

| Item   | Classification | Decision Level   | Date            |
|--|----------------|--|-----------------|
| 6.1  | OPEN           | PLANNING COMMITTEE   | December 2 2008 |
| <b>From</b><br>HEAD OF DEVELOPMENT CONTROL   |                | <b>Title of Report</b><br>DEVELOPMENT CONTROL  |                 |
| <b>Proposal</b><br>Erection of 3 buildings linked by a two storey podium incorporating retail and restaurant use across the ground floor (Use Classes A1/A3), retail/ restaurant/ crèche and cinema use across the first and mezzanine floors (Use Classes A1/A3/D1/D2) and basement car parking with associated storage facilities together with new landscaping to link to a proposed market square and 577 cycle spaces. Northern building located on New Kent Road to consist of 243 student rooms (Sui Generis) over 18 storeys above podium level (68.3mAOD, lift overrun to 70.7m); Western building along Elephant Road to consist of 262 private residential units (Use Class C3) over 23 storeys above podium level (87.5mAOD); Southern building to consist of 111 private residential units (Use Class C3) over 15 storeys above podium level (63.10mAOD).<br>[RESUBMISSION] |                | <b>Address</b><br>FORMER CASTLE INDUSTRIAL ESTATE, ELEPHANT ROAD, LONDON SE17 1LA<br><b>Ward</b> East Walworth |                 |
| <b>Application Start Date</b> 26/09/2008   |                | <b>Application Expiry Date</b>   |                 |

## PURPOSE

- 1 To consider the above application which is for planning committee consideration due to its scale.

## RECOMMENDATION

- 2
  - 1) Subject to the applicant first entering into an appropriate legal agreement (at no cost to the Council) by no later than 15 January 2009, and subject to referral to the GLA, planning permission be granted subject to conditions.
  - 2) In the event that the requirements of 1 are not met by 15 January 2009, the head of planning be authorised to refuse planning permission for the reasons set out under paragraph 108.

## BACKGROUND

### Site Location and Description

- 3 The 0.49 hectare application site (0.63 hectares if the basement area beneath market square is included- see paragraph 6 for details) is located within the Elephant and Castle Opportunity Area (as designated within the London plan and the Southwark plan with associated guidance set out within the Elephant and Castle Development Framework SPG). The site is now vacant but was previously

occupied by a Volvo car dealership which had a frontage onto New Kent Road.

- 4 The application site is bounded by New Kent Road to the north, the Heygate housing estate to the east and a playground (recently relocated) and open space area which extends from the site to Walworth Road to the south with Elephant Road, a railway viaduct and the Elephant and Castle Railway Station forming the site's western boundary. Further to the north and east and south is high density residential development, with commercial uses immediately to the west (including the Elephant and Castle Shopping Centre complex).
- 5 The site is not located within a conservation area and does not contain any listed buildings. Whilst not within any strategic viewing corridors, the site is located in the background of the townscape view of Westminster from the Serpentine Bridge.

### **Details of Proposal**

- 6 The proposed development sees the resubmission of a previously approved scheme (reference 07-AP-1449, see planning history at paragraph 13) which remains broadly unaltered in terms of overall form, massing and layout. At the time of the previous application a separate but related application for a market square, which adjoins the site to the south and sits above the basement area forming part of this application, was also approved (reference 07-AP-1448). The market square is not amended and has therefore not been resubmitted, though it remains an integral part of the proposed development which will be tied to this application via the legal agreement.
- 7 The current proposal comprises a mixed-use scheme totalling 51,504sq.m GEA, (an increase of 1884sq.m from the extant permission), made up of three blocks on top of a part two, part three storey podium and basement. The basement facilitates below ground access to the adjacent Elephant and Castle Shopping Centre site in line with the requirements of the Elephant and Castle Development Framework. The proposed uses are set out below, with the previously approved floorspace enclosed by brackets:
  - 28,973 (26,415) sq.m of Class C3 private residential accommodation comprising 373 (312) units;
  - 8,697 (9,236) sq.m of Class Sui Generis student accommodation comprising 243 (247) student rooms;
  - 2,232 (2,321) sq.m of Class A1 retail;
  - 2,410 (2,047) sq.m of Class D2 cinema (4 screens 850 seats);
  - 924 (694) sq.m of Class A3 restaurant
  - 457sq.m Class D1 crèche;
  - 6,840 (7,160) sq.m of basement parking and plant; and
  - 971 (1,745) sq.m of above ground ancillary areas such as walkway's/ terraces, reduced due to the partial enclosure of the podium and terrace.
- 8 The southern building, fronting the market square, is the smallest of the 3 blocks, which has increased in height to 15 storeys (63.10m AOD) above podium level (previously 14 storeys and 59.85m AOD). Through internal reconfiguration and the inclusion of an additional floor of accommodation, an additional 30 units from that previously approved are proposed totalling 111 private residential units comprising 1, 2 and 3 bedrooms. All studio units are removed.
- 9 The northern building fronts New Kent Road and provides student accommodation totalling 243 (247) student rooms. The building height remains unaltered from the previous consent, rising to 18 storeys above podium level (68.3m AOD and 70.7 to top of lift overrun). The lower floors comprise standard sized en-suite twin rooms, a number of wheelchair accessible studios and shared kitchen/lounge areas. The

upper floors comprise slightly larger studios and deluxe studios with en-suites and kitchenettes; the uppermost studio's including both private and a communal terrace.

- 10 The western block facing Elephant Road is the tallest, and remains at the previously consented height of 23 storeys above podium level (87.5m AOD). However, internal reconfiguration following adjustments to the facade fenestration, resulting in a simplified form, but within the same footprint) has resulted in an increase in unit numbers from 231 to 262 units made up of 1, 2, and 3 bedrooms across all floors.
- 11 The basement comprises an upper and lower basement. The upper basement provides servicing and disabled parking for 42 cars, 545 bicycles and 9 motorcycles. The lower basement contains a market storage area with lift access to the market square above and in accordance with the Elephant and Castle Development Framework will provide basement level vehicular access for the replacement Elephant and Castle shopping centre which will be to the west of the proposal. The basement area is accessed off New Kent Road.
- 12 The ground floor of the podium contains a 1067sq,m foodstore, a range of retail units of various sizes, three restaurants with terraces overlooking the market square and the entrance foyers of the residential and student accommodation blocks. The upper ground floor will include a four screen cinema, a range of retail units and the upper floors of the three restaurants. The double height cinemas have enabled the creation of a partial upper ground mezzanine which contains a proposed crèche with direct access to terraces (a new inclusion within the scheme) and a cinema bar/ lounge, as well as the first floor of residential accommodation within the southern tower. The top of the podium contains a central open space between the three towers which will contain a children's play area and landscaped amenity area for residents.

### **Planning History**

- 13 The application forms an amendment to a number of previously approved schemes:
  - 05-AP-1693 was granted in December 2006 for a mixed use scheme comprising three buildings linked together by a two storey podium incorporating retail, restaurant and cinema uses. A central area of green open space is located directly above the podium in between the 3 buildings. The 15 storey south building (53.8m high) included residential accommodation, the 18 storey north building (66.7m) a hotel and the 24 storey west building (80m) provided office and residential accommodation. The scheme included a basement car park and servicing area including 44 car parking spaces and 339 bicycle parking spaces.
  - 05-AP-1694 was granted in December 2006 for a market square is linked to the aforementioned application through the shared basement servicing area providing servicing and storage facilities for market traders.
  - 07-AP-1449 was granted in May 2008 for a new mixed use scheme comprising three buildings linked together by a two storey podium incorporating retail and restaurant use across the ground floor (use classes A1/A3), retail/ restaurant and cinema use across the first and mezzanine floors (classes A1/A3/D2) and basement car parking with associated storage facilities together with new landscaping to link to a proposed market square. The northern building on New Kent Road consisted of 18 storeys (68.3mAOD) for 247 student accommodation rooms (use class C2), the western building along Elephant Road consisted of 23 storeys (87.5mAOD) for 231 private residential units (use class C3) and the

southern building was comprised of 14 storeys (59.85m AOD) for 81 private residential units (Use Class C3);

- 0-AP-1448 was granted in May 2008 for a Market Square (public open space) and basement service area (linked to application reference 07-AP-1449).

## **FACTORS FOR CONSIDERATION**

### **Main Issues**

- 14 The main issues in this case are:
- Principle of the development including scale and height;
  - Mix, density and layout;
  - Affordable housing provision;
  - Design;
  - Impact on strategic and local views;
  - Transport issues;
  - Impact on amenity of neighbouring residents and occupiers;
  - Flood risk assessment;
  - Planning obligations.

