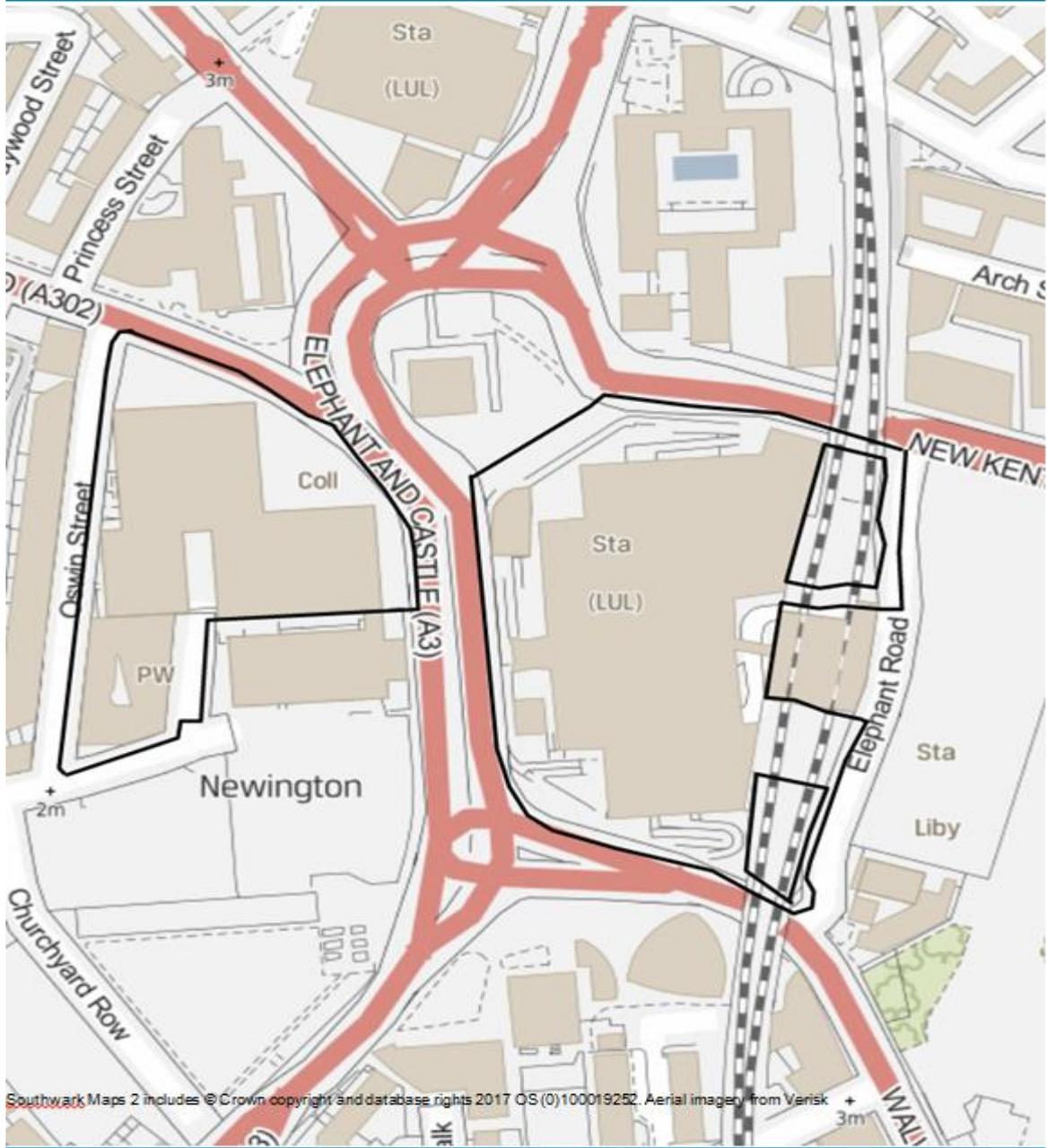


Contents

<u>RECOMMENDATION</u>	<u>4</u>
<u>EXECUTIVE SUMMARY.....</u>	<u>5</u>
<u>BACKGROUND INFORMATION.....</u>	<u>7</u>
<u>Site location and description</u>	<u>7</u>
<u>Details of Proposal.....</u>	<u>11</u>
<u>Relevant planning history.....</u>	<u>18</u>
<u>Planning History of Adjoining Sites</u>	<u>20</u>
<u>KEY ISSUES FOR CONSIDERATION.....</u>	<u>21</u>
<u>Summary of main issues.....</u>	<u>21</u>
<u>The main issues to be considered in respect of this application are:</u>	<u>22</u>
<u>Legal Context.....</u>	<u>22</u>
<u>Planning Policy</u>	<u>23</u>
<u>Planning Policy Designations.....</u>	<u>23</u>
<u>Adopted Policy</u>	<u>23</u>
<u>Emerging Planning Policy</u>	<u>28</u>
<u>Consultation Responses</u>	<u>30</u>
<u>Principle of development in terms of land use.....</u>	<u>35</u>
<u>Equalities</u>	<u>42</u>
<u>Environmental impact assessment</u>	<u>43</u>
<u>Design, layout and impact on townscape views and heritage assets.....</u>	<u>46</u>
<u>Density.....</u>	<u>51</u>
<u>Affordable housing.....</u>	<u>51</u>
<u>Viability</u>	<u>55</u>
<u>Mix of dwellings.....</u>	<u>59</u>
<u>Wheelchair Accessible Housing.....</u>	<u>60</u>
<u>Quality of accommodation.....</u>	<u>61</u>
<u>Trees and landscaping.....</u>	<u>66</u>
<u>Impact of the proposed development on amenity of adjoining occupiers.....</u>	<u>67</u>
<u>Noise and Vibration.....</u>	<u>68</u>
<u>Transport.....</u>	<u>69</u>
<u>Air Quality</u>	<u>75</u>
<u>Ground conditions.....</u>	<u>75</u>

<u>Water Resources</u>	<u>75</u>
<u>Energy and Sustainability.....</u>	<u>76</u>
<u>Fire Safety.....</u>	<u>82</u>
<u>Archaeology</u>	<u>83</u>
<u>Wind and Microclimate.....</u>	<u>84</u>
<u>Socio Economic Impacts.....</u>	<u>85</u>
<u>Implications for conditions attached to permission 20/AP/3675</u>	<u>85</u>
<u>Implications for S106 attached to permission 16/AP/4458</u>	<u>91</u>
<u>Community Infrastructure Levy implications.....</u>	<u>92</u>
<u>Community involvement and engagement.....</u>	<u>92</u>
<u>Other matters</u>	<u>92</u>
<u>Conclusion on planning issues.....</u>	<u>94</u>
<u>SUPPLEMENTARY ADVICE FROM OTHER OFFICERS</u>	<u>95</u>
<u>BACKGROUND DOCUMENTS</u>	<u>95</u>
<u>APPENDICES</u>	<u>96</u>
<u>AUDIT TRAIL</u>	<u>96</u>
<u>APPENDIX 1</u>	<u>96</u>
<u>APPENDIX 2</u>	<u>96</u>

Item No. 6.2	Classification: OPEN	Date: 6 July 2021	Meeting Name: Planning Committee
Report title:	<p>Development Management planning application: Application 21/AP/1104 for: FULL PLANNING APPLICATION</p> <p>Address: Shopping Centre Site Elephant And Castle, 26 28 30 and 32 New Kent Road, Arches 6 And 7 Elephant Road and London College Of Communications Site, London SE1</p> <p>Proposal: Minor material amendments to planning permission 20/AP/3675 (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 above multi-level and single basements, to provide a range of uses including residential (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.</p>		
Ward(s) or groups affected:	North Walworth, St George's		
From:	Director of Planning and Growth		
Application Start Date	08.04.2021	Application Expiry Date	29.07.2021
Earliest Decision Date	25.06.2021		



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Representations From Members Of The Public

Total number of neighbours notified	4,110 by letter, site and press notices
Total number of contributions received	9
	2 objections, 7 supports

RECOMMENDATION

1. a) That planning permission be granted subject to conditions, referral to the Greater London Authority (GLA), and a variation and endorsement to the s106

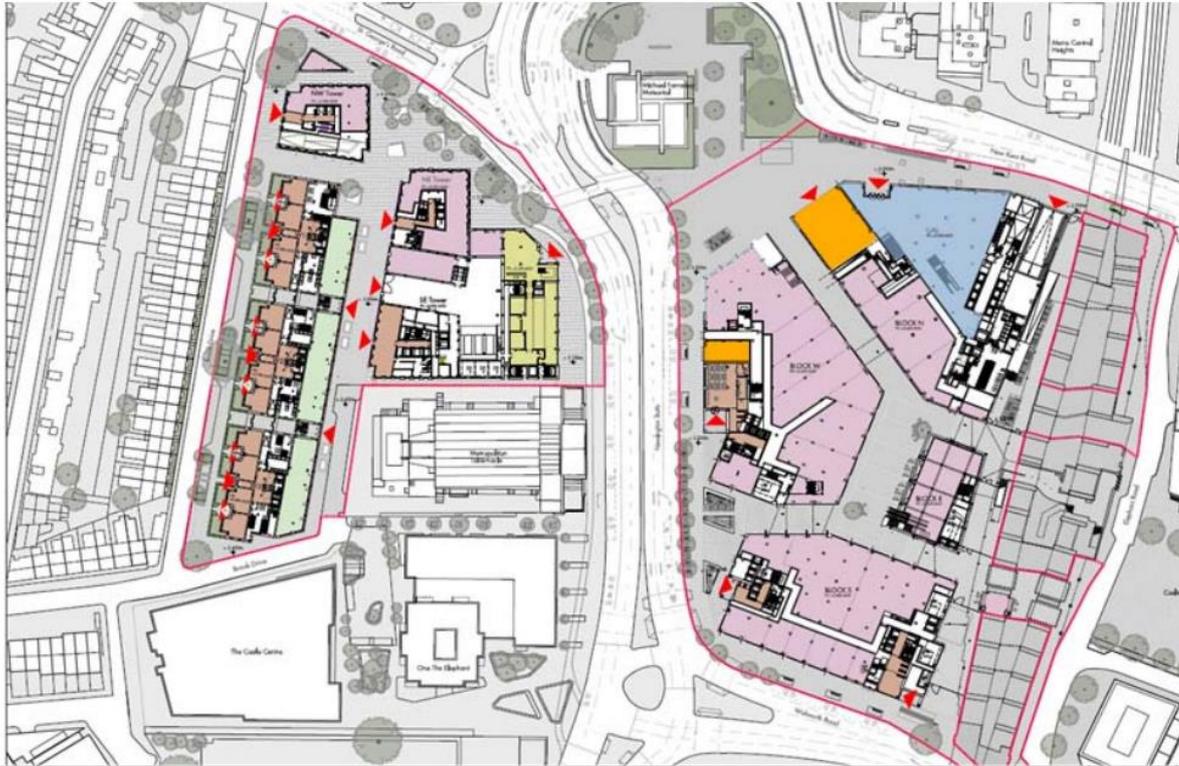
	<p>agreement for planning permission 16/AP/4458.</p> <p>b) That the environmental information be taken into account as required by Regulation 26 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>c) That following issue of the decision it be confirmed that the Director of Planning and Growth shall place a statement on the Statutory Register pursuant to Regulation 30 of the Town and Country Planning (Environmental Impact Assessments) Regulations and that for the purposes of Regulation 30(1)(d) the main reasons and considerations on which the Local Planning Authority's decision is based shall be set out as in this report, and shall inform the Secretary of State of the decision.</p>
	EXECUTIVE SUMMARY
2.	<p>This application relates to the Elephant and Castle shopping centre and London College of Communications (LCC) sites which sit in the heart of Elephant and Castle, an area which is undergoing a period of significant transformation. In January 2019 planning permission was granted for a comprehensive redevelopment of these sites comprising a new shopping centre, a new education building, new leisure floorspace, flexible space, a station box which would be fitted out by TfL to provide a new ticket hall for the Northern Line, and 979 residential units within the private rented sector. In the existing permission, and in this report, the shopping centre site (including a number of buildings on New Kent Road and two railway arches on Elephant Road) is describes as the east site, and the existing LCC campus is described as the west site. The redevelopment was granted permission under reference 16/AP/4458 and is described in this report as the original permission.</p>
3.	<p>The shopping centre closed in September 2020 and demolition of the buildings on the east site is now well underway. In March 2021 the original permission was amended to incorporate an enlarged station box to increase capacity and improve accessibility in the new Northern Line ticket hall, and to future-proof it for connection with the Bakerloo Line extension if this project is delivered. This permission is reference 20/AP/3675, and it is this later permission that the current s73 application seeks to amend.</p>
4.	<p>The changes primarily relate to the east site and broadly comprise:</p> <ul style="list-style-type: none"> • amendments to the land use quantum; • amendments to the residential unit mix, quantum and amenity space provision, • minor alterations to the building heights, elevations and positioning; and • alterations to pedestrian routes and walkways; • amendments to and deletion of a number of conditions.
5.	<p>The proposed amendments would deliver additional retail, leisure and education floorspace which would be consistent with the town centre policies in the adopted development plan, and would help to strengthen the role of Elephant and Castle</p>

	as a major town centre. The equalities impacts of the existing permissions were considered in full and a range of mitigation measures were secured through a s106 agreement. The equalities impacts of the amendments have been taken into account, and are generally considered to be positive.
6.	A key component of the existing permissions is the provision of a new education building for the LCC which would move from its current home on the west site to a more prominent and accessible location on the east site. The LCC is an important asset to the town centre, attracting large numbers of visitors to the area in addition to its 5,800 students and 454 full-time equivalent members of staff. The college, together with London South Bank University on London Road, form Southwark's university quarter, providing excellent opportunities for learning and innovation. The LCC has identified a need for additional floorspace which would be delivered through this application. This would help to secure its long term future in the heart of Elephant and Castle and is considered to be a very positive aspect of the proposal.
7.	The application also proposes to introduce a large quantum of employment space into the east site which would be consistent with the adopted development plan and the draft New Southwark Plan. It would be high quality and would include 10% affordable workspace which would be secured through the s106 agreement. The working population it would introduce would help to support the shops and services in the local area by increasing footfall at a time when high street shopping is facing significant challenges, and this is also considered to be a very positive aspect of the proposal.
8.	The application would provide four additional residential units and would reconfigure a number of others to create 77 additional habitable rooms in the development. 35% of these additional habitable rooms would be delivered as affordable housing, comprising 3 social rent equivalent units and 4 London Living Rent units which would comply with policy P4 'Private rented homes' of the draft New Southwark Plan and would maintain the 35% affordable housing which was secured through the existing permissions. The new and reconfigured residential units would be of good quality, and would provide a policy compliant mix of units and wheelchair accessible housing.
9.	The design changes now sought are considered to be positive, including significant improvements to the Elephant and Castle and Walworth Road frontages to provide greater animation to these streets, and the proposal would open up the first floor retail walkways which would improve the shopping environment. When compared to the existing permissions the amendments would not result in any significant loss of amenity to neighbouring properties or any different or additional environmental impacts including transport impacts, impacts on noise and vibration, air quality, ground conditions, water resources, flood risk, wind microclimate and archaeology. The east site energy strategy would be amended to utilise excess capacity in an existing energy centre on an adjoining site in line with the policy priority to connect to district networks, and an additional contribution towards the Council's carbon off-set green fund would be provided.
10.	The deletion of and amendments to a number of conditions are considered to be

	acceptable, and would not undermine the Council's ability to ensure high quality design in the built scheme.
11.	The application is made under s73 of the Town and Country Planning Act, for 'minor material amendments' to the existing permission granted under 20/AP/3675. The limitations inherent in considering s73 applications mean that consideration is limited to the aspects of the application where changes have been sought, and cannot revisit aspects of the scheme which are unchanged from the existing permission. In this case, the changes are primarily the introduction of additional office space, and the introduction of a small number of additional residential rooms. This means, for example, that policies introduced or amended since the original decision was made can be applied to the office space and the additional residential rooms, but not the homes which have already been consented.
12.	Notwithstanding this position, the applicant has sought to address a number of new policy requirements introduced by the 2021 London Plan including fire safety and urban greening, and these are considered in full below.
13.	Two representations have been received objecting to the application and 7 representations have been received in support, and these are set out in full later in the report.
14.	Overall the amendments are considered to be very positive, and the applicant considers that they are required in order to respond to changes in the market since the original permission was granted, and following further consideration of the design and layouts. The amendments would increase the leisure, education and employment floorspace in the heart of the town centre, would deliver improvements to the design and the quality of the public realm, and would deliver additional housing including 35% affordable housing with a policy compliant tenure split. The application is considered to be in overall compliance with the development plan as a whole, and officers therefore recommend that planning permission be granted. An endorsement and Deed of Variation (DoV) to the existing s106 agreement would be required to capture the additional obligations secured under this permission.
BACKGROUND INFORMATION	
Site location and description	
15.	The site is located at the heart of the Elephant and Castle Opportunity Area which covers an area spanning 122 hectares. The Opportunity Area extends just beyond St George's Circus to the north, New Kent Road to the east, Walworth Road as far as Burgess Park to the south, and Kennington Park Road to the west; the borough boundary with Lambeth is approximately 160m to the south-west. Located on what for centuries was the main road into London from the south, Elephant and Castle has long been a bustling south London centre and is a transport hub, served by both the Northern and Bakerloo underground lines, a railway station and numerous bus routes.

16.	Elephant and Castle is undergoing a period of transformation, with significant redevelopment taking place. The local planning policy framework for managing the regeneration of the area is the adopted Elephant and Castle Supplementary Planning Document / Opportunity Area Planning Framework (SPD / OAPF), adopted in 2012. The SPD sets out a vision for the area which includes transforming it into an attractive central London destination, making it a more desirable place to live for existing and new residents, with excellent shopping, leisure, learning and cultural facilities, and significant new housing.
17..	The application site comprises two distinct areas located on opposite sides of Elephant and Castle. They are described in the submission as the east site and the west site, and they occupy a combined area of 3.56 hectares (ha). The east site comprises Elephant and Castle Shopping Centre, 26, 28, 30 and 32 New Kent Road and Arches 6 and 7 Elephant Road, and the west site is the London College of Communications (LCC) site which sits under the University of the Arts London (UAL) umbrella. Both parts of the site sit within in the SPD central character area, and the east site sits within the SPD core area which is to be the main focus for development activity.
18.	<u>East site</u> - This part of the site measures 2.21ha and is bound by New Kent Road and a new area of public realm known as the Peninsula to the north (the entrance to the Bakerloo Line underground station is further north again), an elevated railway viaduct incorporating Elephant and Castle railway station to the east, Walworth Road to the south, and Elephant and Castle road to the west. It contains a number of buildings, the largest of which is the shopping centre with Hannibal House offices above, and a basement car park and servicing area below. It formerly contained a range of retail and leisure uses including a supermarket, bowling alley and bingo hall, together with around 35 market stalls and 3 retail kiosks at lower ground floor level around the shopping centre in an area which became known as The Moat. The shopping centre closed on 24 th September 2020, is hoarded, and demolition commenced in January 2021. The shopping centre formerly provided access to the railway station and this access is closed and people now use the entrance to the station from Elephant Road instead. The Northern Line ticket hall which is located in a separate building in front of the shopping centre continues to be operational.
19.	The east site also includes numbers 26-32 New Kent Road which comprised the Charlie Chaplin public house, the Coronet Theatre, a newsagents, a dental surgery and potentially two flats, and these buildings are now partially demolished. Four railway arches are also included in this part of the site, the northern two of which provided access / egress to the shopping centre basement, and two arches to the south of the railway station which are occupied by a Colombian restaurant (Distriandina) and Elephant Mall which incorporates a number of uses including retail, a café, a hair salon and English classes.
20.	<u>West site</u> - This part of the site measures 1.35 ha and is bound by St George's Road to the north, Elephant and Castle to the east, Brook Drive, Pastor Street and the Metropolitan Tabernacle (a church with a grade II listed façade) to the south, and Oswin Street to the west. The LCC building is a part 4-storey, part 16-

	storey building completed in 1962, with some extensions added thereafter. It includes a small parking area on the northern part of the site which is accessed from Oswin Street.
21.	<p>On 10th January 2019 following the completion of a s106 agreement planning permission was granted for a comprehensive redevelopment of the site, the description of development for which reads as follows: <i>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 (reference: 16/AP/4458).</i></p> <p>This application was accompanied by an Environmental Statement (ES) which is described in this report as the 2016 ES. The 2016 ES has been updated to take into account changes sought through a subsequent application to amend permission 16/AP/4458, and this is explained further later in the report.</p>
22.	<p>On the <u>east site</u> the consented development is laid out as four plots, E1 to E4 which would be set around a new public square at the centre of the site described as 'The Court'. There would be two new streets leading to The Court; Station Route which would connect the Peninsula with The Court and Elephant and Castle railway station, and Park Route which would connect Elephant and Castle with The Court. Railway arches 6 and 7 Elephant Road would be knocked through to create a new connection from the site to Elephant Road and the new Elephant Park beyond, albeit that a small retail unit would be provided in one of the arches. A third route would be created on the southern part of the site, connecting Walworth Road with The Court, running parallel with the railway viaduct. The plots would sit above a large servicing basement with a new vehicular access from New Kent Road. Plot E1 is consented as an education building which has been designed as a new campus for the LCC which would relocate from the west site to the east site. This plot would also contain a station box which would be constructed by the developer and fitted out by TfL to provide a new Northern Line ticket hall with increased capacity and escalator access. There would be three residential towers on this part of the site, in plots E2 and E3.</p>
23.	<p>On the <u>west site</u> the consented development is laid out as three plots, W1, W2 and W3 which would sit either side of Pastor Street which currently terminates at the rear of the Metropolitan Tabernacle. Pastor Street would be extended northwards to meet St George's Road, effectively creating a new central street through the site providing a through-route for pedestrians and limited vehicular access to a servicing yard at the centre of the site. The west site would be served by a single level basement accessed via a one-way ramp at the northern end of Oswin Street. The basement would predominantly sit beneath plot W1 and would</p>

	<p>contain 34 accessible parking spaces, cycle parking, an energy centre, refuse storage and plant space. The west site would also contain three residential towers.</p>
<p>24.</p>	<p><u>Consented east and west site layouts</u></p> 
<p>25.</p>	<p>On 12th March 2021 planning permission was granted for an amendment to permission 16/AP/4458 comprising the enlargement of the consented station box and associated minor elevational alterations (20/AP/3675). This was a s73 application for minor material amendments and was required in order to provide simplified, step-free access between the new ticket hall and the Northern Line platforms, and to future-proof the station box so that it could accommodate the Bakerloo Line Extension (BLE) if this project is delivered. In all other respects, for instance land use mix and housing layouts and numbers, the permission remained unchanged from that consented in 2019.</p>
<p>26.</p>	<p>The s106 agreement for planning permission 16/AP/4458 (i.e. the original permission) secured a range of mitigation measures and includes a clause binding any subsequent s73 permissions to the terms of the s106. As such all mitigation secured for permission 16/AP/4458 continued to be secured for permission 20/AP/3675. Application 20/AP/3675 was accompanied by the 2016 ES and an EIA Statement of Conformity letter which effectively amended / updated the 2016 ES. References in this report to the 2016 ES therefore mean the amended ES as updated by the EIA Statement of Conformity. It is this more recent permission, 20/AP/3675 which includes the enlarged station box, which the applicant now wishes to amend.</p>
	<p>Details of proposal</p>

