would provide 120 homes on the floors above (including the affordable housing) each with a balcony or terrace. A communal roof garden is proposed above block B. Bin storage, cycle store and plant rooms are also proposed at ground floor.



*Visual showing the mansion block at the corner of Heygate Street and Sayer Street, and tower beyond*



*Visual showing Plot H10 to the left, the proposed Heygate Street mansion block near the centre (and the tower of Plot H2 in the distance), the flank of the park mansion block to the right, and Plot H11B at the far right*

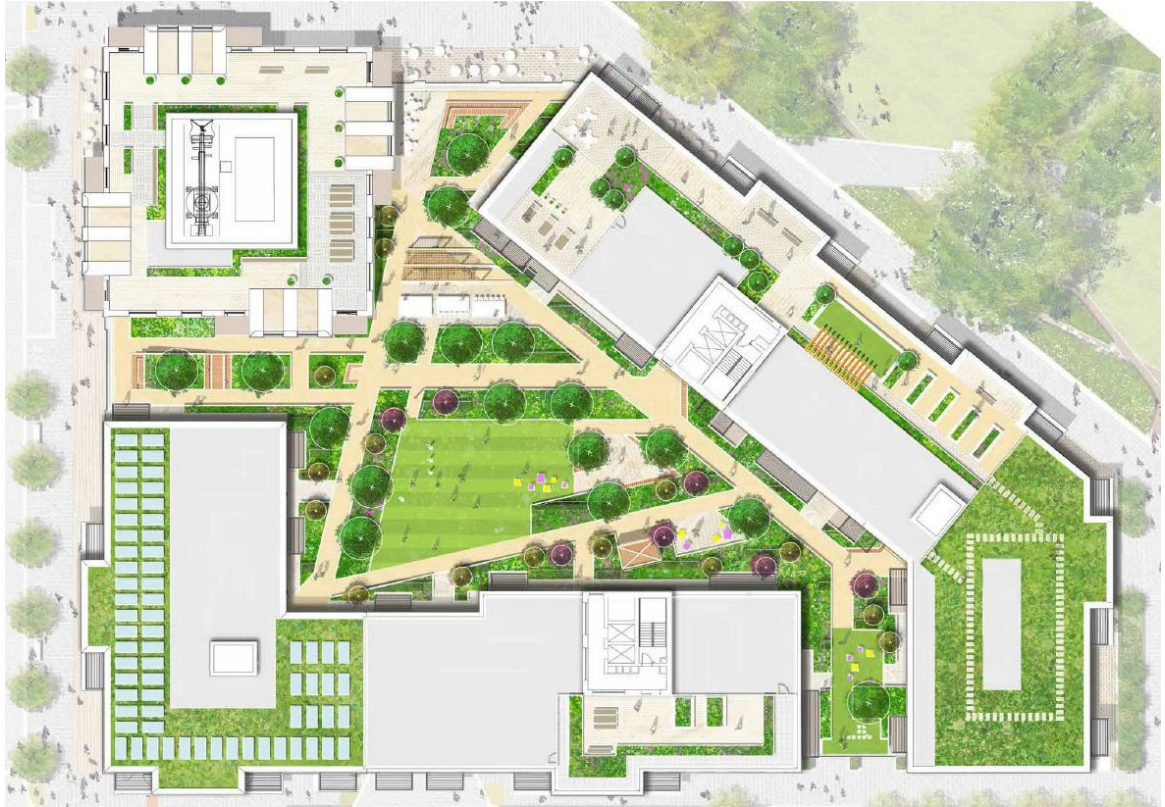


25. Public realm – landscaped public realm is proposed surrounding the building to provide the eastern pavement of Sayer Street and spill out space for the retail units, the northern pavement along Heygate Street, and a pedestrian and cycle route (that would allow for emergency vehicles) along the northern side along the edge of the park and down to Heygate Street at the eastern side. Granite pavers would be the main surfacing material, with brick and stone paving used in front of the retail units on Sayer Street and the park frontage to denote their spill out spaces.
26. Street trees would be incorporated on Heygate Street, Sayer Street, and planting along Heygate Street to separate the pavement from the road. A drop off bay would be provided on Sayer Street, and cycle parking.



*Visual of the public realm around the plot (NB the drop off bay on Heygate Street has been removed)*

27. Central podium garden – a landscaped communal garden is proposed across the podium, accessible from all blocks. It would include two areas of playspace, a central lawn and a series of green spaces and different layers of planting.
28. Trees, seating, paths and pergolas would be incorporated. The podium garden would extend through the gaps between the three blocks to the street frontages, making it visible from the ground level. This communal area would be accessible to all residents, in addition to the private amenity spaces and roof gardens.



*Visual of the communal garden that extends across the podium and accessible to all residents, and the roof terraces.*

29. Servicing would take place within the internal servicing yard accessed from Heygate Street, with space for three parked vehicles. Two wheelchair parking spaces are also proposed in this servicing yard (and internal corridors provide links to the lift cores of each block). Further wheelchair parking spaces can be provided in the basement car park of neighbouring Plot H2 should there be demand. 466 cycle parking spaces are proposed for residents, 16 spaces for retail staff within a store, and short stay parking within the public realm around the plot.

### **Amendments**

30. Amendments were made during the course of the application to respond to comments from officers:
  - Removal of a drop off bay on Heygate Street.
  - Improvements the quality of particular residential units in the mansion blocks by: adding windows to block B on the northern and southern elevations; enlarging windows on blocks A, B and C; moving balconies to be slightly offset from the windows on blocks A, B, C and E to improve the daylight levels; and increasing the size of some units by moving the dividing walls between flats.

### **Planning history**

31. The site sits in the centre of the Elephant Park site, which has extensive history for the reserved matters, condition details and section 106 details for the plots in the first four construction phases. See Appendix 3 for the relevant planning history of this plot.
32. A non-material amendment application for this plot (ref. 19/AP/0952) was approved in May 2019 which sought agreement of the changes to some of the approved parameters

for Plot H7 which this RMA complies with.

33. There is a current application ref. 19/AP/7609 recently made valid for:  
“Construction of a relocated 5-storey site welfare and project office (2,755sqm GEA) near the centre of the site, associated with the Elephant Park development together with landscaping and other associated works for a temporary period of 7 years.”

### **Planning history of adjoining sites**

#### Park

34. A reserved matters application is under consideration for the permanent park in the centre of the Elephant Park masterplan (to the north of Plot H7), ref. 19/AP/5787.

#### Sayer Street

35. Recent permission ref. 19/AP/0911 granted January 2020 approved temporary pop up structures along the eastern side of Sayer Street immediately next to Plot H7. These would provide interest and activities along this part of Sayer Street until Plot H7 is complete.

#### Plot H11B

36. RMA ref. 18/AP/1863 approved September 2018 for:  
“Application for the approval of reserved matters (access, scale, appearance, layout and landscaping) for Plot H11B within Elephant Park (previously referred to as the Heygate Masterplan), submitted pursuant to the Outline Planning Permission ref: 12/AP/1092. The proposals comprise the construction of two buildings of between 11 and 25 storeys in height (maximum building height 84.2m AOD) comprising 259 residential units, 285 sqm (GEA) flexible retail, office, community and leisure uses (Classes A1-A5/B1/D1/D2), cycle storage, servicing, plant areas, landscaping, new public realm, and other associated works.”

#### Elephant and Castle Shopping Centre

37. Permission ref. 16/AP/4458 granted in January 2019 for:  
“Phased, mixed-use redevelopment of the existing Elephant and Castle shopping centre and London College of Communication sites comprising the demolition of all existing buildings and structures and redevelopment to comprise buildings ranging in height from single storey to 35 storeys (with a maximum building height of 124.5m AOD) above multi-level and single basements, to provide a range of uses including 979 residential units (use class C3), retail (use Class A1-A4), office (Use Class B1), Education (use class D1), assembly and leisure (use class D2) and a new station entrance and station box for use as a London underground operational railway station; means of access, public realm and landscaping works, parking and cycle storage provision, plant and servicing areas, and a range of other associated and ancillary works and structures.”

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

38. The main issues to be considered in respect of this application are:
- Principle of the proposed development in terms of land uses;
  - Conformity with the Outline Planning Permission;
  - Environmental impact assessment;
  - Density and dwelling mix;
  - Affordable housing;
  - Quality of residential accommodation;

- Impact on the amenities of occupiers of adjoining properties;
- Impact of adjoining uses on future occupiers of the development;
- Design issues, including impact on heritage assets;
- Trees, landscaping, public realm and ecology;
- Transport and highway;
- Wind microclimate;
- Air quality;
- Sustainable development implications;
- Planning obligations;
- Community Infrastructure Levy (CIL);
- Community involvement and engagement;
- Community impact and equalities assessment;
- Human rights; and
- Positive and proactive statement.

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

### **Legal context**

40. 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 2016, the Core Strategy 2011, and the Saved Southwark Plan 2007. The 2013 OPP are key material considerations.
41. 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**

42. The application site is located within:
- Central Activities Zone
  - Elephant and Castle Opportunity Area
  - Elephant and Castle Major Town Centre
  - Air Quality Management Area
  - Public Transport Accessibility Level 6b (excellent)
  - Flood Zone 3.
43. The site forms part of designated Proposal Site 39P 'Elephant and Castle Core Area' in the Southwark Plan policy SP20, which identifies a large central area of land for comprehensive redevelopment.
44. Elephant and Castle (including this plot) lies in the background of the townscape view looking from the Serpentine Bridge in Hyde Park to Westminster (Townscape View 23A.1 of the London View Management Framework 2011). The plot falls within the alignment of the important borough view of St Paul's Cathedral on the draft New Southwark Plan (see below).
45. The following policies and guidance are considered most relevant to the determination of this Plot H7 reserved matters application.

### National Planning Policy Framework

46. The National Planning Policy Framework (NPPF) is a material consideration. The revised NPPF was published in February 2019 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
47. Paragraph 212 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications. The relevant sections are:
- Section 2 Achieving sustainable development
  - Section 5 Delivering a sufficient supply of homes
  - Section 6 Building a strong, competitive economy
  - Section 7 Ensuring the vitality of town centres
  - Section 8 Promoting healthy and safe communities
  - Section 9 Promoting sustainable transport
  - Section 11 Making efficient use of land
  - Section 12 Achieving well-designed places
  - Section 14 Meeting the challenge of climate change, flooding and coastal change
  - Section 15 Conserving and enhancing the natural environment
  - Section 16 Conserving and enhancing the historic environment.

### The London Plan (2016)

48. The London Plan is the regional planning framework and was adopted in 2016. The relevant policies of the London Plan 2016 are:
- Policy 2.10 Central Activities Zone – Strategic Priorities
  - Policy 2.11 Central Activities Zone – Strategic Functions
  - Policy 2.12 Central Activities Zone – Predominantly Local Activities
  - Policy 2.13 Opportunity Areas and Intensification Areas
  - Policy 2.15 Town Centres
  - Policy 2.18 Green Infrastructure: The Multi Functional Network of Green and Open Spaces.
  - Policy 3.1 Ensuring Equal Life Chances For All
  - Policy 3.2 Improving Health and Addressing Health Inequalities
  - Policy 3.3 Increasing Housing Supply
  - Policy 3.4 Optimising Housing Potential
  - Policy 3.5 Quality and Design of Housing Developments
  - Policy 3.6 Children and Young People’s Play and Informal Recreation Facilities
  - Policy 3.7 Large Residential Developments
  - Policy 3.8 Housing Choice
  - Policy 3.9 Mixed and Balanced Communities
  - Policy 3.13 Affordable Housing Thresholds
  - Policy 4.7 Retail and Town Centre Development
  - Policy 4.8 Supporting a Successful and Diverse Retail Sector
  - Policy 4.9 Small Shops
  - Policy 4.12 Improving Opportunities for All
  - Policy 5.1 Climate Change Mitigation
  - Policy 5.2 Minimising Carbon Dioxide Emissions
  - Policy 5.3 Sustainable Design and Construction
  - Policy 5.5 Decentralised Energy Networks
  - Policy 5.6 Decentralised Energy in Development Proposals
  - Policy 5.7 Renewable Energy
  - Policy 5.9 Overheating and Cooling
  - Policy 5.10 Urban Greening

Policy 5.11 Green Roofs and Development Site Environs  
 Policy 5.12 Flood Risk Management  
 Policy 5.13 Sustainable Drainage  
 Policy 5.14 Water Quality and Wastewater Infrastructure  
 Policy 5.15 Water Use and Supplies  
 Policy 5.21 Contaminated Land  
 Policy 6.3 Assessing Effects of Development on Transport Capacity  
 Policy 6.9 Cycling  
 Policy 6.10 Walking  
 Policy 6.13 Parking  
 Policy 7.1 Lifetime Neighbourhoods  
 Policy 7.2 An Inclusive Environment  
 Policy 7.3 Designing out Crime  
 Policy 7.4 Local Character  
 Policy 7.5 Public Realm  
 Policy 7.6 Architecture  
 Policy 7.7 Location and Design of Tall Buildings  
 Policy 7.8 Heritage Assets and Archaeology  
 Policy 7.12 Implementing the London View Management Framework  
 Policy 7.13 Safety, Security and Resilience to Emergency  
 Policy 7.14 Improving Air Quality  
 Policy 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes  
 Policy 7.19 Biodiversity and Access to Nature  
 Policy 7.21 Trees and Woodland.

#### Core Strategy (2011)

49. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy are:
- Strategic Policy 1 – Sustainable development
  - Strategic Policy 2 – Sustainable transport
  - Strategic Policy 3 – Shopping, leisure and entertainment
  - Strategic Policy 4 – Places for learning, enjoyment and healthy lifestyles
  - Strategic Policy 5 – Providing new homes
  - Strategic Policy 6 – Homes for people on different incomes
  - Strategic Policy 7 – Family homes
  - Strategic Policy 10 – Jobs and businesses
  - Strategic Policy 11 – Open spaces and wildlife
  - Strategic Policy 12 – Design and conservation
  - Strategic Policy 13 – High environmental standards.

#### Southwark Plan 2007 (July) - saved policies

50. The council's cabinet on 19 March 2013, as required by paragraph 215 of the NPPF (2012), considered the issue of compliance of Southwark Planning Policy with the NPPF. All policies and proposals were reviewed and the council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF:
- Policy 1.1 Access to employment opportunities
  - Policy 1.7 Development within town and local centres
  - Policy 2.2 Provision of new community facilities

Policy 3.1 Environmental effects  
 Policy 3.2 Protection of amenity  
 Policy 3.3 Sustainability assessment  
 Policy 3.4 Energy efficiency  
 Policy 3.6 Air quality  
 Policy 3.7 Waste reduction  
 Policy 3.9 Water  
 Policy 3.11 Efficient use of land  
 Policy 3.12 Quality in design  
 Policy 3.13 Urban design  
 Policy 3.14 Designing out crime  
 Policy 3.15 Conservation of the historic environment  
 Policy 3.18 Setting of listed buildings, conservation areas and World Heritage Sites  
 Policy 3.19 Archaeology  
 Policy 3.20 Tall buildings  
 Policy 3.22 Important local views  
 Policy 3.28 Biodiversity  
 Policy 4.2 Quality of residential accommodation  
 Policy 4.3 Mix of dwellings  
 Policy 4.4 Affordable housing  
 Policy 4.5 Wheelchair affordable housing  
 Policy 5.2 Transport impacts  
 Policy 5.3 Walking and cycling  
 Policy 5.6 Car parking  
 Policy 5.7 Parking standards for disabled people and the mobility impaired  
 Policy 5.8 Other parking  
 SP20 – Development Site Uses.

#### GLA SPGs

51. The following Supplementary Planning Guidance issued by the GLA are material considerations:
- Accessible London: achieving an inclusive environment (2014)
  - Homes for Londoners: Affordable Housing and Viability SPG (2017)
  - Housing SPG (2016)
  - Planning for Equality and Diversity in London (2007)
  - Play and Informal Recreation (2012)
  - Sustainable Design and Construction (2014).

#### Southwark Council SPDs

52. The following Supplementary Planning Documents issued by the council are material considerations:
- Elephant and Castle SPD/OAPF (2012)
  - 2015 Technical Update to the council's Residential Design Standards SPD 2011 (2015)
  - Affordable Housing SPD (2008)
  - Draft Affordable Housing SPD (2011)
  - Sustainability Assessment SPD (2009)
  - Sustainable Design and Construction SPD (2009)
  - Sustainable Transport SPD (2010)
  - Section 106 Planning Obligations and CIL SPD (2015).