### **Planning Policy**

- 15 The Southwark Plan (UDP) July 2007  
The site is within the Central Activities Zone, a Major Town Centre, the Elephant and Castle Transport Development Zone, and is within proposals site 39P- the Elephant and Castle Core Area and Opportunity Area. Within the Elephant and Castle Development Framework SPG the site is located within a Local Cluster. Part of the site also lies within an Archaeological Priority Zone and it is in an Air Quality Management Area. The relevant strategic policies include:
- SP1 Sustainability, equality and diversity
  - SP2 Participation
  - SP3 Quality and accessibility
  - SP8 Anti-poverty
  - SP9 Meeting community needs
  - SP10 Development impacts
  - SP11 Amenity and environmental quality
  - SP12 Pollution
  - SP14 Sustainable buildings
  - SP15 Open space and biodiversity
  - SP18 Sustainable transport
  - SP19 Minimising the need to travel
- 16 The relevant policies include:
- Section 2 Life Chances - Preserving and Creating Community Assets
    - Policy 2.2 Provision of new Community Facilities
    - Policy 2.5 Planning Obligations
  - Section 3 Clean and Green - Protecting and Improving Environmental Quality
    - Policy 3.1 Environmental Effects
    - Policy 3.2 Protection of Amenity
    - Policy 3.3 Sustainability Assessment
    - Policy 3.4 Energy Efficiency
    - Policy 3.5 Renewable Energy
    - Policy 3.6 Air Quality
    - Policy 3.7 Waste Reduction
    - Policy 3.9 Water
    - Policy 3.11 Efficient Use of Land
    - Policy 3.12 – Quality in Design

Policy 3.13 – Urban Design  
Policy 3.14 – Designing Out Crime  
Policy 3.19 – Archaeology  
Policy 3.31 - Flood Defences  
Section 4 Housing  
Policy 4.1 Density of Residential Development  
Policy 4.2 Quality of Residential Development  
Policy 4.3 Mix of Dwellings  
Policy 4.4 Affordable Housing  
Policy 4.5 Wheelchair Affordable Housing  
Section 5 Sustainable transport - Improving Access and Convenience  
Policy 5.1 Locating Developments  
Policy 5.2 Transport Impacts  
Policy 5.3 Walking and Cycling  
Policy 5.6 Car Parking  
Policy 5.7 – Parking Standards for Disabled People and the Mobility Impaired  
Section 6 Opportunity Areas  
Policy 6.1 Elephant and Castle Opportunity Area

- 17 London Plan 2004  
The site is located within the Central London Sub-Region, within Opportunity Area 8- Elephant and Castle and an Area for Regeneration. Key Policies:  
Policy 2A.1 Sustainability criteria  
Policy 2A.2 Opportunity Areas  
Policy 2A.3 Areas for Intensification  
Policy 2A.4 Areas for Regeneration  
Policy 3A.1 Increasing London’s supply of housing  
Policy 3A.2 Borough housing targets  
Policy 3A.4 Housing choice  
Policy 3A.5 Large residential developments  
Policy 3A.6 Definition of affordable housing  
Policy 3A.7 Affordable housing targets  
Policy 3A.8 Negotiating affordable housing  
Policy 3A.15 Protection/enhancement of social infrastructure/ community facilities  
Policy 3A.24 Meeting floor targets  
Policy 3A.25 Social and economic impact assessments  
Policy 3C.16 Tackling congestion and reducing traffic  
Policy 3C.22 Parking strategy  
Policy 3D.1 Supporting town centres  
Policy 3D.4 Development and promotion of arts and culture  
Policy 3D.12 Biodiversity and nature conservation
- 18 Policy 4A.6 Improving air quality  
Policy 4A.7 Energy efficiency and renewable energy  
Policy 4A.8 Energy assessment  
Policy 4A.9 Providing for renewable energy  
Policy 4A.11 Water supplies  
Policy 4B.1 Design principles for a compact city  
Policy 4B.2 Promoting world-class architecture and design  
Policy 4B.3 Maximising the potential of sites  
Policy 4B.4 Enhancing the quality of the public realm  
Policy 4B.5 Creating an inclusive environment  
Policy 4B.6 Sustainable design and construction  
Policy 4B.7 Respect local context and communities  
Policy 4B.8 Tall buildings – location  
Policy 4B.9 Large-scale buildings – design and impact  
Policy 4B.14 Archaeology

Policy 4B.15 London View Protection Framework  
Policy 4B.17 Assessing development impact on designated views  
Policy 4C.6 Flood plains  
Policy 4C.7 Flood defences  
Policy 4C.8 Sustainable drainage  
Policy 5B.1 The strategic priorities for Central London  
Policy 5B.2 Development in the Central Activities Zone  
Policy 5B.4 Opportunity Areas in Central London  
Policy 6A.4 Priorities in planning obligations  
Policy 6A.5 Planning obligations

19 Supplementary Planning Documents, Planning Policy Guidance [PPG] and Planning Policy Statements [PPS]

PPS 1: Planning for Sustainable Communities  
PPS 3: Housing  
PPG 13: Transport  
PPG16: Archaeology and Planning  
PPS 22: Renewable Energy  
PPS 23: Planning and Pollution Control  
PPS 25: Development and Flood Risk  
SPG: London View Management Framework  
SPG: Sustainable Design and Construction  
SPG: Providing for Children and Young People's Play and Informal Recreation  
SPG: Planning for Equality and Diversity  
SPG: Accessible London: Achieving an Inclusive Environment  
Circular 05/2005 Planning Obligations 2005  
Southwark SPD: Sustainable Design and Construction (draft)  
Southwark SPD: Residential Design Standards SPD  
Southwark SPD: S106 Planning Obligations  
Southwark SPD: Sustainable Transport  
Southwark SPD: Affordable Housing

**Consultations**

- 20 Site Notices: 14 October 2008  
Press Notice: 09 October 2008  
Neighbour Letters: 09 October 2008
- 21 Internal Consulters: Elephant and Castle Special Projects; Access Officer; Archaeology Officer; Policy Team; Environmental Health Team; Transport Group; Waste Management.
- 22 Statutory and Non-statutory Consultees: Environment Agency; English Heritage; Greater London Authority (GLA); London Fire and Emergency Planning Authority (LFEPA); Network Rail; Transport for London (TfL); London Underground; Thameslink 2000; Thames Water; City of Westminster; London Borough of Lambeth; Metropolitan Police; CABE; Royal Parks. The University of the Arts were consulted directly by the applicant in relation to the student accommodation.
- 23 Neighbour Consultees: The following properties were consulted:  
Smeaton Court, Arch Street  
Smeaton Court, 50 Rockingham Street  
Hannibal House Elephant and Castle  
Metro Central Heights 119 Newington Causeway  
15 Elephant and Castle  
LT Station Elephant and Castle  
Arches 104-105 New Kent Road

26, 28, 30, 32, 34, 81, 83, 100 New Kent Road  
 Railway Arches 1,2,3,4,5,6, 109 – 113, 113c, 119, 122 Elephant Road  
 109, 110, 111-113, 127 Elephant Road  
 Elephant and Castle Station Elephant Road  
 1-8 Farrell Court Elephant Road  
 143 Eagle Yard 88 Walworth Road  
 2,4, 6 Hampton Street  
 80-82, 84, 86, 88, 90, 92, 92A, 94-96, Walworth Road 10 – 20  
 Hampton House Hampton Street  
 125 Newington Causeway  
 Alexander Fleming House, Newington Causeway  
 145 Eagle Yard 88 Walworth Road  
 Store, Lower Ground floor Smeaton Court Rockingham Street  
 Rear of Metro Central  
 1-16 St Matthews Court Meadow Row  
 Site adjacent to St Mathews Church, New Kent Road  
 The Rectory, Meadow Row  
 St Mathews Vicarage, Meadow Row  
 St Mathews Church, New Kent Road  
 1,2,9 Elephant and Castle Newington Causeway  
 Hand in Hand Meadow Row  
 56-86, 88-98, 100-108 (evens) Rockingham Street  
 1- 99 Albert Barnes House New Kent Road 1-40  
 1- 242 Ashenden Deacon Way  
 1- 216 Claydon Deacon Way  
 1- 48 Chearsley Deacon Way  
 1 Deacon Way  
 1- 80 Cuddington Deacon Way  
 3-9, 30-36 Risborough Deacon Way  
 29 Marston, Deacon Way  
 All units- Elephant and Castle Shopping Centre

## **Consultation Replies**

### **Internal Consultees**

#### **24 Elephant and Castle Special Projects:**

- Maintaining development momentum in the form of this scheme and others such as the former London Park Hotel represents the best means of maintaining resident and market confidence in the Elephant and Castle regeneration during the economic downturn. The site is adjacent to the Heygate Estate and represents the first phase of redevelopment of the core area.
- The implementation of the scheme will represent a very visible statement of the council's continued commitment to the redevelopment of the area. In addition the project will bring forward a number of early benefits for the area including the provision of a cinema, the market square, retail units [which under the terms of the s106 agreement will continue to be available to independent traders within the E & C shopping centre] and an enlarged basement for servicing of the wider redevelopment area. The close proximity of the site to the Coronet Theatre together with the proposed new cinema creates potentially strong relationships that will increase the areas leisure offer and encourage the development of the evening economy.
- Following election of a new Mayor and ongoing review of London Transport commitments the tram project is at risk and there will be no certainty until early

2009 and it is therefore likely that at this time TfL will wish to see the retention of space for the project in this scheme.

