

<b>Item No.</b>	<b>Classification:</b>	<b>Date:</b>	<b>Meeting Name:</b>
1 & 2	OPEN	15 January 2013	PLANNING COMMITTEE
<b>Report title:</b>	<b>Development Management planning application:</b>		
	<p><b>Address:</b> THE HEYGATE ESTATE AND SURROUNDING LAND BOUND BY NEW KENT ROAD (A201) TO THE NORTH, RODNEY PLACE AND RODNEY ROAD TO THE EAST, WANSEY STREET TO THE SOUTH AND WALWORTH ROAD (A215) AND ELEPHANT ROAD TO THE WEST. LONDON SE17</p> <p><b><u>2 Applications</u></b></p> <p><b>12/AP/3203</b> full Planning Application: Demolition of all existing structures and bridges and associated works.</p> <p><b>12/AP/1092</b> Outline Planning application: 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.</p> <p>The application is accompanied by an Environmental Statement submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.</p>		
<b>Ward(s) or groups affected:</b>	East Walworth		
<b>From:</b>	Head of development management		
<b>Application Start Date</b> 02/04/2012		<b>Application Expiry Date</b> 30/11/2012	

## RECOMMENDATION

- 1
  - a) That planning permission is GRANTED subject to conditions, the applicant entering into an appropriate legal agreement, and referral to the Mayor of London;
  - b) If it is resolved to grant planning permission, it is confirmed that the environmental information has been taken into account as required by Regulation 3(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011;
  - c) That it is confirmed that, following issue of the planning decision, the Head of Development Management should place a statement on the Statutory Register pursuant to Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 which contains the information required by Regulation 21 and for the purposes of Regulation 24(1)(c) being the main reasons and considerations on which the Planning Committee's decision was based shall be set out as in the report.

## **BACKGROUND INFORMATION**

### **Introduction**

- 2 The redevelopment of the Heygate estate has been long awaited. The application proposal is the culmination of a wide range of aspirations from numerous stakeholders over a very extensive period of time. At its simplest it seeks to deliver a significant number of new homes, doubling the existing provision, within a newly regenerated area thus meeting one of the key objectives of the Council's strategic planning policy over more than 10 years. New homes will be provided over a range of tenures thus improving the mix within the area. A varied mix will be provided in terms of unit size and in particular a significant percentage of family homes and wheelchair accessible accommodation will be provided.
- 3 The design of the proposals will contribute towards the development of the Elephant and Castle as a distinctive urban quarter and consolidate its position within central London. The Proposal includes a number of tall buildings which will make its mark on the London skyline underlining the importance of Elephant and Castle within London. The scheme includes a significant area of public open space in the form of a park at the heart of the development next to the proposed new market square.
- 4 The Proposals replace buildings with a very poor environmental performance with development that will achieve code for sustainable homes level 4. A new decentralised energy centre will provide heat to the development. This facility has the potential to further improve the environmental performance of the scheme to code 5 through the use of bio-methane.
- 5 Whilst it has taken over ten years to finally develop and submit a scheme for planning permission it will take a further decade and longer to implement a scheme of this scale. This is an ambitious proposal particularly in the current economic climate. Acknowledging that there are impacts along the way nonetheless the scheme promises to deliver a major regeneration of the area with obvious benefits for the future. This report provides a detailed assessment of the proposals, which are in outline, and identifies all impacts for consideration.

### **Site location and description**

- 6 The application site comprises the Heygate Estate bounded by New Kent Road to the north, Rodney Place and Rodney Road to the east, the eastern end of Larcom Street and Wansey Street to the south and Walworth Road and Elephant Road to the west. The former Volvo site on Elephant Road and New Kent Road is located on the western edge of the site with the railway viaduct immediately abutting it along Elephant Road. (The shopping centre is immediately beyond to the west) .Heygate Street which dissects the site is included within the application red line boundary and remains the major vehicular route through the site. Also included within the application site boundary is the pedestrian bridge which extends onto the north site of New Kent Road.
- 7 The application site, which is almost entirely vacant now, comprises a number of residential blocks ranging in height from 4 to 14 storeys. There is a total of 1107 dwellings within the estate. The Heygate estate also includes the site on the eastern side of Rodney Road, now known as Phase 1. However this is subject of a separate detailed application currently under consideration. It is a cleared site and previously accommodated 105 dwellings. The combined total of the two sites is 1212 units.
- 8 Set within a relatively green setting the existing buildings are arranged with the larger

12 storey long blocks defining the edges of the estate with lower scale blocks behind. The estate has a vast number of mature trees, ranging in quality. Heygate Street is lined with trees as is Rodney Place. There are substantial mature trees to be found on the Walworth Road frontage as well.

- 9 North of the estate on New Kent Road is further residential development with a variety of heights. The housing on this side of the road is set well back from the back edge of pavement giving a spacious feel to the area albeit fronting a busy trunk road. On the east of Rodney Place is more typical Victorian development with 2 and 3 storey properties. In the distance to the east along New Kent Road is Driscoll House a substantial Victorian Grade II listed building. Further south on Rodney Road is the Peabody estate comprising quite handsome red brick blocks of flats. Opposite to the east on Rodney Road is a cleared site which will be phase 1 of the Heygate redevelopment.
- 10 The southern boundary to the site is Wansey Street which is a traditional residential street comprising a mix of Victorian and more modern housing. The scale of building ranges from 2 to 6 storeys along this street. The old Town Hall is on the corner of Wansey Street opposite the south western corner of the proposal site.
- 11 The west side of Walworth Road comprises more substantial buildings ranging from 3 to 6/7 storeys and includes some student accommodation. The western site boundary is Elephant Road running north/south alongside the railway viaduct. So to the north, east and south the area is largely residential whereas the western and north west boundaries are characterised by more commercial larger scale buildings.

### **Details of proposals**

- 12 **12/AP/2986 - Full Planning Permission** is sought for the demolition of all existing buildings and structures, bridges and associated works. It is proposed to have a cleared site and the demolition works are proposed to be carried out over a period of 2 years.
- 13 **12/AP/1092 - Outline Planning Permission** is sought for a mixed use development comprising residential, retail, commercial (B1), leisure and community uses, an energy centre, new landscaping, a park and public realm, car parking and other associated works.  
The details of the outline development are described in 3 documents for which approval is sought: Development Specification; Parameter Plans; and the Design Strategy Document (DSD). All other documents submitted provide supporting information which is considered in the main body of this report. The application is also accompanied by an Environmental Statement.
- 14 The quantum of development is specified in the **Development Specification** and is expressed as a range as follows :  
  
Residential (C3) between a minimum of 2,300 & a maximum of 2,469 residential units;  
Retail ( A1/A2/A3/A4/A5): min 10,000 and max 16,750 sq ms  
Business ( B1): min 2,000 & max 5,000 sq ms  
Community and culture (D1): min 1,000 & max 5,000 sq ms  
Leisure (D2): min 1,000 & max 5,000 sq ms  
Energy Centre (sui generis): min 500 & max 925 sq ms  
The proposed park would have a minimum area of 0.8 hectares ( 8,000 sq ms)
- 15 The **Parameter Plans** show the site sub-divided into a number of plots (H1 – H7, H10, H11a, H11b, H12 & H13), 12 in total together with the park area on which is identified

a plot for a pavilion/park building. With the exception of Plot H12 which is the proposed Energy Centre, each plot is intended to provide a mix of uses with the principal use being residential. Ground and first floor uses in each plot are proposed to include some or all of the following uses: retail, business and community and leisure except for Plots H10, H11b which do not include business use and H13 which has Residential and A class uses only. The distribution of uses will vary but the completed development will be in accordance with the range of floorspace stipulated in the **Development Specification (DS)** as noted above. It is not anticipated that the uses would be distributed pro rata across all the plots. This will be a matter determined at Reserved Matters stage.

- 16 The parameter plans (effectively the outline plans) also provide the framework for future Reserved Matters Applications in defining the individual plot extent, minimum and maximum at ground/mezzanine and upper levels, range of heights of buildings (min & max), the siting of buildings and area of 'no build' which is effectively the minimum courtyard area to each plot. The plot extent is distinct from any building in that the plots included balcony projections, private amenity and commercial spill-out space outside the public realm. Buildings will be located within the plots but are subject to design control. In effect the plot is like a 'development envelope'. The design controls are specified in the **Design Strategy Document (DSD)**.
- 17 Other than Plots H10, H12 & H13 each plot will have a number of buildings with a mix of heights from low rise (up to 4 storeys), to mid-height (5 -11 storeys) to tall (12 storeys and above).
- 18 Along Walworth Road plots H1, H2 & H3 will each include a tall building on the north west corner of each plot. On H1 this will have a minimum height of 71.7m and a maximum height of 82.6ms ( equivalent to 19/23 storeys); H2 - min 81.1m max 104.8 (equivalent to 22/30 storeys) H3 – min 47.9m max 68.9m ( equivalent 13/18 storeys)
- 19 On New Kent Road plots H4, H5 & H11a will each include a tall building on the north west corner of each plot. On H4 & H5 this will have a minimum height of 70.9m and a maximum height of 87.5ms (equivalent to 19/24 storeys); and on H11a this would result in a minimum height of 50.2m and a maximum height of 68.2m (equivalent 13/18 storeys).
- 20 Plot H6 is behind Plot H3 located between Heygate Street and Wansey St. It also includes a tall building on the north west corner of the plot fronting Heygate Street. This will have a minimum height of 37.7m and a maximum height of 55.23m equivalent to 9/14 storeys.
- 21 Plot H7 is situated on the north side of Heygate Street behind Plot H2 and will front the new park. The tall building on this plot is also on the north west corner. This will have minimum height of 66.7m and a maximum height of 84.2m equivalent to 18/23 storeys.
- 22 The final plot to include a tall building is Plot 11b which is located on the eastern end of the new park just west of Rodney Place. The minimum height of this tall building would be 66.6m, the maximum 84.2m. In storeys this equates to between 18 and 25 storeys.
- 23 Plots without tall buildings include H10 & H13. Plot H10 is at the eastern end of Wansey Street and fronting Heygate Street where the indicative height is for 3 storeys buildings on Wansey Street with mid-rise buildings ( indicated at 8 storeys) facing onto Heygate Street. Plot H13 fronts Rodney Road and will have a range of low rise and mid-rise buildings

- 24 On the plots fronting the new park the proposed buildings, other than those already mentioned, would be mid-rise in height. The indicative Masterplan shows these to be typically 9 to 11 storeys. The Indicative Masterplan is an example of how the parameter plans can be interpreted in the future but is provided for illustrative purposes only.
- 25 Plot H12 which is located at the corner of Heygate Street and Rodney Road will comprise the Energy Centre and will have an equivalent height of 2 storeys.
- 26 A new park is proposed as part of the development. This will have a minimum area of 08.ha and is located relatively centrally between the plots fronting new Kent Road and those fronting Heygate Street.
- 27 Alongside the Development Specification and parameter plans the other key document for which approval is sought is the **Design Strategy Document (DSD)**. In essence this is the 'book of rules' which will govern the future interpretation of the parameter plans within the terms of an outline planning permission. All matters are reserved: access, scale, appearance, layout and landscaping. Any reserved matters application will be assessed against all relevant adopted policies and standards, inclusive of Southwark's policies and the London Plan, as well as the DSD.
- 28 The DSD identifies the key design principles to be adhered to in any Reserved Matters Application. The approach is to divide the site into 5 Character Areas: the Park, Walworth Road, New Kent Road, Walworth Local and Rodney Neighbourhood with each area having its own set of design principles. Each character area has defined properties which inform the scale, typology and appearance for that area. In taking this approach the DSD ensures that the specific site characteristics and character of immediately neighbouring development is taken into account in the design of the individual phases and the individual frontages which may vary considerably on a single plot. For example the plots on New Kent Road have frontages onto the park as well as onto the main road. These are very different and require specific design responses. The southern plots front onto Heygate Street but also have a frontage onto Wansey Street which is of a very different character. The DSD deals with this by identifying different principles for the range of conditions which the plots have to contend with.
- 29 The DSD contains numerous controls which limit the amount of development on any one plot and in particular preclude building up to the maximum in all respects. This ensures that there will always be an amount of public realm around the base of buildings and also that the full extent of the plot cannot be built upon on all edges.
- 30 One of the key underlying principles requires the plots to be built out as perimeter block developments. This helps to define the character of the streets but will also help to maximise the potential of daylight and sunlight penetrating into the courtyard as well as allowing views in and out of those areas. It is a fundamental principle of the DSD that active frontages will delineate the public realm which should be legible. The location of tall buildings in specific positions will assist in this regard and help contribute to a vibrant environment.
- 31 The principles in relation to the park deal with building typologies, pedestrian and cycle movement access, land uses and views, amongst other matters.
- 32 The DSD is the framework for defining an approach to appearance and character of the plots as they come forward as reserved matters application. The Illustrative Masterplan (IMP), which is not for approval but illustrative only, is an example of how the three documents for approval can be interpreted.

- 33 Reserved matters applications will come forward for each individual plot, i.e. on a plot by plot basis. However there may be instances where 2 or more plots come forward as a combined phase. In that instance separate applications will still be submitted for each plot concerned notwithstanding that they may be constructed together.
- 34 In the first instance Reserved matters applications will consider all details: access, design, appearance, layout and landscaping and the details provided will relate to the entire plot and all the buildings included within the plot. Areas of associated public realm associated with the plots will also be included and where plots are adjacent to the park, that area of park associated with the plot will be included in the Reserved matters application.
- 35 Although the application documents include a phasing plan, given the lengthy period for implementation this may be subject to change. However any changes to the phasing would be controlled by condition. Furthermore any variation in the phasing could potentially trigger further environmental assessment and this again would be controlled by condition. The submitted phasing plan indicates that the development would commence with Plot H4 fronting New Kent Road followed by Plot H1 on Walworth Road. The energy centre is proposed in this second phase followed by the larger plots on New Kent Road and Walworth Road. The later phases would include the plots on the south side of Heygate Street/ Wansey Street. The last plot to be developed is indicated as Plot H11a which is the tall building located at the eastern end of the park.

### **Background to development proposal**

- 36 The council has been actively pursuing a programme for the regeneration of the Elephant and Castle since the late 1990s. The regeneration of the council owned Heygate Estate is a critical part of the council's overall vision for the area. In 2002 a decision was taken by the council's Executive not to let new tenancies on the Heygate Estate when the property became vacant and it was agreed that a plan for the area should be prepared which would be adopted as Supplementary Planning Guidance and include the following principles:
- The demolition of the 1,212 dwelling Heygate Estate - the main Heygate Estate and Rodney Road site (of which 1,023 were social rented units and the remainder were in private, leasehold ownership)
  - The replacement of the Heygate Estate through an "Off-site" (i.e. not on the existing Heygate footprint) programme of replacement affordable homes. These were to be developed through two routes:
    - A "Heygate Replacement Programme" to be developed on council owned sites in partnership with RSLs (Registered Social Landlord)
    - Secure S106 affordable housing on private residential development in line with planning policy
  - Replace the Heygate Estate with a mixed tenure, mixed use neighbourhood. The affordable element would be in line with planning policy.
- 37 Supplementary Planning Guidance for the Elephant and Castle was adopted in 2004 which set out the principal development objectives for the area and how they might be achieved. The focus was a plan to bring forward the comprehensive phased regeneration of the core area at the heart of the Elephant and Castle focussing on the shopping centre, northern end of Walworth Road, the transport interchange, and the demolition and redevelopment of the Heygate Estate.
- 38 In 2005 the council launched twin procurement processes to identify housing association partners to build replacement affordable homes for Heygate residents on a number of council owned sites in proximity to Elephant and Castle and also to identify

a commercial partner to work with to redevelop the Heygate itself.

- 39 In July 2007 the council's Executive agreed to select Lend Lease Europe as its development partner. The economic downturn that occurred from late 2007 resulted in a delay in completion of full contractual documentation. Consequently, it was not until July 2010 that the council and Lend Lease formally entered into a contract (referred to as the Regeneration Agreement) for the redevelopment of the Heygate Estate.
- 40 To facilitate the redevelopment of the Heygate, the council in partnership with RSLs implemented their off-site "Heygate Replacement Programme" in July 2007 which was designed to accelerate the re-housing of tenants and leaseholders from the estate. There are now no tenants left on the estate and only four leaseholders. The first phase of the demolition of the Heygate estate at Rodney Road (105 dwellings) was completed in July 2011 and the site is now the subject of a current planning application for redevelopment for residential use. The Heygate blocks on the south side of Heygate Street are all vacant and currently being prepared for demolition.
- 41 The off-site Heygate replacement programme will, when complete, generate 512 affordable housing units from 10 development schemes ("Early Housing Sites) which will in part replace the Heygate Estate. To date 428 affordable units have been completed or are under construction which leaves a requirement to replace a further 595 affordable units from the 1,023 affordable units originally on the estate. Planning permission was granted in September 2012 for the final early housing site on Stead Street and once this is under construction the requirement will reduce to 511 units to be delivered.
- 42 The details and status of the Early Housing Sites are set out in the table below.

Scheme	Status	Total	Social Rent	Inter-mediate	Private sale
Bolton Crescent	Completed	103	88	15	0
Brandon Street	Completed	18	18	0	0
Library Street	Completed	40	21	19	0
Arch Street	Completed	52	34	18	0
St. George's Road	Completed	15	15	0	0
Comus Place	Completed	37	37	0	0
Wansey Street	Completed	31	15	0	16
Symington House	Under construction	72	50	22	0
Royal Road	Under construction	96	76	0	20
Sub-total Affordable completed/ under-construction			354	74	
Stead Street	Permission granted	140	80	4	56
TOTAL		604	434	78	92

- 43 In July 2011 it was agreed to vary the Regeneration Agreement to bring forward the demolition of the buildings on the main part of the Heygate Estate (i.e. those within the application boundary). In July 2012 the council's Strategic Director of Finance and Corporate Services approved a business case for £15.25 million to forward fund the demolition of the Heygate Estate. Preliminary works to facilitate this will take place over the next 6-9 months and, subject to planning permission being granted for the demolition of the blocks, it is anticipated that full demolition works would commence around Summer 2013 should the demolition application be approved.
- 44 The council made a Compulsory Purchase Order to the Secretary of State in September 2012 in order to terminate the remaining four residential leases, the Crossways Church and secure vacant possession of the estate. Objections to the CPO have been made and a Public Inquiry to consider these is scheduled for February 2013.
- 45 In terms of overall housing delivery, between April 2005 and March 2011, 1,170 new homes have been built in the Elephant and Castle Opportunity Area, of which 339 are affordable homes (122 social rented and 217 intermediate), not including the 512 affordable homes from the Early Housing sites. Taking account of developments in the pipeline (187 affordable units), a total of 1,038 affordable homes (i.e. 339 + 512 + 187 units) have either been completed, are under construction or have planning consent within the Opportunity Area. Of these 617 are social rent and 421 are shared ownership units.
- 46 The council's Development Capacity Assessment estimates that there is a capacity for 6,400 new homes to be built in the Opportunity Area between 2011 and 2026. Based on our current planning policies we expect 2,145 of these to be affordable homes and therefore the area has the capacity to generate additional affordable homes. A combination of the off-site Early Housing Sites and the provision of replacement on-site affordable housing on the Heygate Estate can meet the requirements of regional and local plan policy.
- 47 The delivery of the Early Housing Sites along with other developments that have taken place such as Strata Tower, the redevelopment of sites alongside the rail viaduct, the removal of the southern roundabout and subways, and the refurbishment of St. Mary's Churchyard represent significant progress towards the council's vision for the area. Planning permission has been granted earlier this year for a new leisure facility and 37-storey residential tower on the site of the former Elephant and Castle Fusion Leisure Centre which, when built, will play a key role in delivering objectives for the area. In this context, the submission of planning applications for the demolition and redevelopment of the Heygate Estate represents an important mile-stone in the overall regeneration of the Elephant and Castle.

#### **Planning history of application site**

- 48 There have been no major planning applications on the application site since the Heygate Estate was built during the early 1970s. The most recent planning application of most relevance concerns the erection of security fencing on:

Land bounded by Brandon Street, Heygate Street, Walworth Road, and Wansey Street – Application Reference 11-AP-3450

Permission was granted on 8 December 2011 for: Erection of a 3m and 2.4 m high steel mesh fence for security around part of the Heygate Estate (Swanbourne, Kingshill, and Wansey blocks) with new site access points from Brandon Street and Wansey Street for a temporary period of 5 years.

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



49 Former Castle Industrial Estate, Elephant Road – Application Reference 08-AP-2403 (now known as Oakmayne Plaza Development - 50 New Kent Road)  
Permission was granted on 22 December 2008 for: 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 (Use Class C2) over 18 storeys above podium level (68.3m AOD, 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 (87.5m AOD); Southern building to consist of 111 private residential units (Use Class C3) over 15 storeys above podium level (63.10m AOD).

50 This application was a resubmission of a scheme previously granted permission in 28 May 2008 (application reference 07-AP-1449). The scheme has been implemented but no works have been carried out above grade. Indeed activities ceased on the site some time ago. Hoardings remain erected around the site perimeter

51 Land bounded by Elephant Road, Former Castle Industrial Estate, Deacon Way and open space fronting Walworth Road – Application Reference 07-AP-1448  
Permission was granted on 28 May 2008 for: Provision of a Market Square (public open space) and Basement Service Area.

52 This application was considered in parallel with the original application for the main development reference 07-AP-1449 which was subsequently revised.

#### **Other development sites**

53 A number of other planning applications have been submitted on other key developments within the Opportunity Area as detailed below.

54 Former Elephant and Castle Swimming Pool, 22 Elephant and Castle – Application Reference 12-AP-2239  
Planning permission was granted on 23 November 2012 for: Redevelopment to provide a 37 storey building (maximum building height 127m AOD) and 4 storey pavilion building (maximum building height 20.5m AOD) comprising 284 residential units, 809 sqm flexible ground floor retail / financial and professional services / restaurant uses (Class A1-A3) and 413 sqm commercial (Use Class B1) use, basement car parking, vehicular access from Brook Drive, servicing and plant areas, landscaping and public realm improvements, and associated works.

55 Former Leisure Centre, 22 Elephant and Castle – Application Reference 12-AP-2570  
Planning permission was granted on 7 November 2012 for: Redevelopment to provide a new public leisure centre (maximum height of 21.2m) comprising swimming pool, learner pool, gymnasium, four court sports hall, studio spaces, indoor cycling room, a crèche and cafe, disabled parking, cycle parking, landscaping and public realm, services and plant areas.

56 Land bounded by Victory Place, Balfour Street and Rodney Road – Application Reference 12-AP-2797  
An application was submitted on 3 September 2012 for: Construction of 8 buildings ranging between 4 and 10 storeys in height (maximum building height 38.5m AOD) comprising 235 residential units, 204 sqm (GEA) of retail use (Class A1-A3), car parking beneath podium level, cycle storage, servicing, plant areas, landscaping and public realm improvements. This application has not yet been determined.

57 Land bounded by Wadding Street and Stead Street – Application Reference 12-AP-1455

Planning permission was granted on 28 September 2012 for: Demolition of existing buildings and construction of new buildings ranging in height between 4 and 7 storeys to provide a total of 140 residential units (19 x 1 bed, 85 x 2 bed, 32 x 3 beds and 4 x 4 beds), a 244 sqm church hall (use class D1), and a 117 sqm retail unit (use class A1) with associated landscaping, amenity space and residential car parking and cycle storage spaces.

58 45-53 Rodney Road, 1-49 Wingrave, 50-73 Wingrave, Heygate Estate – Application Reference 10-PA-0019

On 28 October 2010 Prior Approval was granted for the demolition of four ex local authority blocks and associated walkways that formed part of the Heygate Estate. The site is now largely cleared and is the subject of a current application for redevelopment – application 12-AP-2797.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

59 The main issues to be considered in respect of this application are:

- Principle of the proposed development in terms of land use and conformity with strategic policies;
- Environmental impact assessment;
- Density and dwelling mix;
- Affordable housing;
- Impact on the amenities of occupiers of adjoining properties;
- Impact of adjoining uses on occupiers of proposed development;
- Transport issues;
- Quality of residential accommodation;
- Design issues, including layout, heights and massing;
- Impact on strategic and local views and setting of adjacent listed buildings and conservation areas;
- Ecology;
- Impact on trees and open space;
- Wind;
- Archaeology;
- Site contamination;
- Flood risk;
- Socio-economic implications;
- Equalities implications;
- Planning obligations; and
- Energy and sustainability.

### **Planning policy**

60 The statutory development plan for the borough comprises the London Plan (2011); Southwark's Core Strategy (2011) and saved policies from the Southwark Plan (2007).

61 The application site is located within the:

- Central Activities Area (CAZ)
- Elephant and Castle Opportunity Area

- Elephant and Castle Major Town Centre
- Transport Development Area
- Air Quality Management Area.

The site also forms part of designated Proposal Site 39P 'Elephant and Castle Core Area' which identifies a large central area of land for comprehensive redevelopment. The Elephant and Castle lies in the background of the townscape view looking from the Serpentine Bridge in Hyde Park to Westminster (Townscape View No. 23A.1 of the London View Management Framework 2011).

