

APPENDIX H

ELEPHANT AND CASTLE SHOPPING CENTRE - COMPULSORY PURCHASE ORDER

Planning Policy

Background

1. The development plan comprises the London Plan, the Core Strategy, and the Saved Southwark Plan. In 2013, The Council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the National Planning Policy Framework ("NPPF") states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework.
2. Relevant policies from the Saved Southwark Plan and other Development Plan documents (which have been the subject of public consultation and are informed by evidence bases that can be viewed on the Council's website) are listed in the notes at the end of this Appendix. While a New Southwark Plan and London Plan are in the process of being brought forward for adoption these continue to have limited weight at this point in time.

Site allocation

3. The site is located within Elephant and Castle Opportunity Area, Central Activity Zone and is identified as being part of the Elephant and Castle Major Town Centre. The east site is part of proposal Site 39P 'Elephant and Castle Core Area' which is a large area at the centre of Elephant and Castle identified as being suitable for comprehensive, mixed-use redevelopment. In terms of Housing policy the site is in area where a minimum of 35% affordable and 35% private housing is required.
4. The site sits within zone 1 and has a Public Transport Accessibility Level (PTAL) of 6b (excellent). Elephant and Castle sits in the background of townscape view 23A.1 looking from the Serpentine Bridge in Hyde Park to Westminster (London View Management Framework 2012).

NPPF

5. The NPPF sets out the Government's strong commitment to delivering sustainable development. It advises that there are three elements to sustainable development; economic, social and environmental. Sustainable development is the principal theme underpinning both London-wide and Southwark plan policies, where the regeneration of areas such as the Elephant and Castle is of high priority.

Elephant & Castle Opportunity Area

6. The site is within the Elephant and Castle Opportunity Area and the London Plan considers Opportunity Areas to be *"the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other developments linked to existing or potential improvements to public transport accessibility. Typically they can accommodate at least 5,000 jobs or 2,500 new*

homes or a combination of the two, along with other supporting facilities and infrastructure” (paragraph 2.58).

London Plan

7. Policy 2.13 of the London Plan states that opportunity areas should seek to optimise residential and non-residential out-put and densities, provide necessary social and other infrastructure to sustain growth, and where appropriate, contain a mix of uses. Table A1.1 (Annex 1) of the London Plan gives an indicative employment capacity of 5,000 jobs and a minimum of 5,000 new homes to be delivered in the Elephant and Castle Opportunity Area over the plan period and table A1.1 further notes that:

“The Area is undergoing major transformation with significant investment in housing and potential for new retail provision integrated with a more efficient and attractive transport interchange. There is scope to create a series of connected public open spaces complemented by environmental and traffic management improvements. Resolution of these and rail related issues are crucial to the successful redevelopment of this southern gateway to central London.”

8. The site also sits within the central activities zone (CAZ), the strategic priorities and functions for which are set out in policies 2.10 and 2.11 of the London Plan; this includes enhancing and promoting the roles of the CAZ based on a rich mix of local and strategic uses.

Core Strategy

9. At borough level, the Core Strategy identifies the Elephant and Castle Opportunity Area as one of the Southwark’s growth areas where development will be prioritised. Strategic Targets Policy 2 seeks to deliver 4,000 net new homes and 5,000 net new jobs in the opportunity area and around 45,000m² of additional shopping and leisure space. The Council’s vision for the opportunity area is set out in the Core Strategy, and the first paragraph of the vision reads as follows:

“Elephant and Castle has potential for redevelopment into an attractive central London destination. We will facilitate regeneration of the Elephant and Castle into a more desirable place for both existing and new residents. There will be excellent shopping, leisure facilities and cultural activities. London South Bank University and London University of the Arts will develop further as important centres of learning. Elephant and Castle will continue to be highly accessible from other places in Southwark and London...”

Saved Southwark Plan

10. The saved Southwark Plan pre-dates the Core Strategy and was adopted in 2007. It identifies a number of proposal sites including 39P which includes the east site but not the west. It sets out a broad range of town centre uses which are required, including a range of D class uses, new homes, new retail, B1 floorspace and a highly efficient transport hub.