- The student housing will support the University of the Arts' expansion plans and will assist a project objective of bringing more of the 'life' of the universities into the centre of the Elephant.
- The scheme will not include any affordable on site [as per the consented development] and the applicant has indicated that an in lieu payment is no longer be possible due to the declining viability of the scheme. Throughout the various versions of the project we have agreed there are site specific reasons why this project should not be required to meet normal affordable housing requirements. The SPG requires a large basement for servicing of the wider scheme and the considerable costs associated with this have been accepted as off setting the need to provide the usual S106 requirements. It remains the view of the E&C team and the Lend Lease masterplanning team that the basement structure is still required at this location and this needs to be borne in mind when the S106 requirements are assessed.

- 25 Access Officer: no response received however no objections were outstanding in relation to the previous application. All units meet Lifetime Homes Standards, 10% suitable for wheelchair users. All student accommodation accessible by wheelchairs, 1% to be constructed to wheelchair occupant standards and 4% designed as convertible should the requirement arise.
- 26 Archaeology Officer: The site stands adjacent to the Kennington Road and Elephant and Castle Archaeological Priority Zone. As a double basement is proposed for much of the area it will be impossible for the foundations to be redesigned to preserve archaeological remains. The applicants have completed part of the evaluation proposed by their appointed archaeologists on site. Currently there is a large mound of broken concrete obscuring the location of the agreed second area of trenching. The proposed changes to the building have not altered its impact upon buried archaeological remains. Recommend that the same archaeological conditions are applied to this development to secure the level of investigation and mitigation of impact that the proposal warrants. These recommendations are both reasonable and necessary to provide properly for the likely archaeological implications in line with Southwark plan policies 3.15 and 3.19 and PPG16.
- 27 Policy Team: The principle of this land use has already been accepted in the previous two applications 07-AP-1449 and 07-AP-1448. The local need for student accommodation (policy 4.7) must be demonstrated through agreed links with a local user. The applicant needs to demonstrate that the university/college will be leasing/buying the student accommodation. Density is considered acceptable due to its designation as a site appropriate for a tall buildings and its location in an area of high public transport and provided the development provides an example of exemplary design with an excellent standard of living accommodation and provides significant improvements to the local area in line with policy 4.1. There are no policy objections subject to the revised, increased S106 being acceptable and an agreement to sign up to MUSCo being received. All other elements have been previously discussed and agreed so no new issues have been raised.
- 28 Environmental Health: No further comments received however previous comments remain relevant: Conditions are recommended for internal ambient noise levels, vibration, sound insulation between commercial and residential units and plant noise. A scheme to protect future occupiers from the poor air quality in the area will be required by condition. A construction management strategy will be required by



condition.

29 Transport Group: Although formed as a separate application, this is an amendment to an approved scheme. As such, have only dealt with the revised/amended issues and not those previously approved. Previous comments still apply.

- Vehicle, pedestrian and disabled access and sightlines/ visibility Splays: acceptable. Proposed vehicle access is from New Kent Road.
- Parking: 42 car parking spaces proposed, but use of all spaces not clear (ES states 37 disabled, 3 disabled preference, 2 commercial and previous application had these spaces as available for purchase). A number of designated bays are substandard and would not be suitable for disabled drivers or passengers. 5 of the 9 motorcycle bays appear to have been located in inappropriate locations. An investigation into the provision of a car club scheme would be welcomed. A Travel Plan should have been included. *Officer Comment: The applicant has previously indicated they will pursue the introduction of a car club scheme with car club operators. Amended plans have allowed for the relocation of motorcycle spaces. The applicant has indicated that the disabled spaces meet requirements. A condition has been included to ensure this and the submission of a travel plan and investigation of a car club.*
- Cycle parking is below council's minimum standards. An increase in provision in the public areas would be welcomed. No information has been supplied as to where visitors are to park their cycles. Off street cycle lane in Elephant Road will be lost under the proposals. *Officer Comment: Revised plans introduce visitor cycle parking at ground floor level which meets required standards. Applicant previously advised that an on street cycle lane will be available following implementation, but if the Cross River Tram is introduced along Elephant Road, the cycle lane will need to be redirected by TfL.*

30 Waste Management: Provision of suitable waste storage facilities within the development should be possible given available basement space. However, as there are a number of issues that require clarification, a condition similar to that attached to the existing planning permission should be imposed. There appears to be no mention of separating commercial and residential waste (and the recyclates generated by each), frequencies of collection, how waste generation estimates were calculated, which should use the formula sent out in BS5906.

### **Statutory and Non-statutory Consultees**

31 Environment Agency: No response received. Previous conditions applied.

32 English Heritage: Do not wish to offer any comments.

33 Greater London Authority (GLA) Stage 1 Report: The Mayor has concluded that the proposal will support and enable the ongoing regeneration of the Elephant and Castle and would deliver the land uses and infrastructure consistent with the development framework. The absence of affordable housing provision is inconsistent with strategic planning policy and is not justified by the exceptional costs arising from other planning obligations. The design is broadly in accordance with the parameters of the development framework and London plan policies. The scheme would facilitate inclusive access subject to the provision of additional information on wheelchair housing. The proposal is inconsistent with climate change adaptation and mitigation policies of the London plan. The transport proposals are consistent with the London Plan subject to relevant measures being secured in the s106. The Mayor considers that the application does not comply

with the London plan, for the reasons set out above, but that the possible remedies could address these deficiencies. Those aspects that are inconsistent with strategic planning policy must be addressed prior to the application being referred back to the Mayor.

- 34 London Fire and Emergency Planning Authority: Suitable brigade access and water supplies should be provided.
- 35 Network Rail: The proposed development will not impact on the Thameslink Order works which will take place in this area.
- 36 Transport for London (TfL): Comments received via GLA response: TfL was fully involved in negotiations on the previous applications. The proposal would not result in a significant material change in terms of strategic transport. A copy of the draft s106 agreement should be provided to TfL for review. Cross River Tram: Following recent concerns about the continued support of the Mayor about the Cross River Tram, the TfL have advised: The Mayor's business plan announcement included reference to a number of projects including the phasing of the Transit programme which included the Cross River Tram. The Mayor stated in the business plan that TfL undertake a wider review as part of the sub-regional analysis, working with boroughs, to assess the potential for future options, alternatives and opportunities for external funding. At this stage it would be premature to simply abandon the S106 position previously agreed which included engineering requirements in order to safeguard CRT as part of this application. Therefore TfL would advise against a changes to the S106 which resulted in the removal of adequate safeguarding.
- 37 London Underground: No response received however on the previous application it was confirmed that LUL engineers are discussing the scheme with the application to ensure safety of Bakerloo Line tunnels.
- 38 Thameslink 2000: No response received.
- 39 Thames Water: No response received.
- 40 Metropolitan Police: No issues.
- 41 City of Westminster: No response received.
- 42 London Borough of Lambeth: Raise no objection.
- 43 Commission for Architecture and the Built Environment: Due to resources, unable to comment.
- 44 Royal Parks: No response received.
- 45 Liberty Living: Confirm approach to entering into a letting arrangement for the student accommodation in the North Tower of Oakmayne Plaza. Both King's College London and University of the Arts have expressed an interest in taking space. No contracts exchanged but delivery probably by 2012. Agreements vary but conventionally assume 3-10 year term on a fixed market price for student accommodation relevant to the location.
- 46 University of the Arts: No updated response received however previous comments remain relevant: The University of the Arts have one of the lowest provisions of accommodation of all the Universities in London. Objective is to increase from 1750 to 4000 beds by 2010. Applications for existing accommodation 100% oversubscribed. Every year 2000 students seeking University accommodation have

to look for housing in private sector and welcome any development which allows us to satisfy this group. Especially keen to increase provision in areas close to teaching sites- this development fulfils this criterion. Given the additional facilities part of the development- retail, leisure, environmental and transport improvements, the regeneration of this area and the expected type and standard of accommodation, the development would be of great interest and a welcome addition to our portfolio. Fully support in principle the scheme.

### **Neighbour Consultees**

- 47 5 submissions were received, the main points of which are set out below:
- 72 Metro Central Heights- On balance support the application as it will contribute significantly to the Elephant and Castle area by contributing to improved local facilities and improving overall appearance of the area.
  - 82 Albert Barnes House- support application, its a great idea, loves the proposals, having seen the plans for the E & C area, will help where I can;
  - 91 Metro Central Heights- no objection to buildings depicted, in general welcome the development as having potential to improve public amenities of the area. Retail outlets should not generate nuisances at night (anti-social behaviour and noise); E & C doesn't need more nightclubs/pubs. Welcome 577 cycle spaces and only 42 parking spaces. Developer should not increase parking provision by stealth at later stage. Units should be marketed as car-free. 243 student rooms should not need parking. Residential should not expect to run a car in such a location, exceptionally high public transport provision. Council to be involved in how parking spaces are used, should be some for car clubs, some for retail businesses (not customers), none for private residential unless separate from ownership cost. Design and Construction should be in line with latest low-carbon sustainability standards.
- 48
- Smeaton Court (no house number supplied)- object to the application, the plans are not within fabric of surrounding area, enough noise already in E & C, especially Coronet Nightclub functions, What type of retail units are proposed. We know the cinema will become another nightclub for jobs which will cause noise problems again for residents, we know our opinions don't count;
  - 104 Rodney Rd- object to the application as it will cause an immense traffic nightmare within the already congested local roads. Currently traffic crawls along New Kent and surrounding roads. Huge development will deny the choice to those who want to shop locally. It will bring a slow death to local businesses as development will have cloned type shops. Only multi-national chain stores will afford the high rent. E & C is densely populated area and huge development of this kind is not accepted. Try putting lots of people in a small room and see what happens. Putting more people in the area will cause immense pressure on local authority services.