62 With the exception of the listed K2 phone box on New Kent Road there are no listed buildings or conservation areas located within the application site. However there are a number of listed buildings and conservation areas within proximity to the site. The ones closest are:

- Southwark Municipal Offices and attached railings, Walworth Road
- Southwark Central Library and Cuming Museum, Walworth Road
- The Walworth Clinic 157-163 Walworth Road
- 140,142, 150, and 152 Walworth Road
- Elephant House, Victory Place
- 154-170 New Kent Road
- Driscoll House, 172 New Kent Road
- The Star and Cross Church, Falmouth Road
- Pullens Estate Conservation Area
- Proposed Draft Larcom Street Conservation Area

63 The policies most relevant to the determination of the demolition and outline planning applications are listed below.

64 Core Strategy 2011

Strategic Policy 1 – Sustainable development  
 Strategic Policy 2 – Sustainable transport  
 Strategic Policy 3 – Shopping, leisure and entertainment  
 Strategic Policy 4 – Places to learn and enjoy  
 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

65 Southwark Plan 2007 (July) - saved policies

Policy 1.1 Access to employment opportunities  
 Policy 1.7 Development within town and local centres  
 Policy 2.2 Provision of new community facilities  
 Policy 2.5 Planning obligations  
 Policy 3.1 Environmental effects  
 Policy 3.2 Protection of amenity  
 Policy 3.3 Sustainability assessment  
 Policy 3.4 Energy efficiency  
 Policy 3.6 Air quality  
 Policy 3.7 Waste reduction  
 Policy 3.9 Water  
 Policy 3.11 Efficient use of land

Policy 3.12 Quality in design  
 Policy 3.13 Urban design  
 Policy 3.14 Designing out crime  
 Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites  
 Policy 3.19 Archaeology  
 Policy 3.20 Tall buildings  
 Policy 3.21 Strategic views  
 Policy 3.22 Important local views  
 Policy 3.28 Biodiversity  
 Policy 4.1 Density of residential development  
 Policy 4.2 Quality of residential accommodation  
 Policy 4.3 Mix of dwellings  
 Policy 4.4 Affordable housing  
 Policy 4.5 Wheelchair affordable housing  
 Policy 4.6 Loss of residential accommodation  
 Policy 5.1 Locating developments  
 Policy 5.2 Transport impacts  
 Policy 5.3 Walking and cycling  
 Policy 5.4 Public transport improvements  
 Policy 5.5 Transport Development Areas  
 Policy 5.6 Car parking  
 Policy 5.7 Parking standards for disabled and the mobility impaired  
 Policy 5.8 Other parking

66 London Plan 2011

Policy 1.1 Delivering the strategic vision and objectives for London  
 Policy 2.5 Sub-regions  
 Policy 2.9 Inner London  
 Policy 2.10 Central Activities Zone – Strategic Priorities  
 Policy 2.11 Central Activities Zone – Strategic Functions  
 Policy 2.12 Central Activities Zone – Predominantly local activities  
 Policy 2.13 Opportunity areas and intensification areas  
 Policy 2.15 Town centres  
 Policy 2.18 Green infrastructure and the network of open and green spaces  
 Policy 3.1 Ensuring equal life chances for all  
 Policy 3.2 Health and addressing health inequalities  
 Policy 3.3 Increasing housing supply  
 Policy 3.4 Optimising housing potential  
 Policy 3.5 Quality and design of housing developments  
 Policy 3.6 Children and young people’s play and informal recreation facilities  
 Policy 3.7 Large residential developments  
 Policy 3.8 Housing choice  
 Policy 3.9 Mixed and balanced communities  
 Policy 3.10 Definition of affordable housing  
 Policy 3.11 Affordable housing targets  
 Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes  
 Policy 3.13 Affordable housing thresholds  
 Policy 3.14 Existing housing  
 Policy 3.15 Coordination of housing development and investment  
 Policy 3.16 Protection and enhancement of social infrastructure  
 Policy 3.17 Health and social care facilities  
 Policy 4.1 Developing London’s economy  
 Policy 4.2 Offices  
 Policy 4.3 Mixed use development and offices  
 Policy 4.6 Support for enhancement of arts, culture, sport and entertainment provision  
 Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector  
 Policy 4.9 Small shops  
 Policy 4.10 New and emerging economic sectors  
 Policy 4.11 Encouraging a connected economy  
 Policy 4.12 Improving opportunities for all  
 Policy 5.1 Climate change mitigation  
 Policy 5.2 Minimising carbon dioxide emissions  
 Policy 5.3 Sustainable design and construction  
 Policy 5.5 Decentralised energy networks  
 Policy 5.6 Decentralised energy in development proposals  
 Policy 5.7 Renewable energy  
 Policy 5.8 Innovative energy technologies  
 Policy 5.9 Overheating and cooling  
 Policy 5.10 Urban greening  
 Policy 5.11 Green roofs and development site environs  
 Policy 5.12 Flood risk management  
 Policy 5.13 Sustainable drainage  
 Policy 5.14 Water quality and waste water infrastructure  
 Policy 5.15 Water use and supplies  
 Policy 5.16 Waste self-sufficiency  
 Policy 6.1 Strategic approach  
 Policy 6.3 Assessing effects of development on transport capacity  
 Policy 6.4 Enhancing London's transport connectivity  
 Policy 6.5 Funding Crossrail and other strategically important transport infrastructure  
 Policy 6.7 Better streets and surface transport  
 Policy 6.9 Cycling  
 Policy 6.10 Walking  
 Policy 6.11 Smoothing traffic flow and tackling congestion  
 Policy 6.12 Road network capacity  
 Policy 6.13 Parking  
 Policy 7.1 Building London's neighbourhoods and communities  
 Policy 7.2 An inclusive environment  
 Policy 7.3 Designing out crime  
 Policy 7.4 Local character  
 Policy 7.5 Public realm  
 Policy 7.6 Architecture  
 Policy 7.7 Location and design of tall and large buildings  
 Policy 7.8 Heritage assets and archaeology  
 Policy 7.9 Heritage-led regeneration  
 Policy 7.10 World Heritage Sites  
 Policy 7.11 London View Management Framework  
 Policy 7.12 Implementing the London View Management Framework  
 Policy 7.14 Improving air quality  
 Policy 7.15 Reducing noise and enhancing soundscapes  
 Policy 7.18 Protecting local open space and addressing local deficiency  
 Policy 7.19 Biodiversity and access to nature  
 Policy 7.21 Trees and woodlands  
 Policy 8.2 Planning obligations  
 Policy 8.3 Community Infrastructure Levy

- 67 Regional Supplementary Planning Documents (SPDs) and guidance  
 London View Management Framework (2012)  
 Providing for Children and Young People's Play and Informal Recreation (2012)  
 Sustainable Design and Construction (2006)  
 The Mayor's Energy Strategy (2010)  
 The Mayor's Transport Strategy (2010)  
 World Heritage Sites (2012)

The Mayor's Economic Development Strategy (2010)  
Housing (2012)  
Planning for Equality & Diversity in London (2007)  
The Mayor's Climate Change Mitigation and Energy Strategy (2011)

- 68 Southwark Supplementary Planning Documents (SPDs)  
Sustainability Assessment (2009)  
Design and Access Statements (2007)  
Section 106 Planning Obligations (2007)  
Residential Design Standards (2011)  
Affordable Housing (2008)  
Sustainable Transport (2008)  
Sustainable Design and Construction (2009)  
Elephant and Castle SPD / Opportunity Area Planning Framework (OAPF) 2012  
Draft Affordable Housing 2011
- 69 National Planning Policy Framework (NPPF)  
The NPPF came into effect on 27 March 2012 and is a material planning consideration.
- 70 Section 1: Building a strong, competitive economy  
Section 2: Ensuring the vitality of town centres  
Section 4: Promoting sustainable development  
Section 6: Delivering a wide choice of high quality homes  
Section 7: Requiring good design  
Section 8: Promoting healthy communities  
Section 10: Meeting the challenge of climate change, flooding and coastal change  
Section 11: Conserving and enhancing the natural environment  
Section 12: Conserving and enhancing the historic environment
- 71 Draft Revised Early Minor Alteration to the London Plan (2012)  
The Mayor has published revised early alterations to the London Plan 2011. These are aimed at ensuring the London Plan is fully consistent with the NPPF and also incorporate early minor alterations which were issued for public consultation in February 2012. Both sets of alterations were considered at an Examination in Public (EIP) held on 22 November 2012. The proposed alterations include changing the affordable housing policies to take account of the Government's new "affordable rent" product.

### **Principle of development**

- 72 The NPPF sets out the Government's strong commitment to delivering sustainable development. This is the principal theme underpinning both London-wide and Southwark plan policies where the regeneration of areas such as the Elephant and Castle is of high priority.
- 73 In terms of policy designations, the application site is located within the Central London sub-region, Central Activities Zone, Elephant and Castle Opportunity Area, a Major Town Centre, and a Transport Development Area. Further the site forms part of Proposal Site 39P as designated in the saved Southwark Plan which identifies a core central area of the Elephant and Castle (including the application site) for comprehensive redevelopment. As such, the principle of regeneration and the uses proposed are supported subject to the need to evaluate the proposal against the aims and objectives for the area which are detailed in this report.

74 Elephant and Castle Opportunity Area

The London Plan considers Opportunity Areas to be *“the capital’s major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other developments linked to existing or potential improvements to public transport.”* (paragraph 2.58). Accordingly, Policy 2.13 states that Opportunity Areas should seek to optimise residential and non-residential densities, provide social and other infrastructure to sustain growth, and, where appropriate, contain a mix of uses.

75 Table A1.1 (Annex 1) of the London Plan provides an indicative employment capacity of 5,000 jobs and a minimum of 4,000 new homes to be delivered over the plan period 2011 – 2031 within the Elephant and Castle Opportunity Area. It is further noted that:

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

77 This is reinforced in the Southwark Core Strategy which identifies the Elephant and Castle Opportunity Area as one of the borough’s growth areas where development will be prioritised. Strategic Targets Policy 2 reflects the London Plan targets, seeking 4,000 new homes and 5,000 new jobs; but further seeks around 45,000 sqm of additional shopping and leisure space. Southwark’s vision for the Opportunity Area is set out on pages 44 and 45 of the Core Strategy:

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

78 Elephant and Castle Supplementary Planning Document / Opportunity Area Planning Framework (SPD / OAPF)

The SPD expands upon the Core Strategy and details the Council’s vision and strategy for the Opportunity Area and provides a framework to guide development over the next 15 years. The Opportunity Area is divided into character areas where the application site forms the principal part of the ‘Heygate Street Character Area’. The strategy for the area is:

- Use the redevelopment opportunity of the Heygate development site to create a vibrant new quarter at the heart of the Elephant and Castle;
- Provide around 3,000 new homes in the character area, including approximately 2,500 new homes through a phased development on the Heygate development site
- Provide a range of retail opportunities, including large format stores on Walworth Road and New Kent Road frontages and smaller affordable units on secondary routes
- Provide a mix of business, leisure and community uses on the Heygate development site
- Ensure that development contributes to an improvement in public transport services
- Provide strong links between the shopping centre and the Heygate site through opening arches in the railway viaduct
- Introduce a choice of north-south and east-west routes through the Heygate site

- Provide a market square and new public park in the heart of the Heygate site
- Maximise the number of trees on the Heygate development site which can be retained
- Promote built form of the highest quality on the Heygate estate
- Enable interim uses of the Heygate development site which reduce blight whilst the redevelopment takes place, improve security and provide a resource for the local community
- Provide a tall building at the northern end of Walworth Road which together with Strata helps define a gateway into the central area
- Provide a district CHP / communal heating system for the Heygate development site which has the potential to link to the shopping centre, and leisure centre and other external buildings where viable.

79 The proposed scheme would provide a high density mixed use development on a brownfield site and this fully accords with the principle of accommodating large scale development within Opportunity Areas. Furthermore, the proposal meets the key objectives for the character area (identified above) and these are discussed below in the relevant sections of this report.

80 Housing

The delivery of a wide choice of high quality homes and the creation of sustainable, inclusive and mixed communities is a key objective of the NPPF and in this respect it advises that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraphs 49 and 50).

81 The existing Heygate Estate provides 1,107 residential units (or a total floorspace of 89,358 sqm GEA) within the application site boundary (934 council tenancies / 173 leaseholders). London Plan Policy 3.14 and saved Policy 4.6 of the Southwark Plan seek to resist the loss of housing unless the housing is replaced at existing or higher densities with at least equivalent floorspace. All the proposed development plots would include residential accommodation, with the exception of the Energy Centre (Plot H12) and the Pavilion building (Plot Pav.1), providing between 2,300 and 2,469 new homes across the site (or 160,579 sqm and 254,400 sqm GEA residential floorspace). This represents a net increase of between 1,193 and 1,362 residential units (or up to 165,042 sqm GEA of residential floorspace).

82 The most recent version of the Council's Development Capacity Assessment (June 2011) states that between April 2005 and March 2011, 1,170 new homes have been built in the Opportunity Area. The SPD sets a target of 4,000 new homes (with circa 2,500 homes on the development site) to be built between 2011 and 2026 and therefore the provision of net additional homes will significantly contribute towards the target of 4,000 new homes to be provided in the Opportunity Area and this is strongly supported. When taking account of the existing residential use on the site and the uplift in new homes to be delivered, residential use on the site is appropriate in land use terms.

83 Retail

The application site is located within the Elephant and Castle / Walworth Road Major Town Centre where Core Strategy Strategic Policy 3 seeks up to 45,000 sqm of new shopping and leisure floorspace. Southwark Plan saved policy 1.7 states that most new developments for retail and other town centre uses should be accommodated within the existing town and local centres, subject to:

- The scale and nature of the proposal is appropriate to the character and function of the centre and the catchment area it seeks to serve; and
- The proposal will not harm the vitality and viability of the centre; and
- A mix of uses is provided where appropriate; and



- Any floorspace currently in A Class Use should be retained or replaced unless the proposed use provides a direct service to the general public and the proposal would not harm the retail vitality and viability of the centre.

A Retail Assessment was submitted with the application.

84 The proposal would deliver a minimum of 10,000 sqm (GEA) and maximum of 16,750 sqm (GEA) of retail floorspace (Use Classes A1-A5). The jobs generated by the maximum quantum of retail floorspace would provide employment for approximately 750 people. It will be important to seek that the maximum quantum of retail space is provided to ensure a mixed town centre development at the heart of the Elephant and Castle which effectively links the Shopping Centre to the rest of the town centre along Walworth Road. The provision of new retail space will help consolidate and strengthen the Elephant and Castle's role as a major town centre.

85 Location, unit size and mix of retail

Policy SPD 25: Land uses of the SPD/OAPF requires development on the Heygate development site to provide a strategy for provision of retail space which:

- Provides a mix of retail types including new comparison goods floorspace, which complements retail uses elsewhere in the town centre and improves choice
- Ensures that the distribution and phasing of retail space is coherent and deliverable
- Provides a range of unit sizes and affordable retail units
- Provides food and drink uses (A1-A5) which complement other evening uses and broaden the centre's appeal to a wide range of people
- Contributes to the creation of distinct character areas
- Reinforces the function of Walworth Road as a shopping high street
- Activates New Kent Road as a key route into the town centre
- Provides a secondary retail street parallel to Walworth Road
- Activates the edges of the market square and the town park.

86 The retail floorspace would be capable of being distributed at basement, ground, and mezzanine levels across Plots H1, H2, H3, H4, H5, H6, H7, H11a, H11b, H12, and H13.

87 The retail strategy for the development site proposes branded multiples and independents to be located along Walworth Road to provide a traditional 'high Street' offer while the development plots along New Kent Road could accommodate larger double storey units suitable for furniture shops, showrooms etc. A new central shopping street parallel to Walworth Road would provide the focus for small local and independent retailers. The main concentration of cafe, bar and restaurant uses is likely to be located on the perimeter of the park, particularly at the western end. These would be interspersed with convenience and comparison shops to encourage footfall and provide an active frontage to ensure the park is overlooked at all times of the day and evening.

88 The proposed distribution of the retail units with key frontages along Walworth Road and New Kent Road is in line with SPD / OAPF retail strategy. Improving the high street offer along this part of Walworth Road will activate what is currently a dead frontage created by the existing Heygate Estate thereby better integrating the Shopping Centre with the remainder of Walworth Road. The provision of larger format stores along New Kent Road will increase the diversity of retail offer and active ground floor frontages will help improve what is currently a rather difficult and harsh environment. Active frontages along the secondary retail street and around the park will ensure high levels of pedestrian footfall throughout the site.

- 89 The inclusion of a street with a focus on independent and smaller retailers is particularly supported. The retail strategy commits to provide a minimum 10% of the new retail floorspace to be provided as affordable space. The location of the affordable units should be given equal priority alongside the market units in terms of accessibility and projected footfall on the site. The affordable retail space will need to be secured within a S106 legal agreement which should include an overall strategy for defining and allocating affordable space.
- 90 The flexibility of locations and mix of retail units and sizes sought at this outline stage is supported but at the detailed Reserved Matters stage it will be important to ensure that the proposed retail offer takes into account the retail provision existing in the wider town centre. Some uses, for example Class A5 hot food takeaway and Class A2 betting shops / loan shops, are increasing in number within particular shopping frontages in the borough including Walworth Road. A key town centre objective is to maintain a balance of uses in the town centre and this will be an important consideration in any future assessment.
- 91 Retail Impact  
The Retail Impact Assessment assesses the impact of the proposed development on other town centres in the borough as well as centres outside the borough: Brixton, Lower Marsh/The Cut, Clapham, New Cross, and Deptford. In addition, three “committed developments” have been identified and included in the impact analysis for completeness. These are Surrey Quays Shopping Centre, Oakmayne Plaza Development (50 New Kent Road), and London Bridge Station where planning permission has been granted (between 2008 and 2011) for increased retail floorspace. The assessment tests the maximum gross 16,750 sqm GEA quantum condition with a likely split between convenience and comparison goods floorspace. It uses 2012 as the base year and assesses the potential impacts at 2018 (completion of Plot H4 – which is the likely first phase) and 2023 for the remainder of the retail development.
- 92 The study found that the impact (i.e. trade diversion) of the proposed and committed developments in terms of convenience and comparison shopping would not be at such a level as to cause harm to other town centres; indeed there would be an overall positive impact on Elephant and Castle / Walworth Road Town Centre as well as London Bridge and Canada Water. In the case of convenience floorspace, the highest cumulative impact would be on the out of centre stores (i.e. Asda on Old Kent Road, Tesco on Dunton Road, and Tesco on Kennington Lane) but these out of town stores are not protected by policy. Overall, the study found that there would be a below 5% trade diversion from the centres tested in terms of comparison and convenience shopping.
- 93 In retail planning terms it is accepted that impacts 10% and below are generally considered acceptable and would not have a detrimental impact on a centre or store which is healthy. As part of the assessment, retail health checks were undertaken for Southwark’s major and district centres and, in the context of these checks, the impact assessment has shown that there would not be any significant detrimental impact on any town centre as a result of the proposed development.
- 94 Local concerns have been raised that the proposal would displace or have a negative impact on existing independent traders in the area and that the retail assessment doesn’t assess the impact of the development on existing local retailers. A further criticism is that the application should secure a commitment to affordable retail units for existing traders and should recognise the important contribution of small retail units and street markets surrounding the site as well as the contribution of minority ethnic businesses.

- 95 The submitted assessment details the existing retail context of the Elephant and Castle Town Centre, particularly noting the retail offer of the Shopping Centre, New Kent Road and Walworth Road, including East Street Market. The study found low vacancy levels (under 5%) were currently experienced in the Shopping Centre and along Walworth Road and that they provided a diverse range of independent and lower and multiple retailers catering for a multi-cultural catchment area. As set out above, the proposal is predicted to have a positive, beneficial impact on the Elephant and Castle Town Centre including the delivery of jobs for approximately 750 people (FTE) based on maximum retail floorspace and between £33-35m of convenience and comparison expenditure to the area which will also support existing shops and facilities. The retail strategy is intended to complement and enhance existing retail provision provided elsewhere in the centre in order to maximise choice. The development would deliver modern retail units of varying sizes that would be attractive to both multiple and smaller retailers and there will be a strong commitment to affordable units secured via legal agreement.
- 96 Overall, officers are satisfied that the proposal will not cause any demonstrable harm to the vitality, viability and functioning of other town centres in Southwark or in town centres outside the borough. It will result in significant benefits to the Elephant and Castle town centre through an enhanced retail offer, additional retail expenditure, and significantly improving the linkages between the main shopping centre and Walworth Road.

## **Business**

- 97 Quantum floorspace  
The Core Strategy sets a target of 25,000 – 30,000 sqm of new business floorspace to be delivered over the plan period; no specific target is set for the Heygate Street Character Area. Between 2,000 sqm and 5,000 sqm GEA of Class B1 floorspace is proposed which has the potential to be delivered at basement, ground and mezzanine floors across Plots H1, H2, H3, H4, H5, H6, H7, and H11a. Given the size and significance of the application site within the Opportunity Area and the long-term delivery of the scheme, a higher quantum of proposed business floorspace would have been preferred given the proven need for such accommodation.
- 98 It is agreed that the demand for large purpose built offices in the Elephant and Castle is low but there is a demand for good quality premises for SMEs (small medium enterprises) who play a vital role in providing goods and services to the major business hubs (such as the City and West End). The council's Employment Land Review (2010) forecasts the need to provide a significant amount of new office business space by 2026 to meet the needs of the 'local office market' located outside of the SE1 area of the borough. In addition to the presence of large and international occupiers in the north of the borough, there are a considerable and growing number of SMEs that create 'localised' demand for Class B1 floorspace. Local estate agents confirm that Southwark has seen an increase in the number of SMEs compared to other areas of London. In 2011, there were 4,374 start-up businesses in the borough; an increase of 672 businesses compared with 2010 figures. Southwark's current market is characterised by a lack of modern, good quality developments with most premises consisting of conversions from the Georgian housing stock. Local estate agents maintain that demand for commercial space in the area is relatively good, but expect that demand for higher quality space significantly outweighs supply.
- 99 Unit size and location  
The applicant advises that the strategy for business space is predicated on a fragmented delivery across the site with the provision of a variety of unit sizes for small and medium sized enterprises and a variety of occupiers. The business floorspace would include an Estate Management Office on site.

- 100 The proposal for a variety of unit sizes and occupiers is welcome. SPD 4: Jobs and Business of the Elephant and Castle SPD / OAPF supports the provision of flexibly designed business floorspace to accommodate a range of unit sizes to help meet the needs of local office market and SME businesses. In particular, support is given to the provision of affordable business space in the form of managed workspace or incubator units. Officers would therefore encourage a greater range of business unit sizes, including the provision of some larger units which could be easily configured to meet occupiers' demands in terms of overall floorspace, floor-to-ceiling heights (inclusion or removal of mezzanine floors) etc.
- 101 A concern was raised during the course of the application about the fragmentation of business space across the development site as shown in the Illustrative Masterplan (March 2012 version). This depicted the business floorspace to be split over the ground, mezzanine and first floor and included a large number of small units fragmented across the site. It is considered that accessible, visible business space clusters along the main high street frontages is desirable as part of an integrated town centre development. The September 2012 revisions introduce alternative example scenarios of business use distribution in the amended Illustrative Masterplan which the applicant advises show the possible consolidation of the office provision in certain locations of the site to demonstrate how this could be developed at Reserved Matters stage.
- 102 The design and location of commercial units in mixed-use developments need to be considered carefully to ensure that they are marketable and attractive to prospective occupiers. The revised illustrative material shows:
- Option 1 – maintains the originally submitted distribution strategy showing a quantum of 4,988 sqm spread amongst small units over six plots fronting the primary commercial routes
  - Option 2 – shows a layout which distributes 3,919 sqm over three plots, consolidating the space along the secondary routes leading through to the Park from New Kent Road
  - Option 3 – shows a layout which distributes a quantum of 2,358 sqm over three plots provided just on the ground and mezzanine floors of the routes leading from New Kent Road through to the Park.
- 103 This has proved useful in order to show the impact of the two alternative options relative to the distribution of the retail and community floorspace across the site. However, it would have been helpful to understand how the different business quantum in each of the scenarios affected the quantum of retail and community space that could be delivered. It would have been useful to include more information about the design constraints to achieving a higher quantum of business floorspace than that proposed as well as commentary about the commercial market factors which have influenced the proposed business quantum and location of business floorspace across the site and the estimated commercial yields of the office and retail floorspace over the long-term.
- 104 In summary, a greater quantum of Class B1 business floorspace would have been preferred given the proven need for more business space, the long-term delivery of the development and that this is a key site in the Opportunity Area. However, there is also a pressing need for other land uses in the area such as housing, retail, community uses and more open space and so the proposed business proposal must be balanced with the need to deliver other uses to enable the successful regeneration of the Elephant and Castle. Moreover, the SPD/OAPF does not specify a level of business floorspace to be delivered in the Heygate Street Character Area rather the strategy is to provide a mix of business, leisure and community uses. In this respect

the proposal conforms to this objective. An important consideration at the detailed Reserved Matters stage will be the distribution and variety of business space to ensure that that high quality, marketable business units are provided to meet local office demand. It is therefore strongly recommended that the maximum quantum of business floorspace is delivered. On balance and taking into account the wider regenerative benefits of the scheme the business proposal is accepted.

### **Community, leisure and cultural uses**

- 105 A minimum of 1,000 sqm (GEA) and a maximum of 5,000 sqm (GEA) of community and cultural uses (Class D1) are proposed as well as a minimum of 1,000 sqm (GEA) and maximum of 5,000 sqm (GEA) of leisure use (Class D2). These uses would be capable of being distributed across the site in Plots H1, H2, H3, H4, H5, H6, H7, H10, H11a, H11b and H12.
- 106 A wide range of town centre uses, including D1 community and D2 leisure use classes, are encouraged on the Heygate development site in order to contribute towards consolidating the Elephant and Castle as a major town centre and increase its appeal to a wider catchment. The provision of such uses is therefore considered acceptable in principle.
- 107 Health (Class D1)  
The application includes a Health Impact Assessment (HIA) which has been revised due to concerns raised during the course of the application.
- 108 The HIA Addendum (September 2012) concludes that whilst there is some surplus capacity available locally, it is acknowledged that the overall population growth in this area (both workers and residents) will increase the level of demand on these existing facilities. The outline proposal includes a maximum of 5,000 sqm of D1 floorspace, a proportion of which could be used for additional healthcare provision should there be an identified demand for additional facilities. This also allows for the potential to provide new premises for an existing healthcare provider should they express an interest in moving into this location. The HIA Addendum recommends that further consultation is therefore required with the Council, relevant stakeholders and the health services to determine in the future healthcare requirements within the local area going forward.
- 109 Southwark NHS advise that although the report argues that the existing health care has a good level of provision in terms of access to GPs, and that there is some surplus capacity within existing primary healthcare facilities within 1km of the proposed development, the current GP service provision is mainly operating from converted housing and commercial premises with limited ability to expand and develop.
- 110 The redevelopment of the Heygate Estate would offer the NHS the opportunity for a purpose built community health facility which incorporates relocating one or several GP practices, sharing services with community health and providing dedicated mental health services. The potential for safeguarding space (500 sqm in size) for a new health facility is secured in the S106 legal agreement or in the event that an actual facility is not provided a financial sum will be payable to mitigate the impacts of the development.
- 111 Other Class D1 community and Class D2 leisure uses  
Local concerns are raised that the proposal will result in a net loss of community facilities provided on site and that the minimum proposed floorspace figures for community and cultural uses should ensure there is no net loss. The revised Development Specification (September 2012) includes updated figures for the existing

Heygate Estate buildings, citing 2,530 sqm of existing community and culture (Class D1) floorspace. One of the existing principal community uses on the site is Crossways Church on New Kent Road where the council is currently in discussions with the church to try and secure relocation to alternative premises in the locality. The intention is therefore not to lose this facility but that it remains available for the local community, including future occupiers of the proposed development. The proposal would allow for the net increase in community facilities if the maximum 5,000 sqm floorspace were delivered.

- 112 At this outline stage the mix and range of Class D community and leisure uses has not been established; the precise nature and location of the provision within each development plot will be determined at the detailed reserved matters stage. However, it is anticipated that the uses may include: gym/fitness facilities; creche; health centre; library; workshop space; and community building(s). The need for community uses will have to be reviewed at future stages as needs are likely to change as the population changes and users are identified. Wherever possible facilities should be made available to all members of the public in order to benefit both existing residents as well as future residents of the development. Further, it will need to be ensured that the size and location of the facility would not be detrimental to the amenity of existing residents and future occupiers of the development.

### **Environmental impact assessment**

- 113 Applications where an Environmental Impact Assessment (EIA) is required will either be mandatory or discretionary, depending on whether they constitute Schedule 1 (mandatory) or Schedule 2 (discretionary) development of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In this case the proposed development falls under Schedule 2, Category 10b 'urban development project' of the EIA Regulations where the threshold for these projects is a site area exceeding 0.5ha. The application site area is 9.71 ha and therefore is well above this trigger threshold. Notwithstanding this, an EIA is only required if it is likely to generate significant environmental effects having regard to the criteria set out in Schedule 3 of the Regulations which include:

- the characteristics of the development;
- the environmental sensitivity of the location; and
- the characteristics of the potential impact.

- 114 It is considered that the development is likely to generate significant environmental effects based upon a review of Schedule 3 and therefore an EIA is required.

- 115 Prior to the submission of the application, the applicant requested a formal 'Scoping Opinion' under Regulation 13 of the EIA Regulations to ascertain what information the local planning authority considered should be included within the Environmental Statement (ES) (application reference 11-AP-2616).

- 116 Regulation 3 of the EIA Regulations precludes the granting of planning permission unless the Council has first taken the 'environmental information' into consideration. The 'environmental information' means the ES, including any further information, any representations made by consultation bodies, and any other person about the environmental effects of the development.