#### **Emerging planning policy**

## Draft New London Plan

53. The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2 March 2018. A range of consultation responses were received to the draft policies from London councils, individuals, businesses, campaign groups, government bodies etc. Minor suggested changes to the plan were published on 13 August 2018. The Examination in Public (EIP) took place between January and May 2019. The Mayor then published an updated version of the New London Plan, the 'Consolidated Suggested Changes Version July 2019', which includes all the Mayor's suggested changes to the Plan. The Inspector's report was published on 8 October 2019. The Mayor published the 'Intend to Publish' version of the London Plan in December 2019.
54. Due to the stage it has reached, just before its adoption, the New London Plan can be given weight in decision making, and it is noted that the GLA when commenting upon referable applications does accord substantial weight to many of the emerging policies. The following policies are relevant to this proposal:
- GG1: Building strong and inclusive communities
  - GG2: Making the best use of land
  - GG3: Creating a healthy city
  - GG4: Delivering the homes Londoners need
  - GG5: Growing a good economy
  - GG6: Increasing efficiency and resilience
  - SD1: Opportunity Areas
  - SD4: The Central Activities Zone
  - SD5: Offices, other strategic functions and residential development in the CAZ
  - SD6: Town centres and high streets
  - SD10: Strategic and local regeneration
  - D1: London's form, character and capacity for growth
  - D2: Infrastructure requirements for sustainable densities
  - D3: Optimising site capacity through the design-led approach
  - D4: Delivering good design
  - D5: Inclusive design
  - D6: Housing quality and standards
  - D7: Accessible housing
  - D8: Public realm
  - D9: Tall buildings
  - D11: Safety, security and resilience to emergency
  - D12: Fire safety
  - D14: Noise
  - H1: Increasing housing supply
  - H4: Delivering affordable housing
  - H6: Affordable housing tenure
  - H10: Housing size mix
  - S1: Developing London's social infrastructure
  - S4: Play and informal recreation
  - E9: Retail, markets and hot food takeaways
  - E11: Skills and opportunities for all
  - HC1: Heritage conservation and growth
  - HC3: Strategic and local views
  - HC4: London View Management Framework
  - G1: Green infrastructure
  - G5: Urban greening
  - G6: Biodiversity and access to nature
  - G7: Trees and woodlands



SI1: Improving air quality  
 SI2: Minimising greenhouse gas emissions  
 SI5: Water infrastructure  
 SI12: Flood risk management  
 SI13: Sustainable drainage  
 T1: Strategic approach to transport  
 T2: Healthy streets  
 T3: Transport capacity, connectivity and safeguarding  
 T4: Assessing and mitigating transport impacts  
 T5: Cycling  
 T6: Car parking  
 T6.1: Residential parking  
 T6.3: Retail parking  
 T6.4: Hotel and leisure uses parking  
 T6.5: Non-residential disabled person parking  
 T7: Deliveries, servicing and construction  
 T9: Funding transport infrastructure through planning.

### Draft New Southwark Plan

55. For the last five years the council has been preparing the New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. The council concluded consultation on the Proposed Submission version (Regulation 19) on 27 February 2018. The consultation on the 'New Southwark Plan Proposed Submission Version: Amended Policies January 2019' was completed on 17<sup>th</sup> May 2019. The 'New Southwark Plan 2019 to 2034 Submission Version (January 2020)' was submitted to the Inspectorate on 16<sup>th</sup> January 2020. It is anticipated that the NSP will be adopted in 2020 following an Examination in Public (EIP).
56. Plot H7 is within the alignment of the new borough view 3 'the linear view of St Paul's Cathedral along Camberwell Road' in the New Southwark Plan.
57. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging development plans according to the stage of preparation, the extent to which there are unresolved objections to the policy and the degree of consistency with the NPPF. As the NSP is not yet adopted policy, it cannot be attributed full weight as a whole, but individual policies can be given weight (as set out below).
58. The evidence base to support the NSP is substantially complete. The NPPF states that the more advanced the preparation of the plan, the more weight can be given. The NSP has been subject to six rounds of consultation and comprehensive consultation reports have been prepared at each stage in response to representations. The council received 332 representations to the Proposed Submission Version (2017) and as a result some policies were amended and further consultation took place in 2019. The council received 131 representations to the Amended Policies consultation. A full consultation report incorporating comments from both stages of the Regulation 19 consultation was prepared alongside Submission. The council is meeting various community planning interest groups, as well as preparing Statements of Common Ground with individuals and organisations who will be taking an active part in the EIP.
59. In response to the various rounds of consultation on the NSP, a variety of comments and objections were received from individuals, groups and businesses. Where no objections were received a draft policy can be given more weight than for policies (where objections were received and have not been resolved), particularly where there is little change from current adopted policies. For example, the following NSP policies can be given moderate

weight as no objections were received or they are very similar to policies in the development plan:

- P12 Design of places
- P13 Design quality
- P17 Efficient use of land
- P15 Designing out crime
- P20 Conservation of the historic environment and natural heritage
- P22 Archaeology
- P44 Healthy developments
- P47 Hot food takeaways (objections received from KFC and McDonalds)
- P48 Public transport
- P49 Highway impacts
- P50 Walking
- P51 Cycling
- P53 Car parking (no substantial objections were received, comments related to minimising residential car parking)
- P55 Protection of amenity
- P58 Green infrastructure
- P59 Biodiversity
- P60 Trees
- P61 Reducing waste
- P63 Contaminated land and hazardous substances
- P64 Improving air quality
- P67 Reducing flood risk
- P68 Sustainability standards.

60. Where draft policies are different from the adopted policy (or are completely new policies) and objections were received, the specifics of those objections and the differences from the adopted policy need to be considered for each planning application proposal. For example:

- P21 Borough views – objections from OKR landowners to the Nunhead Cemetery view, and request from GLA for the geometry of two views.
- P27 Access to employment and training – objection relating to the financial burden.
- P34 Town and local centres – objections related to strengthening the policy and the lower threshold.
- P45 Leisure, arts and culture – the objections related to strengthening the policy.
- P46 Community uses – objections related to strengthening the policy.
- P65 Reducing noise pollution and enhancing soundscapes – the agent of change principle in the NPPF must also be considered.

61. Where objections were received to a draft policy and these have not been resolved through revisions, that policy can have only limited weight. In these instances, the degree of change from adopted policy on these topics should also be considered. Examples of these policies include:

- P1 Social rented and intermediate housing – this amends the tenure split in the saved Southwark Plan policy 4.4. The amended policy in 2019 introduced a fast track method for schemes at 40% affordable housing, to link to the New London Plan.
- P2 New family homes – changes the housing mix from those in Core Strategy Strategic Policy 7.
- P14 Residential design – objections received to the earlier version of this policy titled P9 Optimising the delivery of new homes. The changes made in the 2019 version

- relate to the removal of the density matrix in line with the draft New London Plan.
  - P16 Tall buildings – this updates saved policy 3.20 of the Southwark Plan. Objections were received to the lack of a definition of a tall building and locations of tall buildings. This was amended in the January 2019 version.
  - P54 Parking standards for disabled people and mobility impaired people.
  - P69 Energy – objections that the December 2017 version P62 was too onerous for carbon reductions.
62. The NSP responds positively to the NPPF, by incorporating area visions, development management policies and 82 site allocations which plan for the long term delivery of housing. The NSP responds to rapid change which is occurring in Southwark and London as a whole, and responds positively to the changing context of the emerging New London Plan.
63. In line with paragraph 48 of the NPPF, as both the New London Plan and the New Southwark Plan are at an advanced stage of preparation (the New London Plan further progressed) both can be afforded some material weight and this is detailed in the report where relevant to particular policy issues in the consideration of this application.

### **Consultation**

64. Details of consultation undertaken in respect of this application are set out in paragraph 280 onwards below and Appendices 1 and 2.
65. Statutory consultation was undertaken on the proposed development including neighbour letters, sites notices and a press notice in Southwark News. The applicant undertook community engagement on the proposal prior to the submission of the planning application. A consultation engagement summary was submitted to support the application to this effect. Further information can be found in paragraph 277 below.

### Summary of consultation responses

66. 26 objections were received. Most of these objections use the same wording from a template provided on the 35% Campaign's website. All the objections were in relation to the affordable housing provision across Elephant Park, rather than to the detail of the Plot H7 reserved matters. These objections are summarised as:
- While Lendlease will fulfil its 25% affordable housing obligation it intends to do so by delivering fewer affordable homes than the 2013 Planning Committee were told would be delivered (541 affordable homes instead of 570).
  - Lendlease has been allowed to build 220 more units than the original maximum unit number, without any improvement in the affordable housing.
  - This application must be decided by Committee to ask why we are getting fewer affordable housing units even though Lendlease were allowed to build more units.
  - There have been no viability assessments or reviews since 2013 to reflect the increase in density.
  - Permission should be refused unless the total number of affordable homes is increased to 570 plus 25% of the additional 220 units, i.e. 84 more affordable homes half of which must be social rented.
  - The need for social rented units.
  - 35% affordable housing should be required.
67. The affordable housing and reconciliation across Elephant Park are covered in detail in the remainder of this report.

## ASSESSMENT

### Principle of the proposed development in terms of land uses

68. The London Plan and Core Strategy identify the Elephant and Castle Opportunity Area (within the Central Activities Zone) as a location where significant levels of growth can be accommodated, contributing to London's need for housing, commercial and other development. The redevelopment of the former Heygate Estate with a vibrant new quarter, known as Elephant Park, is a key part of the overall vision for the Elephant and Castle; this is set out in the council's Elephant and Castle SPD/OAPF. The SPD expects the redevelopment of the former Heygate Estate to provide approximately 2,500 new homes, a range of non-residential uses, with a new park, and should be of the highest design quality to create a sense of place.
69. The 2013 outline planning permission (OPP) approved the comprehensive redevelopment of the site for homes, retail, business, leisure and community uses, a new park as well as extensive areas of new public realm. The principle of high density mixed used development on the site was established by the OPP. The first two phases MP1 and MP2 of Elephant Park are complete and occupied, the third phase MP3 is nearing completion, and work has just started on MP4.
70. Plot H7 forms the first part of the final MP5 phase near the centre of the OPP site. The Design Strategy Document (DSD) approved as part of the OPP divides Elephant Park into five character areas, with the plot forming part of the Park Character Area and overlapping with the Walworth Road and Walworth Local Character Areas. The design of the proposal responds to these three character areas (set out in detail in the Design section below):
- The Park Character Area comprises the new significant public open space and is defined by the park's quality, arrangement and transition in use. The key objectives for the Park Character Area include the quality and arrangement of the public space and a built environment which responds to the significance of the public realm with a clear typology.
  - The Walworth Local Character Area extends between Heygate Street and Wansey Street to the south. It is a transition area from the retail and park frontages, to the residential connections and lower-rise residential buildings. For Heygate Street a building typology is proposed to reflect the formality of the tree-lined environment with a more consistent building line.
  - The Walworth Road Character Area includes the eastern side of Walworth Road (as the key primary approach and a tree-lined high street environment) and the new central shopping street (with smaller local and independent commercial premises and residential above).
71. The OPP approved a range of uses for Plot H7; each of the proposed uses in this RMA is considered below:
- Housing*
72. Class C3 use was approved by the OPP for this plot for the ground and upper floors, and so residential development is expected in this central part of Elephant Park. The 424 dwellings proposed would make an important contribution towards the borough's housing targets of the London Plan and Core Strategy.

### *Non-residential uses*

73. The plot is within the Central Activities Zone and designated Elephant and Castle major town centre. The OPP approved in principle a range of non-residential uses Classes A1-A5, B1, D1 and D2 for the ground, mezzanine and basement levels of Plot H7. The uses now proposed are in line with the range approved by the OPP (including all the approved uses, except for Class B1) and are appropriate for the Walworth Road and Park Character Areas.
74. The retail units on the western side of the plot, for which a range of Class A1-A5 uses is sought, would provide the eastern side of the main shopping street, Sayer Street, and face the retail units at the ground floor of Plot H2. The provision of these units as Class A use is welcomed as they would complete a key feature of the Walworth Road Character Area.
75. A large retail unit A1-A5 is proposed on the northern side of the plot, next to the tower's residential entrance and the park. Two smaller retail units fronting on the park and another two units on Heygate Street are shown as A1-A5, D1 or D2 use to allow flexibility in the occupier. These uses are acceptable and would be appropriate in this central location.
76. Each proposed use is appropriate for the plot. The floor area of the uses in Plot H7 would contribute towards exceeding the minimum floor areas of residential, retail, leisure and community uses required by the OPP, and sits within the maximum floor area approved by the OPP. The reconciliation with the OPP is considered further below.
77. A planning obligation in the section 106 agreement associated with the OPP requires 10% affordable retail space across the Elephant Park redevelopment. The submitted Affordable Retail Unit Strategy suggests that the smaller retail units in Plot H7 on Sayer Street may be provided as affordable retail units (along with those in Plot H2 and the future park pavilion) to focus the affordable retail provision on Sayer Street as the main shopping street alongside mainstream retailers. The submitted Strategy indicates how the site-wide 10% provision can be achieved, and further details and discussions are on-going with the Local Economy Team prior to units being occupied.
78. A condition is proposed to require the ground floor layout to be submitted for approval prior to work commencing to confirm the number and size of individual units. Details of the shopfronts and entrances is required by condition 51 of the OPP prior to above grade works so is already secured elsewhere in the OPP.
79. The proposed uses would contribute towards the key objectives for the character areas envisaged by the OPP for this plot (the Park, Walworth Road and Walworth Local Character Areas), and the wider policy objectives for the Elephant and Castle, of which the Elephant Park masterplan would form a key part. The Plot H7 RMA proposal is consistent with the OPP's parameters and principles, and is supported in this regard.

### **Conformity with the outline planning permission**

80. Condition 17 of the OPP requires evidence to be submitted with each RMA demonstrating how it complies with the site wide development controls set at the outline stage (i.e. the approved Parameter Plans, Development Specification and Design Strategy Document), as well Site Wide Strategies and Plot Specific Strategies that have since been approved pursuant to obligations contained within the 2013 section 106 agreement.

81. Since the 2013 OPP, a series of non-material amendments have been made to the outline permission, usually to make small changes for an individual plot. For Plot H7, as summarised in the Planning History section of the report above, the council has recently agreed non-material amendments by ref. 19/AP/0952. The agreed changes include:
- to the extent of the podium (so that it covers the full plot rather than only part) and the height of the podium;
  - to the maximum plot component extents to allow balcony projections into the central podium courtyard, and;
  - to the maximum height of the blocks and tower to allow localised breaches for lift overruns, parapet heights and projections in the crown of the tower.
82. The approved Parameter Plans and Development Specification for Plot H7 set a minimum floor area of 28,160sqm GEA, and maximum of 45,131sqm GEA. The approved uses at ground, mezzanine and basement levels were Class A1-A5, B1, C3, D1 and D2, and Class C3 for the upper levels. The plot heights were set with minimum heights to four different parts of the plot (of 24.45m to 66.7m for a tower) and maximum heights (of 35.45m to 86.75m for a tower) and the central podium.
83. The submitted details in the current RMA are in accordance with this recent NMA for Plot H7.
84. A Reconciliation Statement and an updated Addendum have been provided with this application to demonstrate how Plot H7 is in compliance with the controls in the OPP (as amended by the NMAs). The table below summarises the design controls set by the OPP and the assessment of the Plot H7 proposal:

Table 1 – Conformity with OPP restrictions

Key data	OPP requirement	OPP document reference	Plot H7 assessment
Plot extent	Plot extents to be within the maximum and minimum parameters at ground/mezzanine and upper floors	Approved Parameter Plans P03 and P04 (as amended by the recent NMA for the plot)	The footprint of the building fits within the parameter extents as defined by the Parameter Plans and recent NMA.
% occupancy of plot	Total area of built footprint including balcony/amenity zones will be a maximum of 72% of the maximum plot's extent at upper levels	DSD (Consolidated February 2013 Version) Parameter Plan P04 (as amended)	Plot comfortably within the maximum % occupancy at 53.5%
% occupancy of tall building	Maximum floorplate area (including balconies) = 85% of maximum plot extent And - Maximum volumetric occupancy (including balconies) = 85% of maximum parameter envelope volume	DSD (Consolidated February 2013 Version)	% occupancy is below the two maximum % occupancy limits:  - The tall building occupies 64% of the maximum parameter tall building plot extent, and - 64% of the maximum envelope volume
Building envelopes	Plot extents within maximum and minimum AOD	Parameter Plans P08 and P09 (as amended)	Plot H7's heights are within the defined maximum and minimum parameter range,

	heights at ground / mezzanine and upper levels		with the NMA agreeing the slight increases for the lift over runs etc.
Development GEA	Development floor space (GEA sqm) set by a maximum and minimum quantum per plot	Development Specification (October 2018 as an amendment to the September 2013 version), Table 4.2: Plot H7 28,160 minimum GEA to 45,131sqm maximum GEA	Plot H7 complies at 44,303sqm GEA, and so is between the minimum and maximum area.