## **PLANNING CONSIDERATIONS**

### **Principle of the Development**

- 49 The application site is located within the Central Activities Zone, Central London Sub-region, the Elephant and Castle Opportunity Area and Transport Development Area. The overall spatial strategy for development in London identifies further development in the Central Activities Zone (London Plan policies 5B.1 and 5B.2), and associated Opportunity Areas (policies 2A.2 and 5B.4) as a means by which

new homes and employment can be accommodated. London plan policy 4B.1 requires development to maximise the potential of sites, create or enhance the public realm, provide or enhance a mix of uses, respect local context, character and communities and be sustainable. Policy 4B.3 and 4B.4 deal respectively with maximising the potential of sites and enhancing the quality of the public realm.

- 50 Southwark Plan Section 8.2 and policy 6.1 provide a borough context including objectives for the Elephant and Castle Opportunity Area. The Elephant and Castle SPG adopted in February 2004 identifies a core site (39P) which is subject to comprehensive redevelopment. The application site is located within this core site. The framework anticipates that the area will be redeveloped in the form of a dense mixed use town centre based around an open network of public routes and open spaces where movement and access is catered for through an enhanced public transport interchange. The SPG requires that the development include the laying out of a market square and provide access for the adjoining future shopping centre at basement level as well as safeguarding any land that may be required for transport investment such as the Cross River Tram. In these respects the proposed development is considered to be wholly consistent with the master plan concept and the general pattern of land uses contained in the development framework. There is a consistent and established planning policy objective of regenerating the area and as such the principle of the proposed development is considered acceptable. Further to this, the principle of a mixed use development on the site has already been established by reason of the extant planning permission.
- 51 Policy 4B.8 of the London Plan promotes the development of tall buildings where they: create attractive landmarks which enhance London's character; support economic clusters of activity; act as a catalyst for regeneration; and are acceptable in terms of design and impact on their surroundings. Southwark Plan Policy 3.20 considers that tall buildings may be appropriate in Opportunity Areas provided they are not located within viewing corridors and benefit from excellent public transport accessibility. CABE and English Heritage 'Guidance on Tall Buildings' recognises that, in the right place, tall buildings can make positive contributions to city life...acting as beacons of regeneration, and sets out a number of criteria for assessment of tall buildings. To be acceptable, tall buildings should be in an appropriate location, be of first-class design quality and should enhance the qualities of its immediate location and setting whilst producing more benefits than costs to the lives of those affected by it.
- 52 The Elephant and Castle SPG identifies a Core and Secondary Cluster where the tallest buildings are encouraged to be located. The site is located on the periphery of the Secondary Cluster with notional illustrative building heights for the site indicating that buildings should step up from south to north from 14 to 29m. Given the site's central location, high levels of accessibility and quality of architecture proposed, the development is considered to be an acceptable location for a tall building and will represent an appropriate transition from the core area to the secondary cluster and beyond.
- 53 Residential Use: The provision of residential units within this location would be consistent with the requirements of the London Plan and PPS3: Housing, which seek new housing development that will support economic growth and offer a range of housing choices to meet the demand of the various user groups. The Development Framework for the Elephant and Castle identifies appropriate land uses for individual sites within the Opportunity Area and considers the application site as suitable for residential uses at upper floor levels. The site is highly accessible and is considered a suitable location for a high density mixed use scheme. As such, the provision of a residential use is considered acceptable.

- 54 Student Use: Policy 3A.4 of The London plan seeks to ensure that new developments offer a full range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups including students. Southwark plan policy 4.7 relates to non self-contained housing for identified user groups. The local need for student accommodation must be demonstrated through agreed links with a local user, through demonstration that a university/college will be leasing or buying the student accommodation and it must be shown to be affordable in order to meet the needs of this specific user group. In support of the application, Liberty Living have confirmed in writing that they will be entering into a letting arrangement for the student accommodation within the scheme. Liberty Living advise that both King's College London and the University of the Arts have expressed an interest in taking space in the development which would be offered on affordable terms, generally a 3-10 (but up to 20) year lease term, priced at a market rate similar to existing halls of residence in Southwark of comparable quality.
- 55 Locating the student accommodation within the Elephant and Castle core area will contribute towards the vitality and viability of the area by increasing pedestrian activity throughout the day and night and a student population should complement the proposed leisure uses within the scheme, such as the retail facilities and cinema. The site is located within a highly accessible area with a range of transport choices, and the standard of accommodation proposed is satisfactory. Furthermore, evidence of local need has been provided. The inclusion of student accommodation within the scheme is considered acceptable and is consistent with the extant planning permission.
- 56 Crèche: An additional inclusion within the current scheme that was not previously provided is a crèche. This facility will be of a generous size and includes direct access to a balcony and outdoor terrace for their exclusive use. It is considered that the use is in compliance with London plan policy 3A.18 (enhancement of social infrastructure and community facilities) and Southwark plan policy 2.2 (provision of new community facilities).
- 57 Retail, Cinema and Restaurants: The London plan sets out the Mayor's strategic objectives for the viability and vitality of town centres and states that it is critical for town centres to develop strategies that provide for a full range of town centre functions including retail, leisure, employment services and community facilities whilst seeking to sustain and enhance the vitality and viability of these centres including maximising housing provision through high density, mixed use developments and environmental improvements. Policy SD.4 recognises that evening and night time entertainment activities should be encouraged in town centres should be easily accessible by public transport and accessible to all members of the local community. PPS6: 'Planning for Town Centres' supports high-density, multi-storey mixed-use developments within town centres and Southwark Plan Policy 1.8 supports retail and other town centre uses such as cinemas and restaurants as long they are accommodated within town centres. The Elephant and Castle is identified as a major town centre and opportunity area and proposes a significant amount of retail space which will be available to transferring local businesses from the Elephant and Castle Shopping Centre, re-providing for their needs in advance of demolition of the shopping centre at the heart of the new area. The proposed uses would create active frontages on and around the site and a range of unit size will support a diversity of retail provision. The principle of these uses is considered acceptable.

### **Mix, Density and Layout**

- 58 The site is located within the 'Central Activities Zone', which attracts a density range

of 650-1100 habitable rooms per hectare, though the Southwark Plan acknowledges that there will be sites where tall buildings are appropriate and densities may exceed these levels. The proposal consists of 373 units, an increase of 61 units from the previously approved scheme, though this includes the removal of 15 studio flats, and a reduction in the number of student rooms by 4. The proposed residential mix comprises 37x 3-bed flats (9.9%), 190x 2-bed flats (51%) and 146x 1-bed flats (39.1%), with 243 student rooms. The scheme provides 61% (previously 49.7%) of the total number of units as 2 bedrooms or more, which is considered to meet the requirements of policy 4.3 of the Southwark Plan, despite the provision of 3 beds marginally below the required 10%.

- 59 The density calculation must include a percentage of the non-residential area in the calculation which in this instance (retail, cinema and restaurants) is 6994sq.m equating to 254 habitable rooms. The estimated total number of habitable rooms within the scheme is 1507 (243 student rooms, 1010 residential, 254 other) which, with a site area of 0.49ha, results in a density calculation of 3076 habitable rooms per hectare. This density calculation is consistent with the previous application, which had a density of 2559h.r.p.h, and does not include the area of market square. The applicant believes the market square, which has the scheme basement underneath and directly adjoins the site, should form part of the density calculation. This would raise the site area to 0.63ha, resulting in a density of 2392h.r.p.h.
- 60 Regardless of the calculation, it is clear that the scheme represents a very high density proposal significantly higher than the guidance maximum of 1100h.r.p.h. There is no in-principle objection to higher density development within the central activities zone, particularly in areas with high public transport accessibility levels. Higher densities can be accepted where a development exhibits an exemplary standard of design with an excellent standard of living accommodation which should involve exceeding residential design standards wherever possible.
- 61 The Southwark Residential Design SPD sets out minimum floor areas for different sized dwellings, including minimum room sizes. All unit within the scheme meet minimum unit sizes, with a large number exceeding the minimum standard. However, individual rooms sizes (mainly the open plan living rooms) do not always comply due to space distribution within the flats.
- 62 The 1 bed flats range in size from 45-50sq.m (the majority above minimum size at 49-50sq.m). The 2 bed flats range from 60-70 sq.m, with most exceeding 65sq.m. Living areas and bedrooms meet minimum space standards and in most cases main bedrooms include an ensuite. The 3 bed units range from 78-106sq.m, and also incorporate open plan living areas that are generally designed to allow for separation of kitchens from living rooms should a future occupier desire it. On this basis the residential layouts are considered to be substantially in accordance with London Plan policies 3A.6, 4B.1 and 4B.10, Southwark plan policies 3.11, 3.12, 3.13, 4.2 and 7.4 and the Residential Design SPD and will offer good standards of accommodation.
- 63 Wheelchair units are provided within the west tower, with a mixture of 1, 2 and 3 bed units with dual lift access distributed throughout the building across all floors. A total of 38 units, or 10%, are provided (18x 1 and 2 beds and 2x 3 bed).
- 64 The north building contains the student accommodation which comprises:
- Level 01- 7 standard sized 'twin' rooms (approx. 16sq.m), a wheelchair accessible studio (approx. 26.5sq.m), a manager's office, laundry room and a large communal lounge/kitchen area;
  - Levels 02-06- per floor- 11 standard sized 'twin' rooms, 1 double room (approximately 17sq.m), 2 accessible studio flats (approx. 26.5 and 36sq.m),