- 117 The ES must assess the likely environmental impacts at each stage of the development programme. Although two planning applications (a full application for the demolition of existing Heygate buildings and an outline application for the redevelopment of the estate) have been submitted, the accompanying EIA relates to both applications and hence covers the impacts arising from the demolition and

construction phases as well as the impacts arising from the completed and operational development. As only outline approval is sought at this stage for the construction of the development, the EIA has assessed the parameters of the proposed development in terms of the 'maximum' and 'minimum' extents of building envelopes and Gross External Areas (GEA) by land use.

- 118 It is not necessarily the case that planning permission should be refused if a development has the potential to have significant adverse impacts; it has to be decided whether any of the identified adverse impacts are capable of being mitigated or at least reduced to a level where the impact would not be so significant or adverse as to warrant a refusal of permission.
- 119 The submitted Environmental Statement (ES) comprises Main Text and Figures; Technical Appendices; Townscape, Visual and Built Heritage Assessment; and Non-Technical Summary. It details the results of the EIA and provides a detailed verification of the potential beneficial and adverse environmental impacts in relation to the proposed development, including the following areas of impact (in the order they appear in the ES);
- Transportation
  - Noise and Vibration
  - Air Quality
  - Ground Conditions and Contamination
  - Water Resources and Flood Risk
  - Ecology
  - Archaeology
  - Wind
  - Daylight, Sunlight and Overshadowing
  - Socio-economics
  - Cumulative Impacts
  - Townscape, Visual and Built Heritage (ES Volume 2).
- 120 In assessing the likely environmental effects of a scheme, the ES must identify the existing (baseline) environmental conditions prevailing at the site, and the likely environmental impacts (including magnitude, duration, and significance) taking account of potential sensitive receptors. It further identifies measures to mitigate any adverse impacts, and a summary of potential positive and negative residual effects remaining after mitigation measures is included in the ES in order to assess their significance and acceptability.
- 121 Reference to cumulative effects includes the combined effects of different types of impact, for example noise, dust and visual impacts, impact interactions and impacts from several other known developments which individually may be insignificant but when considered together could amount to a cumulative impact.
- 122 Additional environmental information or 'Further Information' (ES Addendum September 2012) was received during the course of the application (September 2012) and in accordance with Regulation 22 of the EIA Regulations all statutory consultees and neighbours were re-consulted in writing and a further press notice advertised in the local press. The assessment of the ES and Further Information and the conclusions reached regarding the environmental effects of the proposed development as well as mitigation measures (where required) are set out in the report.

### **Alternatives**

- 123 Schedule 4 of the EIA Regulations sets out the information that is required for an ES, which includes an outline of the main alternatives considered. The ES considers three

alternative options.

124 'No development' alternative

This option would leave the site as it currently exists. This was considered to constitute a negative impact ... The ES notes that the site has been earmarked for development due to its poor quality urban environment and that the 1970's buildings are deteriorating and the subways and raised walkways create an un-inviting and hostile environment. Further, that the site is identified in the Council's Elephant and Castle SPD as one of 35 development sites in the wider OA and that a regeneration agreement with the Council as landowner was entered into in 2010.

125 Alternative sites

No other alternative sites have been considered in the ES because of the points raised above and that there would be few sites elsewhere in the Elephant and Castle that could accommodate this scale of development, including a new park.

126 Alternative uses and design

The ES advises that the land uses and mix were identified by policy and no land use alternatives were considered beyond those set out in the Elephant and Castle SPD. Further, that the development parameters applied for accord with policy documents and that the design has evolved throughout the process (including at application stage) in response to environmental constraints and opportunities.

127 Officers consider that the application site forms a significant component of the Proposal Site 39P and it forms the majority of the Heygate Street Character Area where the aim is to regenerate the Heygate Estate with a mixed use development to create a vibrant new quarter at the heart of the Elephant and Castle. Officers concur that there are a number of problems with the existing Heygate Estate including navigation problems (high level walkways) and the refurbishment of the existing stock would not address these concerns nor deliver the wider vision for the OA. As such the 'do nothing' approach is not feasible. There are no other sites in the OA that could facilitate this size of development and it will significantly contribute towards meeting the targets for new homes and jobs in the area. As such, officers conclude that the ES is satisfactory in demonstrating that other alternative options would not be viable or supported on planning policy terms. It is therefore considered that the applicant has adequately addressed this aspect of the EIA Regulations.

### **Cumulative developments**

128 The ES Addendum (September 2012) provides an updated assessment of the likely significant cumulative impacts of the development during demolition, construction and operational phases of the development. Two types of impacts have been considered, the combined effect of individual impacts (such as noise, dust, and visual impact) from one development on receptors, and the likely combination of impacts from other "committed developments" in the surrounding area.

129 Since the Addendum was submitted the status of a number of the listed schemes has changed.

#### Schemes with resolution to grant

12-AP-1455 Stead Street = Permission granted 28 September 2012

#### Current planning applications

11-AP-2862 Chatelaine House, 182-202 Walworth Road = Withdrawn

12-AP-2239 St Mary's Residential Development = Permission granted 23 November



2012

12-AP-2570 Elephant and Castle Leisure Centre = Permission granted 7 November 2012

- 130 The cumulative impacts arising from the demolition and construction of the proposed development from construction traffic, noise, vibration, air quality, daylight and sunlight and visual amenity would be short to medium term local adverse impacts of minor significance. As discussed elsewhere in the report, mitigation measures would be in place (such as Environmental Management Plans) to ensure these impacts were minimised.
- 131 There are a number of other schemes in the vicinity and so similar construction works on the other sites combined with the proposed development would be likely to result in temporary local adverse impact.
- 132 The cumulative impacts of the completed development, in conjunction with other committed schemes were found to be minimal with the exception of beneficial cumulative socio-economic impacts and increased open space provision.
- 133 Officers acknowledge that there will be adverse impacts resulting from the construction of this scheme alongside other schemes, the impact of which may not necessarily be short term given the length of the anticipated construction period. However, such impacts will be minimised as far as possible and they have to be balanced with the long-term significant regenerative benefits that the scheme will deliver to the site and the wider Opportunity Area. It is considered that the cumulatively impacts have been adequately considered in the ES and that they are acceptable and would not result in significant adverse effects upon the environment that would warrant planning permission being refused.

### **Conclusion on Environmental Impact Assessment**

- 134 The ES concludes that in relation to the majority of environmental impacts, the residual impacts of the proposed development (demolition, construction, and operational phases) following mitigation would be insignificant. However there are likely to be some adverse minor impacts particularly during the demolition and construction phases and traffic related long term impacts from the completed development. *Adverse residual impacts of minor significance* of varying duration have been identified in relation to:
- Increased traffic flows arising from demolition and construction related traffic (temporary, short to medium-term)
  - Increased operational development traffic flows on the surrounding local highway network (long-term)
  - Increased passenger trips on the Northern and Bakerloo LUL Lines at E&C (long-term)
  - Noise, vibration, and dust from demolition and construction activities impacting on existing on-site occupants, surrounding residential receptors and future occupants of early phases of the development (temporary, short-term)
  - Emissions from demolition and construction traffic (temporary, short-term)
  - Impacts upon local air quality resulting from operational traffic and heating plant emissions (long-term)
  - Removal of on-site semi-natural vegetation which can't be mitigated during demolition and construction works (temporary, short to medium-term)
  - Impact upon townscape character, setting of built heritage assets and visual amenity (temporary, short to medium-term)

- 135 The proposed scheme would have a number of major overarching, long-term beneficial impacts of varying significance and these have been identified in relation to:
- Improved pedestrian and cyclist permeability through the site and provision of enhanced pedestrian and cycle facilities
  - Alleviation of passenger crowding within Northern Line Ticket Hall and Northern Line platforms at E&C LUL Station through partial funding of additional lifts
  - Increased passenger trips on National Rail Services at E&C
  - Reduction of surface water discharge rate to 50% of the existing discharge rate with the use of underground attenuation tanks
  - Creation of new semi-natural vegetation (new planting; green/brown roofs; living walls)
  - Enhancement of bat and bird habitats (no net loss of tree numbers on site; off-site planting; green/brown roofs; creation of wildlife refuges on site)
  - Provision of up to 2,469 new homes, including affordable housing
  - Creation of up to 1,255 jobs on site
  - Enhancement of the retail offer and increased retail expenditure
  - Creation of up to £35.9m annually in household spending and up to £1.6m from on-site employee spending
  - Provision of open space, including a new Park, and playable spaces
  - Creation of a pedestrian permeable development with mix of land uses
  - Impacts upon the setting of conservation areas, local heritage assets, setting of St Paul's, listed structures, regional and local views.
- 136 Temporary, short to medium term beneficial impacts have also been identified which include:
- Changes to daylight and sunlight availability to surrounding properties and quantum of overshadowing to surrounding amenity spaces during demolition and construction
  - Creation of circa 1,080 FTE construction jobs (temporary, short to medium-term)
  - Creation of circa £550,000 annual local spend from construction workers (temporary, short to medium-term).
- 137 A detailed assessment of the potential and residual impacts of the proposed development is provided below, taking into account the ES and the relevant planning policy considerations. Officers are satisfied that the ES (taken together with the further information received pursuant to regulation 22) is adequate to enable a properly informed assessment of the environmental impacts of the proposal to be undertaken.

### **Density and Dwelling mix**

- 138 Density  
Saved Policy 3.11 of the Southwark Plan requires development to maximise the efficient use of land whilst ensuring a number of criteria are met including safeguarding neighbouring amenity and making a positive response to local context. Policy clearly states that permission will not be granted for development that is considered to be an unjustified underdevelopment or an overdevelopment of the site.
- 139 The application site is within the Central Activities Zone where a density of between 650 – 1,100 habitable rooms per hectare is expected as set out in Core Strategy Strategic Policy 5. Densities may be exceeded in the Opportunity Area when developments are of an exemplary standard. The site area is 9.71 including the new

park, Heygate Street and Wansey Street, but excluding the surrounding major roads. Taking into account the non-residential floorspace, the proposal will result in a site-wide density of 1,054 habitable rooms per hectare based on a maximum number of 9,052 habitable rooms or 2,469 residential units and therefore is within the density range normally expected. Density will need further assessment at detailed Reserved Matters stage for each of the development phases.

140 Dwelling mix

London Plan Policy 3.8 requires new developments to offer a range of housing choices in terms of the mix of housing sizes and types. Core Strategy Strategic Policy 7 requires major development in the Elephant and Castle OA to have at least 60% of units with 2 or more bedrooms and 10% of units to have 3, 4 or 5 bedrooms. No more than 5% of units should be studio flats.

141 The original submission complied with the required mix, but committed only to providing 10% minimum 3-bedroom units as opposed to providing any larger 4 or 5 bedroom. The revised submission offers a minimum 10% of 3 *plus* bedroom units which broadens the housing choice. This is particularly positive given the shortage of larger family dwellings in the borough.

142 The London Plan also requires 10% of new housing to be designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. Saved policy 4.3 of the Southwark Plan requires a minimum of 10% of the units to be provided as wheelchair accessible. Prior to implementation, a site wide strategy will be submitted to demonstrate the delivery of 10% wheelchair accessible dwellings and these will be identified for each development plot at Reserved Matters stage. The affordable housing units will be constructed and fitted out in accordance with the South East London Housing Partnership Wheelchair Design Guidelines so that they are fully accessible to wheelchair users from the outset. However due to uncertainty over the demand for wheelchair units in the private and intermediate sector and given the lengthy timeframe for project delivery it is agreed that these units could be designed to be adaptable in that they will be fitted out to a 'base specification' and adaptations made to meet individual wheelchair user's requirements (at no additional fit-out cost to the wheelchair user). The wheelchair accommodation will be secured by legal agreement.

143 All the proposed units in the development will be designed to 'Lifetime Homes' standard and a commitment to meet this standard is contained within the Design Strategy Document.

### **Affordable Housing**

144 Policy SP6 of the Core Strategy requires as much affordable housing as is financially viable and specifically a minimum of 1400 affordable units within the Elephant & Castle Opportunity Area between 2011 and 2026. (A minimum of 35% private housing is also required in the same area.)

145 Policy 4.4 of the Southwark Plan requires provision of 35% affordable housing on developments within the Elephant and Castle. The Affordable Housing SPD specifies that this provision should be split by tenure; 50% social rented & 50% intermediate.

146 Policy 3.8 of the London Plan requires new developments to offer a range of housing choices and the provision of affordable family housing. Policy 3.12 states that the "maximum reasonable amount of affordable housing should be sought having regard to:" a number of factors including "the need to encourage rather than restrain residential development, the need to promote mixed and balanced communities, and the specific circumstances of individual sites". The policy also advises that

“Negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation...”

- 147 In addition Policy 3.14 states that the loss of housing, including affordable housing, should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floorspace.
- 148 Although the application is in outline the proposal identifies the level of affordable housing at 25% with a tenure split of 50% rented and 50% shared ownership (intermediate). The rented accommodation will be on the basis of Social rent levels for 3 and 4 bedroom homes and Affordable Rents on smaller units (1 & 2 bedrooms at no more than 50% of market rent); the shared ownership will be set at two different income thresholds 50% at the Southwark affordability caps and 50% at GLA affordability caps. This will be secured within the S106 legal agreement.
- 149 At 25% the level of affordable housing proposed is below the level set by SP policy 4.4. The applicant has submitted a detailed financial appraisal to demonstrate that a scheme providing 35% affordable housing would be unviable and would produce a very substantial overall deficit. Even at 25% the scheme is also unviable but depending on which particular scenario is run on the Financial Model ( i.e. where varying values are input in different combinations for a range of key factors; build costs, finance rate, escalation etc) the deficit becomes a lot less or the profit level becomes less unattractive. Including the smaller affordable rent units at 50% market rent and including 50% of the shared ownership at GLA income levels reduces the deficit but does not eliminate it.
- 150 The viability assessment has been scrutinised by the District Valuer on behalf of the Local Planning Authority. Having considered the extensive range of data that is required to provide a detailed assessment of such a vast scheme and over a very extended build programme – circa 15 years - the advice received is that the applicant’s financial appraisal presents a reasonable account of the viability of the scheme. In broad terms the DV accepts the applicant’s appraisal and agrees that the scheme cannot support the policy requirement of 35% affordable housing. The level of affordable housing that could be provided on a viable scheme is 9.4%. (Whilst some of the precise figures supplied aren’t necessarily agreed the overall conclusion as to the lack of viability is. There is a difference of opinion on the scale of the deficit but not that a significant deficit exists nor that the scheme is not viable.)
- 151 The viability of the scheme is problematic due to a number of factors. Firstly the scale of the project is vast both in terms of the amount of development proposed, in the region of 2,500 residential units, and the timescale. The nature of the development, which involves the demolition of an existing housing estate, requires significant infrastructure and upfront costs which have to be provided at the outset of the development. The cost of demolition and the infrastructure in terms of utilities and access routes etc is very significant, and in addition this results in an extensive pre-development period. For example the demolition of the estate is expected to take approximately 2 years. This delays the commencement of development and as a direct consequence income from sales. Therefore the initial funding costs which are exceedingly high are incurred for a longer period without any return thus impacting negatively on the viability of the scheme. In effect, the financing costs of this development over an extended timescale have a significant negative impact on viability.
- 152 In assessing the viability of the scheme the financial model has used the price of the land as land value rather than the Established Use Value (EUV). Whilst this deviates

from the normal methodology, the viability has also been tested against the EUV which is lower. Even with a lower land value (EUV) the scheme remains unviable and not capable of supporting the level of affordable housing required by policy.

- 153 The applicant submits that the proposal of 25% affordable housing, given the viability gap, represents a very big risk on its part. Nonetheless in view of its obligation in the separate Regeneration Agreement with the Council as landowner, it remains committed to providing this level of affordable housing. Given that the development is phased and extends over a prolonged period it would normally be expected that the viability situation should be reviewed so that in the event of an economic upturn an increased level of affordable housing could be secured.
- 154 In this case what is proposed is an initial review where there is a delay in implementation beyond 2 years from the first approval of reserved matters. Such a review would determine whether there is scope to provide an increased level of affordable housing up to a maximum of 35%. It should however be noted that the Indicative viable level of 9.4% indicates that a very significant economic upturn would be required in order to bring the viability to a level of Affordable Housing above the 25% proposed in this application. Hence, it is unlikely (in the light of the current viability gap) that a review would secure any increase in the quantum of affordable housing that could be supported by the scheme but it is envisaged that there will be a mechanism for this to be examined in the circumstances then prevailing.
- 155 The other circumstance that could potentially lead to an improved provision of affordable housing would be if public funding became available during the course of 12- 15 year build programme. In such a scenario it would be appropriate, first of all, to utilise such funds to improve the affordability of the social housing i.e. to reduce the rent levels of the 1 & 2 bed units below 50% market value or increase the proportion of intermediate housing at Southwark income threshold levels. In the particular circumstances of this proposal it is considered that improving the affordability of the proposed social housing would be of greater benefit than an increase in the actual quantum. However if the level of funding was sufficient to provide both an improvement in affordability and an increased quantum then the legal agreement will require this up to a maximum of 35% affordable housing.
- 156 The delivery of the affordable housing is proposed on the following basis:  
20% by completion of 400 units;  
20% by completion of 800 units;  
25% by completion of 1200 units;  
25% by completion of 1600 units;  
25% by completion of 2000 units and  
25% by completion of final unit ( max 2469) ( %ages are cumulative)
- 157 This represents a relatively even delivery of affordable housing across the development as a whole even if it is slightly lower over the first phases. Although the affordable housing will comprise a range of unit sizes within both tenures, the proposal is to bring forward a higher proportion of 3 bed units ( at target rents) in the early phases. This will be alongside a higher proportion of the required intermediate housing so that towards the end of the delivery of the development the last plots will comprise a greater number of the 1 and 2 bed rented units with reduced proportions of intermediate. However the variable rate of delivery of rented against intermediate could range from, in the very early stages i.e. on the first 800 units, between a minimum of 25% rented against a maximum 75% shared ownership to a maximum of 40% rented against minimum 60% shared ownership. As the development progresses, the balance between rented and intermediate becomes more even. The variable rates of delivery of the different size and tenure will not alter the overall mix of affordable housing so that at the end of the development the total amount of

affordable housing will not be less than 25% with a 50:50 split between rented and shared ownership.

158 **Table 1: CUMULATIVE DELIVERY MILESTONES AND MIX**

Milestones (total number of units completed, including private and affordable)	Proportion of Affordable Housing to be provided by <u>Habitable Rooms</u> on completion of each cumulative milestone	Tenure Mix to be provided within the total provision of Affordable Housing by <u>Habitable Rooms</u> on completion of each cumulative milestone		Min and Max provision of 3 bed Target within the total provision of Affordable Housing by <u>Habitable Rooms</u> on completion of each cumulative milestone
		RENTED	SHARED OWNERSHIP	
400	Min 20%	Min 25%	Max 75%	Min 20% Max 35%
800	Min 20%	Min 25%	Max 75%	Min 20% Max 35%
1,200	Min 25%	Min 35%	Max 65%	Min 20% Max 30%
1,600	Min 25%	Min 40%	Max 60%	Min 18% Max 21%
2,000	Min 25%	Min 40%	Max 60%	Min 15% Max 21%
Milestone	Proportion of Affordable Housing to be provided by <u>Habitable Rooms</u> on completion of the Development	Tenure Mix to be provided within the total provision of Affordable Housing by <u>Habitable Rooms</u>		Max provision of 3 bed Target within the total provision of Affordable Housing by <u>Habitable Rooms</u>
On completion of the last unit	Target 25% aggregate	50%	50%	Max 18%

159 **Table 2: Affordable Housing Provision – Minimum levels**

		1 bed	2 bed	3 + bed	TOTALS
MIN Development (based on 2,300 units)	<u>Rented</u>				
	Habitable Rooms [assuming no unit in the Development has a room larger than 27.5 m <sup>2</sup> ]	No less than 501		No less than 286	Total no less than 787
	Units	[194]*		[71]*	[265]*
	<u>Shared Ownership</u>	1 + bed			
	Habitable Rooms [assuming no unit in the Development has a room larger than 27.5 m <sup>2</sup> ]	No less than 787			Total no less than 787
	Units	[268]*			[268]*

\* indicative only

- 160 The applicant had originally suggested that, in order to assist the viability of the scheme, the affordable housing would not be delivered pro-rata but at different levels on different plots with a delay in any provision of affordable housing until the second phase. A more even distribution across all the plots is welcome and would be more consistent with policy. Whilst the weighting in favour of intermediate housing in the early phases is not ideal there needs to be regard for the viability of individual plots early on. Ultimately the required balance will be achieved and, acknowledging the greater proportion of the larger rented units in the early phases, the proposal in this regard is considered acceptable.
- 161 The viability of the scheme has been adversely affected by the imposition of the CIL, which has been calculated at £9.1m, and the withdrawal of HCA funding for affordable housing.
- 162 It is considered that at 25% and on the basis of the submitted financial appraisal the proposed level of affordable housing is as much, if not more, as can reasonably be delivered and to that extent the requirements of policy SP6 are met. Equally the requirements of the London Plan with regard to mixed communities, viability, the phasing and the individual circumstances of the case are also considered to have been met particularly bearing in mind the absence of HCA funding.
- 163 One further consideration relates to the issue of the existing social housing on site as against that proposed. Members will be aware that the redevelopment of the Heygate estate has been a long established objective and the relocation of tenants has occurred over a considerable period of time. In 2003 the UDP identified a number of sites for the provision of replacement affordable housing that would be lost in the redevelopment of the estate. To date 7 sites have been developed, 2 sites are currently under construction and 1 has recently been granted planning permission and is expected to commence shortly. The combined provision of all these sites amounts to 512 affordable units both rented (434) and shared ownership (78) (as set out earlier in this report – Background to development proposal - table) . In order to fully replace the existing affordable housing on the Heygate estate there is an outstanding requirement to provide a further 511 affordable units. The indicative Masterplan shows that a total of 570 new affordable units would be provided and in the event of the maximum development being built out that number would increase to 574. The minimum development would also secure in excess of 511 so that the requirement to replace the existing affordable housing on the Heygate estate will be met
- 164 Although it is recognised that the tenure split with both social rented and shared ownership differs from the actual tenure of the previous housing nonetheless this would be in compliance with policy which does not make a distinction between

different affordable tenures. In addition it will contribute towards the objective of securing mixed communities within the area.

- 165 The precise mix of unit size within the affordable housing will be determined on a plot by plot basis under the reserved matters applications. The policy requirement will need to be met. However the indications are that there will be a significant proportion of the larger units within the rented section, in the region of 28%, set against the policy requirement of 10%. This is to be welcomed.
- 166 The provision of affordable housing at 25% is below the level required by policy which is 35%. However the viable level for this development would be much less – in the region of 9.4% and hence the provision of 25%, albeit with some affordable rent and GLA income thresholds for intermediate housing, should be viewed positively. The required tenure split is met and there is a higher proportion of larger units within the rented sector which is welcome. Whilst there is a variable pace of delivery of the affordable housing this is justified on the basis of the poor viability of the scheme and given the specific circumstances of this proposal officers consider the affordable housing provision to be acceptable.
- 167 Furthermore, officers are satisfied that in the light of the viability evidence and the scope for some review in the specified circumstances described above, that an appropriate balance has been struck between ensuring the deliverability of the scheme and securing as much affordable housing as is realistically possible.

#### **Impact of proposed development on amenity of adjoining occupiers and surrounding area**

- 168 Policy 3.2 of the Southwark Plan states that planning permission for development will not be granted where it would cause a loss of amenity, including disturbance from noise, to present and future occupiers in the surrounding area or on the application site. Furthermore, there is a requirement in policy 3.1 to ensure that development proposals will not cause material adverse effects on the environment and quality of life. Strategic Policy 13 of the Core Strategy requires developments to avoid amenity and environmental problems that affect how we enjoy the environment in which we live and work.
- 169 A development of the size and scale proposed will clearly have potential significant impacts (particularly at demolition and construction phases) on the amenities and quality of life of occupiers of properties both adjoining and in the vicinity of the site; hence the proposal has required an EIA in order to ascertain the likely associated environmental impacts and how these impacts can be mitigated. The accompanying ES and ES Addendum deals with the substantive issues raised by local residents. The ES includes a draft Construction Management Plan which includes an indicative construction programme and phasing, demolition and asbestos removal works, as well as construction traffic and site access. The demolition and construction works would be undertaken in phases across the site over an overall period of approximately 13 years. The demolition works are predicted to be of 24 months duration. It is noted that the phasing shown for both demolition and construction works in the ES is indicative only and detailed phasing plans will need to be secured by conditions attached to the demolition and outline applications
- 170 Daylight and sunlight  
An assessment of the likely significant impacts of the development on daylight and sunlight is contained in the ES and updated in the ES Addendum. At this outline stage the precise location and scale of individual buildings and the gaps between them are unknown and therefore the assessment relies on the maximum and minimum development parameter envelopes to assess the likely impacts on neighbouring



residential properties. Only existing residential properties that have windows facing towards the site were assessed and included only those at the lowest levels (basement and / or ground floor) as these would be the worst affected. Floors above this would experience better access to daylight and sunlight as a natural consequence of their upper floor location. Local concerns have been raised that tall buildings will have a negative effect on sunlight and shading.

- 171 The methodology used was carried out in accordance with the BRE Guidance 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' 2011. The daylight assessments take into account the amount of sky that can be viewed from the centre of a window. The first test '25 degree rule' is if any part of a new building, when measured in a vertical section perpendicular to the rear wall of an existing property, subtends an angle of more than 25 degrees at the centre of the lowest window, then more detailed daylight tests will need to be carried out to ascertain the extent of the impacts.
- 172 In relation to the more detailed tests, the assessment uses the Vertical Sky Component (VSC) methods. Absolute VSC considers the potential for daylight by calculating the angle of vertical sky at the centre of each of the residential windows which look towards the site. The BRE target figure for VSC is 27% or greater to maintain good levels of daylight (the maximum value being 40% for a completely unobstructed wall).
- 173 If the 27% VSC target cannot be achieved, then a comparison of existing and proposed VSC levels (Relative VSC) with the new development in place should be calculated. The BRE advises that acceptable levels of daylight can still be achieved if VSC levels are within 0.8 (or 80%) of their original value. Any greater loss (i.e. loss of 20% or more) would mean there would be a noticeable reduction in the amount of daylight received.
- 174 The assessment advises that the BRE 27% target is much higher than is relevant in this location and that a lower VSC target of 15% would better reflect the urban setting of the application site. However, the daylight impacts of proposed developments in Southwark are normally assessed using the 27% VSC target and officers do not consider there is a justifiable reason to use a lower target value in this instance. It is recognised that the BRE guidance has been drafted for use in both urban and suburban areas and that it needs to be applied with flexibility, particularly in urban areas where the character of higher density accommodation will inevitably have different impacts to lower density suburban areas.
- 175 Windows to 23 residential properties located immediately adjacent to the application site failed to meet the '25 degree rule' and required further assessment. These properties are located on:
- New Kent Road
  - Rodney Place
  - Rodney Road
  - Larcom Street
  - Brandon Street
  - Wansey Street
- 176 The assessment found that if the development was built to the maximum parameter envelope, then the majority of these residential properties would not retain adequate daylight levels and therefore would experience long term adverse impacts of moderate or substantial significance. For the minimum parameter envelope, the majority of windows assessed would experience an insignificant daylight impact (i.e. either retaining a VSC value of 27% or more, or less than 20% reduction) and therefore no noticeable reduction in daylight. A relatively small number of windows (41 out of 233

windows) would experience long term adverse impacts of minor significance which means there could be a slight noticeable reduction in the levels of daylight.