85. The reconciliation statement takes account of the cumulative delivery of the Plot H7 proposal with the known designs of the previously approved phase MP1, MP2, MP3 and MP4 developments and a potential development scenario of Plot H1 as the final plot, in order to show how the Plot H7 proposal can be reconciled with the approved site-wide controls. In this way it is possible to see if there are any implications arising from the proposal that may affect the on-going delivery of the masterplan's requirements.
86. Condition 17 of the OPP identifies the principal areas of reconciliation where information is required at each reserved matters stage relating to the delivery of:
- 1) number and mix of residential units
  - 2) affordable housing quantum, location and mix
  - 3) land use floor space and distribution
  - 4) open space provision
  - 5) car parking, motorcycle parking, and cycle parking
  - 6) transport/highway works provision
  - 7) utilities.
87. Taking each of these topics in turn, the submitted Reconciliation Statement successfully addresses these requirements and shows how Plot H7 would successfully comply and contribute to the site-wide requirements and restrictions.
- 1) Number and mix of residential units
88. Of a maximum residential floor area of 254,400sqm GEA approved by the OPP across the masterplan, the plots approved to date plus Plot H7 would total 251,688sqm of residential floor area, leaving 2,712sqm remaining. Lendlease intends Plot H1 to be a completely commercial building with no residential element. In this respect, the fact that Plot H7 and the earlier phases use almost all the approved residential floor area is acceptable.
89. As the final plot to contain residential units, the Reconciliation Statement can show the known unit mix and affordable housing quantum is to be achieved across Elephant Park to meet the requirements of the OPP.
90. The total number of residential units would be 2,689, providing a total of 8,133 habitable rooms. The wheelchair accessible units across the Elephant Park site provide a total of 855 habitable rooms, representing 10.5% of the development.
91. The OPP sets a maximum of 5% studios, a minimum of 60% two- and three-bedrooms and minimum 10% three-bedrooms across the masterplan. With Plot H7 and the

approved earlier phases, there would be:

- a total of 134 studios, which is 4.98% of the site-wide total and just below the maximum 5%;
- a total of 1,619 2- and 3-bedroom units, which is 60.2% of the site-wide total and above the minimum 60% requirement;
- a total of 276 3-bedroom units, which is 10.2% of the site-wide total and above the minimum 10% requirement.

## 2) Affordable housing

92. The provision of the 25% affordable housing was staged into cumulative delivery milestones of 400, 800, 1,200, 1,600, 2,000 units and on completion. Phase MP4 triggered the 2,000 unit milestone and the site-wide provision in the first four phases was found to be compliant. Plot H7 is the completion of the residential part of the development, and so the final milestone is applicable.
93. This is set out in more detail in the Affordable Housing section below, but in summary Plot H7 itself provides 20.6% affordable housing by habitable room. It would provide 72 affordable homes, which would increase the site-wide total to 541 affordable homes. In terms of habitable rooms, Plot H7 would add 248 affordable habitable rooms to give a site wide total of 1,987 habitable rooms in affordable units. This achieves and exceeds the 25% affordable housing provision across the Elephant Park development (when applying the “discount” of one habitable room for each affordable wheelchair unit provided allowed for within the section 106 agreement).
94. The section 106 agreement set the tenure split of the affordable units at the different milestones, and the minimum and maximum target percentage provision (by habitable room) of rented three-bedroom units: at completion of the masterplan 50% of the affordable units are to be rented and 50% to be shared ownership, and a maximum of 18% of the habitable rooms are to be within three-bedroom rented units. The rented accommodation is on the basis of social rent levels for three- and four-bedroom units, and at affordable rent levels for one- and two-bedroom units (at no more than 50% of market rent).
95. The tenure split of the affordable housing units across Elephant Park with this final residential plot would accord with the section 106 agreement requirement at 50.5% rented and 49.5% shared ownership, with a slightly higher percentage on the rented side. This complies with the requirement in the section 106 agreement that “*no more than 50% of the said Affordable Housing shall comprise Shared Ownership Units*”. These would contribute towards the site-wide provision of 23.0% of affordable habitable rooms being within social rented units of 3-bedrooms or larger. This exceeds the maximum of 18% set by the section 106 agreement but is a welcome provision given the significant need for family sized social rent units in the borough.

## 3) Land use floor space

96. The OPP set minimum and maximum floor areas for different uses. Plot H7 would contribute towards these figures, while ensuring the cumulative development does not exceed the site wide totals, as follows:



Table 2 – Confirming with OPP floor areas per use

Use Class	OPP minimum floor area (sqm GEA)	OPP maximum floor area (sqm GEA)	Plot H7 (sqm GEA)	Cumulative (sqm GEA)	OPP minimum achieved	Remaining floor area from the maximum (sqm GEA)
C3 residential	160,579	254,400	39,956	251,688	Yes	2,712
A1-A5 - retail	10,000	16,750	1,608	10,025	Yes	6,725
B1 business	2,000	5,000	0	1,330	No	3,670
D1 community	1,000	5,000	0	1,550	Yes	3,450
D2 – leisure	1,000	5,000	257	1,111	Yes	3,889
Sui generis (energy centre)	500	925	0	787	Yes	138
Sub total for uses	175,079	287,075	41,821	266,491	Yes	20,584
Parking, servicing, plant and storage	34,854	43,666	2,482	17,759	No	17,095
Total	209,933	330,741		284,250	Yes	37,679

97. This table shows that the floor areas for all the uses in Plot H7 can be accommodated within the remaining floor areas across the Elephant Park site. It also shows that all the minimum areas have been achieved except for office (which is to be provided in the future Plot H1 proposal), and the area of ancillary parking, servicing and plant, as the basement car parks in the OPP have not all been necessary. This is considered acceptable (and detailed further below) as sufficient parking and servicing areas have been incorporated. The park pavilion has yet to be submitted, and would likely propose retail and potentially community or leisure space as well.

#### 4) Open space provision

98. The OPP requires a minimum of 4.3 hectares of accessible public realm. Plot H7 would contribute 0.24 hectares towards this site wide total by providing public space around each façade of the building. The cumulative total of public realm is 4.796 hectares across the approved plots, this Plot H7 RMA, and the current RMA for the permanent arrangement of the park (under consideration in ref. 19/AP/5787). This site-wide figure already exceeds the minimum of 4.3 hectares and would be further increased when the details for the final Plot H1 come forward.

99. There were no trees due to be retained on Plot H7 in the OPP, and many have already been removed for the construction compound. The proposed tree planting is considered in the Trees and landscaping section later in this report. The play space provision within the plot is considered later in this report.

#### 5) Car parking, motorcycle parking, and cycle parking

100. The OPP set a maximum of 616 on-plot car parking spaces and 62 on-street car parking spaces. Plot H7 includes only two parking spaces on-plot which would bring the site wide total to 186 spaces, and no on-street car parking spaces (leaving the site wide total at 7

spaces), far below the maximum. No motor cycle spaces are proposed so the site-wide total remains at 23 spaces. Cycle parking provision would be made in line with the ratio per land use set by the OPP. While the minimum area of ancillary parking and servicing floor space has not been provided, these types of spaces do not directly contribute to the success of the Elephant Park masterplan. The basement car parks allowed for in the OPP have not been progressed in phases MP3, MP4 and this Plot, but the ground level servicing and parking arrangements have been found acceptable instead. See the Transport section of the assessment below for further detail.

#### 6) Transport and highways

101. Highways works including the plot's servicing yard entrance, carriageway works and road markings on Heygate Street have been shown indicatively and would be progressed through the s278 discussions with the Highways team. See the Transport section of the assessment below.

#### 7) Utilities

102. Plot H7 would connect into the utilities infrastructure that is being provided as part of the Elephant Park redevelopment, and the various utilities would run beneath the public realm around the plot.

#### *Conclusion on compliance with the OPP*

103. The proposed uses, tenure, and floorspace of Plot H7 contribute towards achieving the site-wide requirements of the OPP, especially in terms of the residential elements as the last plot that will contain residential use. The Reconciliation Statement Addendum is considered acceptable and satisfies the requirements of condition 17 for the further phase of the OPP masterplan. Further information on the affordable housing element is contained in a later assessment topic section.

#### **Environmental impact assessment**

104. The 2012 outline planning application was accompanied by an Environmental Statement (ES), and a later ES Addendum. The ES assessed the likely significant environmental impacts arising from the entire Elephant Park redevelopment during the demolition, construction and operational phases. The necessary mitigation measures were identified to minimise the predicted adverse impacts as far as possible, and these were secured by conditions and planning obligations as part of the OPP.
105. This RMA application for Plot H7 as part of the wider redevelopment approved by the OPP is a "subsequent application" for the purpose of the EIA Regulations. The council issued a formal screening opinion (ref. 19/AP/0026) on 24 January 2019 which concluded that developed design of Plot H7 would not result in any new or previously unidentified impacts that would warrant an additional EIA to be undertaken. Therefore a supplemental ES was not required for this RMA application, and the supporting documents provide additional technical information such as the daylight, sunlight and overshadowing assessment, a wind assessment, air quality assessment, and flood risk assessment.

#### **Density and dwelling mix**

106. Core Strategy Policy 5 sets a density range of between 650 to 1,100 habitable rooms per hectare (hr/ha) within the Central Activities Zone (CAZ). Densities may be exceeded in Opportunity Areas when developments are of an exemplary standard of design. At the outline application stage, an indicative site-wide density of 1,054 hr/ha was achieved

based on an assumption of 9,052 habitable rooms in 2,469 residential units across Elephant Park as the maximum residential element.

107. The Plot H7 proposal contains 1,152 habitable rooms in the proposed 424 flats, plus resident amenity rooms and the 1,680sqm of commercial floorspace (equivalent to another 65 habitable rooms) which results in a total of 1,217 habitable rooms overall. The density for this mixed use plot is 1,601 hr/ha which sits above the maximum density range for the CAZ. The proposal therefore needs to demonstrate that the residential accommodation is of an exemplary standard in accordance with the criteria set out in the Residential Design Standards SPD. This is considered further in the “Quality of residential accommodation” and “Design” sections below.
108. The density for this plot is above the indicative site-wide density established in the OPP, although it is noted that the earlier plots that have had their RMAs approved have varying densities, such as Plot H10 (924 hr/ha), Plot H3 (931hr/ha), Plot H4 (1,176 hr/ha), Plot H5 (1,640 hr/ha), Plot H11A (1,500 hr/ha) and Plot H11B (1,533 hr/ha). The proposed density of Plot H7 when viewed within the context of these other plot densities would be appropriate in principle for a development within the CAZ, and an Opportunity Area with an excellent PTAL. The proposal would maximise the potential of this brownfield site, which is one of the indicators of an exemplary design standard.
109. London Plan Policy 3.8 requires new developments to offer a range of housing choices in terms of the mix of housing sizes and types. Core Strategy Policy 7 requires major development in the Elephant and Castle Opportunity Area to have at least 60% of units with two- or more bedrooms and 10% of homes to have three-, four- or five-bedrooms. No more than 5% of units should be studio flats. The OPP also sets unit mix restrictions.
110. Plot H7 would have the following mix:

Table 3 – residential mix

Unit size	Number of homes	Percentage of homes
Studio	19	4.5%
1-bedroom	140	33.0%
2-bedroom	223	52.6%
3-bedroom	42	10.0%
4-bedroom	0	0%
Totals	424	100%

111. Plot H7 would not exceed the 5% maximum of studios set by the OPP, would achieve the 10% minimum of three+ bedrooms and exceeds the 60% minimum of two- and three-bedroom homes. As set out in the Reconciliation section above, the site-wide housing mix complies with the OPP restrictions.
112. The density is acceptable in principle for this plot, and the dwelling mix meets the requirements of the OPP for this plot and fits in with the site-wide requirements as the last residential phase of Elephant Park.

### **Affordable housing**

113. The 2013 section 106 agreement associated with the OPP requires 25% affordable housing to be provided across the Elephant Park development. This is to be calculated

on a habitable room basis. The tenure split is set at 50% rent and 50% shared ownership tenure across Elephant Park; the rented units are to be made available as social rented housing for three-bedroom units or larger, and at affordable rent levels for one- or two-bedroom units (i.e. the size of the unit determined the type of affordable product). Appendix 4 of the section 106 agreement sets the milestones per 400 completed homes and the associated proportion of affordable housing, the tenure mix, and the minimum and maximum percentage of 3-bedroom units at social rent levels to be achieved. This was to ensure a relatively even delivery of affordable housing across the phases of Elephant Park, but does not require each plot to provide affordable housing nor 25% affordable housing.

114. As Plot H7 would be the last residential plot, the site-wide “completion” milestone is the relevant stage. Appendix 4 of the section 106 agreement requires 25% affordable housing (by habitable room) on completion, with a tenure mix of 50% rented and 50% shared ownership for the affordable housing, and a maximum of 18% of affordable habitable rooms within 3-bedroom social rent units.
115. The objections received to this RMA for Plot H7 are in relation to the affordable housing provision in terms of a percentage and number of affordable units (particularly with the additional 220 units above the “maximum number” of the OPP) and the number of social rent units being provided.
116. In terms of this plot alone, Plot H7 proposes 424 homes and 1203 habitable rooms (counting any habitable room over 27.5sqm as two habitable rooms), of which 72 homes would be affordable (containing 248 habitable rooms). This equates to 17% affordable housing by unit and 20.6% by habitable room.

Table 4 – Tenure split by unit in Plot H7:

Unit size	No. of social/ affordable rent units	No. of intermediate (shared ownership) units	Total affordable units
Studio	0	0	0
1-bedroom	11	10	21
2-bedroom	9	18	27
3-bedroom	15	9	24
<b>Total</b>	<b>35</b>	<b>37</b>	<b>72</b>

Table 5 – Tenure split by habitable room in Plot H7:

Tenure	No. of habitable rooms	Percentage
Affordable/social rent	125	10.4%
Shared ownership	123	10.2%
Private	955	79.4%
<b>Total</b>	<b>1203</b>	<b>100%</b>

117. The affordable homes are within block B (rented and shared ownership) and part of block C would contain further shared ownership units alongside market ones. These would be accessed from two communal entrances on Heygate Street and from the podium garden

(which will be shared by all residents of Plot H7). The design quality of these homes and blocks are the same as for the private units (detailed further below in the Quality of Accommodation section).

118. While the provision within Plot H7 is below the 25% site-wide figure, the cumulative totals of the affordable housing and market housing provided in earlier phases MP1, MP2, MP3 and MP4 must also be considered for this final residential phase.

*Site-wide affordable housing provision*

119. The provision of affordable housing within Plot H7 would bring the site-wide cumulative totals of all residential plots to 541 affordable homes out of a total of 2,689 (as 20.1% of the units). However, it is the habitable room calculation that is the key metric.
120. With a total of 2,689 homes containing 8,142 habitable rooms across Elephant Park, a 25% provision would be 2,036 habitable rooms. As 106 x affordable wheelchair accessible units are to be provided, 106 fewer affordable habitable rooms can be provided while still being compliant (in accordance with saved policy 4.5 of the Southwark Plan and as specifically stated in the 2013 section 106 agreement). Therefore the target number is 1,930 affordable habitable rooms to achieve the 25% requirement of the OPP.
121. Across Elephant Park 1,988 affordable habitable rooms are due to be provided – i.e. 58 rooms in excess of the target number. The site-wide 25% affordable provision will be achieved and exceeded, which is strongly supported. Of these affordable homes, 50.5% are to be rented and 49.5% as shared ownership. While this is slightly out from the 50/50 split required by the Affordable Housing Framework in the section 106 agreement, it accords with the restriction in Schedule 3 that no more than 50% of the affordable housing be shared ownership. The slight over provision of rented is supported particularly as the provision of family sized social rented units is higher than required.
122. The final element of housing that needs to be checked is the provision of three-bedroom (or larger) social rented units. Again this is done on a habitable room basis. The OPP sets, on completion of Elephant Park, the provision of three-bedroom (or larger) social rented units within the total affordable housing provision at a maximum of 18% (i.e. up to 18% of the habitable rooms within the affordable housing can be contained within three-bedroom units).
123. The 15 x three-bedroom social rent units in Plot H7 would contain 75 habitable rooms. These would result in a cumulative total of 461 habitable rooms within three-bedroom social rented units in the residential plots of Elephant Park. This represents 23% of the 1,988 affordable habitable rooms, and is above the 18% maximum set by the OPP. However social rented, family sized units are the type of housing most in demand in the borough. The exceedance above the maximum percentage by 103 habitable rooms is in this case a much-welcomed over-provision from the 2013 section 106 agreement's limit.
124. The Plot H7 proposal as part of MP5 and the final residential plot to complete the affordable housing provision across Elephant Park is acceptable. It fully accords with and exceeds the requirements set out in the 2013 section 106 agreement associated with the OPP.