- and 2 communal lounge/kitchen areas;
  - Levels 07-09- as per levels 2-6 but with 2 additional 'twin' rooms in lieu of an accessible studios;
  - Levels 10-17- per floor- 14 'studio' rooms of various sizes, some larger 'deluxe studio' rooms;
  - Level 18- 8 'deluxe studio' rooms, each with direct access to an outdoor terrace area. The applicant suggests that these may be suited to post-graduate and Doctorate students.
- 65 The Residential Design SPD sets out amenity space standards and advises that it is particularly important for family housing in order to provide a safe outdoor area for children to play in. It can take the form of private gardens, balconies, terraces and roof gardens. There should be 50sq.m of communal amenity space per development, plus 10sq.m per unit, though for smaller units a reduced amount (minimum 3sq.m balconies) is acceptable where the shortfall is added to the overall communal provision. London plan policy 3D.13 advises that “..Boroughs should ensure developments that include housing make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.” Based on the Southwark Residential Design SPD, the scheme is likely to generate around 39 child bed spaces equating to 390sq.m of playspace.
- 66 Each residential apartment will be provided with at least one balcony and the scheme incorporates a variety of external recreation spaces. The south tower provides balconies ranging from 3.5sq.m upwards, with the three bedroom flats, located on the upper floors, containing large terraces a minimum of 16sq.m. Most balconies within the west tower are a minimum 3.5-4sq.m and the three bedroom units have balconies meeting the 10sq.m requirement. In addition, the west tower contains 45sq.m double height winter gardens on levels 13, 15 and 17, with expansive windows, planters and seating for residents use. These areas represent a new amenity provision that was not included in the previous scheme.
- 67 The largest shared community space comprises a garden/ square over the roof of the podium space, central to the three buildings, which is estimated to be around 755sq.m. This upper terrace will combine paved pathways amongst lawns and trees, with a planted buffer zone between public and private areas adjacent to residences on the lower floors of the towers. Whilst the buffer areas have been incorporated, careful consideration of the detailed design of these buffers to ensure privacy is maintained to units beyond them will be required via a condition. Immediately below the communal garden is a second terrace containing a children's active playspace of around 210sq.m which would adequately address the needs of young children and the larger communal space on the upper podium is readily accessible for older children.
- 68 The market square also offers its own sense of space and will provide residents with another albeit public amenity area. Broad steps and a fully accessible ramp lead from the market area to the restaurants and retail units at ground and upper ground floors, and restaurants fronting the market square incorporate balconies and terraces for views across the market square. Amenity space provided within the development, combined with other existing and future planned open space within the area, would provide an adequate level of amenity space to the residential component of the proposed development and is considered acceptable in the context of its town centre location in compliance with London Plan policies 3A.6, 3D.13, 4B.10, Southwark Plan policies 3.2, 3.11, 3.12, 3.13 and 4.2 and Residential Design SPD.
- 69 In conclusion, the scheme represents a balanced and sustainable mix of

accommodation as required by policy and is acceptable in this regard. The height and density of this development is justified by the location and to some extent the quality of the design; however the high density should also be justified by an exemplary quality of internal design. There have been some improvements with fewer single aspect flats and concerns raised by design officers about loss of natural light to circulation spaces is balanced by the provision of larger units that meet or exceed space standards. All units incorporate design features to meet Lifetime Homes standards and 10% of the units will be wheelchair accessible.

- 70 In light of both national and local policy guidance, in particular London Plan policy 4B.3 and Southwark Plan policy 3.11, which seek to maximise the potential of sites and the efficient use of land where a positive impact on local character and good design are achieved, it is considered that a high density scheme is appropriate for this town centre location and whilst the density has been increased further from the previously approved scheme, any adverse impacts resulting from this higher density level are not considered so significant as to warrant refusal.

### **Affordable Housing Provision**

- 71 London plan policy 3A.10 requires local planning authorities to seek the maximum reasonable amount of affordable housing when negotiating schemes. The Elephant and Castle Development Framework and Policy 4.4 of the Southwark plan outlines the requirements for affordable housing provision in the Elephant and Castle Opportunity Area, requiring the provision of 35% affordable housing on a 50:50 split between social rented and intermediate housing in this location. The Development Framework acknowledges that the large infrastructure investment required at Elephant and Castle may necessitate the redirection of Section 106 contributions away from housing and into transport and other public realm works, and that the precise levels of affordable housing should be considered on a site by site basis.
- 72 The London plan requires that affordable housing should normally be delivered on-site (Housing Supplementary Guidance, Nov 2005) and where on-site affordable housing is not possible, a sequential test should be followed, with off-site provision to be considered under exceptional circumstances and prior to an in lieu payment being made. As the site is located within the Elephant and Castle Core Area, the Council would seek any off-site provision or in-lieu payment to be directed towards the core area.
- 73 A number of exceptional circumstances apply to this application. The following circumstances were accepted by the council as part of the previous planning permission, and secured by the s106 agreement:
- accommodating the vehicular service ramp to provide future vehicle service links through the enlarged basement service yard to the shopping centre redevelopment and as necessary to other commercial premises to comprise the Elephant and Castle Regeneration Area;
  - the potential for the use of the service yard by vehicles servicing the redeveloped shopping centre;
  - accommodating pedestrian access ways which preserve the safeguarding route of the Cross River Tram route as well as strengthening the ground structure to accommodate the Tram;
  - providing a range of commercial uses to ensure scheme viability and vibrancy whilst minimising the number of cores that are brought to ground floor level;
  - provision of a large market square with potential for multi-functional activity.
- 74 On the 2008 approved scheme, a Section 106 offer of £2,000,000 was agreed, of which an off-site commuted payment of £1,546,000 was allocated towards bringing forward the Early Housing sites which would assist in the decanting of the Heygate



Estate. At the time, the council's valuers suggested that the negative effect of on-site social rented housing on the end values of the private units could in this case render the scheme financially unviable and that the only financially practical on-site affordable housing would be intermediate housing. The need to provide a separate core and entrance for the affordable units in order to negate the management and cost implications of a shared core on the RSL would reduce the overall retail provision within the scheme which wouldn't support the planning objective of creating a strong and continuous retail frontage at the base of the towers.

75 As part of the current (revised) scheme, the developer submitted a financial appraisal using the GLA 3 Dragons Toolkit to support their argument that due to the increase in the exceptional development costs (see paragraph 73 above) it is no longer possible for the scheme to provide an in lieu payment for affordable housing. There has been a sustained and considerable downturn in the property market since October 2007 and the current application is a reflection of this downturn, incorporating the following significant changes:

- An uplift of 61 private residential units;
- No in lieu payment for affordable housing;
- A toolkit compliant section 106 offer less the exceptional development costs;
- An increase in exceptional development costs to £12,520,000 (from £10,500,000)

76 The scheme has undergone a thorough appraisal by the council's valuers to assess the capacity of the application to make contributions. The valuers have confirmed that given the increase in the cost of providing the agreed public space improvements / exceptional development costs, which are of benefit to the wider Elephant and Castle area, coupled with the downturn in the property market, it is not possible for the revised scheme to support the previous offer of an in lieu payment for affordable housing provision. Further, it is not possible to show that the value from the additional 61 private residential units produces any additional value from which the scheme could support either on site affordable housing or an in lieu payment. The developer has however agreed to provide a S106 SPD compliant contribution of £1,511,329. Full details of the Section 106 offer is provided at paragraphs 102-107.

## **Design**

77 Policy 3.12 of the Southwark plan seeks to ensure that a high standard of architecture and design are achieved in order to create high amenity environments. Policy 3.13 requires that the principles of good urban design are considered, in terms of context, height, scale, massing, layout, streetscape, landscaping and inclusive design. Policy 4.2 requires that residential development achieve good quality living conditions within the development.

78 The revised scheme has resulted in some significant internal and external amendments which vary in detail and character from either of two previously approved schemes. Design Officers have raised concerns that some of the most important features the contributed to the quality of the original concept have been completely changed.