27.	<p>Planning permission is sought for minor material amendments to planning permission 20/AP/3675, the development description for which is as follows:</p> <p>‘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 above multi-level and single basements, to provide a range of uses including residential (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’.</p>																																
28.	<p>The applicant wishes to vary condition 1 of the permission (approved plans) in order to make the following changes:</p> <ul style="list-style-type: none"> - Amendments to the office, leisure, retail, and educational floorspace areas; - Amendments to the residential unit mix and quantum; - Alterations to the residential communal and private amenity space; - Minor alterations to the building heights, elevations and positioning; and - Alterations to pedestrian routes and walkways and associated ancillary works 																																
29.	<p>The table below provides a comparison of the various land uses consented under permission 20/AP/3675 and how they would be amended through this application.</p>																																
30.	<p><u>As consented’ and ‘as now proposed’ land uses (east and west sites combined)</u></p>																																
	<table border="1"> <thead> <tr> <th data-bbox="284 1238 555 1305">Use</th> <th data-bbox="555 1238 874 1305">Consented sqm (GIA)</th> <th data-bbox="874 1238 1217 1305">Proposed sqm (GIA)</th> <th data-bbox="1217 1238 1430 1305">Change</th> </tr> </thead> <tbody> <tr> <td data-bbox="284 1305 555 1350">A1-A4</td> <td data-bbox="555 1305 874 1350">18,234</td> <td data-bbox="874 1305 1217 1350">18,606</td> <td data-bbox="1217 1305 1430 1350">+372</td> </tr> <tr> <td data-bbox="284 1350 555 1417">Flexible use (A1-A4, B1)</td> <td data-bbox="555 1350 874 1417">2,860</td> <td data-bbox="874 1350 1217 1417">0</td> <td data-bbox="1217 1350 1430 1417">-2,860</td> </tr> <tr> <td data-bbox="284 1417 555 1518">B1 (business)</td> <td data-bbox="555 1417 874 1518">2,860 (this formed part of the flexible space)</td> <td data-bbox="874 1417 1217 1518">7,019</td> <td data-bbox="1217 1417 1430 1518">+7,019</td> </tr> <tr> <td data-bbox="284 1518 555 1552">C3 Residential</td> <td data-bbox="555 1518 874 1552">106,471</td> <td data-bbox="874 1518 1217 1552">104,438</td> <td data-bbox="1217 1518 1430 1552">-2,033</td> </tr> <tr> <td data-bbox="284 1552 555 1686">D1 (non-residential institutions – education)</td> <td data-bbox="555 1552 874 1686">41,405</td> <td data-bbox="874 1552 1217 1686">43,870</td> <td data-bbox="1217 1552 1430 1686">+2,465</td> </tr> <tr> <td data-bbox="284 1686 555 1753">D2 (Assembly and leisure)</td> <td data-bbox="555 1686 874 1753">5,743</td> <td data-bbox="874 1686 1217 1753">6,154</td> <td data-bbox="1217 1686 1430 1753">+411</td> </tr> <tr> <td data-bbox="284 1753 555 1854">Sui generis (London Underground)</td> <td data-bbox="555 1753 874 1854">9,046</td> <td data-bbox="874 1753 1217 1854">9,046</td> <td data-bbox="1217 1753 1430 1854">No change</td> </tr> </tbody> </table>	Use	Consented sqm (GIA)	Proposed sqm (GIA)	Change	A1-A4	18,234	18,606	+372	Flexible use (A1-A4, B1)	2,860	0	-2,860	B1 (business)	2,860 (this formed part of the flexible space)	7,019	+7,019	C3 Residential	106,471	104,438	-2,033	D1 (non-residential institutions – education)	41,405	43,870	+2,465	D2 (Assembly and leisure)	5,743	6,154	+411	Sui generis (London Underground)	9,046	9,046	No change
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31.	<p>For planning permissions which were received from 1st September 2020 the Town and Country Planning (Use Classes) (Amendment) Regulations (2020) replaced a number of use classes including B1, A1, A2 and A3 with a new Class E (commercial, business, service), and use classes A4 and A5 are now sui-generis</p>																																

	uses. Whilst this application was received after the regulations came into effect, legal officers have advised that the previous use classes continue to apply in this instance, because it is not possible to amend descriptions of development through s73 applications.
32.	The physical changes proposed to the development are described below for each of the development plots.
33.	<p>East site</p> <p>Plot E1 – This is the consented education building which has been designed for and in conjunction with UAL to provide a new building for the London College of Communications. Since the original permission was granted UAL has identified a requirement for additional floorspace, to be dedicated to the field of emerging studies. This additional floorspace would be provided at first and second floor levels in lieu of consented retail floorspace and a first floor external walkway. A consented first floor footbridge would remain, connecting an entrance to the education building with a first floor retail walkway in plot E2; a consented first floor footbridge connecting plots E1 and E4 would be omitted. Minor elevation alterations are proposed to this block including alterations to and omission of some windows, and the height of the building would increase by 0.2m.</p>
34.	<p>Plot E2 – This is the building to which the most significant changes are proposed, including a reduction in retail and leisure space in order to provide 7,019sqm of office floorspace. The office space would be served by a new entrance on Elephant and Castle, and would span broadly half of the second and third floors and all of the fourth floor level. Retail space would be retained at ground and first floor levels, with leisure space at first and second floor levels (with double height space at level 2). Although the leisure space in this block would be reduced, additional leisure space would be provided in plot E3 resulting in an overall increase in leisure floorspace on the east site.</p>
35.	<p>Plot E2 is consented with an external stair and escalator leading from the peninsula up to a first floor retail walkway. It is now proposed to push the stair and escalator back approximately 9m into the site and to provide an additional escalator. The massing of this block would be amended to increase the width of the first floor walkway from 5.6m to 6.6m, and the walkway would now be partially open to the sky as opposed to fully overhung by the upper floors. Elevational alterations are proposed including new glazing for the proposed office space, metal cladding to the leisure space, amendments to the shopfront design, relocation of a substation from ground to basement level, and incorporation of ventilation louvres and digital signage zones overlooking Park route.</p>
36.	<u>Plot E2 as consented</u>



37. Plot E2 as now proposed



38. Tower 1 sits within this plot, with a footprint formed of two connected squares. The taller part of the tower would be reduced in height by 2.8m and the lower part

	<p>by 2.395m owing to a reduction in the parapet and floor-to-ceiling heights, and a 0.2m increase in the ground level across the site. The tower would also be re-positioned approximately 0.7m to the west owing to changes to the efficiencies of the floor layouts. Consented communal residential gardens at 6th floor level are shown as being enclosed by full height parapet walls and these would be replaced with a metal balustrade.</p>
<p>39.</p>	<p>Plot E3 – At first floor level the consented plans show one large retail space with an external walkway overlooking the court, and a predominantly blank frontage to Walworth Road. It is now proposed to provide two separate retail spaces, one accessed from the Court via the external walkway which would increase in width from 4.4m to 5.7m, resulting in a consequent reduction in the size of the residential communal gardens above. The other retail space would be in the form of a market hall, accessed from a new entrance on Walworth Road. Full height windows would be provided to the market hall at first floor level facing Walworth Road.</p>
<p>40.</p>	<p><u>Proposed Walworth Road elevation</u></p> 
<p>41.</p>	<p>Excluding the station box, there are two basement levels in the consented development, level B1 which would be a mezzanine area on the southern part of the site which is consented for retail floorspace, and level B2 which is the main volume of the space containing the servicing yard and storage space. At level B1 it is now proposed to provide retail and leisure space rather than just retail, and at level B2 leisure space would be provided in lieu of the storage space. The leisure space would be accessed from a new entrance off Walworth Road.</p>

42.	In the consented development this plot contains two residential towers (towers 2 and 3). The taller part of tower 2 would be reduced by 1.55m and the lower part by 1.475m. For tower 3, the taller part would be reduced by 1.58m and the lower part by 1.535m. Full height parapet walls to consented communal gardens at second floor level would be replaced with a metal balustrade.
43.	Five new residential units would be provided at second floor level comprising 1 x 1-bed and 4 x 2-bed units; they would replace part of a management suite and a residents' lounge. A number of other changes to the residential units in this plot are proposed, and these are set out separately below.
44.	Plot E4 – This is consented as a 4-storey retail building. Minor alterations are proposed including the provision of toilets at ground floor level, repositioning of the lifts, extending the retail footprint slightly forward at ground floor level and chamfering the ground floor footprint next to the railway station; a footbridge connecting the building with plot E3 would be flipped in plan. At second floor level a gallery / lobby space into a retail unit would be omitted and the space incorporated into the retail unit, and a third floor roof retail terrace would be reduced in size by 55sq (242sqm terrace retained). Minor elevational alterations are proposed including the provision of projecting screens at first floor level and the building would increase in height by 0.67m.
45.	<p><u>Plot E4 from within the Court</u></p> 

46.	<p><u>Amendments to residential units</u></p> <p><u>Plot E2, Tower 1</u></p> <ul style="list-style-type: none"> • Level 7 – replace 2 x 2-bed duplex units with 2 x 3 bedroom duplex units; • Levels 7-27 replace 21 x 1-bed units with 2-bed units • Level 18 - replace a 2-bed unit with a 1-bed unit; • Level 18 –replace a 2-bed unit with a plant room • Level 21 - replace 2x 1-bed units with a 3-bed unit <p><u>Plot E3, Tower 2</u></p> <ul style="list-style-type: none"> • Level 2 – provision of three additional units comprising 1 x 1-bed and 2 x 2-beds; • Level 3 – replace 1 x 2-bed duplex unit with a 3-bed duplex unit; • Level 3 – replace a studio and 2-bed unit with a 3-bed unit. <p><u>Plot E3, Tower 3</u></p> <ul style="list-style-type: none"> • Level 2 – provision of two additional 2-bed units. 																												
47.	<p>Associated minor elevational alterations are proposed as a consequence of the above amendments. Minor changes are also proposed to a number of balconies which cumulatively equates to a reduction of 74sqm of private amenity space which would be off-set through the communal provision.</p>																												
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49.	<p><u>East site land use summary</u></p> <table border="1" data-bbox="284 1153 1412 1736"> <thead> <tr> <th>Use</th> <th>Existing GIA sqm (GIA) (prior to closure)</th> <th>As consented GIA sqm</th> <th>As now proposed GIA sqm</th> </tr> </thead> <tbody> <tr> <td>A1-A4</td> <td>15,132</td> <td>17,132</td> <td>14,644</td> </tr> <tr> <td>Flexible (A1-A4, B1)</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>B1 (business)</td> <td>10,669</td> <td>0</td> <td>7,019</td> </tr> <tr> <td>D1(non residential institution – education)</td> <td>31,553</td> <td>41,405</td> <td>43,870</td> </tr> <tr> <td>D2 (assembly and leisure)</td> <td>12,072</td> <td>2,895</td> <td>3,306</td> </tr> <tr> <td>Sui generis (London Underground station)</td> <td>Unspecified</td> <td>9,046</td> <td>9,046</td> </tr> </tbody> </table>	Use	Existing GIA sqm (GIA) (prior to closure)	As consented GIA sqm	As now proposed GIA sqm	A1-A4	15,132	17,132	14,644	Flexible (A1-A4, B1)	0	0	0	B1 (business)	10,669	0	7,019	D1(non residential institution – education)	31,553	41,405	43,870	D2 (assembly and leisure)	12,072	2,895	3,306	Sui generis (London Underground station)	Unspecified	9,046	9,046
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51.	<u>West site</u> No physical changes are proposed to the west site, only amendments to the land uses. In plot W3 it is proposed to replace 2,860sqm of flexible space with retail space, to off-set the reduction in retail space on the east site.			
52.	<u>West site land use summary</u>			
	Use	Existing GIA (GIA) (prior to closure)	sqm to	As consented GIA sqm
	A1-A4	0		1,102
	Flexible (A1-A4, B1)	0		2,860
	D1 (non residential institution – education)	31,553		0
	D2 (assembly and leisure)	0		2,848
53.	<u>West site residential summary</u>			
		Existing (prior to closure)	to	As consented
	No of units	0		498
	<u>Conditions</u>			
54.	The applicant also wishes to either delete or amend a number of conditions which are attached to permission 20/AP/3675 as set out below, and these are described in detail later in the report. <u>Deletion of conditions:</u> 25 (green roof to plot E1), 48 (External Noise Levels in Private Amenity Areas)			
55.	<u>Amendments to conditions:</u> 19 (Detailed Construction Drawings East Site) 20 (Detailed Construction Drawings Education Building) 26 (Basement Access Detailed Design) 27 (Western Viaduct Boundary) 29 (Public toilets) 31 (Landscaping Scheme) 45 (Sound Insulation: Education) 51 (A3/A4 Opening Hours) 54 (Wind Microclimate)			
56.	This application is accompanied by the 2016 ES and an ES Addendum pursuant to the Town and Country Planning (Environmental Impact Assessment)			

	Regulations (2017).
	Planning history
57.	<p>21/AP/1581 - Variation of Schedule 2, part 7 (fit out and opening of the London Underground Station Box) of the s106 agreement pursuant to planning permission 16/AP/4458 (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) to remove the requirements for details of the timescales for the fit out and opening of the station box to be provided in a Development Agreement). This application was GRANTED in May 2021. The change was required owing to the funding uncertainty TfL is facing resulting from the current global pandemic which has had a significant impact on revenue. TfL has confirmed that they remain committed to completing a fitted out station as soon as a financial settlement is agreed.</p> <p>This is referred to in this report as the 'Station Box DoV'</p>
58.	<p>21/AP/1064 - Non-material amendment to planning permission 20/AP/3675 dated 12th March 2021 to vary condition 1 (approved drawings) of planning permission 16/AP/4458 (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 comprising the enlargement and reconfiguration of the consented station box, including the provision of an additional basement level and minor elevational changes to the station entrance) comprising simplifying the description of development and removing references to building heights and unit numbers. This application was GRANTED in April 2021.</p> <p>This is referred to as the '2021 NMA'. A non-material amendment does not create a new planning permission.</p>
59.	<p>20/AP/3675 - Minor material amendment under s73 of the Town and Country Planning Act (1990 (as amended) to vary condition 1 (approved drawings) of</p>

	<p>planning permission 16/AP/4458 (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 comprising the enlargement and reconfiguration of the consented station box, including the provision of an additional basement level and minor elevational changes to the station entrance to:</p> <ul style="list-style-type: none"> - enable the new station entrance to serve as the single point of entry / exit for both Northern and Bakerloo lines in the future; - facilitate future connection with the Bakerloo line platforms from the ticket hall, through provision of space for three additional escalators; - provide simpler step free access routes between the ticket hall and the Northern line platforms; - provide an extension to the firefighters' lift shaft to the Bakerloo line connection level; and - secure revisions to retain access to an existing London Underground ventilation shaft. <p>Planning permission was GRANTED in March 2021. It is this permission which the applicant now seeks to amend.</p> <p>20/AP/2674 - Display of hoarding advertising and wayfinding signage for the duration of construction works related to the redevelopment of the site, as approved under application reference 16/AP/4458. Advertisement consent was GRANTED in November 2020.</p>
60.	<p>20/AP/2357 - Variation to Paragraph 1.3 of Part 7 of Schedule 2 of Section 106 for planning permission 16/AP/4458 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. The variation would allow the demolition of the existing building in advance of a development agreement being concluded with LUL. This application was AGREED in August 2020.</p>
61.	<p>20/EQ/0076 – Pre-application advice for the amendments to planning permission LBS reg. no 16/AP/4458. This enquiry related to a range of amendments which were broadly similar to those which are sought under this current s73 application.</p>

	Officer advice focussed on the design amendments proposed to plot E2, the need to ensure that retail provision including affordable retail space would not be reduced, and the quality of the new residential units in plot E3.
62.	20/AP/0681 – ‘Construction of tunnelled connections to the existing Northern Line platforms from a new station box for the Elephant and Castle London Underground Northern Line Station’. This application was submitted by London Underground Ltd and was GRANTED on 29th July 2020. The red line site sits partially within the red line for permission 16/AP/4458 and extends westwards to encompass the Northern Line platforms which sit beneath Elephant and Castle.
63.	16/AP/4458 – Details of this application have been provided above. This permission was the subject of a Judicial Review which was heard by the Court of Appeal on 16 th and 17 th of March 2021. The JR related to the affordable housing provision and the way in which it was secured in the s106 agreement, and the way in which potential grant funding from the GLA was conveyed to the planning committee. In a judgement handed down on 28 th May 2021 the claim was dismissed on all grounds. This permission is referred to in this report as ‘the original permission’
64.	<u>Metropolitan Tabernacle Church, Elephant and Castle</u> 16/AP/4525 – ‘Minor amendments to the northern elevation of the grade II listed Metropolitan Tabernacle building by virtue of the demolition of the immediately adjacent/abutting London College of Communications building (subject to planning application reference: 16-AP-4458)’. Listed building consent was GRANTED on 10 th January 2019.
	Relevant planning history of adjoining sites
65.	<u>Skipton House, 80 London Road, Perry Library, 250 Southwark Bridge Road, Keyworth Street Hostel, 10 Keyworth Street.</u> 15-AP-5125 - Demolition of the existing buildings and creation of basement (plus mezzanine) and the erection of buildings ranging from Ground Floor plus 7 to ground floor plus 39 stories (maximum building height of 146.3m AOD) comprising retail uses (Use Classes A1/A3/A4) and fitness space (Use Class D2) at ground floor, multifunctional cultural space (Use Classes D1/D2/Sui Generis) at basement and ground floor levels, and office use (Use Class B1) and 408 residential units (Use Class C3) on upper levels, new landscaping and public realm, a publically accessible roof garden, ancillary servicing and plant, cycle parking and associated works. The Planning committee resolved to grant planning permission on 12th July 2016, however the application was subsequently WITHDRAWN.
66.	18/AP/4194 - Part retention, part demolition, reconfiguration and re-cladding of existing building and extension to create six additional storeys to accommodate office space (Use Class B1) at upper floor levels, a gym (Use Class D2) and flexible retail/commercial uses (Use Class A1/A2/A3) at ground floor level with associated cycle parking, landscaping, ancillary servicing and plant and all associated works. The Planning committee resolved to grant planning permission

	on 3 rd November 2020 subject to the completion of a s106 agreement. This has not yet been completed.
67.	<p><u>The Heygate Estate and surrounding land</u></p> <p>12-AP-1092 - 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 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. Planning permission was granted, following the completion of a s106 agreement, on 27/03/2013.</p> <p>A number of reserved matters applications have since been approved in relation to this outline planning permission and building works are well under way on site.</p>
68.	<p><u>Ground floor, Perronet House, Gaywood Estate, Princess Street</u></p> <p>17/AP/4651 - Change of use of 12 existing garages / parking spaces to provide retail space (use class A1), café space (use class A3) and ancillary storage / plant and servicing space, together with new glazing and doors to south, east and west elevations. Planning permission was GRANTED on 17th July 2018 and has been implemented.</p>
	KEY ISSUES FOR CONSIDERATION
	Summary of main issues
69.	The ability to vary an extant planning permission is set out in section 73 of the Town and Country Planning Act 1990 (as amended). Unlike an application for 'non-material changes' (section 96a applications), an application under section 73 results in a new permission being issued, although the time given to implement the permission remains unchanged and is not extended as a result of any section 73 permission. Whilst a planning authority should take into consideration all relevant matters, including current policies at the point it determines a section 73 application, it must also take into account the scope of the changes being requested, and the status of the permission in terms of how far construction has progressed.
70.	Section 73 of the Town and Country Planning Act 1990 restricts the scope of revisiting the principle of the development in determining an application under section 73. This limitation is supported by recent case law and it is only the changes being sought under the section 73 application which can now be considered, as the principle of development has already been secured under the existing permissions. Members must therefore determine the application taking into account all material considerations, including current policies (NSP and London Plan 2021) when assessing the changes only, and cannot retrospectively apply the current policies against the already consented scheme which was

	assessed against the policies in place at the time.
71.	The main issues to be considered in respect of this application are as follows.
	<ul style="list-style-type: none"> • Relevant adopted planning policy; • Relevant emerging planning policy; • Consultation responses, and how the application addresses any concerns raised; • Principle of the proposed development in terms of land use; • Equalities implications; • Environmental impact assessment; • Design, heritage assets and tall buildings including views; • Density; • Affordable housing; • Mix of dwellings; • Wheelchair accessible housing; • Quality of accommodation; • Trees and landscaping; • Impact of proposed development on amenity of adjoining occupiers and surrounding area; • Noise and vibration; • Transport; • Air quality; • Ground conditions and contamination; • Water resources and flood risk; • Energy and sustainability; • Fire safety; • Archaeology; • Socio-economic impacts; • Implications for the conditions attached to permission 20/AP/3675 • Implications for the section 106 agreement attached to permission 20/AP/3675; • Community Infrastructure Levy implications; • Community involvement and engagement; • Other matters; • Human rights implications; and; • Positive and proactive statement. <p>These matters are discussed in detail in the 'Assessment' section of this report.</p>
	Legal Context
72.	Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2021, the Core Strategy 2011, the Saved Southwark Plan 2007 and the Elephant and Castle SPD/OAPF (2012).