*Objections received to the affordable housing*

125. The objections received refer to the number of affordable homes being provided being lower than the number reported to Committee in their consideration of the 2012 outline application. The 2013 Committee report included estimates of the number of affordable

units in the minimum residential scenario (of at least 511 homes to reprovide the demolished Heygate Estate along with the off-site locations), and maximum residential scenario (570 homes) which was used for the indicative masterplan. The indicative masterplan was one suggested iteration of how the parameters and design guidance could be interpreted and progressed, but was not a definitive proposal. Table 1 of the 2013 Committee report is clear that the affordable housing is to be based upon the percentage of habitable rooms rather than units, and the report was clear that the precise mix of unit sizes within the affordable housing will be determined by the RMAs for the plots. As the RMAs have been submitted for 11 plots, the exact number and habitable rooms are known, and now the full position across Elephant Park is clear for the residential element.

126. The objections also refer to the site-wide number of units resulting from the 424 homes proposed in Plot H7 being 220 more than the maximum number stated in the proposal description of the OPP. In 2018, Lendlease submitted a non-material amendment (NMA) application ref. 18/AP/3225 which sought to change the description of the OPP development, so that it referred to the range of residential floorspace approved, instead of a minimum and maximum number of units. The two relevant parts of the NMA's description wording are underlined below for comparison:

*Non-material amendment to outline planning permission ref. 12/AP/1092 for:*

*Redevelopment to provide a mixed use development comprising a number of buildings ranging between 13.13m (AOD) and 104.8m (AOD) in height with capacity for between 2,300 (min) and 2,469 (max) residential units together with retail (Class A1-A5), business (Class B1), leisure and community (Class D2 and D1), energy centre (sui generis) uses. New landscaping, park and public realm, car parking, means of access and other associated works) in order to:*

*- Amend the description of development to: "Outline application for: Redevelopment to provide a mixed use development comprising a number of buildings ranging between 13.13m (AOD) and 104.8m (AOD) in height with capacity for between 160,579sqm GEA (min) and 254,400sqm GEA (max) residential floorspace together with retail (Class A1-A5), business (Class B1), leisure and community (Class D2 and D1), energy centre (sui generis) uses. New landscaping, park and public realm, car parking, means of access other associated works."*

*- To amend condition 2 part b to cross-refer to the approved plans and documents listed at condition 6.*

*- To submit an amended Development Specification (October 2018) and amend condition 6 to list the Development Specification (October 2018) as the approved version.*

127. In considering this 2018 NMA application, the officer report noted that a proposal description alone does not define or restrict a development; it sets out what can be carried out as a result of the permission but this does not mean that anything else is prohibited. It is the role of the conditions to a planning permission to identify what cannot be done. The conditions on the OPP list the approved drawings (i.e. the approved parameter plans) and approved documents (such as the Development Specification) which prescribe and define the approved Elephant Park redevelopment. The number of units referred to in the OPP description were not secured nor restricted by a condition, nor restricted by the approved drawings, nor the approved documents. Instead, the approved documents refer to the floorspace minimum and maximum sqm floor space areas for different uses across the site, and per plot, as matched by the massings

allowed by the parameter drawings. The 2012 Environmental Impact Assessment was undertaken on the basis of the floorspace figures, rather than a number of units. It was considered acceptable to change the OPP description to replace the number of units with the approved floorspace of residential use, as an accurate description of the development and in line with the floorspace figures in the approved documents. It better informs the reader as to the scale and type of development approved when read as part of the full description, alongside the other uses and the range of heights approved. The NMA was approved in November 2018.

128. The objections to the Plot H7 RMA suggest that additional affordable homes should be required as 35% of these “additional” 220 units, plus the number reported to Committee in 2013. However, as set out above, the affordable obligation in the OPP requires a fixed 25% affordable housing percentage, calculated on a habitable room basis (not by unit number) which will be achieved and that Plot H7 contributes towards. The number of affordable units is not the key criteria in the legal agreement. It is worth noting however, that Lendlease is due to provide 92 social rented family units across the site, more than the 71 estimated in 2013, which would assist in the meeting the borough’s most pressing housing need. As these larger affordable homes contain more habitable rooms, the overall total unit number of 541 affordable homes is lower than the indicative 570 estimate in the OPP, however the 25% provision is achieved and exceeded.
129. The objections also suggest the viability of Elephant Park should be reviewed with the increase in the number of units. The 25% provision secured in the 2013 OPP was far in excess of the 9.4% affordable housing that was found to be viable at that time. The single viability review obligation in the section 106 agreement would have been triggered only in the event that substantial commencement of the first phase (MP1) had not taken place within two years of the first RMA. As the first phase was implemented promptly, the viability review was not triggered. There is no provision in the 2013 OPP for any other viability review to be required. The council has no mechanism to insist on a viability review with the increased number of units (as the residential floor space is within the maximum area approved), nor a late stage review of the completed scheme.
130. The proposed affordable housing in Plot H7, as part of the wider Elephant Park development and the final residential plot would achieve and exceed the 25% affordable housing provision required by the 2013 section 106 agreement. It is considered acceptable and there is no scope within the terms of the section 106 agreement to require a review, or the delivery of additional affordable housing.

### **Quality of residential accommodation**

131. Development which exceeds the maximum expected density range or includes a tall building is expected to demonstrate an exemplary standard of design. The Residential Design Standards SPD at section 2.2 advises that for a development to be considered as being of an exemplary standard, it will need to demonstrate that it exceeds the residential design standards and includes features such as:
  - significantly exceed minimum floor space standards
  - provide for bulk storage
  - include a predominance of dual aspect units
  - exceed the minimum ceiling height of 2.3m
  - have natural light and ventilation in kitchens and bathrooms
  - exceed amenity space standards
  - meets good daylight and sunlight standards
  - have excellent accessibility
  - minimise corridor lengths by having an increase in number of cores

- minimise noise disruption by stacking floors.

The paragraphs below highlight where the proposal achieves these indications of an exemplary design.

*Arrangement and internal space standards*

132. There are seven or eight flats per core in the tower and mansion block which reduces the internal corridor length. The ceiling heights of 2.5m exceed the minimum height of 2.3m required by Building Regulations. These are indications of exemplary residential design.
133. Each flat would have storage space. No bulk store is indicated for residents, although a bulk waste store and an enclosed resident amenity room are shown at ground level, which could be used to provide bulk storage.
134. The Residential Design Standards SPD sets out the minimum internal size standards (which in turn are based on the national prescribed standards). The proposed units all exceed the minimum internal size standard by 0.4sqm to 2.2sqm (for studios and one-bedroom flats) and 0.3sqm to 4.5sqm for larger flats, as set out below.

Table 6 - Unit sizes

<b>Unit size</b>	<b>SPD minimum size (sqm)</b>	<b>Proposed unit size range (sqm)</b>
Studio	37	37.5-40.4
1-bedroom/2 person	50	50.4-52.2
2-bedroom/3 person	61	62.0-65.5 w/c units at 75.0sqm
2-bedroom/4 person	70	70.4-72.8 w/c units at 85.7sqm
3-bedroom/5 person	86	86.3-87.7 w/c units at 110.3-110.4sqm

135. The room sizes meet the minimum areas as set out in Table 2 of the SPD for the bedrooms, living/kitchen/dining rooms, bathrooms, and the separate kitchens and living rooms.
136. The wheelchair units would meet the minimum sizes set out in Table 3 of the SPD. The entrances to the building would have level access and all units in Plot H7 would be accessible by lift (two or three lifts per block). The OPP requires at least 10% of dwellings or habitable rooms across Elephant Park need to be delivered as wheelchair units. The submitted accommodation schedule identifies 31 wheelchair units to be provided out of the 424 total proposed in Plot H7; this represents 7.3% of the dwellings in this plot, or 11.8% of the habitable rooms. Therefore, while it is under-providing in terms of unit number, it is significantly over providing in terms of habitable rooms. The accessibility of the units within Plot H7 would be secured by condition regarding Building Regulations M4(2) and M4(3). Across the Elephant Park, the 10% requirement would be met and exceeded with 10.6% of the habitable rooms in 225 units in the development being within wheelchair units. In this regard, the excellent accessibility of the proposed homes in this plot is in accordance with one of the characteristics of an exemplary residential design quality.



### *Aspect*

137. The Residential Design Standards SPD recommends that developments should have a predominance of dual aspect residential units as an indication of an exemplary design. The GLA's Housing SPG states that:

*“a dual aspect dwelling is defined as one with openable windows on two external walls, which may be either on opposite sides of a dwelling or on adjacent sides of a dwelling where the external walls of a dwelling wrap around the corner of a building (the provision of a bay window does not constitute dual aspect).”*

138. Within each floor of the tower, the four corner units would be considered as dual aspect. The other four units per floor would not be truly dual aspect, as these flats have windows to the living room and bedroom facing the same aspect, and the living rooms would have a secondary window and door in the side wall of the projecting bay; this secondary view would be restricted by the balcony floor and the balcony on the level above. These are considered to be single aspect with an enhanced secondary outlook. In total for the tower, 49.8% would be true dual aspect and 50.2% would be enhanced single aspect. In the two mansion blocks, 39.5% of the units would be dual aspect, 21% single aspect, and 39.5% enhanced single aspect with the bay windows providing a form of secondary outlook.
139. Overall 46% of the units in Plot H7 would be dual aspect, 42% would be enhanced single aspect and 12% would be single aspect. This is not a predominance of dual aspect units, and so the scheme does not achieve this indicator of exemplary design.
140. There is 1 x one-bedroom flat per floor of the tower that would be north facing, with a secondary view provided by the projecting bay window across the balcony. These units would also have an attractive outlook over the park, are sized 1.6sqm larger than the minimum size, exceed the ADF to all habitable rooms to receive good daylight levels, and occupiers would have access to the podium garden, roof terrace and resident amenity rooms. There are 30 x one- and two-bedroom flats on the park facing side of block E would face north-east, and with the bay window projection would be considered as enhanced single aspect units. They would not receive sunlight, but are sized 2-2.8sqm larger than the minimum size, would benefit from the attractive outlook over the park, and have access to the roof terrace (that would receive good sunlight levels). All but one flat would achieve good ADF levels to all habitable rooms, and the first floor flat that does not is 0.1% short of the recommended ADFs. On balance, the quality of these north-facing units as part of the overall quantum of development in this plot and quality of living accommodation with the proposed communal outdoor and indoor amenities, is considered to be acceptable.

### *Privacy and outlook*

141. The Residential Design SPD requires developments to achieve a separation distance of 12m at the front of a building and any elevation that fronts a highway and a minimum of 21m separation at the rear of buildings in order to prevent harmful overlooking between residential units.
142. The proposed flats that face out of the plot would have good outlook and privacy. The windows on the northern side of the plot would face over the park and not raise privacy concerns. Others would face outwards towards the facing windows of Plots H2, H11B and H6. The south facing windows would look over Heygate Street to Plot H6, at a distance of 25m, and so comfortably exceed the minimum 12m separation for the front of buildings. The west facing windows would look over Sayer Street to Plot H2 at a distance

of 12.5m, so achieves the minimum distance.

143. The facing windows on the eastern side would be 13.5m from the approved facing windows of Plot H11B across the new route, except at one point where the proposed bay window projection would be set 11.5m at the very corner. These distances are considered to be acceptable when considering the angled orientation of the blocks.
144. Most of flats that face into the podium courtyard would also have good outlook and privacy. They would face each other across the central garden at distances of between 7m and 50m, and the arrangement of the blocks with the three main sides forming a triangle would limit the number of windows facing square on to each other.
145. The closest arrangements of windows are between the end of block E and the tower (9.4m between windows), the end of block C and the tower (8.3m between windows), and between the ends of blocks A and B; the projecting balconies would reduce these distances. These closest relationships are set out below:
  - Between block E and the tower, the facades are angled so the windows would not face square on, and the closest windows are between living rooms which have secondary outlooks.
  - Between block C and the tower, the windows have been arranged so that they are staggered between the living rooms (which benefit from secondary outlooks) to prevent direct views, and the bedroom windows in the tower are set behind the balcony to slightly increase the separation to 10m.
  - Between the western side of block A and the eastern flank of block B, the windows would be 10m from each other. Three of the four units in this arrangement are dual aspect. The windows face across to rooms of the same type (living to living room, bedroom to bedroom) except for one flat where the secondary outlook from a living room in block B would face a bedroom in block A.
146. These arrangements are tighter than the SPD recommends, and in some cases would limit the privacy of particular rooms in certain flats. However, the arrangement of the block is in line with the OPP parameters and the distance between blocks A and B has increased from the indicative arrangement, and the majority of the proposed homes would benefit from good levels of privacy.

#### *Daylight*

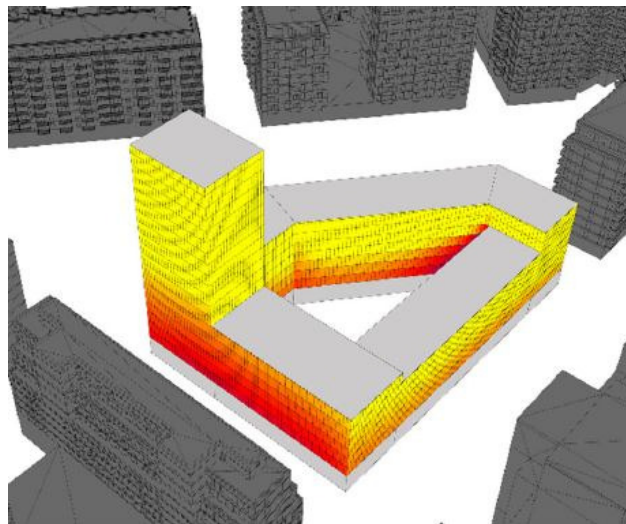
147. The submitted internal daylight, sunlight and overshadowing assessment details the daylight and sunlight levels for the proposed residential units and the communal amenity spaces. It was updated following the revisions made to increase the size of windows, add windows, and shift balconies away from windows.
148. The assessment was prepared in accordance with the BRE Guidance "*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*" (2011). It follows on from the assessment within the 2012 ES that detailed the likely light levels within the completed development. The 2012 ES expected Plot H7 to have low daylight levels, particularly to the lower floors, due to the plot's location close to neighbouring plots and the expected massing of development in the masterplan. It recommended further assessment at the detailed design stage when the precise location and scale of individual buildings within the plots and the gaps between buildings were known. With the neighbouring plots now approved and some constructed, the design of Plot H7 has tried to improve daylight levels to the proposed homes in its massing, detailing and layout of the flats.

149. All habitable rooms in the proposed flats have been assessed using Average Daylight Factor (ADF), No Sky Line (NSL) and Room Depth Criterion (RDC) methods of assessment:

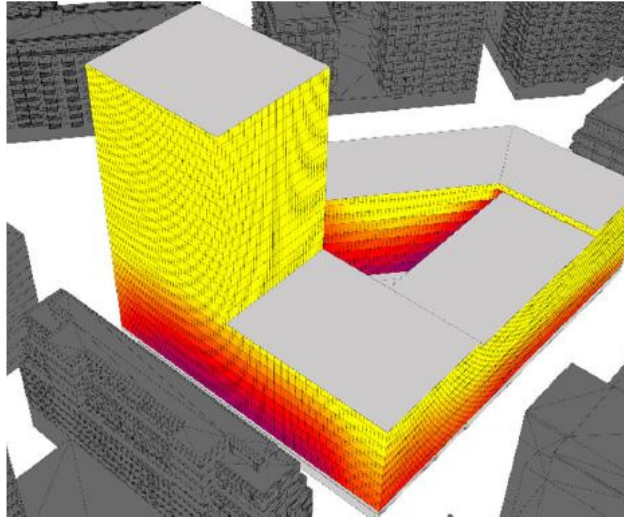
- The ADF is a detailed calculation used when the internal layout and room use is known and assesses the quality and distribution of light within a room. The BRE guidance advises the following minimum ADF values: 2% for kitchens, 1.5% for living rooms, and 1% for bedrooms.
- The NSL test establishes where within a room the sky would be visible through the window. The BRE's guidance advises that to guarantee satisfactory daylight uniformity, the area of the room which doesn't receive direct skylight should not exceed 20% of the room's floor area.
- RDC is measured for single aspect rooms and is the ratio of room depth to window size.

150. The applicant has sought to maximise the daylight availability to the rooms on this constrained plot and made improvements during this application by working on; the massing of the blocks; the layout of the flats (to prioritise daylight to living rooms); the location of the balconies relative to windows; adding and enlarging windows in the amended plans; the façade materials in the courtyard (using lighter brick colour); and flooring materials (lighter veneer for the floorings). Daylight to living rooms has been favoured over daylight to bedrooms as that is likely to be where occupiers spend most of their waking time and most value the daylight.