79 The development was conceived in four parts combining three towers and a pedestal. The character of the consented development, its plan and its elevation was very much dependent on the relationship between the three towers which form a group in which the massing and form of each block respond sensitively to that of its two neighbours, thereby complementing each other. The articulation and less rectilinear elements of each of the tower blocks have been simplified in the current

design in order to reduce costs. Some other alterations to the scheme compensate for this to some extent. All three of the towers have had major changes to their external appearance which has enabled improvements to internal legibility and some improvement to the external appearance.

- 80 At ground floor level, the consented pedestal design created open terraces which progress in a succession of small piazzas down to the main open market area. This was an important feature of the design which the proposed scheme departs from. The revised scheme has a pedestal that is a more independent structure, being separated from the market square by a colonnade that supports a large canopy which extends the roof level continuously to the boundary of the development. Whilst it could be considered that the revised pedestal does not engage as well with the market area, it does provide a stronger architectural facade onto the townscape and gives a more clearly defined architectural statement to the pedestal. This allows it to more successfully form a unified base for the towers and present a clearer entrance facade onto the market place. The alterations to this part of the scheme have been controversial but the majority of the design team and the Design Review Panel felt that this aspect of the revised scheme would be an improvement to the original approval.
- 81 Changes to the elevations of the North Tower, housing the student accommodation, will result some improvement to the views along New Kent Road from the east when approaching the Elephant and Castle centre. The north tower especially has benefited from the amendment to the position of a stairwell, giving the north east corner a stronger marker to the New Kent Road approach to Elephant and Castle, which offers more interest in what will be a prominent feature. This elevation has also been enhanced through the inclusion of coloured fins on the facade, and these changes should have a positive impact on its appearance.
- 82 The South Tower has a changed plan form and elevations. As consented, this tower was the most compact and complex in its plan form. It had an elegant elevation and articulation that clearly defined the building in two parts to the east and west with angled external and horizontal faces. The current proposals see the height of this tower increased in height to 15 storeys (63.10m AOD) above podium level (previously 14 and 59.85m AOD) which equates to one additional floor. The height differential in the overall massing of the three towers has been somewhat eroded by the increase in height, however it is difficult to argue refusal of the scheme on this basis as this forms the lowest of the three towers and has no implications in terms of views or overshadowing. The current design of the south face of the tower sees the removal of a centrally located setback (a cut back from the main facade to the glazed wall of the internal circulation space), and the slope from the vertical of one of the faces into the setback has been lost with the whole elevation being more flush to a single building line.
- 83 The West Tower has the most prominent impact on views from the Elephant and Castle and its west facade is the most important of the elevations. The consented facade included a terracotta clad carapace that gave it a striking and distinctive appearance. The revised proposal changes this feature, replacing the carapace with a framework of louvers and screens of similar terracotta colour which will make a radical difference to the appearance of this building, though not necessarily a detrimental one, subject to detailed material specifications of these elements. The proposal shows metal as the material used and again specifications including the gauge of the metal panels, the colour of the paintwork and the method of fixing the structure will be required, and these will be sought via condition.
- 84 The materials to be used in the revised proposal have undergone a number of changes and some may represent an improvement to the scheme such as the

stone cladding which could give more solidity to the south tower. Other materials will need to be submitted to ensure build quality as well as the quality of the materials themselves. For example aluminium will form the surfaces of square sections of the external structure on the west face of the west building. A heavy gauge material, detailed at its junctions, will be essential to avoid this part of the building appearing cheap or lightweight. The material details of the western façade of the West Tower are especially important, because if these are satisfactory then the distinctive design of the revised proposal should provide a high quality and well presented face to the building onto the Elephant and Castle, and a condition will be used to secure full details.

85 The Design Review Panel reviewed the original scheme which was considered to be of a significant scale, with the potential to be an iconic building which would create a dramatic addition to this part of the Elephant and Castle. The revised scheme was taken back to the panel, who raised concerns about entrances and access points, how the commercial units relate to the public realm, the simplification of elevations and the importance of creating 3 distinct buildings. Much of the DRP criticism was due to the applicant's presentation which focussed on scheme amendments rather than the scheme as a whole, which negated a full understanding of the proposals. In response to the DRP, the applicant made further amendments to the scheme which included:

- enhancing the podium design, in particular entrances to the residential units;
- improving the active frontages on all the sides of the development;
- providing more detail on amenity space for the development;
- illustrating the structure, framing and materials of the finishes to give each building its distinct identity.

86 The proposal constitutes a significant increase in density and offers some improvements to the design quality, such as the elevations on the North Tower, with the potential for further improvements depending on the quality of material finish, for which detailed conditions will be included. Overall, the buildings will relate well to surrounding buildings, will address the street and will include a wide mix of uses as well as make provision for the implementation of the Elephant and Castle Masterplan. The active frontages and market square should combine to provide a vibrant public realm.

### **Impact on Strategic and Local Views and on the Character and Setting of a Listed Building, Conservation Area or World Heritage Site**

87 London plan policies 4B.15, 4B.16 and 4B.17 establish the principles under which London's views should be managed, considered in greater detail within the draft London View Management Framework SPG, which relates to the management of strategically important views (designated views). The Mayor's objective is 'to manage these designated views so as to secure their protection and enhancement, while avoiding providing unnecessary constraints over a broader area than that required to enjoy each view'. Policies 3.21 and 3.22 of the Southwark Plan seek to protect and enhance both local and strategic views. Policy 3.18 of the Southwark Plan requires that permission not be granted for developments that would not preserve or enhance the setting or views into or out of listed buildings, world heritage sites and conservation areas.

88 There are a number of onservation Areas (CAs) located in various proximities to the site. The closest are the West Square CA located approximately 450m to the west, the Trinity Church Square CA located approximately 410m northeast of the site, and Pullens Estate CA located some 460m to the southwest. The nearest listed structures to the site are the Michael Faraday Memorial, located 180m to the west in the Elephant and Castle roundabout, the Star and Cross Church located 170m to

the northeast, and a telephone kiosk located 110m to the east along New Kent Road. The western facade of the west tower would be clearly visible as a backdrop behind the memorial when seen from the northwest, however this should not have a detrimental impact on the setting as the distinctive use of materials on the Faraday Memorial will retain its prominence in the townscape, particularly due to its central location in the Elephant and Castle round-a-bout. Given overall height, scale and massing of the scheme buildings, combined with the distances from the above-mentioned areas, the proposals are not considered to detrimentally impact on the setting of a listed building or CA, and whilst being a significant development, will be acceptable in the context of local views.

- 89 The potential impact on views was considered within a Townscape and Visual Assessment submitted with the application, which includes a range of panoramas, river prospects, townscape and local views. Under the GLA's London View Management Framework, the site will be visible in the background of Designated Townscape View 23 from Serpentine Bridge to Westminster. Background development in this view must preserve or enhance the ability of the viewer to recognise and appreciate the strategically important landmark, that being the Palace of Westminster. The assessment criteria under the LVMF has been submitted which confirms that the proposed tower, whilst visible in the background of Townscape View 23, does not appear to harm the setting and will not dominate the view detrimentally and therefore the proposed development should not cause a harmful impact to the view. The GLA have concurred with this point.

### **Transport Issues**

- 90 The proposal is situated in close proximity to Elephant and Castle with its overland and underground rail lines and the area is well served by local buses. Accordingly, the site has a very high public transport accessibility rating (PTAL) of 6. The site falls within the congestion charging zone and all roads in the immediate vicinity of the site are within a controlled parking zone. Mainline rail services and London Underground services are easily accessible from the site using the Elephant and Castle Station. It is also intended that the Cross River Tram will pass within the vicinity of the site opening up further transport options. The scheme will assist in the safeguarding of the proposed route for the Cross River Tram.
- 91 Access and Servicing: Servicing and vehicular access to the underground car parking is via New Kent Road. The servicing and refuse collection would be undertaken in a dedicated underground servicing area at the lower basement level. The proposed development also has the potential to facilitate underground service access to the Elephant and Castle Shopping Centre should it be required. A condition will be required seeking a service management plan. Access remains in accordance with the extant planning permission and is considered acceptable.
- 92 Car Parking: London plan policy 3C.22 seeks to minimise parking provision with the only exception being disabled parking. Policy 5.7 of the Southwark plan requires that adequate parking for disabled people and the mobility impaired is provided. The Southwark plan states that for sites within the 'Central Activities Zone', where there is high accessibility to public transport, a maximum of 0.4 parking spaces, 0.25 in the Elephant and Castle SPG, per residential unit should be provided (i.e. 94 spaces). The maximum provision for Class A1 is 1 space per 1500sq.m GFA (i.e. 2 spaces). The development proposes 41 car parking spaces, of which 37 are disabled for residential and students, 2 for residential or student accommodation, 2 commercial spaces and 9 motorcycle spaces. In line with the previous applications, parking spaces within the scheme will be available for purchase, though it was agreed that some disabled spaces, which may not be affordable to all people requiring them, would be offered for free/ or at a discount, to ensure compliance

with the intent of Policy 5.7. Parking allocation will be sought via condition 24. Further to this, existing traffic orders would be amended to prevent future occupiers (excluding disabled occupiers) from obtaining parking permits.

