### Strategic planning application stage II referral (new powers)


### The proposal

The demolition of the existing office building and erection of a 41-storey mixed use building incorporating 335 flats, including 80 intermediate affordable flats, office and retail uses together with a separate 8 storey building incorporating office and retail uses, together with associated parking and servicing facilities within 2 basement levels, and public realm improvements.

### The applicant

The applicant is **Englewood Limited**, and the architect is **Allies and Morrison**.

### Strategic issues

Southwark Council has resolved to refuse permission for this application. The Mayor must consider whether the application warrants a direction to take over determination of the application under Article 7 of the Mayor of London Order 2008.

Having regard to the details of the application, the matters set out in the committee report and the Council’s draft decision notice, the development **has a significant impact on the implementation of the London Plan**, and there are **sound planning reasons for the Mayor to intervene** in this particular case and issue a direction under Article 7 of the Order 2008.

### The Council’s decision

In this instance Southwark Council has resolved to refuse permission.

### Recommendation

The application meets the policy tests under Article 7 of the Mayor of London Order 2008 and should therefore be taken over by the Mayor for his own determination.

### Context

1. On 10 March 2009, 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 and 1C 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… in Central London (other than the City of London) and with a total floorspace of more than 20,000 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”.

2 On 16 April 2009, the Mayor considered planning report PDU/1100a/01, and subsequently advised Southwark Council that the application did not comply with the London Plan, for the reasons set out in paragraph 104 of the above-mentioned report, but that the possible remedies set out in paragraph 106 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.

4 In this case the description of development has been amended since the consultation stage to reflect changes to the scheme including a reduction in the height of the tower and changes to the proposed land uses. The description of development proposed is:

Demolition of existing office building and erection of a 41 storey (128.7m AOD) mixed use building incorporating 255 private flats (16 x studio, 120 x 1-bed, 86 x 2-bed and 33 x 3-bed), 80 intermediate flats (23 x 1-bed, 50 x 2-bed and 7 x 3-bed), 4785sq.m of office/educational/health uses (Use Class B1) and 287sq.m retail use (Use Class A1-A5) together with a separate 8 storey (35.60m AOD) building incorporating office/educational (Use Class B1) and retail (Use Class A1-A5) uses, together with 34 disabled car parking spaces, 44 motorcycle spaces and 411 cycle spaces within 2 basement levels, plus associated servicing facilities (4626sqm) and public realm improvements including creation of a resident’s garden and linear park (458sq.m) and University Square (2768sq.m).

5 It is noted that the description of development refers to education and health uses as part of the proposed mix but only applies for Use Class B1 floorspace, specially office B1(a) floorspace. The reference to Use Class D1 (non-residential institutions) floorspace was removed prior to the most recent re-consultation. For the avoidance of doubt the proposal is not considered to include scope for Use Class D1 uses, including health and education uses.

6 On 11 October 2011, Southwark Council resolved to refuse planning permission for the application. This was against the advice of its officers, whose report to the Planning Committee recommended approval. On 18 November 2011 the Council advised the Mayor of this decision. 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, or 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 has until 1 December 2011 to notify the Council of his decision and to issue any direction.

7 As noted above, the Council resolved to refuse this application against the advice of its officers. The following reasons for refusal were subsequently drafted and included in the Council’s draft decision notice:
The proposed development would result in the unacceptable loss of business space contrary to strategic Policy 10 – Jobs and Businesses of the Southwark Core Strategy, Saved Policy 1.4 of the Southwark Plan.

The proposal fails to provide sufficient affordable housing and in particular any social rented housing to meet the local housing needs of the borough contrary to saved policy 4.4 of the Southwark plan and strategic policy 6 of the Southwark Core Strategy, and Policies 3.11 and 3.12 of the London Plan.

The proposal would fail to provide a satisfactory standard of amenity in terms of noise owing to the provision of openable windows which is likely to result in noise disturbance from the adjacent nightclub and potentially impact negatively on the operation of that business. The provision of sealed windows would be required to avoid this impact which itself would be contrary to the Council’s sustainable design and construction SPD and residential design standards SPD. As such the proposal is contrary to saved policy 4.2 Quality of Residential accommodation of the Southwark Plan.

The proposed development is not of sufficiently high quality design given the scale and prominence of the development and fails to provide a sufficiently high standard of living accommodation to justify the very high density and the height of the building. This results in a building which fails to meet internal space standards and provides insufficient family sized (i.e. two beds or larger) accommodation. As such the proposal fails to comply with saved policies 3.20, 4.1, 4.2, 4.3 of the Southwark Plan and the design standards as set out in policy 3.5 of the London Plan.