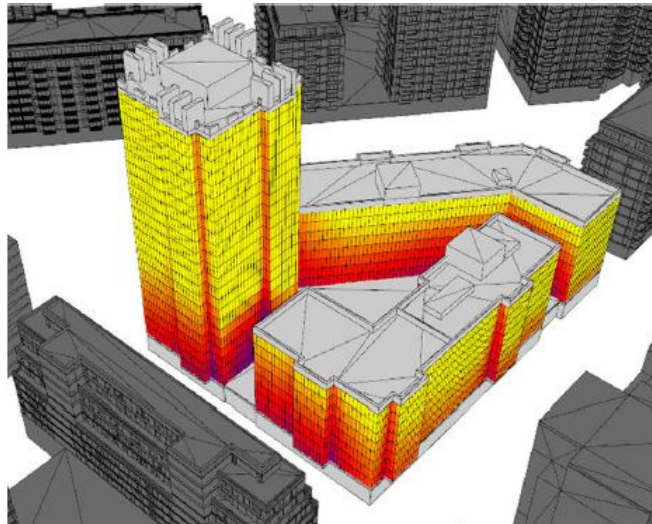
151. The series of visuals below show how the outline massing has evolved to the detailed scheme, and the resulting VSC levels across the façade from the OPP minimum massing, OPP maximum massing, and current RMA. Yellow indicates a good VSC value, reducing to orange, red and dark red. They show how the VSC values across the Sayer Street façade would be low even in the minimum parameter scenario, due to the proximity of Plot H2.



Visual showing the VSC levels across the facades in the OPP minimum parameters massing (orange, red and dark red being lower VSC values)



Visual showing the VSC levels across the facades in the OPP maximum parameter massing



Visual showing the VSC values across the façade of this RMA submission

152. In the original scheme, 65 of the 424 flats proposed were to have daylight levels to all rooms that were below the recommended ADF level. With the amendments made during the application, 36 more habitable rooms now achieve the relevant ADF. There would now be 57 flats (11 x studios, 34 x one-bedroom, 12 x two-bedroom flats) that have daylight levels to all their rooms below the recommended ADF. If a lower ADF of 1.5% is applied to the combined living/kitchen/dining (LKD) rooms, there are 48 flats at first to seventh floors that have low daylight to all rooms. These flats are distributed across blocks A, C, D and E, mainly affecting market homes and some of the shared ownership flats.

153. The table below sets out the predicted ADF daylight results with the revisions made.

Table 7 - ADF results for the proposed rooms

Room type	Pass ADF	Fail ADF	Total room	Compliance
Living/Kitchen/Dining	210	178	388	54%
Living room	13	4	17	76%
Kitchen	5	11	16	31%
Bedrooms	593	119	712	83%
Studio	8	11	19	42%
<b>Total</b>	<b>829</b>	<b>323</b>	<b>1152</b>	<b>72%</b>

154. The results show that 72% of habitable rooms (829 out of 1152) within the development would meet or exceed the target ADF value for that room type.

155. Of the 323 rooms (28%) that fail:

- The combined living/kitchen/diners have been assessed against the higher ADF of 2% for the kitchen; of the 178 LKDs that fail to achieve 2% ADF, 90 LKDs meet or exceed the 1.5% ADF which is sufficient for a living room and dining room, and another 29 LKDs and living rooms have ADFs of 1.3-1.4% to be slightly below that recommended level. Another 27 living rooms have windows that are obstructed by the balcony above and are on a lower floor facing onto another plot - in these cases the applicant has sought to maximise the size of the windows and offset balconies where possible to improve the daylight levels. The other 39 LKDs have low daylight due to the facing facades and the applicants have tried to locate these rooms in corners to benefit from light from two directions, and enlarge the full height windows to maximise the daylight levels.
- Three of the eleven failing kitchens achieve 1.5%, and the other 8 are affected by the balconies above in units where the living room has been located in the best part for daylight.
- Of the 119 bedrooms failing short, 46 do so by 0.1-0.2% below the recommended ADF. The other bedrooms are in lower floor flats that are affected by the projecting balcony above or the facing façade, and are in units where the living room has been prioritised in the best location for daylight.
- 3 of the 11 failing studios achieve 1.5% ADF which is suitable for a living room and bedroom. The other 8 studios have ADFs of 0.8-1.4%, are located on lower floors (first to fifth) facing into the courtyard and affected by the balconies above or the massing of the other blocks within Plot H7. The applicant investigated moving the balconies further which was found to not improve daylight levels and while removing the balconies would improve the daylight, the applicant considers the private amenity space adds to the quality of these studios.

156. The submitted assessment also compared the ADF levels along the Sayer Street frontage with those of the flats in the facing frontage of Plot H2 that were approved in its RMA. It found that the ADFs of the LKDs in the Plot H2 RMA scheme were 0.4-1.4%, which are similar to the 0.5-1.5% ADF of the Plot H7 flats, and that the bedrooms in Plot H2 were in the range of 0.2-0.7% which are slightly lower than the 0.3-1.5% range in Plot H7 proposed in the current application.

157. In terms of daylight distribution, 764 out of 1,152 (66%) proposed rooms would achieve or exceed the BRE recommendation on NSL. The daylight distribution to living rooms has again been prioritised, with the result that the bedrooms are more affected by balconies

above and the massing of facing facades.

Table 8 - NSL results for the proposed rooms

Room type	Pass NSL	Fail NSL	Total room	Compliance
Living/Kitchen/Dining	281	107	388	72%
Living room	9	8	17	53%
Kitchen	7	9	16	44%
Bedrooms	455	257	712	64%
Studio	12	7	19	64%
<b>Total</b>	764	388	1152	66%

158. While the proposal could not be considered to achieve the exemplary indicator of meeting “good daylight and sunlight standards”, the low daylight levels (particularly on the Sayer Street façade) was an expected result of the OPP and the applicant has taken care to maximise the daylight to the flats as far as possible (and further improved by the changes made during the application).

#### *Sunlight*

159. All living room windows within 90 degrees of due south were assessed for sunlight availability. The BRE’s Annual Probable Sunlight Hours (APSH) test suggests that a window should receive 25% of annual probable sunlight hours during summer and at least 5% of sunlight hours during the winter (21 September and 21 March).
160. The assessment found that 191 out of 261 living rooms tested (73%) would receive good winter and annual sunlight levels. Of the 70 rooms (27%) that do not achieve the BRE guidance levels:
- 22 rooms face west, either onto the flank of block B, or across to Plot H2, which limits their sunlight hours received.
  - 36 rooms are set below projecting balconies and are shaded by facing buildings. Ten of these rooms receive the recommended winter hours (when the sun is low in the sky), but the balconies above shade the window in summer so that they do not achieve the annual hours.
  - Four rooms on the Heygate Street frontage do not receive winter sun due to the massing of Plots H6 and H10 opposite.
  - Eight rooms in lower floors of the tower receive limited sunlight as they face onto block C to the south.
161. For this central plot in the Elephant Park masterplan that is surrounded by similarly sized plots and that is in accordance with the parameters of the OPP, the predicted sunlight levels to the proposed flats are considered acceptable.

#### *Overshadowing*

162. The BRE guidance recommends that an outdoor amenity space should receive at least two hours of sunlight on 21 March to at least half its area.
163. The podium garden would receive limited sunlight in the summer and throughout the year. This was predicted in the 2012 outline application in the minimum massing scenario and maximum massing scenario (where no area would received at least two hours on the 21 March). In this proposed RMA, 5% of the courtyard would receive at least two hours of sunlight, mainly in the area between blocks A and B which has been widened from the

illustrative masterplan. The landscaping, trees and plant species selections have taken into account these low sun levels to ensure the selected plants would still establish and thrive.

164. The three communal roof terraces on blocks B, E and the tower would receive much better sunlight hours, with 83%, 95% and 74% of their areas respectively receiving at least two hours. The three terraces would be accessible to the residents of that block; the affordable housing residents have access to the terrace on block B, market housing residents in the tower having access to its terrace, and those living in the park mansion block A/E having access to the terrace at the top of block E. The communal roof terraces would have good sunlight availability throughout the year, and provide residents with a choice of communal space.

#### *Internal noise*

165. The repeated floorplan of the tower and mansion blocks means that the layouts of the units are stacked which would assist in minimising noise transference, and achieve a further criteria of exemplary design from the Residential Design Standards SPD. Conditions on the OPP require noise test results to be submitted prior to occupation to demonstrate compliance with the noise standards set in the conditions.

#### *Amenity space*

166. Residential development must provide an adequate amount of useable outdoor amenity space in private gardens, balconies, terraces or roof gardens. The Residential Design Standards SPD sets the following standards:
- A minimum 50sqm communal amenity space per development
  - Units of 3 or more bedrooms must have 10sqm of private amenity space
  - Units of 2 bedrooms or less - ideally 10sqm of private amenity space and where this is not possible the remaining amount be added to the communal amenity space total area
  - Balconies and terraces should be a minimum 3sqm to count towards private amenity space
  - 10sqm of play space per child (covering a range of age groups).
167. Each home would have a private amenity space with a balcony or terrace of at least 5.9sqm. The three-bedroom flats would have 10sqm of private space. All residents would have access to the communal garden and the roof terrace for that block.
168. With 424 flats proposed, a minimum of 4,240sqm of private amenity space would be required by the SPD and 200sqm of communal space for the four shared gardens and terraces, totalling 4,440sqm.
169. The private amenity spaces are mainly 5.9sqm, and so there is a shortfall of 1,566sqm of private amenity space that would need to be provided by the communal amenity spaces.
170. A variety of communal garden areas are proposed; the shared podium garden (1,250sqm), a roof terrace (357sqm) at the top of the tower, and two roof terrace to the mansion blocks (165sqm and 381sqm). These communal areas total 2,153sqm and offset the shortfall in private amenity space, and provide the playspace in the shared podium garden for 0 to 5 year olds, in order to address the requirements of the Residential Design Standards SPD. These areas are to incorporate trees, planting, lawn, seating, tables, play features and pergolas.

171. The tower includes a further 248sqm of internal amenity spaces for the residents, with two ground floor rooms (24sqm and 87sqm), two rooms at first floor level (19sqm and 76sqm) and roof room (42sqm). While these spaces do not contribute towards the amenity space requirements, these areas would enhance the facilities for future residents.
172. The amenity space proposed within this plot would exceed the amenity space standards set out in the Residential Design Standards SPD, and is a further indication of an exemplary standard of design.

#### *Playspace*

173. A Site-Wide Play Provision Strategy for Elephant Park was approved pursuant to the OPP legal agreement, and this anticipated the central courtyard of Plot H7 would provide door step play for 0-5 year olds. Details of the play provision for each plot have to be submitted for approval with each RMA. Using the GLA playspace calculator which has been used throughout the RMAs to take account of the tenure and size of units, the Plot H7 proposal would require 740sqm of children's playspace (370sqm for under 5s, 220sqm for 5-11 year olds and 140sqm for 12+ year olds).
174. The podium garden would incorporate 370sqm of doorstep play for 0-5 year olds in two areas (including colourful play features, informal play and lawn area), which would be accessible to all residents.
175. The neighbouring park (to the north-west of the plot) would provide local play for 5-11 year olds (220sqm), as anticipated by the Site-Wide Play Provision Strategy. The OPP's legal agreement also secured s106 monies to be put towards off-site new or enhanced facilities for the 12+ year olds, which Plot H7 would contribute towards.
176. This plot would provide sufficient play space provision on plot, immediately adjacent to the plot and as a financial contribution as part of the site-wide requirements for over 12 year olds.

#### *Conclusion on quality of accommodation*

177. The different elements of residential quality set out above demonstrate how the proposed homes would achieve certain criteria for exemplary residential accommodation, as listed in the Residential Design Standards SPD. While not every unit will achieve every criteria (particularly in terms of daylight levels and dual aspect), this constrained plot would achieve the broader requirements, for example, the stacking of the floor layouts, the accessibility, the ceiling heights and corridor lengths. All units would have private amenity space in addition to the landscaped podium garden, roof gardens and play space. Other exemplary design aspects are highlighted in other sections of the assessment, such as achieving Secured by Design, maximising the potential of the site, and making a positive contribution to the local context. For these reasons, and acknowledging that this is a plot in close proximity to other Elephant Park plots which is in line with the OPP, Officers conclude that the quality of the proposed residential accommodation is sufficiently high to justify the density and the tall building on this plot as part of the Elephant Park masterplan.

#### **Impact on the amenities of occupiers of adjoining properties**

178. Saved policy 3.2 of the Southwark Plan states that planning permission will not be granted where a proposal would cause a loss of amenity, including disturbance from



noise, to present and future occupiers in the surrounding area or on the application site. Strategic Policy 13 of the Core Strategy requires developments to avoid amenity and environmental problems that affect how we enjoy the environment in which we live and work.

### *Daylight*

179. An external daylight, sunlight and overshadowing assessment was submitted to demonstrate the impact of Plot H7 on neighbouring properties by carrying out the tests described in the BRE guidance. These are the Vertical Sky Component (VSC) to windows to habitable rooms and the No Sky Line (NSL) tests of daylight distribution within habitable rooms. Given the location of Plot H7 in the centre of Elephant Park, the affected properties are also within the Elephant Park masterplan - Plots H2, H3, H6, H10 and H11B. As the Heygate Estate buildings were demolished five years ago, the completed plots currently look out on a relatively undeveloped Plot H7, with only the temporary construction offices on it. Therefore instead of using the historic “pre-existing” massing of the now demolished building for the BRE tests, or the existing situation of a near-vacant plot, the submitted assessment refers to the massing of the 2012 illustrative masterplan of Plot H7 to provide the “baseline” figures. The massing of the proposed Plot H7 in this RMA is then compared with this “baseline”; this approach was used in the consideration of the reserved matters for earlier Plots H5, H11A and H11B.
180. The submitted daylight and sunlight assessment uses the following criteria for assessing whether there will be a material impact on daylight and sunlight to neighbouring properties, if:
- A window experiences a difference in absolute VSC of 2% or more from the massing of the illustrative masterplan;
  - The NSL within a room is reduced by 5% or more beyond the impacts associated with the illustrative masterplan;
  - A window experiences more than an absolute 1% change in winter sunlight and more than an absolute 2% alteration in annual sunlight from the results associated with the illustrative masterplan.
181. As Plot H7 faces onto five other plots in its central position, it was always going to affect more windows than other plots. When the Plot H7 RMA proposal is compared with the impacts the illustrative masterplan massing would have had (and the reductions in daylight to neighbouring properties that would have resulted from that massing), of the 1,638 windows tested for VSC 84% pass (1,368), and of the 270 windows that fail:
- 93 are in Plot H2 – which is occupied
  - 0 are in Plot H3 – which is occupied
  - 157 are in Plot H6 – which is occupied
  - 0 are in Plot H10 – which is occupied
  - 20 are in Plot H11B – construction is yet to commence.
182. The submitted daylight report also compares the impact of the OPP’s maximum parameters of Plot H7 with the impact of the RMA on current VSC values of neighbouring properties. In this hypothetical comparison, only 68% of the 1,368 windows of neighbouring properties would have passed. This demonstrates that the detailed design and massing proposed in this RMA has less of an impact than the maximum parameters in the OPP, resulting in 251 fewer windows being noticeably affected. This is to be expected when the Plot H7 scheme in this application sits between the illustrative masterplan massing and the maximum parameters approved.
183. In terms of no sky line (NSL) changes, of the 824 rooms in neighbouring buildings that

were tested, 712 (87%) were found to pass – i.e. their NSL would reduce by no more than 5% in absolute terms or retail daylight distribution to at least 80% of the room. Of the 110 (13%) rooms that failed:

- 44 rooms in Plot H2
- 6 rooms in Plot H3
- 50 rooms in Plot H6
- 4 rooms in Plot H10
- 6 rooms in Plot H11B.

184. Again, comparison with the hypothetical scenario of the maximum parameters has been detailed in the submitted report. This shows that under the maximum parameters, the NSL levels to 311 rooms would have been noticeably affected, i.e. 170 more rooms than are affected by the current RMA scheme.

185. The impacts on the daylight levels and distribution to these neighbouring properties are considered further below:

- Plot H2

The affected 93 windows and 44 rooms are in 54 flats on the eastern façade of Plot H2, which face across Sayer Street. The 93 windows that would experience a material change in VSC serve 58 rooms (38 living/kitchen/dining rooms and 20 bedrooms). 44 rooms would experience a noticeable reduction in NSL; 22 of these are rooms that would also experience a VSC reduction. The VSC reductions are up to 6.5% VSC (in absolute terms) but more often 2.1-5% reductions on windows that have already low values of 7-12% VSC.

It is noted that most affected units at first to fourth floors in the centre of the facade are single aspect, and sized as wheelchair units so have generous internal sizes. The combined LKDs would experience a noticeable daylight loss, but the bedrooms would not. Eight flats are affected by daylight distribution only, but have another west-facing outlook that would not be affected by the Plot H7 proposal. The two dual aspect units per floor at the each end of the façade would experience a noticeable reduction in VSC to the living rooms, but the bedrooms would be unaffected and retain good daylight distribution.