	Planning policy
73.	<p><u>Adopted Planning Policy Designations (Proposals Map)</u></p> <ul style="list-style-type: none"> • Elephant and Castle Opportunity Area; • Elephant and Castle Major Town Centre; • Central Activity Zone; • Proposal Site 39P 'Elephant and Castle Core Area' which identifies a large area of land at the centre of Elephant and Castle for comprehensive, mixed-use redevelopment (east site only): • Archaeological Priority Zone; • Air Quality Management Area; • Area where a minimum of 35% affordable and 35% private housing is required. <p>The site sits within zone 1 and has a Public Transport Accessibility Level (PTAL) of 6b (excellent). It is located in Flood Zone 3 as identified by the Environment Agency flood map, which indicates a high probability of flooding. Elephant and Castle sits in the background assessment area of townscape view 23A.1 looking from the Serpentine Bridge in Hyde Park to the Palace of Westminster (London View Management Framework 2012).</p>
	National Planning Policy Framework (NPPF)
74.	The revised National Planning Policy Framework ('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.
75.	Paragraph 212 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.
76.	<p>Chapter 2 Achieving sustainable development Chapter 5 Delivering a sufficient supply of homes Chapter 6 Building a strong, competitive economy Chapter 7 Ensuring the vitality of town centres Chapter 8 Promoting healthy and safe communities Chapter 9 Promoting sustainable transport Chapter 11 Making effective use of land Chapter 12 Achieving well-designed places Chapter 14 Meeting the challenge of climate change, flooding and coastal change Chapter 15 Conserving and enhancing the natural environment Chapter 16 Conserving and enhancing the historic environment</p> <p>National Planning Practice Guidance</p>
	The London Plan 2021

77. On 2 March 2021, the Mayor of London published the London Plan 2021. The spatial development strategy sets a strategic framework for planning in Greater London and forms part of the statutory Development Plan for Greater London. The relevant policies are:

- 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
- Policy SD1 Opportunity Areas
- Policy SD4 The Central Activities Zone (CAZ)
- Policy SD5 Offices, other strategic functions and residential development in the CAZ
- Policy SD6 Town centres and high streets
- Policy SD7 Town centres: development principles and Development Plan Documents
- Policy SD8 Town centre network
- Policy SD9 Town centres: Local partnerships and implementation
- Policy SD10 Strategic and local regeneration
- Policy D1 London's form, character and capacity for growth
- Policy D2 Infrastructure requirements for sustainable densities
- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D7 Accessible housing
- Policy D8 Public realm
- Policy D9 Tall buildings
- Policy D10 Basement development
- Policy D11 Safety, security and resilience to emergency
- Policy D12 Fire safety
- Policy D13 Agent of Change
- Policy D14 Noise
- Policy H1 Increasing housing supply
- Policy H4 Delivering affordable housing
- Policy H5 Threshold approach to applications
- Policy H6 Affordable housing tenure
- Policy H7 Monitoring of affordable housing
- Policy H8 Loss of existing housing and estate redevelopment
- Policy H10 Housing size mix
- Policy H11 Build to Rent
- Policy S1 Developing London's social infrastructure
- Policy S3 Education and childcare facilities
- Policy S4 Play and informal recreation
- Policy S6 Public toilets
- Policy E1 Offices
- Policy E2 Providing suitable business space
- Policy E3 Affordable workspace 2

	<p>Policy E9 Retail, markets and hot food takeaways</p> <p>Policy E11 Skills and opportunities for all</p> <p>Policy HC3 Strategic and Local Views</p> <p>Policy HC4 London View Management Framework</p> <p>Policy HC5 Supporting London's culture and creative industries</p> <p>Policy HC6 Supporting the night-time economy</p> <p>Policy HC7 Protecting public houses</p> <p>Policy G1 Green infrastructure</p> <p>Policy G4 Open space</p> <p>Policy G5 Urban greening</p> <p>Policy G6 Biodiversity and access to nature</p> <p>Policy G7 Trees and woodlands</p> <p>Policy SI 1 Improving air quality</p> <p>Policy SI 2 Minimising greenhouse gas emissions</p> <p>Policy SI 3 Energy infrastructure</p> <p>Policy SI 4 Managing heat risk</p> <p>Policy SI 5 Water infrastructure</p> <p>Policy SI 6 Digital connectivity infrastructure</p> <p>Policy SI 7 Reducing waste and supporting the circular economy</p> <p>Policy SI 12 Flood risk management</p> <p>Policy SI 13 Sustainable drainage</p> <p>Policy T1 Strategic approach to transport</p> <p>Policy T2 Healthy Streets</p> <p>Policy T3 Transport capacity, connectivity and safeguarding</p> <p>Policy T4 Assessing and mitigating transport impacts</p> <p>Policy T5 Cycling</p> <p>Policy T6 Car parking</p> <p>Policy T6.1 Residential parking</p> <p>Policy T6.2 Office Parking</p> <p>Policy T6.3 Retail parking</p> <p>Policy T6.4 Hotel and leisure uses parking</p> <p>Policy T6.5 Non-residential disabled persons parking</p> <p>Policy T7 Deliveries, servicing and construction</p> <p>Policy T8 Aviation</p> <p>Policy T9 Funding transport infrastructure through planning</p> <p>Policy DF1 Delivery of the Plan and Planning Obligations</p>
	<u>GLA Supplementary Planning Guidance (SPG)</u>
78..	<p>Affordable Housing and Viability (August 2017)</p> <p>Housing SPG (March 2016)</p> <p>Social Infrastructure (May 2015)</p> <p>The control of dust and emissions during construction and demolition (2014)</p> <p>Shaping neighbourhoods – character and context (2014)</p> <p>Play and Informal Recreation (September 2012)</p> <p>London View Management Framework SPG (2012)</p> <p>Climate change mitigation and energy strategy (2010)</p> <p>Planning for Equality and Diversity in London (October 2007)</p> <p>Accessible London – Achieving an inclusive environment (2004)</p>
	Core Strategy 2011

79.	<p>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 2011 are:</p> <p>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 Strategic policy 14 - Implementation and delivery</p>
Southwark Plan 2007 (saved policies)	
80.	<p>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 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. The relevant policies of the Southwark Plan 2007 are:</p> <p>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</p>

	<p>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</p>
81.	<p><u>Proposal site designation</u></p> <p>The east site sits within proposal site 39P of the saved Southwark Plan which is a large site designation which encompasses sites to the north-west, south-east and south-west including the former Heygate Estate; it does not include the west site. The site designation 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.</p>
	AAPs or SPDs
82.	<p>Section 106 Planning Obligations/CIL SPD (2020 update) Development Viability SPD (2016) Technical Update to the Residential Design Standards SPD (2015) Elephant and Castle Opportunity Area Planning Framework/SPD (2012) Affordable housing SPD (2008 - Adopted and 2011 - Draft) Residential Design Standards SPD (2015) Sustainable design and construction SPD (2009) Sustainability assessments SPD (2009) Statement of Community Involvement (2008) and 2019 draft</p>
83.	<p><u>Conservation Area Appraisals</u></p> <p>Elliott's Row Conservation Area Appraisal (2013)</p>
	Emerging planning policy
	New Southwark Plan
84.	The New Southwark Plan (NSP) was submitted to the Secretary of State in

	<p>January 2020. The Examination in Public (EiP) for the NSP took place between February to April 2021 and the amendments within the Proposed Changes to the Submitted New Southwark Plan were considered along with the consultation responses received at each stage of public consultation. The Inspectors' Post Hearings advice letter was received in early June. It is anticipated that the plan will be adopted later in 2021 and will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy.</p>
85.	<p>Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.</p>
86.	<p>SP1a Southwark's Development Targets SP1b Southwark's Places SP1 Quality affordable homes SP2 Regeneration that works for all SP3 Best start in life SP4 Strong local economy SP5 Healthy, active lives SP6 Cleaner, greener, safer AV.09 Elephant and Castle Area Vision P1 Social rented and intermediate housing P2 New family homes P4 Private rented homes P7 Wheelchair accessible and adaptable housing P12 Design of places P13 Design quality P14 Residential design P15 Designing out crime P16 Tall buildings P17 Efficient use of land P18 Listed buildings and structures P19 Conservation areas P20 Conservation of the historic environment and natural heritage P22 Archaeology P26 Education places P27 Access to employment and training P29 Office and business development P30 Affordable workspace P31 Small shops P32 Business relocation P33 Railway arches P34 Town and local centres P41 Pubs P43 Broadband and digital infrastructure P44 Healthy developments P45 Leisure, arts and culture P46 Community uses P48 Public transport</p>

	<p>P49 Highways impacts P50 Walking P51 Low Line routes P52 Cycling P53 Car Parking P54 Parking standards for disabled people and the physically impaired P55 Protection of amenity P58 Green infrastructure P59 Biodiversity P60 Trees P61 Reducing waste P63 Contaminated land and hazardous substances P64 Improving air quality P65 Reducing noise pollution and enhancing soundscapes P66 Reducing water use P67 Reducing flood risk P68 Sustainability standards P69 Energy IP1 Infrastructure IP2 Transport infrastructure IP3 Community infrastructure levy (CIL) and Section 106 planning obligations IP5 Compulsory Purchase Order (CPO) IP7 Statement of Community Involvement NSP45 Elephant and Castle Shopping Centre and London College of Communication</p>
<p>87.</p>	<p><u>Draft NSP proposal site designation</u></p> <p>The draft NSP now places both the east and west sites in proposal site NSP45. This site allocation states that redevelopment of the site must:</p> <ul style="list-style-type: none"> • Provide at least the amount of employment and retail floorspace currently on the site including new offices (B1) and retail, cafes and bars (A1, A2, A3, A4); and • Provide at least the amount of education floorspace (D1) currently on the site used by London College of Communication; and • Provide new homes (C3); and • Provide new civic space, and enhancements to the public realm, including new access routes such as the Low Line along the railway viaduct; and • Provide a new tube station entrance; and • Enhance the local townscape by providing high quality active frontages including town centre uses (A1, A2, A3, A4, D1, D2) at appropriate ground floor locations. <p>Redevelopment of the site may:</p> <ul style="list-style-type: none"> • Provide a new community health hub (D1). <p>It states that planning application 16/AP/4458 is relevant to the site.</p>

	Consultation responses
	Members of the public and local groups / organisations
88.	<p>One representation has been received from a member of the public <u>objecting</u> to the application on the following grounds:</p> <ul style="list-style-type: none"> - Conflict with local plan - Information missing from plans - Out of keeping with character of area - The latest drawings show that bays to the residential towers consist of a solid wall without any windows, resulting in darker apartments and poor elevations --- Poor landscaping at ground floor level. <p><u>Officer response</u> – The proposed development is considered to be in overall conformity with the development plan as a whole. Detailed information has been provided to support the application and there are no proposals to omit any windows to the consented residential towers. The quality of the new flats is considered to be acceptable, and no amendments are proposed to the consented outline landscaping scheme, with full details to be secured by way of a planning obligation..</p>
89.	<p><u>35% campaign / Elephant Amenity Network</u> <u>Object</u> to the application. The applicant's Financial Viability Assessment (FVA) does not include the 'Developer Profit' as required by Southwark's Development Viability SPD 2016. Table 1 of the SPD requires cash figures for the amounts of all assumptions. The applicant has only supplied percentage figures, (for Profit and Internal Rate of Return). Members of the public will be mystified and have little idea of what profit these percentage figures represent, impairing proper consultation. The applicant must be required to supply this information, in line with the SPD, to avoid this.</p> <p><u>Officer response</u> – The application is for a built to rent proposal which would be retained as a long term asset. The proposal has been valued on the basis of an internal rate of return rather than a percentage profit for a build to sell development and IRR is an appropriate valuation method for this type of development.</p>
90.	<p>Six representations have been received <u>supporting</u> to the application on the following grounds:</p> <ul style="list-style-type: none"> - As a local independent trader for over 20 years, the plans will increase footfall for local traders who have endured the pandemic. - The plans will improve the public transport experience, the environment and footfall for any local business; - Job creation; - Positive to be able to witness the changes taking place in the area; - A positive change for the vast majority of the community; -The scheme will make a huge difference to the area;

	<ul style="list-style-type: none"> -Did not feel safe walking through the old shopping centre which was dark, dingy and unattractive; -Additional students in the area; - Safer pedestrian routes; -Will make the area attractive to live and shop; -Will create a diverse town centre
91.	<p><u>University of the Arts, London (letter dated 30th April 2021)</u> UAL's London College of Communication fully <u>support</u> this amendment to the consented scheme. Of particular note is the amendment relating to the new D1 site for UAL's London College of Communication, including the change of floorspace to our use. Within our new building - the E1 plot - there is area allotted to UAL, TfL and as retail space. The amendment involves changing some of the retail space into our D1 use at first and second level. This change in use will allow us to further enhance the experience of our staff, students, visitors and members of the public moving to and from our publicly accessible exhibitions and events spaces and the Town Centre, in a style similar to the Southbank Centre. It will also enhance our ability to directly engage local communities with our exhibitions and events and benefit our collaborative community and schools programmes. There are a few other amendments relating to our facilities as well, which we fully support. These amendments are required to ensure we can design the building to meet the present and future needs of our students.</p>
	Internal consultees
92.	<p><u>Highways Network Development</u> An updated Construction Environmental Management Plan will be required. <u>Officer response</u> – This is secured through the s106 agreement.</p>
93.	<p><u>Highways Development Management</u> No highway comments on this planning application.</p>
94.	<p><u>Environmental Protection Team (EPT)</u> There are some concerns regarding the deletion of conditions 45 and 48 and additional information is required <u>Officer response</u> – Further information has been requested and amended wording for condition 45 has been agreed with EPT. Officers consider that condition 48 can be deleted as explained in full later in the report.</p>
95.	<p><u>Flood Risk and Drainage Team</u> Having reviewed the submitted information, have no comments or objections from a flood risk / drainage perspective.</p>
96.	<p><u>Archaeology</u> These changes have no archaeological implications of significance; it is necessary to apply all original conditions to the amended application.</p>
97.	<p><u>Waste Management Team</u> Following the receipt of additional information / clarification, the waste</p>

	management strategy is considered to be acceptable. When purchasing refuse storage / compaction equipment the applicant will need to ensure that it is capable of being serviced by the Council's refuse trucks, and this should be secured by way of a condition.
98.	<p><u>Ecology Officer</u> The Urban Greening Factor score is only 0.08 This is well below the recommended 0.3 or 0.4 score set out the GLA's guidance. Need to review and explore if further greening could be included with a view to raising the score closer to the recommended level.</p> <p><u>Officer response</u> – The urban greening factor score would be 0.11 following the submission of a revised calculation to omit the railway viaduct given that this is not within the applicant's control. Given the scope and extent of the amendments being sought it is considered that it would not be reasonable to require further modifications to the design in order to meet this new London Plan policy requirement.</p>
99.	<p><u>Local Economy Team</u> The consented employment during construction targets would need to be reduced as a result of the amendments, and the employment in the completed development targets increased. Concerns raised regarding a reduction in affordable retail space on the east site and queries raised regarding the provision of a new market hall.</p> <p><u>Officer response</u> –The revised employment targets should be secured through a Deed of Variation to the existing s106 agreement. The applicant has increased the affordable retail provision on the east site above that of the consented scheme and a condition for further details of the market hall has been included in the draft recommendation.</p>
100.	No response received at the time of writing from the following internal consultees: Highways Licensing, Housing Regeneration Team and the Public Health Team
	External consultees
101.	<p><u>Greater London Authority</u> Land use principle: The principle of the proposed uplift in office accommodation including the provision of 10% affordable workspace is supported and the affordable provision should be secured. The principle of an uplift in educational floorspace is also supported and alterations to the proposed retail, leisure and flexible use mix are acceptable subject to confirmation that it would not compromise delivery of the consented quantum of affordable retail floorspace. Where the consented quantum of affordable retail space is maintained, the proposed overall rebalancing of land uses is acceptable in strategic planning terms. Housing: The amendments would result in four additional units and changes to the unit size mix creating a greater provision of larger units. This can be supported subject to confirmation that it would preserve the consented 35% affordable housing provision. Other urban design, transport and sustainable development matters should also be resolved prior to the Mayor's decision making stage. The application must be referred back to the Mayor at Stage 2.</p>

102.	<p><u>Historic England</u> On the basis of the information available to date, we do not wish to offer any comments. Suggest that you seek the views of your specialist conservation advisers, as relevant.</p>
103.	<p><u>Arqiva</u> Arqiva is responsible for providing the BBC, ITV and the majority of the UK's radio transmission network and is responsible for ensuring the integrity of Re-Broadcast Links. Tall infrastructure such as wind turbines and other tall structures have the potential to block radio transmission links and rebroadcasting links (through direct blocking of radio signal or deflecting signal). Have considered whether this development is likely to have an adverse effect on our operations and have concluded that we have no objections to this development.</p>
104.	<p><u>London Fire and Emergency Planning</u> The London Fire Commissioner (the Commissioner) is the fire and rescue authority for London. The Commissioner is responsible for enforcing the Regulatory Reform (Fire Safety) Order 2005 (The Order) in London. The Commissioner has been consulted with regard to the above-mentioned premises and makes the following observations:</p> <p>The Commissioner is satisfied with the proposals</p> <p>The Commissioner strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Commissioner's opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of occupiers. Please note that it is our policy to regularly advise our elected Members about how many cases there have been where we have recommended sprinklers and what the outcomes of those recommendations were. <u>Officer response</u> - Fire Statements submitted with the application confirm that sprinklers would be fitted throughout the development.</p>
105.	<p><u>Metropolitan Police</u> No additional comments in relation to the amendments. Can confirm that the design team continue to speak to the Metropolitan Police regularly and are in the process of applying formally for Secure By Design accreditation.</p>
106.	<p><u>Natural England</u> Natural England currently has no comment to make on the variation of conditions 1, 19, 20, 25, 27, 54, 31, 45, 48, 26 and 29. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.</p>

107.	<p><u>London Underground</u> Can confirm that London Underground/DLR Infrastructure Protection has no comment to make on this planning application as submitted.</p>
108.	<p><u>Transport for London</u> In line with other recently approved commercial-led development proposals in the Elephant and Castle area, a financial contribution towards the London Underground station capacity project and other strategic transport measures would be justified to mitigate the impacts of the non-residential part of this development proposal, which is not subject to borough CIL. However, taking account of the obligations for financial and in-kind transport contributions already secured, such as the borough CIL contribution for the residential element which, under the agreement with the council, part funds the station project and, in particular, delivery of the new ticket hall box as part of the basement of the development, coupled with the relatively small uplift in trips over and above that of the consented development, it is not considered appropriate in this case to seek further financial contributions towards strategic transport.</p> <p>An updated travel plan, construction logistics plan (CLP) and a delivery and servicing plan (DSP) should be secured by way of condition or supplementary s106 obligation and approved by Council in consultation with TfL.</p> <p>Overall, TfL supports this application as it will allow progression of the shopping centre redevelopment that will provide the box for the new Northern line ticket hall (NTLH), designed to accommodate the Bakerloo line extension (BLE) in the future. NLTH is a key strategic transport scheme identified in the Elephant and Castle SPD/OAPF, and BLE is strongly supported in both local (emerging New Southwark Plan and Old Kent Road AAP) and London Plan policy. This position should not however prejudice any subsequent planning decision by the Mayor.</p>
109.	<p><u>Transport for London (Bakerloo Line Extension)</u></p> <p>I confirm that this application relates to land within the limits of land subject to consultation by the BLE Safeguarding Direction. During our review confirmation was sought on the repositioning of a pile shown on drawing 935_00_07_005 REV P3. This has been confirmed internally and with the developer to be mutually acceptable. All proposed amendments have been considered by the safeguarding manager and would not impact on the BLE delivery.</p>
110.	<p><u>Network Rail</u> Following a review of the application, can confirm that Network Rail have no objections to the proposal.</p>
111.	<p><u>Thames Water</u> Informatives recommended. Additional information requested regarding drainage and the London Plan requirement for greenfield rates is highlighted; the development would only achieve 50% of greenfield run-off rates. <u>Officer response</u> – Informatives have been included in the draft recommendation. Given the limited scope and nature of the amendments sought, it is considered</p>

	that it would not be reasonable to require changes to the consented drainage strategy.
112.	<u>Environment Agency</u> No objection to the variation of condition 1 (approved plans), as sleeping accommodation will not be introduced below the first floor.
113.	<u>City of Westminster</u> The City Council has considered the proposals described below and has decided it does not wish to comment.
114.	No response received at the time of writing from the following external consultees: Health and Safety executive, Council for British Archaeology, The Georgian Group, Twentieth Century Society, The Victorian Society, National Grid, Civil Aviation Authority, UK Power Networks, Theatres Trust, Royal Parks and the London Boroughs of Bromley, Croydon, Haringey, Lambeth, Lewisham, Islington and the City of London.
	ASSESSMENT
	Principle of the proposed development in terms of land use
115.	The National Planning Policy Framework (NPPF) was updated in 2019. At the heart of the NPPF is a presumption in favour of sustainable development. The framework sets out a number of key principles, including a focus on driving and supporting sustainable economic development. A number of representations have been received in support of the application on the basis that it would increase footfall and help local businesses.
116.	The redevelopment of the site granted permission under references 16/AP/4458 and more recently 20/AP/3576 encompasses a broad range of town centre uses including retail floorspace, education, leisure and residential. All of the land uses sought through this application already have consent under the extant permissions, and this application simply seeks to amend the quantum and locations. The most significant land use change would be the introduction of 7,019sqm of office space on the east site. Under the existing permissions only 2,860sqm of office space has been consented as part of the flexible space on the west site. In land use terms the amendments being sought would be consistent with the NPPF and the policies in the 2021 London Plan, the Core Strategy, the saved Southwark Plan and the Elephant and Castle SPD, and more detail on the individual uses is set out below.
117.	<u>Provision of additional retail and leisure floorspace</u> - When the east site was occupied it provided 15,132sqm of retail floorspace in the shopping centre, the railway arches and along New Kent Road. The amendments now sought mean that there would be 488sqm less retail on the east site than previously existed, but this would be rebalanced on the west site through the provision of additional retail floorspace so that overall across the two parts of the site, there would be 3,474sqm more retail than previously existed and 372 sqm more than approved

	under the existing permissions.
118.	Paragraph 85 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation. It encourages a range of town centre uses, including retail and leisure, to be located within defined town centres. Elephant and Castle is defined as a Major town centre which policy SD 8 of the London Plan states should be the focus for the majority of higher order comparison goods retailing, whilst securing opportunities for higher density employment, leisure and residential development in a high quality environment.
119.	At borough level strategic policy 3 of the Core Strategy states that the Council will enable the provision of around 45,000sqm of additional shopping and leisure floorspace at Elephant and Castle / Walworth Road, focusing on the provision of new non-food shopping and strengthening its role as a major town centre and this is reinforced through the saved Southwark Plan and the Elephant and Castle SPD. Policy P34 of the draft NSP 'Town and local centres' requires development to ensure the provision of main town centre uses, including markets community, civic, leisure and cultural uses in town and local centres which must be of a scale and nature that is appropriate to the role and catchment of the centre. This policy requires developments to retain retail floorspace or replace it with an alternative use that provides a service to the general public and would not harm the vitality and viability of the centre.
120.	The increase in retail floorspace relative to the existing permissions is considered to be a positive aspect of the proposal. The education building takes up a large proportion of the east site which could otherwise be used for retail purposes, but relocating the LCC campus to a more prominent and accessible location is considered to be a very positive aspect of the proposal, together with the creation of two new streets to provide pedestrian permeability and a new public space at the centre of the site. Whilst the small loss of retail space on the east site compared to what previously existed there is noted, given the increased education floorspace, increased leisure floorspace and the rebalancing of the retail space across both parts of the site, this is considered to be in overall conformity with the development plan.
121.	Guidance note SPD1 of the Elephant and Castle SPD requires retail developments of over 1,000sqm to provide a range of shop and unit sizes, including affordable units. It requires at least 10% of new retail floorspace (GIA) be made available as affordable for small and medium-sized enterprises in the opportunity area which have been displaced as a result of development, new business start-ups or independent retailers (this is the SPD eligibility criteria). Suitable businesses should have 3 units or less, and rents should be discounted by not less than a total reduction of 40% below market rate averaged over a 5 year period. The existing permissions secured 10% on-site affordable retail which would be maintained through the proposed amendments as set out below.
122.	<u>Affordable retail</u> – One of the measures secured through the existing permissions to help mitigate adverse equality impacts is the provision of 10% on-site affordable retail space, to be offered in priority to traders who were displaced