Since this application was referred to the Mayor at the consultation stage the Mayor has published the London Plan 2011, which became operative on 22 July 2011. The Council also adopted the Southwark Core Strategy (2011) on 6 April 2011 which operates together with the ‘saved’ policies of the Southwark Plan (2007). These are now the relevant documents for the purposes of the Statutory Development Plan.

The Council has recently prepared and endorsed for public consultation the Elephant and Castle Supplementary Planning Document (SPD). This is due to be consulted on between 27 December 2011 and 7 February 2012. Thereafter the Council anticipates adopting it in March 2012. This document sets out guidance for the Opportunity Area covering land use, urban design, public realm, transport, community infrastructure and planning obligations.

The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of this case.

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

**Article 7: Direction that the Mayor is to be the local planning authority**

Policy test guidance GOL Circular 1/2008

The initial policy test regarding the Mayor’s power to take over and determine applications referred under categories 1 and 2 of the schedule to the Order is a decision about who should have jurisdiction over the application rather than whether planning permission should ultimately be granted or refused.
The policy test consists of the following three parts, all of which must be met in order for the Mayor to take over the application, unless the application is referable under Category 1A of the Schedule of the Order 2008 in which case test (b) does not apply:

a) significant impact on the implementation of the London Plan;
b) significant effects on more than one borough; and
c) sound planning reasons for his intervention.

Parts (a) and (b) of the test identify the impact an application would have on the Mayor’s policies and the geographical extent of the impact, whilst part (c) deals with the reasons for the Mayor’s intervention, having regard to the Council’s draft decision on the application. In this instance part (b) of the test does not apply, as the application is referable under Category 1A of the Order. Therefore the policy tests to be met in this instance are:

a) significant impact on the implementation of the London Plan; and

c) sound planning reasons for his intervention.

These tests are intended to ensure that the Mayor can only intervene in the most important cases. This report considers the extent to which the policy tests under Article 7(1) are satisfied in this case and whether having considered and applied the policy tests set out under Article 7(3) of the Order 2008 the Mayor could direct that he is to be the local planning authority.

**Policy test 7(1) (a): Significant impact on the implementation of the London Plan**

There are significant impacts on the implementation of the London Plan for the reasons set out in the following paragraphs.

**Central Activity Zone (CAZ)**

The application site lies within the Central Activity Zone (CAZ) to which London Plan policies 2.10 – 2.12 apply. This designation covers the northern part of Southwark and part or all of the adjoining central London boroughs of Lambeth, Westminster, the City of London, and Tower Hamlets. London Plan Policy 2.10 identifies, among other policy considerations, that the Mayor will enhance and promote the unique international, national and Londonwide roles of the CAZ and bring forward and implement development frameworks for CAZ opportunity areas to benefit local communities as well as providing additional high quality strategic development capacity. Failure to develop sites within the CAZ along these lines could have a significant impact on the implementation of the above policy.

**Elephant and Castle Opportunity Area**

The site lies in the Elephant and Castle Opportunity Area. London Plan Policy 2.13 and Annex One 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. London Plan Policy 2.13 states that development proposals within Opportunity Areas should, among other things: (2.13Ba) support the strategic policy directions for the opportunity areas set out in Annex 1; (2.13Bb) seek to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and, where appropriate, contain a mix of uses; and (2.13Be) support wider regeneration (including in particular improvements to environmental...
quality) and integrate development proposals to the surrounding areas especially areas for regeneration.

19 The application proposes the development of a mix of land uses including 335 new homes, of which 80 would be intermediate affordable homes, 4,785 sq.m. (GEA) of office use (Use class B1) and 287 sq.m. (GEA) of retail use (Use Class A1-A5). The proposal would be consistent with the mix of uses envisaged for the area and contribute towards meeting the minimum guideline for new housing and indicative estimate of employment capacity for the Opportunity Area.

**Housing**

20 London Plan Policy 3.3 states that the Mayor will seek to ensure the housing need identified in paragraphs 3.17 and 3.18 is met, particularly through provision consistent with at least an annual average of 32,210 net additional homes across London. London Plan Policy 3.11 states that the Mayor will, and boroughs and other relevant agencies and partners should, seek to maximise affordable housing provision and ensure an average of at least 13,200 more affordable homes per year in London over the term of the Plan.

