planning report PDU/ 2149/ 02
27 February 2013

Heygate Estate, Elephant and Castle
in the London Borough of Southwark
Planning application nos. 12-AP-1092 & 12-AP-3203

Strategic planning application stage II referral (new powers)

The proposal
Full planning permission for the demolition of all existing structures and bridges and associated works. Outline planning permission for redevelopment to provide a mixed use development of buildings ranging between 3.95m (AOD) and 104.8m (AOD) and comprising between 2,300 and 2,469 residential units, retail, business, leisure and community, and energy centre uses, new landscaping, public park and public realm, car parking, means of access, and associated works.

The applicant
The applicant is Lend Lease (Elephant & Castle) Ltd and the masterplanner is Make.

Strategic issues
The proposal raises the following strategic issues: land use, housing, open space and trees, play space, urban design, inclusive access, equal opportunities, biodiversity, noise, air quality, climate change adaptation and mitigation, and transport.

The Council’s decision
In this instance Southwark Council has resolved to grant permission for both applications.

Recommendation
That Southwark Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context
1 On 4 July 2012 the Mayor of London received documents from Southwark Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Categories 1A, 1B, 1C, 3A and 4 of the Schedule to the Order 2008:
1A “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”.

1B “Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings... outside Central London and with a total floorspace of more than 15,000 square metres”.

1C “Development which comprises or includes the erection of a building of one or more of the following descriptions... the building is more than 30 metres high and is outside the City of London”.

3A “Development which is likely to... result in the loss of more than 200 houses, flats, or houses and flats (irrespective of whether the development would entail also the provision of new houses or flats)”.

4 “Development in respect of which the local planning authority is required to consult the Mayor by virtue of a direction given by the Secretary of State under article 10(3) of the GDPO”.

2 On 11 July 2012 the Mayor considered planning report PDU/ 2149/ 01, and subsequently advised Southwark Council that the application did not comply with the London Plan, for the reasons set out in paragraph 173 of the above-mentioned report; but that the possible remedies set out in paragraph 175 of that report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 16 January 2013 Southwark Council resolved to grant permission for these applications and on 21 February 2013 it advised the Mayor of this decision.

4 Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Southwark Council under Article 6 to refuse the application or issue a direction to Southwark Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 6 March 2013 to notify the Council of his decision and to issue any direction.

5 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

6 The decision on this case, and the reasons will be made available on the GLA’s website www.london.gov.uk.

Update

7 At the consultation stage Southwark Council was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 173 of the above-mentioned report; but that the possible remedies set out in paragraph 175 of that report could address these deficiencies:

- **Housing:** the applicant should, pending the outcome of the financial viability appraisal, discuss and agree the proposed approach to estate renewal and affordable housing

- **Children's play space:** the applicant should agree an approach to ensuring that the appropriate quantum and type of play space would be included in each part of the scheme and in each phase, and demonstrate that the proposal would be consistent with the relevant policy and guidance.

- **Urban design:** the applicant should address the matters raised regarding the masterplan and impact on strategic views and demonstrate that the proposal would be consistent with all relevant policies and guidance.

- **Transport:** the applicant should address the detailed comments raised in discussion with Transport for London (TfL) and Council officers and ensure that the proposals would be consistent with all relevant policies and guidance.

8 These matters are addressed in the relevant section below. Since the consultation stage the applicant has submitted further information and amendments in response to comments raised by the Mayor and others. This was subject to a further statutory consultation in October 2012 and did not raise any further strategic issues to those considered below or previously. Those aspects of the scheme that were deemed to be consistent with the London Plan at the consultation stage remain so and where necessary have been addressed in the draft section 106 agreement and conditions on the outline consent.

9 The Mayor should note that whilst the draft section 106 agreement is at an advanced stage the final drafting remains subject to discussion and agreement between GLA, TfL, Southwark Council and the applicant. TfL will be a party to the agreement. GLA and TfL officers will ensure that the final drafting of the provisions within the section 106 agreement reflects the strategic planning matters considered by the Mayor.

10 Since the consultation stage the applicant has submitted a detailed application (local planning authority reference: 12-AP-3203) seeking the demolition of all existing buildings and structures, bridges and associated works on the Site over a period of two years. This application was submitted in September 2012 and is referable to the Mayor under Category 3A. The application for the redevelopment of the Site (local planning authority reference: 12-AP-1092) has been amended to remove reference to demolition. This amendment was one of those subject to further statutory consultation in October 2012. The demolition application was also subject to statutory consultation at that time.

11 This approach will enable the applicant to progress the demolition of the Heygate Estate independently of, and consistently with, its redevelopment and affords the applicant an appropriate degree of flexibility in implementing a scheme of this nature. Southwark Council considered both applications at the same planning committee meeting and also resolved to grant planning permission for the demolition application. This report considers both applications.

**Housing**

12 The amendments to the scheme have increased the maximum number of homes proposed from 2,462 to 2,469. The application therefore proposes between 2,300 and 2,469 residential units. The London Plan Housing SPG, which was draft at the consultation stage, has now been published. The applicant’s approaches to estate renewal and affordable housing provision, and the associated financial viability appraisal, have now been settled.

**Housing tenure**
At the consultation stage the application did not propose any affordable housing provision but committed to providing the maximum reasonable amount of affordable housing as established by future viability testing on a phase by phase basis. The applicant had submitted a financial viability appraisal in support of the proposal which was subject to assessment by the GLA and Southwark Council.

The applicant has since revised the proposal to include 25% affordable housing (on a habitable rooms basis) with a tenure split of 50% rented and 50% shared ownership accommodation. The rented accommodation would be provided as 1 and 2 bedroom Affordable Rent units, at rents no more than 50% of market rent, and 3 and 4 bedroom Social Rent units, rented at social rent levels. The shared ownership accommodation would be provided at two different income thresholds: 50% at GLA affordability thresholds and 50% at the Southwark affordability thresholds (the latter being lower than the former and based on local evidence on affordability levels).

The affordable housing targets for the area require that a minimum of 35% of new housing is affordable and a minimum of 35% is private. Policy 4.4 of the Southwark UDP (2007) requires that 50% of affordable housing is social rented and 50% is intermediate affordable housing. These local targets, which pre-date the introduction of the affordable rent tenure, are intended to redress the tenure imbalance that exists in the area and are duly reflected in the Elephant and Castle SPD and OAPF.

The level of affordable housing proposed is, at 25%, below the policy target of 35% for the Opportunity Area. The tenure split of 50% rented and 50% shared ownership accommodation is consistent with the policy approach for the area, allowing for the introduction of the affordable rented tenure which is intended to meet the same need as social rented accommodation. This approach is, taking account of the circumstances of this proposal, consistent with the requirements of London Plan policies 3.9 and 3.14 regarding mixed and balanced communities and estate renewal respectively. The proposal would ensure that the affordable housing provided on the Heygate Estate, which was formerly all social rented tenure, would be re-provided with a sustainable balance of tenures and facilitate the return of former residents, should they wish to do so, as well as meeting local and London-wide housing needs.

The applicant has submitted a detailed financial appraisal to demonstrate that the provision of 25% affordable housing in the manner described is the maximum reasonable amount of affordable housing the proposal can bear. Southwark Council and the GLA have both had this assessed by separate third party consultants.

These assessments have concluded that the proposal is unviable at present and would become progressively more unviable were the level of the affordable housing increased towards the policy target of 35% affordable housing. The assessments have allowed for a range of scenarios in which different combinations of inputs for a range of key factors including, inter alia, sales values, build costs, finance costs, and variation in the nature of affordable housing provision. Through manipulation of these factors it is possible to improve the viability of the proposal but not to bring it to a point where it becomes viable. The underlying reasons for this are various but include the scale of this regeneration project, financing costs, and the costs associated with the protracted demolition period and enabling infrastructure and the ensuing delay to realising income from sales. Such factors are not uncommon for large regeneration projects such as this which are inherently more complex and higher risk and it is reasonable to reflect this in the financial viability appraisal at the outline stage.

The applicant maintains that the 25% affordable housing proposed, given the viability gap, represents a very significant risk on its part but that it nevertheless remains committed to providing
this level given its obligation in the separate Regeneration Agreement with Southwark Council as landowner.

20 In line with London Plan Policy 3.12 it is appropriate, given that the proposed development is phased and extends over a prolonged period, to consider the need for provisions for re-appraising the future viability of the proposal to take account of improvements or the availability of public subsidy.

21 The appropriate form of such provisions has been considered in light of this and the circumstances of this individual case. The draft section 106 agreement includes provisions to the effect that were there a delay in the substantial implementation of the proposal beyond two years from the first approval of reserved matters then the viability of the proposal would be reviewed. This review would ascertain if additional affordable housing could be provided over and above 25% up to the policy target of 35%. Where this shows that additional affordable housing can be provided this will be provided on the site in a manner to be agreed between the developer and the Council (acting reasonably) and there are general provisions to resolve any disagreement.

22 In addition to this further provisions are proposed in the draft section 106 agreement to account for the future availability of public subsidy for affordable housing within the scheme. This is not currently anticipated and has not therefore been factored into the financial model but may become available in the future. The provisions have been drafted to account for the likely objectives of any such funding. The Council wishes, where possible, to improve the affordability of the existing affordable housing before increasing the overall quantum whereas any future GLA funding would likely be provided on the basis that this increased the overall quantum of affordable housing beyond that currently proposed.

23 The draft provisions require the applicant, having secured public funds for affordable housing in a plot, to confirm this to the Council on submission of the relevant reserved matters application for that plot. This would, where possible, be applied to improving the affordability of the Affordable Rent units (by reducing rents on the 1 and 2 bedroom Affordable Rent units below 50% of market rent) and then to increasing the proportion of shared ownership units at Southwark affordability thresholds beyond the current level of 50%. If public funds become available from any source that cannot be applied for the purpose of improving affordability, such as those ring-fenced for the delivery of additional affordable housing, as would be case with GLA funding, then these could be applied to increasing the quantum of affordable housing up to a maximum cap of 35% at any time prior to implementation of the last phase of the proposal.

24 On the basis of these provisions being secured in the section 106 agreement the amended affordable housing offer would be consistent with the requirements of London Plan policies 3.9, 3.10, 3.11, and 3.12.

Estate renewal

25 The Council has updated the affordable housing provision figures for the Heygate Replacement programme. The off-site Heygate Replacement programme will, when complete, create 536 affordable housing units from ten development schemes (known as the ‘Early Housing Sites’) which will partly replace the Heygate Estate. To date 452 affordable units have been completed or are under construction which leaves a requirement to replace a further 571 affordable units from the 1,023 affordable units originally on the Heygate Estate.

26 Planning permission was granted in September 2012 for the final early housing site on Stead Street and once this is completed the replacement requirement will reduce to 487 units. The expectation is, therefore, that the scheme provides at least 487 affordable housing units to meet the deficit in the replacement programme and the requirements of London Plan Policy 3.14.
The application proposes a minimum of 2,300 residential dwellings of which 25%, on a habitable rooms basis, would be affordable. In practice the actual number of residential dwellings delivered will vary with the mix of unit sizes and will be controlled by the Affordable Housing Framework and Affordable Housing Strategy, details of which are set out below. The Affordable Housing Framework provides for a minimum level of affordable housing by habitable room from which illustrative unit numbers can be derived. This approach suggests a minimum of approximately 533 affordable housing units would be provided. On the basis of these illustrative figures the proposal would, even at the lowest level of housing proposed, exceed the deficit of 487 affordable housing units and therefore be consistent with London Plan Policy 3.14.

**Housing delivery**

The approved documents, conditions on the consent and provisions of the section 106 agreement would provide a robust set of parameters and principles for the delivery of the proposed housing, and affordable housing.

The draft section 106 agreement includes an Affordable Housing Framework which provides parameters for the delivery of affordable housing in terms of quantum and mix. This includes cumulative delivery milestones for the affordable housing which ensure an even distribution of provision across the scheme. These are as follows (percentages are cumulative and on a habitable rooms 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 (maximum units proposed is 2469).

The Affordable Housing Framework provides for a minimum level of affordable housing by habitable room, which is broken down by unit size for the rented units. This falls within the overall housing mix. This overall mix remains consistent with strategic and local policy and has been improved since the consultation stage by the addition of a minimum requirement of 10% for 3 plus bedroom units.

The draft section 106 agreement requires the developer to submit an Affordable Housing Strategy prior to the first reserved matters application and to update this prior to the submission of each subsequent reserved matters application which include housing. The strategy, and the updates to it, will set out how the proposed affordable housing will be implemented in line with the Affordable Housing Framework. This strategy, and all subsequent updates to it, will need to be approved by the Council in consultation with the GLA prior to the implementation of the approved reserved matters.