On the higher floors, (especially the fifth floor) rooms are affected by both reduced VSC and daylight distribution reductions however these units retain better VSC values; 38 affected windows would retain VSCs of more than 15% which is considered a relatively good level for these windows that were due to face onto the massing of Plot H7.

- Plot H3

Six rooms in this plot would experience a noticeable change in daylight distribution. No windows have a noticeable reduction in VSC. These six rooms are in six different flats, one faces north towards Plot H7 and the other five face east but it is the change to the daylight reaching their north-facing windows in the recessed balcony that have the noticeable impact. The north-facing flat would still have daylight distribution across 67% of this bedroom, the overall daylight impact is acceptable. Given the primary outlook of the five east-facing flats would not change and the VSC levels are not noticeably affected their overall daylight provision would remain acceptable.

- Plot H6

43 units on ground to seventh floors that face onto Plot H7 across Heygate Street

would be affected. It is also worth noting that the mature trees in front of Plot H6 have not been modelled. These large trees would reduce daylight levels to the H6 windows, particularly in summer. 157 windows serving 99 rooms (11 LKDs and 81 bedrooms) would experience a noticeable reduction in VSC; the LKDs have other windows that retain good VSC levels. 50 rooms (three LKDs, seven living rooms and 40 bedrooms) would experience a noticeable reduction in NSL. All of the affected units are dual aspect and have an alternative outlook and daylight source away from Plot H7. For example, the windows and rooms at the ground and first floor are dual aspect maisonettes that have south facing windows and gardens which would not be affected by the Plot H7 proposal.

- Plot H10  
Four rooms in four units looking onto Heygate Street would have their daylight distribution affected. No windows would experience a noticeable reduction in VSC. It should be noted that the daylight modelling does not attempt to model the impact of the retained mature trees in front of Plot H10 which would reduce the actual daylight levels to the lower levels, particularly in summer when trees are in leaf. The ground floor living room has very low distribution already at only 12% so the reduction to 7% would not materially alter the quality of this maisonette. The other rooms are LKDs that would retain daylight across at least 50% of the room areas. Their overall daylight provision would remain acceptable.
- Plot H11B  
The affected rooms and windows are in twelve flats at third to eighth floor levels in the western flank of Plot H11B. Of the 20 windows that would experience a noticeable reduction in VSC, nine are secondary windows to each LKD (which has a much larger window facing either north or south). The other eleven windows are bedrooms and six would also experience a noticeable reduction in daylight distribution. As one bedroom within each of these two-bedroom units (with retained VSCs of 18% and higher on fifth floor level and higher), the overall impact on the daylight levels of these flats is considered to be acceptable.

186. For these reasons, Plot H7 is considered to have an acceptable impact on the daylight levels of surrounding properties within the Elephant Park masterplan site and their resulting quality of the accommodation.

#### *Sunlight*

187. Only Plot H11B has windows that face within 90 degrees of south that may be affected by the proposal. Of the 50 rooms assessed in Plot H11B for APSH, 46 (92%) would retain good sunlight levels. Of the 4 (8%) that fail:

- Three are secondary windows (to three living/kitchen/dining rooms) that are much smaller than the principal windows.
- One serves a bedroom.
- They would each retain between 20% and 24% of the annual sunlight hours which is relatively good for an urban area.

188. Overall, the proposal would have an acceptable impact on the sunlight levels reaching the windows of neighbouring properties.

#### *Overshadowing*

189. The “sun hours on ground” overshadowing analysis shows that with the illustrative

masterplan massing considered in the OPP of Plots H7 and H1 in place, the new public park would have 60% of its area receiving at least two hours of sunlight on 21 March (excluding the shading by the mature trees). When compared with the submitted form of Plot H7, this reduces to 56% of the park area receiving at least two hours of sunlight as the proposed massing is larger than the illustrative masterplan scheme. The sunlight provision to the park is still above the recommended minimum 50% set out in the BRE guidelines, and above the 45% park area in the maximum parameter scenario.

#### *Conclusion on daylight and sunlight impacts*

190. The 2012 ES anticipated that the density of the Elephant Park development would create challenges in achieving levels of daylight and sunlight recommended by the BRE, even when building to the minimum parameters. Plot H7 is surrounded on three sides by other Elephant Park plots, and the relationship between facing facades was anticipated to be challenging to provide good daylight and sunlight levels to the new units, particularly to the lower levels.
191. It is acknowledged that the massing of Plot H7 is within the approved parameters for this plot in the OPP (with the small alterations approved by the NMA for the lift over runs etc), and that the 2012 outline application anticipated low daylight levels to the facing facades of plots especially at the lower floor levels. The submitted External Daylight, Sunlight and Overshadowing Assessment shows how the massing impacts fewer neighbours than the approved maximum parameters of the OPP. It analyses the existing and future homes in the neighbouring plots that would experience reductions to daylight levels (VSC) or daylight distribution (NSL) beyond those recommended by the BRE. There are 22 affected units in Plots H3, H10 and H11B which are considered not to experience a significant level of harm to their amenity from the reduction of daylight. The daylight impacts to 97 units in Plots H2 and H6 are more noticeable, but are on balance considered acceptable particularly as many units are dual aspect so that living rooms would retain good daylight levels.
192. The proposal would not cause significant harm to the amenity of the flats in Plot H11B from the loss of afternoon sunlight. It would not significantly overshadow the new public park in the centre of the masterplan.
193. The affected units are all within the masterplan site. When weighed against the benefits of bringing this brownfield site into productive use, it is considered that the instances of harm caused to particular rooms of neighbouring properties are not so severe as to warrant refusal of an otherwise acceptable scheme.

#### *Outlook and privacy*

194. The proposed units would face outwards towards the windows of Plots H2, H11B and H6. The south facing windows would look over Heygate Street to Plots H3 and H6, at a distance of 25m, and so comfortably exceed the minimum 12m separation for the front of buildings. The west facing windows would look over Sayer Street to Plot H2 at a distance of 12.5m, so achieve the minimum distance. The facing windows on the eastern side would be 13.5m from the approved side windows of Plot H11B across the new route, except at one point where the proposed bay window projection would be set 11.5m at the very corner of Plot H11B, however due to the angling of the two blocks is acceptable.
195. These separations are sufficient to prevent the proposed buildings from being intrusive to the outlook of surrounding properties' windows and amenity areas, particularly when the neighbouring blocks are within the Elephant Park masterplan and the blocks are within the approved parameters of the OPP.

### *Construction phase impacts*

196. The 2012 ES considered that the impacts associated with construction would potentially have an adverse impact for sensitive receptors closest to Elephant Park due to the noise, vibration, and deterioration of local air quality from dust generating activities and construction traffic. Those living closest to the Plot H7 (including the occupiers of the completed MP1 and MP2 residential properties) would be the most likely to experience nuisance at different times and magnitude over the remaining construction programme for the wider Elephant Park development.
197. The OPP secured a number of measures to reduce the impact on neighbour amenity, for example condition 18 and the legal agreement require the submission of a construction environmental management plan (CEMP) for each phase of construction which needs to detail measures such as acoustic screening, construction traffic routes, and measures to minimise dust. Monitoring throughout the works is also required to ensure agreed targets are met.
198. The measures secured by the OPP to minimise construction impacts are considered robust and should ensure that potential adverse effects from the construction of Plot H7 are reduced as far as possible.
199. In conclusion, the RMA is considered to have an acceptable impact on the amenity of neighbouring properties, which for this plot are other Elephant Park plots.

### **Impact of adjoining uses on future occupiers of the development**

200. The context of the site is mainly residential properties as Plot H7 is in the centre of the Elephant Park. Neighbouring Plots H2, H11B, H6 and H3 are mainly residential with ground floor retail, office and community uses, and approved by the OPP.
201. Conditions 39 (internal noise levels) and 40 (external noise levels) on the OPP set target noise levels for proposed residential units to sufficiently mitigate them from nearby noise sources. Further conditions 41 and 42 protect residential units from the ground floor commercial units and any plant. For these reasons, the proposal is considered likely to result in acceptable noise levels for the proposed residential units.

### **Design issues, including impact on heritage assets**

202. The proposal is the fifth and final residential phase of the outline permission for the Heygate redevelopment. This phase relates to Plot H7 which is triangular in shape and faces onto the Heygate Road and Sayer Street (formerly known as the Shopping Street) to the east and south, and the newly established Elephant Park to the north which is at the centre of the Masterplan.
203. The proposal is not located in a conservation area however, due to its height and location it is may be visible from neighbouring conservation areas and therefore could affect their settings.
204. The OPP took into account the historic setting as well as the character of the wider area and included as part of the permitted documents, detailed plot-by-plot design guidance in the Design Strategy Document (DSD). The OPP established the urban principles of the redevelopment of the Heygate Estate and is characterised by a new gridded pattern of streets and routes with perimeter blocks and tall buildings in key locations as well as a set

of character areas for the masterplan. This urban framework, detailed design guidance and character appraisal set down the key design principles for the subsequent RMAs.

205. Plot H7 is located at the centre of the masterplan and is entirely surrounded by new development. Its frontage onto the Park Character Area and the Walworth Road Character Area suggest that it will need to play an important role to reinforce the 'shopping street' nature of the Sayer Street and to give a park a clear definition.
206. This RMA will be considered against the requirements defined in the consented parameter plans and the detailed guidance set out in the approved DSD taking into account local setting and considering the appearance of the proposed development in detail. The information submitted includes:
- The architectural treatment of the buildings including all the street frontages, the detailed design of the tall buildings and the landscape treatment of the public spaces, and communal gardens.
  - Local and wider view analysis – views have been scoped and locations agreed with the applicants. These have been based on the views agreed at the OPP stage and added to as necessary to demonstrate the impact of these proposals on the immediate and wider townscape.
207. Plot H7 includes a prominent tower at its north-western edge. As such it will need to be considered against all the requirements of saved policy 3.20 of the Southwark Plan which requires that a tall building:
- i. Makes a positive contribution to the landscape; and
  - ii. Is located at a point of landmark significance; and
  - iii. Is of the highest architectural standard; and
  - iv. Relates well to its surroundings, particularly at street level; and
  - v. Contributes positively to the London skyline as a whole consolidating a cluster within that skyline or providing key focus within views.

#### *Urban layout and arrangement of blocks*

208. Whilst this is prescribed by the approved parameter plans, the variance between the maximum and minimum parameters allows a degree of flexibility to designers to adjust the illustrative scheme in response to local criteria or to enable a required design effect. The main adjustments from the illustrative scheme – within the approved parameters (which have been recently amended by the NMA application ref. 19/AP/0952) are:
1. Change from three mansion blocks to two, by combining the separate Sayer Street and Heygate Street blocks of the illustrative masterplan into one L-shaped building. This means a gap is removed at the western side, and the gap at the eastern end has been widened.
  2. The main access for servicing remains from Heygate Street, however due to the constraints of this triangular-shaped site (preventing vehicle access down into a useable basement), the necessary arrangement of land uses on the ground floor to create active frontages, and the resulting enclosed servicing yard, the consented ground-level communal garden has been raised to be located on the first floor podium level.
209. Plot H7 has been designed to reinforce the main street frontage on Heygate Street and to complement the retail character of Sayer Street. Onto the park the proposal is intended to mirror the recently consented proposals on Plots H4 and H5 and to give the park an

appropriate and well defined edge.

210. The tall building is located at the western corner of the plot nearest the park and Elephant Square.
211. Plot H7 comprises a number of buildings including
- The Park frontage buildings; and
  - The L-shaped Heygate / Sayer Street building
  - The tower.

*The Park frontage building and the L-shaped Heygate/Sayer Street building*

212. Both of the lower buildings have been designed as modern mansion blocks. The park frontage building extends along the southern edge of the park and wraps round to the Heygate Street frontage. In the same way, the L-shaped building wraps around from Heygate Street onto Sayer Street.
213. The mansion block model is appropriate for these buildings and reflects the urban character of the area. The buildings present a consistent edge to the park and the streets with retail frontages and residential entrances at the base and residential accommodation above. The blocks rise to 9-storeys in height and are divided into vertical bays which also coincide with the main residential entrances. The proposed height is consistent with the consented parameters and reflects the scale of the recently consented Plots H4 and H5 on the north side of the park. At the base of both blocks the retail units are arranged along the edge of the plot and help to animate the edge with small scale retail on the park and Sayer Street and retail, leisure or community facilities on Heygate Street.
214. They have been designed as brick-clad buildings with cantilevered balconies and living rooms arranged in large projecting vertical bays. The brickwork façade is further divided into three horizontal layers (with a stone band at 6- and 8-storeys, with a change from darker to lighter mortar up the façade, and decorative corduroy band at the top), which gives these relatively long buildings a measured scale and proportion, reflecting the residential proportions of the residential streets in the area. On the inner face the blocks are clad in a light/white brick. This is a traditional Victorian approach to such mansion blocks, with the white brick helping to make the most of the light in the well-proportioned but relatively narrow courtyard. Other detailing such as a scalloped masonry band at the top of the commercial units, and the glazed bricks to be used for the recessed residential entrances are welcomed and would add further interest.
215. The mansion blocks are considered acceptable in their height, massing and articulation. The gaps in the Sayer Street and Heygate Street (and to a lesser extent the park) frontages help to bring sunlight/daylight onto the elevated courtyard, and provide a visual link up the podium garden from the ground level public views.

*The Tower*

216. The tower is located as described in the OPP, at the north-western corner of the plot facing onto the park. The plan takes the form of a square with a rotated leading edge made up of the main living accommodation which project out at the four prominent corners, to give a pin-wheel plan. This asymmetrical corner pivot design gives the tower a recognisable identity and is appropriate in this key location in the masterplan. The tower is proposed to be clad in masonry coloured concrete panels which will give it a tactile quality which contrasts appropriately with the more metallic towers of the New Kent Road and the Walworth Road frontages. The projecting bays would be clad in a contrasting

darker, profiled masonry panel and give the tower a strong vertical emphasis which is appropriate.

217. The base of the tower has been designed as a double-height entrance hall and 'super lobby' that addresses the park and the main approach from the rail and Underground stations. This entrance leads to the facilities for residents including the double-height residential lobby a feature stair up to the communal gardens and a communal room which leads off it. The double-height proportion of the base is appropriate in this context. It matches the scale of the tower and links up with the upper level communal spaces which in turn spill out onto the elevated communal garden.
218. The top of the tower is visible from a number of vantage points and is it stepped to reflect the elegant vertical proportions of the pivot design. This distinctive 'crown' is achieved by extending the darker masonry structures of the bays up beyond the top of the building to articulate and distinguish this tower from others in the area.
219. A number of wireline views have been submitted with this RMA. The views follow the views established during the 2012 application which tested the visibility of the development, especially of the tower, from a number of vantage points. It has been tested in the LVMF view from Serpentine Bridge to Westminster, where it would sit within the tree line, near to the tower of the Houses of Parliament and far below Strata. The proposal would not harm this strategic view.
220. The important new borough view of St Paul's Cathedral from Camberwell Road (as proposed in the New Southwark Plan) is preserved. The lower range of buildings is set below the peristyle of the Cathedral, and the Plot H7 tower is away and to the left of the dome.
221. The submitted views include a number from surrounding heritage assets including conservation areas. The view from St George's Circus shows that the tower would be visible alongside the base of the listed obelisk (grade II\*). The tower is considered not to harm the setting of the obelisk as the shape of the main height is legible, and given its location in the middle of a roundabout, it is viewed against a varied back drop of townscape and buildings. It is within the maximum parameters approved by the OPP, and would be viewed alongside Plot H2's tower and the approved Shopping Centre towers.
222. The remainder of the views demonstrate that the tower would form part of the group of towers in the approved Elephant Park masterplan. When viewed from near the grade II listed The Star and Cross Church on Falmouth Road to the north, the upper parts of the tower would be visible between Plots H4 and H5 which are closer and so appear much taller. When viewed from Walworth Road (within the conservation area and near to the grade II listed Southwark Municipal Offices, Library and Cuming Museum, and Walworth Clinic, the tower is set further away (and would appear lower) than the Plot H2 and H3 towers, and sits within the approved maximum parameters envelope. The proposal is considered to preserve the setting of these heritage assets.
223. The tower is considered acceptable in height scale and massing. It complies with the consented parameters (as amended by the recent non-material amendments).
224. The gaps between façade of the tower and the immediately adjacent blocks range from 6.8m to 9.9m. Whilst on the face of it this appears close, the internal layouts of immediately adjacent flats have been amended with the main windows of affected dual aspect living rooms orientated away from each other to avoid direct overlooking. This is a solution that has been used successfully elsewhere in the Elephant Park and other developments in the borough.