177 Sunlight

In considering the impact on sunlight, the BRE test is to calculate the Probable Sunlight Hours (PSH) taking into account the amount of sun available across the year and during the winter months for each window that faces 90 degrees of due south. The BRE guidance requires that a window should receive at least 25% of annual probable sunlight hours (or 372 hours) and at least 5% of sunlight hours (22 hours) during the winter. If the reduction in sunlight with the completed development is 20% or less of the original value then it is considered that sunlight received is adequate.

178 11 properties on New Kent Road and Rodney Place would have windows facing within 90 degrees of due south. In testing the maximum parameter envelope, most windows would experience an insignificant impact on available sunlight but five properties would experience long term adverse impacts of moderate or substantial significance. All properties would experience an insignificant impact if the development was built to the minimum parameter envelope.

179 Overshadowing

In terms of overshadowing the BRE guidance recommends that outdoor amenity areas to be adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least 2 hours of sunlight on 21 March. The assessment found that there would be no perceived difference to adjacent existing amenity areas from the existing situation in the case of both the maximum and minimum parameter conditions in place.

180 As is evidenced above, the detailed design of the development will need to carefully consider the daylight and sunlight impacts to avoid seriously affecting the light to existing adjoining residents. That said, it is noted that the windows tested were those most likely to be seriously affected and because the assessment relied on maximum and minimum envelopes of the development parameters, without allowing for any break or gap within the building frontage, the detailed design of the buildings will improve the results. Measures such as the inclusion of gaps between the new buildings, the separation distances to the facades of neighbouring buildings and building form and articulation will be required to minimise the daylight impact of the proposed development and therefore will be important features of future design. The ES has however demonstrated that the development could be built within the development parameters to ensure that impacts are kept to an acceptable level taking account of the site's urban town centre location. A Daylight and Sunlight Assessment will be required for each development phase and it will be a key consideration at detailed Reserved Matters stage.

181 During the demolition and construction phases the likely impacts on daylight and sunlight would be less than in the completed development. Demolition of the existing buildings would lead to a temporary improvement in light conditions to nearby adjacent properties as well as those occupied premises within the application site. During construction there would be a gradually increasing impact on daylight and sunlight levels as each phase of the development is built.

182 Outlook and privacy

In order to prevent harmful overlooking the Council's Residential Design Standards SPD requires developments to achieve a separation distance of 12m at the front of a building and any elevation that fronts a highway and a minimum 21m separation at the rear of buildings.

183 At this outline stage the parameter plans show maximum and minimum plot extents

rather than the building line or position of buildings with the plots inclusive of space for gardens or other amenity space (such as upper floor balconies) as well as spill out space for commercial units. Commitments to ensuring adequate separation distances between buildings are set out in the Design Strategy Document and these commitments will need to be adhered to when the individual plots are designed in detail and submitted for the Reserved Matters applications.

- 184 The closest residential properties to the proposed development that would directly face the proposed development would be those along Wansey Street. Here the revised parameter plans show a commitment to provide a minimum separation distance of 10m between that plot closest to the Wansey Street properties (Plot H10) and the red line application which extends up to the pavement in front of the existing properties on the south side of the road. In terms of separation distances between actual building faces, the Design Strategy Document commits to a minimum distance of 15m between building faces along Wansey Street. Hence this would comply with the minimum recommended 12m separation distance set out in the council's guidelines. Given the sensitivity of this boundary edge, a condition is recommended to ensure these minimum separation distances are achieved along the Wansey Street frontage.
- 185 Air quality  
The site is within an Air Quality Management Area due to the presence of high concentrations of nitrogen oxide and particulate matter. An Air Quality Assessment forms part of the ES and this is updated in the ES Addendum (September 2012).
- 186 Demolition and construction  
The principal impacts on air quality would be dust-generating activities and vehicle emissions from construction traffic. There are four residential units currently occupied on the development site as well as existing residential properties in the near vicinity, the closest being properties on Rodney Road (to the east) and Wansey Street (to the south) which are within 20m of the site boundary. There are a large number of local objections in relation to impacts on residential amenity during demolition and construction, particularly those relating to dust and noise.
- 187 Dust is most likely to be generated from demolition and earthworks. The ES predicts that those residents living closest to the site or on the site itself are most likely to experience nuisance from dust and in the absence of mitigation these people could experience short-term, local adverse impacts of moderate significance. A range of measures to minimise dust would be implemented as part of a Demolition and Construction Environmental Management Plans, for example erection of hoardings to reduce dust dispersion, dampening down surfaces etc, so residual impacts would be reduced to those of minor significance.
- 188 The Environmental Management Plans would also include measures to control construction traffic to ensure that traffic was restricted to main arterial routes and avoid sensitive roads (including residential roads). Exhaust emissions from construction vehicles entering and leaving the site would give rise to local short term adverse residual impacts of minor significance on the local roads nearest to the site and during peak demolition and construction periods but the impact would reduce to insignificant on the wider main road network and outside of peak periods.
- 189 The Council's Environmental Protection Team (EPT) suggest that the above findings of the ES are rather conservative and that even using the most appropriate and up to date abatement methods, demolition (and construction works) on such a scale as that proposed will cause significant local pollution to air due to dust and emissions from plant associated with the site. As the site is already in an area where local air quality is a concern, the developer and contractors will need to have high regard for minimising

emissions to air from all associated activities. The measures set out to reduce dust during demolition and construction are general, although this is to be expected in the case of the broad nature of the outline application (i.e. construction works). Emissions to air from construction will need to be addressed in detail when considering the Construction Environmental Management Plans which will need to be submitted for each development phase given that construction methods will vary. This matter can be adequately addressed through appropriate conditions and/or planning obligations.

- 190 Similarly, each phase of demolition will require a specific Demolition Environmental Management Plan to ensure that the works and methodology are tailored to the proximity to off-site and potentially on-site sensitive receptors. For example, whilst it will be acceptable to use high reach machines in central areas of the site on sensitive boundaries with limited stand-off distances it will be necessary to use dismantling techniques to the ground. It is anticipated that as the development proceeds through different demolition phases the crusher location and materials handling practices may vary.
- 191 In terms of dust monitoring, a background air quality survey will need to be undertaken before commencement of demolition and monitoring for particulates will be required at agreed locations throughout the demolition phases and to ensure local soiling levels due to dust remain within specified parameters. The surveys, both before and during the demolition phases will need to take account of the prevailing wind and sensitive receptors located within the site environs.
- 192 EPT have queried the indicative proposed demolition phasing, in particular, that it should co-ordinate better with the proposed construction phasing. For example, Proposed Demolition Area 1 (blocks to the south of Heygate Street facing Wansey Street) would be demolished first, however new blocks wouldn't be constructed here until the later Construction Phases 4 and 5 (Years 7 to 13 of the construction programme). The proposed demolition and construction phasing are indicative at this stage and EPT accept that the submission of detailed demolition and construction phasing plans for approval can be secured by conditions.
- 193 The proposed demolition and construction phases will lead to long-term stockpiles and open areas which will generate dust and potentially attract vermin. Any open areas and stockpiles which would be left open for more than 3 months will require securing and sealing / seeding to consolidate the surfaces and to prevent the wind entrainment of dust. It is essential that all drains and sewers on site are effectively capped to prevent vermin infestation. Again, this matter can be satisfactorily dealt with by condition.
- 194 Completed development  
It is predicted that the development would result in only a small change in air quality when taking account of the maximum traffic that could be generated by the development. A Travel Plan will be implemented with the aim of reducing reliance on the car by all users of the development. EPT note that no detailed information is provided on the likely dispersion of exhaust gases from the proposed gas boilers / CHP plant at this outline stage. The boilers and CHP plant will need 3d dispersion modelling detail as any chimney stack is likely to impact laterally on high buildings both on-site and off-site, thereby adversely affecting both existing and future residents. It is anticipated that worst case scenarios will be explored as the proposed stack heights may not be adequate given the height of some of the proposed blocks within the development. This issue has been identified within the ES as requiring further work and will be addressed at detailed design stage.
- 195 Noise and vibration  
The ES and ES Addendum assess the likely significant noise and vibration impacts of

the development. The potential noise impacts arising from the demolition and construction phases are a matter of concern for local residents, particularly those living on Wansey Street.

196 Demolition and construction

The ES identifies a number of noise sensitive receptors both on-site and surrounding the development site, including Wansey Street (Figure 8.1a ES Addendum). Short term noise monitoring has been carried out at six locations around the site, along Walworth Road, New Kent Road, Rodney Place and Rodney Road. The dominant noise source at each of these locations was road traffic noise. Future occupiers of earlier completed development phases could potentially be affected by construction noise and vibration when later phases are being built. As well as noise from plant and machinery operating on site, there would be potential noise from construction traffic. The main source of vibration would be piling.

197 The ES acknowledges that adverse impacts would arise during demolition and construction and these impacts would be substantial when these activities take place closest to the site boundaries (particularly Wansey Street, Rodney Place, Brandon Street, and Walworth Road). Demolition works would have a substantial adverse impact on those occupiers currently on-site. When works are being carried out further away from a receptor then the impacts would be less. As such, the impacts on sensitive receptors would change during the works depending on which phase of the development was being implemented and the distance from the receptor. Such impacts are proposed to be mitigated through Environmental Management Plans which are predicted to reduce impacts to those of minor significance.

198 EPT consider that the noise assessment methodology is sound and is satisfied that the noise sensitive receptors have been identified. A local concern was received that the choice of noise sensitive receptors in the Environmental Statement didn't represent the worst case scenario. The purpose of the assessment was not to identify every individual sensitive premises but rather to identify the frontages where there are noise sensitive land uses present. In this case all the main road frontages have been identified as containing sensitive receptors such as residential or schools and have accordingly been taken into account in the assessment.

199 Given the outline nature of the application the findings of the baseline noise survey are general. Noise measurements were taken to establish the prevailing noise levels within the vicinity in order to assess the potential off-site noise impacts on the proposed development. However, it will be necessary to take further noise readings at quiet locations in the vicinity where on-site noise from demolition and construction will impact on residents in the vicinity. The background noise monitoring locations chosen are noisy locations and while they are good for assessing the noise impacts on the proposed development from off-site noise, they are less useful for assessing the impacts of the demolition and construction at the quieter locations particularly on the southern and eastern perimeter of the site. However, the identification of areas where adverse impacts are likely to occur and the causative activities, if conservative, are as anticipated. Further noise monitoring and vibration surveys need to be undertaken for each phase of the development and this can be secured by condition to ensure that these are submitted prior to commencement of the demolition works and at detailed Reserved Matters stage prior to each development phase. EPT concur that the control of construction and demolition noise can be adequately dealt with using Environmental Management Plans. Equally officers are satisfied that the baseline noise assessment work within the ES was sufficient to enable a proper assessment to be made of the impacts of the proposed development.

200 Wansey Street residents have queried whether noise testing was carried out along their street. The applicant has confirmed that for the purposes of the ES noise

monitoring was undertaken along the main roads (i.e. locations of dominant noise sources) and was not carried out on Wansey Street as this is a quiet cul-de-sac where noise would arise from vehicles requiring access only. As set out above, the purpose of the noise monitoring was to establish baseline noise levels in order to assess the likely amenities for future residential receptors. An assessment of potential noise and vibration on existing residents during demolition and construction was calculated using standard noise source levels of different activities during demolition and construction as set out in BS: 5228 (contained in Appendix 8.3a of the ES Addendum). This clearly shows that the predicted impact without mitigation would vary from insignificant to adverse substantial impact for all identified sensitive receptors depending on proximity and nature of the activity. It will therefore be important to ensure that appropriate mitigation is in place and EPT have confirmed this can be adequately managed throughout the development process.

201 Wansey Street residents are also concerned about construction vehicles using Wansey Street to access that part of the estate south of Heygate Street. It will be necessary to ensure that the routes for construction and demolition traffic are as far as possible confined to the main roads such as Heygate Street, New Kent Road and Walworth Road. The final routes for construction traffic will be agreed through the Demolition and Construction Management Plans.

202 Completed development

All the plots could accommodate non-residential uses and therefore in the operational development an important consideration will be the impacts of associated noise and disturbance will be an important consideration. This matter will be addressed at the detailed Reserved Matters stage when the precise location, mix and size of unit are known for each development plot.

203 A number of residents have raised concerns about the new public space “Walworth Square” proposed at the junction of Wansey Street and Walworth Road. In particular, residents from Garland Court are concerned that their bedroom windows would directly overlook this square. The Illustrative Landscape Masterplan shows that the main part of the square would extend along the side of the Town Hall with cafe spill out space contained within this area. The space outside Garland Court would form the end of the proposed new secondary street and will therefore function as public highway. It will be necessary at the detailed design stage to ensure the square and its treatment takes account of local residential amenity.

204 The ES concludes that the increase in noise levels resulting from additional traffic generated by the development would be insignificant on all local roads other than Rodney Place which is the only location likely to experience a perceptible increase in traffic noise, with a long-term residual impact of moderate significance for the receptors here. A Travel Plan and monitoring will be in place with the aim of travel by car.

**Impact of adjoining and nearby uses on occupiers and users of proposed development**

205 The existing uses surrounding the site are considered compatible with the proposed development. In this location the major factor affecting future occupiers would be the acoustic and air pollution impact.

206 Air quality – in the completed development

The ES assessment of the completed and operational development focuses on traffic related emissions as this is the main source of air pollution in the Elephant and Castle. The ES advises that there is the potential for early phases of the proposed development to be occupied whilst later phases are being constructed. The following

locations within the development are considered to be those most likely to be exposed to the worst case air quality conditions (i.e. the lowest floor levels of the development where residential receptors are present, that would be nearest to road traffic, and nearest to emissions from the heating plant in Plot H12 Energy Centre):

- Plot H13 southern corner
- Plot H4 northern corner
- Plot H11a northern corner
- Plot H13 northern corner

207 The ES advises that further work will be undertaken at the detailed Reserved Matters stage to minimise the potential impacts of the proposed energy plant and road sources on future occupiers within the development.

208 EPT advise that the ES submitted is broad in scope but this is acceptable given the outline nature of the application. However, using air quality data from 2010 as the reference year means that nitrogen dioxide levels are underestimated as the predicted reductions from anticipated changes in vehicle emissions have not materialised and monitored levels have increased between 2010 and 2012. Should the proposed design parameters remain largely unchanged, future residential units along the New Kent Road and Walworth Road frontages, and those within proximity to the CHP plant will require mechanical, filtered ventilation so that occupiers can keep their windows closed to protect themselves from poor external air quality. As such air quality (and noise) issues will need to be carefully considered in the final design of the proposed buildings. It will also be essential to protect indoor air quality and it will be expected that all proposed buildings meet the principles of EN 13779 on Ventilation and Air-Conditioning Systems. Basement car parks or servicing areas will also require effective ventilation.

209 Noise and vibration – completed development

As noted above, the background noise monitoring locations and results are considered robust in terms of assessing the impact on future occupiers of the development site. The ES concludes that given some areas of the development would be exposed to elevated noise levels, acoustic attenuation measures will need to be incorporated at the detailed design stage. With appropriate ventilation and glazing specification the ES considers that good internal noise levels could be achieved within the proposed residential dwellings. EPT concur that due to noise from rail and road traffic that some of the units facing the main roads and in proximity to the energy centre would need forced ventilation to enable residents to keep their windows shut to protect from high noise levels. Further private amenity space (balconies / gardens) will not be appropriate in these locations depending on vertical or horizontal distances from the sources.

210 EPT will expect the good standards set out in the ES for internal noise levels in the residential dwellings are met. Some external noise levels measured are very high and therefore will require addressing at the detailed design stage with appropriate specifications on acoustic attenuation performance for glazing and building cladding. Clearly some areas and aspects of the development will not be suitable for balconies. Mechanical ventilation and acoustic glazing of varying specifications will be required on different frontages. The suitability of the site for residential development is clear given its previous use, and whilst it is proposed to bring frontages close to known noise sources this can be mitigated by the means identified above.

211 The existing uses surrounding the site are considered compatible with the need to provide acceptable living conditions for future occupiers of the proposed development. Given existing noise levels largely arising from traffic movements surround the site any noise or disturbance from premises within the shopping centre of other

surrounding uses are not such to result in significant harm for future residents, especially given the sound insulation

### **Transport issues**

- 212 Saved Policy 5.1 of the Southwark Plan states that major developments generating a significant number of trips should be located near transport nodes. Saved Policy 5.2 advises that planning permission will be granted for development unless there is an adverse impact on transport networks; and/or adequate provision has not been made for servicing, circulation and access; and /or consideration has not been given to impacts of the development on the bus priority network and the Transport for London (TfL) road network. Core Strategy Strategic Policy 2 encourages walking, cycling and the use of public transport rather than travel by car.
- 213 SPD 26: Transport and movement of the Elephant and Castle SPD / OAPF states that the comprehensive redevelopment of the Heygate Estate offers an opportunity to demonstrate the highest standards of street design to encourage walking and cycling in an environment where motor vehicles are still permitted. Development in the Heygate Street Character Area should provide a layout which is easy for pedestrians and cyclists to move around, establishing north-south routes which connect with Meadow Row, Harper Road and Falmouth Road on the north side of New Kent Road and Brandon Street and Walworth Road to the south, as well as east-west routes which link Walworth Road with Rodney Road and Rodney Place. On street car parking should be minimised, at most limited to car clubs and disabled visitors. In addition provision should be made for bus standing to support the improved delivery of bus services for the area. All major developments are required to provide a transport assessment.
- 214 An assessment of the likely significant environmental impacts of the development on transport is included within the ES. The ES Addendum (September 2012) supersedes the ES March version. Further, a Transport Assessment and Addendum have also been submitted together with a draft Travel Plan. The application site has excellent levels of public transport accessibility and this is reflected in the PTAL rating of 6a/6b which is the highest possible level.
- 215 Pedestrians and cyclists  
The ES predicts that the development will generate additional walking and cycling trips on the local network. The proposed estate layout is highly permeable to both pedestrians and cyclists; indeed pedestrian access to the development will be provided at 14 locations. The indicative layout of streets provided with the application (though not for agreement at this outline stage) shows a good quality environment for these users. Where estate roads are shared with vehicles, they will be for local access by small numbers of vehicles. New pedestrian crossings are proposed for Walworth Road (near Elephant Road), Rodney Place, and Heygate Street to further integrate the site with the surrounding area. Significant numbers of pedestrians are expected to move from the development to the rail station, shopping centre and the underground station and bus stops beyond. A section of Elephant Road outside the rail station is proposed to be restricted to pedestrians and cyclists, particularly to assist in the movements of these large numbers of pedestrians. It has not been possible for officers or the applicant to successfully engage with Network Rail and the owner of the shopping centre to secure improvements to their properties. It is anticipated that opportunities would arise to pursue these if an application for improvement of the shopping centre comes forward.
- 216 Significant works are proposed to the Elephant & Castle northern roundabout to remove the pedestrian subways and provide "at-grade" (i.e. surface-level) crossings. This will involve signalling the remaining three unsignalised junctions within the



roundabout which, together with a thorough improvement to road markings, will improve safety for all traffic. TfL is currently reviewing the design with the intention of maximising pedestrian and cyclist safety benefits.

- 217 All routes on the estate will be available for use by cyclists. In addition, there will be two signed cycle routes through the estate. The first, a diversion of London Cycle Network link 177 to a more direct route, will run from Brandon Street to New Kent Road to connect with the existing cycle path there. The cycle path on New Kent Road will be improved and moved to the north side of the footway to avoid conflict with the shops proposed for the Heygate Estate frontage. The second route will run from Walworth Road (at a point yet to be determined which will depend on the feasibility of providing safe cycle turning arrangements) to New Kent Road in the vicinity of Meadow Row to connect with existing cycle routes there. Both routes will be clear, reasonably direct and signed, but will not necessarily have any particular surfacing and will not be segregated from pedestrians or the low level of motor vehicle traffic on estate roads. Cycle lanes on Heygate Street and Rodney Place will also be retained, providing a good quality on-road route around the estate. A construction management plan will be required to show how facilities for cyclists will be retained at all stages of construction.
- 218 TfL has proposed a Cycle Superhighway (CSH6) on Walworth Road connecting with the existing CSH7 in the Elephant & Castle area. Details of this route have not yet been determined by TfL, specifically the point at which the two CSH routes would join. Evidence shows that the majority of cyclists travelling on north-south journeys in this area choose to use the Elephant & Castle northern roundabout rather than the existing CSH7 western bypass on Churchyard Row and Elliot Row. The significant works proposed to the northern roundabout will help to address cycle safety problems there and so make the main road route more attractive.
- 219 Across the estate the applicant has indicated a good level of on-street cycle parking for visitors. Within the plots, the applicant has agreed to provide cycle parking to London Plan minimum quantum. The applicant has been made aware that, at reserved matters stage, we will seek to secure the provision of cycle parking that is suitable and accessible for use by all users, regardless of age or physical strength and dexterity, and the provision of other features to encourage cycle use such as lockers, pumps and tools within communal cycle stores.
- 220 Options for providing Cycle Hire Docking Stations will be left to the reserved matters stage in consultation with TfL. This will be a combination of extensions to existing docking and provision of new ones, providing at least 90 new docking points in total. The requirement for cycle docking will be secured in the legal agreement as required by TfL.
- 221 As a result of these proposed improvements to the pedestrian and cyclist infrastructure the ES finds that the development would have a long-term, local beneficial residual impact of moderate significance.
- 222 Estate roads  
The provision of an environment of high quality streets and public open spaces which provide good pedestrian and cyclist permeability is supported and welcomed. The applicant is proposing that the internal roads will remain "estate roads". This is acceptable provided the roads are constructed to a standard suitable for adoption in order to protect the Council from potential significant expense should adoption become necessary at a later date. The indicative layout of streets (details to be approved at reserved matters stage) demonstrate that it would be relatively easy to meet the Council's Streetscape Design Manual standards and reach agreement over the use of suitable high quality materials.

- 223 While accesses from, and junctions with, the existing public highway are acceptable in principle, details of design should be included as reserved matters. Ultimately their acceptability will depend on detailed design and formal road safety audits, and the acceptability of the design of the public highway or private road to which they lead.
- 224 At present, Wansey Street is a no-through-road accessed from Walworth Road. The proposal includes a public open space and children's play area at that point, and instead proposes that Wansey Street (including new properties fronting it) is accessed from the Brandon Street end. This should have minimal impact on conditions within the street.
- 225 Car parking  
A total of 616 parking spaces are proposed for the development, generally in off-street car parks but with a maximum of 62 spaces "on-street" within the estate. This equates to a parking ratio of between 0.25 and 0.27 parking spaces per dwelling based on minimum and maximum numbers of residential units. Parking for disabled residents is provided at a rate of one space for every ten residential units, which is the council's normal requirement and therefore welcomed. Details will be considered at the reserved matters stage to ensure that disabled parking for each plot is convenient to building cores serving wheelchair-accessible units. A parking management plan will be required to demonstrate that, among other things, the development will cater for its own disabled parking requirements in the future.
- 226 Since the site is within the CAZ and a Controlled Parking Zone (CPZ), saved policy 5.6 of the Southwark Plan 2007 requires the development to be car free aside from spaces for disabled users and car-clubs. This is re-iterated in SPD 12 of the Elephant and Castle SPD. Taking account of the required 10% disabled parking provision there is an overprovision of between 0.15 and 0.17 spaces per dwelling. A number of objections have been received to this stating that the scheme should have zero parking. The additional car parking has been justified by the applicant due to its impact on viability which, has been supported by the District Valuer as a fair representation. The applicant has acknowledged that the cost of providing parking is never fully recovered in sale prices, but claims that the benefits of an increased rate of sales outweighs the cost of funding the construction of the space. The requirement for a Car Parking Scheme to be submitted as part of any Reserved Matters application which includes residential dwellings will be secured by legal agreement. This will need to set out the considerations that have informed the proposed amount of car parking for that plot(s), including deliverability and saleability of the scheme. Details of how the car parking spaces will be managed and allocated will be provided through the submission of a Car Parking Management Plan prior to occupation of each development plot. Again, this will be secured by legal agreement.
- 227 The Transport Assessment suggests that some general on-street parking will be provided for shoppers. Robust justification for this will be required at the detailed design stage to demonstrate why this is required as the council's preference is for on-street spaces to be reserved only for car-club vehicles and for disabled visitors and shoppers in order to ensure pedestrian and cycle friendly environments.
- 228 Free car club membership will be provided for three years for the first occupants of each residential unit, as is normal, in order to discourage car use and to support the car-free (or low-car) nature of the development. Sufficient car club vehicles (including vans if required) will be provided within the estate to give a good level of service at peak times. The provision of child car seats, to be administered by the concierge service, has been secured in order to increase the attraction of car club use to families and thus reduce the perceived need for car ownership. Obligations relating to the car club scheme will be secured by legal agreement.

- 229 The applicant proposes a large number of motorcycle parking spaces. The reasons given for seeking car-free development in this area apply equally to motorcycles, which generally have poor environmental performance despite offering high miles-per-gallon. Consequently, as for car parking, it is recommended that through the reserved matters stage for each plot officers seek to minimise or eliminate motorcycle parking
- 230 To protect the amenity of existing residents in respect of parking, all properties within the proposed estate will be excluded from eligibility for on-street parking permits and contracts to park in Council-owned car parks. An obligation in the legal agreement will require that on-site parking places (other than for car clubs and disabled visitors) will be restricted to use by residents only, thus preventing their use by commuters from outside the estate.
- 231 Traffic impacts  
Due to the relatively low level of parking, the traffic impact of the development is predicted to be quite small and can be accommodated at local junctions without the need for improvement. The ES predicted that the completed development (built and occupied to the maximum floorspace) would result in marginal increases in traffic flows (5% or less), with the exception of Rodney Place and to a lesser extent on Heygate Street where increases are predicted to be higher. Overall, the ES considers that the development would have a long-term local adverse impact of minor significance on traffic flow. As noted above, the proposed car club parking spaces and implementation of a Travel Plan to help mitigate the impact of increased car use. The draft site-wide Travel Plan submitted is generally acceptable and will be secured via legal agreement to provide additional support measures to, among other things, reduce the traffic impact. With mitigation measures in place the ES predicts long-term local adverse residual impacts of minor significance as a result of the development.
- 232 A number of new accesses to the estate are proposed from the surrounding streets. These, together with the new signalised crossings of Walworth Road (near Elephant Road) and Heygate Street, will have minimal impact on the flow of traffic along these roads.
- 233 Public transport impact  
Significant work has been undertaken with TfL to determine the impact of the development on public transport. The development is expected to generate approximately 500 two-way bus trips in the morning peak hour, equivalent to over 7 full double-deck buses. While there is a small amount of spare capacity on some bus corridors leaving the area towards Central London (the most likely destination), others are already full. It is therefore necessary to improve bus services in order to cater for the additional demand generated by the redevelopment of the estate. TfL has accepted that improvement of bus services can be delayed until the majority of the development has been built.
- 234 Negotiations have concluded with two options for such an improvement which are included in the legal agreement.. The first would allow buses to turn within or on the edge of the site and to stand adjacent to one of the development plots. The stand for two buses would allow for its use by a service of around 6 to 8 buses per hour. This service could be provided by the extension of an existing service that terminates to the north of the area, which would require an additional vehicle to be in service to retain the existing service frequency. This additional vehicle would cost £220,000 per year, which would be met by the applicant for a period of five years before TfL would be willing to accept the risk of running the service at a loss.
- 235 The second and preferred option would involve extending a service along Rodney Road/Flint Street/Thurlow Street to Albany Road. This further extension option has the

significant benefit of providing an additional bus service to the Aylesbury Estate but would require a second additional bus to be in service to retain existing service frequencies. This would cost an additional £220,000 per year as compared to the shorter route extension option (i.e. £440,000 per year for five years in total). It is expected that redevelopment of the Aylesbury Estate will generate contributions required to mitigate the impacts of that development and hence will allow funding for this option to be secured. From Albany Road there are various options for bus standing locations, such as extending the bus service to an existing stand on the Tesco site on Old Kent Road, or to the Surrey Triangle site in Lewisham. Alternatively a new stand could be provided within Burgess Park.