The provision of 10% of units as wheelchair accessible, or easily adaptable for residents who are wheelchair users, remains secured. The draft Section 106 agreement provides that, 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 the reserved matters stage. The design requirements of the (now published) Mayor’s Housing SPG, together with those of Southwark Residential Design Standards SPD and ‘Lifetime Homes’ are embedded in the Design Strategy Document (Consolidated Version January 2013). This is an approved document and the development will be required to be implemented in accordance with
this, together with the other approved documents and plans, by a condition on the outline consent.

33 In summary the proposal would, subject to the above provisions being reflected in the section 106 agreement, be consistent with London Plan policies 3.5, 3.8, 3.9, 3.10, 3.11, 3.12, and 3.14.

**Children’s play space**

34 At the consultation stage the applicant was asked to agree an approach to ensuring that the appropriate quantum and type of play space would be included in each part of the proposal and in each phase, and demonstrate that the proposal would be consistent with the relevant policy and guidance. The revised ‘Providing for Children and Young People’s Play and Informal Recreation SPG’, which was draft at the consultation stage, was published in September 2012.

35 The play strategy has been amended as part of the Landscape Strategy Addendum to address these points and the revised guidance. The amended strategy outlines the anticipated child yield and identifies the required doorstep play provision for each Plot in the illustrative masterplan. It further identifies the location of the play provision for each age group and how this will be provided with the each phase of development.

36 The draft section 106 agreement requires the submission of a Children’s Play Provision Strategy for the site prior to implementation. This will address matters including the specification, arrangement, delivery, management and maintenance of play provision across the site. The reserved matters applications for each Development Plot will be accompanied by details of the Children’s Play Provision to be provided as part of that Plot in accordance with the approved Children’s Play Provision Strategy. The draft section 106 agreement also requires the applicant to make a contribution of £300,000 towards off-site sports and children’s play provision and the Council to provide a ‘Multi Use Games Area’ or other sports or children’s play facility in the vicinity of the Development. This would provide further provision for the over 12’s as well as adult recreation.

37 The amendments and provisions of the draft section 106 agreement would comprehensively address the Mayor’s consultation stage comments and the proposal would now be wholly consistent with London Plan Policy 3.6 and the associated SPG.

**Urban design**

38 At the consultation stage the design approach was supported in principle as a means of ensuring the creation of a robust and credible design framework for the site. The applicant was asked to review the detail of the parameters and design principles for a number of development plots in the masterplan to ensure that these could be developed in a manner consistent with London Plan policy and the London View Management Framework (LVMF) SPG.

39 The applicant has since addressed these matters through discussions, further illustrative work and formal amendments to the proposal. The applicant has reviewed the design of those Development Plots that were identified as having geometry and proportions that could result in difficulties in achieving a satisfactory design at the reserved matters stage, namely H3, H10, H11a and H11b. The Parameter Plans and Design Strategy Document principles and guidance for these Development Plots have been amended to variously clarify or further specify their application, allow greater flexibility in the design or land uses in response to context, include minimum offset distances to protect amenity and reposition the component parts of the development plots.
The most significant amendment is to the layout of Development Plot H11b where two mid-rise buildings have been removed and replaced with a single building on Heygate Street. This results in a greatly improved relationship with both Heygate Street and the proposed park. The parameters for the position of the tall building in this Development Plot would remain the same but the maximum parameter has been reduced such that this building would not be visible in the strategic view from Serpentine Bridge in Hyde Park (LVMF 23). This is confirmed by the addendum to the Townscape, Visual and Built Heritage Assessment and is welcomed.

At the consultation stage it was not evident from the material submitted that the appearance of the uppermost part of the tall buildings on Development Plots H4 and H5 would be consistent with the guidance for LVMF View 23. The assessment of their appearance in this view was complicated by a third party consented and implemented but yet to be constructed proposal on an adjacent site. This would, if constructed wholly obscure Development Plots H4 and H5 which were designed to fall within its shadow in this view. The applicant had properly assessed this proposal as cumulative scheme but was asked to prepare further illustrative design and assessment work to inform discussion of appearance of its proposal should the former not be constructed.

The applicant has duly done so and amended the development principles in the Design Strategy Document to reflect the two potential scenarios: one where this third party proposal is not progressed; and one where it is (as was assumed previously). In the event that the third party proposal is not progressed and the reserved matters applications for H4 and H5 cannot demonstrate that they would be hidden behind any intervening buildings then additional design controls would ensure that they would have no adverse impact on this view. These include a restriction on the maximum height of the tall building on H4 and requirements that the uppermost part of the tall buildings on both H4 and H5 are designed with close reference to the guidance for LVMF View 23 and the silhouette of the World Heritage Site, as seen in winter.

This would ensure that under any eventuality the proposal would be consistent with the guidance for LVMF View 23 and preserve the setting of the Westminster World Heritage Site. This is welcomed.

In summary the outline proposal would now attain the high quality of design sought by the London Plan and ensure that this carried through into the detailed design at the reserved matters stage. The proposed design would now be consistent with London Plan polices 7.1, 7.3, 7.4, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11 and 7.12.

Transport

At the consultation stage Transport for London (TfL) raised a number of concerns and issues, commensurate with a development of this size and in this location. In summary, these were:

- Further information on traffic modelling, more detail on the proposed changes to the Transport for London Route Network (TLRN) and Strategic Road Network (SRN) and justification for introducing traffic signals on Heygate Street;

- Clarification of the amount of Elephant & Castle Strategic Transport Tariff, as a contribution towards required capacity improvements at Elephant & Castle Underground station and improvements to the Elephant & Castle northern roundabout;

- Control of later stages of development build-out by way of ‘Grampian’ condition, should capacity improvements at Elephant & Castle Underground station not be delivered;
• Impact on bus service capacity in the latter stages of the development build-out and the lack of provision for bus standing in the Heygate area, in line with Elephant & Castle SPD and OAPF;

• Further information on the changes proposed to the westbound bus lane on Heygate Street;

• The need for a car parking management plan covering, amongst others, electric vehicle infrastructure provision and monitoring of car parking space use;

• Further details of urban realm enhancements/ street tree provision proposed for the New Kent Road, part of the TLRN for which TfL is the Highway Authority;

• Further detail on the provision for cyclists, including how proposed Cycle Superhighway 6 (CS6) would be facilitated;

• Further detail on the provision for cycle hire scheme (CHS) expansion;

• The need to secure an agreed travel plan, delivery and servicing plan and a construction management plan, with TfL party to the agreement where proposals affect the TLRN, SRN and/ or TfL operated/ managed services;

• Confirmation of the amount of Mayoral CIL payable.

46 TfL has had extensive dialogue with borough officers and the applicant over the last six months to resolve these outstanding issues. The results of this and the key elements of the proposal are outlined below, secured either within the proposal itself or to be secured within the section 106 agreement, to which TfL will be a party.

**Strategic Transport**

47 The Elephant & Castle Strategic Transport Tariff requires that developers in the Opportunity Area, including the applicant, make contributions towards the plans for improvements to the northern roundabout and those for the Northern Line Ticket Hall (see below). Both schemes also have significant TfL Business Plan funding, reflecting the importance of the projects in unlocking the growth potential of the Elephant & Castle Opportunity Area.

48 TfL is currently considering further options for the northern roundabout. This work is progressing well, and will have significant benefits for cyclists and pedestrians in particular, providing a step change in urban realm in the area. As the final design has yet to be confirmed, no further modelling will be required from the applicant as TfL will be undertaking the revised scheme assessment modelling.

49 The design for the expanded Northern Line ticket hall is also being progressed by London Underground (LU). It is currently anticipated that the expanded ticket hall could be open in advance of the latter stages of Heygate Masterplan build out when additional capacity would be required.

50 Under the Elephant & Castle Strategic Transport Tariff, the development will provide £13,027,708 (index-linked). This sum will be secured in the section 106 agreement and by a guarantee or other suitable security for these and other developer payment obligations under the section 106 agreement.
In light of the expected timing of the delivery of the ticket hall improvement and the Strategic Transport Tariff contribution from the proposal, it has been concluded that Grampian conditions are not appropriate.

**Highways and access**

52 TfL will be consulted at reserved matters application stages on, amongst others, means of access to development plots. The applicant will have to enter into section 278 agreements with TfL in order to undertake any alterations to the TLRN.

53 Subject to the approval of the detailed design and approval of accesses through section 278 agreements outlined in the above paragraph, TfL is content that the development will not have a detrimental long term impact on the TLRN. TfL will continue to work with the borough and applicant, utilising the standard approvals processes, to assess the benefits and impacts of the proposed new pedestrian crossing on Walworth Road (part of the SRN) and signalised junction on Heygate Street, which may have an impact on traffic flow and bus services.

**London Underground**

54 The design for the expanded Northern Line ticket hall is being progressed by London Underground (LU) and a significant amount of funding for the project has been agreed, including in the TfL Business Plan, reflecting the importance of the project in unlocking the growth potential of Elephant & Castle. It is currently anticipated that the expanded ticket hall could be open in advance of the latter stages of the Heygate Masterplan build out when additional capacity would be required.

55 Under the Elephant & Castle Strategic Transport Tariff, the development will provide £13,027,708 (index-linked) towards this and the Northern Roundabout works. Following negotiations with the Council and other stakeholders the means of funding both the key Strategic Transport schemes (the Northern Line Ticket Hall and the Northern Roundabout) has been mapped out. In line with this it has been agreed that the Heygate masterplan tariff payment should linked to delivery of the ticket hall improvement works, with 80% to be paid on completion of the works with the remainder payable twelve months after their completion. This will be secured in the section 106 agreement and by a guarantee or other suitable security for these and other developer payment obligations under the section 106 agreement.

56 In light of the timing of both the delivery of the ticket hall expansion and the Strategic Transport Tariff contribution from the proposal, it has been concluded that Grampian conditions are not appropriate and that the best approach for all parties is to progress delivery of the ticket hall improvement works as expeditiously as possible.

**Buses**

57 The section 106 agreement will secure the necessary funding to allow for future bus service capacity enhancements in the Heygate area. This will either be a contribution of up to £1.1m (offset by contributions from other benefiting developments in the Elephant & Castle Opportunity Area), with buses terminating at an on-site stand provided as part of the development or up to £2.2m (offset by contributions from other benefiting developments in the Elephant & Castle Opportunity Area and Aylesbury areas) to allow extension of a bus service through both the Heygate and Aylesbury areas to an off-site bus stand.
The section 106 agreement will ensure that a replacement bus stop on Heygate Street will be provided prior to closure of the existing bus stop on Walworth Road. TfL and the Council have agreed that the bus lane on Heygate Street can be used outside of peak hours for servicing, however TfL strongly support the Council’s position that the bus lane must operate during peak hours.

Parking

The proposed level of parking (c.25% provision for residential units) exceeds local policy, but the Council has accepted the applicant’s argument that this is required for viability purposes. As the proposed level of car parking is broadly in line with London Plan requirements (i.e. significantly less than one space per residential unit for an area with a high public transport accessibility (PTAL), with a high proportion of ‘car free’ units and supported by car club provision), TfL has no objection to this provision.

Electric vehicle (EV) charging infrastructure and disabled parking will be provided to London Plan standards and a car parking management plan is required to be submitted for approval, in consultation with TfL, prior to occupation of each development plot, detailing how the various car parking spaces will be managed and allocated. This will allow for review of car parking uptake in preceding phases.

Pedestrians and urban realm

The Heygate masterplan will provide a step change in pedestrian permeability and significant urban realm improvements. The section 106 agreement will require TfL to be consulted on, and give approvals for, any proposals in this respect that may affect the TRLN, such as off-site tree planting and footway improvements. The applicant will have to enter into section 278 agreements with TfL in order to undertake any alterations to the TLRN.

Cycling and cycle routes

The London Plan and emerging Mayoral strategy encourage greater uptake of cycling amongst an increasingly diverse range of people. The applicant has agreed to provide two new north-south signed or waymarked ‘quietway’ cycle routes through the masterplan area between Walworth Road, Brandon Street and New Kent Road. This, coupled with the other routes available for cyclists which criss-cross the site, will greatly improve the permeability of the area for cyclists, particularly those with less confidence who would otherwise be discouraged to take up cycling due to the heavy traffic in the Elephant & Castle area. This will be reflected in the section 106 agreement, to which TfL is a party, and TfL intends to work with the applicant and the Council at the reserved matters stages to ensure these routes are well designed and benefit both cyclists and pedestrians.

At the consultation stage, TfL noted that the masterplan makes no provision for CS6. TfL is, however, currently re-assessing the route options for CS6. In the absence of a confirmed route, it is not possible for the applicant to facilitate CS6 specifically within the masterplan application.