	when the east site was vacated. The overall consented quantum of affordable retail space is between 1,823.4sqm and 2,104.4sqm depending on the use of the west site flexible space; this comprises 1,713.2sqm on the east site and between 110sqm -391sqm on the west site.
123.	Although retail space on the east site would be reduced as a result of the proposals, the east site affordable retail space would increase to 1,757sqm, an increase of 43.8sqm. This is welcomed, particularly as the east site would be delivered first and there are a number of traders in temporary accommodation in Castle Square. The affordable retail provision would be rebalanced on the west site where 104sqm of affordable retail space would be provided, so that overall the provision would remain at 10% across the two sites; it would continue to be prioritised for traders displaced when the east site was vacated. Across both parts of the site 1,861sqm of affordable retail space would be provided and whilst this would be less than the maximum 2,104.4sqm which could have come forward under the existing permissions if the flexible space were used for retail purposes, the minimum amount of affordable retail space coming forward would increase by 37.6sqm as a result of the proposed amendments.
124.	This application also seeks to amend the first floor retail layout in plot E3, and the applicant has submitted indicative plans showing that the affordable retail space would be provided at ground and first floor levels in this plot. At first floor level it would be in the form of a market hall which would be accessed from a new entrance with lift from Walworth Road. Whilst this approach would allow the businesses to cluster together which was raised during consultation on the original permission, there are concerns that it could deliver a lot of circulation and shared space rather than genuine lettable retail floorspace. This concern has been conveyed to the applicant, and the existing s106 agreement requires details of the affordable retail space to be submitted for approval in any event if the applicant is unable to demonstrate that the amended retail layout would meet the affordable retail requirements, additional affordable retail space would have to be provided elsewhere on the east site.
125.	The market hall would also be self-contained, and there would be no route to it from the remainder of the retail area. The applicant is of the view that it would become a destination in its own right, and has referred to a similar example at Market Hall West End, off Oxford Street which operates a food hall. The market hall would have full height windows facing Walworth Road which could incorporate signage, and signage could be incorporated at the entrance and within the remainder of the shopping centre. A condition has nonetheless been included in the draft recommendation requiring details of a strategy for marketing and signposting this space in the local area.
126.	Overall, the additional retail floorspace now proposed is considered to be a positive addition to the scheme. It would help to reinvigorate Elephant and Castle which is probably the most accessible of the Borough's town centres, at a time when there are many challenges facing high street shopping.
127.	With regard to <u>leisure</u> , in addition the town centre policies outlined above, policy 4 of the Core Strategy expects a wide range of well used community facilities that

	provide spaces for many different communities and activities in accessible areas; community facilities include medical and health centres, sports, leisure and recreation facilities and facilities for the provision of education. Saved policies 2.1 and 2.2 seek to protect existing community use floorspace and ensure that community uses are accessible to all members of the community, with a similar approach adopted by policy P45 of the draft NSP 'Leisure, art and culture'.
128.	The proposed amendments seek to reduce the amount of leisure floorspace in plot E3, and to provide additional leisure space in plot E4 at basement levels B1 and B2. This would result in an overall increase of 411sqm of leisure floorspace which is welcomed. The consented leisure space in plot E3 was anticipated as being used as a cinema, with up to 8 screens and circa 1,000 seats. As a result of the amendments it would now be capable of accommodating approximately 6 screens and 500 seats, which the applicant has advised has been driven by market demand for a smaller facility. The reduction in cinema space is noted, although changes in response to the market position may improve the likelihood of securing an operator and ensuring delivery. Overall it is considered that the amendments would enhance the leisure offer on the east site which would complement the retail and employment uses.
129.	<u>Bingo hall</u> - The shopping centre formerly contained a bingo hall and an equalities analysis undertaken identified that a high proportion of elderly people and people from Black, Asian and Minority Ethnic (BAME) backgrounds used the facility, and its loss could result in adverse equality impacts. The existing s106 agreement therefore requires marketing of the leisure space to be prioritised towards bingo operators for a period of 6 months, and requires the developer to give a first right of refusal to a bingo operator to lease approximately 1,850sqm of the leisure floorspace within the development in the event that a bingo operator elects to take the space.
130.	The proposed amendments include additional leisure floorspace through the provision of a new leisure unit spanning basement levels B1 and B2 in plot E3, accessed from Walworth Road. The applicant proposes that this space would be marketed to a bingo operator as a priority in line with the s106 requirements. Meeting this obligation on the east site rather than the west would be preferable because it would come forward sooner if an operator is found. However, it would only be 1,453sqm, 397sqm smaller than the s106 requirement. The applicant has advised that this could accommodate up to 784 people compared to the 1,000 people capable of being accommodated within the 1,850sqm of floorspace secured under the existing s106 agreement. Although the maximum capacity is lower than previously agreed, the earlier delivery would be a benefit, reducing the time gap between the previous bingo hall closing and any new venue becoming available.
131.	<u>Provision of additional education floorspace</u> - The existing permissions provide for a new education building which has been designed in conjunction with and is intended for the London College of Communications. The college serves over 5,800 full and part-time students and 454 (full-time equivalent) staff at its current home on the west site, and specialises in creative courses in fields such as journalism, publishing, film, television and sound, graphic communication and

	<p>photography. It is an important asset to the opportunity area, attracting large numbers of visitors to the area in addition to the students, and forms part of a hub for the creative clustering which is apparent in the Elephant and Castle area. The college, together with London South Bank University which is located on London Road approximately 170m from the west site, form Southwark's university quarter, providing excellent opportunities for learning and innovation.</p>
132.	<p>UAL has identified a need for additional floorspace, which is to be dedicated to the field of emerging studies. Additional education floorspace would be provided at first and second floor levels in lieu of retail space, although the retail provision across the whole development would increase in any event. The provision of this additional floorspace to meet the needs of the college would help to secure its long term future in the heart of Elephant and Castle, and is considered to be a very positive aspect of the proposal. It meets the requirements of development plan policies to enhance educational facilities, including policy S3 of the new London Plan which seeks to ensure that there is a sufficient supply of good quality education facilities to meet demand and offer educational choice.</p>
133.	<p><u>Provision of additional office floorspace</u> –The east site includes Hannibal House which contained 10,606sqm of office space prior to the site being vacated. The existing permissions allow for up to 2,860 sqm of employment floorspace in the flexible space on the west site. The amendments now sought propose to introduce 7,019sqm of office floorspace on the east site within plot E2 and this means that the loss of office space arising from the development would be significantly reduced compared to the existing permissions.</p>
	<p>The site forms part of the Central Activities Zone (CAZ). Policy SD4 of the London Plan recognises the unique international, national and London-wide roles of the CAZ which should be promoted and enhanced, and policies SD5 and E1 support the provision of additional office space in CAZ locations. The site is also located in Elephant and Castle Opportunity Area and table 2.1 of the London Plan gives an indicative capacity of 10,000 new jobs in the opportunity area over the plan period. At borough level this is reinforced through the Core Strategy, the saved Southwark Plan and the Elephant and Castle SPD. Strategic Policy 10 of the Core Strategy supports the provision of employment space, specifically on sites within the CAZ, opportunity areas and town centres, and paragraph 4.27 of the Core Strategy states that a key objective for the redevelopment of the Elephant and Castle Opportunity Area is the encouragement of more office space. Policy P29 of the draft NSP requires employment space to be retained or increased in town centres, the CAZ, opportunity areas and where specified through site allocations. The supporting text to this policy states that to meet growing demand, Southwark needs to deliver significant growth of around 460,000 sqm of new office space between 2014-2036 which will be concentrated in the CAZ and town centres.</p>
134.	<p>The above policies provide strong support for the inclusion of a more significant quantum of office space within the development, and this change is therefore positive in reinforcing the role of the Elephant and Castle as an employment destination, and its status within the CAZ.</p>

135.	The provision of office floorspace in the development is considered to be a very positive aspect of the proposal which would be consistent with the policies outlined above, and also means that the proposal would align more closely with the emerging policy and site designation in the draft NSP. Given the limited scope of the amendments being sought and the fact that there are two extant permissions on the site, it is considered that it would not be reasonable to require further, significant changes to the scheme in order to further increase the employment floorspace
136.	The proposed office space could accommodate up to 148 employees and is predicted to generate up to 124 net full-time equivalent (FTE) jobs. It would also add to the mix of uses in the area and would help to support the retail function of the town centre by introducing a working population which would use the local shops and services. The new office space would be of a high quality, with floor-to-ceiling heights of 2.65m-3m and would be flexibly designed to provide small or larger units depending on end user requirements. It would also deliver 10% affordable workspace which is considered further below.
137.	<u>Provision of affordable workspace</u> – The proposal would deliver 10% affordable workspace which would equate to 702 sqm, to be secured at a 25% discount to market rent. The submitted Financial Viability Appraisal includes market rents for offices at £50 per sqft – on that basis an affordable rate would equate to £37.50 per sqft. This percentage discount would be secured through a Deed of Variation (DOV) to the existing s106 agreement for a period of 30 years. It would be prioritised for small and medium-sized independent businesses and charities which were displaced from Hannibal House.
138.	Policy E2 (C) of the London Plan requires proposals for new B class floorspace greater than 2,500 sqm (GEA) to consider the scope to provide a proportion of flexible workspace suitable for micro, small and medium-sized enterprises. Policy E3 of the London Plan relates to affordable workspace and the use of planning obligations to secure affordable workspace at below market rates. Policy E8 of the London Plan is also relevant, which states that employment opportunities for Londoners across a diverse range of sectors should be promoted and supported, along with support for the development of business growth and sector-specific opportunities. It requires the delivery of suitable workspaces to support the evolution of London's diverse sectors including start-up space and affordable workspace.
139.	At borough level policy P30 of the draft NSP states that developments proposing 500sqm GIA or more of employment floorspace (B class use) must: <ul style="list-style-type: none"> - Deliver at least 10% of the proposed gross employment floorspace as affordable workspace on site at discount market rents; and - Secure the affordable workspace for at least 30 years; and - Provide affordable workspace of a type and specification that meets current local demand; and - Prioritise affordable workspace for existing small and independent businesses occupying the site that are at risk of displacement. Where this is not feasible, affordable workspace must be targeted for small and independent businesses

	<p>from the local area with an identified need; and</p> <ul style="list-style-type: none"> - Collaborate with the Council, local businesses, business associations and workspace providers to identify the businesses that will be nominated for occupying affordable workspace.
140.	<p>In order to meet the requirements of the draft policy, the following heads of terms have been agreed which would be secured through a DOV to the existing s106 agreement:</p> <ul style="list-style-type: none"> • 10% affordable workspace (702 sqm) to be provided; • The affordable workspace to be secured for a 30 year term and the same occupier could remain for the entire period; • No more than 50% of the market rate floorspace to be occupied until the affordable workspace has been fitted-out ready for occupation; • Rent on the affordable workspace to be a 25% discount on market rent inclusive of service charge for the 30 year term (this equates to £37.50 per square foot based on a market rent of £50 per square foot); • Flexible leases; • Applicants for the affordable workspace must have an existing business or charity in Southwark or be a resident of Southwark and the proposed use must be from a specific sector which has a social, cultural or economic development purpose; • During the construction period, a database of interested parties must be compiled and maintained; • Prior to first occupation the affordable workspace must be marketed using a website, newspapers, agencies, managing agent, database, and external signage. It must be actively marketed for six months to Southwark businesses and residents. Only if the space remains unoccupied after this period of marketing can it be made available to the same types of businesses outside of Southwark which would be permitted to remain in the affordable space, paying affordable rent, for up to five years. After those five years, the process would start again. During this time the existing tenant(s) could remain until a suitable Southwark tenant is found; • The day-to-day management of the space to be carried out by a suitably competent management company. <p>It is considered that this provision meets the requirements of the London Plan and emerging NSP, and is a positive aspect of the revisions to the development, since the extant permission makes no detailed provision for affordable workspace.</p>
141.	<p><u>Provision of additional residential units</u> - Chapter 5 of the NPPF outlines the Government's commitment to delivering a sufficient supply of homes. Policy H1 of the London Plan sets out ten-year targets for net housing completions which each borough must plan for, with a target of 23,550 homes in Southwark between 2019/20 and 2028/29. This equates to 2,355 homes per year which is reflected in policy SP1 of the draft NSP. The London Plan also sets an indicative capacity of 5,000 new homes in the Elephant and Castle Opportunity Area.</p>
142.	<p>The existing permissions include 979 residential units which would make a</p>

	significant contribution to the stock of housing in the borough. The amendments now sought would deliver four additional units which is welcomed, and would be consistent with the policies outlined above.
143.	<u>Land use conclusion</u> – All of the land uses sought by this application already have consent under the existing permissions. The proposal seeks to increase the retail, leisure and education floorspace in the development together with a significant increase in the amount of employment floorspace. These amendments are considered to be very positive and would be consistent with the relevant planning policies, as outlined by the GLA in its stage 1 response. It is therefore concluded that the principle of the proposed development is acceptable in terms of land uses.
	Equalities implications
144.	<p><u>Legal context</u></p> <p>The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. Section 149 of the Equality Act 2010 places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and Members must be mindful of this duty, inter alia, when determining all planning applications. In particular Members must pay due regard to the need to:</p> <ul style="list-style-type: none"> • Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act; • Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; • Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
145.	This section of the report considers the impact of the amendments now sought on those with protected characteristics, and with a particular focus on the Council's legal duties under s.149 of the Equality Act 2010. Elephant and Castle is a very diverse area and is well known as a hub for the Latin American community. The equalities impacts of the original permission were informed by various documents including an Equalities Statement and addendum submitted by the applicant and various equality analyses undertaken by the Council. For the demolition of the buildings on the east site including the shopping centre, the analysis identified adverse impacts in relation to age and race, and a range of mitigation measures were secured through the s106 agreement including a Local Business Support and Relocation Strategy, a business relocation fund, temporary retail space during construction, affordable retail space within the development, and space for a potential new bingo hall. The shopping centre has now closed and the east site is hoarded, and a number of these mitigation measures have already been

	provided including a temporary retail facility on the nearby Castle Square which is almost fully occupied. As stated there is a clause in the existing s106 agreement which binds any future s73 permissions to the terms of the agreement, therefore all mitigation secured in the original s106 agreement would continue to be delivered if this application is granted permission. A number of positive equality impacts were also identified including new employment and training opportunities and the provision of new housing including affordable housing. Positive equality impacts were identified in relation to the first s73 permission for the enlarged station box, owing to the increased capacity and accessibility it would allow for in the new ticket hall.
146.	This application is accompanied by an Equality Statement Addendum which considers the potential equality impacts arising from the proposed amendments. It concludes that the amendments would not have a material impact beyond those already identified for the existing permissions, and that the additional retail, leisure, office and education space and public realm would adhere to inclusive design principles; 10% wheelchair accessible housing would also be provided. The Equality Statement Addendum also concludes that the pre-application consultation and engagement undertaken by the applicant has been inclusive and has taken potential equality impacts into consideration.
147.	Having reviewed the application it is considered that the changes to the land use quantum, distribution of uses across the site and the layout and design changes would raise no equality issues of a greater scale or significance than those arising from the consented schemes. The additional affordable retail, leisure, education, employment floorspace and residential units are all considered to have positive equality impacts. It is noted that the potential bingo hall is smaller than secured under the existing permission; the current proposal does have a smaller overall capacity, but has the potential to be brought forward earlier in the development programme, thereby reducing the period that the facility would not be available. On balance, this is considered to be acceptable in terms of the impact on the groups with protected characteristics who were identified as the main users of the former bingo hall.
	Environmental impact assessment (EIA)
148.	The original planning permission was accompanied by an Environmental Statement (ES) which considered the environmental effects of the development based on the range of topics. Impacts were considered during the demolition and construction and operational phases of the development, together with cumulative effects. The overall conclusion of the 2016 ES was that for the majority of environmental impacts, the residual effects of the proposed development following mitigation would be insignificant. It did however, identify some minor adverse effects including noise and disturbance during construction, and adverse effects upon daylight, sunlight and overshadowing. The EIA section of the officer report for permission 16/AP/4458 is attached as Appendix 2.
149.	The first s73 application to enlarge the station box was accompanied by an Environmental Impact Assessment Statement of Conformity letter, which

	<p>confirmed that the environmental effects arising from the inclusion of the enlarged station box would remain consistent with those identified in the 2016 ES. This current application is accompanied by the 2016 ES, an ES addendum and a non-technical summary. The ES addendum reviews and considers any changes in planning policy and the baseline data (i.e. existing conditions at and surrounding the site) for the various topics considered in the 2016 ES, and considers whether the amendments now sought would result in any significant or different environmental effects beyond those which have been previously identified. Although the site east site is now vacant and demolition is underway, for the purposes of the ES Addendum it is considered as occupied as per the 2016 ES, given that its vacant condition would not be representative of the pre-development conditions and extant planning permissions exist for the site. Due to delays in commencing the development, the ES Addendum also considers a delay to its overall completion.</p>
150.	<p>The original permission was determined under the 2011 EIA Regulations, and these have since been updated and the 2017 EIA regulations are now in force. The 2017 regulations include a requirement for the ES to be carried out by competent experts and for the ES to be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts; this has been included in the ES addendum and is considered to meet this requirement. The 2017 EIA regulations also introduced three new topic areas which must be considered: Human Health, Greenhouse Gases and Climate Change, and Risk of Major Accidents. Whilst these have been introduced as distinct topics, the issues relevant to them were already considered in the 2016 ES including impacts upon air quality, flood risk and ground conditions. In relation to the Risk of Major Accidents topic, the ES Addendum advises that the development would not be likely to be prone to the risk of major accidents as there are no Control of Major Accidents Hazards registered to the site. These topics have therefore been scoped out of the ES Addendum and officers have no objections to this approach.</p>
151.	<p><u>Topics considered in the 2016 ES:</u></p> <ul style="list-style-type: none"> Socio Economics Transportation Noise and Vibration Air Quality Ground Conditions and Contamination Water Resources and Flood Risk Archaeology Wind Daylight, Sunlight and Overshadowing Townscape, Visual and Built Heritage Assessment Cumulative Effects
152.	<p>The amendments sought under this application can be summarised as follows:</p> <ul style="list-style-type: none"> - Amendments to the office, leisure, retail, and educational floorspace areas; - Amendments to the residential unit mix and quantum; - Alterations to the residential communal and private amenity space;

	<ul style="list-style-type: none"> - Minor alterations to the building heights, elevations and positioning; and - Alterations to pedestrian routes and walkways and associated ancillary works; -Amendments to and deletion of a number of conditions.
153.	The chapters of the 2016 ES which needed reviewing to confirm whether the previously reported impacts would remain valid in light of the amendments now sought are socio-economics, air quality, wind, daylight, sunlight, overshadowing and solar glare, townscape, conservation and visual impact assessment, and cumulative effects and these are considered later in the report. For the remaining topics the ES Addendum confirms that the previously reported environmental effects remain valid and these are also considered later in the report in relation to the individual topic areas.
154.	<u>Cumulative developments</u> – Chapter 16 of the 2016 ES considered the likely cumulative effects of the development. Two types of impacts were considered; type 1 is the combination of individual effects from the proposed development on a particular receptor such as noise, dust and visual impact, and type 2 is the combination of effects from the proposed development and other developments in the surrounding area which when considered in isolation could be insignificant, but when considered together could result in a significant cumulative effect.
155.	The ES Addendum updates the baseline data to reflect that a number of developments which were previously considered under cumulative effects have since been completed and now form part of the existing conditions near the site. A number of planning applications which have subsequently been submitted on nearby sites have also been considered in the ES addendum.
156.	In relation to type 1 effects the ES addendum concludes that they would remain as previously identified. In relation to type two effects it concludes that impacts upon air quality, noise and vibration, archaeology, ground conditions, water resources and floor risk and townscape, heritage and visual impact assessment would remain as previously identified. For the remaining topics the ES Addendum advises the cumulative effects with the other planned developments taken into account would result in additional construction jobs, increased demand for social infrastructure and additional transport movements, but that the effects of these would remain as previously identified with no significant additional environmental effects arising. Additional wind mitigation measures would be required around three building entrances to plots E1, E2 and E3, and there would be no additional cumulative impacts in relation to daylight, sunlight, overshadowing and solar glare.
157.	On the basis of the above considerations the ES Addendum concludes that the minor material amendments now being sought would give rise to the need for additional wind mitigation measures around three building entrances on the east site, and a condition to secure this has been included in the draft recommendation. Subject to this and with mitigation in place it is concluded that there would be no significant residual effects beyond those previously identified. Having taken into account the nature and minor scope of the changes now being sought and the consultation responses received, officers concur with the findings of the ES addendum.

	Design, heritage assets and tall buildings, including views
158.	Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities. Chapter 3 of the London Plan deals with design related matters. In particular, policy D4 focuses on delivering and maintaining good design and policy D9 sets out the requirements for the development of tall buildings. The heritage policies of the London Plan, set out in Chapter 7, assert that development affecting heritage assets and their settings should conserve their significance by being sympathetic in their form, scale, materials and architectural detail.
159.	Strategic policy 12 of the Core Strategy states that all development in the borough will be expected to achieve the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in. Saved policy 3.12 'Quality in design' of the Southwark Plan asserts that developments should achieve a high quality of both architectural and urban design, enhancing the quality of the built environment in order to create attractive, high amenity environments people will choose to live in, work in and visit. Saved policy 3.13 of the Southwark Plan asserts that the principles of good urban design must be taken into account in all developments. This includes height, scale and massing of buildings, consideration of the local context, its character and townscape as well as the local views and resultant streetscape. Saved policy 3.18 of the Southwark Plan requires to the setting of conservation areas, listed buildings and world heritage sites to be preserved and saved policy 3.20 sets out the criteria for determining application for tall buildings. In the draft NSP policies P12 and P13 seek to ensure a high standard of architectural and urban design, P16 relates to the design and location of tall buildings; P18 and P19 seek to preserve or enhance conservation areas and listed buildings.
160.	In the main the proposed amendments to the education building in <u>plot E1</u> would be minimal, including a 0.2m height increase, alterations to some of the windows, and alterations to replace retail space and an external walkway with education space. These amendments would not detract from the appearance of the consented building, which would remain of high quality.
161.	<u>Plot E1 (education building)</u>



162. The most significant changes are proposed to plot E2, although they would not be significant in the overall context of the wider development. New office space would be provided in this building, and the first floor walkways would be widened and partially open to the sky which would make for a more attractive retail environment with opportunities for outdoor seating. When viewed from Elephant and Castle and Walworth Road plot E2 would remain similar in character to the consented design, but would now include generous commercial windows on the upper floors of the podium where previously the elevations were largely blank. The amendments would retain a lattice-like feature façade at the northern end of the building where it would present an engaging and elegant frontage onto the recently completed peninsula. The design changes are considered to be broadly beneficial and an elegant refinement of the consented schemes. The GLA in its stage 1 report has noted the need to strike an appropriate balance between

providing a corporate appearance for the office space whilst also creating a vibrant frontage for the town centre, and officers consider that an appropriate balance has been struck.

Plot E2 from within the site



163. The elevational amendments to plot E3 are considered to be similarly positive, with a largely blank façade at first floor level being replaced with full height windows along much of the Walworth Road frontage which would help to provide animation to this part of the street. Overall the design changes to the Elephant and Castle and Walworth Road elevations are considered to be significant improvements.

164. It is also proposed to amend the first floor retail walkway to this block, which would allow for improved light penetration to the Park Route and the Court which would be a positive change. This amendment would reduce the size of the residential communal gardens above, but the applicant has demonstrated that they would continue to exceed the requirements set out in the Residential Design Standards SPD and this is considered later in the report in relation to quality of accommodation.

165. The changes to plot E4 include a minor increase to its height, repositioning of the lifts, the provision of toilets and amendments to the footprint. These amendments are considered to be acceptable in design terms and would be broadly positive. The amendments to the footprint would increase the visibility of the station and improve permeability, and the removal of a footbridge at first floor level would not adversely affect the functioning of the shopping centre.

166. More broadly, the dimensions of the two routes through the site and the Court at the centre would be largely unchanged by the proposed amendments, save for the widening of the Station Route when approaching from the peninsula by

pushing the escalators and stairs back into the site. This would be positive in design terms as it would create a more generous entrance to the site which would help to draw people in. The amendments to open up the first floor walkways would enhance the character and feel of the routes and spaces within the site.

167. Plot E2 viewed from the Peninsula



168. Minor alterations to the building heights and positioning - The proposal includes minor reductions to the heights of the towers on the east site which would have a very limited impact in design terms. In addition tower 1 within plot E2 would be repositioned 0.7m westwards. These minor amendments would not have significant impacts compared to the existing permissions and would be acceptable in design terms. The impact of repositioning tower 1 upon strategic and local views is set out below.