- 236 Any revision to bus services will necessarily require a consultation by TfL who are willing to accept the risk of additional costs arising from a negative outcome from such a consultation.
- 237 The applicant has expressed a desire to remove the existing westbound bus lane in Heygate Street in order to provide a greater amount of public realm. However, modelling undertaken to support the ES has shown that at peak times the bus lane provides bus journey time and reliability benefits to the small number of buses using it, and the proposed bus service extension will increase the number of passengers that benefit from it. Its use outside peak times has been shown to provide little benefit, and so to facilitate servicing access to frontages it is recommended that operating hours are reduced to morning and evening peak periods only at an appropriate stage of the development.
- 238 Rail services  
The existing Elephant & Castle rail station is served by up to 21 trains per hour toward Central London in the morning peak. The impact of additional passengers generated by the development is minimal.
- 239 Underground services  
Elephant & Castle is served by both Northern and Bakerloo underground lines, with separate ticket halls for each but with a link between them at platform level. While underground services currently have sufficient capacity to accommodate additional passengers arising from background growth and the developments planned for the Opportunity Area, the Northern Line ticket hall has very limited vertical capacity between ticket hall and platform level. This is provided by two lifts and a staircase that falls far below current standards. Any disruption to lift services or current peaks of passenger entry flows lead to queuing within the "paid-for" side of the ticket hall. Since space here is very limited, the next step of station management is to close the ticket gates, which leads to queues quickly blocking the limited width of footway outside the station. Diversion of passengers to the Bakerloo Line ticket hall would give rise to similar problems there.
- 240 The proposed development will undoubtedly lead to an increase in passengers using the Bakerloo and Northern underground lines. The ES predicts this increase of be of long-term, local adverse impact of minor significance. However, through the development of the Elephant and Castle SPD and this planning application it has been shown that the addition of three lifts at the Northern Line ticket hall would be sufficient to cater for anticipated flows, though an escalator-based option (which requires considerable work within the existing shopping centre, and additional capital cost) is a far more attractive solution that is more resilient in operational terms and would cater for longer-term passenger growth. The Elephant & Castle OAPF/SPD set a tariff for development which will contribute toward the cost of the necessary improvements. In accordance with the tariff regime the applicant will provide a financial contribution (relative to the size and scale of the proposal) towards the cost of these works. On the basis that improvements to the ticket hall take place, the ES predicts the residual

impact of the development to have a long-term, local, beneficial impact of moderate significance.

241 Servicing

The ES states that the development (at maximum quantum of floorspace) is expected to generate a total of 370 servicing trips per day (24-hour) to all land uses. As such this could have a long-term, local adverse impact of minor significance. The general approach to servicing (including waste collection) is that:

- Units with a heavy servicing requirement will have dedicated off-street servicing;
- Units with a lighter requirement and where off-street provision would disproportionately dictate the built form, servicing on-street is acceptable subject to concerns over the impact on traffic flow and road safety. On quiet roads within the development it will be expected that on-street servicing will have minimal impact, while on more significant roads lay-bys will be provided at the expense of developable area.

This approach is acceptable, but it is recommended that a site-wide Servicing Management Plan is secured since, given the generally narrow nature of the roads within the estate, on-street servicing to one plot could impact on the acceptability of on-street servicing to an adjacent plot. Provision to support courier and supermarket deliveries (for example the facility for concierge services to store deliveries for later collection by residents) would help to resolve conflict and so will be sought through the Servicing Management Plan. With this Plan in place, the ES considers that the residual impact of the development on servicing would be insignificant.

242 Demolition and construction

The ES found that during demolition and construction there would be short to medium term local adverse impacts of minor significance on the highway network as a result of increased traffic flows associated with construction traffic. In terms of mitigation, the implementation of a Construction Management Plan (which would include agreed routes for construction vehicles, restricted times for vehicles entering and leaving the site and so on) would reduce impacts to an extent but the short to medium-term minor adverse residual impacts would remain.

243 Indicative construction programme and phasing has been submitted which advises that construction traffic routes will be agreed prior to works being implemented. It is proposed that construction vehicle movements would be restricted to the main arterial routes and specific arrangements where appropriate would be agreed to ensure vehicles do not pass through residential areas. The most appropriate routes for construction traffic are along the TLRN (Transport for London Road Network). Site access would be established around the perimeter of the site with gate positions used to suit the location of the demolition and construction works as they move across the site. The draft indicative Construction Management Plan (CMP) provided at this stage is generally acceptable, but many of the details of construction will only be developed at reserved matters stage. It is therefore recommended that a CMP will need to be secured for each development phase. This should include a clear commitment to the use of companies with good environmental records, the use of vehicles fitted with appropriate equipment, and securing a good level of driver training, to reduce the environmental and road safety impact of construction.

**Quality of residential accommodation**

244 Saved policy 4.2 of the Southwark Plan states that planning permission will be granted for residential development where it achieves good quality living conditions, including outlook and privacy, and natural daylight.

245 Internal accommodation

At this outline stage the details of the internal size and layout of the proposed residential accommodation is unknown. However the Housing Statement (March 2012) and Design Strategy Document (March 2012) commit to designing all residential development to meet the minimum standards of the London Plan, Southwark's Residential Design Standards SPD or equivalent policy at the time of the submission of Reserved Matters applications. Furthermore, all single aspect north facing flats will be avoided where possible and all residential buildings will have visible entrances and a reception area on the ground floor that will be clearly identifiable from the street.

- 246 SPD 5: New homes of Southwark's Elephant and Castle SPD / OAPF requires all new homes in the Opportunity Area to have generous space standards and provide a good standard of living accommodation. The Residential Design Standards SPD defines the minimum standards required for internal accommodation, including overall unit and individual room sizes. The applicant's commitment to designing to minimum standards is noted but wherever possible minimum standards should be exceeded; indeed an exemplary standard of accommodation will be required on the plots which exceed maximum densities (650-1100 habitable rooms per hectare). At this stage a site wide density of 1,057 habitable rooms per hectare has been established but density will need to be calculated at the detailed Reserved Matters stage for each phase and it is highly likely that the plots incorporating tall buildings will exceed the density range normally expected. The factors that would constitute exemplary design are set out in the Residential Design Standards SPD and include a predominance of dual aspect units and that minimum unit / room sizes are exceeded

247 Amenity space provision

It is proposed that all the units will have private amenity space in the form of a balcony, garden or terrace. The fact that all the residential units will have access to private outdoor space is welcome. It will be important to ensure at the detailed design stage that the larger family 3-bedroom units have direct access to at least 10 sqm of private outdoor space. In the case of family housing private outdoor space must be provided that is *useable* for a family as well as being capable of providing a safe outdoor area for children. Therefore it would not be acceptable to fragment the minimum 10 sqm into a number of small amenity spaces as these cannot be easily or flexibly used by the number of people to be accommodated (i.e. 5 or 6 persons in a 3-bedroom unit).

- 248 All the plots will have a minimum 50 sqm of communal amenity space which will be provided at grade or on a raised podium and located in the inner part of the plot. The landscaped courtyard will be designed to be used for a variety of activities, such as child play and seating areas, and will be easily overlooked by flats within the development for passive surveillance.

249 Child play space provision

Policy 3.6 of the London Plan requires development proposals to make provision for play and informal recreation based on the expected child population generated by the scheme. Southwark's Residential Design Standards SPD states that a minimum of 10 sqm of play space per child bed space should be provided.

- 250 At this outline stage the precise child population generated both site-wide and for each development plot is unknown. Since the submission of the application the Mayor has published revised guidance on child play provision (Shaping Neighbourhoods Play and Informal Recreation SPG September 2012) which includes an updated child yield calculation methodology. This has been taken into account in the Landscape Strategy Addendum (September 2012) which provides an updated play strategy based on a revised child yield calculation which advises that between 479 and 512 children (all ages) would be accommodated within the development. This addresses the issue

raised by the GLA in the stage 1 report.

- 251 The overarching approach to child play space will be to provide as much doorstep play areas (suitable for 0-5 years) as is practicably possible within each plot. Where the required amount can't be accommodated within the plot, additional doorstep play areas will be provided within the public realm, located within 100m of the development plot they are providing for. Doorstep play would be split between structured play and informal playable space. Local play (5-11 years) will be accommodated within the public realm at various locations across the site. An objection to the proposed play provision was received stating that the Play Strategy breaches the London Plan by the non-provision of youth space on the site. In terms of the over 12 years, the Park will offer informal play opportunities for this age group (as well as younger children) and there are formal facilities within proximity of the site suitable for this age group. Further, the applicant has offered £300,000 to be put towards providing new or enhanced facilities in the locality and this will be secured by legal agreement. The delivery of the play space will be linked to the construction phasing of the plots and open spaces.
- 252 Daylight analysis within the development  
Assessments were undertaken on worst case locations (i.e. lowest residential floors) where the ES reports that for both the maximum and minimum development envelopes adequate daylight is predicted to be received at those facades which don't directly face other facades within the proposed development. Essentially these include all the outward facing facades such as those facing New Kent Road, Rodney Road, Rodney Place, Wansey Street, Walworth Road and those facing the proposed new Park. For those facades that face other proposed development facades in most cases the predicted daylight levels would not meet BRE target levels for both maximum and minimum development envelopes.
- 253 In terms of available sunlight, adequate levels would be received at both maximum and minimum parameters for those facades orientated 90 degrees of due south, where these don't directly face other development facades. These include the facades within 90 degrees of due south of Plots H1, H2, H4, H5, H6, H10 and H13 facing Walworth Road, Rodney Road, and those facing the Park. For those facades that directly face other facades then the majority of windows fail to meet BRE sunlight criteria for the maximum parameters but do meet the criteria for the minimum parameter envelopes.
- 254 Overshadowing – internal courtyards and new park  
If the development was built to the maximum parameter envelope then only the courtyard within Plot H13 would achieve at least 50% of its area receiving 2 hours of sunlight on 21 March while all other courtyards would fail. It is predicted that 48% of the Park would receive at least 2 hours of sunlight on 21 March.
- 255 The results for the minimum parameter envelope show that the Park would meet the BRE criteria. With the exception of Plot H13 all the internal courtyards while experiencing an improvement in sunlight would still fail to meet BRE criteria.
- 256 It is clear that the development will need to be carefully designed if an adequate amount of daylight and sunlight is to be achieved to the proposed development. The detailed design of the buildings (including building form, articulation, facade treatment, and fenestration) will allow some improvement to the assessment results but it may well be that further design measures will be required such as using larger glazing panels, locating non-habitable rooms to facades which receive less light and so on.
- 257 Privacy and overlooking within the development  
Parameter Plan identifies a minimum no build area which will form part of a larger

internal courtyard space where no building footprint, balcony or building projections would be allowed. As the precise location of the buildings within the plots is not known at this stage it is not possible to assess the separation distances between the internally facing units. However the Design Strategy Document commits to ensuring that the residential units will be arranged to safeguard the amenity and privacy of future occupiers.

258 Southwark's Residential Design Standards SPD normally requires a minimum distance of 21m to the rear of buildings to prevent harmful overlooking but in dense urban and town centre locations such as the Elephant and Castle where higher densities are expected it is accepted that the 21m separation may not be achieved. In such cases, developments would be expected to provide a separation between buildings that is reflective of the distances between existing buildings in the locality and the surrounding street typology to demonstrate an appropriate design response for the area. Consideration will need to be given to the fenestration to ensure where possible that habitable room windows don't directly face other habitable rooms within close proximity. Other privacy measures such as obscure glazing or blinds / shutters can be used to prevent future overlooking and all the balconies can be fitted with privacy screens.

259 Conclusion on quality of proposed residential accommodation

It is considered that the proposed development is capable of providing a good standard of residential accommodation, including outdoor amenity space and child play provision, subject to future detailed design measures as set out in the Design Strategy Document and other relevant application documentation. The ES has adequately demonstrated that it would be possible to design the development within the maximum and minimum parameters so that acceptable levels of daylight and sunlight within the development could be achieved. This aspect of the scheme will need to be further assessed as part of the Reserved Matters applications to be submitted for each development phase.

### **Design issues**

260 Chapter 7 of the London Plan deals with design related matters. In particular Policy 7.1 sets out the design principles required for new development and Policy 7.6 requires that architecture should make a positive contribution to the public realm, streetscape and cityscape. Policy 7.7 sets out policy in relation to the location and design of tall buildings. This states that tall and large buildings should generally be limited to sites in the CAZ, Opportunity Areas, or town centres. The Heygate site is located within all of these designated areas and therefore meets the London Plan locational criteria for tall buildings.

261 The relevant Southwark design policies include Strategic Policy 12 of the Core Strategy and saved policies 3.12 and 3.13 of the Southwark Plan. Essentially these policies require the highest possible standards of design for buildings and public spaces. Saved policy 3.20 specifically deals with tall buildings and applies to any building over 30m tall.

262 Masterplan layout

The proposed development will comprise 12 development plots (H1 to H13), plus pavilion building (Plot Pav.1) set within a network of open spaces (including new Park), and landscaped public routes. With the exception of the pavilion building, each development plot would contain a number of perimeter blocks of varying height from low-rise (1 to 4 floors), mid-rise (5 to 11 floors) and tall buildings (12 floors or more), depending on their location within the Masterplan site. A central landscaped amenity courtyard would be provided within each plot at grade or raised up to a maximum of two floors above street level.



263 The site would contain five 'character areas' which would be defined by their mix of land uses, plot typology, height, scale and appearance of buildings as well as hierarchy of open spaces and public realm. The character areas are:

- The Park
- Walworth Road
- New Kent Road
- Walworth Local
- Rodney Neighbourhood

These are designed to ensure the development responds to the differing characters of the surrounding context and to ensure the transition in scale from tall gateway building conditions towards the north-west of the site down to lower-scale development towards the south.

264 The proposed layout retains many of the urban qualities of the adjacent existing group of buildings and street typology and sets to complement them, keeping the essence of their robust and confident structure and enhancing them with sensitive additions and alterations. The lack of permeability and integration of the existing Heygate Estate with the surrounding area has created an environment which is difficult to move around in. The proposal seeks to address this and would reinstate strong frontages to New Kent Road, Walworth Road, Heygate Street and Wansey Street, whilst creating new local routes to draw people through the site and to the new Park that will become a focal point. This new permeability will stitch the Heygate site into its local context which together with the Park will deliver considerable urban design benefits to the area.

265 Whilst officers are generally supportive of the proposed site layout there were a couple of matters that needed revision or additional to make the scheme acceptable in terms of design.

266 A concern was raised with the original submission over the separation between development Plots H1 and H2 fronting Walworth Road. At ground and mezzanine floor Parameter Plan 03 allowed a distance of at least 15m between these plots; however, at upper floor levels it appeared from Parameter Plan 04 that this space could be bridged over. The new route between Plots H1 and H2 plays an important role in connecting the new Masterplan site to the existing urban fabric as it would reinstate the connection to Walworth Road and introduce a visual and physical connection aligned with Hampton Street (west of Walworth Road) through to the new Park.

267 The revised Parameter Plans and Design Strategy Document Addendum (September 2012) confirm that the separation between Plots H1 and H2 would be at least 15m at ground floor and at least 10m at upper level (inclusive of balconies). This will ensure that a clear route is provided from Walworth Road through to the new Park which generally would align with Hampton Street to the west, thereby creating a clear gap at all levels between Plots H1 and H2. The revised Design Strategy Document includes strengthened commitments to ensure that a route from Walworth Road to the Park will be secured and a visual connection safeguarded from Hampton Street to the Park. It is therefore considered that this matter has been adequately addressed.

268 A further issue was over the proposed frontage onto Wansey Street which forms an important edge to the Heygate that would face directly onto existing residential properties. Wansey Street is a quiet residential street which retains much of its historic character and forms part of the draft Larcom Street Conservation Area. The original Parameter Plans illustrate a clear separation between Plots H3 and H6 and the Wansey Street properties opposite. However, the distance from Plot H10 appears considerably reduced, thereby raising implications for the outlook and amenity of

residents. The revised Parameter Plans clearly depict a minimum 10m separation to be provided between the upper floors of Plot 10 and the properties on the opposite side of the road. Further, the Design Strategy Document commits to providing a minimum distance of 15m between building faces along Wansey Street. Notwithstanding this and given the sensitivity of this edge a condition is recommended to ensure minimum separation distances are achieved along the Wansey Street frontage.

269 Internal courtyards

Lengthy discussions have taken place regarding the suitability of raised courtyards and their ability to provide a quality design solution. Past experience has shown that quite often they do not support the levels or longevity of mature dense planting indicated at planning application stage due to the lack of available soil depth and/or air ventilation necessary for the servicing beneath. Further, the interaction of raised courtyards with the street is often problematic, resulting in blank edges to the streetscape.

270 Internal courtyards are proposed at grade on Plots H10 and H11b in both maximum and minimum development scenarios. Along the main routes of New Kent Road and Walworth Road it is envisaged that large format retail stores would be located at ground and mezzanine floors and therefore it is accepted that Plots H1, H2, H3, H4 and H5 would have their courtyards raised to first or second floors.

271 However, officers have queried why the parameter plans allow Plots H6, H7, and H13 to have raised courtyards at first floor level. Plots H6 and H7 have a frontage onto the proposed secondary retail street (parallel to Walworth Road) where smaller independent businesses or affordable retail units could be concentrated. Here the parameter plans allow either an at grade courtyard for the entire plot or a raised courtyard element on the shopping street elevation. In this case officers considered that the typical size of the non-residential uses and their servicing requirements would not necessarily justify a raised courtyard on this part of the plot. With regards to Plot H13, this would be located in a quiet residential area at the northern end of Brandon Street, where non-commercial uses located here are likely to be small scale. The maximum parameter condition shown on Parameter Plan P04 would allow a courtyard at first floor level (7.88m AOD high), which at this height could appear inappropriate in its context and the exposed flank of the podium on the residential street would be disruptive in the streetscene. Should this remain at reserved matters stage this will need very careful handling to be successful.

272 Although the parameter plans have not been amended in respect of the internal courtyards, additional commitments are included in the Design Strategy Addendum. These ensure that if at detailed Reserved Matters stage the courtyards to Plots H6, and H13 are not proposed at grade, a robust justification would have to be provided to explain why these courtyards have to be raised (such as the necessity of providing larger mixed units or site constraints) and it would have to be demonstrated that the raised courtyards can achieve the standards and quality required for the plot. On balance it is considered this matter has been resolved and can be satisfactorily dealt with at the detailed Reserved Matters stage.

273 Scale and massing

Parameter Plans P08 and P09 together with relevant sections of the Design Strategy Document establish the scale, height and massing of the proposed Masterplan scheme. Across the site the minimum building height would be 13.53m AOD rising to a maximum 104.8m AOD. The Design Strategy Document includes a comprehensive tall building strategy which sets out the rationale for their location within the site and the design principles that will provide the framework for future detailed design.

- 274 The Elephant and Castle SPD/OAPF provides detailed guidance on design and building heights and identifies suitable locations for tall buildings in the area. Within the Heygate Street Character Area, the tallest building should be located at the northern end of Walworth Road which together with Strata would consolidate the emerging cluster of tall buildings and define the gateways into the central area. Buildings should diminish in height away from the tallest points of the cluster to manage the transition down to lower scale development in the adjacent Brandon Street and Walworth Character Areas. No more than one tall building should be provided in a single block.
- 275 Low-rise buildings are proposed at the southern end of the Masterplan site, in the vicinity of Wansey Street and Brandon Street, with mid-rise buildings concentrated around the new Park and along the main arterial routes. Nine tall buildings would be positioned in each of the Plots along Walworth Road (Plots H1, H2, H3), New Kent Road (H4, H5, H11a) and at the eastern end of the Park (Plot H11b). The height, scale and massing generally conforms to the approach set out in the Elephant and Castle SPD in terms of defining an emerging cluster of tall buildings at the Elephant and Castle whilst responding to the lower-scale existing site edges towards the south. However officers did raise concerns over the absolute height of tall buildings on development Plots H3 and H11b. In addition a number of local objections have been received to do with excessive building heights.
- 276 Issues concerning tall buildings in relation to impacts on strategic views, heritage assets and World Heritage Sites have been raised by some statutory consultees (namely the Mayor of London, City of London, and English Heritage). These matters are dealt with separately in the next section of the report titled 'Impact on strategic and local views and on the character and setting of listed buildings and/or conservation areas'.
- 277 Plot H3 – Walworth Road  
The original submission proposed a height of between 51.9m and 68.9m for the tall building component. Concerns were raised in relation to the impact on the setting of listed buildings to the south, including the Grade II listed Town Hall, as well as its relationship with the tall building on the adjacent Plot H2 (between 81.05m and 104.8m AOD) which is the tallest building on the Masterplan site. The proposed scale of the H3 tall building was considered to be too great in relation to H2 and as a result didn't successfully articulate the required gradual transition in height along the Walworth Road.
- 278 The revised document submission reduces the minimum height of Plot H3 tall building from 51.9m to 47.9m AOD (a reduction of 4m) in order to enable greater flexibility for its design in relation to the immediate context. Additional design commitments are included in the Design Strategy Addendum for Plots H2 and H3 to ensure that at detailed Reserved Matters stage, the tall buildings are designed to respect the setting of the Town hall and ensure due consideration is given to the transition in height of the tall buildings along Walworth Road. This will ensure an appropriate step in height is maintained between the buildings. Although the maximum parameter height hasn't been revised (retained at 68.9m AOD), the proposed changes will allow an appropriate height to be established which will mitigate its impact on adjacent historic buildings to the south and articulate the stepped arrangement with the tall building on Plot H2. Accordingly the resubmission addresses officer's earlier concerns.
- 279 Plot H11b – Park  
The tall building on Plot H11b at a height of between 72.95m and 89.2m AOD would be the second tallest building on the Masterplan site and was originally positioned directly facing onto Rodney Road with a mid-rise block located onto the park. Officers raised concerns over its absolute height in terms of impacts on the Strategic View

from the Serpentine Bridge as well as listed buildings along New Kent Road (discussed in detail below) and its lack of relationship with the new park.

280 The revised submission reduces both the maximum and minimum height parameters to between 84.2m (5m reduction) and 66.5m AOD (6.45m reduction) respectively. The plot layout is reconfigured in that the mid-rise block is repositioned along the Heygate Street frontage rather than onto the park thereby completing this important street frontage and allowing the amenity space for this plot to front the new Park. This reconfiguration enables the tall building to be prominently located at the end of the Park, with no intervening buildings, so that there is now a direct relationship between this tall building and the Park. The proposed reduction in height allows the building to act as a counterpoint to the tall building in Plot H2; in effect 'book-marking' the Masterplan site. Further, the tall building now plays an important role in the wider locale and benefits from its prominent location on the Brandon Street axis and the confluence of Rodney Road, Rodney Place and Heygate Street. Its reduced height mitigates its previously harmful impact on the local and historic setting as detailed later in the report.

281 Architectural design

The detailed architectural design of the completed Masterplan is not the subject of this outline application. The application material includes what is effectively a design code in the Design Strategy Document as well as an Illustrative Masterplan in the Design and Access Statement. These two documents provide a good indication of the scale and massing of the completed schemes and set out the design 'rules' or 'codes' that will need to be adhered to as the detailed design for each development plot comes forward. In effect, these documents set the design framework for the detailed development of the Masterplan site.

282 Prior to the submission of the application, a number of architects were invited by the applicant to prepare designs for some of the development plots to demonstrate how the prescriptive guidance set out in the Design Strategy Document could result in a cohesive and high quality development. The results of the design "charette" are contained in the Design Strategy Document; notably this was developed further as a result of the charette and ongoing discussions with the council and GLA. This demonstrates the importance of the design rules established at the outline stage of the process in order to ensure the delivery of a high quality of design and architectural treatment at later detailed design stage.

283 Taking account of the number of tall buildings on the Masterplan site it is likely that the density for the development plots will be either be at the upper end or above the density levels normally expected for the area. Any buildings exceeding these levels would have to achieve an exemplary standard of design or be considered world-class architecture.

284 Further, each development plot has an important role to play in the overall Masterplan with certain tall buildings (such as those on Plot H11b at the eastern end of the new Park and on Plots H1 and H2 at the northern end of Walworth Road) acting as key focal points for the Masterplan. The role that each plot plays is further defined by its position within the various Character Areas proposed across the site. These character areas will require a deliberate design response that reinforces the relationship of each development plot to the Masterplan as well as its immediate surroundings and as such will require design features and materials that will reinforce each character area. It will be need to be demonstrated at Reserved Matters stage how the proposed design has followed the design codes set out in the Design Strategy Document, how it achieves the wider ambitions of the Masterplan as a whole and uses architectural features and materials to reinforce the various character areas to ensure an appropriate contextual response.

## **Impact on strategic and local views and on the character and setting of listed buildings and/or conservation areas**

- 285 NPPF, Paragraph 132 states that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be.”* Paragraphs 133-135 further state that when a proposed development will lead to harm or loss, to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 286 Policies 7.11 and 7.12 of the London Plan set out the principles on which London’s views should be considered. Further guidance is given in the Mayors’ London View Management Framework (LVMF) SPG 2012 which relates to the management of important London views, including Protected Vistas of St Paul’s Cathedral, the Palace of Westminster, and the Tower of London. The proposed development lies in the Wider Setting Consultation Area of the Protected Vista of the Palace of Westminster in Townscape View 23A.1 from the Serpentine Bridge in Hyde Park. It would be potentially visible in a number of London Panoramas.
- 287 Consideration also needs to be given to the impacts of the proposed development on London’s World Heritage Sites (WHS), specifically Westminster WHS which includes the Palace of Westminster, Westminster Abbey and St. Margaret’s Church. London Plan Policy 7.10 and Policy 7.10 in the LVMF SPG states that development should not cause adverse impact on WHS or their setting, including any buffer zone which is likely to compromise a viewer’s ability to appreciate its ‘Outstanding Universal Value’.(OUV).
- 288 Saved Policies 3.21 (Strategic views), 3.22 (Local views) and 3.18 (setting of listed buildings, conservation areas and world heritage sites) of the Southwark Plan and Strategic Policy 12 of the Core Strategy (Design and conservation) are particularly relevant to this scheme and all seek to preserve or enhance Southwark’s historic environment and make sure that the height and design of development conserves and enhances strategic and important local views. More specifically, SPD 27: Built environment of the Elephant and Castle SPD / OAPF seeks to:
- conserve the significance of the Old Town Hall and its setting by ensuring that development around the proposed Walworth Square has a consistent height which reflects the height of the Old Town Hall.
  - conserve and enhance the significance of the potential Larcom Street conservation area and its setting, in particular by ensuring that the scale of the development adjacent to the conservation area responds to the prevailing heights (generally 3-storeys) in the conservation area.
- 289 The potential impact on townscape has been considered in a Townscape, Visual and Built Heritage Assessment (TVBHA) which forms part of the ES (Volume 2). Addendums were submitted in September 2012 to take account of the changes made to the scheme during the course of the application and to consider the likely impact on four residential units, Crossways Church, and occupiers of retail premises above the Old Heygate Boiler House who still occupy the site. As the proposal is at outline stage, the ES assesses the maximum and minimum parameters and this is considered appropriate.
- 290 Apart from the listed K2 phone kiosk on New Kent Road there are no listed buildings within the site boundary and no part of the site falls within a conservation area. However the proposed development could affect the setting of a number of adjacent Grade II listed buildings and designed conservation areas, including:

- Southwark Municipal Offices and attached railings, Walworth Road
- Southwark Central Library and Cuming Museum, Walworth Road
- The Walworth Clinic, 157-163 Walworth Road
- 140,142, 150 and 152 Walworth Road
- Elephant House, Victory Place
- 154-170 New Kent Road
- Driscoll House, 172 New Kent Road
- The Star and Cross Church, Falmouth Road
- Pullens Estate Conservation Area
- Proposed Draft Larcom Street Conservation Area.