225. The quality of the tower's design will need to be maintained with the detailed design of the cladding, the selection of colours and the balconies. As this building would be appreciated in the round from wider viewpoints a full-scale mock-up of the tower's cladding would be reserved by condition. Additional conditions requiring sample panels of the cladding materials the windows, doors and glass balustrades to be used for the completed building, and 1:20 scale contextual sections and 1:5, 1:10 scale details of the heads, cills and jambs of openings and balconies, parapets, as well as shopfronts, cycle stores and refuse enclosures should be provided prior to commencement of above-grade works. Such conditions are proposed for this RMA.
226. The tower must be assessed against the council's tall buildings policy 3.20 of the Southwark Plan. This policy has sub-sections i to v, which will be considered in turn here:
- i. Plot H7 would provide parts of the public routes and public realm along Heygate Street, Sayer Street, along the southern side of the park and next to Plot H11B which provide an appropriate setting for this plot and contribute to the landscaped street, routes and new public park approved as part of the Elephant Park masterplan.
  - ii. The locational criterion of policy 3.20 was addressed in detail by the adopted Elephant and Castle SPD which identified the former Heygate Estate as an area of London-wide significance and included a tall buildings study which identified the Elephant Park site as being suitable for a tall building. The OPP permitted a tower in the north-western corner of Plot H7, having considered the impact on LVMF views and local views. The tower within this RMA is in accordance with the OPP, as amended by the recent NMA.
  - iii. The architectural qualities of the tower proposal rely on its simple design and elegant proportions as well as its standard of accommodation. The design is simple and elegantly three-dimensional. The tower's pivot design and elegant verticality would give it a highly articulated presence onto the Park and Sayer Street and enhance its visibility from a number of approaches. The units within the tower exceed the council's minimum standards of accommodation, half the units are dual aspect, and have good levels of private and communal amenity spaces.
  - iv. The proposal relates well to its surroundings in terms of the group of tall buildings in the Elephant Park masterplan, and at ground level by proposing active frontages across each side of the plot to appropriately address the new shopping street, main Heygate Street, and the park frontages. The public realm allows for generous pedestrian routes around the plot and tree planting.
  - v. This crisply design, pin-wheel extrusion would contribute positively to the London skyline. It would cluster appropriately with the completed towers of Plots H2 and H3, and other nearby towers of Strata and One the Elephant. The submitted townscape views show that the tower would sit comfortably within the established Elephant Park cluster. This is appropriate and reflects the principles in the Elephant and Castle SPD.
227. For these reasons the proposed tall building is considered appropriate and a high quality progression from the OPP and its Design Strategy Document. It would comply with saved policy 3.20 of the Southwark Plan, and would not cause harm to heritage assets.

*Design Review Panel*

228. The Southwark Design Review Panel reviewed the Plot H7 proposal in November 2018. In reaching their conclusion, the Panel “*generally supported the design of the tower and the arrangement of uses around the ground floor. They raised concerns over the massing and arrangement of the mid-rise blocks especially the lack of breaks between blocks which has had a negative effect on the quality of the courtyard and increased the number of single-aspect units.*”
229. The above issues have been responded to by the current submission – the introduction of a further break in the L-shaped block was considered but discounted because it would not lead to a significant improvement of the sunlight/daylight of the central courtyard. Instead this made the case stronger for the inclusion of the roof-top garden in the affordable housing block (above Block B).
230. The Panel also “*encouraged the designers to look again at the architectural treatment of the tower and the blocks including their architectural features like bays and entrances in order to give them variety and a stronger sense of identity.*” The tower design has been further refined to improve its top and to distinguish the bays and entrances. Similarly the detailing of the communal entrances and projecting bays on the blocks have been further refined since the DRP reviewed the scheme.

*Secured by design*

231. The plot has been designed to meet the Secured by Design requirements and would achieve certification; this is an indicator of an exemplary design. As condition 47 of the OPP requires details of the security measures to be installed and seeks to achieve Secured by Design accreditation, so there is no need to replicate the condition on this RMA.

*Other heritage impacts – archaeology*

232. The archaeological Watching Brief for the Elephant Park masterplan was deemed necessary in only a few parts of construction phases MP3 and MP5 (in Plots H4 and H1), and within the central park. Plot H7 has been excluded for archaeological interest, and so the council’s Archaeologist considers no monitoring is needed for this RMA.

*Conclusion on design*

233. The layout of Plot H7 and its blocks, its scale, heights of the tower and two mansion blocks are appropriate for this central plot that sits between the park and Heygate Street, and forms a key part of the central shopping street. They are in line with the parameters and design principles established by the OPP. Plot H7 would make a positive contribution to the local context, streetscape and new character of Elephant Park, and so achieve one of the characteristics of exemplary design set out in the Residential Design Standards SPD. The landscaped public realm around the plot enhances this area, and continues the routes and material palette established on Elephant Park. The architecture demonstrates an excellent design quality. The proposal would cause no harm to the setting of listed buildings, conservation areas, the LVMF views, and to archaeological assets. Conditions on the OPP and recommended for this RMA would require further details to be submitted and approved to ensure the design quality is continued through to the build phase.

**Trees, landscaping, public realm and ecology**

234. The RMA proposes the public realm around each side of the building, the landscaping of the podium garden and roof terraces, and shows green roofs to blocks A and C.

235. None of the remaining trees on site are to be retained, in line with the OPP, most having been removed during demolition and with the construction of Lendlease's temporary offices. The park frontage has been sited to allow the mature trees in the park to be retained.
236. The plot would provide public realm on all sides of the building, adding to the new routes through Elephant Park between the plots and enhancing the pedestrian environment. The area around the building would allow for emergency vehicle access, and incorporates cycle parking and seating. The palette of surfacing materials would tie in with those used in the completed phases of Elephant Park. New street trees are proposed along Heygate Street, Sayer Street, and between H7 and H11B, to establish formal planting rows along the streets.
237. The communal garden has taken inspiration from the theatre and cinema heritage in the area, with a layering of planting, trees and screens (like layering scenery), an arrival "foyer" area of seating in the garden next to the tower for people to meet and wait, a central "stage" to the podium garden as the focus of activity, and smaller more intimate "rooms" to the sides with pergolas and planting. All residential cores can be accessed from the communal garden with three main paths linking the cores, as well as their ground floor lobbies, creating opportunities for residents to meet informally in the gardens. In the three gaps between the blocks, the garden has been extended right to the edge of the building to be visible from the ground level, and from within the entrance lobbies. Some 17 trees (and 22 specimen shrubs) are proposed in the podium garden, timber seating, large communal tables, lighting and colourful play elements. The species selection for the courtyard garden has taken account of the low sunlight availability to most of the podium, in order to favour shady shrubs and herbaceous planting.
238. The roof terraces would be mainly hard landscaping with raised planters (and species suited to the sunnier location) seating, a grow garden. The terraces would be accessed by the stair and lift cores to the blocks.
239. The Urban Forester considers the proposal to be a well designed and specified landscape plan, recommending only a compliance condition. Clarification was provided on the use of a particular species in an amended planting schedule to address his comment.
240. Areas of green roof would be included above blocks A and C, away from the roof terraces. The landscape strategy is comprehensive and provides a mosaic of habitats, and would provide a net gain in biodiversity. The Ecology Officer is supportive of the proposal, and suggests that water features could be added at ground and roof level. Further enhancements could be provided by insect hibernacular and loggeries, although the detail of these would be expected as part of the condition 48 requirements of the OPP (which requires an Environmental Action Plan detailing the bat and bird boxes, native planting and monitoring). Condition 49 of the OPP requires details of the green/brown roofs. No further conditions relating to ecological enhancements are necessary for this RMA.

### **Transport and highways**

241. Strategic Policy 2 of the Core Strategy sets that the council will encourage walking, cycling and the use of public transport, rather than travel by car. The application site is located in a high PTAL (Public Transport Accessibility Level) area of 6b which is the highest level, and therefore benefits from excellent links to public transport. A Transport Assessment and Framework Travel Plan were submitted as part of the OPP which assessed the likely transport impacts of the Elephant Park development, and mitigation

measures were secured either by condition or legal agreement in the 2013 permission.

242. There were five key principles in relation to site layout, which were established through the Elephant Park masterplan. These were:

- Reflecting pedestrian movement patterns and desire lines
- Create a public realm network that integrates with the wider context
- Create a varied and appropriate urban grain that is responsive to context
- Develop the land use strategy in relation to the principal streets and spaces of the plan.
- Reinforce variety and uniqueness with plot and frontage proportions that reflect the differing uses and character of the framework.

243. The plot has the highest PTAL rating of 6b (excellent), due to the range of public transport services in the area with the Underground, rail and bus services.

244. The s106 agreement associated with the OPP sets out the phased highway and transport improvement works to be completed alongside the construction of Elephant Park. A few were linked to the practical completion of Plot H7 e.g. provision of the vehicle access from Heygate Street onto the plot, and linked to the delivery of the later of two plots (e.g. works on Heygate Street to provide a signalised junction). The detailing of these works continue to be discussed with the Highways team and TfL as part of the s278 agreements.

#### *Car parking and club*

245. Car free developments are supported by policy, subject to providing sufficient blue badge spaces. The only parking proposed are two off-street car parking spaces (for wheelchair users) in the servicing yard, and if there is demand for further wheelchair parking spaces, more can be made available in the basement car parking of Plot H2 as these have not been taken up by residents. This on-plot parking provision is far lower than the maximum of 616 spaces allowed by the OPP, and in view of the high PTAL rating of the site and its location close to the shops and services of the Elephant and Castle town centre, is supported.

246. The OPP included a requirement to provide car club spaces across the Elephant Park site. No car club spaces are proposed for this plot, but it would be within ready walking distance of the two car club spaces provided on Wansey Street and the two spaces to be provided on Rodney Place next to Plot H11A. Future residents would benefit from 3 years free membership, as required by the 2013 section 106 agreement.

#### *Cycle parking*

247. Eight cycle stores are shown on the ground floor to provide 466 covered, secure spaces for residents. This provision meets the minimum requirement for this housing mix set by the OPP (i.e. the London Plan requirements at that time). Spaces would be provided in a mix of Sheffield stands and double stackers. A dedicated cycle store would provide 16 spaces for staff of the commercial units, and further details are required to be submitted by condition 53 of the OPP.

248. Visitor cycle parking would be provided by 22 Sheffield stands (44 spaces) in the public realm around the building. Again, further details are required by condition 54 of the OPP. The cycle parking indicated at this reserved matters stage is acceptable, with further consideration to be given when discharging the condition.

### *Cycle hire*

249. The OPP section 106 agreement includes an obligation to provide cycle docking stations on or close to the Elephant Park site. The indicative locations were not on this plot, nor is any docking station proposed in this application, so while the site-wide discussions continue (with TfL and the Highways team), the lack of provision for this plot is not of concern.

### *Refuse and servicing*

250. The public realm around the northern and eastern sides for the plot has been sized for emergency vehicle access. Heygate Street and Sayer Street as roads would provide access to these sides. The internal servicing yard is intended to deal with the deliveries and servicing trips for this plot, and has been sized to accommodate three vehicles plus the necessary turning area. A drop off bay is proposed on Sayer Street and the delivery bay in front of H11B can be used for drop-off point for residents.
251. The 2013 section 106 agreement required that prior to the overall implementation of the Heygate Masterplan development, a Site Wide Servicing Management Strategy be submitted for approval detailing the arrangements for the entire site. The site-wide strategy was approved for the wider Masterplan area in December 2016 (ref. 14/AP/3517). The section 106 agreement also requires a Service Management Plan prior to implementation of each plot which provides further details of the servicing and waste proposed for that plot.
252. A draft servicing management plan has been submitted as part of this RMA, which predicts 71-82 servicing vehicles per day, with a peak of 7 per hour. The servicing yard entrance has been set back from the pavement to allow a vehicle to pull off Heygate Street and clear the pavement, when waiting for the gate to open. Traffic signals within the yard would be used to manage vehicles entering and exiting. Swept path diagrams have been included for different sizes of vehicles. The concierge at the base of the tower would be able to accept small deliveries for residents, and can be reached from the internal servicing yard and from the main residential entrance.
253. Refuse vehicles would use the internal servicing yard for commercial and residential refuse collection. The six residential refuse stores across the ground floor would be monitored by the management company, who would transfer full bins to the holding store and delivery bay for collection from the internal servicing yard. Further details of these arrangements are required by condition 57 of the OPP for the domestic refuse. Condition 58 of the OPP requires details of the storage arrangements for the commercial units; three retail bin stores are shown that would be accessible through the internal corridors to the commercial units. This is considered to be sufficient information at this RMA stage, noting that the draft Servicing Management Plan would need to be updated following the removal of the Heygate Street bay in any case.

### **Wind microclimate**

254. The wind assessment contained in the 2012 ES identified the need for further testing to be undertaken at the detailed design stage of the plots to demonstrate that a plot design is suitable for the intended uses. A wind microclimate assessment for Plot H7 has been submitted which sets out the results of the wind tunnel modelling undertaken on a 1:300 scale model of the proposal (without the landscaping), and the cumulative development with the other plots.

255. The wind assessment found that the ground level wind speeds around the plot would be mainly suitable for sitting and standing/entrance use with only a few incidents of higher wind speeds (for leisure walking) in the windiest season, which is similar to the existing situation as the “baseline” scenario. The podium garden and roof gardens would have wind levels mainly suitable for sitting, and only three incidents of standing wind levels in summer. In the cumulative scenario, the summer wind levels are all at the lowest speed of suitable for sitting. The wind conditions for the tested balconies are appropriate.
256. The submitted wind microclimate assessment concludes that wind levels are suitable in both the proposed and cumulative scenarios in the test locations within and around Plot H7.

### **Air quality**

257. The site is located within the borough’s Air Quality Management Area (AQMA). Air quality in Elephant and Castle is known to be particularly poor, with vehicular traffic acknowledged as the principal source of air-borne pollutants. European and national legislation establish objectives for improving air quality, including reducing concentrations of nitrogen dioxide and nitrous oxide (NO<sub>x</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>25</sub>). Guidance in the NPPF states that planning decisions should be consistent with these aims.
258. The air quality chapter in the 2012 ES at the OPP stage noted that further work would be needed as part of the subsequent RMAs, detailing how the potential impacts of emissions from dust, road traffic and from the plant in the Energy Centre would be minimised.
259. An air quality assessment has submitted with this RMA. It assesses the potential air quality impacts of the Plot H7 as part of the Elephant Park during construction and operational phases, and sets out the mitigation measures to reduce the impacts. Traffic modelling was carried out to assess the air quality impacts (concentrations of NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>25</sub>) of traffic flows in 2022 with and without the Elephant Park development, particularly from construction traffic. The emissions from the Energy Centre’s CHP were also calculated to give the cumulative impacts on air quality. Dust levels from the construction phase were estimated. Recommendations regarding controlling dust can be incorporated into a construction environmental management plan.
260. Monitoring information was gathered from local receptors, including locations within Elephant Park site and sensitive uses in the local area, and this was combined with government issued data and projections. This plot as part of the wider Elephant Park was found not to raise air quality issues as most were negligible impacts on the concentration of pollutants, and not significant. The assessment for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>25</sub> were found not to need mitigation in the operation phase of the development. The air quality assessment concludes the proposal is air quality neutral.
261. The Environmental Protection Team has reviewed this document and raises no objection. As with previous RMAs, the impact on air quality during the construction process will be controlled by effective mitigation measures within the construction management plan for both road traffic and dust suppression, as required by conditions 18 and 20 of the OPP. Measures built into the development, such as its very low parking levels, cycle parking, pedestrian routes, car club spaces and travel plans are further measures to reduce vehicle transport and minimise traffic pollutants. Further details of the ventilation for the residential units are required by condition 44 of the OPP.

## **Sustainable development implications**

### *Sustainable drainage and flooding risk*

262. Plot H7 is in flood zone 3 and benefits from the Thames flood defences. The site is within the area at risk from flooding in the event of flood defence breach and so a flood risk assessment has been provided. The ground finished floor level of the plot would be 3.2m AOD, which is just above the predicted breach event level in 2100 of 3.17m AOD. The ground floor uses are commercial and other ancillary functions which are less vulnerable. The flats are set at first floor level and higher. The Plot Management Team would sign up the Environment Agency's flood warning service.
263. The Environment Agency notes that the finished floor level of the residential accommodation at first floor is above the flood breach level. While the finished floor level of the ground floor is not the recommended 30cm above the 2100 breach level, the EA notes it is for less vulnerable commercial uses and so has no objection. Other comments from the EA can be used as informatives.
264. The council's Flooding team has no objection to the proposal. While Thames Water have commented that the existing water infrastructure is not able to accommodate the expected needs of this development, this issue was highlighted in the 2013 OPP. Condition 27 of the OPP requires an impact study to be undertaken to determine the expected demand and a suitable connection point before the construction of each phase commences, and Thames Water is consulted on such applications. Conditions on the OPP address flood risk, surface water infiltration and require submission of a surface water drainage scheme prior to commencement of works on a plot.