169. Impact upon views and heritage assets - The application is accompanied by a Townscape and Visual Impact Assessment (TVIA) which assesses the impact of

	the proposed amendments upon the strategic, wider and local views. Each has been prepared in accordance with the published London View Management Framework (LVMF) methodology which requires Accurate Visual Representations (AVRs) to be prepared showing the development in its setting. In the strategic views the TVIA demonstrates that the substantial height of the consented towers would consolidate the cluster of towers in the core of the opportunity area and would avoid harm to any strategic landmarks.
170.	The most sensitive strategic view is view 23A.1 of the Palace of Westminster from the Serpentine Bridge. The protected backdrop of this view extends across the core of the opportunity area and extends east along New Kent Road at around 65m AOD. Whilst the consented towers would be substantially taller than this, the views submitted with the application demonstrate that the relocated tower would not be visible from the protected viewing point which is at the centre of the Serpentine Bridge. From the central viewing point the views demonstrate that it would be hidden by the substantial form of the Victoria Tower and therefore would not affect the viewer's ability to recognise and appreciate the strategic landmark of the World Heritage Site or affect its outstanding universal value.
171.	The dynamic view across the Serpentine Bridge has also been tested and, whilst some visibility may occur in the northern approach to the viewing point, any visibility would be negligible. The development would largely disappear from view soon after the northern bridgehead, and would be completely hidden behind the profile of the Palace of Westminster World Heritage Site at the designated Viewing Point and for some distance either side of it. As such no harm would be caused to the World heritage Site or its outstanding universal value.
172.	With regard to local views, the existing permissions recognised the beneficial and neutral impact of the group of towers on the neighbouring conservation areas and sensitive heritage receptors; these included the West Square and Elliot's Row Conservation Areas. The minor repositioning of tower 1 would have an impact which would be consistent with the existing permissions, where less than substantial harm was recognised to the Elliott's Row Conservation Area due to the visibility of the towers over the rooftops on Brook Drive and the Hayles Street Allotment Gardens within the conservation area. In this respect the limited harm was considered to be substantially outweighed by the public benefits arising from the proposal including a new shopping centre, a new education building, new leisure floorspace, a station box to provide a new Northern Line ticket hall and a significant quantum of new housing including affordable housing.
173.	Overall the minor amendments now sought are generally considered to be positive in design terms, and would have an acceptable impact in relation to heritage assets and protected views; officers concur with the ES Addendum that the amendments would not materially impact the conclusions of 2016 ES.
	Density
174.	The 2021 London Plan does not contain any density ranges. Instead, policy D3 requires all development to make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations; regard

	<p>must be had to the form and layout, experience, quality and character of the site. In terms of Southwark policy, strategic policy 5 of the Core Strategy expects residential developments in the central activities zone to fall within the range of 650- 1,100 habitable rooms per hectare. The draft NSP adopts a similar approach to the 2021 London Plan, with density ranges no longer included and a requirement for all residential accommodation to be of exemplary design.</p>
175.	<p>Based on the Southwark Plan methodology for mixed-use developments, the density of the consented developments equates to 1,512 habitable rooms per hectare; this comprises 1,602 hrh on the east site and 1,221 hrh on the west site. This significantly exceeds the range set out in the Core Strategy, and in these instances the Council's Residential Design Standards SPD requires residential accommodation to be of an exemplary standard. In determining the consented schemes, the residential accommodation was considered to be good rather than exemplary, noting the need to optimise the use of land, and planning permission was ultimately granted.</p>
176.	<p>The amendments now sought would increase the overall density of the development across the two parts of the site from 1,512hrh to 1,546hrh which would not be a significant increase. On the east site the density would increase from 1,602hrh to 1,743hrh; density on the west site remains unchanged. Whilst the proposed residential units could not be described as exemplary, they are considered to be of a good standard and given the highly urbanised town centre, transport hub location the density of the proposed development is also considered to be acceptable. In reaching this view regard is had to the two extant permissions on the site for high density development. The only changes proposed on the west site relate to the use of some of the consented floorspace and this would not affect the density calculations.</p>
	Affordable housing
177.	<p>The s73 application provides an additional 77 habitable rooms, of which 27, equating to 35%, would be provided as affordable housing. This additional affordable housing would have a tenure split compliant with the latest version of NSP policy P4; the split of the remaining affordable housing, approved under the existing permissions, would remain unchanged.</p>
178.	<p><u>Consented affordable housing</u> - The existing permissions are primarily for built to rent residential development within the private rented sector (PRS). However, the permissions also included an element of traditional social rented units (116 flats) which were approved in plot W3 on the west site, and in addition a fall-back to give the developer the option to deliver conventional build for sale units on the west site. Across both parts of the site the consented schemes contain 3,357 habitable rooms (with rooms larger than 27.5sqm counting as two for the purposes of the affordable housing calculations). Of these 3,357 habitable rooms, 1,175 were secured as affordable housing which equates to 35%. This is distributed as 34.50% on the east site and 35.46% on the west site, with all of the social rented units being delivered on the west site.</p>

179.	The 2016 London Plan which was in force at the time the original permission was determined did not contain a PRS policy, although the Mayor's Affordable Housing and Viability SPG (2017) provided specific guidance on build to rent developments, recognising that they differ from the traditional build for sale model. The SPG, which is still in force, supports Discount Market Rent as the affordable housing offer for built to rent schemes, with a preference for such homes to be let at London Living Rent levels which are set annually by the GLA and are intended to be affordable to households with incomes of up to £60,000. It requires the affordable housing to remain affordable in perpetuity and these provisions were reflected in the draft London Plan which was being prepared at the time.			
180.	Neither the Core Strategy nor the saved Southwark Plan contain a policy on PRS, therefore the affordable housing tenure split for the original permission was determined with regard to policy P4 'Private rented homes' of the New Southwark Plan (Proposed Submission Version, December 2017). This policy required PRS schemes of over 100 residential units to provide a minimum of 35% affordable housing, comprising social rent equivalent units (SRE), affordable rent units capped at London Living Rent equivalent (LLR), and Discount Market Rent (DMR) units for households with incomes of between £60k and £90k per year. It was recognised that this was a draft policy which could only be given limited weight, and that the consented tenure split did not fully comply with the draft policy because it provided too many DMR units and not enough LLR units owing to the viability of the development. It also did not comply with the Core Strategy or the Elephant and Castle SPD which require a 50/50 split between social rented and intermediate affordable housing in the opportunity area. The consented tenure split for the existing permissions is set out below, although as stated traditional social rented units were secured rather than social rent equivalent.			
181.	<u>Consented affordable housing east and west sites combined</u>			
	Units	Hab rooms	% of total hab rooms	Policy P4 requirement (December 2017 version)
Market	649	2,182	65%	65%
Social rent	116	450	13% (or 38% of the affordable hab rooms)	12% (or 34% of the affordable hab rooms)
London Living Rent	53	171	5% (or 15% of the affordable hab rooms)	18% (or 52% of the affordable hab rooms)

	DMR	161	554	17% (or 47% of the affordable hab rooms)	5% (or 14% of the affordable hab rooms)
	TOTAL	979 (330 affordable)	3,357 35% affordable	100% (35% affordable)	100%
182.	<p>Within the existing s106 agreement, rents for the LLR units are calculated based on the Borough's ward level caps and on one third median gross household income for households with incomes up to £60k. The s106 agreement requires the DMR units to be let at a discount of at least 20% below the market rent to households with incomes of up to £90k. As the tenure split for the LLR and DMR units did not comply with the version of policy P4 which was in use at the time, the s106 agreement requires any surplus identified through viability reviews to be put towards reducing the rent levels so that the tenure split would better align with policy P4 as it was then drafted.</p>				
183.	<p><u>Current policy position</u> - A new London Plan was adopted in March 2021 and policy H4 'Delivering affordable housing' states that the strategic target is for 50 per cent of all new homes delivered across London to be genuinely affordable. Policy H5 'Threshold approach to applications' sets out minimum affordable housing requirements which is 35% for this application, and sets out the circumstances in which viability assessments will be required to ascertain the maximum level of affordable housing deliverable on a scheme. Policy H11 of the London Plan relates specifically to build to rent developments. It sets out criteria which built to rent proposals must meet, and states that the affordable housing offer for these developments can be solely DMR at a genuinely affordable rents, preferably London Living Rent level. Paragraph 4.6.8 of the London Plan states that currently all intermediate rented products such as LLR and DMR should be affordable to households on incomes of up to £60,000. At borough level, the adopted development plan documents do not specifically refer to PRS housing: policy SP6 of the Core Strategy requires a minimum of 35% affordable housing on all residential developments of 10 or more units which must be in the form of social rented and intermediate housing. Developments should provide as much affordable housing as is financially viable, and within the Elephant and Castle Opportunity Area the affordable housing provision should comprise 50% intermediate and 50% social rented housing.</p>				
184.	<p>Since the original permission was granted policy P4 of the draft NSP has been amended, and the new version of the policy is set out in the Proposed Changes to the submitted New Southwark Plan (August 2020) which was considered at the recent EIP. The policy has gained additional weight as a material consideration due to the EIP having been held and the initial response letter from the Inspectors having been received. The main change from the 2017 version is the omission of</p>				

	<p>the requirement for a proportion of the affordable units to be DMR for households on incomes of up to £90k. This category was omitted because it did not conform with the London Plan 2021 which now requires intermediate rented products to be affordable for households with incomes of up to only £60k. The way in which the affordable housing requirements are expressed has also been simplified. The old version of the policy expressed the requirements both as a percentage of the affordable habitable rooms and as a percentage of the total number of habitable rooms. The new version of the policy now only expresses the requirement as a percentage of the total number of habitable rooms; it requires 35% of the total habitable rooms to be affordable, with a minimum of 15% of these being social rent equivalent units and a minimum of 20% as affordable rent units capped at London Living Rent equivalent. These proportions are slightly different to those in the 2017 version.</p>														
185.	<p><u>Amended affordable housing proposal</u> – A combination of the new units being created at second floor level in plot E3 and amendments to a number of other units in the development means that the overall scheme would now provide a total of 983 units. This equates to 3,434 habitable rooms, which is an uplift of 77 additional habitable rooms. As explained earlier in the report, the limitations in considering a s73 application mean that the new policy requirements under the amended NSP policy P4 can only be applied to the additional 77 habitable rooms created through the proposed changes. The affordable housing secured in the original permission remains unchanged.</p>														
186.	<p>The Council can therefore require (subject to viability) 35% of the 77 additional habitable rooms as affordable housing, in a split which complies with the amended tenure split set out in policy P4. The applicant has agreed to this, providing 27 of the additional rooms as affordable housing (35%) in a split of 12 rooms (3 x 2 bed units) as Social Rent equivalent (SRE) and 15 rooms (1 x 1 bed and 3 x 2 bed units) as LLR. This would equate to 15.6% social rent equivalent units and 19.5% LLR units.</p> <p>The additional social rent equivalent units cannot be delivered as traditional social rent since they are isolated from the other 116 social rent units (all of which are on the west site) and it would be impractical for a Registered Social Landlord to manage this small number of units within the larger block. It is noted that policy P4 does expect social rent units within PRS development to be secured as SRE, so the proposal is compliant in that respect in any event.</p>														
187.	<p>Across the entire development, the proportion of affordable housing would be consistent with the existing permissions at 35.00%. Under the existing permissions, all of the traditional social rented units would be on the west site, with the east site providing affordable housing in the form of DMR and LLR. The amendments now sought would introduce 3 SRE and 4 LLR units onto the east site.</p>														
188.	<p><u>Existing and Proposed Unit Mix and Habitable Room Mix:</u></p>														
189.	<table border="1"> <thead> <tr> <th></th> <th>Consente</th> <th>Propose</th> <th>Consente</th> <th>Proposed</th> <th>Consented</th> <th>Proposed %</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Consente	Propose	Consente	Proposed	Consented	Proposed %							
	Consente	Propose	Consente	Proposed	Consented	Proposed %									

		d units	d units	d hab rooms	hab rooms	% affordable hab rooms (of total HR)	affordable hab rooms (of total HR)	
	Market	649	646	2,182	2,232	65%	65%	
	Social rent/SRE	116	119	450	462	13%	13.5%	
	LLR	53	57	171	186	5%	5.5%	
	DMR	161	161	554	554	17%	16%	
	Total	979 (330 affordable)	983 (337 affordable)	3,357	3,434	100%	100%	
	Viability							
190.	The application is accompanied by a Financial Viability Assessment (FVA) prepared by consultants DS2. An executive summary of the FVA was published on the Council's website alongside the other application documents when the application was validated, in line with the requirements of the Development Viability SPD.							
191.	The FVA has been reviewed on behalf of the Council by expert valuers Avison Young (AY) who were appointed to carry out an independent assessment of the viability case put forward by the applicant. AY (then trading as GVA) also carried out the review of the appraisal submitted with the original application, so are very familiar with the history of the development. Their review, alongside the full FVA from DS2, will be published on the Council's website prior to the Committee meeting, again in line with the Viability SPD. The application was amended during the course of its consideration, and AY provided an updated review to reflect this.							
192.	The submitted FVA is a residual valuation of the development, looking at all costs and values associated with delivering the scheme. The FVA, and the AY review, are required to determine whether the scheme is providing the maximum reasonable level and type of affordable housing in the context of development plan policy							
193.	In considering the financial viability of the current application, it is important to understand the implications of the current planning permissions, and the status of the site today.							
194.	The FVA is essentially assessing the value of the current proposal against the benchmark value created by the original permission (as previously varied). AY agree that this is the appropriate approach.							
195.	In all financial appraisals, one of the key inputs is the value of the existing site – the Benchmark Land Value (BLV). Under the Government's National Planning Practice Guidance, the BLV should normally be based on the Existing Use Value (EUV) of the site plus a premium to incentivise the land owner to release the site for development. This is known as EUV+. The Existing Use Value derives from the existing buildings on the site, taking into account their condition, any ongoing							

	tenancies, and the uses allowable. When the original application for the site was determined (under 16/AP/4458) the parties agreed a BLV of £142 million (indexed). This was based on the EUV+ of the operational shopping centre and university buildings.
196.	In setting a BLV for the site today, AY have agreed with the applicant that a value based on the EUV+ would no longer be appropriate. The shopping centre tenancies have been terminated, and the building is currently being demolished. AY considered whether a mix of AUV and EUV+ (recognising that the LCC is still operational) would be appropriate. However, they concluded that because the single planning permission tied the East and West sites together it would be more appropriate to consider the whole site together under an Alternative Use Value (AUV) approach.
197.	AUVs are recognised under the Government’s Guidance and development plan policy and guidance as being appropriate as Benchmark Land Values in certain circumstances, most notably when there is an extant and implementable planning permission on the site. The FVA, and AY’s review, has therefore been carried out against the AUV created by the varied 2019 permission. In effect, this compares the value of the current proposal with that of the existing consent, taking into account all of the costs and values inherent within each scenario. Those costs and values for both scenarios are tested at today’s date, not historic to 2018. The existing permission already provided the level of social rented housing required under the 2017 version of policy NSP P4, so any benefits from a more viable scheme would be directed to increasing the level of LLR housing and reducing the amount of DMR housing.
198.	The similarities between the extant consent and the current application, in terms of housing layout and quality, design and building heights means that many of the costs and values are the same across both scenarios. The differences arise primarily where there are changes in the floor areas of certain uses.
199.	The housing elements of both schemes are being valued as ‘Build to Rent’, under policy P4 of the submission New Southwark Plan (NSP). As set out earlier in this report, the draft policy has been amended since the existing permissions were granted, to change the required tenure mix. However, following legal advice it is recommended that the current application, being a minor material amendment to permission 20/AP/3675, should be determined in line with the version of policy P4 which was live in 2018, when the extant scheme was considered. The only exception to this relates to the additional 77 habitable rooms added in the new application.
200.	In total, the application provides 983 homes, with 35% of the habitable rooms as affordable housing (a total of 1202 habitable rooms) in a mix of 462 social rent/social rent equivalent, 186 London Living Rent and 554 DMR.
	<u>Consideration of values in the FVA</u>
201.	<u>Housing:</u> In terms of the housing units, there are a number of comparable examples local to the application site which can be used to evidence the assumed

	rental values. The most significant of these are UNCLE, (which has 278 PRS units) and Elephant Central (which has 373 PRS units). Both are modern, large scale rented developments with a similar level of resident services to those being provided in the current application. AY agreed with the applicants that a 'blended' market rent of £47.50 per sqft is optimistic but reasonable. This figure has therefore been used in the FVA for both the existing permission and this s73 application. Values for the affordable units were also agreed, and applied across both scenarios.
202.	Operational costs (that is, the cost of management, repairs and services etc) of 23% of the rental stream was agreed as reasonable based on previous research suggesting an industry average of 26.6%.
203.	<u>Non-residential uses:</u> . Noting the instability and uncertainty in the retail sector due to the pandemic, as well as the broader changes in purchasing habits such as on line shopping, AY agreed a rent of £44 per sq ft capitalised at a yield of 6.25%. This figure was then also used as the basis to calculate the affordable retail rents, using the 'staircasing' approach set out in the existing s106 agreement. For the offices, an average rent of £50 per sq ft was agreed by AY based on Elephant and Castle not being an established office location. Although the same rent level was applied to the consented and proposed schemes, the greater quantum of offices in the s73 scheme means that this element does have some impact on the overall value of the new scheme. The leisure sector has been particularly hard hit by the pandemic and although AY considered some of the values to be optimistic, the parties agreed rental values for the various leisure elements.
204.	<u>Other capital contributions:</u> The development will also receive financial contributions in relation to the cost of transport infrastructure being delivered by the developer, and, most significantly, a payment of £190 million from London College of Communications for their new college buildings.
205.	<u>Costs associated with construction and delivery</u>
206.	The submitted FVA, and AY's review, looked at the build costs for both the extant permission and the new application. The costs have been looked at in terms of current prices, and there is a small difference between the build costs assumed by the applicant, and those put forward by the cost consultant working within AY's team.
207.	The applicant has put forward a total construction cost of £704.5 million for the new application, a rate of £333 per sqft. AY consider the figure should be slightly lower, at £698.7 million. Although the difference is less than 1% of the total cost, and within the scope of sensitivity, it does make some difference to the out turn value of the scheme as reviewed by AY.
208.	Other costs associated with delivery, such as contingencies, professional fees, marketing and legal costs were agreed between the parties. Since they are applied consistently across both scenarios, they are in effect 'neutral'.

209.	<u>Developer's profit</u>
210.	The extant permission was agreed on the basis of a target developers profit expressed as an internal rate of return (IRR) of 11%. This remains the case, and has been applied across both scenarios.
211.	<u>Conclusion on viability</u>
212.	The viability appraisal submitted with the current application is not a review under the terms of the s106, but a fresh appraisal of the new proposals against a benchmark value set by the existing permissions. On this basis, AY have concluded that the current affordable housing offer, which includes a policy compliant position for the additional units, is the maximum reasonable that the scheme could provide, and the affordable housing offer exceeds that which is viable when measured against the agreed target profit level of 11% IRR. The changes to floorspace included in the new application have not enabled the development to reach or exceed the agreed target profit level.
213.	<u>GLA Grant funding</u>
214.	The applicant is in negotiation with the GLA to secure grant funding to deliver the consented affordable housing units. The GLA has confirmed that a sum of £9,198,750 has been provisionally allocated within the 2016/2023 programme, subject to final agreement and a start on site within the programme period. The additional affordable habitable rooms could potentially also be eligible for grant totalling £433,000, although this has not yet been confirmed.
215.	As part of the grant funding negotiations to deliver the consented affordable units, the GLA has requested that if any surplus is identified through review mechanisms after the affordable housing caps in the existing s106 agreement have been met, it must be used towards reducing the number of DMR units in favour of LLR, and reducing the rent levels of the DMR units to be affordable to Households earning up to £60K. This would be secured through a Deed of Variation to the existing s106 agreement.
216.	<u>Affordable Housing reviews</u>
217.	The s106 agreement relating to the existing permissions provides for 3 points of review. The first would occur if the permission had not been substantially commenced within three years of the date of the permission. The second would occur at the point that 75% of the housing on the east site is occupied. Review 3 would occur when 75% the housing on the west site has been occupied. Alternatively, if the housing on the west site is delivered as housing for sale rather than PRS a review would also take place; in this event the housing requirement for the west site would be for 35% traditional social rent and intermediate housing at a tenure split of 50:50.
218.	The terms of the existing reviews would be carried forward to any new permission issued pursuant to the current s73 application. This would be achieved through a

	Deed of Variation to the existing s106 agreement. Under the terms of the existing s106, 50% of any surplus beyond the agreed profit level would be used to improve the affordability of the housing by increasing the number of LLR units and reducing the number of DMR units until the split set out in the 2017 version of policy P4 is met; the GLA has now requested that this is amended so that all of the DMR units have their rent levels reduced to be affordable to households with incomes of up to £60k. A policy compliant level of social rented housing was already secured under the existing permissions. In relation to the additional affordable housing (the additional 27 habitable rooms), these already meet the requirement for 35% affordable housing in a policy compliant tenure split.					
219.	In accordance with the existing permissions, all of the residential units would be retained as PRS for a minimum covenant period of 30 years, with minimum 3 year tenancies, and the affordable housing would be secured in perpetuity.					
220.	Overall, the proposed amendments are considered to be positive in relation to affordable housing, as they would deliver seven additional affordable units and would maintain the consented 35% affordable housing provision, with a tenure split which would comply with current version of policy P4. Of the 77 additional habitable rooms now proposed, a Deed of Variation should require any surplus identified through review mechanisms to target 50% affordable housing in line with the 2021 London Plan.					
	Mix of dwellings					
221.	Policy H10 of the London Plan 'Housing size mix' states that schemes should generally consist of a range of unit sizes. It goes on to advise that regard should be had to a number of factors including robust local evidence of need where available, the requirement to deliver mixed and inclusive neighbourhoods, and the nature and location of the site. Strategic policy 7 of the Core Strategy 'Family homes' requires developments of 10 or more units to provide at least 60% of the units with two or more bedrooms, at least 10% of the units with three or more bedrooms within the opportunity area, and no more than 5% studio units which can only be for private housing. Policy P2 of the draft NSP 'Family homes' increases the 3+ bed requirement from 10% to 20%.					
222.	On the east site the application seeks to create new units at second floor level and to reconfigure a number of other units within the development, and the resultant unit mix is set out below. No changes are proposed to the consented residential units on the west site.					
223.	<u>As existing and as now proposed unit mix (east and west sites)</u>					
	Unit type	No. of units (as consented)	% of units (as consented)	No. of units (as now proposed)	% of units (as now proposed)	Difference (units)
	Studio	16	1.6%	15	1.5%	-1
	1-bed	316	32.3%	293	29.8%	-23
	2-bed	528	53.9%	551	56%	+23
	3-bed	117	12%	122	12.4%	+5