291 Demolition and construction

The ES advises that the likely significant impacts on townscape character and visual amenity would vary according to the nature of the demolition and construction works over time. Demolition and construction activities would have the greatest visual impact in the areas adjoining the site, including the setting of built heritage assets, where the predicted impact is of short to medium-term adverse impact of moderate significance. Temporary impacts on views would reduce the further away from the site so that in distant views including LVMF London Panoramas and the Townscape View from Hyde Park the visual impacts would be insignificant.

292 Officers consider that the demolition works pose no harm to the setting of adjacent heritage assets and the works could be secured by condition(s) to ensure adequate protection of nearby heritage assets for the duration of the works. This includes the K2 telephone kiosk located on New Kent Road within the site. In addition, the detailed design of the hoarding to be erected around the site perimeter should be secured by condition to ensure an attractive street frontage for the duration of the works.

293 Visual adverse impacts of short to medium-term prior to the completion of the development are inevitable on a scheme of this size and scale. However, it is considered that given their nature and duration the adverse impacts are acceptable in order to secure the comprehensive redevelopment and regeneration of this strategically important site within the Opportunity Area.

294 Completed development

The ES considers that all likely significant impacts, both positive and negative, arising from the development would be long-term. The assessment is based on the massing and articulation defined by the Parameter Plans and the design requirements set out in the Design Strategy Document. The ES Addendum (September 2012) deals with changes made to the scheme during the course of the application.

295 Strategic views

In the Strategic Views 1 (from Alexandra Palace), View 2 (from Kenwood House), and View 3 (from Parliament Hill) the ES clearly demonstrates that the proposed cluster of tall buildings on the application site does not affect the viewer's ability to recognise and appreciate the strategically important landmark of St. Paul's Cathedral. In View 4 (from Primrose Hill) the ES demonstrates that the proposed cluster does not affect the viewer's ability to recognise and appreciate the strategically important landmark of the Palace of Westminster WHS.

296 The principal view to be considered in terms of strategic views and impacts on the setting of the Palace of Westminster WHS is that from the Serpentine Bridge (LVMF 23A.1). Accordingly the ES assesses (in Views 5) the proposal in winter and summer months from the main assessment point in the centre of the bridge as well as a series of points along the bridge to show the likely kinetic views of Westminster Palace. In this sequence of views the ES demonstrates that the proposed cluster of tall buildings would drift in and out of the view as one approaches the designated central

assessment point. In the approach from the northern bank of the Serpentine, the cluster would be viewed together with other existing tall buildings such as Strata. However, as one approaches the central assessment point the tall buildings would be in the shadow of the Westminster WHS with the exception of those on Plots H4, H5 and Plot H11b.

297 The GLA Stage I Report also raised a concern that these proposed tall buildings would potentially breach the threshold plane of the background wider setting consultation area. The LVMF requires new buildings in the background to be subordinate to the World Heritage Site and buildings that exceed the threshold plane of the Wider Setting Consultation Area in the background should preserve or enhance the viewer's ability to recognise and appreciate Westminster Palace. It was not evident that this would be the case in respect of the tall buildings on in Plots H4, H5 and H11b.

298 Plots H4 and H5 – New Kent Road

The minimum and maximum parameter heights of the tall buildings on these two plots are between 70.9m and 87.5m AOD. At the maximum height, they would exceed the background assessment plane of the Strategic View from the Serpentine Bridge and could impact on the Palace of Westminster World Heritage Site, at least in the winter months. These buildings would be located immediately east of the Oakmayne Plaza Development (50 New Kent Road) which has a consented height of 87.5m AOD. If this development is built to the consented height, then the proposed building on Plots H4 and H5 would be obscured and would not affect this strategic view. Although the Oakmayne scheme has been implemented, to date no above grade works have commenced. There is therefore no guarantee that the Oakmayne scheme would offer the shadow that the tall buildings on Plots H4 and H5 rely on.

299 The amended September 2012 submission does not revise the heights of Plots H4 and H5 tall buildings, rather it introduces further design commitments in the Design Strategy Addendum to ensure that these plots are not visible in the strategic view, irrespective of whether the adjacent Oakmayne Plaza Development is built.

- Scenario 1 – without Oakmayne Plaza Development obscuring Plots H4 and H5 in the view: the maximum heights of Plots H4 and H5 will not exceed 84.2m AOD (the likely height of the Illustrative Masterplan); and
- Scenario 2 – with Oakmayne Plaza Development obscuring Plots H4 and H5 in the view: the maximum AOD of 87.5m proposed for both buildings will remain permissible as the proposal would not be visible in the view.

300 English Heritage initially raised an objection to the application due to the proposed height of Plot H4 on the basis of the harm it would cause to the designated view from the Serpentine Bridge principally by the intrusion of Plot H4 upon the view of the two west towers of Westminster Abbey. A further presentation of the scheme by the applicant to English Heritage to explain the proposal in greater depth resulted in that objection being withdrawn. They state (by letter dated 31 October 2012) that notwithstanding the predicted impact of the consented Oakmayne Plaza scheme, Plot H4 would be visible in the view from the Serpentine Bridge at least in the winter months. In their opinion this would cause some harm to that view by intruding upon the skyline view of what is a key building in the Westminster World Heritage Site. However, in withdrawing the original objection English Heritage acknowledge that the redevelopment of the Heygate Estate would deliver significant public benefits in social and placemaking terms but clearly require consideration of the impact of the tall building on Plot H4 on the designated view. The scheme concept relies on the location of a series of tall buildings in order to deliver the quantum of housing required and to create a coherent environment with its own defined identity. The impact on the designated view would be essentially limited to winter months and will be marginal in that the building has the potential to appear in the distant background of the buildings

within the World Heritage site at this time of year. Assuming the scheme on the neighbouring plot comes forward, as is the intention and is apparently scheduled for early 2013, then no impact occurs.

- 301 Officers are satisfied that the proposed additional design commitments adequately deal with Plots H4 and H5 at this outline application stage. The proposed height, and their detailed design and appearance have been reserved to detailed design stage when more information would be available about the progress of the Oakmayne Plaza Development as well as the architectural qualities of the proposed tall buildings on Plots H4 and H5. When the detailed design of these two plots comes forward, they will each have to demonstrate their contribution to the strategic view and how it affects the viewer's ability to recognise and appreciate the strategic landmark of the Palace of Westminster WHS.
- 302 Plot H11b – the Park  
At the originally proposed maximum height of 89.2m AOD this was considered excessive and would be visible in the strategic view from the Serpentine Bridge. The revised 2012 submission reduces both the minimum and maximum parameter heights to remove it from the view and therefore this issue has been fully addressed. The maximum height would be 84.2m.
- 303 With regards to other protected views, the ES demonstrates that the proposed cluster of tall buildings will not have an impact on the strategic view prospects from Tower Bridge, Waterloo Bridge or Vauxhall Bridge and they will not impact upon the setting of Somerset House or the viewer's appreciation of Lambeth Palace.
- 304 As part of the original consultation on the application, the City of London commented that the proposed tall buildings lie to the southwest of the White Tower and Tower of London World Heritage Site and this issue should be addressed in the EIA. The ES Addendum details the views testing that has been carried out which demonstrate that likely impacts on the Tower of London are found to be insignificant. The City have confirmed that they are satisfied that the proposal would not impact on the setting of the WHS.
- 305 Local views  
The impact of the proposed development on a large number of local views has been tested in the ES. These demonstrate that the proposed distribution of heights across the site would preserve the setting and appreciation of a number of heritage assets in the wider area, including the Grade II listed church of St George the Martyr on Borough High Street, the Imperial War Museum and Trinity Church Square, Pullens Estate, West Square and St. George's Conservation Areas. The ES also illustrates there would not be a harmful impact on heritage assets located on the border with Lambeth borough, including listed buildings on Kennington Park Road, Kennington Lane and Walcott Square.
- 306 Closer to the application site, the revisions to Plot H3 and its relationship to the adjacent Plot H2 tall building ensure a more sensitive relationship with the listed Town Hall and Library on Walworth Road as well other listed buildings on this street in order to preserve their setting as well as better articulate the transition in scale between these important civic buildings and the Masterplan. The reduced height of Plot H11b will mean that from a number of vantage points, including New Kent Road, Nursery Row Park and from Brandon Street there would be an acceptable impact on the listed buildings along New Kent Road, including Driscoll House and Nos. 157-170 New Kent Road, and that Plot H11b will become the focus of local views and important gateway to the Masterplan site improving the legibility of the area.
- 307 A number of views in the ES clarify the proposed cluster of tall buildings on the local



open spaces. These views demonstrate how the proposed scheme reflects the aspiration of the Elephant and Castle SPD/OAPF and improves the legibility of the local townscape. The clustering of buildings rising in scale towards the transport interchange at the Elephant and Castle would allow viewers to orientate towards the main transport node and would not intrude or appear dominating from these open spaces.

- 308 In views from Rodney Road and Stead Street it is demonstrated how the taller elements of the Masterplan will articulate the skyline in the local view. In contrast to the slab-like appearance of the existing Heygate blocks, the proposed varying heights of blocks given the Masterplan a highly articulated silhouette which has the potential to be attractive and interesting. The views demonstrate how the current singular form of Strata could be complimented by similarly-scaled buildings so to establish the cluster of buildings in this area and provide greater legibility to the townscape.
- 309 The view taken from the proposed draft Larcom Street Conservation Area shows the articulated skyline of the proposal in contrast with the slab-like appearance of the existing Heygate blocks which are clearly visible in this view. Most prominent are the tall buildings on Plots H5, H6, and H7 and therefore in the maximum parameter condition these buildings appear more dominant and in a layered form and therefore will require very sensitive articulation to ensure that they won't have a harmful impact in this historic context.
- 310 A key important view in the borough is that from Camberwell Road towards St. Paul's Cathedral. This important view would be preserved by the proposed scheme as the proposed tall buildings (particularly H4 and H5) would help to define this view as they flank St. Paul's in the view. It will be important to ensure at the Reserved Matters stage that any tall buildings on plots H4 and H5 do not crowd the Cathedral in this view.
- 311 Overall, while short term visual impacts have been identified during the demolition and construction phases, no long term detrimental impacts on local and strategic heritage assets have been identified at this outline stage. The detailed design and sensitivity of architectural treatment will be a key consideration at Reserved Matters stage.

### **Ecology implications**

- 312 Saved policy 3.28 of the Southwark Plan requires that biodiversity is taken into account in all planning applications and encourages the inclusion of features which enhance biodiversity. Strategic Policy 11 concerning open spaces and wildlife requires new development to avoid harming protected and priority plants and animals to help improve and create habitat.
- 313 The ES assesses the potential impacts of the proposed development in the ecological and nature conservation resources on, and in proximity to the site. An Extended Phase 1 Habitat Survey informed the ES (March 2012). However, the site has since been re-surveyed (on 21 August 2012) due to a known change in the habitats present on the site. The latest survey is reported in the ES Addendum (September 2012).
- 314 The application site is not designated in relation to nature conservation but 19 Sites of Importance for Nature Conservation (SINCs) are located within 2km of the site. Victory Park and Elba Place Nature Garden SINC, located 0.1km to the east, is the closest. The results of the updated Phase 1 Habitat Survey confirm that all habitats previously recorded (buildings and hardstandings, scattered trees, ornamental planting, amenity grassland and scrub) are still present but a recently constructed pond was identified. In addition, some areas of vegetation have been cleared to form communal gardens and small areas of vegetable planting have been established. The

ES acknowledges that trees and shrub habitat on the site provide nesting and foraging opportunities to bird species and a limited foraging and commuting habitat to common non-light sensitive bat species. However, given the quality of the habitat, its location and surrounding environment, the current site is of limited ecological interest.

315 Demolition and construction

The ES considers that the demolition and construction works are likely to have a temporary short to medium-term minor adverse impact on the Victory Park and Elba Place Nature Garden SINC due to its close proximity. There would be insignificant impact on other SINC's given that they are further away and taking account of the urban environs. In terms of on-site habitat, short to medium-term minor adverse impact would be experienced due to the loss of trees and vegetation and therefore potential nesting and foraging opportunities.

316 In terms of mitigation, the ES advises that updated Habitat Surveys would be carried out (where existing survey data is more than 2 years old) prior to demolition works to check whether habitats have become suitable for protected species. Further, demolition and construction works would be controlled through the implementation of Demolition and Construction Environmental Management Plans. With this mitigation in place the likely residual impact on the SINC's within the vicinity would be insignificant.

317 The Council's Ecology Officer concurs that the site has limited ecological value due to the dominance of buildings and hardstandings. The bat monitoring survey established there are no bat roosts on the site and that low numbers of bats were recorded on the site in 2011. The Ecological Assessment and Bat Surveys meet best practice guidance and provide good evidence of the ecological value of the site. Therefore no concerns are raised on the demolition of the existing buildings. There will be some short-term ecological impact from tree removal but in the long-term there will be an enhancement and gain for biodiversity.

318 Completed development

The completed development would have a residual insignificant impact on nearby SINC's. The ecological value of the site itself would be enhanced due to proposed enhancement measures, including green and brown roofs, living walls and the provision of nesting and foraging opportunities for birds and bats. Such measures would be secured for the lifetime of the development by the implementation of an Environmental Management Plan.

319 The Ecology Officer advises that the proposed creation of new space, including new ecological features (such as native planting and natural habitat creation) will provide a positive gain for biodiversity in the area. The outline application contains the correct level of detail but at Reserved Matters stage further details will be required, such as the composition of the green / brown roofs, and details of the type and location of the nesting/foraging features. Further bat surveys may also be required as a bat activity survey is valid only for a year. This will need to be secured by condition for each of the development plots.

**Impact on trees and open space**

320 Policy 7.18 of the London Plan supports the creation of new open space in London. Core Strategy Strategic Policy 13 seeks to improve, protect and maintain a network of open spaces and green corridors. Key intents are to protect woodland and trees and improve the overall greenness of places and requiring new development to help improve the quality of and access to open spaces and trees, particularly in areas deficient of open space. The Elephant and Castle SPD, SPD: 28 Natural environment requires new open space, including a new park, to be provided in the Heygate Street Character Area and that development should retain and enhance trees and canopy

wherever possible.

- 321 A comprehensive Landscape and Tree Strategy (March 2012) with Addendums (September 2012) have been submitted in support of the site's redevelopment. These encompass tree planting and new open space on the former housing estate and on adjacent highways, including the New Kent Road, Walworth Road and Heygate Street.
- 322 The proposed redevelopment seeks to retain the trees considered to be of greatest contribution to amenity, whilst also providing new green infrastructure. This comprises a new park, smaller open spaces, gateway squares and internal streets, footways and courtyards. Private amenity space is proposed in courtyards located within the development plots as well as gardens, balconies and terraces. This would be further enhanced by biodiverse roofs, green walls, water features and other street greening.
- 323 At the heart of the Masterplan is a new public park extending east-west across the site. This will exist within a hierarchy of open spaces linked by green street corridors. The park has a minimum area of 0.8 hectares, secured in the legal agreement, of green open space and will sit within a wider park setting (New Park Character Area) which includes adjacent walkways and the new market square to be provided as part of the Oakmayne Plaza Development. Constraints imposed by the existing varied ground levels within the park would be resolved through the retention of trees at the existing grade wherever possible, thereby immediately creating a sense of place. This would be enhanced by street and pavement furniture, lighting, water, play features, and other elements. Walkways would cross the park connecting north-south also seek to respond sensitively to changes in topography in order to avoid damage to tree roots. The park would be divided into three character areas with a gradation of formal uses from west to east, ranging from a new pavilion adjacent to the market square to a quieter more naturalistic area to the east.
- 324 Local objections have been received about the small size of the park, particularly if the plots adjacent to the park are built to their maximum extents, and how 'public' the park would be.
- 325 If the adjacent plots are all built to the maximum condition then this would reduce the width of the public realm surrounding the park; the actual core 0.8 hectares of open space would not be affected. Parameter Plan P06 shows the minimum publicly accessible park space that would be provided. The park has been designed to align with the adjacent Oakmayne market square (2,050 sqm) and it is envisaged that the ground floor of the plots facing the park would contain retail cafe / restaurant uses that could "spill-out" to overlook the park promenade (perimeter walkway) and open space. Hence the park would appear much larger in its setting than its minimum core area.
- 326 Maintenance and management of the park shall be the responsibility of the developer but a clause will be included in the legal agreement to allow the public free and unobstructed access. This will be the same as for any public open space within the borough. The park will be open in that there will be no enclosures such as fencing.
- 327 In addition to the new park, a series of civic spaces or small squares are proposed across the site that creates focal points at Walworth Square, Park Place, New Kent Road, and Victory Place. These spaces act as gateways which channel views into the townscape and incorporate innovative use of seating, high quality hard surfaces, artwork and a welcome use of water and lighting to animate and enhance these key spaces. Additional small park space is proposed at Brandon Place (840 sqm) located between Plot H10 and the new Energy Centre. This would provide an informal recreational area with small play area. Wansey Street Community Garden (740 sqm) would provide an informal recreational and wildlife garden. One of the objectives of the tree strategy is to retain existing trees in all of the civic spaces and small gardens aim

to retain existing trees.

- 328 Streetscapes within and along the site perimeter provide a green infrastructure grid defined by different typologies according to their function. Again, the most significantly sized and better condition trees are proposed for retention whilst in-fill and other structural avenue planting is proposed to complete missing green linkages. The proposed landscape treatment includes seating and lighting within ample pavement widths. Tree pit construction below ground specifies trenches which integrate drainage and cellular soil confinement systems to allow an optimum amount of rooting space. These would be located away from utilities, which are within combined service corridors, and other constraints normally associated with highway designs.
- 329 Trees located on the southern side of Heygate Street, which are of a high quality/value, are proposed to be retained, but those on the north side will be removed in order to facilitate road narrowing and the creation of residential front gardens. This is considered appropriate given that these trees are generally in a poorer condition and that large sized replacements of better quality can be provided.
- 330 Residents have commented that the proposal will result in a substantial loss of public green space in the area, even when taking account of the new park, and that much of the green areas would take the form of private elevated courtyards. It is the case that each of the plots will have internal courtyards for the use of residents within those plots rather than for general public use. As set out above, the proposal would see the creation of a hierarchy of green open spaces, civic squares and landscaped streets which totals at least 4.53 hectares of public realm (including the park) as shown on Parameter Plan P05. If the development plots are not built to their maximum plot extents then the public realm would increase. This is in contrast to the current Heygate Site where minimal public realm is provided as all the land associated with the housing blocks is private land for the use and enjoyment of residents on the estate although in practice this has been more widely accessible. The exception to this is a small piece of land immediately to the south of the Oakmayne Plaza scheme (and within the application site boundary) that was formerly known as Elephant Road Park. This previously formed a larger area of open space that contained play equipment available for local residents. The loss of this facility was considered by the Planning Inspector at the Public Inquiry into the Southwark Plan in 2005 when he was considering the designation of Proposal Site 39P for comprehensive redevelopment. The Inspector accepted the loss of the park on the grounds of the regenerative benefits that redevelopment would bring. The adjacent Oakmayne Market Square consented under application reference 07-AP-1448 would be developed across a portion of the park and its loss was considered as part of this application. The remainder of the park within the Heygate application boundary has more recently been used as a site compound for the adjacent Oakmayne Plaza Development.
- 331 Both the submitted Water Management Strategy and Landscape Estate Management Strategy indicate that a detailed framework is to be submitted that describes management implications over the landscape establishment and maturation periods with a 2-years defect liability period (i.e. the contractor would be responsible for the maintenance and replacement of any defective plants, materials, fixtures and fittings). Responsibility would then be handed over to a private estate management company for long-term maintenance. Appropriate control of landscape establishment and future management works can be secured by condition to include a longer rectification period which bridges the establishment and maturation phases.
- 332 Other than retaining the highest value trees, the strategy aims to provide a strong planting framework and the creation of distinctive characters for streets, squares and courtyards. Inherent within this vision is the recognition of the important economic cultural and climate change adaptation benefits which a mature landscape provides, as

well as the more commonly understood environmental contribution. The rationale for tree retention is based on single specimen, group and avenue typologies, each of which has differing functions and roles. For example, an avenue may consist of individuals of relatively poorer quality yet be important as a group, whereas individual specimens should be of a higher quality in order to fulfil a more focal and aesthetic purpose. The control of more detailed testing of trees can be secured by condition.

- 333 The Tree Strategy considers the existing tree stock and provides an impact assessment of the proposed development and the potential for an enhanced and maturing canopy cover. The overarching approach and long-term vision for green infrastructure is to increase the number of trees on and off-site so that the CAVAT (Capital Asset Value of Amenity Trees) is improved by 5% by completion of the development in 2026 (construction lifetime anticipated to be 2014-2026). Together with the target for canopy cover increase, the strategy therefore complies with London Plan and climate change adaptation policy objectives as discussed below.
- 334 CAVAT interpretations adhere to the correct methodology based on cross-sectional area, accessibility, functional value, amenity, appropriateness and life expectancy to provide a total value of £14.2 million. This is in line with that calculated independently by the Council's Urban Forester. Of the total value, 60% would be provided by London Plane trees which form the largest and longest lived elements of the structural framework within retained green infrastructure. The total girth of the trees to be removed would be 306.3 sqm.
- 335 A large number of objections have been received in relation to trees, particularly over the number of mature trees to be lost, the lack of proper valuation of the trees and comprehensive strategy for the existing on-site mature trees.
- 336 The Tree Strategy seeks to retain the best existing trees on the site and replace all of those lost so there would be no net loss of trees. Of the 406 existing trees on the site, 210 (or 52%) are Category A or B trees i.e. those of moderate to high quality which make a substantial contribution to amenity. A total of 283 trees are proposed for removal in order to facilitate the development which represents 70% of the trees within the site. However, 119 (42%) of these are Category C or R i.e. those in such a condition that their existing value would be lost within 10 years or those which should be removed for good arboricultural reasons. All of the trees proposed for removal are to be replaced such that the tree stock would be enhanced by phased new planting which would increase species diversity, age class structure and habitat. Conditions are recommended to ensure that the trees to be retained are adequately protected during all development phases.
- 337 In order to enable both the CAVAT value and overall canopy cover to be replaced, an additional 1200 trees would be planted off-site within a 1km radius over a period 2014 – 2018. The details of this are yet to be confirmed but a survey to include trial pits has been outlined by the applicant in order to verify the suitability of planting locations according to "right tree right place" guidelines. The provision of off-site mitigation of tree loss needs to take account of the phasing of the redevelopment such that canopy cover is addressed in a co-ordinated manner. The greatest loss of trees is scheduled for Phases 3-5 (i.e. 2019-2024) and therefore tree replacement off-site should be implemented prior to 2019 and appropriate conditions therefore need to be secured on a phase by phase basis. The submission a Tree Strategy in respect of the 1,200 off-site trees will be secured in the legal agreement.
- 338 Estate Management  
The issue of public realm and its management has been raised by a number of residents. The Estate Management Strategy advises that once the development is complete the management of the public realm will be undertaken by an Estate

Management Company (EMC) and will include:

- Unadopted secondary and tertiary roads that run through the development
- Squares and plazas
- Landscaped areas including raised planters
- Footpaths and cycle routes which are accessible by the public
- Parks and open space.

It therefore doesn't include the private gardens and communal courtyards within the plots or existing adopted roads including New Kent Road, Walworth Road, and Heygate Street. In the case of Wansey Street, the new public Walworth Square proposed at the junction of Walworth Road would be managed by the EMC but the rest of Wansey Street would remain adopted road and thereby maintained by the council. The fact that an EMC would maintain the public realm within the site does not in any way reduce public access to these spaces and routes.

339 Demolition

Although the submitted tree strategy includes an arboricultural survey, the outline protection plan (drawing no. 120207-EC-TPP-AM-1.0 Scale 1:750) requires further detail in order for the prevention of damage to be sufficiently assured. The report does not include root protection area calculations on which the protection areas are shown and refers to a superseded British Standard.

340 Given the notable constraints related to the proximity and size of the proposed retained trees next to blocks to be demolished, plus the variety of level changes throughout the site, tree and root protection plans will be required to a larger scale with detailed cross sections. The extent and duration of operations will also require close monitoring and supervision by a site arboriculturalist throughout the demolition and site preparation phases. Confirmation is also required of the type of pruning works specified for retained trees which in some cases may need substantial crown reduction. All of these matters will be secured by condition at reserved matters stage when the full detail is provided. In addition conditions on outline planning permission are also recommended to ensure tree protection.

341 Overall the proposed Landscape and Tree Strategies are well designed and maximise the design aims identified within the Elephant and Castle SPD. The proposal therefore accords with plan policies subject to conditions.

**Wind**

342 The ES assesses the implications of the proposed development on wind conditions within and immediately surrounding the site. The ES notes that the precise location and scale of buildings, building entrances, and the gaps between buildings is not known at this outline stage and therefore the maximum and minimum building envelopes are tested.

343 Once buildings on the site have been demolished there will be the potential for wind to blow openly across the site and increase wind exposure on and immediately adjoining the site. Because construction works would be phased (and predicted to commence immediately after the final demolition phase) wind conditions would adjust towards the conditions of the completed development. As such the demolition and construction phases would have an insignificant impact on local wind conditions.

344 In terms of the completed development, are generally considered suitable for the intended uses (i.e. suitable for sitting, standing, leisure / business walking). However, there will be a number of locations where adverse impacts of minor to moderate significance would exist in the absence of any mitigation. The results vary depending on the maximum or minimum parameter conditions but include a number of the routes between the plots, at a number of building entrances, some of the ground and raised

level communal courtyards, and some of the public open spaces, including Walworth Square, Wansey Street Community Garden, and Brandon Place (located between Plots H10 and H12). Outside of the development site, certain areas along New Kent Road would be exposed to winds stronger than the intended uses. In these locations measures will need to be implemented to improve wind conditions.

- 345 This could be achieved by suitable landscaping planting and/or screening and mitigation will need to be designed and incorporated into the detailed design of the development plots, public realm and open spaces. Officers consider that these matters would need to be resolved at the Reserved Matters application stage and therefore further wind assessments will be required to demonstrate that the impacts can be minimised to an acceptable standard. Overall, given that no adverse impacts would be experienced as a result of the demolition and construction works and further assessments can be secured at the detailed design stage the proposal is considered acceptable.