Following extensive negotiations, the section 106 will require an additional 90 Cycle Hire Scheme docking points to be provided in the Heygate area. These will serve both the proposal and the Rodney Road (Phase 1) development. The location and size of docking stations are to be agreed with the Council and TfL, and delivered by TfL with the relevant development phase. In addition a contribution of up to £530,000 (index-linked) to cover the costs of installation has been agreed.
Travel plan, delivery and servicing plan and construction management plans

65 Travel plans, delivery and servicing plans and demolition/construction management plans, on a site wide and, thereafter, a plot-by-plot basis as appropriate, will be required. These will be submitted to the Council for approval in consultation with TfL and, where these affect the TLRN and other TfL services will need to be approved by TfL. These will be developed in line with TfL travel plan guidance and the London Freight Plan and will be secured in the section 106 agreement. Consequently, the proposal is now consistent with London Plan policy.

Mayoral CIL

66 The contribution in respect of Mayoral CIL is around £9.1m.

Summary

67 The proposal is now consistent with the transport policies of the London Plan, impacts including cumulative ones have been appropriately mitigated and the scheme will have a positive outcome for the area in terms of transport. TfL will be consulted on, and will have approval of where appropriate, the transport related reserved matters. The section 106 agreement for the proposal will secure up to £15.75m for strategic transport improvements, bus and cycle hire contributions and the development will also contribute a significant amount towards Crossrail. The proposal would now offer significant strategic and local transport benefits to the Opportunity Area and is consequently acceptable in strategic transport terms.

Response to consultation

Southwark Council

68 Southwark Council completed statutory consultation, including consulting statutory bodies, local groups and the general public, on both applications.

Outline application

69 The initial consultation regarding the outline application for the redevelopment of the site (ref: 10-AP-1092) was conducted in May 2012 and entailed site and press notices, and notification letters to statutory bodies, local groups and 2,716 properties within circa 100m of the application site. The Council subsequently re-consulted on this proposal in October 2012 following amendments to the proposal.

70 The representations received from statutory consultees are summarised as follows:

- **Airports:** Gatwick, London City and Heathrow all confirm no safeguarding objections.
- **English Heritage:** initially strongly objected to the proposal because of the harm that would be caused to the London View Management Framework SPG designated view from the Serpentine Bridge in Hyde Park, principally by the intrusion of the proposed tall building on Plot H4 upon the view of the two west towers of Westminster Abbey within the Westminster World Heritage Site (WHS). In response to the re-consultation on the revised proposal English Heritage commented that, notwithstanding the predicted impact of the consented Oakmayne Plaza scheme, it is clear that the building on Plot H4 would be visible in the view from the Serpentine Bridge, at least in the winter months. In its opinion this would cause some harm to that view by intruding upon the skyline view of what is a key building in the Westminster WHS, however, it acknowledged that the redevelopment of the Heygate Estate would deliver significant public benefits in social and place-making terms.
and requested that the impact upon the view of the Westminster WHS be taken into account with other material considerations.

- **Environment Agency:** no objection subject to conditions on any consent.
- **London borough councils:** Bromley, City of Westminster, Islington, and Lewisham raised no comments or no objection in principle. The City Corporation initially raised concerns regarding the potential impact on the Tower of London World Heritage Site but confirmed in response to the re-consultation on the revised application documents that it was satisfied that the proposal would not impact the setting of the World Heritage Site.
- **London Fire and Emergency Planning Authority:** no comments.
- **Natural England:** welcomed the new park and retention of as many mature trees as possible and the planting of new ones but encouraged further tree retention. It advised the Council to ensure it was satisfied with the bat survey and welcomed the use of living roofs.
- **Royal Parks:** no objection.
- **Thames Water:** no objection

71 The Council reports receipt of ten responses from local groups, nine objections and one raising comments, in response to the initial consultation. In response to the re-consultation four of these groups maintained their objection and objections were also received from a further two local groups and the Rt Hon Simon Hughes MP and Walworth Liberal Democrats. An objection was received from a further local group prior to committee. The Council reports receipt of 156 (including 1 support) individual consultation responses to the initial consultation, 46 individual responses to the re-consultation (including 2 support) and receipt of a further three individual responses prior to planning committee.

72 Those responses raising objections, which comprise 155 consultation responses from the initial consultation, 44 from the re-consultation and the three prior to committee, raise the following grounds:

- Lack of affordable housing.
- Inadequate sustainable energy provision, including for renewable energy, and abandonment of the MUSCO project.
- Loss of trees.
- High number of car parking spaces proposed.
- Insufficient consideration of cycle routes, particularly a north south bypass of the Elephant and Castle Roundabout.
- Insufficient public transport infrastructure.
- Loss of amenity space and related privatisation of the public realm (proposed management scheme for site landscapes including the park).
- Concern regarding the number of residential units proposed and overpopulation.
- Concern regarding the location of the community centre and public space, and related impacts from noise upon residents in Garland Court and Wansey Street.
- Requests for the release of information relating to the viability of the scheme and insufficient public scrutiny of this aspect.
- Poor consultation undertaken by the applicant.
- Height and design of the proposed development inappropriate for the character of the existing area.
- Adverse impact upon the setting of heritage assets, including proposed conservation areas.
Concern that there will be vehicular access through Wansey Street during construction.
Request that a noise survey is undertaken on Wansey Street.
No provision for sports facilities.
Loss of floorspace in community use.
Resulting poor air quality, dust and vibration during construction.
Documents difficult to understand, too numerous and inaccurate.
Lack of reference to securing jobs in the operational development for local people (not just during construction).
Social impacts should be assessed, and concern that the development would not deliver a sustainable community.
Deficiencies in the Environmental Statement for the applications.
Failure to accord with planning policy, including the Elephant & Castle SPD and OAPF.
Breach of legislation including the Human Rights Act.

Those responses in support, which comprise one consultation response from the initial consultation, two from the re-consultation and the three prior to committee, raise the following grounds:

- Regeneration benefits of the proposal for the site and wider area.
- Redevelopment of an eyesore site that has detracted from the area for years.
- Provision of a significant number of modern, high quality homes which are needed in this central location and key to transformation of area.
- Improvements for pedestrians and cyclists, including new cycle paths.
- The environmental credentials of the proposal and applicant and improvements resulting from the proposal.
- Provision of a new park and retained and new trees.
- The height and massing of the proposed buildings are well proportioned and will create new landmarks in the area.
- Provision of commercial uses will ensure active street frontages, retail opportunities and economic activity.
- The new jobs created during construction and the completed development.

Demolition application

The consultation regarding the application for demolition of existing buildings on the site (ref: 12-AP-3203) was conducted in October 2012 and entailed site and press notices, and notification letters to statutory bodies, local groups and 2,716 properties within circa 100m of the application site.

The responses from statutory consultees raised no objections and the comments have, where appropriate, been addressed by conditions on the consent or through provisions within the draft section 106 agreement. The Council received one response from a local tenants and residents association expressing the concerns and 11 responses from neighbours objecting. These object to the use of Wansey Street for construction vehicle access for the demolition of the Heygate south site raising concerns regarding the impact on residential amenity, public safety, public transport, cyclists and heritage assets. They also question the adequacy of the assessment of this matter in the Environmental Statement and request further assessment.

The Council also received an objection from the Heygate Leaseholders Groups which represents the remaining occupants of the Heygate Estate. This alleges that the Council has breached Article 6 of the Human Rights Act and advises its actions could be construed as public misfeasance.
77 This is refuted by the Council. The Council notes that these planning applications engage certain human rights under the Human Rights Act 2008 (the HRA) including Article 6 (Right to a Fair Trial), Article 8 (Right to respect for private and family life), Article 1 of the First Protocol (Protection of Property) and Article 14 (Discrimination). The term 'engage' simply means that human rights may be affected or relevant.

78 The Council further notes that these applications have the legitimate aim of demolishing the substantial part of the existing Heygate Estate and redeveloping the Site 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. In the Council’s judgement 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 unlawfully interfered with.

79 When determining this planning application, the Mayor is under a duty to take account of the provisions of the HRA as they relate to the development proposal and the conflicting interests of the applicant and any third party affected by, or opposing, the application, in reaching his decision. Planning decisions on the use of land can only be taken in line with the Town and Country Planning Acts and decided in accordance with the development plan unless material considerations indicate otherwise. In this case this report sets out how this application accords with the development plan and other material planning considerations.

80 The Mayor should note that this is an issue which will also be considered by the inspector and the Secretary of State when deciding whether to confirm the Compulsory Purchase Order for the Site which will enable the development to proceed.

81 GLA officers agree with the Council that while these rights are engaged by this application they are not unlawfully interfered with.

Mayor of London

82 The Mayor has received direct representations objecting to the proposal from one member of the public and from Darren Johnson AM. These raise objections included in the list set out above. The letter from Darren Johnson AM calls on the Mayor to refuse the application.

Summary

83 The representations received by Southwark Council and Mayor are summarised above. The representations received do not raise any further material planning considerations to those considered by Southwark Council and the Mayor. Where appropriate suitable mitigation measures have been secured through conditions or the draft section 106 agreement. It is noted that some representations question the adequacy of the Environmental Statement. This is has been reviewed by Southwark Council, GLA and TfL and is considered robust.

84 It is noted that some representations allege breaches of the Human Rights Act by Southwark Council, that the Council believes that the rights potentially engaged by this application are not unlawfully interfered with by this proposal, and that this issue will be considered by the inspector and the Secretary of State in confirming or otherwise the Compulsory Purchase Order for the site. At this stage it is not considered that any Human Rights considerations justify the Mayor’s intervention under his statutory planning powers under the 2008 Order. It is further noted that some of the objections raised relate to procedural or probity matters that are beyond the Mayor’s statutory planning remit.

Article 7: Direction that the Mayor is to be the local planning authority
85 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage I, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

86 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

87 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 03/2009 (‘Costs Awards in Appeals and Other Planning Proceedings’) emphasises that parties usually pay their own expenses arising from an appeal.

88 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

89 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

90 The outstanding matters identified at the consultation stage have been remedied and the proposal would be now consistent with the London Plan. It is therefore recommended that the Council’s decision be allowed to proceed.
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Heygate Estate, Elephant and Castle
in the London Borough of Southwark
Planning application no. 12/ AP/ 1092

Strategic planning application stage 1 referral (new powers)

The proposal
Outline planning permission for the demolition of all existing structures and bridges and redevelopment to provide a mixed use development of buildings ranging between 3.95m (AOD) and 104.8m (AOD) and comprising between 2,300 and 2,462 residential units, retail, business, leisure and community, and energy centre uses, new landscaping, public park and public realm, car parking, means of access, and associated works.

The applicant
The applicant is Lend Lease (Elephant & Castle) Ltd and the masterplanner is Make.

Strategic issues
The proposal currently raises the following strategic issues: land use, housing, open space and trees, play space, urban design, inclusive access, equal opportunities, biodiversity, noise, air quality, climate change adaptation and mitigation and transport.

Recommendation
That Southwark Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 173 of this report; but that the possible remedies set out in paragraph 175 of this report could address these deficiencies.

Context
91 On 4 July 2012 the Mayor of London received documents from Southwark Council notifying him of a planning application of potential strategic importance to develop the Site as described below for the above uses. Under the provisions of the Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 14 August 2012 to provide the Council with a statement setting out whether he considers the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor’s use in deciding what decision to make.

92 The application is referable under Categories 1A, 1B, 1C, 3A and 4 of the Schedule of the Order 2008:
• 1A “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”.

• 1B “Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings... outside Central London and with a total floorspace of more than 15,000 square metres”.

• 1C “Development which comprises or includes the erection of a building of one or more of the following descriptions... the building is more than 30 metres high and is outside the City of London”.

• 3A “Development which is likely to... result in the loss of more than 200 houses, flats, or houses and flats (irrespective of whether the development would entail also the provision of new houses or flats”.

• 4 “Development in respect of which the local planning authority is required to consult the Mayor by virtue of a direction given by the Secretary of State under article 10(3) of the GDPO”.

93 Once the Council has resolved to determine the relevant application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

94 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

95 The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

96 The application site (the ‘Site’) covers an area of 9.71 hectares in the eastern part of the Elephant and Castle Opportunity Area.

97 The Site is bound by New Kent Road (A201) to the north which is part of the Transport for London Road Network (TLRN), Rodney Place and Rodney Road to the east, and Wansey Street to the south. To the west it is bound by Walworth Road (A215), part of the Strategic Road Network (SRN), and Elephant Road. Heygate Street crosses the southern part of the site, running between junctions with Walworth Road to the west and Rodney Place and Rodney Road to the east.