	4-bed	2	0.2%	2	0.2%	-
	Total	979	100%	983	100%	+4
224.	Following the amendments, the overall unit mix across both parts of the site would remain compliant with the adopted development plan by providing 68.6% 2+ bed units and 12.6% 3+ bedroom units. The small increase in family size (2 and 3 bed) units in the revised scheme is welcomed. The unit mix would also remain policy compliant on the east and west sites individually, with 66.4% 2+bed units and 13.9% 3+ bed units on the east site and 70.6% 2+ bed units and 11.2% 3+ bed units on the west site (which would remain as consented).					
225.	It is noted that the unit mix would not comply with the new 3+ bed requirement in the draft NSP, but given the extent of the changes being sought it is considered that it would not be reasonable to require the applicant to make further changes to the development in order to meet the emerging policy requirement.					
	Wheelchair accessible housing					
226.	Policy D7 of the London Plan 'Accessible housing' requires residential developments to provide at least 10 per cent of dwellings to meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and for the remaining dwellings to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. This is repeated in policy P7 of the draft NSP, although this policy requires the 10% to be based on habitable rooms rather than unit numbers. The draft NSP also requires affordable wheelchair user homes to meet Building Regulation M4(3b) standard (Wheelchair accessible dwellings), sets larger minimum floor areas which wheelchair accessible dwellings must meet, and requires a mix of dwelling sizes and tenures that meet the above standards, including family homes. It states that two bedroom three person affordable wheelchair homes will not be acceptable.					
227.	The existing permission secures 98 wheelchair accessible units across the entire development, with 10% on each part of the site. On the east site the amended proposal would include 48 WC units or 199 habitable rooms, and this would equate to 11.8% of the habitable rooms. They would comprise 14 x 2-bed Discount Market Rent units and 34 private units (27 x 2-beds and 7 x 3-beds). All of the wheelchair units would be constructed to M4(3B) standard and the remaining 90% of the habitable rooms would meet M4(2) standard. All of the wheelchair units would exceed the larger floorspace requirements set out in the draft NSP.					
	Quality of accommodation					
228.	Policy D6 of the London Plan 'Housing quality and standards' requires housing developments to be of high quality design and to provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. Policy D13 of the London Plan 'Agent of change' places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the					

	proposed new noise-sensitive development. Development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.																				
229.	At borough level, saved policy 4.2 of the Southwark Plan 'Quality of accommodation' requires developments to achieve good quality living conditions. The Council's Residential Design Standards SPD establishes minimum room and overall flat sizes dependant on occupancy levels, and layouts should maximise dual aspect to allow for good levels of light, outlook and cross-ventilation. Policy P14 of the draft NSP requires developments to achieve an exemplary standard of residential design, and sets out a number of criteria which must be met.																				
230.	<p><u>Unit sizes</u> - All of the new and reconfigured units would comply with the minimum floor area requirements in the Council's Residential Design Standards SPD as set out below.</p> <p><u>New and reconfigured units</u></p> <table border="1"> <thead> <tr> <th>Units</th> <th>SPD minimum</th> <th>Proposed unit sizes</th> <th>SPD amenity space (minimum)</th> <th>Amenity space sqm</th> </tr> </thead> <tbody> <tr> <td>1-bed</td> <td>50</td> <td>51-52</td> <td>10</td> <td>3.9</td> </tr> <tr> <td>2-bed</td> <td>61-70</td> <td>70-89</td> <td>10</td> <td>3.9-22</td> </tr> <tr> <td>3-bed</td> <td>74-95</td> <td>101-118</td> <td>10</td> <td>3.9-9.6</td> </tr> </tbody> </table>	Units	SPD minimum	Proposed unit sizes	SPD amenity space (minimum)	Amenity space sqm	1-bed	50	51-52	10	3.9	2-bed	61-70	70-89	10	3.9-22	3-bed	74-95	101-118	10	3.9-9.6
Units	SPD minimum	Proposed unit sizes	SPD amenity space (minimum)	Amenity space sqm																	
1-bed	50	51-52	10	3.9																	
2-bed	61-70	70-89	10	3.9-22																	
3-bed	74-95	101-118	10	3.9-9.6																	
231.	All of the units would meet the minimum storage requirements set out in the SPD, and most of the room sizes would meet the requirements. Those which would not meet the minimum requirements are three open plan living spaces with shortfalls of 0.2sqm, 0.4sqm and 1sqm and five bedrooms with shortfalls in double bedrooms ranging from 0.1sqm to 0.5sqm. Whilst noted, these shortfalls would not be significant. The new and amended units would comply with new requirements introduced by the 2021 London Plan for bedroom widths to be at least 2.15m for single bedrooms, 2.75m for a first double bedroom and 2.55m for a second double bedroom, and for single bedrooms to be at least 7.5sqm.																				
232.	<u>Aspect</u> - Three of the five new units which would be created at second floor level would be dual aspect (60%); of the single aspect units one would be south facing and one would be east facing. The reconfigured units would remain as consented with regard to aspect.																				
233.	It is noted that two of the new units at second floor level would be located next to the railway viaduct, one of which would be single aspect facing towards the viaduct. However, the minimum separation distance would be 9.7m and the units would sit 5.2m above the platform level therefore they would have a good level of outlook; the passenger shelters on the platform are set further back, broadly in line with plot E4. High specification glazing and a condition limiting noise levels within the units would ensure that they would be of an acceptable standard.																				

234.	<u>Internal light levels</u> - A daylight and sunlight addendum report has been submitted which assesses daylight and sunlight levels to the five new dwellings which would be created at second floor level in plot E3, based on the Building Research Establishment (BRE) Guidance.
235.	Daylight is assessed using the Average Daylight Factor (ADF). ADF determines the natural internal light or day lit appearance of a room and the BRE guidance recommends an ADF of 1% for bedrooms, 1.5% for living rooms and 2% for kitchens. Sunlight is tested using Annual Probable Sunlight Hours (APSH). The guidance advises that windows should receive at least 25% APSH, with 5% of this total being enjoyed during the winter months.
236.	For ADF, of the 14 rooms tested, 9 would comply with the BRE guidance (64%). The open plan living spaces would not comply with the guidance, with ADFs ranging from 0.45% to 1.12% against a target of 2%. The open plan living spaces would also not comply with the guidance in relation to sunlight, with APSH ranging from 0% to 9.84% against a target of 25%, and winter sun ranging from 0% to 1.86% against a target of 5%. The BRE guidance recognises that sunlight is less important in bedrooms therefore they have not been tested.
237.	The unit with the lowest ADF for its living space and which would not receive any sunlight is T2AP2 highlighted below which would be affected by its position between the two towers. It would be dual aspect, but the bedrooms would face south over Walworth Road and the living space would face onto the communal gardens and tower 3. The additional units are positive in terms of meeting housing targets and would be of a good size, although it has to be noted that the natural light to these units would be low. This is a less positive aspect of the amendments, to be balanced against the positive outcomes of many of the proposed amendments including additional retail, leisure and employment space and affordable housing.
238.	New residential units in plot E3



239. There would be no material changes to internal daylight levels to the reconfigured units which would be higher up in the towers.

240. Privacy - The Council's Residential Design Standards SPD recommends a minimum of 21m between the rear elevation of properties and 12m distance between properties that face one another, including across a highway.

241. The five new residential units at second floor level in plot E3 would have views towards Walworth Road, over the railway viaduct and across the wider development. The separation distances with the nearest neighbouring buildings would be in excess of 51m and there would be 19.5m between apartment T3Apt1 identified above and retail building plot E4, with the bedroom windows to this unit screened by a fence to its external terrace in any event. Views into the flats from the station platform would be oblique and obscured by the station canopies, with a minimum separation distance of 9.7m, and this relationship is unlikely to cause any significant loss of amenity to the future occupiers. Privacy for the reconfigured units would be unchanged and overall the level of privacy to the new residential units is considered to be acceptable.

242. Amenity space –Section 3 of the Residential Design Standards SPD sets out the Council's amenity space requirements for residential developments. The standards for flats are set out in the table below together with details of the proposed provision within the development. Policy D6 of the London Plan requires private outdoor amenity space to have a minimum depth and width of 1.5m, and this requirement would be met. Policy P2 of NSP requires family homes in apartment blocks to have direct access to outdoor amenity space and allow for oversight of children outside.

243.	Type of	Policy	Provisio	Differenc	Policy	Provision	Differenc
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space	requirement (sqm) consented scheme	n (sqm) consented scheme	e (sqm)	requirement as now proposed scheme	as now proposed scheme	e (sqm)
Child play space	10sqm/bedspace 519.80sqm	519.80 sqm	0sqm	10sqm/bedspace 960.50sqm	960.50sqm	0sqm Policy compliant
Private amenity space	10 sqm per unit – any shortfall to be added to the communal provision.	<u>Tower 1</u> 875.6sqm <u>Tower 2</u> 528sqm <u>Tower 3</u> 633.6sqm TOTAL: 2,037sq.m	<u>Tower 1</u> - 1,224sqm <u>Tower 2</u> -722sqm <u>Tower 3</u> - 826.4sqm TOTAL:- 2,773sqm	<u>Tower 1</u> 2,100sqm <u>Tower 2</u> 1,270sqm <u>Tower 3</u> 1,480sqm TOTAL: 4,850sq.m	<u>Tower 1</u> 836sqm <u>Tower 2</u> 516.5sqm <u>Tower 3</u> 611sq.m TOTAL: 1,963.5sq.m	<u>Tower 1</u> - 1,264sq.m <u>Tower 2</u> - 743.5sq.m <u>Tower 3</u> -869sq.m TOTAL: -2,886.5sqm
Communal amenity space	50 per development + any shortfall of private amenity space (50sqm communal provision generally					

	<p>applied per block rather than per development</p> <p><u>Tower 1</u> 1,274sqm (50 sqm + 1,224sqm shortfall in private amenity space)</p> <p><u>Tower 2</u> 772 sqm (50 sqm + 722sqm shortfall in private amenity space)</p> <p><u>Tower 3</u> 876 sqm (50 sqm + 826 sqm shortfall in private amenity space) 50sqm</p> <p>TOTAL: 2,923sq.m (50+50+50sq.m +2,773sq.m shortfall in private amenity space)</p>	<p><u>Tower 1</u> 2,912sqm</p> <p><u>Towers 2 and 3</u> 1,682sqm</p> <p>TOTAL: 4,594sq.m</p>	<p>+1,638</p> <p>+34 (for towers 2 and 3 combined)</p> <p>TOTAL: +1,672sqm</p>	<p><u>Tower 1</u> 1314.5sqm (50 sqm + 1,264sqm shortfall in private amenity space)</p> <p><u>Tower 2</u> 793.5sqm (50 sqm + 743.5sqm shortfall in private amenity space)</p> <p><u>Tower 3</u> 919 sqm (50 sqm + 869sqm shortfall in private amenity space)</p> <p>TOTAL: 3,037sq.m (50+50+50 sq.m +2,887sq.m shortfall in private amenity space)</p>	<p><u>Tower 1</u> 2,503sqm</p> <p><u>Towers 2 and 3</u> 1,407sqm</p> <p>TOTAL: 3,910sqm</p>	<p>+1,288.5sqm</p> <p>-305sqm</p> <p>TOTAL: +873sqm</p>
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244. The amended proposal would provide the required amount of playspace for the east site based on the GLA's Play and informal recreation SPG dated October 2019. All of the new and reconfigured units would have access to private amenity space and although they would not have the 10sqm recommended in the

	Residential Design Standards SPD, this would be made up for in the communal provision. The private amenity space shortfall includes a 74sqm reduction arising from amendments to a number of balconies and this has been factored into the calculations in the table above. The private amenity space shortfall would be made up for in the plot E2 communal provision and residents would be able to access the amenity space and communal facilities in both plots; a condition to secure this has been included in the draft recommendation in any event. Whilst there would be less communal amenity space than under the existing permissions, it would still exceed the minimum requirements and the reduction should be balanced against the opening up of the first floor walkways which would allow for an improved shopping environment. The residential units would also have access to internal communal space for which there is no requirement in the SPD; there would be approximately 402 sqm of such space in plot E2 comprising a kitchen / diner / events space, craft room, residents' lounge and exercise studio, and 365sqm in plot E3 comprising a communal kitchen / diner, an exercise studio and a residents' lounge.
	Trees and landscaping
245.	Policy G7 of the London Plan 'Trees and woodlands' states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees being removed. Policy P60 of the draft NSP 'Trees' states that development must retain and protect significant existing trees. It states that development must retain and enhance the borough's trees and canopy cover. An objection has been received raising concerns about the quality of the landscaping within the development and the extent of hard landscaping.
246.	The existing permissions allow for the removal of 3 category B, 2 category C and 4 category U trees from the east site and no further trees would need to be removed as a result of the proposed amendments. The existing permissions include the planting of 27 new trees in the east site public realm, and no changes are proposed to this provision. The only amendments proposed on the west site relate to the use of the consented floorspace.
247.	Policy G1 of the London Plan 'Green infrastructure' states that development proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network. Green infrastructure is defined in the plan as comprising the network of parks, rivers, water spaces and green spaces, plus the green elements of the built environment such as street trees, green roofs and sustainable drainage systems. Policy G4 of the London Plan 'open space' states that development proposals should, where possible, create areas of publicly accessible open space, particularly in areas of deficiency.
248.	On the east site the consented schemes would deliver two new streets converging on a central court and on the west site, Pastor Street would be extended northwards to meet St George's Road. Soft landscaping is proposed to the residential communal gardens together with elements of green roofs, although at ground floor level both sites would be predominantly hard landscaped. This

	would be reflective of the highly urbanised town centre location, with the east site in particular likely to experience high levels of footfall given its location at a transport hub providing access to the Northern Line and the railway station. Given the limited extent of the amendments now sought, it is considered that it would not be reasonable to require substantial modifications to the consented development in order to accommodate additional green infrastructure, although the planting of new trees in the public realm is noted, and the east site would provide a new link to Elephant Road and the new Elephant Park beyond.
249.	<u>Urban greening factor</u> - Policy G5 of the London Plan 'Urban greening' requires boroughs to develop their own urban greening factor (UGF) policies, and sets an interim target score of 0.4 for developments which are predominantly residential and 0.3 for developments which are predominantly commercial; this is a new requirement which was introduced through the 2021 London Plan. On the east site the scheme would be predominantly commercial, albeit with the education floorspace counted as commercial space, therefore an urban greening factor score of 0.3 would be required.
250.	The east site would achieve a UGF score of 0.11 through the provision of green roofs, new trees and planting in the communal gardens. The applicant was asked to assess whether this could be increased and has advised that it is not possible; for the reasons outlined above the site would be predominantly hard landscaped which limits opportunities for significant greening. Moveable planters have however, been added to the new streets within the development which is an improvement compared to the existing permissions, and details of these would be required through a planning obligation.. Given the extent of the amendments sought and the two extant permissions on the site, it is not considered reasonable to require further amendments to the design to increase the UGH score. No urban greening factor calculation has been provided for the west site but given that the amendments proposed on this part of the site relate solely to the use of some of the approved floorspace, it is not considered necessary or reasonable to require this.
251.	Overall the proposal is considered to be acceptable in relation to trees and landscaping, in the context of the need to provide a town centre environment accommodating very high levels of footfall and usage.
	Impact of proposed development on amenity of adjoining occupiers and surrounding area
252.	A number of policies in the London Plan seek to protect amenity, and at a local level Strategic policy 13 of the Core Strategy 'High environmental standards' seeks to ensure that development sets high standards for reducing air, land, noise and light pollution and avoiding amenity and environmental problems that affect how we enjoy the environment in which we live and work; saved policy 3.2 of the Southwark Plan states that permission will not be granted for development where a loss of amenity, including disturbance from noise, would be caused. The adopted Residential Design Standards SPD expands on policy and sets out guidance for protecting amenity in relation to privacy, daylight and sunlight and policy P55 of the draft NSP states that development should not be permitted when

	it causes an unacceptable loss of amenity to present or future occupiers or users.
253.	<u>Impact of the proposed land use amendments</u> – The existing permissions were predicted to result in 8,660 people per day visiting the entire site, and amendments to the land use quantum and the four additional residential units are predicted to result in an additional 334 people per day. Given the busy, town centre location it is not considered that this would result in any discernible impact beyond those arising from the existing permissions. The proposal would introduce a large quantum of office space onto the east site, but office uses generally sit comfortably alongside residential uses and the site previously contained office space in Hannibal House in any event.
254.	Two of the new residential units proposed at second floor level in plot E3 would be located next to the railway viaduct, with a minimum separation distance of 9.7m. Arches 4 and 5 in the railway viaduct are occupied by a nightclub (Corsica Studios) and in accordance with the agent of change principle whereby new noise sensitive uses should not adversely impact upon existing noise generating uses, high specification glazing would be provided to all of the flats and a s106 contribution would be provided to Corsica Studios towards sound proofing. The consented scheme already includes flats in this location, albeit one floor higher, and a condition would ensure that noise levels within the flats would fall within acceptable limits.
255.	<u>Impact of the physical changes</u> – The physical amendments to the consented schemes would all occur on the east site and would not be significant, including elevational alterations and reductions in the heights of the three residential towers. Tower 1 in plot E2 would be repositioned 0.7m eastwards, but the ES Addendum confirms that this would not have a noticeable effect on daylight and sunlight levels to neighbouring properties, nor would the 0.2m increase in the height of plot E1 which is considered to be a non-material amendment. There are no residential occupiers near to plot E3 where the height of the building would be increased by a modest 0.67m.
256.	Overall it is concluded that the proposed development would not result in any new or additional material amenity impacts compared to those arising from the existing permissions.
	Noise and vibration
257.	Strategic policy 13 of the Core Strategy supports measures for reducing noise pollution; saved policy 3.2 of the Southwark plan seeks to protect amenity and policy P65 of the draft NSP 'Reducing noise pollution and enhancing soundscapes' requires developments to mitigate any adverse impacts caused by noise on health and quality of life.
258.	Noise and vibration was considered in chapter 9 of the 2016 ES which identified potential adverse effects during demolition and construction. The existing s106 agreement secures demolition and construction management plans to reduce these impacts and these would continue to be required. It is not considered that

	the amendments now being sought would result in any significant additional noise and vibration effects during construction.
259.	No significant noise or vibration impacts were identified as a result of the operation of the development subject to mitigation, including high specification glazing for the residential units and limits on plant noise. This was secured through planning conditions which should be re-imposed on any forthcoming permission pursuant to this application. The ES Addendum confirms that the amendments now sought not result in any significant noise and vibration effects beyond those identified for the existing permissions and EPT have not raised any concerns in this respect.
	Transport
260.	Policy T1 of the London Plan requires development to make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes. Policy T2 states that development proposals should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling; policy T3 relates to transport capacity and T4 requires transport impacts to be mitigated. Cycle and car parking requirements are set out in policies T5, T6, T6.1 and T6.5 and T7 relates to deliveries, servicing and construction. At borough level, strategic policy 2 of the Core Strategy 'Sustainable transport' advises that the Council will encourage walking, cycling and the use of public transport rather than travel by car. Saved policy 5.1 of the Southwark Plan seeks to ensure that development is located near transport nodes, and saved policy 5.2 seeks to ensure that developments do not result in adverse highway conditions; saved policy 5.3 requires that the needs of pedestrians and cyclists to be considered and saved policy 5.6 establishes maximum parking standards. A Transport Assessment Addendum (TAA) has been submitted with the application which assesses the impact of the amendments now sought compared to the existing permissions, together with a Delivery and Servicing Management Plan Addendum.
261.	Elephant and Castle is a major transport node which accommodates a wide range of travel options. The site has a public transport accessibility level (PTAL) of 6B ("excellent"), with easy access to the Northern and Bakerloo lines. Elephant and Castle Railway Station adjoins the east site which provides Thameslink services to north and south London and beyond, and is also used by South Eastern services. There are numerous bus routes with stops outside the site.
262.	<u>Bakerloo Line extension</u> – Planning permission 20/AP/3675 which this application seeks to amend incorporates an enlarged station box to allow for a future connection with the BLE and the potential for a single entrance to both the Northern and Bakerloo lines from within the east site. It would safeguard a protected route for a potential new tunnel alignment, and the amendments now sought would not impact upon any of these provisions. TfL's BLE Safeguarding Team has confirmed that the proposal would not impact upon the delivery of the BLE.

263. Healthy streets assessment – Policy T2 of the London Plan requires development proposals to demonstrate how they would deliver improvements that support ten Healthy Streets Indicators in line with Transport for London guidance. The TAA considers how the amendments now sought would contribute to the criteria as set out below.

Healthy streets criteria

Indicator	Applicant's response to indicator
Pedestrians from all walks of life	Due to the enhanced public realm and the increase of mix of land uses associated with the proposed S73 amendments, the streets as amended will be welcoming for everyone to walk, spend more time around the area, and engage in community life.
Easy to cross	No changes proposed through this s73 application.
People choose to walk, cycle and use public transport	Due to the enhanced public realm, the increase in visibility and the improved permeability, future users will be more encouraged to travel to and from the site by walking, cycling and by using public transport, and to walk around the development. This will generate a vibrant community which will make people feel safe. By increasing cycle parking provision to align with requirements for the amended area schedule cycling is being encouraged. Masterplan changes keep the principle of the January 2019 consent where walking is made attractive across the development.
Places to stop and rest	The changes to the ground and first floors will increase shade and shelter, as well as providing more places to stop and rest.
Clean air	The changes in schedule will maintain the vehicular traffic reduction compared to the previous land use of the site. This will improve air quality in the local area. By increasing cycle parking provision to align with requirements for the amended area schedule, cycling is being encouraged which will reduce the need to use vehicles to travel from and to the Site. This will improve the air quality around the development.
Shade and shelter	The changes to the ground and first floors will increase shade and shelter, as well as providing more places to stop and rest.