### **Archaeological matters**

- 346 Policy 3.19 of the Southwark Plan requires an archaeological assessment and evaluation of the application site for planning applications affecting sites within Archaeological Priority Zones (APZs). Although the application site is not located within an APZ, parts of three APZs are within 250m of the site boundary ('Elephant and Castle, Kennington Road' 140m to the west, 'Walworth' 80m to the south; and 'Old Kent Road' 140m to the north east). The ES therefore includes a desk based archaeological assessment of the site. The council's Archaeology Officer considered the original assessment insufficient and consequently a revised assessment was included in the ES Addendum (September 2012).
- 347 The revised assessment identifies low archaeological potential for remains of Roman and post-Medieval date on the site. The previous phases of residential development associated with the existing Heygate Estate and likely cultivation of the area before this would have damaged any earlier sub-surface heritage assets. Notwithstanding this, the site has some potential for sub-surface heritage asset remains of Roman date due to the recording of Roman ditches on the Oakmayne Plaza site. These ditches were not deemed to be of high significance but their presence raises the potential for similar evidence of Roman activity on that part of the site closest to the adjacent Oakmayne site.
- 348 During demolition and construction damage to or destruction of buried heritage assets may result due to works associated with the construction of basements and foundations and the laying of services. Consequently, in the absence of mitigation the potential impact upon potentially archaeological remains would be at worst a permanent *adverse impact of minor significance*. However, in order to mitigate impact on potential further Roman ditches and post-Medieval buried heritage assets, the assessment recommends a watching brief (a programme of archaeological monitoring and recording) during ground works for the north-western part of the site. The report advises that the implementation of such a programme would result in *insignificant residual impact*. Once the development is constructed, there would be no impacts upon archaeological remains and therefore no mitigation would be required at this stage.
- 349 The council's Archaeological Officer considers that the Heygate Estate represents a major phase of public housing and is worthy of record prior to its demolition. The recording should include an assessment of the documentary archive for the existing buildings and the archaeological recording of a small selection of the individual flats or houses present on the site together with some general photography of the complex. These works would need to be secured by conditions ensuring the archaeological

building recording and publication and archiving takes place. With these measures in place, officers agree that no significant residual effects are likely to result and the proposal accords with policy 3.19 of the Southwark Plan.

### **Contamination**

- 350 A Ground Contamination Desk Study and Preliminary Risk Assessment report forms part of the ES and ES Addendum. The purpose of the report is to establish the potential for significant ground contamination to exist at the site and the likely risk posed to a range of sensitive receptors such as humans, aquifers and flora. The study found that there is the potential for localised contamination, the most likely contamination source related to the presence of Made Ground (artificial deposits) across the site. However, the potential for significant contamination to be present is low.
- 351 The ES recommends that a Site Investigation and detailed risk assessment should be undertaken prior to construction to determine whether remediation was required and, if necessary, followed by a Validation Report. All demolition and construction works would be carried out in accordance with a Construction Management Plan which would include measures designed to minimise potentially harmful impacts. With these measures in place the likely residual impacts both during construction and to future occupiers of the site would be insignificant.
- 352 The Council's Environmental Protection Team advises that the conclusions of the desk-based study are adequate. The site is generally low risk but there are some areas where previous land uses and made ground will need further investigation. This can be addressed at the detailed Reserved Matters stage for each development phase. There is also an identified issue with possible un-exploded ordnance across the site and it is evident that contamination will be present in some areas of the site. The Verification Strategy as outlined in the ES is acceptable. Conditions are required to ensure that the recommendations of the Arup report dated March 2012 are adhered to and any changes are reported to the Local Planning Authority. It is therefore concluded that this aspect of the scheme has been satisfactorily addressed.

### **Flood risk**

- 353 Strategic Policy 12 of the Core Strategy allows development to occur in the protected Thames flood zone as long as it is designed to be safe and resilient to flooding and meets the Exceptions Test. The policy also requires major developments to reduce surface water run-off by at least 50%.
- 354 The ES and ES Addendum consider the likely impacts of the development on flood risk, groundwater levels and surface water drainage. The majority of the site is located within Flood Zone 3a which is considered to be an area of high risk of flooding due to the proximity of the tidal River Thames. However the site is protected by the Thames Tidal Defences. The remainder of the site is located within Flood Zone 2. A Flood Risk Assessment is included within the ES.
- 355 During demolition and construction phases the ES predicts that potential risk from tidal flood risk would be insignificant. Changes in site conditions will have the potential to result in a temporary risk in surface water flooding but measures would be in place as part of the Environmental Management Plan to control surface water run off from the site. All basements would be constructed to be water resistant. In the completed development measures such as SUDS (Sustainable Urban Drainage Systems) would be incorporated within the development plots and public realm. The Environment Agency has confirmed that they have no objections, subject to conditions to ensure that flood mitigation measures are undertaken.



356 A significant part of Southwark is within Flood Zone 3. There are no sites of this size that are at a lower risk of flooding for some distance. The application site is designated for comprehensive redevelopment for mixed use purposes, including housing, and the development of brownfield sites is encouraged to maximise the efficient use of land. The proposal would incorporate substantial soft landscaping, including new Park, as well as green and brown roofs which will attenuate surface water run off from the site and thereby contribute towards a reduction in flood risk. Furthermore, the proposal would have significant social, economic and environmental benefits that are considered to outweigh any risk from flooding and therefore the proposal is considered to meet the Exceptions Test.

### **Socio-Economic implications**

357 The ES Addendum advises that there are a small number of occupied residential units and operational commercial uses within the application site who would be displaced by the proposed development. The Council has made a Compulsory Purchase Order (CPO) for the site and this was submitted to the Secretary of State in September 2012. Objections to the Order have been made and as a consequence a Public Inquiry will be held in February 2013. If the Order is confirmed, it will facilitate the re-housing of the existing residents on site. The ES advises that the leases for the active on-site commercial properties will have expired before the commencement of the main construction works for the development. The Council is currently in negotiation with the stakeholders of Crossway Church to secure relocation of this facility. Although in the short term the impact of the proposal on the on-site residents, businesses and Church would be adverse and of substantial significance, in the long term impacts would be insignificant due to relocation.

358 The ES estimates that approximately 10,800 person years of construction employment would be generated during the 13-year demolition and construction phases with a predicted increase in the level of expenditure locally from construction workers. The applicant proposes employment and training initiatives via BeOnSite, a not for profit company. The completed development would positively contribute towards meeting local and regional housing targets and will create more employment opportunities than the existing use of the site. The ES acknowledges that the new population would result in further demand for education and health provision but appropriate S106 contributions will be secured. The retail offer would help to increase the level of expenditure locally as well as improve the retail offer in the Elephant and Castle town centre without diverting significant trade for other nearby retail centres. The ES estimates that the new residential population and new employees on the site could potentially contribute between £34.3 and £37.6 million annually to the local area. The new Park and other areas of local open space will be a positive benefit. The socio economic benefits arising from the development are concluded to be positive and will add to the overall regeneration benefits arising from the scheme.

### **Equalities Implications**

359 Section 149 of the Equality Act 2010 provides that the council must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

360 The relevant protected characteristics are—

age;  
disability;  
gender reassignment;  
pregnancy and maternity;  
race;  
religion or belief;  
sex;  
sexual orientation.

- 361 It should be noted that the Elephant and Castle Opportunity Area Supplementary Planning Document was supported by an equality impact assessment.
- 362 The ES in support of these planning applications also contains a development specific equalities impact assessment. That addendum identifies the key equalities characteristics that need to be assessed and the related groups are covered in the wider ES.
- 363 Overall there is considered to be a positive impact on all groups as a result of the development. The impacts arising during demolition have been identified earlier in this report. In terms of specific groups there are no disproportionate or special impacts identified during this phase other than potentially the various faith groups and others who occupy the Crossways Church. However a replacement facility is proposed to be provided and the intention is for the Church to remain in situ until this is available. The mitigation required is to programme the demolition of the Crossways Church in the final phase of demolition. This therefore removes the impact.
- 364 During the construction phase there are no specific equalities impacts in that all adverse construction impacts are essentially evenly distributed and do not disadvantage any particular group. There are minor beneficial impacts arising for unemployed people due to the number of potential construction jobs.
- 365 In terms of the completed development the overall equalities impact is positive. In the broadest sense the development will have a positive impact on all the target groups. There is the potential for a new or improved health facility. The development will result in the creation of employment which will be a positive impact for local unemployed people. Affordable retail units will be provided and secured in the legal agreement resulting in a positive impact for new and existing businesses. Young people benefit in terms of the improved open space and play facilities which will be provided over the term of the development. Affordable homes will be provided to replace those lost in the existing estate and a varied housing mix will extend choice contributing to a more mixed community. New housing which will include wheelchair units and be built to lifetime homes standard will result in a positive impact for those with disability. Improved public transport in terms of the bus and underground service will have a positive impact for all groups. The improved physical environment will ensure greater accessibility across the site both in terms of open space and new accommodation be it commercial, community or residential and thereby constituting a positive impact in terms of equalities.
- 366 The GLA has indicated that it considers that the proposal is consistent with policy 3.1 of the London Plan (strategic policy on ensuring equal life chance for all).
- 367 The Council therefore consider that the proposed scheme and the regeneration of the area that the development will bring about which aims to deliver a mixed and balanced community is compatible with its equalities duties and will have some beneficial impact on protected groups, the advancement of equality of opportunity and the fostering good relations between persons who share a relevant protected characteristic and persons who do not share it.

### Planning obligations (S.106 undertaking or agreement)

368 Regulation 122 of the Community Infrastructure Levy (CIL) 2010 Regulations came into force on 6 April 2010. Regulation 122 makes it unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

369 The above tests which are echoed in 204 of the NPPF and planning obligations are requirements of 8.2 of the London Plan and 2.5 of Saved policy 2.5 of the Southwark Plan to provide mitigation for the impacts of a development.

370 SPD20 of the Elephant and Castle SPD / Opportunity Framework 2012 requires a contribution towards strategic transport improvements in the opportunity area. SPD20 identifies both a rate, £104 per sqm of additional floor space, and specific priority projects of the northern roundabout at grade works and the northern line ticket hall. Both these items of infrastructure are noted in the Transport Assessment as requiring improvements to meet the impacts of this development. The applicant has agreed to a policy compliant contribution towards these items.

371 The Council's S106 planning obligations SPD adopted in 2007, details a number of areas of infrastructure that are usually placed under greater pressure from new major developments. In response to this pressure where on site provision is neither required nor practical contributions are secured in a S106 to provide off-site mitigation.

372 The proposal will deliver a range of benefits in line with the Council's SPD. The mayoral CIL applies (£9.1m) together with the Elephant & Castle OAPF tariff (formerly the Strategic Transport payment). This is calculated at £13,027,708. The large part of the S106 requirements are proposed to be provided on site. For certain items; Employment in the development, Employment during construction, Health and Community facilities, there is a default amount identified in the event that on-site provision doesn't come forward. Financial contributions for Education, over 12s site play provision, the Employment during construction management fee and the administrative charge will be triggered at the relevant time as identified in the legal agreement.

373 The following details the toolkit requirements as applied to the application site and what the applicant is proposing to provide on site or in kind.

PLANNING OBLIGATION	SUMMARY OF COUNCIL REQUIREMENT	S106 2007 SPD v.11	Required mitigation for application	Applicant's offer
<b>AFFORDABLE HOUSING</b>	On site provision for 15 units or more. (Zero = on site)			25% (50%/50%)
<b>EDUCATION</b>	£11,156 per school place	2,886,886	1,319,286	1,319,286
<b>EMPLOYMENT IN THE DEVELOPMENT</b>	To provide training and support into employment through a WPC for one person costs £2667	257,961	£257,961	£257,961

<b>EMPLOYMENT DURING CONSTRUCTION</b>	Contribution to workplace co-ordinator programme, including training and network support £76463 per annum	2,051,763	Agreed targets with up to £2,051,763 default payment.	Agreed targets with up to £2,051,763 default payment.
<b>EMPLOYMENT DURING CONSTRUCTION MANAGEMENT FEE</b>	Contribution to the management and co-ordination of the construction workplace co-ordinator programme	166,359	166,359	166,359
<b>PUBLIC OPEN SPACE, CHILDRENS' PLAY EQUIPMENT, AND SPORTS DEVELOPMENT</b>	£71 per person for open space (and additional £71 per person in areas of park deficiency)	3,255,939	On site new park, new pocket parks	New park, new pocket parks, new community gardens to the south of Wansey Street (est value £6.87m)
	£80 per child for childrens' play equipment		On site play provision	On site play provision (est £400k)
	£349 per person for sports development		None, as significant over provision of POS and new E&C leisure centre	None, as significant over provision of POS and new E&C leisure centre
<b>TRANSPORT STRATEGIC</b>	£223 per person. - <b>Replaced by E&amp;C OAPF Tariff</b>	1,350,530	Replaced by E&C Tariff	0
<b>TRANSPORT SITE SPECIFIC</b>	Costed on a site-by-site basis. Eg zebra crossing £30,000	1,505,340	New on site crossings, streets, bus stops and cycle routes. Car clubs, travel plan, raised table on Heygate St, Barclay's bikes and S278 works	New on site crossings, streets, bus stops and cycle routes. Car clubs, travel plan, raised table on Heygate St, Barclay's bikes and S278 works (est £4.1m)
<b>TRANSPORT FOR LONDON</b>	Costed on a site-by-site basis	0	1,100,000 less any payments from Phase One and St Mary's plus 1no bus stand	1,100,000 less any payments from Phase One and St Mary's plus 1no. bus stand.
<b>CROSSRAIL CHARGE</b>	Based on indicative sums	0	0	0
<b>PUBLIC REALM</b>	Costed on a site-by-site basis. For example street lighting £2100 per column	2,122,590	On site provision of new footways, improvements to Elephant Rd, hard and soft land landscaping including 2 new squares lighting and 1200 off-site trees	Provision of new footways, improvements to Elephant Rd, hard and soft land landscaping including 2 new squares, lighting and 1200 off-site trees (est £10.5m)
<b>ARCHAEOLOGY</b>	Site up to 1000sqm would cost £2400	0	0	0
<b>HEALTH</b>	£961 per unit	2,700,815	500sqm on site or contribution capped at £1,489,879	500sqm on site or contribution capped at £1,489,879
<b>COMMUNITY FACILITIES</b>	£73 per person	383,602	On site provision	On site provision (worth at least

				£383,602)
<b>OTHER, INCLUDING</b>	Costed on a site-by-site basis.	0	0	0
<b>Over 12's off site play provision</b>	Contribution required as on site provision not being provided	0	300,000	300,000
<b>E&amp;C OPAF Strategic Transport Tariff</b>	£104 per sqm of additional floor space for residential, £12 per sqm per on uplift of Retail (nonaffordable) /other.	0	13,027,708	13,027,708
		<b>16,868,668</b>		
<b>Admin charge</b>	2% of the first £3 million of monetary contributions to be provided thereunder and 1% of monetary contributions to be provided thereafter	196,818	189,134	189,134
<b>Total contributions</b>	Contributions to the Council	<b>16,878,604</b>	<b>16,360,448</b>	<b>16,360,448</b>
	Estimated value of in-lieu works		<b>plus in lieu works (est at £10.809m)</b>	<b>25,795,244</b>
<b>Total including in-lieu</b>			<b>27,102,487</b>	<b>42,155,692</b>

Assumptions: Retail uplift of 13,417sqm, new office of 4988sqm, new residential Private (123 x studios, 655 x1bed, 1022 x2b, 99x3b), Intermediate (88x1b, 130x2b, 69x3b,) SR (85x1b, 116x2b, 82x3b)

### 374 Education

An estimated 238 (school aged) children could be housed by the proposed new development, over an estimated 10 - 12 year construction period. Local primary and secondary schools are profiled to be at or close to capacity within the next few years. The S106 SPD toolkit(s) provides for a contribution per estimated child toward both local primary and secondary provision. The default toolkit applies to all new residential units, including replacement units. However, given the embedded existing capacity associated with the current residential units ( notwithstanding that the estate is all but vacant), the long development timeline, and the provision of education contributions from the Early Housing sites, which was developed to provide replacement accommodation for Heygate residents, officers consider that the applicant's position, that with the over provision of other obligations a contribution based only on the additional units would be reasonable. The total education contribution will be £1,319,286 which will be paid on the development of each plot based on the number of units the relevant plot provides.

### 375 Employment in the Development

The applicant proposes to provide the required contribution. This will be triggered on a phased basis.

### 376 Employment during construction

The applicant proposes to deliver the employment during construction on-site by means of a programme which aids unemployed Southwark residents into employment through training and apprenticeships. A minimum target of construction jobs for Southwark jobless will be set within the legal agreement and this will be a minimum of 397 although the overall target will be double. Also in the event of under-performance a default payment will be triggered the amount of which would be dependent on the

level of under-performance. The job target and payment are all calculated on the basis of the standard toolkit formula.

**377 Employment during construction management fee**

Contribution to the management and co-ordination of the construction workplace co-ordinator programme, enabling the council to support and monitor the in-lieu employment during construction and in the development obligations. The fee has been calculated on the basis of the standard toolkit amount and the applicant's proposal is in line with this requirement.

**378 Affordable retail**

In line with the requirements of the Elephant and Castle SPD the legal agreement secures the provision of affordable retail units within the development. This will equate to 10% of the total retail floorspace within the development and the legal agreements sets out the terms and conditions of the leases for these units. In essence the first 5 years of the relevant lease will range from a period of rent free to increasing percentages of market rent. This reflects the standard provisions for such floorspace in similar developments and legal agreements in the borough.

**379 Public open space, children's play equipment, and sports development**

A new public open space with associated planting and maintenance is a fundamental policy requirement of the redevelopment and provision of this quantity of new residential units. The new 0.8ha park along with additional door step and local play provision will be secured in the s106 together with public access equivalent to council maintained parks. The park has an established cost of over £6.9m which is significantly in excess of the amount required by the SPD toolkit. The on-site play provision proposed will equate to an estimated value of £400,000. Whilst normally there would be a requirement for Sports development in this case given the high value of the parks work and the introduction of the new Leisure Centre at the Elephant and Castle officers consider that the omission of a sports development contribution in this context is acceptable. The park will be delivered in two tranches where half the area will be provided alongside the neighbouring plots either north or south (any one of plots H1,2, 4 or 5). The full park area will be delivered where either the northern pair or southern pair of plots are developed or where a combination of H1 & H4 or H2 & H5 are delivered consecutively. In the event that the phasing is varied so that none of the above plots come forward early then the legal agreement will make provision for a temporary park provision of 0.4ha ( half the total park area) at an alternative location within the site.

380 A further provision of the legal agreement is to set up a Parks Advisory Group to help inform a brief and develop a master plan for the park provision. The group would comprise representatives from local groups, the Council ( local ward members) and the developer.

**381 Transport site specific**

New roads within the development and the reinstatement of Heygate Street, pavements, crossing on Walworth Road, New Kent Road and Rodney Road and a new north-south cycle route are required by the development. The S106 will require obligations to provide these works, along with Car Clubs and Barclay's Bikes, all of which are estimated as significantly in excess of the standard toolkit contribution £7,500,000 as against a toolkit requirement of £1,525,725.

**382 Transport for London**

TfL have required provision for an extended bus service together with bus stands. A contribution of £1.1m, minus any contributions from St Mary's and Phase 1 (Rodney Road), will be made by the developer towards the costs of extending a bus service into the new development. The extra bus capacity will be required by the 7<sup>th</sup>

anniversary of implementation when the first of 5 payments will be triggered. Should the developer elect to have an off site rather than on site bus stand, the cost of further extending the bus service to the off-site stands will be met by the developer to a total maximum of £2.2m, including the £1.1m but minus the other development payments.

**383 Public realm**

New lighting, paving, hard and soft landscaping are required by the development. The S106 will include obligations to provide these works, along with on and off site tree re-provision, all of which are estimated as significantly in excess of the standard toolkit contribution. The value of the works proposed are estimated at £10.5m as against a toolkit requirement of £ 2,122,590.

**384 Archaeology**

As the site is not in an Archaeology Priority Zone, no obligations are being sought.

**385 Health**

500 sqm of space for Health has been identified in the indicative master plan. Although there is currently sufficient local provision, additional capacity is required to meet the increased need from the new units. Should a health provider chose not to take this space, then a contribution equivalent to the S106 toolkit on the additional residential units on site would be payable (£1,489,879). This contribution would enable existing off-site facilities to be expanded to meet the additional need from the development. It is considered, as with the education contribution, that as there is existing health provision embedded in the local area from the existing residential units, only the impact of the additional units needs to be address for the health provision.

386 The legal agreement will require the developer to commit to either the on-site provision or the contribution on completion of the 750<sup>th</sup> unit. If opting for the contribution the payment for the first 750 units becomes due at that point. Thereafter contributions would be triggered at the completion of each plot as per the provisions for the education contribution. Where a health facility is to be provided on site it will be constructed and transferred to the PCT on completion of 1800th unit.

**387 Community facilities**

The application proposes a minimum of 1,000 sqms of community floorspace which could emerge in any one of a number of plots. This is considered to be appropriate as on-site provision of at least equivalent if not greater value than the toolkit contribution that would be triggered which amounts to £389,185. The legal agreement will include an obligation to either provide this on site or by way of a contribution in a similar manner to the health provision described above.

**388 Over 12's off site play provision**

The contribution is necessary as on site provision as required by the London Plan is not being provided and the contribution is sufficient to provide that level of mitigation off site. It is envisaged that the provision will be made locally so that it is convenient for the target group within the development. The payment amounts to £300,00 which should allow for the provision of a MUGA or similar in order to meet the requirement

**389 E&C SPD/OAPF – Strategic transport tariff**

This tariff replaces the former Strategic Transport payment within the toolkit. It is a mandatory payment and is to be applied to the improvements identified in the OAPF for the Northern Line ticket hall and the Northern Roundabout. The payment is calculated at a set rate for additional floor space for residential and any uplift in retail floorspace (see table above). The requirement for this development amounts to £13,027,708. The legal agreement secures the payment on the following basis:

Either:

On a plot by plot basis with 50% of the pro-rata amount paid on implementation of the

plot and 50% on completion ( for each and every plot)

Or:

In the event of a Transport & Works Order coming forward for the Northern Line Ticket hall an initial payment – 1<sup>st</sup> of 4 equal payments – in December 2018 with the 3 subsequent annual payments on the anniversary.

- 390 In terms of the overall value of mitigation proposed the combined total of on-site/ in-lieu works has been calculated to be £26,053,205. Together with payments of £16,360,448 the combined value of contributions and on-site/in-lieu works would be £42,155,692. Set against the total toolkit requirement of £27,102,487 the over-provision in terms of the required value of open space, transport and public realm set against, what could potentially be construed as the under-provision of education, health and sports development (in relation to health only if not provided on site) is considered acceptable. The overall level of mitigation is considered appropriate for a development of this nature given all the circumstances.
- 391 In assessing the impacts and requirements of this application against the tests of Regulation 122 and the requirements of 8.2 of the London Plan and Saved policy 2.5 of the Southwark Plan, S106 SPD and SPD20 of the Elephant and Castle SPD / Opportunity Framework 2012, it is considered the obligations are necessary, directly related to the impacts of the development and fair.

### **Sustainable development implications**

- 392 The National Planning Policy Framework (NPPF) sets out that the purpose of the planning system is to contribute towards the achievement of sustainable development. Sustainable development is described as consisting of three broad dimensions, economic, social and environmental. The economic and social implications from this proposed development are covered in greater detail above. In relation to environmental implications of development, section 10 of the NPPF 'Meeting the challenge of climate change, flooding and coastal change' describes the key role that planning has in securing radical reductions in greenhouse emissions, providing resilience to the impacts of climate change and supporting the delivery of renewable and low carbon energy and associated infrastructure. Southwark's Core Strategy sets out the approach to achieving sustainable development in the borough in Strategic Policy 1, describing that development will be supported if it meets the needs of Southwark's population in a way that respects the limits of the planet's resources and protects the environment. Strategic Policy 13 'High environmental standards' then sets out how this can be achieved, by requiring development to meet the following targets:-
- 393
- Residential development should achieve at least Code for Sustainable Homes Level 4;
  - Community facilities, including schools, should achieve at least BREEAM 'very good';
  - All other non-residential development should achieve at least BREEAM 'excellent';
  - Major development should achieve a 44% saving in carbon dioxide emissions above building regulations from energy efficiency, efficient energy supply and renewable energy generation;
  - Major development must achieve a reduction in carbon dioxide of 20% from using on-site or local low and zero carbon sources of energy;
  - Major development must reduce surface water run-off by more than 50%;
  - Major housing developments must achieve a potable water target of 105 litres per person per day.

The Elephant and Castle Supplementary Planning Document restates these requirements in SPD 19 'Energy, water and waste', it requires development to meet



the highest possible environmental standards, in line with the Core Strategy and the London Plan. Southwark's Sustainable Design and Construction Supplementary Planning Document also provides further guidance on how to incorporate sustainable design and construction methods into development.

- 394 Policies 5.2, 5.3, and 5.7 in The London Plan 2011 outline the measures that the Mayor expects developments to incorporate as part of the sustainable design and construction of energy efficient buildings. In the consideration of energy efficient measures, application proposals should apply the Mayor's Energy Hierarchy, using passive design and energy efficient measures to reduce heating and cooling loads, and feasibility assessments for low and zero carbon energy systems described in the London Renewable 'Toolkit'. Policy 5.6 'Decentralised energy in development proposals' states that development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate, also examine opportunities to extend the system beyond the site boundary to adjacent sites. The London Plan also encourages developers to investigate opportunities to incorporate energy from waste, or where technically feasible, renewable energy in developments. In addition to this, where a district CHP system provides part of a developments power and / or heating and / or cooling demand, suitable renewable energy technologies should also be considered in addition to the CHP system.
- 395 A Sustainability Strategy has been prepared and submitted with the application documents. This sets out how sustainable development has been considered throughout the design evolution of the Heygate masterplan outline proposals (and the wider Heygate Regeneration area), as well as how sustainability will be considered through the development process, through to detailed design, construction and operation.
- 396 The Sustainability Strategy sets out that as part of the consideration of sustainability in the development proposals, the applicant has prepared a sustainability brief for the development, organised sustainability workshops and meetings, produced technical studies and undertaken a Sustainability Appraisal of the development. The Strategy explains that there is a commitment to achieve a Code for Sustainable Homes (CSH) Level 4 for the residential units. In relation to the non-residential floorspace in the development, a BREEAM assessment has been considered. BREEAM assesses the environmental impact of a building against a range of issues, and credits are awarded where the building achieves a benchmark performance. It is the equivalent test to CSH, but for use for non-residential floorspace. The commercial floorspace proposed as part of this application would be spread out throughout the site area, and would not be concentrated within a single building. At this outline stage of the planning and design process, the exact size and end use for the proposed commercial floorspace is not known. Therefore the applicant has undertaken to be subject to a general commitment to achieve BREEAM 'excellent' rating for commercial units (over 1000sqm), in accordance with minimum policy requirements. It has not been considered necessary to undertake this commitment for the smaller units below 1000sqm in this instance, as the operations within smaller units are likely to be less suitable for assessment against the BREEAM criteria, for example, because of reduced servicing requirements. In addition to a commitment to meet minimum BREEAM requirements for commercial floorspace, the Strategy also describes a commitment to comply with BREEAM 'very good' rating for any community use floorspace in the development.
- 397 It is proposed that the development include a number of measures to reduce potable water demand and improve water conservation. Water-efficient sanitary ware such as water meters, spray taps and low flow showers are intended to be included in the constructed development. The applicant has also committed to the production of a

design specification to achieve consumption of 105 litres per person a day within the proposed residential dwellings. An irrigation system is intended for communal garden spaces, using rainwater and reducing the demand for potable water garden irrigation. It is also intended that the development achieve a 50% reduction in surface water run off from the existing site levels, and this is in accordance with minimum requirements in the London Plan and Southwark's Core Strategy. A Sustainable Urban Drainage Strategy has also been developed as part of the Landscape Strategy for the proposed development, and it is intended to utilise roof areas for green / blue roof areas, as well as ground areas for filter drains and permeable paving.

398 An Energy Strategy and Energy Strategy Addendum have been submitted with the application. It is intended that these documents demonstrate how the proposal would comply with the requirements of the London Plan and Southwark's Core Strategy for energy efficient and low carbon solutions in development. Policies within the London Plan and Southwark's Core Strategy, require developments to apply the Mayor's Energy Hierarchy. The 'Hierarchy' consists of applying the following measures into the development as a consecutive set of principles:-

1. Be Lean – use energy efficient design to reduce the need for energy in the operation of the development;
2. Be Clean – use on site low carbon energy generation, including the use of Combined Heat and Power Systems; and lastly
3. Be Green – incorporate renewable energy technologies into the development.