98 The site is predominately occupied by the Heygate Estate. The estate, constructed in the early 1970s and owned by Southwark Council, comprises 1,107 residential dwellings within the application boundary. These dwellings are typically flatted and arranged in series of linear blocks of up to twelve storeys, interspersed by landscaping including mature trees. The majority of dwellings on the estate are now vacant following a Council-led programme of re-housing in anticipation of the proposed redevelopment.

99 In addition to the Heygate Estate, the Site also incorporates a former petrol station (in the southwest of the Site), a small number of retail properties and community facilities, and Crossways Church on New Kent Road.
Elephant & Castle is one of the most important transport ‘hubs’ in London. It is served by two separate London Underground stations, linked at platform level, one station on London Road serving the Bakerloo Line, the other adjacent to the shopping centre serving the Northern Line. It is also one of the busiest bus interchanges in Europe, served by 28 separate routes. Elephant & Castle National Rail station has frequent Thameslink services (six trains per hour) across central London to King’s Cross St Pancras and beyond. As a result of this high service level, the site has a public transport accessibility level (PTAL) of 5 to 6b, on a scale of 1 to 6, where 6 is the highest.

Cycle Superhighway (CS) 7 passes to the west of Elephant & Castle and the area is also a hub of local cycle routes, with an accordingly high number of cycle movements. CS6, linking Penge to the City, is currently being designed and is planned to open in 2015. This is planned to pass to the east side of Elephant & Castle, through the Heygate masterplan area.

**Details of the proposal**

The application (ref: 12/ AP/ 1092) seeks outline planning permission for:

“Demolition of all existing structures and bridges and redevelopment to provide a mixed use development comprising residential (C3), retail (A1-A5), commercial (B1), leisure and community (D1 and D2), and energy centre (sui generis) uses, new landscaping, park and public realm, car parking, means of access, and other associated works.”

The application seeks approval of details given at this stage for:

- Amount, and uses, of development - the amount of development proposed for each land use.

The application seeks to reserve the following matters at this stage for future approval, but includes details by way of parameters and principles to guide and govern future detailed approvals as described below:

- Access - an indication of areas for access into the site for vehicles, cycles and pedestrians and areas within the site where circulation will occur.
- Scale - an indication of the upper and lower parameters for height, width and length of each building within the site boundary.
- Appearance - an indication of the potential appearance of the development.
- Layout - an indicative layout with separate development plot parameters proposed within the site boundary where appropriate.
- Landscaping - an indication of the potential landscaping within the development.

The application seeks approval of Parameter Plans, a Development Specification, a Design Strategy Document and various Environmental Impact Assessment (EIA) and reports submitted in support of the proposal. These documents collectively establish the parameters and principles for the submission of reserve matters applications.

In summary the application seeks outline planning permission for a maximum total of 330,741 sq.m. (Gross External Area - GEA) of floorspace. Table 1 sets out the minimum and maximum floorspace proposed for each land use.
### Land use

<table>
<thead>
<tr>
<th>Land use</th>
<th>Use class</th>
<th>Floorspace</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Minimum GEA (sq.m.)</td>
</tr>
<tr>
<td>Residential</td>
<td>C3</td>
<td>160,579</td>
</tr>
<tr>
<td>Retail</td>
<td>A1 - A5</td>
<td>10,000</td>
</tr>
<tr>
<td>Business</td>
<td>B1</td>
<td>2,000</td>
</tr>
<tr>
<td>Community and Culture</td>
<td>D1</td>
<td>1,000</td>
</tr>
<tr>
<td>Leisure</td>
<td>D2</td>
<td>1,000</td>
</tr>
<tr>
<td>Energy Centre / Sui Generis</td>
<td>Sui Generis</td>
<td>500</td>
</tr>
<tr>
<td>Sub total</td>
<td></td>
<td>175,079</td>
</tr>
<tr>
<td>Ancillary (parking/ servicing/ plant/ storage)</td>
<td></td>
<td>38,854</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>209,933</strong></td>
</tr>
</tbody>
</table>

Table 1: Minimum and maximum proposed floorspace by land use.

107 The Site is subdivided into Development Plots defined in the Parameter Plans. The application defines the total maximum and minimum floorspace and proposed uses for each Development Plot. It also defines ground levels and minimum and maximum building heights for Development Plots ranging between 3.95m (AOD) and 104.8m (AOD).

108 The application seeks permission for residential floorspace ranging between a minimum of 160,579, sq.m. (GEA) to a maximum of 254,400 sq.m. (GEA) to be distributed across the proposed development. This floorspace could accommodate between 2,300 and 2,462 residential units depending on the mix of unit sizes, which could vary within the ranges set out in Table 2.

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>Maximum 5%</td>
</tr>
<tr>
<td>2 bed and 3 bed</td>
<td>Minimum 60%</td>
</tr>
<tr>
<td>3 bed</td>
<td>Minimum 10%</td>
</tr>
</tbody>
</table>

Table 2: Proposed unit mix range.

109 The application proposes a maximum of 616 car parking spaces for all land uses, of which a maximum of 60 could be provided on street. It also includes standards for the provision of cycle parking, which for the maximum floorspace proposed would allow the provision of 3,136 cycle parking spaces. The application also includes parameters for development below ground and defines parameters for the provision of public realm and open space, including provision of a new park with a minimum area of open green space of 8000 sq.m. (0.8 ha).

### Other proposals

110 The application is based on an overarching indicative masterplan for the Site and the adjacent site at Rodney Road, also part of the Heygate Estate. The proposals for the Rodney Road site remain at pre-application stage. The applicant anticipates submitting a detailed application for
this proposal imminently and to progress this development as an early phase of the redevelopment of the Heygate Estate, subject to planning consent. The overarching indicative masterplan will ensure that these proposals are effectively coordinated.

Case history

111 There is no relevant strategic case history. The applicant has engaged Southwark Council, GLA, TfL, and other stakeholders in pre-application consultations since May 2011. The applicant presented the proposal to the Mayor at his planning meeting on 17 October 2011.

Strategic planning issues and relevant policies and guidance

112 The relevant issues and corresponding policies are as follows:

- Land use London Plan
- Regeneration London Plan; the Mayor’s Economic Development Strategy
- Housing & density London Plan; Housing SPG; Interim Housing SPG; draft Housing SPG; draft Affordable Housing SPG; Housing Strategy; draft Revised Housing Strategy; draft Revised Early Minor Alterations to the London Plan
- Children’s playspace London Plan; Providing for Children and Young People’s Play and Informal Recreation SPG; draft Providing for Children and Young People’s Play and Informal Recreation SPG
- Urban design London Plan
- Strategic views London Plan, Revised View Management Framework SPG
- Historic environment London Plan; World Heritage Sites SPG
- Access London Plan; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)
- Equal opportunities London Plan; Planning for Equality and Diversity in Meeting the spatial needs of London’s diverse communities SPG; Equal Life Chances for All (Mayor’s Equalities Framework); Equalities Act 2010
- Sustainable development London Plan; Sustainable Design and Construction SPG; Mayor’s Climate Change Adaptation Strategy; Mayor’s Climate Change Mitigation and Energy Strategy; Mayor’s Water Strategy
- Ambient noise London Plan; the Mayor’s Ambient Noise Strategy
- Air quality London Plan; draft Revised Early Minor Alteration to the London Plan; the Mayor’s Air Quality Strategy
- Transport & Parking London Plan; the Mayor’s Transport Strategy; draft Revised Early Minor Alteration to the London Plan

113 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Southwark Core Strategy (2011), the ‘saved’ policies of the Southwark Plan (2007) and the London Plan (2011). The following are also relevant material considerations:

- The Revised Early Minor Alterations to the London Plan (June 2012).

114 The Elephant and Castle Supplementary Planning Document (SPD) and Opportunity Area Planning Framework (OAPF) was prepared by Southwark Council, working in partnership with the GLA and TfL. It was adopted by Southwark Council as SPD for the Opportunity Area on 20 March 2012 and endorsed by the Mayor as the OAPF for the Opportunity Area on 28 May 2012. The document sets out area specific policy guidance covering, inter alia, land use, urban design, public realm, transport, community infrastructure and planning obligations.

**Land use**

115 The London Plan identifies that the Site lies in the central London sub-region (Policy 2.5), in Inner London (Policy 2.9) and in an Area for Regeneration (Policy 2.15). The Site encompasses the Elephant & Castle and Walworth Road town centres (Policy 2.15). The Site lies in the Elephant and Castle Opportunity Area (Policy 2.13). Annex One of the London Plan sets out a minimum guideline for new housing of 4,000 homes and an indicative estimate of employment capacity of 5,000 jobs over the plan period 2011 – 2031. The strategic policy direction for the Elephant and Castle Opportunity Area states that:

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

116 The Southwark Core Strategy and Elephant and Castle SPD and OAPF set out a vision for the Opportunity Area which reflects these figures and expounds the strategic policy direction above.

**Housing**

117 The principle of residential development on the site is supported in light of the current use and policy context above. The issues relating to housing provision are considered in detail in the relevant section below.

**Retail**

118 The application proposes a minimum of 10,000 sq.m. (GEA) and maximum of 16,750 sq.m. (GEA) retail floorspace (Use Classes A1-A5). This space would be capable of being distributed at basement, ground and mezzanine levels across ten of the twelve Development Plots. In practice the retail provision strategy would focus the majority of this floorspace along New Kent Road, Walworth Road, and along a new street in the masterplan parallel to Walworth Road. Retail floorspace in blocks in other locations, such as blocks fronting Rodney Road would be ancillary and facilitate the provision of active ground floor use in these locations.

119 The London Plan anticipates the growth of the Elephant & Castle and Walworth Road District town centres over the plan period to form a Major town centre within the London town centre hierarchy. The Southwark Core Strategy and Elephant and Castle SPD and OAPF accordingly support the provision of 45,000 sq.m. additional retail floorspace in these centres and promote the reinforcement of retail provision on the main roads leading into the Elephant & Castle town centre.
120 The applicant has submitted a retail impact assessment. This anticipates a mix of convenience and comparison retail but appropriately includes a sensitivity analysis given the outline nature of the proposal. This does not raise any concerns at a strategic level but the Council should duly assess any local impacts.

121 In strategic terms the proposed provision of retail floorspace is consistent with planning policy for the area. The provision of retail frontage along New Kent and Walworth Road is particularly supported as a means of improving the retail offer in the area and consolidating this town centre.

Business

122 The application proposes a minimum of 2,000 sq.m. (GEA) and maximum of 5,000 sq.m. (GEA) business floorspace (Use Class B1). This space would be capable of being distributed across seven of the twelve Development Plots, including those fronting New Kent Road and Walworth Road. The applicant's strategy is to provide for the anticipated demand for space for small and medium-sized enterprises, which are likely to require a variety of unit sizes. The provision of business space and the spatial distribution is consistent with the requirements of Elephant and Castle SPD and OAPF and is supported in principle. The Council should confirm whether the quantum of floorspace proposed is sufficient to meet the anticipated needs of small and medium-sized enterprises in the Opportunity Area.

Community, culture and leisure

123 The application proposes a minimum of 1,000 sq.m. (GEA) and maximum of 5,000 sq.m. (GEA) community and cultural floorspace (Use Class D1) and a minimum of 1,000 sq.m. (GEA) and maximum of 5,000 sq.m. (GEA) leisure floorspace (Use Class D2). This space would be capable of being distributed throughout the Development Plots in the masterplan with the expectation that such space will be integrated within mixed use buildings to serve local demand. This approach is suitably flexible at this outline stage, consistent with the requirements of the Elephant and Castle SPD and OAPF for the provision of such space and thus supported in principle. The precise nature of the provision for each Development Plot will be determined at the reserved matters stage and the Council should then ensure that this would be consistent with the requirement of Elephant and Castle SPD and OAPF to consolidate the town centre and local needs.

Summary

124 In summary, the proposed land uses are consistent with those anticipated by the London Plan, Southwark Core Strategy and the Elephant and Castle SPD and OAPF.

Housing

125 The applicant proposes between 2,300 and 2,462 residential units. This is a welcome contribution to the 4000 new homes sought by the London Plan, Southwark Core Strategy and the Elephant and Castle SPD and OAPF.

Estate renewal

126 Policy 3.14 of the London Plan resists the loss of housing, including affordable housing, unless it is replaced at existing or higher densities with at least equivalent floorspace. Paragraph 3.82 of the London Plan gives further advice on the Mayor’s approach to estate renewal, as does the draft Housing SPG.
127 The Site is currently occupied by the Heygate Estate. Those buildings on the Heygate Estate within the Site boundary provided a total of 1,107 residential dwellings and are understood to have a total floorspace of 103,158 sq.m. (GEA). These dwellings were comprised of 934 social rented units subject to Southwark Council tenancies and 173 leaseholders. The applicant should confirm the total floorspace of the existing residential dwellings and that of the social rented and leasehold units within this.