	People feel safe	Due to the enhanced public realm and frontages, along with the increase of mixed land uses, future users will be more encouraged to spend time here and the vibrant community will produce a relaxed environment. By increasing cycle parking provision to align with requirements for the amended area schedule, cycling is being encouraged which will reduce the need to use vehicles to travel from and to the Site. This will improve the feeling of safety around the development.
	People feel relaxed	As above.
	Not too noisy	No changes from the January 2019 permission. By increasing cycle parking provision to align with requirements for the amended area schedule, cycling is being encouraged which will reduce the need of using vehicles to travel from and to the Site.
	Things to see and do	Due to the enhanced public realm and frontages, along with the increase of mixed land uses, future users will be more encouraged to spend time here
264.	A number of the amendments now sought are considered to be positive in relation to the principle of delivering healthy streets. This includes creating a wider, more open entrance to the site from the peninsula by setting the stairs and escalator back into the site, the provision of an additional escalator to the first floor level, and increasing the width of the first floor walkways which would provide opportunities for outdoor seating and canopies to the retail units. More widely, the development would open up the east site by providing two new routes into the site converging on a new public space, and would provide a new link to Elephant Road and Elephant Park beyond.	
265.	<u>Access and servicing</u> – In the consented development, servicing for the east site would predominantly take place from a basement servicing yard accessed via a new, two-way ramp from New Kent Road to the west of the railway viaduct. No changes are proposed to this arrangement and the basement would also service the office space now proposed. Servicing arrangements on the west site comprising a ground level servicing yard and three new loading bays on Oswin Street would be unchanged by the proposals.	
266.	<u>Trip generation</u> <u>East site servicing and private vehicle trips</u> – The TA for the consented	

	development estimated that there would be up to 198 x 2-way servicing vehicles requiring daily access to the east site. Of this, 92 trips were associated with the retail and leisure uses, 36 with the residential units, and 70 with UAL and this includes waste collection trips. Servicing would be managed through a booking system overseen by a facilities management company, and restrictions on arrival times and vehicle sizes are contained in the existing s106 agreement.
267.	The amendments now sought are predicted to decrease the number of servicing trips on the east site to 192 x 2-way trips, with four less Heavy Goods Vehicles (HGV), one less Light Goods Vehicles (LGV) and one less car trip. There would be an increase of 10 x 2-way private vehicle trips (from 25 under the consented schemes) but overall with the reduction in servicing trips taken into account it is considered that this would not have a significant impact upon the surrounding highway network beyond those arising from the consented schemes.
268.	<u>West site servicing and private vehicle trips</u> – On the west site the consented development was predicted to generate 40 x 2-way daily servicing trips. Of this, 6 were associated with the leisure space, 2 with the flexible space and 32 with the residential units and this includes waste collection. It would be managed through a booking system overseen by a facilities management company.
269.	The amendments now sought are predicted to increase the number of servicing trips to 59 x 2-way tips on the west site (an increase of 19 x 2-way trips) comprising 8 additional HGVs, 9 additional LGVs and one more car trip. There would be no changes to the number of private vehicle trips on this part of the site which would remain at 67.
270.	These additional trips would not have a significant impact upon the surrounding highway network, and TfL which is the Highway Authority in this location has not raised any concerns in this regard. It is also noted that the existing LCC building on the west site generates 62 x 2-way servicing trips per day which is slightly more than those which would arise from the proposed amendments, and servicing and delivery management plans are secured through the existing s106 agreement. Across the whole development, taking into account both parts of the sites, there would be less vehicle trips than previously generated because the shopping centre contained a 140 space car park which would not be re-provided.
271.	With regard to other modes of transport, for the east and west sites combined the TA predicts that there would be 4 and 5 additional two-way cycle trips during the AM and PM peak hours respectively, 7 additional pedestrian trips in the AM peak and a reduction of 24 pedestrian trips in the PM peak. For public transport it is estimated that there would be 65 and 61 additional public transport trips during the AM and PM peak hours respectively. It is considered that these trip rates would not adversely impact upon the safe functioning of the highway network or pedestrian comfort levels, and would not adversely impact upon public transport capacity.
272.	<u>Cycle parking</u> – Cycle parking for the consented development complied with the 2016 London Plan which was in force at the time, with the exception of the east

	site leisure space which had 50% of the required provision. This was on the basis that the leisure space would most often be used at evenings and weekends, and so visitors could also make use of the short stay spaces allocated to retail and educational uses.			
273.	The same approach to leisure cycle parking is now proposed, and where a land use would increase the 2021 London Plan cycle parking standards have been applied. The cycle parking provision on the east site would increase as set out in the table below, with long stay cycle parking provided in various stores at basement level accessed via lifts; it would remain with a minimum of 15% Sheffield stands as per the existing permissions. Short-stay cycle parking would be provided in the public realm and would be secured through the s106 agreement and a condition for details of shower and changing facilities for the office space has been included in the draft recommendation.			
274.	<u>East site cycle parking</u>			
	Type	Consented	Proposed	Change
	Long stay	1,091	1,218	+127
	Short stay	247	264	+17
275.	On the west site the replacement of flexible space (which was considered as office space for the purpose of the TA) with retail space reduces the long-stay cycle parking requirement by 28 spaces. However, the applicant proposes to keep the west site cycle parking provision as consented which is welcomed.			
276.	<u>Cycle hire scheme</u> – The consented schemes secure the delivery of 60 additional cycle hire docking points, split between two new locations: one primarily serving the east site and one the west. They also secure 3 years free cycle hire membership for the residential units within the development and these obligations would continue to apply, including cycle hire membership for the four additional residential units now proposed.			
277.	<u>Car parking</u> – The consented development is car-free development, with the exception of 3 accessible spaces in the east site basement for the education building, and 34 accessible spaces at basement level on the west site for the residential units. This was consistent with the sustainable transport policies in the London Plan and Southwark Plan, both of which stress that private parking should be minimised in areas of high public transport accessibility and establish only ‘maximum’ car parking levels. This approach is also advocated in the Elephant and Castle SPD.			
278.	This level of provision in the consented developments equates to 35% of the wheelchair accessible units having an accessible parking space, or 3.47% of the total residential units. Earlier iterations of the plans included 13 accessible parking spaces on the east site, but owing to the complex demands placed on the basement servicing yard which would need to function safely and efficiently to serve a broad range of town centre uses these were omitted.			

279.	Policy T6.1 'Residential parking' of the 2021 London Plan requires 10% accessible car parking spaces, with 3% to be provided from the outset and details of how the remaining 7% could be provided to be set out in a Parking Design and Management Plan. Policy P54 of the draft NSP requires accessible car parking spaces up to a maximum of one car parking space per wheelchair accessible unit.
280.	The amendments now sought do not include any additional car parking. With the four additional residential units taken into account the accessible parking provision would reduce from 3.47% of the total units to 3.45% which would be a very modest reduction. This would just exceed the 3% initial requirement under the London Plan, but they would all be provided on the west site and as such would not be available from the outset. There is not considered to be scope to provide a further 7% without a significant modification to the plans. Given what has been consented under the existing permissions, the very modest increase in residential units which equates to 0.4% and the high PTAL of the site, the accessible parking provision is considered to be acceptable in this instance.
281.	<u>Car club</u> - No car club membership or spaces were required under the consented scheme, although cycle hire membership has been secured for each residential unit. Policy P53 of the draft NSP requires developments to provide a minimum of three years free membership, per eligible adult who is the primary occupier of the development, to a car club if a car club bay is located within 850m of the development. Since permission 16/AP/4458 was granted there are now five car club spaces in the area, all of which are within 850m of the site, the closest being outside the Strata Tower approximately 160m from the site. Whilst this is noted, given the very small uplift in units now proposed it is considered that it would not be realistic to only offer car club membership to those four households.
282.	The existing s106 agreement prevents occupiers of the residential units from being able to obtain parking permits in the controlled parking zone (CPZ) and this would apply to the new residential units being created. Policy P53 of the draft NSP states that developments in existing or planned CPZs will not be eligible for on street resident and business car-parking permits. Whilst the new office space can be prevented from obtaining business parking permits, it would not be practical to apply this to the additional retail and leisure floorspace now proposed.
283.	<u>Waste management</u> – An updated Waste Management Strategy has been submitted with the application which updates the waste and recycling storage requirements, although no changes are proposed to the overall waste management strategy. The Council's Waste Management Team has advised that when purchasing refuse storage / compaction equipment the applicant would need to ensure it would be capable of being serviced by the Council's refuse trucks, and an informative to this effect is recommended.
284.	Overall it is concluded that the amendments now sought would have very limited transport impacts beyond those of the consented schemes. Additional cycle parking would be provided, and the physical changes to the master plan including a more generous entrance into the site, wider walkways at first floor level and better visibility of the railway station would all be positive. The ES Addendum

	confirms that there would be no significant environmental effects in relation to transport beyond those previously identified, and given the very minor impacts identified above officers concur with this view.
	Air quality
285.	The site is located in an Air Quality Management Area, and impacts upon air quality arising from the existing permissions was considered in chapter 10 of the 2016 ES. The main impacts would occur during demolition and construction and the potential for dust, and the s106 agreement secured detailed demolition and construction management plans in order to reduce this. These would continue to be required if planning permission is granted for the amendments now sought.
286.	The air quality chapter of the 2016 ES has been reviewed and updated through the ES Addendum and no significant impacts beyond those arising from the consented schemes have been identified, and this takes into account the minor increase in servicing trips and an additional 10 two-way private vehicle trips. Changes to the energy strategy to omit some CHP plant and boilers on the east site and to connect to a neighbouring energy centre instead would reduce plant emissions from the development compared to the consented schemes, and the development would continue to be air quality neutral.
	Ground conditions and contamination
287.	Ground conditions and contamination were considered in chapter 11 of the 2016 ES which identified the potential for contaminated land on the site and unexploded ordnance (UXO). Conditions were therefore attached to the planning permissions requiring further contamination testing and remediation, together with an informative relating to UXO. Positive impacts were also identified arising from the removal of contaminated material from the site.
288.	The majority of the amendments now being sought relate to the use of internal floorspace and alterations to the building heights, and the ES Addendum concludes that they are not anticipated to give rise to any additional or different ground conditions and contamination effects than those reported in the 2016 ES. The Environment Agency and EPT have been consulted on this application and have not raised any concerns in relation to ground conditions or contamination. The contamination conditions and unexploded ordnance informative attached to the existing permissions should be re-imposed on any forthcoming permission pursuant to this application, and have been included in the draft recommendation.
	Water resources and flood risk
289.	Policy SI 12 of the London Plan 'Flood risk management' states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 'Sustainable drainage' states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. Strategic policy 13 of the Core Strategy sets a target that major development should reduce

	surface water run-off by more than 50% and policy P67 of the draft NSP states that development must not increase flood risk on or off site.
290.	Chapter 12 of the 2016 ES considered water resources and flood risk issues for the existing permissions. In relation to water resources it identified insignificant impacts during demolition and construction, and increased demand for water during the operation of the completed development. A number of conditions and informatives were attached to the permissions at the request of Thames Water.
291.	With regard to flood risk, the site is located in flood zone 3 which is identified as having a high risk of flooding, but has the benefit of protection from the Thames flood defences. The acceptability of the site for development in relation to the sequential and exceptions tests set out in the NPPF has already been accepted through the granting of the extant permissions. The 2016 ES identified potential flood risk issues during construction and a number of conditions were attached to the existing permissions following consultation with the Council's Flood Risk and Drainage Team and the Environment Agency.
292.	The ES Addendum confirms that the amendments now sought would not result in any additional or different flood risk effects beyond those previously identified. Neither the Environment Agency nor the Council's Flood Risk and Drainage Team have any objections to the application on flood risk grounds, with the Environment Agency noting that no sleeping accommodation is proposed below first floor level. It is recommended that the conditions relevant to flood risk which were attached to the existing permissions be re-imposed upon any forthcoming permission.
293.	The consented developments would reduce surface water run-off by 50% through the provision of underground storage tanks and green roofs. Policy SI 1 of the London Plan requires greenfield rates to be met and Thames Water has commented on the application to this effect. However, given the nature and limited extent of the amendments sought, it is considered that it would not be reasonable to require further changes to the development beyond the scope of what is being sought in order to meet this requirement.
	Energy and sustainability
294.	The London Plan 2021 Policy SI 2 'Minimising greenhouse gas emissions' sets out that development proposals should be net zero carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the Mayor's energy hierarchy. The energy hierarchy is as follows:
295.	<ul style="list-style-type: none"> • Be lean: use less energy; • Be clean: supply energy efficiently; • Be green: use renewable energy. • Be seen: monitor, verify and report on energy performance.
296.	This policy requires major development to be zero carbon and to achieve an on-site reduction in carbon dioxide emissions of 35% beyond Building Regulations

	Part L 2013, including a 10% reduction through energy efficiency measures (including specifications of building fabric) under the 'be lean' stage for residential uses and 15% for non-residential uses.
297.	Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided either through a payment in lieu contribution to the borough's carbon offset fund, or off-site provided an alternative proposal is identified and delivery is certain. The zero carbon requirement is repeated through policy P69 'Energy' of the draft NSP, although with the requirement for a minimum on-site saving of 40%. The NSP policy includes the option for the zero carbon shortfall to be offset with a financial contribution or off-site provision to be secured where it has been demonstrated that achieving zero carbon on-site is not possible.
298.	Strategic Policy 13 of Core Strategy states that development will help us live and work in a way that respects the limits of the planet's natural resources, reduces pollution and damage to the environment and helps us adapt to climate change.
299.	The consented development included energy centres at basement level in both the east and west sites. The applicant has submitted an Energy and Sustainability Addendum report, supplemented by additional documentation and information, which sets out a revised energy strategy which follows the London Plan energy hierarchy.
300.	It should be noted that the changes to the energy strategy relate to the east site only; the energy strategy for the west site is unaffected, including the on-site carbon emissions savings and the required payment in lieu which was secured through the existing S106 agreement.
	<u>Be Lean</u>
301.	As with the existing permissions the development would incorporate a range of passive and active design measures that would reduce carbon emissions through energy efficient design and construction.
302.	The requirements under the 2021 London Plan for specified savings to be achieved at this stage of the hierarchy will not be met, but only limited changes to the building designs are being sought under this s73 application. The scope for applying new policy to aspects of a s73 application which remains largely as consented means that full compliance could not reasonably be required. However, the applicant has been able to incorporate some energy efficiency measures under the 'Be Lean' stage which have improved the performance relative to the existing permission, which is welcomed.
303.	The failure to fully comply with the new London Plan policy requirement is considered justified given the circumstances described above and the increased carbon emissions savings through energy efficiency measures which have been incorporated into the design.

	<u><i>Be Clean: Revised approach to the energy strategy</i></u>
304.	To the immediate east of the site is the completed 'Elephant One' development which is owned by the developer for this s73 application and also has its own energy centre. This comprises an oversized CHP-led system which, when fully operational, would run significantly under-capacity. This means in emissions terms it would be less efficient than it otherwise could be were it to operate at an increased capacity as a result of an increased energy demand.
305.	The London Plan energy hierarchy prioritises connection to an existing heat network where feasible. The opportunity to connect to this existing heat network therefore conforms with the London Plan hierarchy, and would make more efficient use of existing capacity. The energy centre would be able to serve the needs of the east site.
306.	This approach would result in a lower amount of on-site carbon emissions savings for the east site relative to the savings envisaged under the existing permissions which saw the east site provided with its own energy centre. Comparing the existing permissions' savings achieved on the east site only against those achieved under this S73 application, the saving of 27% under the existing permission is reduced to 14% in the s73 application.
307.	However, connecting the east site to the Elephant One energy centre will see the existing network subject to greater efficiencies. Whilst this is not strictly taken into account in assessing the east site in isolation, the efficiencies inherent in the networked system will result in increased carbon emissions savings for the adjacent site due to operating closer to its capacity.
308.	It should also be noted that the methodology for calculating the percentage operational on-site carbon emissions savings set out above does not take account of the embodied carbon emissions savings achieved through connection to an existing heat network compared to those incurred by creating a new on-site energy centre.
309.	The London Plan energy hierarchy is clear that connecting to an existing heat network should be prioritised over the creation of a new one, where feasible. Due to the lack of established heat networks in the borough, it is usual for schemes to be approved on the basis of future-proofing for the opportunity to connect, rather than being able to immediately connect to an established existing network. That this s73 application is able to comply with this policy requirement is therefore, considered to be a benefit of the scheme.
310.	On balance, while the connection to the existing network on the adjacent site results in a lower on-site operational carbon emissions saving for the east site (and by extension the development as a whole), in practice these anticipated savings noted above should improve in the future as a direct result of the connection. On this basis, in conjunction with following the Mayor's energy hierarchy as required by the London Plan, the proposed approach is considered to be policy compliant.

	<u><i>Be Green</i></u>
311.	The proposed development would achieve a limited proportion of its energy supply and carbon emissions savings through renewable energy measures, as per the existing permissions. These measures include the provision of solar PV panels on the available roof space. This aspect of the proposal has not been amended from the existing permissions.
	<u><i>Be Seen</i></u>
312.	The new London Plan policy requires monitoring of energy performance in completed developments to understand delivered carbon emissions savings against the anticipated savings at the planning application stage. The GLA has established the first steps of the process for applicants to comply with this requirement, with some of the further technical details still to be finalised. It is recommended, in line with the GLA's recommendation, that commitment to complying with the 'Be seen' monitoring requirements for the east site are set out in the S106 as a planning obligation, including the submission of the relevant information to the GLA's monitoring platform within 8 weeks of planning permission being granted.
	<u><i>Carbon offset payments in light of the revised energy strategy</i></u>
313.	The original permission was subject to the 2016 London Plan policy in force at the time, namely, achieving minimum 35% on-site carbon emissions savings against 2013 Part L Building Regulations. Zero carbon policy requirements, generally achieved through off-set payments where on-site achievement is not technically feasible, was introduced on residential elements of applications submitted after 1 st October 2016. Zero carbon policy requirements for non-residential elements of proposals were introduced on adoption of the new London Plan in March 2021. The existing permission was therefore required to achieve zero carbon on the residential elements, with a minimum 35% on site saving, and a minimum 35% on-site saving on the non-residential elements only.
314.	The total in lieu off-set payment for this S73 application has been affected by two factors: firstly, the reduction in the on-site carbon emissions savings noted above when compared to the savings achieved on the east site under the existing permissions, and secondly, the updated tariff which was previously established at £60 per tonne of carbon over 30 years, and has now increased to £95 per tonne of carbon over 30 years.
315.	As a S73 application, the majority of the development remains the same as approved, determined against the previous policy regime.
316.	On this basis, for the amount of floor space which is the equivalent to that approved under the existing permission, it is appropriate for the applicant to pay the offset payment charge previously established (i.e. £60 per tonne of carbon over 30 years). This aspect of offset payment has however been revised to reflect

	the reduced on-site carbon emissions savings set out above, which results in the requirement for a greater offset payment than that secured under the existing permissions. By contrast, for the elements of the S73 application which create an uplift in floorspace relative to the existing permissions, it is justified to subject the development to the new London Plan policy regime's increased charge of £95 per tonne of carbon over 30 years.
317.	Due to the nature of the proposed amendments and how interlinked the various aspects of the proposal are (across both floor space and land uses) in practice it is not possible to precisely quantify the amounts that the elements of uplifted floorspace achieved in terms of on-site carbon emissions savings. As an alternative, and achieving the required end result, the savings applicable under each policy regime across the residential and non-residential land uses proportionally across the application site has been calculated. This is considered to be a reasonable approach under the circumstances.
318.	The payment in lieu secured for the east site under the existing permissions amounted to approximately £1.2m. Under the approach outlined above this would increase to over £1.9m, comprising of £1.47m for the equivalent floorspace approved under the parent application (taking into account the lower on-site carbon emissions savings proposed through the S73 application) and approximately £0.47m as the increased charge of £95 per tonne of CO2 as per the new London Plan policy for the uplift in floorspace. The following provides the breakdown of how these figures have been arrived at:
319.	Revised carbon offset payment of £1,946,550 Payable as a result of: A total 187 tonnes of carbon shortfall against 2016 London Plan policy requirements (comprising 'zero carbon' for residential and 35% minimum for non-residential) across the proportion of floorspace approved under the existing permissions – x £60 per tonne over 30 years = £1,470,600 and A total of 167 tonnes of carbon shortfall against the new London Plan policy requirements (comprising zero carbon across both residential and non-residential) across the proportion of additional floorspace proposed under this S73 application – x £95 per tonne over 30 years = £475,950 $£1,470,600 + £475,950 = £1,946,550$
	<u>Overheating</u>
320.	An overheating assessment was provided with the parent application that demonstrated compliance with London Plan policy regarding mitigating risk to overheating. Given the limited scope of the changes proposed through the S73 minor material amendments, the revised proposal would not have a material

	impact on overheating risk.
	<u>BREEAM</u>
321.	The existing permission was approved on the basis of achieving a BREEAM level of 'Excellent' for the majority of non-residential elements, with the community uses having the potential to achieve this with 'Very Good' being secured, in compliance with policy requirements. Conditions were appended to the existing permission to achieve 'Excellent' across all non-residential elements of the proposals, including community uses. It is recommended that these conditions be appended to any grant of planning permission pursuant to this S73 application.
	<u>Whole life-cycle carbon emissions</u>
322.	Part F of London Plan 2021 policy SI 2 states that development proposals referable to the Mayor should calculate whole life-cycle carbon (WLC) emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions. Whole life-cycle carbon emissions are the carbon emissions resulting from the construction and the use of a building over its entire life, including its demolition and disposal. For the purposes of the WLC assessments, the emissions are expressed in kg of CO2 per sqm GIA of the development.
323.	This is a new requirement since the existing permissions were granted, and the applicant has submitted a Whole Life Carbon Cycle assessment to support the application demonstrating that, under the methodology set out in draft GLA guidance, the development would incur 185,087kg of carbon emissions per sqm of GIA over its lifecycle. The assessment provides recommendations as to how this can be reduced further, including through maximising use of recycled materials and identifying product specification in fit-out.
324.	A condition requiring the submission of further information on and commitment to implementing these measures is recommended to be appended to any grant of permission. This would include the requirement for submission of a post-construction assessment to report on the development's actual WLC emissions following fit-out compared to those anticipated in the WLC assessment.
	<u>Circular economy</u>
325.	Policy SI7 Reducing Waste and Supporting the Circular Economy of the London Plan requires referable applications to promote circular economy outcomes and aim to be net zero-waste. These applications are required to submit a Circular Economy Statement to demonstrate:
326.	1. How all materials arising from demolition and remediation works will be re-used and/or recycled. 2. How the proposal's design and construction will reduce material demands and enable building materials, components and products to be disassembled and re-used at the end of their useful life.