Elephant and Castle Supplementary Planning Document (“SPD”)

11. The SPD expands upon the Core Strategy and provides a framework to guide development over the next 15 years (until 2027). The opportunity area is divided into

character areas and as stated the site forms part of the central character area. The strategy for this area is to:

- Use development opportunities to redevelop or remodel the shopping centre and expand its appeal to a larger catchment.
- Provide a range of unit sizes and affordable retail units which are made available to existing occupiers displaced by development from across the opportunity area.
- Provide a range of arts, cultural, leisure and entertainment uses, including food and drink uses which make a positive contribution to the evening economy.
- Support the growth of the London College of Communication.
- Strengthen links between the shopping centre and Walworth Road ensuring that it becomes a key shopping axis.
- Require developments to be mixed use and introduce active uses at ground level wherever possible.
- Ensure that development opportunities provide opportunities for existing and future small and medium sized businesses.
- Transform leisure opportunities by building a new leisure centre.
- Make significant improvements to the interchange between buses, tube and rail and increase capacity in the Northern Line station.
- Replace subways with surface level crossings.
- Improve east-west pedestrian connections by providing direct links through the shopping centre site and railway viaduct.
- Take opportunities to activate and soften key public spaces around the central area and provide a new civic space at the front of the shopping centre.
- Ensure all development and public realm enhancements are of the highest quality to provide a positive perception of the area.
- Use tall buildings to signal the regeneration of the area, help define gateways into the central area and create an interesting skyline.
- Potential sites for tall buildings include the shopping centre and leisure centre sites. However, they must not detract from heritage assets, including the view of the Palace of Westminster from the Serpentine Bridge.
- Provide the potential to link key sites, including the shopping centre and leisure centre, within a district CHP/communal heating network.

12. With regard to land use, guidance note SPD21 advises that a redevelopment/remodelling of the shopping centre will be supported. Proposals for the shopping centre site should:

- Support the objective of consolidating the Elephant and Castle as a major town centre.
- Improve the retail offer by providing a range of types of retail, including comparison goods floorspace.
- Provide a range of unit sizes and affordable retail units which are made available to existing occupiers displaced by development.
- Increase the number of employment opportunities on the site and ensure that there is no net loss of non-residential floorspace.
- Provide a range of arts, cultural, leisure and entertainment uses, including food and drink uses which make a positive contribution to the evening economy.
- Introduce residential use as part of mixed-use development where feasible.
- Provide space for an increase in the capacity of the Northern Line ticket hall.

Refurbishment or Redevelopment

13. Responses to public consultation on the application suggest that the existing shopping centre could be refurbished rather than demolished and the site redeveloped. The Planning Committee report addressed this issue and concluded as follows:

“In reality however, refurbishment would be less likely to deliver the significant public realm improvements which the SPD requires in and around the site, or connections through it. Moreover, the existing shopping centre is dated and of a poor quality. There has been little investment in it in recent years, owing to the long term intention of the current and previous owners for a wholesale redevelopment of the site. The SPD anticipates significant regeneration as the best solution to the site”

New Southwark Plan

14. Work is under way to prepare a New Southwark Plan (“NSP”) that will replace the saved policies of the 2007 Southwark plan and the 2011 Core Strategy. The draft plan is now at the Submission Version Stage and no more consultation on the plan will be undertaken. An Examination in Public (“EIP”) is scheduled for later this year. As the NSP is in draft form it can only be attributed limited weight in determining planning applications.

15. Draft proposal site designation NSP47 within the NSP encompasses the east site, all of the railway arches along Elephant Road and the LCC site. The site vision requires employment uses (identified as A1, A2, A3, A4, B1 and D1) – to at least the existing level of provision, at least the same amount of education space as is currently on the site, new homes, civic space, public realm enhancements including along the railway viaduct, a new tube station entrance, and high quality active frontages. The draft site

designation also advises that a new community health hub may be provided.

16. Design and accessibility guidance provided in NSP47 includes that it is anticipated that the existing shopping centre will be demolished to facilitate a restructuring of the area's layout, walking and cycle routes should be enhanced and comprehensive, mixed-use redevelopment of the site can include taller buildings subject to consideration of impacts on existing character, heritage and townscape.

New London Plan

17. Following an EIP in 2019 the Mayor for London has recently announced the intention to publish the plan following consideration of the Panel of Inspectors recommendations. Elephant & Castle continues to be identified in the London Plan as a strategic area for regeneration with the capacity for 5,000 new homes and 10,000 jobs. The Elephant & Castle is identified as having medium commercial growth potential and high residential development potential. The plan states that the Mayor is proposing to extend the Bakerloo Line from Elephant to Lewisham which will improve the route's connectivity and capacity supporting new homes in the Old Kent Road and elsewhere in South-East London.