128 Southwark Council has advanced a programme for the regeneration of the Heygate Estate over the past ten years. Following a decision that the estate should be comprehensively redeveloped the Council identified fifteen sites in the locality in its ownership for the development of replacement affordable housing. To date, eight schemes have been built or are under construction providing a total of 428 residential units. The Council advises that a further 84 social rented units are currently in the planning pipeline.

129 Southwark Council has, using this and other housing stock, re-housed all of those residents on Southwark Council tenancies. The vast majority of leaseholders have also vacated their properties which have been acquired by the Council. It is understood that a small number of leaseholders remain on the Heygate Estate. The applicant should, in consultation with the Council, confirm the exact number of leaseholders remaining and the proposed relocation arrangements and any associated implications for its application and delivery of the development.

130 The proposal would result in a net uplift in housing in the area. In terms of affordable housing the current level of provision in the proposal is yet to be determined. To date 428 of the original 934 affordable housing units have been replaced on other sites. The proposal should therefore make provision for at least the remaining 506 units or equivalent floorspace in order to replace the previous affordable housing provision on the estate. Provision of affordable housing beyond this as part of the proposal and on the remainder of the Council sites yet to come forward would result in an uplift in affordable housing in the area.

131 The compliance of the proposal with London Plan Policy 3.14 cannot be confirmed at this stage pending the outcome of discussions on affordable housing (see below). The proposal is currently inconsistent with London Plan Policy 3.14.

**Housing tenure**

132 London Plan Policy 3.12 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. In doing so each council should have regard to its own overall target for the amount of affordable housing provision. This target should take account of the requirements of London Plan Policy 3.11, which include the strategic target that 60% of new affordable housing should be for social rent and 40% for intermediate rent or sale.

133 The Mayor has published a revised early minor alteration to the London Plan which addresses the introduction of affordable rent, with further guidance set out in a draft Affordable Rent SPG. With regard to tenure split the Mayor’s position is that both social rent and affordable rent should be included within the 60% strategic target for social rent set out in London Plan Policy 3.11.

134 While the Mayor has set a strategic investment benchmark that across the affordable rent programme as a whole rents should average 65% of market rents, this is an average investment output benchmark for this spending round and not a planning policy target to be applied to negotiations on individual schemes.
Southwark Core Strategy Strategic Policy 6 establishes a target for the Elephant and Castle Opportunity Area and Elephant and Castle housing sites of a minimum of 1,400 affordable housing units over the plan period. This target is set out in the Vision for the area. It also requires that a minimum of 35% of new housing is affordable and a minimum of 35% is private. Policy 4.4 of the Southwark UDP (2007) requires that 50% of affordable housing be social rented and 50% intermediate affordable housing. These local targets, which pre-date the introduction of the affordable rent tenure, are intended to redress the tenure imbalance that exists in the area and are duly reflected in the Elephant and Castle SPD and OAPF.

The application does not propose any affordable housing provision at present. The Housing Statement commits to providing the maximum reasonable amount of affordable housing as established by future viability testing on a phase by phase basis. The applicant has submitted a financial viability appraisal in support of the proposal. This is currently being independently assessed on behalf of the GLA and this matter cannot be progressed pending conclusion of this review.

In light of the policy context and subject to the outcome of the assessment of the submitted viability appraisal it is expected that the applicant will clarify the base level of affordable housing provision at the outline stage. Moreover it is expected that the applicant will, in consultation with the Council and GLA, bring forward provisions, as part of the section 106 agreement, for a financial viability review mechanism to appraise this base level of affordable housing on a phase by phase basis, as suggested in paragraph 3.75 of the London Plan. By this means it can be assured that, beyond the level of affordable housing provision agreed at the outline stage, each subsequent phase would deliver the maximum reasonable amount of affordable housing. This matter should be covered by both planning conditions and appropriate provisions in the section 106 agreement.

The applicant will need to demonstrate that the affordable housing provided under each scenario would meet the relevant definitions of affordable housing set out in the London Plan. This should also be covered by appropriate provisions in the section 106 agreement.

Further information and discussion is required regarding all aspects of the affordable housing provision in order to ensure that this would comply with the London Plan. The negotiations in relation to terms of the section 106 agreement for the application will need to appropriately codify and secure all aspects of the affordable housing provision so as to satisfy relevant London Plan and related policies and guidance to the satisfaction of GLA officers. In summary the proposal is currently inconsistent with London Plan policies 3.10, 3.11, 3.12 and 3.14.

**Housing choice**

London Plan Policy 3.8 and the associated supplementary planning guidance promote housing choice and seek a balanced mix of unit sizes in new developments. The London Housing Strategy and the draft revised London Housing Strategy set out strategic housing requirements and the associated targets.

Policy 3.8 also sets out that the provision of affordable family housing is a strategic priority. The London Housing Strategy sets out strategic housing requirements and Policy 1.1C of the Strategy includes a target for 42% of social rented homes to have three or more bedrooms. The revised London Housing Strategy, currently out for consultation, sets out that 36% of affordable rented homes allocated funding in 2011-15 will have three or more bedrooms.

Southwark Core Strategy Strategic Policy 7 seeks: a maximum of 5% of units as studio flats; a minimum of 60% of units with two or more bedroom; and a minimum of 10% of units with 3 or
more bedrooms with directly accessible amenity space. Table 2 sets out the proposed unit mix ranges for the application, which are consistent with this policy. The distribution of the mix across the site will be delivered through a phased approach, with the distribution reflecting the character and intended design for each part of the Site.

143 This approach is reasonable given the nature of the proposal but it is noted that the proposal does not currently commit to a proportion of 4 bed or larger units. It is also noted that the proposal is subject to an ongoing financial viability assessment of the affordable housing provision and that this process may result in changes to the proposed mix. The applicant should further discuss this matter with the Council and GLA officers and ensure that the proposal would be consistent with London Plan Policy 3.8.

144 The applicant has stated that the proposals would comply with the ‘Lifetime Homes’ and wheelchair adaptable housing requirements of Policy 3.8. This is welcomed. The Council should make a condition of planning consent the submission of plans showing all wheelchair units in their adapted and un-adapted state, details of the proposed marketing of these units, an assessment of demand for wheelchair adapted units, and details of how many will be adapted on implementation. This is necessary to ensure that those requiring such units are made aware of this provision and that a suitable number are adapted on implementation to meet this need. This should be monitored by the Council over the lifetime of any permission.

145 In summary, given the ongoing financial viability assessment, the need for discussions regarding the housing mix, noting the strategic guidance above, and the drafting of appropriate conditions, the proposal is inconsistent with London Plan Policy 3.8.

**Housing quality**

146 London Plan Policy 3.5 promotes quality in new housing provision and sets out minimum space standards at Table 3.3. The Mayor has published a draft Housing SPG on the implementation of Policy 3.5 for all housing tenures, drawing on his London Housing Design Guide.

147 The applicant has indicated that all the proposed housing will be consistent with the minimum space standards in Table 3.3 and the baseline standards in the Mayor’s draft Housing SPG. This position is reflected in the Design Strategy Document submitted for approval, which also incorporates some of the relevant standards. This document also includes illustrative worked examples of residential unit layouts for typical floors in selected Development Plots.

148 As the application is submitted in outline the compliance of individual buildings and the residential units therein with the detail of these standards will be assessed at the Reserved Matters stage. Given this and the emerging nature of the Mayor’s draft Housing SPG it will be necessary for this matter to be addressed by a planning condition on any consent. The Council and applicant should discuss the drafting of this condition with GLA officers. The proposal is consistent with London Plan Policy 3.5 subject to the addition of a satisfactory planning condition on this matter.

**Housing density**

149 London Plan Policy 3.4 requires development to optimise housing output for different locations taking into account local context and character, the design principles in Chapter 7 and public transport capacity. Table 3.2 provides net residential density ranges in support of this. The Public Transport Accessibility Level (PTAL) of the site ranges between 6b and 5 on a scale where 6 is high and 1 is low. The site lies in a Central setting, as defined by the London Plan. Table 3.2 sets out a range of 650 – 1,100 habitable rooms per hectare (hr/ha) which, depending on the number of habitable rooms per dwelling equates to a range of 140 – 405 dwellings per hectare.
The application proposes between 2,300 and 2,462 residential dwellings. The area of the Site is 9.71 ha. This includes Heygate Street, Wansey Street and the new roads proposed but excludes major roads around the site. The proposed park in the Site, though public and of wider benefit to the neighbourhood, has been included in this site area figures as it will also be of ancillary benefit to the residents of the proposal.

The application proposes 32,675 sq. m. of non-residential floorspace which is 11% of the total floorspace proposed. Taking account of this gives a net site area of 8.64 ha for the purposes of calculating residential density. The proposed range of 2,300 to 2,462 residential dwellings over 8.64 ha would give a density of ranging between 266 and 285 dwellings per hectare.

This is in the middle of the range of 140 – 405 dwellings per hectare identified in Table 3.2. The design quality of the proposal and its impact on public transport capacity are assessed elsewhere in this report. Subject to compliance with the relevant London Plan design and transport policies the proposal would be consistent with London Plan Policy 3.4.

**Open space and trees**

London Plan Policy 7.18 supports the creation of new open space in London to ensure satisfactory levels of provision and address areas of deficiency. The Elephant and Castle SPD and OAPF identifies that the area has a relatively low level of open space compared to other areas of the borough and seeks the provision of a new park on the Site.

The applicant has submitted an Open Space Strategy and duly committed to providing a park containing a minimum area of 0.8 ha of green open space within a wider setting encompassing adjacent spaces, including the market square to the west. The result of this design approach is to create a public space that will be significantly larger than this area and form part of its setting. The park space together with a series of small squares elsewhere in the masterplan and the new streets will together contribute to a total of 4.53 ha of accessible public realm.

The park has been positioned to incorporate a significant number of the mature trees currently on the Site with the result that it will benefit from these from its creation. This forms part of a Tree Strategy for the Site which establishes the applicant’s approach to the retention, maintenance and planting of trees across the Site and beyond. In broad terms the Tree Strategy would retain the best of the existing 406 existing trees on the site and replace all of those lost as a result of development to maintain this figure. Moreover it proposes to plant additional trees in the wider area to meet the requirement of the Elephant and Castle SPD and OAPF to replace lost trees with new trees which result in a net improvement in canopy cover as measured by stem girth. On the basis of the indicative masterplan this approach would result in a further 1,200 new trees in the wider area. This approach is consistent with London Plan Policy 7.21 and strongly supported but the Council should duly assess the detail of this strategy and secure its implementation in the section 106 agreement.

It is not clear from the information submitted whether any provision would be made for community gardening as promoted by London Plan Policy 7.22. The applicant should explore such provision in consultation with the Council and make provision as necessary in the scheme.

The proposal is supported by an Estate Management Strategy. This identifies that the majority of accessible public realm would be managed by an estate management company or managed by others with the exception of Heygate Street which would be put forward for adoption by the Council. This approach is subject to agreement by the Council. In any event it is expected that the applicant will enter into planning obligations ensuring ongoing public access and satisfactory maintenance of any space to remain in its control.
Children’s play space

158 London Plan Policy 3.6 requires developments that include housing to make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. Guidance on the application of this policy is set out in the ‘Providing for children and young peoples play and informal recreation SPG’. The Mayor has recently completed consultation on a revised version of the guidance and is expected to publish this prior to the determination of the application. The Council and applicant should give due weight to this guidance and note that it contains an updated child yield calculation methodology.

159 The applicant has submitted an Open Space Strategy which incorporates a play strategy. This sets out the overarching approach to the provision of play space appropriate to each age group across the site. The broad approach to the distribution of play space for children of 0 - 5 years and 6 - 11 years appears consistent with policy. The off-site provision of youth space by means of a contribution to new or existing facilities should be discussed and agreed with the Council. Given the nature of the proposals it may be appropriate to incorporate provision for this group within the Site.

160 The play strategy does not currently identify the quantum of play space required in different areas of the masterplan. This is in part because the anticipated child yield is yet to be calculated and would potentially be subject to change as a result of changes in the housing mix. It is also noted that the child yield calculation methodology is updated in the revised Mayoral SPG.

161 The associated quantum of play space required cannot, therefore, be determined with confidence at this stage. The Design Strategy Document includes a requirement that communal courtyard amenity space in each Development Plot will be provided in accordance with the required playspace commitments arising from the Mayor’s SPG. This is welcomed but the applicant should confirm that the parameters and design principles would be capable of compliance with the standards in the revised SPG.