	<p>3. Opportunities for managing as much waste as possible on site.</p> <p>4. Adequate and easily accessible storage space and collection systems to support recycling and re-use.</p> <p>5. How much waste the proposal is expected to generate, and how and where the waste will be managed in accordance with the waste hierarchy.</p> <p>6. How performance will be monitored and reported</p>
327.	<p>A Circular Economy Statement for the east site has been submitted in support of the application. As part of this a pre-demolition audit of the existing building, structure and hard surfaces on the site assessed the potential options for maximising the re-use and recovery of the materials in accordance with the waste hierarchy. On the basis of the existing buildings on the east site having already been demolished under the existing permissions, there is limited scope for enforcing the commitments set out in this part of the strategy.</p>
328.	<p>The statement does set out a commitment to further developing the implementation of circular economy principles in both the building and wider development's operational phase, including extending the lifespan of the development, in addition to implementation of an end-of-life strategy for the development according to circular economy principles, including disassembly and deconstruction. It is recommended that further information on these aspects of the circular economy commitments be secured by condition.</p>
329.	<p>Saved policy 3.3 of the Southwark Plan advises that planning permission will not be granted for major development unless the applicant demonstrates that the economic, environmental and social impacts of the proposal have been addressed through a sustainability assessment. The applicant has submitted a number of documents which consider these impacts including the 2016 ES and ES addendum, the Equality Statement addendum and the Energy and Sustainability addendum report.</p>
330.	<p>The proposed development would generate a significant number of construction jobs and the construction process would give rise to expenditure in the local and regional economies. Businesses have been displaced from the east site and a number of measures were secured through the existing s106 agreement in order to support them. The provision of additional retail, leisure, employment and education floorspace would have positive social impacts, and 7 additional affordable units would be provided. Borough CIL contributions would be secured to contribute towards the infrastructure required to support growth. Measures relating to environmental sustainability have been set out above, including the use of photovoltaic panels, connecting to a neighbouring energy centre, and a contribution towards the council's carbon off-set fund.</p>
	Fire safety
331.	<p>Policy D12 'Fire Safety' of the London Plan 2021 requires developments to achieve the highest standards of fire safety, and to ensure that they identify suitably positioned unobstructed outside space for appliances, incorporate features to reduce risk to life and injury in the event of a fire; are designed and</p>

	constructed in order to minimise the spread of a fire, and provide suitable and convenient means of escape for all building users.
332.	Although this application only seeks permission for a number of minor amendments, the applicant has submitted Fire Statements for the whole of the east and west sites. The statements have been prepared by Hoare Lea and advise that this company has experience of a wide range of fire safety consultancy projects and that all work they produce is reviewed and approved by a senior chartered fire engineer.
333.	On the east site, with the exception of plot E4 which would be steel framed, all of the buildings would have concrete frames and concrete cores. The fire statement advises that generally there is considered to be very little risk of fire spreading between the buildings or to neighbouring sites, but that additional fire protection would be required to some limited areas of the facades overlooking the railway arches. Each residential tower would have a fire fighting shaft including a fire fighting lift, and the whole of the development would be fitted out with smoke alarms and sprinklers. A compartmentalised design is proposed to reduce the risk of fire spreading between dwellings, and other measures proposed would include smoke ventilated corridors and protected escape cores. Owing to the potentially heavily populated pedestrianised areas within the site fire engine access would be to the perimeter of the site only, although fire engines would be able to enter the basement.
334.	The same measures are proposed on the west site, and fire engines would be able to enter this part of the site onto Pastor Street. The London Fire and Emergency Authority has been consulted on the application and has advised that it is acceptable in relation to fire safety. Conditions requiring the measures in the fire statements to be implemented have been included in the draft recommendation.
	Archaeology
335.	Part of both the east and west sites sit within the Kennington Road and Elephant and Castle Archaeological Priority Zone (APZ). Policy HC 1 of the London Plan 'Heritage conservation and growth' states that development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Saved policy 3.19 of the Southwark Plan and policy P22 of the draft NSP set out the Council's approach to protecting and preserving archaeology within the borough.
336.	Archaeological impacts arising from the existing permissions was considered in detail in chapter 13 of the 2016 ES. Following a review by the Council's Archaeologist, a number of conditions were imposed including for building recording of the Coronet Theatre and the shopping centre on the east site.
337.	Given the nature of the amendments now sought, the Council's Archaeologist has advised that they would not have any additional archaeological impacts beyond those of the existing permissions and that the previous archaeology conditions

	should be re-imposed on any forthcoming permission pursuant to this application. The review of the 2016 ES confirms that there would be no significant archaeological effects arising from the proposed amendments.
	Wind microclimate
338.	Policy D8 of the London Plan 'Public realm' requires climatic conditions including wind microclimate to be taken into account in the design of new public realm. Both policies D9 of the London Plan and P16 of the draft NSP seek to ensure that tall buildings do not result in adverse wind conditions. Wind microclimate was considered in chapter 14 of the 2016 ES and has been reviewed through the ES Addendum submitted with this application.
339.	For the existing permissions the 2016 ES identified some insignificant impacts during demolition and construction, and concluded that wind conditions arising from the completed development would generally be acceptable with mitigation measures in place. Conditions were attached to the existing permissions securing this mitigation, and requiring them to be robust enough to ensure that acceptable wind speeds would be achieved based on the Lawson Comfort Criteria.
340.	For the amendments now sought the ES Addendum advises that with landscaping and mitigation measures in place, the majority of the proposed development would have suitable and safe wind conditions for the intended use, and it is recommended that the mitigation measures outlined in the ES Addendum be secured by way of a condition. The only exception to this is three indicative retail entrance locations, one to plot E1, one to plot E2 and one to plot E3 which would require further mitigation which should also be secured by way of condition. In comparison with the consented scheme, the amendments now sought would create a calmer wind environment.
341.	<p>The applicant has also applied to amend the existing wind mitigation condition on permission 20/AP/3675 as follows:</p> <p><u>Amendment to condition 54 (Wind Microclimate – east site)</u> All wind microclimate mitigation measures detailed in section 7.2 (configuration 5) of the Environmental Statement (<u>or subsequent amendment</u>) shall be provided prior to the occupation of the development. These measures must be robust enough to limit the wind conditions to meet the activity criteria for that area/location as set out in the Lawson criteria, and wind speeds for cyclists must be 15m/s for no more than 4 <u>2.2</u> hours per year (0.01% frequency) in the vicinity of the site.</p> <p>Reason: In the interests of amenity and safety, in accordance with saved policies 3.2 'Protection of amenity', 5.2 'Transport impacts' and 5.3 'Walking and cycling' of the Southwark Plan and strategic policies 2 'Sustainable Transport' and 13 'High environmental standards' of the Core Strategy (2011).</p>
342.	The Council appointed an independent consultant to advise on the wind

	microclimate conditions arising from the original permission and the condition was drafted on the consultant's advice. The Council has sought advice from the same consultant who has no objection to the proposed amendment, on the basis that it would comply with the limit for cyclists set out in the Lawson comfort criteria and the City of London Microclimate Guidelines (July 2020). It is therefore recommended that this amendment be accepted, although the condition would need to be updated to secure the mitigation outlined in the ES Addendum and additional mitigation to the three building entrances on the east site and this has been included in the draft recommendation.
	Socio-economic impacts
343.	The 2016 ES identified a number of adverse socio economic impacts during demolition and construction including on businesses operating from the site and people using the shopping centre; positive impacts identified included construction jobs and increased spending in the local area. A number of measures were secured through the existing s106 agreement including temporary accommodation for displaced traders and employment during construction provisions. For the completed development positive impacts were identified including contributing towards meeting local and regional housing targets and generating between 1,813 and 1,990 gross new jobs which was an increase of between 395 and 572 including jobs on the east site when it was occupied..
344.	The amended proposal is predicted to generate up to 2,085 gross new jobs, an increase of 70 FTE jobs compared to the consented schemes which is a positive aspect of the proposal. Overall the ES Addendum concludes that the socio-economic impacts of the amendments now sought would not result in any significant or different impacts beyond those of the existing permissions.
345.	<u>Employment provisions</u> – On the east site the existing s106 agreement secures 293 jobs and short courses and 73 apprenticeships for unemployed borough residents, and this would reduce to 282 jobs and courses and 70 apprenticeships as a result of the proposed amendments. Jobs in the completed development would increase however, from 142 to 212. On the west site construction targets would reduce from 147 jobs and short courses and 37 apprenticeships to 132 jobs and short courses and 33 apprenticeships and jobs in the completed development would increase from 33 to 45 and all of this would be secured through a Deed of Variation to the s106 agreement.
	Implications for the conditions attached to permission 20/AP/3675
346.	Approval of a s73 application results in a new permission, requiring a new decision notice. All of the conditions attached to the existing permissions should be carried forward onto any new permission granted pursuant to this application, although a number of them would need to be updated to reflect the proposed amendments and other matters identified in this report. The applicant also wishes to vary a number of the conditions attached to permission 20/AP/3675 as set out below and these all relate to the east site.

347.	<p><u>Amendment to condition 1 (approved plans)</u></p> <p>This condition needs to be updated to incorporate the new drawing numbers which show the various amendments being sought and to delete those which have been superseded, and this is considered to be acceptable based on the assessment contained in this report.</p>
348.	<p><u>Amendment to condition 19</u> : Detailed construction drawings: East Site</p> <p>Unless previously discharged under permission 16/AP/4458 or carried forward under a subsequent amendment, <u>within 6 months of</u> commencement of above grade works-(including cores) typical section detailed drawings at a scale of 1:5 or 1:10 through the following elements of the approved buildings:</p> <ul style="list-style-type: none"> _ the facades; _ the shop fronts; _ heads, cills and jambs of openings; _ parapets; _ roof edges <p>For</p> <ul style="list-style-type: none"> i. Plot E1 LUL Station and Shopping Centre; ii. E2 residential tower and Shopping Centre; iii. E3 residential towers and Shopping Centre; iv. E4 Shopping Centre (including measures to improve the appearance of the first floor of the shopping centre facing Elephant and Castle and Walworth Road) and showing the re-use of the Elephant sculpture which is displayed at the front of the existing shopping centre, shall be submitted to the Local Planning Authority for approval in writing. The development shall not be carried out otherwise than in accordance with any such approval given. <p>Reason:</p> <p>In order that the Local Planning Authority may be satisfied as to the design and details of the development in accordance with the NPPF (2019), Strategic policy SP12 – Design and Conservation -of the Core Strategy (2011) and saved policies: 3.12 Quality in Design; 3.13 Urban Design; and 3.20 Tall buildings of The Southwark Plan (2007).</p>
349.	<p><u>Officer response</u> – Given the size and complexity of the development, the amendment to the trigger for when detailed drawings have to be submitted is considered to be acceptable. The amendments sought under this application introduce significant new glazing along the Elephant and Castle and Walworth Road frontages, therefore that element of part iv of the condition is no longer required.</p>
350.	<p><u>Amendment to condition 20:</u> Detailed Construction Drawings: Education Building</p> <p>Unless previously discharged under permission 16/AP/4458 or carried forward</p>

	<p>under a subsequent amendment prior to the commencement of works above grade (excluding cores) <u>within 6 months of above grade works commencing (including cores)</u> typical section detail drawings at a scale of 1:5/10 through the following elements of the approved education building:</p> <ul style="list-style-type: none"> _ the facades; _ the shop fronts; _ heads, cills and jambs of all openings; _ parapets; _ roof edges; <p>shall be submitted to the Local Planning Authority for approval in writing. The development shall not be carried out otherwise than in accordance with any such approval given.</p> <p>Reason: In order that the Local Planning Authority may be satisfied as to the design and details of the development building in accordance with the NPPF (2019), Strategic policy SP12 – Design and Conservation - of the Core Strategy (2011) and saved policies: 3.12 Quality in Design; 3.13 Urban Design; and 3.20 Tall buildings of The Southwark Plan (2007).</p>
351.	<p><u>Officer response</u> – As per the above, given the size and complexity of the development, the amendment to the trigger for when detailed drawings have to be submitted is considered to be acceptable and will not undermine the council's ability to properly control the quality of the buildings.</p>
352.	<p><u>Deletion of condition 25</u> (green roof to plot E1)</p> <p>Unless previously discharged under permission 16/AP/4458 or carried forward under a subsequent amendment, before any above grade work hereby authorised begins to plot E1, details of the green roof to plot E1 shall be submitted to and approved in writing by the Local Planning Authority. The green roof shall be:</p> <ul style="list-style-type: none"> • biodiversity based with extensive substrate base (depth 80-150mm); • laid out in accordance with agreed plans; and • planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage). <p>The green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. It shall be provided in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policy G6 of the London Plan 2021, saved policy 3.28 of the Southwark Plan and</p>

	<p>Strategic Policy 11 of the Southwark Core strategy.</p> <p><u>Officer response</u> – The applicant wishes to delete this condition on the basis that it was never the intention to provide a green roof on this building, and there is no scope to do so owing to the plant space requirements. Whilst this is noted, there would be a roof terrace on this building which could be capable of incorporating elements of green roof. This condition has not therefore been deleted and remains in the draft recommendation.</p>
353.	<p><u>Amendment to condition 26</u> (Basement access – detailed design)</p> <p>Unless previously discharged under permission 16/AP/4458 or carried forward under a subsequent amendment, before any above grade work hereby authorised begins, <u>within 6 months of above grade works commencing (including cores)</u> detailed plans at an appropriate scale (and relevant supporting documentation) of the New Kent Road access to the basement servicing yard will be submitted and approved in writing by the local planning authority (in consultation with Transport for London).</p> <p>Submitted details should clearly set out how the immediate public realm and entrance to the basement servicing area can be designed to accommodate the efficient arrival/exit of vehicles, how the access will be monitored managed and made secure and how the risk of pedestrian and vehicular conflicts will be minimised such that the basement access point will operate safely, securely and efficiently. The development shall be carried out in accordance with the approved details.</p> <p>Reason In order that the applicant can demonstrate that physical design measures and management controls have been implemented to ensure the safe operation of the servicing yard and forecourt, whilst also ensuring a high quality of public realm, to minimise conflict between pedestrians and vehicular traffic in accordance with Saved Policies 5.2 Transport Impacts and 5.3 Walking and Cycling of the Southwark Plan 2007, Strategic Policy 2 Sustainable Transport of the Core Strategy 2011 and the National Planning Policy Framework 2019.</p>
354.	<p><u>Officer response</u> - Given the size and complexity of the development, the amendment to the trigger for when details have to be submitted is considered to be acceptable.</p>
355.	<p><u>Deletion of condition 27</u> Western viaduct boundary</p> <p>Unless previously discharged under permission 16/AP/4458 or carried forward under a subsequent amendment, before any above grade work thereby affected begins to the western viaduct (southern section), details of the means of the boundary treatment along the west-facing railway viaduct shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approval given,</p>

	<p>and the approved means of enclosure shall be provided prior to the occupation of the development and retained as such thereafter.</p> <p>Reason In the interests of visual and residential amenity in accordance with The National Planning Policy Framework 2019, Strategic Policy 12 Design and conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of amenity, 3.12 Quality in Design, and 3.13 Urban design of the Southwark Plan 2007.</p>
356.	<p><u>Officer response</u> – The applicant wishes to delete this condition on the basis that no boundary treatment is proposed along the western viaduct boundary. The proposed plans do not show any boundary treatment with the viaduct and none is considered necessary, therefore the deletion of this condition is considered to be acceptable. The removal of the existing buildings on the east site would reveal the western elevation of the viaduct and the s106 agreement contains an obligation preventing occupation of the east site until the developer has used reasonable endeavours to agree with Network Rail environmental improvements to the western façade of the railway station.</p>
357.	<p><u>Amendment to condition 29 (public toilet)</u> Unless previously discharged under permission 16/AP/4458 or carried forward under a subsequent amendment, prior to the commencement of above grade works, details of The public toilet provision on the east site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out provided in accordance with the details thereby approved plans <u>prior to the first retail use of plot E4</u>, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that there would be adequate public toilet provision within the development, in accordance with saved policy 1.7 'Development within town and local centres' of the Southwark Plan (2007).</p>
358.	<p><u>Officer response</u> – The consented plans do not show any public toilet provision, hence the imposition of the condition. The amendments now sought include the provision of four public toilets at ground floor level of plot E4 including an accessible toilet and baby change facility. The amendment to the condition would secure the provision of the WCs before the first retail use of plot E4 and is considered to be acceptable.</p>
359.	<p><u>Amendment to condition 31 (landscaping)</u> Unless previously discharged under permission 16/AP/4458 or carried forward under a subsequent amendment, before any above grade work hereby authorised begins, <u>two years prior to the first occupation of the development</u> detailed drawings of a hard and soft landscaping scheme for the communal amenity areas (including cross sections, surfacing materials, access, or pathways layouts, materials and edge details), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration</p>

	<p>of the use.</p> <p>The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the same size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).</p> <p>Reason</p> <p>So that the Council may be satisfied with the details of the landscaping scheme in accordance with The National Planning Policy Framework 2019 and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.</p>
360.	<p><u>Officer response -</u> Given the size and complexity of the development, the amendment to the trigger for when details have to be submitted is considered to be acceptable and will not undermine the Council's ability to secure an acceptable landscaping scheme.</p>
361.	<p><u>Amendment to condition 45 (Sound Insulation: Education);</u></p> <p>The educational use <u>building shall be constructed taking into account good acoustic design guidance and appropriate industry standards such as, but not limited to BS8233:2014 and in particular tables 3 and 6 and section 7.7.10 of that guidance</u>. meet the standards as described in the Department for Education Building Bulletin 93 'BB93: Acoustic design of schools - performance standards'.</p> <p>Reason:</p> <p>To ensure a good standard of amenity for future occupiers in accordance with strategic policy 13 'High environmental Standards' of the Core Strategy (2011) and saved policies 3.2 'Protection of amenity', 3.11 'Efficient use of land' and 3.12 'Quality in design' of the Southwark Plan (2007).</p>
362.	<p><u>Officer response –</u> This condition relates to plot E1 which is the education building designed for UAL. The applicant has advised that the acoustic requirements of this building have been developed and agreed with UAL following surveys and design development, and that BB93 referred to in the condition is a prescriptive document which is intended to be used in schools and is not therefore directly applicable to university buildings. The revised condition wording has been agreed with EPT and is considered to be acceptable.</p>
363.	<p><u>Deletion of condition 48 (External Noise Levels in Private Amenity Areas)</u></p> <p>Private gardens and communal external amenity areas shall be designed to attain 50dB(A) LAeq,16hr † . Where this is not possible to achieve despite implementing</p>

	<p>all reasonable mitigation measures, the standard can be reduced by 5dB so that the sound level does not exceed 55dB LAeq, 16hr.</p> <p>†Daytime - 16 hours between 07:00-23:00hrs.</p> <p>Reason: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011), saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007) and the National Planning Policy Framework 2019.</p>
364.	<p><u>Officer response</u> – Owing to practical difficulties in meeting the requirements of this condition, in general it is no longer used. Given the busy town centre location, with high background noise levels, meeting the requirements on this site would be particularly challenging. Officers therefore have no objections to it being deleted. EPT questioned whether additional measures could be imposed, but the applicant has advised that the balconies would have to be enclosed to meet the condition requirements. Arguably this would make them less attractive than outside spaces, in spite of the higher background noise levels.</p>
365.	<p><u>Amendment to condition 51 (A3/A4 Opening Hours)</u> Any class A3 (café / restaurant) and class A4 (drinking establishment) uses shall only be permitted to open between the hours of 0700 to 2300 Sunday to Thursday and 0700 to 0100 Fridays and <u>Mondays to</u> Saturdays. The class D2 leisure use shall only be permitted to open between the hours of 0700 and 0100 daily.</p> <p>Reason: To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2019, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.</p>
366.	<p><u>Officer response</u> – The amendments to the condition would enable the A3 and A4 uses on the east site to open from 7am to 11pm on Sundays and 7am to 1am Mondays to Saturdays. Given the town centre location of the site this is considered to be acceptable, and the longer hours may help to support the businesses in the new development. The residential units within the development would be suitably sound-proofed and there would be further protection from noise and disturbance through the licensing regime.</p>
367.	<p>The other conditions would remain broadly the same as those attached to permission 20/AP/3675, save for where updates are required in order to meet the new London Plan requirements.</p>
	<p>Implications for the section 106 agreement attached to permission 16/AP/4458</p>
368.	<p>The original permission is subject to a s106 agreement which contains a clause</p>

	<p>binding any subsequent s73 permissions to the terms of the legal agreement. As such the existing s106 agreement would continue to apply to any permission granted pursuant to this application; the existing s106 agreement should be endorsed to note any new permission.</p> <p>The amendments now sought mean that the following would need to be secured through a Deed of Variation to the existing s106 agreement:</p>
369.	<ul style="list-style-type: none"> - Affordable workspace provisions as outlined earlier in the report; - Amendments to the employment during construction and employment in the completed development provisions; - Securing the additional affordable housing units; - Securing an affordable housing cap of 50% on the additional 77 habitable rooms; - <u>A contribution of £926.45 towards monitoring the 7 additional affordable units;</u> - Appending the updated FVA to the s106 agreement; - GLA grant funding requirements; - A contribution of £1,946,550 towards the Council's Carbon off-set green fund; - The inclusion of 'be seen' provisions for the monitoring of the carbon reduction measures on the east site; - Revised monitoring contribution of £56,693.21 to reflect the increased carbon off-set contribution. - Parking permit exemption for the office space.
	Community Infrastructure Levy implications
370.	<p>Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material "local financial consideration" in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker.</p>
371.	<p>The officer report for the original permission advises that the consented development resulted in a requirement for a Mayoral CIL payment (pre- affordable housing relief) of £3,762,975 and a Southwark CIL payment of £15,804,382. The proposed amendments to the office, leisure, retail, and educational floorspace areas would result in additional CIL chargeable floorspace, resulting in an increase in CIL charge if this s73 application is granted and subsequently implemented.</p>
	Community involvement and engagement
372.	<p>A Statement of Community Involvement (SCI) and completed engagement summary template have been submitted which detail consultation undertaken by the applicant prior to the submission of this s73 application. Owing to the Covid-19 pandemic the applicant undertook the public consultation online, supplemented by virtual meetings. The consultation period ran from 8th -26th</p>

	<p>February 2021 and comprised:</p> <ul style="list-style-type: none"> - A comprehensive public consultation website providing details of the proposed amendments; - A feedback function on a dedicated website for the project; - Three virtual community exhibitions which were held on Thursday 11th, Friday 12th and Saturday 13th February 2021 using the Common Place public consultation platform which allow proposals to be viewed and feedback to be provided. These events were hosted by the project team and there was a question and answer session at the end of each one. A recording of one of the events was posted online for people who could not attend.
373.	<p>The public consultation was advertised by way of 15,000 flyers which were distributed to homes and businesses in the Elephant and Castle Opportunity Area, and flyers were sent to various stakeholders including Latin Elephant and a number of local Tenants and Residents' Associations. The flyers contained a contact number so that people could obtain paper plans if required. An electronic version of the flyer was sent to those who had signed up to receive updates about the project through a website for the town centre redevelopment, and details of the public exhibitions were communicated during the monthly Elephant and Castle Town Centre neighbourhood forum meeting on Tuesday 2nd February 2021. Details were posted on the Elephant and Castle Residents Facebook group, and the Walworth Society shared details of the exhibitions.</p>
374.	<p>Overall there were six attendees at the virtual exhibitions, including the Chair of the West Square Resident's Association, and 429 people visited the dedicated website. A total of 34 responses were provided, 70% of which were positive, 23% were neutral and 7% were negative. Positive comments included getting the development completed, there is a need for additional places to eat and spend time, and the amendments to the Elephant and Castle and Walworth Road frontages are positive. Concerns raised included the reduction in the size of the cinema, more than 35% affordable housing should be provided, lack of greenery, questioning whether there is demand for the retail space, and whether there would be space for existing traders. The SCI also details meetings held with elected Members including Ward Councillors, Council officers and the GLA.</p>
	<p>Other matters</p>
375.	<p>The assessment of the original permission considered impacts in relation to ecology and biodiversity, health impact assessment, aviation, and television and radio signals. The limited extent of the changes now sought are not considered to impact upon these issues.</p>
	<p>Human rights implications</p>
376.	<p>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.</p>

377.	This application has the legitimate aim of seeking to secure amendments to an existing permission. 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	
378.	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.	
379.	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.	
380.	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?	YES
	CONCLUSION	
381.	The heart of the Elephant and Castle Opportunity Area is undergoing a period of significant transformation, with many key sites having already been completed or are under construction. The application site is the last piece in the puzzle, with the east site particularly pivotal given its location at a transport hub.	
382.	There are two extant planning permissions for a comprehensive redevelopment of the site, and this application seeks to make a number of minor material amendments to the more recent permission which was granted in March this year. The application has been assessed against the relevant policies in development plan, taking into account other material considerations, however the Council must be mindful of the fall-back created by the existing permissions, which remain capable of being built out. The terms of new or emerging policy can be applied to elements of the development which have changed from the existing permissions, but it is not reasonable to seek to revisit the principles of the overall development where it remains unchanged.	
383.	The amendments sought would increase the quantum of retail and leisure use	

within the development, and would provide a significant quantum of employment use on the east site which is considered to be a very positive aspect of the proposal. It would provide additional education floorspace to meet the requirements of the LCC. The LCC plays an important role in the opportunity area and town centre, and the additional floorspace would help to secure its long term future in Elephant and Castle and thereby strengthen Southwark's university quarter. The proposal would also deliver additional housing, including 35% affordable housing with a tenure split which would comply with policy P4 of the draft NSP. A number of design alterations are proposed, which are all considered to be positive.

384. The proposal would not result in any significant environmental effects beyond those which would arise from the extant permissions, and the equality impacts of the proposed amendments have been taken into account and are overall considered to be positive. Officers consider that the application is in general compliance with the development plan, and it is recommended that planning permission be granted, subject to conditions and the existing s106 agreement being varied and endorsed.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 5410 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

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth
Report Authors	Victoria Lewis, Yvonne Lewis, Tom Weaver
Version	Final
Dated	25 th June 2021
Key Decision	No

CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments Sought	Comments included	
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	
Date final report sent to Constitutional Team		24 June 2021	