Conclusion

18. In conclusion, the development plan policy framework for the site summarised sets out the strong support for a high density, mixed-used development on this large brownfield site at all levels of planning policy. Across both parts of the site there will be an increase in retail floorspace in accordance with the London Plan, the Core Strategy, the Saved Southwark Plan and the SPD. The proposed development will fully accord with the principle of accommodating large-scale development within opportunity areas and will deliver many of the key objectives set out in the SPD for the central character area.

Notes

The London Plan 2016 –relevant policies

- Policy 2.9 – Inner London
- 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 3.1 - Ensuring Equal Life Chances For All
- Policy 3.3 - Increasing housing supply
- 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 3.10 - Definition of affordable housing
- Policy 3.11 - Affordable housing targets
- Policy 3.12 - Negotiating affordable housing on individual private residential and mixed use schemes
- Policy 3.13 - Affordable housing thresholds
- Policy 3.16 - Protection and enhancement of social infrastructure
- Policy 4.2 - Offices

- Policy 4.3 - Mixed use development and offices
- Policy 4.4 - Managing industrial land and premises
- Policy 4.6 - Support for and enhancement of arts, culture, sport and entertainment provision
- 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 5.8 - Innovative energy technologies
- 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 6.9 - Cycling
- Policy 6.10 - Walking
- Policy 6.13 - Parking
- Policy 7.1 - Building London's Neighbourhoods and Communities
- 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 and large buildings
- Policy 7.8 - Heritage assets and archaeology
- Policy 7.11 - London view management framework
- Policy 7.12 - Implementing the London view management framework
- 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 woodlands
- Policy 8.2 - Planning obligations
- Policy 8.3 - Community infrastructure levy

Relevant GLA Supplementary Planning Guidance (SPG)

- Culture and Night Time Economy (November 2017)
- Affordable Housing and Viability (August 2017)
- Housing SPG (March 2016)
- Central Activities Zone (March 2016)
- Social Infrastructure (May 2015)
- Town Centres (July 2014)
- Sustainable Design and Construction SPG (April 2014)
- Play and Informal Recreation (September 2012)
- London View Management Framework SPG (2012)

Planning for Equality and Diversity in London (October 2007)

Relevant Core Strategy Policies 2011

- 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 9 - Student 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
- Strategic policy 14 - Implementation and delivery

Relevant Southwark Plan 2007 (July) - saved policies

- 1.1 - Access to employment opportunities
- 1.4 - Employment sites outside the preferred office locations and preferred industrial locations
- 1.5 - Small businesses
- 1.7 - Development within town and local centres
- 1.11 - Arts, culture and tourism uses
- 2.1 - Enhancement of community facilities
- 2.2 - Provision of new community facilities
- 2.3 - Enhancement of educational facilities
- 2.4 - Educational deficiency - provision of educational establishments
- 2.5 - Planning obligations
- 3.2 - Protection of amenity
- 3.3 - Sustainability assessment
- 3.4 - Energy efficiency
- 3.6 - Air quality
- 3.7 - Waste reduction
- 3.9 - Water
- 3.11 - Efficient use of land
- 3.12 - Quality in design
- 3.13 - Urban design
- 3.14 - Designing out crime
- 3.15 - Conservation of the historic environment
- 3.16 - Conservation areas
- 3.17 - Listed buildings
- 3.18 - Setting of listed buildings, conservation areas and world heritage sites
- 3.19 - Archaeology
- 3.20 - Tall buildings
- 3.21 - Strategic views
- 3.28 - Biodiversity
- 4.2 - Quality of residential accommodation
- 4.3 - Mix of dwellings
- 4.4 - Affordable housing
- 4.5 - Wheelchair affordable housing
- 4.7 - Non self contained housing for identified user groups
- 5.1 - Locating developments

- 5.2 - Transport impacts
- 5.3 - Walking and cycling
- 5.4 - Public transport improvements
- 5.6 - Car parking
- 5.7 - Parking standards for disabled people and the mobility impaired

Relevant Supplementary Planning Documents (SPDs)

Development Viability SPD (2016)
Technical Update to the Residential Design Standards SPD (2015)
Section 106 Planning Obligations/CIL SPD (2015)
Elephant and Castle Opportunity Area Planning Framework/SPD (2012)
Affordable housing SPD (2008 - Adopted and 2011 - Draft)
Residential Design Standards SPD (2011)
Sustainable Transport SPD (2010)
Sustainable design and construction SPD (2009)
Sustainability assessments SPD (2009)
Statement of Community Involvement (2008)