- 93 Cycle Parking: The Southwark plan requires cycle parking at a rate of 1 cycle space per 250sq.m of A1 floorspace (i.e. 4 spaces) with no specific requirement for A3 floorspace. Within the central activities zone, residential cycle storage is required at a minimum of 1 space per unit plus 1 visitor space per 10 units (i.e. 373 residential spaces and 38 visitor spaces). There is no minimum requirement for student accommodation, however on recent schemes the TfL standard of 1 cycle space per 2 students has been applied (i.e. 176 spaces for 352 bedspaces). The basement incorporates 329 spaces for the west tower, 104 for the south tower (total 433 residential) and 120 for the north tower (student spaces). 48 commercial spaces are provided within the building at ground floor level, with 65 visitor spaces distributed across the site including the New Kent Road frontage and adjacent to the market square. The shortfall in student cycle parking will be addressed via a condition and can be achieved by reassigning 46 spaces for the west tower, bringing the north tower total to 166 spaces. Cycle parking is therefore considered to be acceptable.

### **Impact on Amenity of Neighbouring Residents and Occupiers**

- 94 London plan Policy 4B.9 requires that all large scale development should be sensitive to their impact on the microclimate in terms of sunlight, reflection, overshadowing and wind. London plan Policy 4B.9 requires that tall buildings be sensitive to their impact on the microclimate in terms of sunlight, reflection and overshadowing. Southwark plan Policy 3.2 relates to the protection of amenity, including disturbance from noise, to present and future occupiers in the surrounding area or on the application site.
- 95 Noise and Vibration: A detailed noise and vibration impact assessment was carried out, as required by PPG24, which advises that the site is subject to significant levels of noise, particularly from road and rail noise sources. No objection has been raised by the council's Noise and Air Quality Team in relation to the scheme, subject to the imposition of suitable conditions on any planning permission.
- 96 Sunlight/ Daylight: Given the plans for the future redevelopment of the Heygate Estate, the only property that may be impacted by the development is Albert Barnes House, a 15 storey residential block located on the opposite side of New Kent Road to the north. A Daylight and Sunlight Impact Assessment was submitted. The position in terms of impacts remain as per the previous scheme as the only increase in height is the southern building which is located furthest away from Albert Barnes House. The assessment indicates that there will be a slight reduction on the daylight and sunlight availability to Albert Barnes House and advises that Average Daylight Factor values exceed British Standards, with 'no skyline' results indicating a majority of rooms remain well lit. A reduction in existing sunlight levels will occur but a majority of rooms will retain sunlight levels far above BRE Guidelines though the lowest inset windows set under balcony projections would fall below BRE levels, which is likely to occur from any development along New Kent Road. Whilst certain deficiencies and impacts have been identified, it is important to give due consideration to the local context within which the site is located. In dense urban environments there will inevitably be some adverse impacts from a development of this scale, particularly on a site which is designated for high density development in a major town centre location. Further, within these built up environments the guidelines need to be applied more flexibly, and as such the impact is considered low and given the urban context, acceptable.

- 97 Wind: A detailed wind assessment was carried out to determine the impact the proposed buildings will have on wind conditions in the vicinity of the site. The report advises that the revised development would have a similar impact on existing wind levels experienced in some areas of the site, and the resultant wind conditions will be suitable for the intended pedestrian use of the site. Certain areas (particularly at podium level) may require some mitigation measures, for example screening and planting to the proposed seating areas on the garden terraces. Some mitigation measures will also be required for some standing/ entrance areas (such as the northwest corner of the site) via perimeter screening through increasing balustrade heights. Through introduction of the mitigation methods, the proposals will generate acceptable wind conditions.
- 98 TV and Radio: The Environmental Statement included an assessment on what effects the towers could have on broadcast radio, terrestrial television and satellite television signals. These operate at different transmission frequencies and possess different transmission wave properties. The effects of tall buildings (and other large structures) on signals are principally in the following ways: (a) Shadowing effects, where an area behind the structure is effectively screened from the transmitter preventing reception of the transmission or reducing signal strength; and (b) Ghosting effects, where the transmission signal is reflected and scattered by a conducting surface on the structure. Signals arrive at the receiver out of synchronisation with the 'direct' signal and create second ghost images on television pictures. In addition, like light, any electromagnetic signal can be reflected or diffracted around objects, particularly with low frequency radio transmissions. The assessment indicates that there should be no effect on radio broadcasts or mobile phone reception, but potentially some impact on television reception and signal levels to the north. All effects can be mitigated and as such any residual impact of the proposed scheme will be negligible. The mitigation measures to be included can be secured by a condition of any permission and/or planning obligation which would require appropriate surveys to be carried out before and after development to assess the likely impacts, and the appropriate measures needed to rectify any problems that occur.
- 99 Outlook and Privacy: Whilst the proposal includes three relatively tall buildings, there are no residential properties in close proximity (given that the Heygate Estate is due for future demolition) and as such no negative impact is expected in terms of outlook or privacy.

### **Flood Risk Assessment**

- 100 The site is located within flood zone 3a, however the site is protected by the Thames Barrier and related defences. A flood risk assessment has been submitted with the application which confirms that the site has the potential to be inundated in the event that the flood defences fail. The proposed scheme meets the Planning Policy Statement 25 sequential test. The site is located on previously developed land and there are strong sustainability reasons why the site should be redeveloped. It has good access to public transport and is capable of providing housing on a site which currently has none. At the time of writing the report no response had been received from the EA, however on the previously approved scheme the EA confirmed they had no objection to the proposal on the basis that details of a flood evacuation/ safe refuge plan and a scheme for surface water drainage and control measures be submitted to the Local Planning Authority for approval, to be secured by condition. The proposal is therefore considered consistent with Planning Policy Statement 25.

### **Planning Obligations [S106 Agreement]**

- 101 Planning obligations are intended to offset the negative impacts of a development. As outlined within the Affordable Housing section of this report, a full financial viability appraisal was submitted to assess the capability of the scheme to comply with s106 planning obligation requirements. The primary S106 objective for this site when the first application was proposed in 2005 was to secure infrastructure investment in the form of an expansive basement to enable the development capacity of the core area to be fully realised through provision of a link through to the shopping centre and protection and safeguarding of the Cross River Tram route. This, along with the other benefits such as MUSCo connection, wind turbine trials and market square provision, left little capacity within the scheme to make additional contributions towards S106 or the on-site provision of affordable housing.
- 102 The more recently approved 2008 scheme included a S106 offer of £2,000,000, of which an off-site commuted payment of £1,546,000 was allocated towards affordable housing with the remaining £454,000 allocated as set out below. This offer was based on the previous 2005 offer rather than in response to the updated Section 106 Planning Obligations SPD and did not include key contributions towards health or adequate provision for workplace co-ordinators:
- Education Contribution- £101,000;
  - Public Open Space- £30,000 (already paid);
  - Archaeology Contribution- £5000 for evaluation works (already paid);
  - Public Transport Contribution- £160,000;
  - Community Facilities and Public Realm comprising of:
    - Environmental Contribution- £65,000;
    - Safety and Security Contribution £20,000
    - Training and Employment- £50,000
    - Study of Urban Wind Technology- £15,000
  - Administration Costs- £8000
- 103 In support of the current application, the developers provided a revised total of £12,520,000 for the scheme's Exceptional Development Costs. This covered the provision of the vehicular service ramp and basement service yard, delivery of the first phase of the adjoining Market Square and accommodation of pedestrian access ways to safeguard the Cross River Tram Route. These Exceptional Development Costs (particularly the obligation to provide enabling infrastructure in line with masterplan objectives) represent an additional £2,020,000 of costs from the 2008 planning permission due, the developer advises, to the rapid inflation in build costs over the 12 months since the last submission. Whilst Council Valuers have accepted this position based on their analysis of the financial viability toolkit, the GLA have requested further information to substantiate this substantial rise in costs.
- 104 In addition to these costs, the scheme is providing affordable business space for shopping centre retailers. The applicant has confirmed that the extent of business space which can be taken up by qualifying tenants from the Elephant and Castle equates to over 70% by unit number, and provides a range of unit sizes. Some retail units will be offered on a first refusal basis to businesses displaced from the Elephant and Castle Shopping Centre on protected terms to be agreed, in line with the extant 2008 Section 106 Agreement. Some of the retail units will be offered on a reduced rental basis for 5 years, some on open market terms. Restaurant space (186sq.m) located between ground and first floors including a south facing terrace overlooking the Market Square will be offered on a first refusal subsidised rental basis. These costs are recognised as further reductions in the capital value of the scheme.
- 105 The applicant has agreed to a proposed Heads of Terms based on the Planning Obligations SPD toolkit. The following sets out the offer, which includes a

contribution towards student accommodation, for which the impact needs to be mitigated for health, strategic transport, open space/ sports development and community facilities:

- Affordable Housing- none provided and no in lieu payment;
- Education- £228,067;
- Health- £558,620 (Note that if the University due to take the student space can indicate in writing that they provide their own health services for students, and this can be corroborated in writing by the PCT, then the student element of the health contribution could be waived. The health contribution will include an out clause for the student health contribution in the case that acceptable letters/documents are submitted to the satisfaction of the LPA);
- Employment in the Development- £84,347 (based on one employee per 20sq.m retail space). This takes account of a lower employment density for retail workers than office;
- Employment during Construction- £199,972.
- Strategic Transport - £280,781;
- Transport Site Specific & TfL- N/A due to exceptional development costs associated with Cross River Tram safeguarding and for vehicular service ramp
- Archaeology- £5000 already paid on previous scheme so nothing required;
- Community Facilities- A community facility in the form of a crèche is proposed on site (a business unit has been earmarked for this purpose on plans). The council would accept a crèche in place of a financial contribution on the basis of it being operational within 24 months of practical completion (or similar- to be agreed).
- Public Open Space (including Children's Play/ Sports Development) and Public Realm: £129,908 (The required contribution is £1,053,224 comprising Open Space £467,729 and Public Realm £585,495. Public open space/ public realm is being delivered in the form of a new market square on the adjacent site (planning permission ref. 07-AP-1448 issued April 2008) at an estimated cost of £897,316 and £30,000 was already paid towards public open space on the previously completed s106 agreement- totalling £927,316, which can be discounted from the required contribution amount.
- Admin Charge- £29,634 (2% of £1,481,695)
- Total Contribution £1,511,329

106 Certain other matters will be included within the section 106 agreement over and above those items listed above, as follows:

- Commitment to developing, implementing and monitoring a travel plan including the appointment of a Travel Plan Co-ordinator;
- Provision of affordable business/ restaurant space;
- £2750- traffic order amendment to restrict parking permits for future occupiers;
- Commitment to connect to MUSCo- including submission of a detailed feasibility study outlining the proposals for meeting the Mayor's 10% renewable energy target, working closely with the Council's technical team as the design progresses to ensure that the scheme complies with the building system requirements set out in the Elephant and Castle heat, non-potable water and data interface documents.

107 In accordance with the recommendation, should the planning obligations agreement not be signed within the specified time, the following reasons for refusal apply:

108 In the absence of a legal agreement being completed by 15 January 2009, the applicant has failed to adequately mitigate against the impacts of the development and, in accordance with Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, it is recommended that the application be refused for the following reasons:



- 1) The development fails to adequately mitigate against the adverse impacts of the development in accordance with London Plan policies 6A.4 Priorities in Planning Contributions and 6A.5 Planning Contributions and Southwark Plan policies 2.5 Planning Obligations, SP10 Development Impacts and Supplementary Planning Document 'Section 106 Planning Obligations' 2007.
- 2) The development fails to contribute towards increasing the availability of school places or improving accessibility to high quality education in schools and other channels in accordance with London Plan policies 3A.15 Protection and enhancement of social infrastructure, 3A.21 Education Facilities and Southwark Plan policies 2.1 Enhancement of Community Facilities, 2.3 Enhancement of Educational Establishments and 2.4 Educational Deficiency, SP 9 Meeting Community Needs;
- 3) The development fails to contribute towards increasing accessibility to employment through training and other schemes in accordance with London Plan policy 3B.12 Improving the Skills and Employment Opportunities for Londoners and Southwark Plan policy 1.1 Access to Employment Opportunities, SP5 Regeneration and Employment Opportunities;
- 4) The development fails to contribute towards increasing the quality and quantity of open spaces and associated facilities in accordance with London Plan policies 3D.7 Realising the Value of Open Space, 3D.10 Open Space Provision in UDP's, 3D.11 Open Space Strategies and Southwark Plan policies 3.1 Environmental Effects, 3.2 Protection of Amenity, 3.11 Efficient Use of Land, 3.13 Urban Design, SP15 Open Space and Biodiversity;
- 5) The development fails to contribute towards increasing the capacity of public transport provision and improving accessibility to the development in accordance with London Plan policies 3C.1 Integrating Transport and Development, 3C.3 Sustainable Transport in London, 3C.16 Tackling Congestion and Reducing Traffic, 3C.17 Allocation of Street Space, 3C.20 Improving Walking Conditions, 3C.21 Improving Conditions for Cycling and Southwark Plan policies 5.1 Locating Developments, 5.2 Transport Impacts, 5.3 Walking and Cycling, 5.4 Public Transport Improvements, 5.5 Transport Development Areas, 5.6 Car Parking, SP6 Accessible Services, SP18 Sustainable Transport;
- 6) The development fails to contribute towards increasing the quality and quantity of the public realm, community and leisure facilities and improving community safety and reducing crime, in accordance with London Plan policies 3A.15 Protection and Enhancement of Social Infrastructure and Community Facilities, 4B.4 Enhancing the Quality of the Public Realm and 4B.5 Creating an Inclusive Environment and Southwark Plan policies 2.1 Enhancement of Community Facilities, 2.2 Provision of new Community Facilities, 3.1 Environmental Effects, 3.13 Urban Design and 3.14 Designing out Crime;
- 7) The development fails to contribute towards increasing the quantity of health facilities in accordance with London Plan policy 3A.15 Protection and Enhancement of Social Infrastructure and Community Facilities and Southwark Plan policies 2.1 Enhancement of Community Facilities and 2.2 Provision of new Community Facilities;
- 8) The development fails to contribute towards the provision of affordable housing in accordance with London Plan policies 3A.2 Borough Housing Targets, 3A.7 Affordable Housing Targets, 3A.8 Negotiating Affordable Housing and Southwark Plan policy 4.4 Affordable Housing and SP17 Housing.

## **Conclusion**

- 109 The application will see the redevelopment of a Brownfield site, vastly improving the immediate urban environment and creating an enhanced public realm incorporating a market square, retail stores, restaurants and a cinema. The scale and form of the development will sit well within the context of the Elephant and Castle town centre in its early stages of regeneration. The scheme is an exceptional case because of the large-scale infrastructure content in its basement providing sub-ground servicing for the car-free retail and leisure core. Its early development has become enormously important to the delivery of the core area. The site is identified as suitable for high density development and achieves a strong mix of uses combining housing with student accommodation, a cinema, student accommodation, shops, restaurants and market square. The traffic impact, car and cycle parking provisions are also acceptable, particularly given the sites proximity to a variety of public transport options. The scheme is in accordance with local and national policies and will represent a key milestone in the regeneration of the Elephant and Castle area. The proposal is recommended for approval.

## **COMMUNITY IMPACT STATEMENT**

- 110 In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/ religion, gender, race and ethnicity and sexual orientation and consultation with the community has been undertaken during the application process. The impact on local people is set out above.

## **SUSTAINABLE DEVELOPMENT IMPLICATIONS**

- 111 Southwark plan policies 3.4 and 3.5 relate to energy efficiency and renewables. Southwark plan policy 3.28 requires that due consideration be given to enhancement of biodiversity. London plan policy 4A.1 sets out an energy hierarchy to be followed. London plan policy 4A.7 requires a 20% cut in CO2 emissions via energy efficiency and renewables.
- 112 The applicant provided an energy assessment following the principles of the Mayor's 'Energy Hierarchy'. Some of the main technologies to be incorporated into the scheme to conserve energy include a range of passive design measures including solar shading, façade design to provide natural day-lighting, whole house ventilation, thermal insulation and low energy lighting. Renewable Energy is provided through the use of photovoltaics on the roof, to displace around 2-3% of the estimated carbon footprint. However, the GLA have criticised the submission, advising it was not adequately updated following the previous application to reflect current London plan policy. A revised energy strategy has been requested to confirm baseline emissions in order to then demonstrate how savings will be made in line with London plan policy and in order to meet or exceed Building Regulations requirements. The GLA also seek to have all energy measures robustly secured via the s106 agreement.
- 113 The council requires that all development within the Elephant and Castle enables a future link to the proposed Multi-Utility Services Company [MUSCo], which is intended to deliver a programme of decentralised heat, power, and cooling to address the Elephant and Castle SPG targets for zero carbon growth. The applicant has provided an energy strategy and MUSCo connection report confirming that the developer is fully committed to connect the proposed scheme to the Southwark MUSCo. The GLA confirmed that the scheme as proposed can connect to the MUSCo however the carbon savings resulting from this connection have not been

supplied. Full details of the connection to MUSCo will be included within the s106 agreement.

- 114 In terms of biodiversity, the site is previously developed and as such the scheme should represent an improvement following completion of the landscaping works. Further, all towers incorporate brown roofs, which will be secured via condition.
- 115 Since April 2007, EcoHomes has been replaced by The Code for Sustainable Homes and a condition will be included requiring pre-assessment and post construction assessment under these guidelines. A minimum Code Level 3 would be required. The GLA have suggested that the net zero carbon growth objective of the Elephant and Castle and London plan requires development to achieve 10% carbon reductions from on-site renewables. No BREEAM assessment was submitted in relation to the commercial element but this could be required via condition. Subject to the additional details being provided to the GLA, the proposals are consistent with Sustainable Development requirements.

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|------------------------|---------------------------------|--|
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