162 The applicant should address this matter in consultation with the GLA and Council and agree an approach to ensuring that the appropriate quantum and type of play space would be included in each part of the scheme and in each phase. The agreed approach will need to be taken forward as a condition of any planning consent and in accordance with appropriate planning obligations. At present the proposal is inconsistent with London Plan Policy 3.6.

Urban design

163 Chapter 7 of the London Plan sets out design related policies addressing both general design principles and specific design issues. Policy 7.1 establishes a series of overarching design principles for building London’s neighbourhoods and communities. Policy 7.6 sets out strategic policy on architecture. Policy 7.7 sets out specific policy on the location and design of tall and large buildings. Policies 7.8, 7.9 and 7.10 set out strategic policy on heritage assets, archaeology and World Heritage Sites. Policies 7.11 and 7.12 set out strategic policy on the London View Management Framework, which is expounded in the London View Management Framework SPG. The Elephant and Castle SPD and OAPF provides area specific guidance on design matters.

164 The design documentation submitted for approval includes Parameter Plans, a Design Strategy Document, a Development Specification and an EIA and application reports. The Parameter Plans, the Design Strategy Document, and Development Specification establish the overall parameters and principles for the proposed development. The Environmental Statement (forming part of the EIA) and Design and Access Statement describe and application reports assess the impact of the proposed parameters, notably in respect of the Townscape, Visual and Built
Heritage Assessment. In combination these documents provide a framework which will govern the detailed design of reserved matters applications.

165 This Design Strategy Document includes specific commitments for approval that consolidate the design principles established by the Parameter Plans. In effect this will serve as a design code for the development of the Site. The application is also supported by a Design and Access Statement and Illustrative Masterplan which provide further explanatory and illustrative material in relation to the development and implementation of the other design documents.

166 The applicant and its design team engaged GLA and Council officers in pre-application discussions and received advice on the proposals throughout their development. The applicant has appointed Make as lead architect for the masterplan and preparation of the design documents listed above. It has also appointed a landscape architect for the masterplan. Further architects have been appointed to test and assist the lead architect in developing the design documents by preparing illustrative schemes for the development of specific Development Plots.

167 This approach is supported in principle as a means of ensuring the creation of a robust and credible design framework for the site, within the overarching framework provided by the Elephant and Castle SPD and OAPF. The detail of the parameters and design principles is assessed below.

Masterplan

168 The Parameter Plans and Design Strategy Document define an outline masterplan for the Site and the Illustrative Masterplan provides an indication of how this may be realised. The masterplan would create a coherent urban structure across the site based on a series of perimeter blocks, each of which forms a discrete Development Plot. These appropriately take their geometry from the existing routes around and within the site and consequently would provide well constituted frontage to New Kent Road, Walworth Road, Heygate Street and Wansey Street. The spacing of the proposed street would generally align with that of existing routes and serve to integrate the proposed street network with that in the locality.

169 The proposed linear park would provide a focus and orientation point within the neighbourhood, being readily visible from all streets. This would, as noted above, be positioned to incorporate a significant number of the mature trees currently on the Site with the result that it will benefit from these. The applicant has also sought to retain and integrate the best of the existing mature trees elsewhere in the Site where appropriate, which is supported.

170 The Parameter Plans confirm that the perimeter blocks would generally be well proportioned and sufficiently resilient to accommodate the series of development permutations envisaged. There are a number of Development Plots with more challenging geometry and proportions, notably H3, H10, H11a and H11b. In these cases this may result in difficulties in achieving a satisfactory design solution at the reserved matters stage. It is understood that the Council has informally identified similar concerns. Further discussions, illustrative work and if necessary formal amendments are required to ensure that these Development Plots would be consistent with policy.

Scale and massing

171 The Parameter Plans and Design Strategy Document would enable the scale and massing of the component parts of each Development Plot to vary in response to the existing and proposed context. Across the Site the minimum building height would be 3.95m (AOD) and the maximum 104.8m (AOD). The minimum and maximum height parameters for component parts of each Development Plot are generally appropriately defined. The overarching approach would be to graduate scale and mass from low rise buildings in the vicinity of Wansey Street, to mid-rise around
the proposed park and along the frontages to New Kent Road, Walworth Road, Heygate Street. This graduation would be reinforced by tall buildings positioned on these routes and in the vicinity of the proposed park. It would reflect the transition in land use and density from the more residential areas to the south and east to the town centre and arterial routes approaching this.

172 The Design Strategy Document includes a comprehensive tall buildings strategy which articulates the rationale for the location of these buildings and their respective scale within the immediate and wider context. It also sets out the design principles for their detailed design, identifying appropriate typologies, how tall buildings should meet the ground and the need to distinguish them architecturally as discrete elements. This approach is supported and necessary given the outline form of the application.

173 In terms of the absolute scale of individual tall buildings it is noted that the applicant is in ongoing discussions with the Council regarding some of those proposed. GLA officers will continue to liaise with the Council and the applicant on this matter. The applicant should also note the comments below regarding the relationship of the proposal with strategic views.

Strategic views and heritage

174 The applicant has submitted a comprehensive Townscape, Visual and Built Heritage Assessment in support of the proposals. As the proposal is submitted in outline this assesses the maximum and minimum parameters applied for as appropriate to the views tested.

175 In terms of strategic views the uppermost parts of the proposal, namely the tall buildings would be perceptible to varying degrees in the London panoramas from Alexandra Palace (LVM F1), Parliament Hill (LVM F2), Kenwood (LVM F3) and Primrose Hill (LVM F4). In all cases the proposal would appear as an inconspicuous series of buildings amongst the existing urban environment and not be visible on the skyline.

176 The applicant has tested a series of views from the River Thames. The uppermost elements of Development Plot H4 would potentially be visible in the backdrop of the National Theatre when looking south from the river prospect from Waterloo Bridge (LVM F15) but would be inconspicuous. The applicant has also tested a view from Victoria Tower Gardens towards Lambeth Palace which shows that the proposal would not be visible.

177 The principal view for consideration in terms of strategic views and the setting of the Palace of Westminster World Heritage Site is that from Serpentine Bridge in Hyde Park (LVM F23). This view is subject to a Protected Vista and the Wider Setting Consultation Area for the background of this vista crosses the northern part of the site. The applicant has duly comprehensively assessed the proposal from assessment point 23A.1 and from a sequence of points either side of this which provide a sense of the kinetic views afforded of the Palace of Westminster from the Serpentine Bridge.

178 The proposed tall buildings in Development Plots H1, H7, H4, H5, H11a, and H11b would potentially breach the threshold plane of the background wider setting consultation area. The LVMF visual management guidance for this view identifies that new buildings in the background must be subordinate to the World Heritage Site. It further identifies that the 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 the Palace of Westminster.

179 The assessment identifies that the tall buildings proposed in Development Plots H1, H7, and H11a would be consistent with this guidance. It is not evident that this would be the case for the tall buildings in Development Plots H4, H5, and H11b in the winter views submitted.
At the maximum parameter the uppermost part of the tall buildings on Development Plots H4 and H5, the latter sitting behind the former, would potentially be visible between the southernmost tower of Westminster Abbey and the roof of the former Home office. The proposal would be filtered by the vegetation in the foreground in winter and largely obscured in summer. The maximum parameter for these blocks is set at 87.5 metres (AOD).

This is also the maximum height of the consented development at 50 New Kent Road, immediately to the west of Development Plot H4 and between that development and the Strategic Landmark. That consent has been implemented by the demolition and clearance of buildings on the site but construction has not begun to date. Were this development completed in its consented form the proposed development at H4 and H5 would be wholly obscured at the maximum parameter and would not have any effect on the view. Were it not then the proposal would potentially be visible as described above. That being the case the Council, applicant and GLA officers should further discuss the potential appearance of the uppermost part of the tall buildings on Development Plots H4 and H5 in light of the tall building strategy. The applicant may need to prepare further illustrative design and assessment work to inform these discussions.

At the maximum parameter the uppermost part of the tall building on Development Plot H11b would potentially be visible to the right of the Victoria Tower. A modest reduction in the maximum parameter for this building would remove it from the view, avoid harm to the currently uninterrupted interaction between the Victoria Tower and the tree line and ensure the proposal would be consistent with the visual management guidance for this view.

The applicant should address this matter in discussion with GLA and Council officers. It is also noted that the proposals would affect number of local views and the setting of a range of heritage assets in the immediate and wider area. The effect of the proposals on these local views and heritage assets has been considered and will be discussed with the Council and applicant in due course with a view to minimising or avoiding harmful impacts.

The Design Strategy Document includes guidance on the appearance of buildings and landscaping throughout the masterplan. This contains a series of site wide principles regarding the composition of buildings, treatment of entrances and the approach to facades together with area specific guidance for buildings in each of the five character areas in the masterplan. A similar approach is taken to landscaping and both are supported with illustrative material.

The intention is facilitate a range of architectural treatments to individual buildings and promote architectural diversity, whilst ensuring a suitable degree of coherence and response to context in both built form and public realm. The proposed approach is judged to provide a considered balance in this regard and the proposal should achieve this balance. In particular the requirement for individual buildings to respond to their particular existing or emerging context should, given the nature of the site, result in a welcome variety in the architecture of buildings coming forward at the reserved matters stage for each Development Plot.

The applicant should retain the masterplan architect and continue to employ a variety of design professionals to work within the consented design framework at the reserved matters stage in order to ensure the level of design quality demanded by the London Plan is achieved. The Council should discuss with the applicant measures to ensure this.

The proposed design has much to commend it, especially in terms of compliance with London Plan polices 7.1, 7.3 and 7.4. The applicant should, however, address the outstanding
matters above in consultation with GLA and Council officers in order to ensure the compliance of the scheme with the London Plan design policy. At present the proposals would not comply with the London Plan policies 7.6, 7.7, 7.8, 7.9, 7.10, 7.11 and 7.12.

**Inclusive access**

188 Policy 7.2 of the London Plan expects all development to meet the highest standards of accessible and inclusive design. This, together with the Mayor’s Supplementary Planning Guidance ‘Accessible London: achieving an inclusive environment’, underpins the principles of inclusive design and aims to achieve an accessible and inclusive environment across London. Policy 3.8 of the London Plan requires all new housing to be built to ‘Lifetime Homes’ standards and ten percent of all new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

189 The proposal is supported by a Design and Access Statement and an Access Statement. These demonstrate that lifetime neighbourhoods (Policy 7.1) and inclusive design (Policy 7.2) has been appropriately considered in developing the design to the outline stage at which it has been submitted. Given the outline stage the inclusive access considerations focus on external environments, transport and entrances to buildings. These are then translated into the Parameter Plans and the design principles in the Design Strategy Document. The Reserved Matters applications will be supported by more detailed assessment of inclusive access at the building scale.

190 In broad terms the proposal will take advantage of a broadly level site and introduce a clear route network that will be level or gently sloping throughout, with clear points of access to individual buildings taken from this. All recreation and play spaces would also be readily accessible.

191 The accessibility of the site in public transport terms has been considered. It is noted that some of the deficiencies identified in the accessibility of some forms of public transport will be addressed through improvements proposed in the Elephant and Castle SPD and OAPF, to which this proposal will contribute. In terms of private transport the Council will require ten percent blue badge parking throughout the scheme and there would be pick-up and drop-off areas within a reasonable distance of all entrances.

192 In terms of individual buildings the supporting documents confirm that all residential dwellings will comply with the Mayor’s Housing Design Guide, Lifetime Homes and Wheelchair Accessible Housing. These matters are considered further in the preceding housing section of this report. In terms of non-residential use the supporting documents confirm that these will have level access with step-free access to all floors. The Council should make the implementation of these measures in reserved matters applications a condition of any planning consent.

193 The outline stage of the proposals precludes consideration of many detailed aspects of inclusive design that will be important to the overall success of the development in this respect. The Council should consider constituting a consultative access group for the proposal, formed of members of local access groups and Council officers, in order to assist in the scrutiny of this aspect of reserved matters applications. The value of such a group is ensuring that the collective experience of group members is brought to the scrutiny of reserved matters applications, where many of the more detailed aspects of inclusive access compliance will be addressed.

194 In summary, the proposal is consistent with London Plan Policy 7.2. The Council should attach planning conditions as necessary to ensure the relevant provision would be secured at the reserved matters stage.
Equalities

195 The 2010 Equality Act places a duty on public bodies, including the GLA, in the exercise of their functions, to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This requirement includes removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic and taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. The Act defines protected characteristics and includes age and disability.

196 The GLA in the discharge of its planning function must engage this duty, in so far as it is applicable to a particular case. London Plan Policy 3.1 sets out the strategic policy on ensuring equal life chances for all. The Elephant and Castle SPD and OAPF has been subject to an Equalities Impact Assessment, which was published in tandem with the document.