The premise of the Energy Hierarchy is to reduce the need for energy within a development in so far as is possible, before applying measures to deal with the remaining (reduced) energy demand from low and zero carbon sources. Taking each of the Energy Hierarchy criteria described above, the measures intended to be included within this proposed development are outlined below.

399 *'Be Lean'*

The application and design of the proposed development is at outline stage only, and therefore it is difficult to be certain of how measures to improve energy efficiency will physically manifest themselves within the proposed buildings. However the applicant has developed a strategy which will require higher levels of insulation and air tightness within the proposed residential buildings, and a definite consequence of these measures will be increased energy efficiency of buildings. This strategy of measures will inform the next design stages for the development, ensuring that buildings are finished to an energy efficient standard. Other measures include ventilation to facilitate effective natural passive ventilation, and requiring any mechanical ventilation systems to be highly efficient, incorporating heat recovery from relevant areas of the building (i.e. kitchen / bathroom). Opportunities for natural lighting will also be maximised, to minimise reliance on artificial lighting, and where artificial lighting is used, this will be low energy lighting and LED lighting with smart controls. Whilst maximising opportunity for daylight, solar gains will be minimised through passive control measures to prevent overheating during summer months. Glazing types will be designed and applied so that it will directly contribute to ventilation, daylight and thermal strategies.

400 *'Be Clean'*

It is proposed to include two centralised gas Combined Heat and Power (CHP) systems to serve the developments need for space heating and residential hot water supply. This is in preference to a building by building approach which would only satisfy individual buildings heat and power requirements. The proposed energy strategy takes a holistic approach to satisfying the energy needs of the wider development, and intends to maximise the efficiency of the energy supply. Therefore the preferred energy-efficient generation technology is two centralised gas CHPs delivering both space heat and residential hot water, via a low temperature hot water District Heat Network (DHN) to the proposed development. The DHN also provides

opportunity for the extension of the network to sites outside of this development area.

- 401 District heating is the supply of heat to a number of buildings or homes from a centralised source through a network of insulated pipes carrying hot water or steam. It is highly efficient and less polluting than localised boilers, and when combined with CHP systems, it is a particularly low-carbon form of energy distribution. District heating pipes are not specific to the technology used to generate the heat and so can connect to a range of sources of heat supply including CHP, biomass, energy from waste, ground source heat pumps, geothermal heat or large power stations. This means that networks can be put in place now, based on whichever heat supply technology is most appropriate and upgraded over time, for example to more renewable sources of heat.
- 402 The energy strategy for this development needs to evolve in sequence with the lengthy construction programme, and needs to relate to the energy demand resulting from the occupation of completed buildings. Therefore while CHP systems are proposed, because of the size of the Energy Centre required to meet the energy demands of the completed development, it would only be possible to switch on the system once there is sufficient demand for the energy from the centre. Therefore the formalisation of the DHN and realisation of the Energy Centre is a gradual process that would take place over a period of years.
- 403 Initially it is proposed to use high energy efficient gas boilers to meet energy demands in the first building phase (around year 2018). This is because the occupation levels within those buildings would not be high enough to justify turning on the site wide energy solution, and the creation of smaller CHP systems to satisfy the energy demands of individual buildings in the interim would be inefficient and contrary to the site wide initiative. Once the second phase of the development is complete (around year 2019), the occupation levels will be such that the first CHP system can begin to serve the developments energy needs. A second CHP is then intended when the energy demand increases following completion of the buildings in phase 3 of the development (around year 2021). Between the switch on of the first CHP and the second CHP unit, energy efficient gas boilers will again satisfy the energy needs of the new additional occupiers. With the operation of these CHP systems, the site wide districting heating solution will come into fruition.
- 404 The proposed DHN would be designed to operate as a low temperature hot water system. There are a number of buildings / developments in close proximity to the Heygate Masterplan site that could connect to the DHN at a later date. While the submitted energy strategy notes that capacity for the CHP units will not be reached within the developments initial phases, it is recognised that these surrounding developments could be suitable for connection to the DHN and that this could increase thermal energy demand to a sufficient degree, allowing the switch-on of the CHP systems at an earlier phase in the development programme. To ensure that there is sufficient opportunity for these surrounding buildings (outside of the application site) to connect to the DHN, the design of the DHN and Energy Centre is intended to be suitably flexible and 'future proofed' to facilitate this increased thermal demand. It is estimated that the Energy Centre would be able to accommodate approximately 1,000 additional dwellings, outside of the application site. Concerns have been raised by some residents that the proposed Energy Centre would not have enough capacity to provide power for both the Heygate and surrounding residents as part of the DHN, however it is possible through a planning permission, to require the Energy Centre to be built to accommodate an additional 1,000 homes outside of the site. This would mean that in the event that the plant equipment installed into the centre had reached capacity, additional plant would have to be installed by the developer to accommodate additional capacity, in order to comply with this requirement. The submitted Energy Strategy identifies a number of surrounding developments likely to be suitable for

connection to the Masterplan DHN, including the developments at St Marys (Former Elephant and Castle Swimming Pool) and Phase One of the Heygate Estate, Rodney Road (Land bounded by Victory Place, Balfour Street and Rodney Road). Furthermore, in future it is likely that plant equipment will modernise and developments around the newly redeveloped Heygate site could be constructed with sufficient plant to feed into the DHN without adding additional strain to the Energy Centre, therefore the DHN would not necessarily be limited by the plant capacity within the Energy Centre.

405 *'Be Green'*

The submitted Energy Strategy includes an investigation of a number of different renewable energy types, and the feasibility of incorporating them into the proposed development. Taking each technology in turn, an assessment of possible renewable energy solutions is provided below:-

406 i. Solar PV

It is estimated that 25% of the indicative roof area of the Heygate Masterplan could be made available for solar PV. This is an estimate only, because the detailed design phase is yet to be undertaken and this is an outline application only. It is possible that this could be increased, however based upon the current estimate, a reduction in carbon emissions from the site of 6.3% would be possible from the inclusion of PVs.

ii. Solar Thermal

This technology satisfies hot water and space heating demand. It can be used to preheat boilers or DHN return flow. The thermal water and space heating demand is already intended to be met by the inclusion of CHPs in the development, and therefore solar thermal would be less compatible with the strategy and results in the use of less energy efficient individual gas boilers in the scheme. The alternative to individual systems, with the use of solar thermal in combination with a DHN, would reduce the temperature rise required by the boilers or CHP, and therefore an auxiliary heat source (i.e. gas boiler) would be required.

iii. Biomass Boiler & Biomass CHP

Both of these technologies require the transportation of biomass wood fuel to the site for combustion into gas energy. Both the transportation and combustion of the fuel result in possible impacts upon air quality in the area. There is also increased need for storage capacity to facilitate fuel deliveries, and flue requirements to ensure pollutants are not dispelled in close proximity to residential units within and outside the development site area.

iv. Wind

The opportunity for wind turbines is severely limited in densely populated urban environments such as where the application site is located, this is due to wind speeds being heavily affected and reduced by the height of surrounding buildings.

v. Ground Source and Air Source Heat Pumps

Both of these technologies run at a maximum efficiency at lower output temperatures than the proposed DHN for space heating design, and therefore are better suited to underfloor heating. There is also a relatively low output from these forms of renewable energies, with a small amount of electricity being required to run the pumps in the first instance, further reducing the possible carbon savings produced.

407 Of the above renewable energy technologies assessed, Solar PVs is the most compatible with the intended CHP DHN Energy Centre solution for the site. However the level of carbon reduction as a result of incorporating PVs into the development is limited, and would require substantial areas of roof area to form any meaningful carbon saving on the site. Therefore the applicant has sought to investigate other possible energy sources that could be sought off-site, but still form a green and renewable source of energy for the development.

408 Biomethane is an alternative fuel source to natural gas. It is created when biogas,

generated through the anaerobic digestion of sewage, waste or crops, is cleaned to remove other gases, creating a gas that is approximately 98% methane. The biomethane can then be injected into the gas network and gain accreditation under the Green Gas Certification Scheme (GGCS), which is administered by the Renewable Energy Association. When injected into the grid it displaces the same amount of conventional gas. The GGCS then tracks the green gas from its injection into the gas distribution network and sale onto a supplier or trader, through to when it is sold on to an end consumer. It is important to note that the GGCS tracks the contractual flows of green gas rather than the physical flows of green gas. The platform through which the gas is tracked and authenticated has been created by web development agency SAV

- 409 Biomethane grid injection is recognised by the Department of Energy and Climate Change as a renewable fuel within the Renewable heat Incentive scheme. Currently there are two operational biomethane injection plants in the UK at Didcot Sewage Works, Oxfordshire and Adnams Brewery, Suffolk. The use of biomethane instead of traditional fossil fuels such as natural gas, would clearly lead to a reduction in the amount of carbon that results from the operation of the development. The use of biomethane as a renewal fuel in the development could provide a reduction in CO2 emissions of 853 tonnes. This equates to displacing 27% of the Heygate Masterplan site demand for natural gas. If all of the gas required at the Energy Centre on the site is displaced by biomethane, this would reduce the regulated emissions from the site to zero.
- 410 Biomethane is a relatively new form of renewable energy, and therefore how the development will implement an energy strategy using biomethane as a renewable source is not yet finalised. While there are two biomethane injection plants in the UK, these are not suitable to support the operation of biomethane in this development proposal, and the proposed energy strategy relies upon the rollout of new biomethane plants in the UK prior to the use of biomethane as a renewable energy solution for the site. Or alternatively, the utilisation of a biomethane injection plant outside of the UK. The introduction of new biomethane injection plants is feasible given the growing understanding and status of biomethane as a renewable energy solution, but a biomethane strategy cannot be considered with certainty as a renewable energy solution for the development at this stage. Therefore the inclusion of biomethane as a renewable energy strategy for the site would require review at each reserved matters stage, to ensure the practicality of implementing green gas into the scheme, and the realisation of carbon savings associated with it.
- 411 A further difficulty with the reliance on biomethane as the renewable energy solution for the site is that it is produced off-site. Southwark's Core Strategy policy 13 'High environmental standards' requires developments to achieve a 20% reduction in resultant carbon emissions from *on-site* renewable energy. Therefore the use of biomethane would not satisfy this policy requirement. It is possible that as new renewable energy infrastructure and technologies are established, the focus on the production of renewable energy on-site will shift, and the use of off-site renewable energy may become acceptable. This is a developing area of technological understanding and it is expected that policies will alter in future as technology progresses. Given the long build out programme for this application, and that the detail is currently at outline stage only; it is acceptable to reserve matters concerning the application of renewable energy in the development, and allow future assessment to take place in accordance with adopted policy at the time that details are finalised.
- 412 The submitted Energy Strategy demonstrates that a minimum of 6.3% carbon reduction could be achieved from the inclusion of PVs on the site. It is therefore possible to include renewable technology as part of the development, produced on-site. If planning permission were granted for this outline application, it is possible to secure the investigation of on-site renewable technologies at each reserved matters

stage, which could include PVs or other technologies. At each reserved matters stage amendments to the currently submitted Energy Strategy could be submitted to show how adopted policy standards (at the time of that application) will be satisfied. If the policy standards require the inclusion of on-site renewable technologies, then this will need to be incorporated into the development. However it is also possible to allow for future development of the infrastructure for green gas and associated advancement in planning policy, to ensure that should focus shift in favour of the biomethane renewable energy strategy proposed the scheme is able to incorporate the biomethane strategy in the development and maximise carbon reduction on the site. How this can be secured is discussed below, in the conclusion of this section on sustainable design and construction.

- 413 In addition to the above policy considerations for the creation of sustainable development, the applicant seeks to achieve zero carbon certification for the development. The Zero Carbon Hub are working with the Department of Communities and Local Government to determine a definition of zero carbon, and the associated criteria that a development would need to satisfy to be certified zero carbon development. The aspirations of the development to achieve zero carbon certification are welcome, and the proposed measures set out in the Sustainability Assessment and Energy Strategy set out the measures that will reduce carbon emissions on the site. Through these measures, the proposed development will also result in carbon savings when compared to the existing buildings on the site.
- 414 The carbon embodied within the proposed buildings would be greater than that embodied in existing buildings, because the proposed buildings are at a greater density and scale than the existing buildings. However the energy efficiency of the proposed buildings, and the use of low and zero carbon energy forms, mean that the overall quantum of carbon associated with the site would be reduced when compared with the inefficient existing buildings on the site. While the proposed park and tree planting / landscaping measures for the site also play a part in the embodied carbon of the development, it is relatively small when compared to the carbon embodied in buildings, resulting from occupation and operation of buildings on the site. Therefore the existing trees and planting and proposed trees and landscaping would only marginally impact the carbon life cycle of this site. Despite significantly increasing the number of homes on the site, a development of the proposed density, constructed to be energy efficient as described above, could be expected to 'payback' the carbon emissions, from constructing the planned development, within approximately 16 years. By approximately 20 – 25 years, the operational carbon savings would be expected to equal the embodied emissions of both the existing estate and the new development.
- 415 The applicant has also become a developer partner of the Clinton Climate Initiative, and as part of this, the proposed Heygate development has been incorporated into the Climate Positive Development Program (CPDP). Through CPDP, developers seek to meet a "climate positive" emissions target by reducing and offsetting the net-negative operational greenhouse gas emissions from a site. This climate positive outcome is achieved by reducing emissions on site through energy efficient and green energy solutions, and by offsetting emissions in the surrounding community through low carbon programs. In order to achieve a Climate Positive outcome, the developer of this site would need to earn Climate Positive Credits by reducing emissions on-site and abating emissions from surrounding communities. One example of how the developer might abate emissions from surrounding communities could be by funding the retrofitting of a public building or school with renewable energy technologies. The intention of the developer to achieve a Climate Positive outcome is a welcome aspect of the application proposals.
- 416 Conclusion on sustainable development implications  
The submitted Sustainability Assessment and Energy Strategy are acceptable in part,

but will require amendment and revision as the scheme develops to reserved matters stage. It will be necessary to secure the achievement of Code Level 4 and BREEAM 'very good' or 'excellent' as required by particular uses, as part of planning conditions attached to any approval of the application. The submitted Energy Strategy currently describes appropriate measures and intentions in relation the construction of energy efficient buildings and the incorporation of a Combined Heat and Power system and District Heat Network, however further details and provision of these elements would need to be secured as part of planning obligations secured in a legal agreement attached to a planning permission (should it be granted). It will be necessary to continue the review of biomethane to determine whether it will be possible to rely upon this 'green gas' as part of the operation of the development. In any event, it will be necessary to review the arrangements to satisfy policy requirements for renewable energy in developments. This can be included in a legal agreement, and should be reflective of possible future policy changes that would permit reliance upon off-site renewable energy provision. However as policy currently stands, the development would need to satisfy the requirement for a 20% reduction in carbon emissions from on-site renewable energy, and assuming this remains unchanged, future applications for reserved matters will need to demonstrate how the development will satisfy this criterion. With the incorporation of this requirement through the legal agreement, the provision of renewable energy can be secured, and therefore is considered to be acceptable.

### **Conclusion on planning issues**

- 417 The Elephant and Castle is identified in the development plan as an area in need of regeneration where the application site forms a principal component of the wider Opportunity Area. The Heygate Estate has long since been identified as being in need of redevelopment as estate refurbishment would not address the problems identified with the estate or deliver the Council's wider vision for the Opportunity Area as an attractive central London destination.
- 418 The development proposal would deliver a high density mixed use scheme on a brownfield site in a central and easily accessible location. It will make a significant contribution towards meeting London-wide and local housing targets for new homes, including affordable housing, built to a high standard and providing improved standards of living accommodation. The proposal will help to consolidate the Elephant and Castle as a Major Town Centre through the provision of a varied mix of land uses on the site, including a range of business, retail, community and leisure uses. In this respect the scheme would generate a significant amount of employment opportunities in the area, both at construction phase and within the completed development. In addition the proposal would result in a substantial increase in local open space through a new Park as well as smaller open spaces, public square and new public routes which will significantly improve pedestrian and cycle permeability around this part of the Elephant and Castle as well as provide opportunities for enhancing biodiversity. The proposal will assist in the delivery of public transport improvements on both buses and by underground.
- 419 The outline application is broad in nature and as such matters such as design and appearance of the new buildings will be dealt with at the detailed design Reserved Matters stage. However no impacts at this stage have been identified that suggest that the scheme would have a significantly harmful impact on strategic and local views, heritage assets and World Heritage Sites.
- 420 It is recognised that the redevelopment of the Heygate Estate, including demolition, has the potential for significant environmental impacts and therefore an Environmental Statement was submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In coming to a

decision on the demolition and outline applications, officers had full regard to the Environmental Statement and all submissions relating to considerations contained in that Statement. This includes an assessment of possible alternative options and why these were not feasible as well as an assessment of the cumulative impacts of this and other nearby developments. Following mitigation measures, there are likely to be some adverse impacts associated with the demolition and construction phases (for example, increased noise, dust, vibration, construction traffic, and impacts on townscape character) but these impacts are short to medium term and none of these issues are considered to amount to such significant harm that would justify the refusal of planning permission. Furthermore, they would not outweigh the significant and long term benefits that would be gained from the redevelopment of the site.

- 421 Other policies have also been considered but as set out in the report no impacts and/or conflicts with planning policy have been identified that couldn't adequately be dealt with by planning obligation or condition. The proposal is broadly consistent with key policies as set out in the Core Strategy, Southwark Plan and London Plan. Although, for reasons of viability, the level of affordable housing is below the policy requirement of 35%, the overall benefits of the scheme in terms of regeneration, employment, public open space and improvement to the physical environment are considered to merit approval. Whilst the energy strategy requires further review, given the ongoing development of policy in this regard the arrangements for reviewing this strategy should ensure a sustainable development over the longer term programme of the implementation of this scheme. Having regard to all the policies considered and any other material planning considerations it is recommended that planning permission is granted subject to conditions and the completion of a legal agreement.
- 422 A summary of the reasons for granting planning permission for the demolition and outline planning applications, including summaries of the development plan policies that have been taken into account, are included on the draft decision notices.
- 423 Discussions are ongoing in respect of the recommended conditions and it is intended to include an updated draft within the Addendum Report to the Committee.

**Community impact statement**

- 424 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. Consultation with the community has been undertaken as part of the application process. The impact on local people is set out above.

**Consultations**

- 425 Details of consultation and any re-consultation undertaken in respect of the outline and demolition applications are set out in Appendix 1.

**Consultation replies**

- 426 Details of consultation responses received for the outline application are set out in Appendix 2.

Details of consultation responses received for the demolition application are set out in Appendix 3.

- 427 **Summary of consultation responses**

	Issue	Officer Response
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1.	Lack of Affordable Housing.	Refer to Paragraphs 144-167 The application proposes 25% affordable housing. A financial appraisal has been submitted to justify this level of provision. The legal agreement will include clause(s) to require a viability review to increase the affordability or quantum of affordable housing in certain circumstances.
2.	Insufficient provision for renewable energy as part of the development.	Refer to Paragraphs 405-416 Renewable energy will be utilised in the development. The details of the provision will be secured at the Reserved Matters stage and a review of the proposed biomethane option / renewable technologies will be secured via the legal agreement.
3.	Loss of trees.	Refer to Paragraphs 320-341 Details of how existing trees to be retained will be protected during demolition and construction phases will be required by condition(s). Details of a Site wide Tree Strategy which accords with the principle of no net loss of trees on site will be required by condition. Off-site tree planting will be dealt with via the legal agreement.
4.	High number of car parking spaces proposed.	Refer to Paragraphs 225-226 The additional car parking is justified by viability reasons. A Car Parking Scheme which sets out the considerations that have informed the proposed amount of parking for each plot(s) will be secured by legal agreement as well as a Car Parking Management Plan.
5.	Insufficient consideration of cycle routes, particularly a north south bypass over the Elephant and Castle Roundabout.	Refer to Paragraphs 217-218 All routes within the development will be available for use by cyclists as well as two signed cycle routes. TfL propose a new Cycle Superhighway (CSH6) connecting with the existing CSH7.
6.	Insufficient public transport infrastructure.	Refer to Paragraphs 233-240, 373, 382 and 389 The legal agreement will secure monies towards improvements to the Northern Line Ticket Hall and Northern Roundabout. The legal agreement will also secure options for improvements to local bus services including additional bus stands / extension to existing bus routes.

7.	Loss of amenity space and related privatisation of the public realm (proposed management scheme for site landscapes including the park).	Refer to Paragraphs 324-327, 330, 338, 373, 379 and 383 A minimum of 4.53 ha of new public realm will be created, including a new public Park (minimum 0.8ha). The developer will be responsible for the management and maintenance of the Park but the legal agreement will secure the public free and unobstructed access. A Parks Advisory Group (comprising representatives from local groups, the Council and the developer) will be created to develop a masterplan for the Park. Existing adopted roads will remain but new roads within the development will be managed by an Estate Management Company. Details of an Estate Management Strategy will be secured via the legal agreement.
8.	Concern regarding the number of residential units proposed and overpopulation as a result.	Refer to Paragraphs 72-82 and 138-139 The application site is within an Opportunity Area where high density mixed use development is strongly supported to maximise the efficient use of land and to help address the pressing need for more housing. The proposed density of the scheme sits within the density range normally expected for this area.
9.	Concern regarding the location of the community centre and public space, and related impacts from noise upon residents in Garland Court / Wansey Street.	Paragraphs 112 and 202-203 The precise location and size of non-residential uses within each development plot is not known and all material is indicative / illustrative at this outline stage. The impact of such uses on existing residents and future occupiers of the development will be fully assessed at Reserved Matters stage. The main part of the proposed square will extend alongside the Town Hall. The design / treatment of the square will need to take account of local residential amenity.
10	Requests for the release of information relating to the viability of the scheme.	The applicant has submitted a detailed financial appraisal in relation to affordable housing. The appraisal contains commercially sensitive data and is treated as "Private & Confidential". The LPA does not normally release such material in the public domain, so this application is not treated differently from any other planning application. The viability evidence has been assessed by the District Valuer on behalf of the LPA. The officer report

		includes an assessment of the viability appraisal.
11	Poor consultation undertaken by the developer / applicant.	The applicant has submitted a detailed Statement of Community Involvement. This describes the Community Forum meetings, Liaison Group meetings, walk/talk events etc that have been carried out since May 2011. Officers do not agree with the suggestion that the applicant has been poor in the consultation undertaken; rather it is considered that there has been a thorough consultation exercise carried out in respect of the planning applications.
12	Height and design of the proposed development inappropriate for the character of the existing area.	Refer to Paragraphs 273-284 The proposal includes a number of tall buildings across the site. The heights are concentrated towards the northern end of the site along the main road frontages to help define an emerging cluster of buildings (including Strata Tower) at the gateway of the E&C. Low-rise buildings are proposed at the southern end of the site to respond to the lower-scale of existing adjacent properties. This is in accordance with the E&C SPD. The detailed architectural design of the buildings is not the subject of the outline application but will be considered carefully at the detailed Reserved Matters stage. The submitted DSD sets out the 'design rules' that will need to be adhered to in the design of the development.
13	Adverse impact upon the setting of adjacent existing or planned conservation areas and listed buildings.	Refer to Paragraphs 288-293 and 305-311 The impact on townscape and heritage assets is considered in the Townscape, Visual and Built Heritage Assessment. The proposed heights and massing of the tall buildings on Plots H3 and H2 are considered to preserve the setting of the listed Walworth Town Hall and the height of Plot H11b will mean there will be an acceptable impact on the listed buildings along New Kent Road. Measures to protect the listed K2 Telephone Kiosk on New Kent Road (located within the application site boundary) during demolition and construction will be secured by condition(s). The view taken from the draft Larcom Street Conservation Area (being the one closest to the application site) shows a well articulated skyline resulting from the

		proposed development. It is recognised that the detailed design of Plots H5, H6, and H7 will require sensitive articulation at the detailed design stage.
14	Concern that there will be vehicular access through Wansey Street during construction.	Refer to Paragraph 201 Construction traffic will be confined to main roads. The final routes will be agreed through Demolition and Construction Management Plans secured by condition(s) and legal agreement.
15	Request that a noise survey is undertaken on Wansey Street.	Refer to Paragraph 200 Noise monitoring was undertaken on main roads (known dominant noise sources) to assess likely amenities for future occupiers of the development. Potential noise impacts during construction on existing adjacent residents (including Wansey Street) were calculated using standard noise data from BS5228. Demolition and Construction Management Plans will include target levels to be achieved for noise and these will be secured by condition(s) and legal agreement.
16	No provision for sports facilities.	Refer to Paragraphs 251 and 379 Doorstep and local play space will be provided in development plots and areas of public realm. The Park will offer the opportunity for informal recreation. £300,000 will be paid towards the provision of a MUGA (or similar) within the vicinity for over 12s provision (secured by legal agreement). Given the cost of providing a new Park and that a new Leisure Centre will be built at the E&C then the omission of a specific payment for sports provision is considered acceptable.
17	Loss of floorspace in community use.	Refer to Paragraph 111 and 387 The proposal would allow up to 5,000 sqm of community floorspace to be provided. Negotiations are taking place with Crossways Church to secure alternative premises to ensure this facility would not be lost.
18	Resulting poor air quality, dust and vibration during construction.	Refer to Paragraphs 185-201 The ES acknowledges that impacts associated with construction are likely to be significant and hence mitigation measures will need to be in place to reduce the impacts as far as possible. Each phase of the works will require

		Construction Management Plans and these will be secured by legal agreement / conditions.
19	Documents difficult to understand and too numerous.	The demolition and redevelopment of the Heygate Estate is a significant project that will be phased over a 13-year build programme. Inevitably the planning application contains a large number of detailed documents, including an Environmental Statement, to properly assess the proposal and its impacts at each stage of the development programme. A Non-Technical Summary was submitted to aid understanding of complex technical data contained in the Environmental Statement. The LPA undertook an extended consultation period for the first round of consultation on the outline application and offered a number of 'design surgeries' for members of the public who wished to discuss the application with a planner.
20	Lack of reference to securing jobs in the operational development for local people (not just during construction).	Refer to Paragraphs 89, 94-95 373 and 375 The proposal will result in new commercial floorspace. The legal agreement will secure 10% of affordable retail space which will be prioritised for existing SMEs in the E&C OA. Further, the applicant will pay £257,961 towards providing training and support into employment in the completed development.
21	Social impacts should be assessed, and concern that the development would not deliver a sustainable community.	The application included a Health Impact Assessment, Equalities Impact Assessment and the Environmental Statement contained a chapter on Socio-Economics. The proposal will provide a range of housing types and tenure in order to contribute towards the objective of securing mixed and balanced communities in a sustainable and highly accessible location.

### Human rights implications

428 These planning applications engage 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.

429 These applications have the legitimate aim of demolishing the substantial part of the

existing Heygate Estate and redeveloping to provide a high density mixed use development comprising residential, business, retail, community and leisure uses as well as a new public Park and Energy Centre. 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.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/H1064A Application file: 12/AP/1092 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: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone:: 020-7525-5349 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

## APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received

## AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice Head of Development Management	
<b>Report Author</b>	Helen Goulden	
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<b>Dated</b>	4 January 2012	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic director, finance & corporate services	No	No
Strategic director, environment and leisure	Yes	Yes
Strategic director, housing and community services	Yes	Yes
Director of regeneration	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	4 January 2012	