### *BREEAM and Code for Sustainable Homes*

265. Condition 37 on the OPP required Code for Sustainable Homes level 4 to be achieved (as a minimum) for all units, and this requirement would continue to apply to Plot H7 to ensure sustainable design and construction methods are used. Condition 38 on the outline permission requires any commercial unit over 1,000sqm to achieve a minimum of Excellent (or very good for Class D1) and requires the certificate to be provided prior to occupation. The proposed flexible-use units are smaller than this requirement however.

### *Energy*

266. London Plan policy 5.2 states that in order to make the fullest contribution to minimising carbon dioxide emissions, developments should employ the following energy hierarchy: be lean (use less energy), be clean (supply energy efficiently), be green (use renewable energy). Since October 2013, the policy has set a minimum target for reduction in carbon dioxide emissions of 35% on 2013 Building Regulations and from 2016 requires residential developments to be zero carbon. London Plan policy 5.7 states that for major developments, this should incorporate the use of on-site renewable energy generation, where feasible.
267. The 2013 section 106 agreement attached to the OPP and subsequent Site-Wide Energy Strategy commit the developer to achieving a 44% reduction in carbon emissions beyond Building Regulations Part L 2006, which equates to a 25% reduction on Part L 2010. Whilst subscribing to the energy hierarchy, the Site-Wide Energy Strategy relies on the provision of an Energy Centre which powers a district heat network. The constructed Energy Centre contains highly efficient gas-fired combined heat and power (CHP)

engines and thermal stores that provide heat to all of Elephant Park via a local heating network. The Energy Centre is now operational.

268. An Energy Strategy has been submitted for Plot H7 which sets out how this RMA has considered the requirements of the Site Wide Energy Strategy. The estimated baseline CO2 emission rate for this plot is 524 tonnes of CO2 per year for a 2013 Building Regulations compliant version of Plot H7. The following measures are proposed as part of the development:

- Be Lean: Passive design measures that have been incorporated in Plot H7 include improved u-values, reduced air permeability and thermal fabric performance for the residential and non-residential elements of the development. This would result in a 9% reduction in CO2 emissions (48 tonnes/year) from the baseline.
- Be Clean: The plot will be connected to the site-wide heat network prior to first occupation, reducing carbon dioxide emissions by a further 186 tonnes, as a further 35.5% reduction from the baseline.

These “be lean” and “be clean” measures alone would exceed the Site Wide Energy Strategy’s target of 25% beyond 2010 Building Regulations Part L and meet the section 106 agreement’s requirements.

- Be Green: A range of renewable technologies were considered to supplement the “be lean” and “be clean” savings for this plot. Options including solar water heating, wind turbines, air/ground source heat pumps, fuel cell, and biomass were considered, but photovoltaic panels are the chosen renewable technology to be installed to the roof of block C. These would reduce the carbon emissions by 6 tonnes/year, as a further 1% reduction. Lendlease has stated that 100% of the gas used within the site’s Energy Centre is off-set by the operator’s off-site biomethane generation which is injected into the gas grid. If this biomethane usage were to be included in the calculation, a total carbon reduction of 80% is achieved compared with a 2013 Building Regulations compliant building.

269. While the plot does not achieve the zero carbon requirement for new residential development of the current London Plan, the minimum carbon reduction requirement was set by the 2013 OPP, and the proposal far exceeds the Site Wide Energy Strategy’s targets of 25% beyond the Buildings Regulations 2010.

270. The submitted Energy Statement also includes an overheating analysis which concludes that the passive design measures would mean proposed residential accommodation, corridors and stairwells would not experience overheating for more than 1% of annual hours for bedrooms, and 3% in living rooms, kitchens and communal corridors.

271. The plot design has taken sufficient account of the sustainability requirements of the OPP, and conditions on the OPP would require further details to confirm the Code for Sustainable Homes level has been achieved.

### **Planning obligations**

272. The section 106 associated with the OPP included planning obligations, with financial contributions and on-site/in-lieu works to the value of approximately £42.15m. The proposed Plot H7 development accords with the parameters and principles established by the OPP (as amended by recent NMA approvals) and that there are no new issues arising from this proposed plot to require the imposition of further planning obligations.



273. A range of applications are required by the 2013 section 106 agreement when a RMA is submitted including:
- Employment and Training Scheme – a report has been provided showing that Plot H7 would target a minimum of 55 jobs for local unemployed residents, 47 short courses, 109 CSCS cards and 25 NVQs/apprenticeships.
  - Affordable retail unit strategy – the smaller retail units on Sayer Street are more suitable for smaller, local and independent retailers that are intended to characterise this new shopping street alongside market and mainstream occupiers. Therefore the units in H7 may contribute towards the site-wide affordable retail provision, along with those to be provided in Plot H2 and the future pavilion. Further details are required prior to occupation of the plot to ensure the site-wide requirement of 10% of the total retail floorspace GIA as affordable retail space. At this RMA stage, the Local Economy Team is supportive of the application, and will continue to work with Lendlease on the cascade mechanism of the marketing to potential occupiers.
  - Community space contribution – the estimated amount based on the fixed formula per residential unit should Elephant Park not provide on-site community space (however, the development is on track to provide this on-site).
  - Health contribution – the estimated amount based on the fixed formula per residential unit that would be paid to the council (plus indexation).
274. A separate range of s106 details applications were submitted as required by obligations in the 2013 section 106 agreement regarding various aspects of car parking, contributions, wheelchair units. The details have been included in the assessment topics above where relevant.

### **Community infrastructure Levy (CIL)**

275. Section 143 of the Localism Act states that any financial contribution received in terms of community infrastructure levy (CIL) is a material "local financial consideration" in planning decisions. The requirement for payment of the Mayoral 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 of benefit to London as a whole, primarily Crossrail.
276. In Southwark, the Mayoral CIL2 has a rate of £60 per sqm of new development, although this is an index linked payment. As the OPP was granted before the introduction of the Southwark CIL, the development is not liable for Southwark CIL.

### **Community involvement and engagement**

277. A Statement of Community Involvement has been provided with the application, which summarises the pre-application public consultation undertaken by Lendlease between November 2018 and February 2019. Two public drop-in exhibitions were held which were advertised by flyers distributed to 12,000 properties, and a total of 29 feedback forms were received across the four days of the public exhibitions. Common topics raised in the feedback were to do with maintaining the quality of design of earlier phases, maximising street trees and roof gardens, connecting the architecture to local history, ensuring the retail units are occupied, and considering how deliveries and refuse is collected.
278. Local community groups including The Walworth Society, Southwark Cyclists, and Southwark Living Streets were approached by Lendlease and kept updated. Elephant Park residents were informed via a regular update meeting on site. A completed

Engagement Summary was provided, and is appended to this report.

279. Lendlease engaged in pre-application discussions with the planning department, and presented the scheme at the Design Review Panel. The Panel's comments are referred to in the main body of the report.
280. The RMA was advertised by the council by site notices, press notice and letters to 830 surrounding properties. The comments and objections received are summarised later in this report.
281. Details of consultation undertaken in respect of this application are set out in Appendix 1, and the responses received in Appendix 2.

### **Consultation responses and how the application addresses the concerns raised**

#### *Consultation responses from members of the public*

282. Summarised below are the material planning considerations raised by members of the public. 26 objections (two more were duplicates) were received to the consultation from members of the public and from Albert Barnes House TRA raising the following affordable housing and viability points:
  - The OPP includes an obligation to build 25% affordable housing. While Lendlease will fulfil its affordable housing obligation it intends to do so by delivering fewer affordable homes than the Planning Committee were told would be delivered when considering the OPP application. The Committee was told there would be 570 affordable homes, while Lendlease now proposes to deliver only 541.
  - Lendlease has been granted a change to the OPP that will allow them to build 220 more units than the original maximum. The council neglected to secure the number of homes to be built and gave Lendlease the opportunity to build more, without getting any improvement in the affordable housing situation. There also appears to have been no effort to take advantage of any public funding.
  - This final RMA must be decided by the Committee, not officers alone. The Committee must ask why there are fewer affordable housing units than it was told to expect, while Lendlease was allowed to build more units in total. The Committee must also ask why there have been no viability assessments or reviews since 2013 and what has been done to improve the affordable housing.
  - There should be a viability review in order to reflect the increased density, and the Committee must refuse permission unless Lendlease increases the total number of affordable homes back to the indicative 570 the Planning Committee approved, plus 25% of the additional 220 units it has gained over the original maximum build. This would give a much-needed 84 affordable homes and half of these must be social rented, as Southwark's planning policy requires.
  - This is a poor development that offers nothing for Southwark's residents.
  - 35% affordable housing is needed.
  - The council is complicit in social cleansing, and guilty of a dereliction of duty in permitted the development without going through full planning committee process.
  - Lendlease is renegeing on its pathetic commitment to the community.
283. *Officer response:* These objections are addressed in detail in the Affordable Housing assessment section above, but in summary the OPP did not limit the number of homes to be built within the maximum residential floor area. The affordable obligation in the OPP requires 25% affordable housing, calculated on a habitable room basis (not by unit number). The 25% provision was far in excess of the 9.4% affordable housing scheme that was found to be viable in 2012/2013. At the time the outline planning application was

assessed in 2013, estimates were provided of the number of affordable units in the minimum scenario (of at least 511 to reprovide the demolished Heygate Estate along with the off-site locations), maximum scenario (574) and the indicative masterplan (570). Table 1 of the 2013 Committee report was clear that the affordable housing is to be based upon the percentage of habitable rooms rather than units. The development will, in total, deliver just over 25% affordable housing when measured by habitable room. There is no obligation on Lendlease to seek public funds. The only viability review required by legal obligations in the OPP was in the event that implementation did not occur within 2 years of the first reserved matters approval (which was not triggered as the first phase was implemented promptly), so there is no requirement for an updated viability review.

Consultation responses from internal consultees

284. Summarised below are the material planning considerations raised by internal consultees, along with the officer's response.

285. Ecology officer: supports the proposal as it will provide biodiversity net gain.

- The landscape strategy is comprehensive and provides a mosaic of habitats. Further enhancements could be provided by insect hibernacular and loggeries. Water features could be added on the biodiverse roofs and at ground level.

Officer response: Condition 48 of the OPP that requires an Environmental Action Plan to be submitted for each plot to detail the ecological enhancements to be incorporated. For this RMA stage, sufficient information has been provided of the biodiversity features, and further detail will need to be agreed pursuant to condition.

286. Environmental protection team: has no objection.

287. Flooding and drainage team: has no objection.

288. Local economy team (LET): supports this application.

- The application is accompanied by an affordable retail unit strategy, as required by the outline application and s106. LET expect the cascade for marketing in the strategy to be fulfilled.
- Construction phase jobs/skills and employment requirements: These are calculated by a bespoke method according to the Site Wide Employment and Training Scheme submitted to the council as part of the site-wide strategies required to satisfy the section 106 obligations. LET are content with this calculation and will monitor the new plot as part of the ongoing audit process with BeOnSite, acting for Lendlease.

Officer response: The construction phase jobs and skills of this plot will need to comply with the site-wide obligations secured in the 2013 s106 agreement. The operational phase of this plot will need to comply with the site-wide obligation on affordable retail.

Consultation responses from external consultees

289. Summarised below are the material planning considerations raised by external consultees, along with the officer's response.

290. Environment Agency:

- Asked for the AOD heights of the ground floor to be added to the drawings. Once this was done, the EA raise no objection, are satisfied that the finished floor levels are above the flooding breach level and the ground floor is to be used for commercial

use.

- Further comments encouraging the use of flood proofing and resilience measures, and a flood evacuation plan.

Officer response: The EA's comments can be used as an informative.

291. London Underground: Infrastructure Protection has no comment.

292. Metropolitan Police:

- Key principles of Secured by Design are to be incorporated for this plot. The development could achieve the security requirements of Secured by Design (which is welcomed as it is in a high crime area) and this should be secured by a condition of two parts (pre-commencement and pre-occupation).

Officer response: Condition 47 of the OPP requires details of the security measures to be installed and seeks to achieve Secured by Design accreditation, so there is no need to replicate the condition on this RMA.

293. Natural England: has no comment

294. Thames Water:

- Following initial investigations, Thames Water has identified an inability of the existing combined water infrastructure to accommodate the needs of this development proposal. Thames Water request that a condition be added to any planning permission regarding network upgrades or a housing and infrastructure phasing plan.
- TW's other comment can be applied as an informative on any decision.

Officer response: Condition 27 of the OPP requires an impact study to be undertaken to determine the expected demand and a suitable connection point before the construction of each phase commences to be submitted and approved (in consultation with Thames Water). This condition sufficiently addresses this comment, rather than needing any reserved matter approval to include a duplicate condition.

295. Transport for London:

- Plot H7 lies away from the Transport for London Road Network and other TfL assets so there is unlikely to be an adverse impact.
- Strongly support the car free/low Blue Badge parking provision, below the level allowed by the OPP, reflecting local demand.
- Note that cycle store access will be from a number of locations including from Heygate Street, Sayer Street and Hewson Way. All the paved areas around the buildings should generally be available, informally, to cyclists so that they can access cycle parking without having to dismount and walk some distance with their bikes.
- There does not appear to be any on-street short stay cycle parking for the retail/community units on the eastern side. This could be easily addressed with a few suitably located Sheffield stands.
- Some of the cycle stores appear to have convoluted access routes. Two controlled access doors is a recommended maximum, balancing security and minimisation of obstacles, yet all the cycle stores require 3 or 4 doors, 5 in the worst case. Recommend that this is looked at again, to see if the cycle store/corridor layouts could be reconfigured to reduce the numbers of doors needed to be negotiated by cyclists, and that the doors, in any event, should be power assisted.

Officer response to issues raised: The proposal was amended to add visitor cycle stands on the eastern side of the plot. Of the eight cycle stores proposed, three are accessed

from the frontage, and five are accessed through a door from the route around the central servicing yard. Given the drive to make active frontages with commercial uses, this has pushed most of the cycle stores towards the centre of the plot. On balance this is considered to be acceptable.

296. These matters are addressed comprehensively in the relevant preceding parts of this report.

### **Community impact and equalities assessment**

297. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
298. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
299. 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.
300. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

### **Human rights implications**

301. 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.
302. This application has the legitimate aim of providing details of reserved matters (access, scale, appearance, layout and landscaping) for Plot H7 pursuant to outline planning permission ref. 12/AP/1092. 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 statement**

303. The council has published its development plan and Core Strategy on its website

together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

304. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

305. 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
To help secure a timely decision, did the case officer submit their recommendation in advance of the statutory determination date?	No

## CONCLUSION

306. This reserved matters application for Plot H7 is made pursuant to the outline planning permission for the mixed-use redevelopment of Elephant Park. The proposal accords with the approved parameters (as amended by two recent NMAs) and the principal design controls established by the outline permission. The massing, form and architecture of the tower and the mansion blocks are considered to be of a high standard, complementing and adding to the emerging character of Elephant Park. The proposal would not harm the setting of heritage assets, nor harm the LVMF or proposed borough view.

307. The reconciliation information provided shows how it contributes towards and does not compromise the overall delivery of site-wide objectives secured for Elephant Park. The retail units on the western side of the plot would form the final portion of the new Sayer Street shopping area. The retail units along the park side would be similar to those on the northern side of the park to provide shopping, food and beverage offer. Two further units on the Heygate Street frontage would add to those in neighbouring plots fronting this main road, and could be used for retail, leisure or community uses. The plot would contribute towards the provision of affordable retail space required by the 2013 section 106 agreement.

308. The 424 flats proposed would contribute towards the borough's housing targets. The high density scheme is similar to the densities of other plots in Elephant Park, and the design displays indicators of an exemplary quality. All flats have a private amenity space, and residents would have access to the communal podium garden, to the roof terraces and to the adjacent new public park. The 72 affordable units would contribute towards the site-wide requirement for 25% affordable housing set by the 2013 outline permission. As the final plot to contain residential units, the quantum of affordable housing achieved across

Elephant Park exceeds the 25% requirement.

309. The massing of the proposal would cause a noticeable reduction in daylight levels to certain units in neighbouring plots (occupied plots and future Plot H11B), and a limited number of sunlight losses. These are broadly in line with the impacts and resulting daylight levels anticipated by the outline planning permission (particularly to Plot H2) and many of the affected units are dual aspect. The proposal would not cause a material loss of privacy, nor have an overbearing impact.
310. The proposal does not raise transport or highway impacts and the highway works were secured in the 2013 section 106 agreement. The detailed design has taken sufficient considerations of the sustainability aspects and carbon reduction as set by the OPP, and conditions relating to Code for Sustainable Homes would still apply.
311. Subject to the proposed conditions, it is recommended that this reserved matters application for Plot H7 be approved.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Local Development Framework and Development Plan Documents	Place and Wellbeing 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 1412 Council website: www.southwark.gov.uk

## APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Relevant planning history
Appendix 4	Recommendation
Appendix 5	Engagement summary for the development consultation charter

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Victoria Crosby, Team Leader	
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<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		11 February 2020