197 The applicant has submitted an Equalities Impact Assessment for the application, which concludes at this stage that the proposal would not have a negative impact on equalities. In view of the low level of occupation in the buildings on the site, it is unlikely that there will be equalities or displacement and relocation impacts resulting from the demolition of the buildings as part of the development. The application has been reviewed and this conclusion is accepted at this stage. Subject to reviewing the proposed planning obligations and the proposals would appear to be consistent with London Plan Policy 3.1. The Council should fulfil its statutory equality duty in determining the application.

Noise and air quality

198 London Plan policy on noise is set out in Policy 7.15. The applicant’s assessment of noise and vibration has been assessed and clarification has been sought from the applicant on a number of points. This request has been shared with the Council. The proposal does not raise any strategic concerns at this stage. The applicant should respond to the request for clarification. The Council should take account of the applicant’s response and attach planning conditions to any consent to ensure the compliance with London Plan Policy 7.15.

199 London Plan policy on air quality is set out in Policy 7.14. The Application would comply in principle with this policy but the Council and applicant should note the following points:

- The Mayor will be publishing guidance on how new developments should be at least ‘air quality neutral’, and the developer must consider this at the reserved matters stage of the application to ensure neutrality is achieved.

- The Mayor will be publishing guidance, as SPG to the London Plan, on energy emission standards for Combined Heat Power, and will expect full compliance with these standards.

- The Mayor will be publishing updated guidance, as SPG to the London Plan, to the Mayor’s ‘The Control of Dust and Emissions from Construction Sites’, which the applicant will need to demonstrate compliance with at the reserved matters stage.

200 The Council should attach planning conditions to any consent to ensure the compliance with London Plan Policy 7.14.

Climate change mitigation and adaptation
201 The London Plan climate change policies as set out in Chapter 5 collectively require developments to make the fullest contribution to the mitigation of and adaptation to climate change and to minimise carbon dioxide emissions.

Climate change mitigation

202 The applicant has engaged GLA officers in detailed pre-application discussions regarding the energy strategy for the proposal, recognising that there are likely to be changes to regulatory regimes over the lifetime of the proposed development. The proposal duly follows the London Plan energy hierarchy and accommodates the anticipated changes. Sufficient information has been provided to understand the proposals as a whole.

203 The estimated regulated carbon emissions of the development are 2,226 tonnes of carbon dioxide per year after the cumulative effect of energy efficiency measures and combined heat and power (CHP) has been taken into account. This equates to a reduction in regulated emissions of 2,588 tonnes of carbon dioxide per year compared to a 2010 Building Regulations Part L compliant development. This is equivalent to an overall saving of 54% and exceeds the carbon dioxide savings targets set within Policy 5.2 of the London Plan.

204 Moreover, of the remaining 2,226 tonnes of carbon dioxide per year it is proposed to offset a further 1,373 tonnes of carbon dioxide per year through the use of through biomethane injection. This is equivalent to an overall saving of 82%.

Be lean

205 A comprehensive range of energy efficiency measures including passive design features and demand reduction measures are outlined to reduce the carbon emissions of the proposed development. These include measures to minimise the demand for cooling. The applicant estimates that the proposals would achieve and exceed 2010 Building Regulations Part L compliance by up to 30% through energy efficiency measures alone.

206 This approach is supported. The Council should attach conditions and section 106 obligations as necessary to any consent to ensure this high level of energy efficiency is realised in the completed development, allowing for anticipated changes to Building Regulations. These should include a specific energy efficiency target, having regard to the estimate above, for the relevant reserved matters applications and post-occupancy monitoring as appropriate to confirm compliance.

Be clean

207 The applicant is proposing to install a site-wide heat network connecting all apartments and commercial units. An indicative drawing showing the route of the network has been provided.

208 The site-wide heat network will be supplied from a single energy centre located on Development Plot H12. The applicant has provided an indicative layout for the proposed energy centre. It has also provided an indicative layout for an alternative scenario for renewables provision for which biomass boilers would be required (see below). The plans indicate approximate dimensions and the floorspace required is within that applied for as part of the application.

209 The applicant states that the energy centre is able to accommodate the increase in plant required for a further 1,000 apartment dwellings and has identified potential developments in the vicinity for connection. The energy centre building would also include an ancillary cafe and education centre. The Council should duly secure the provision of site-wide heat network, energy centre and ancillary facilities through the section 106 agreement for the application.
The Council should also use planning obligations to require the future operator of proposed site-wide energy network to make reasonable endeavours to facilitate the connection of other developments in the area to the proposed network.

The applicant has investigated the potential to link the site-wide heat network to the proposed SELCHP district heating network, in Bermondsey. This is unlikely to be viable in the near term. The applicant has committed to designing the energy infrastructure to allow future connection to SELCHP should it prove viable at a later stage. The Council should verify that the proposal would be capable of connection to SELCHP in terms of design compatibility and attach planning conditions as necessary to ensure that it would be compatible.

The Council should also consider the use of planning obligations to require the future operator of the proposed site-wide energy network to make reasonable endeavours to connect to SELCHP should this become a viable proposition in the future.

The applicant is proposing the phased installation of combined heat and power (CHP) plant in line with the phasing of the development. This would begin with a 263 kWe gas fired CHP unit being switched on during 2019. This would then be followed by a 985 kWe gas fired CHP unit being switched on in 2021 as the lead heat source for the site heat network. The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating and load profiles have been provided in support of the approach.

The energy strategy states that a reduction in regulated carbon dioxide emissions of 1,160 tonnes per annum (34%) will be achieved through this second stage of the energy hierarchy. The approach is consistent with the London Plan and the Elephant and Castle SPD and OAPF.

Be green

The energy strategy provides a comprehensive analysis of renewable energy options for the proposed system. The preferred approach is to use biomethane fuel supplied over the gas network. This renewable fuel would be produced and injected into the national grid elsewhere and then purchased as a credit to supply some or all of the gas consumption requirements of the CHP plant and gas boilers in the energy centre. The proportion of total energy centre demand for natural gas displaced through the use of biomethane fuel can be matched to meet the Council’s 20% renewable energy target and thereafter to reduce regulated carbon dioxide emissions to zero.

This is an innovative approach to meeting renewable energy requirements and to achieving zero carbon development that is supported in principle. The use of biomethane credits does however require caution as the Government is yet to officially recognise this as an allowable solution. It is however being considered and is already recognised by the Government as a renewable fuel and is accredited under the Green Gas Certification Scheme. Moreover the biomethane supply chain in the UK is developing and this includes proposals for production in Greater London.

The applicant has nevertheless been asked to provide an alternative scenario for renewable energy provision should the preferred approach not come to pass. In that case the first alternative would be the use of solar photovoltaics (PV). The energy strategy estimates that roof mounted (PV) could achieve a reduction in carbon dioxide emissions of 6% with any additional savings requiring the use of facade mounted PV. The second alternative would be the use of a biomass boiler alongside the gas CHP. This could achieve a reduction in carbon dioxide emissions of 11%. The energy strategy includes an indicative schematic for the energy centre and under this scenario and notes the allied implications for fuel delivery, storage and air quality.
It is understood that Council is currently discussing an alternative approach based on the provision of roof mounted PV as described above with the remainder of the renewable energy provision being provided by biomethane. This approach will be discussed and assessed in due course. The Council should liaise with the GLA and the applicant to draft suitable planning obligations regarding this final agreed approach for this element of the energy strategy.

### Climate change adaptation

The applicant has submitted a comprehensive sustainability strategy, drawing together related strategies and assessments on energy, transport, waste, health, and utilities and service infrastructure amongst others. The strategy demonstrates that the proposal would meet the requirements of London Plan Policy 5.3, the essential standards set out in the Sustainable Design and Construction SPG and the requirements of the London Plan climate change adaptation policies.

It is acknowledged that the relevant policies and guidance are likely to evolve over the lifetime of the development and this is appropriately recognised in the strategies. The successful implementation of this strategy, and the related strategies, at reserved matters stage over the lifetime of the proposed development relies on planning conditions and appropriate provisions in the section 106 agreement. The Council should duly ensure the implementation and ongoing operation and maintenance of all measures is secured through planning conditions and section 106 provisions as appropriate. The proposals are consistent with London Plan policies 5.3 and 5.9 – 5.15 subject to the relevant provision being agreed by GLA officers.

### Summary

The proposals have much to commend them in terms of their approach to climate change mitigation and adaptation. The Council and applicant should note the comments above and liaise with GLA officers regarding the planning conditions and obligations necessary to ensure the compliance of reserved matters applications with the outline energy strategy. The proposal is consistent with London Plan policies 5.2, 5.3, 5.5 – 5.8 and 5.9 – 5.15.

### Transport

The Southwark Core Strategy and Elephant & Castle SPD and OAPF identify the strategic transport interventions required to provide the necessary transport capacity to support growth. These include capacity improvements to the Northern Line Ticket Hall and pedestrian and cycle improvements to the Northern Roundabout. There is also a need to improve bus standing and increase bus service capacity and improve cycle infrastructure.

The Elephant & Castle SPD and OAPF establishes a strategic transport section 106 tariff for new development in the Opportunity Area. This will contribute some of the funding needed to deliver the strategic transport interventions identified, namely the capacity improvements to the Northern Line Ticket Hall and pedestrian and cycle improvements to the Northern Roundabout. The applicant will be expected to make contributions in accordance with this tariff and as identified elsewhere in this report, including improvements to bus provision and cycle infrastructure, in order to mitigate the impact of the proposals.

This tariff is not currently anticipated to raise the full cost of the improvement works identified. The funding package for the works has yet to be established and remains subject to discussion amongst the stakeholders.

TfL has been working closely with Southwark Council, the applicant and its agents during the development of the masterplan to ensure that the development would be acceptable in terms...
of strategic transport impacts. Many of the strategic issues raised at pre-application stage have been addressed. However, some strategic transport issues remain outstanding and these are discussed below.

**Highways and access**

226 The masterplan proposes a number of changes to the New Kent Road (A201), which is part of the Transport for London Route Network (TLRN) and the Walworth Road A215 which is part of the Strategic Route Network (SRN). TfL is the highway authority for the TLRN and has a duty under the Traffic Management Act 2004 to ensure expeditious movement of traffic on the TLRN and the SRN. Therefore any changes to the TLRN and some changes to the SRN also require detailed approval from TfL under that legislation. Any changes to the New Kent Road (A201) will require the applicant to enter into a section 278 agreement with TfL.

227 The applicant commissioned a VISSIM model to test the performance of the revised highway network with the development traffic and background growth from other developments in the Opportunity Area. This is currently being assessed by TfL and as such, conclusion on traffic impacts and proposed highway layouts cannot be drawn at this stage. It should be noted that the modelling does not include an assessment of the proposed improvements to the Northern Roundabout and that this will need to be provided.

228 TfL has recently completed a £3m scheme to improve the ‘Southern Roundabout’ in Elephant & Castle, providing at-grade pedestrian crossings and cycle facilities. A similar scheme has been identified in the Elephant & Castle SPD and OAPF for the Northern Roundabout, which still has sub-surface crossings on some arms. This scheme has an estimated cost of £10m (current prices). Funding has yet to be secured. The strategic transport section 106 tariff for new development in the Opportunity Area would contribute towards the funding of this project and the applicant will be expected to make contributions accordingly.

229 The proposals include the relocation of two existing signalised pedestrian crossings on New Kent Road and the installation of a new crossing on Walworth Road. A new signalised junction on Heygate Street is also proposed, incorporating pedestrian facilities. The relocation of the existing crossings will need to be considered in the context of existing and future pedestrian and cycle desire lines. For the new signals, full justification will need to be provided in line with Appendix L of TfL’s ‘Design Standards for Signal Schemes in London’. TfL has a presumption against new traffic signals unless there is sufficient justification as they can be contrary to London Plan Policy 6.11 and would expect the applicant to have explored other un-signalised options.

230 More detailed highway layout drawings for New Kent Road, Walworth Road, Heygate Street and Rodney Place will need to be provided at the appropriate time to allow TfL to comment fully on the proposals.

**London Underground**

231 The capacity for passenger movement between street level and platform at the Northern Line station at Elephant & Castle is severely restricted by the small size of the ticket hall and there being only two lifts and a spiral staircase to take passengers to and from the platforms. The essential requirement to increase ‘vertical’ capacity and expand the ticket hall at the Northern Line station to support growth in the Opportunity Area is accepted by all stakeholders and is assumed in the applicant’s Transport Assessment (TA).

232 The preferred option of the GLA, TfL and Southwark Council and that set out in the Elephant & Castle SPD and OAPF is to install escalators to provide the additional vertical capacity
required. The existing lifts would be retained to provide step-free access and works would also be required at platform level.

233 The cost of this option is £140m at current prices. Additional lifts could accommodate the Opportunity Area growth at a cost of around £95m at current prices. However these lifts would be operating close to capacity upon full build out of the Opportunity Area (c. 2025/30) with no scope to serve other development in the area or general growth in demand.

234 The Elephant & Castle SPD and OAPF establishes a strategic transport section 106 tariff for new development in the Opportunity Area to ensure this contributes towards the required transport capacity increases. The applicant has included a figure of £11.68m against this in the draft heads of terms for the section 106 agreement. The basis for the calculation of this figure needs to be verified as consistent with the Elephant & Castle SPD and OAPF by GLA and TfL officers, in discussion with the Council and applicant.

235 This tariff is not currently anticipated to raise the full cost of the improvement works identified. The funding package for the works has yet to be established and remains subject to discussion amongst the stakeholders. Given this, it is appropriate to control the phasing of the proposed development through the application of ‘Grampian’ conditions or equivalent provisions in the section 106 agreement. This approach is consistent with London Plan Policy 6.3 and the Southwark Core Strategy. The proposed phasing of the development, including appropriate thresholds or triggers in the development, will need to be discussed further with the Council and applicant prior to the application being determined in order to ensure that funding is secured in time to provide the necessary transport capacity to accommodate the trips generated by the development.

**Buses**

236 The TfL pre-application letter to the applicant highlighted the existing bus capacity issues in the Elephant & Castle area and the required mitigation to accommodate growth in the Opportunity Area, including new bus stands and driver facilities, and funding for bus service capacity enhancements. This is supported by London Plan Policy 6.7 and the Elephant & Castle SPD and OAPF at SPD 10 and SPD 26.

237 TfL disagrees with the methodology in the Transport Assessment which attributes bus trips almost evenly across the 28 bus routes in the area and evenly across the peak hours and disagrees with the assertion that there will be an ‘insignificant’ impact on bus services. Inevitably, some corridors will attract more trips than others and it is unlikely that demand will be evenly spread across peak hours. The Transport Assessment states that the masterplan area will produce 5000 AM peak bus trips, which is a significant demand on an already busy and, in places, at-capacity bus network.

238 TfL analysis has shown that additional peak bus services will be required in the Opportunity Area to ensure passengers are not left behind and/ or experience unacceptable wait times and this increase in frequency is supported by SPD 10. The provision of a two-bus stand (including a nearby driver toilet) should therefore be identified and delivered through the masterplan, as a condition of planning approval. This would allow the extension of a route into the site, thereby delivering the required capacity and also providing the benefit of new links to the masterplan area, in the most cost effective way possible. Funding will also be required to pump prime the extension of a route to the new stand and TfL will be seeking an appropriate contribution to this service provision within the section 106 agreement.

239 TfL strongly supports the retention of the westbound bus lane on Heygate Street, however further details on its proposed use for off-peak servicing are required. Any use of the bus lane for
servicing could be contrary to London Plan Policy 6.7 and local policy. Further discussion on this and the proposal to remove the southbound bus stop on Walworth Road will be required.

240 Real time information provision (for example at-bus stop and in-building countdown signs) and new bus shelters should be provided as part of the travel plan measures, in accordance with the travel information strategy. The new bus stops on Heygate Street should accord with TfL's Accessible Bus Stop Design Guidance (London Plan policy 6.7).

**Taxis and private hire**

241 TfL accept that it is currently expected that the number of taxi trips expected to be generated by the proposed development is low and therefore, it is not deemed necessary to provide a dedicated taxi rank within the proposed development. There is an undertaking that this will be reviewed throughout the evolution of the masterplan to determine if space is required. This should be secured as part of the travel plan monitoring regime.

**Parking**

242 The proposed level of car parking for the masterplan appears to be broadly in line with maximum London Plan standards in terms of numbers of spaces, however there is no breakdown by use-class in the Transport Assessment, which makes a firm conclusion difficult. A summary table should therefore be provided.

243 Borough car parking policy is for developments in Elephant & Castle to be car free (except blue badge and car club provision) as it is part of the central activity zone (CAZ) (SPD 12). This is supported by London Plan Policy 6.13 E b Therefore TfL would support the borough should they wish to require a lower level of parking. It is noted that 62 car parking spaces are proposed to be provided on street for public use. This is contrary to SPD Policy 27.

244 The provision of electric vehicle (EV) charging infrastructure and disabled parking to London Plan standards is welcomed. The undertaking in the TA to monitor and review parking, which could allow reduction of provision in future phases of the development, and the potential for leasing spaces as a mechanism of control, is strongly supported. Car club spaces, the number of which is not specified in the transport assessment, should be included in this review. The parking management strategy, which should also cover the approach to EV provision and monitoring of spaces should be agreed by the Council, in consultation with TfL, and secured as a condition of any planning permission and complemented by appropriate planning obligations as part of a comprehensive framework of control and delivery of parking as part of the development.

**Pedestrians and urban realm**

245 The Heygate masterplan offers a unique opportunity to improve an area of London that is currently significantly below the standard of pedestrian environment expected. To this end, the opening up of a number of north-south and east-west movements to accommodate pedestrian desire lines is strongly supported.

246 Any works proposed to be undertaken by the applicant on or adjacent to the TLRN may require a section 278 agreement to be entered into with TfL, or section 106 funding provided should TfL be requested to carry out the works. As such the details of any urban realm improvements, such as the removal and planting of street trees and the choice of materials, on or adjacent to the TLRN must be developed with, and approved by TfL. This should be a condition of any planning permission.
TfL considers that the masterplan area would greatly benefit from signage using Legible London principles from the outset, in line with London Plan Policy 6.10 and SPD 11. As such, funding should be secured within the section 106 agreement to allow for the provision of a Legible London signage scheme, or alternatively provided ‘in kind’ within each development phase. A travel information strategy which incorporates a way-finding strategy should be agreed with TfL and the Council prior to commencement and secured as a condition of planning permission.

Cycling and cycle routes

TfL has some concerns that the masterplan proposals do not provide the same permeability for cyclists as it does for pedestrians, particularly for those cyclists who are passing through the area, and that it does not fully address the requirements of SPD 26 (Figure 11). Importantly, in liaison with the Council, TfL have been considering potential improvements to the eastern side of the Elephant & Castle to provide an eastern cycle bypass route as part of Cycle Superhighway Route 6 (CS6), which is due to be completed by 2015. This is supported by SPD 26 which seeks to provide north-south routes which connect Meadow Row, on the north side of the New Kent Road, to Walworth Road.

Contrary to this policy, the masterplan makes no provision for CS6. The Transport Assessment states that the proposed development is designed to support leisure cyclists rather than being used as a cycling commuter route as this may discourage less confident cyclists and conflict with pedestrian movement. This is also contrary to London Plan Policy 6.9. TfL will meet with the applicant and Council to agree the provision for CS6, and expects appropriate funding or in kind delivery to be included in the section 106 agreement, and secured as a condition of planning approval.

The use of London Plan standards for cycle parking provision is supported, however cycle parking should be minimum provision, not a maximum as stated in the Transport Assessment. It is likely that cycle parking standards and use will change over time. It is therefore appropriate that cycle parking provision is monitored and reviewed as with car parking, as part of travel plan monitoring regime under appropriate planning conditions and section 106 obligations.

It is understood that one Cycle Hire Scheme (CHS) docking station is to be provided. The location and size of the docking station should be agreed with TfL and provision should be secured in the section 106 agreement.

National Rail

Elephant & Castle National Rail station lies immediately to the west of the site, and train services will benefit from the Thameslink upgrade programme being delivered by Network Rail. However, Elephant & Castle station itself will not be improved as part of these works, which is wrongly assumed in the Transport Assessment.

The Transport Assessment underplays the importance of the role that national rail could play in terms of public transport mode share, which is predicted to be only 6.5 per cent of daily trips. Elephant & Castle national rail station is directly adjacent to the site, at the end of a key east-west desire line though the masterplan area. A new interchange with Crossrail will be available at Farringdon from 2018 which will greatly enhance journey opportunities by rail from Elephant & Castle.

As such, the travel plan should contain more stretching targets for national rail mode share, supported by funding for measures to increase awareness and use of Elephant & Castle national rail station, such as improved signage and real time information at street level (as part of the travel information strategy). As it is their station, Network Rail should be involved in the development of
proposals. In the short term and until improvements can be made, such measures could assist in providing an alternative to the capacity constrained Northern Line station for some trips generated by the development.

**Travel plan**

255 Due to the phased nature of the masterplan, a robust travel plan with monitoring regime and stretching modal shift targets is essential and an agreed travel plan should be secured as a condition of planning approval and supported by appropriate section 106 obligations. TfL will review the submitted travel plan separately with a view to discussing and agreeing this with the applicant and Council.

**Deliveries, servicing and construction**

256 The information provided on servicing in the Transport Assessment, particularly the locations of, and arrangements for, on-street servicing, is not detailed enough to form a conclusion on its impact or acceptability at this stage. A delivery and service plan (DSP) should be agreed by the Council and TfL as a condition of any planning permission and supported by appropriate section 106 planning obligations, in line with London Plan Policy 6.3 and SPD 13. The key requirement is that servicing should take place off the TLRN and SRN and should not impact on pedestrians, cyclists and bus services.

257 The construction management plan (CMP) should also be required as a condition of planning approval and be enforceable under appropriate section 106 obligations. Any access or egress off the A201 or A215 will require agreement, in addition to any planning approvals, with TfL under the Traffic Management Act 2004. As such, early and ongoing dialogue with TfL is strongly recommended when developing the CMP.

**Mitigation**

258 Details of the mitigation package in relation to transport including, for context, the amount of Mayoral Community Infrastructure Levy (CIL) payable, should be discussed and agreed with TfL prior to determination of the application, to ensure that the issues raised in this report are satisfactorily addressed.

**Summary**

259 The applicant should address the outstanding matters above. At present the application does not comply with London Plan policies 6.2, 6.3, 6.7, 6.9, 6.10, 6.11 and 8.3.

**Local planning authority’s position**

260 This is yet to be determined.

**Legal considerations**

261 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the
purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor’s statement and comments.

Financial considerations

262 There are no financial considerations at this stage.

Conclusion

263 London Plan policies on land use, housing, open space and trees, children’s play space, urban design, inclusive access, equalities, noise, air quality, climate change mitigation and adaptation, and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Land use:** the proposed land uses are consistent with those anticipated by the London Plan, Southwark Core Strategy and the Elephant and Castle SPD and OAPF.
- **Housing:** the proposal is consistent with London Plan policies 3.4 and 3.5. The proposal is currently inconsistent with London Plan polices 3.8, 3.10, 3.11, 3.12 and 3.14.
- **Open space and trees:** the proposal is consistent with London Plan policies 7.18 and 7.21.
- **Children’s play space:** the proposal is inconsistent with London Plan Policy 3.6.
- **Urban design:** the proposed design has much to commend it, especially in terms of compliance with London Plan polices 7.1, 7.3 and 7.4 but would not comply with the London Plan policies 7.6, 7.7, 7.8, 7.9, 7.10. 7.11.
- **Inclusive access:** the proposal is consistent with London Plan Policy 7.2.
- **Equalities:** the proposal is considered at this stage to be consistent with London Plan Policy 3.1, subject to appropriate conditions and/ or obligations.
- **Noise and air quality:** the proposal is currently consistent with London Plan policies 7.14 and 7.15.
- **Climate change mitigation and adaptation:** The proposal is consistent with London Plan policies 5.2, 5.3, 5.5 - 5.8 and 5.9 - 5.15.
- **Transport:** the proposals are inconsistent with London Plan policies 6.2, 6.3, 6.7, 6.9, 6.10, 6.11, and 8.3.

264 On balance, the application does not comply with the London Plan.

265 The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- **Housing:** the applicant should, pending the outcome of the financial viability appraisal, discuss and agree the proposed approach to estate renewal and affordable housing provision with GLA officers towards compliance with London Plan polices 3.8, 3.10, 3.11, 3.12 and 3.14.
- **Children’s play space:** the applicant should agree an approach to ensuring that the appropriate quantum and type of play space would be included in each part of the scheme and in each phase, and demonstrate that the proposal would be consistent with the relevant policy and guidance.
• **Urban design:** the applicant should address the matters raised regarding the masterplan and impact on strategic views and demonstrate that the proposal would be consistent with all relevant policies and guidance.

• **Transport:** the applicant should address the detailed comments raised in discussion with TfL and Council officers and ensure that the proposals would be consistent with all relevant policies and guidance.

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