21 London Plan Policy 3.3 states that boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target in Table 3.1, which sets a target for Southwark of 2,005 homes. The Council’s current and past performance against development plan targets is considered below.

22 The proposal includes 335 new homes, including 80 intermediate affordable homes, which would make a significant contribution to these strategic targets.

**Employment and office floorspace**

23 London Plan Policy 4.2 states that the Mayor will support the management and mixed use development and redevelopment of office provision to improve London’s competitiveness. It states that the Mayor will recognise and address strategic as well as local differences in implementing this policy to, amongst other considerations, meet the distinct needs of the Central London office market. It also encourages renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility.

24 Table 4.1 anticipates demand for office based employment and floorspace in the Central Activities Zone and the north of the Isle of Dogs. This indicates that office based employment may grow by some 177,000 over the plan period and that this would give rise to demand for an additional 2.3 million sq.m. (net) or 2.7 - 3 million sq.m. (gross) office floorspace by 2031.

25 The proposal includes 4,785 sq.m. (GEA) or 4,488 sq.m. (GIA) of office use (Use Class B1). This would represent a net reduction in office floorspace on the site of 1,636 sq.m. (GIA) or 27% of the current office floorspace on the site which totals 6,124 sq.m. (GIA).

26 The applicant has advised that 2,541 sq.m. (GIA) or 41% of the building floorspace is currently used as office floorspace with the remainder having been vacant for over four years. The current occupier, London Southbank University, has advised that it does not intend to renew it’s lease when this expires in June 2012. The applicant has also submitted evidence in support of the proposal including a comparison of employment capacity and an appraisal of the office market in the locality. This suggests that the proposal would be capable of achieving a comparable or greater employment capacity to the existing building even if the latter were fully occupied. Moreover, it suggests that as a modern office building the proposal would be better suited to meeting current and future demand for such space in this part of the CAZ.
The proposal could therefore contribute to achieving the strategic policy outlined above, particularly in terms of renewing and modernising existing office stock as part of a mixed use scheme in a Central London location to improve its quality and flexibility.

**Tall buildings**

London Plan Policy 7.7 states that tall and large buildings should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations. It also states that tall and large buildings should generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport. The Southwark Core Strategy Vision for the Elephant and Castle Opportunity Area and Strategic Policy 12 state that there could be tall buildings on some sites in the core area where this helps stimulate regeneration and creates and distinctive place.

The application proposes the development of a well designed 41-storey building which sits in the northern part of the core area and would contribute to a planned cluster of tall buildings in the Elephant & Castle Opportunity Area.

**Strategic views and World Heritage Sites**

London Plan policies 7.11 and 7.12 and the Revised London View Management Framework SPG set the policy framework for the management of strategically important views. The Mayor has also published the Draft London View Management Framework SPG (2011) which has been subject to public consultation. London Plan Policy 7.10 sets out policy on development in the setting of World Heritage Sites.

The proposal would impact on the strategically designated views from Primrose Hill (4), Serpentine Bridge (23), Waterloo Bridge (15B) and Parliament Square (27B). Supplementary guidance on the latter is set out in the Draft London View Management Framework SPG. The proposal would also appear in the setting of the Palace of Westminster World Heritage Site.

**Transport**

London Plan Policy 6.1 states that the Mayor will work to encourage closer integration of transport and development by, among other things: (6.1Ac) supporting development that generates high levels of trips at locations with high public transport accessibility and/or capacity, either currently or via committed, funded improvements including, where appropriate, those provided by developers through the use of planning obligations; and (6.1Ad) improving interchange between different forms of transport, particularly around major rail and Underground stations, especially where this will enhance connectivity in outer London. Elephant and Castle is identified in Mayor’s Transport Strategy as a Strategic Interchange.

The proposal would adhere to this approach and contribute towards significant infrastructure enhancements of the Elephant & Castle transport interchange through bus and public realm improvements in the vicinity and financial contributions towards wider strategic transport improvements. It may also have the potential to offer further contributions of this nature. Given the strategic nature of the interchange this would have strategic benefits beyond the area and a significant impact on the implementation of the London Plan polices above.

**Policy test 7(1)(c): Sound planning reasons for intervening**

In addition to part (a) above, part (c) of the policy test is whether the Mayor considers there to be sound planning reasons to intervene. Having regard to the details of the proposal and the Council’s draft reasons for refusal, together with the outstanding issues identified by the Mayor in
his original comments which are examined in more detail paragraphs 60 to 72, there are sound planning reasons to take over this application.

35 London Plan Policy 2.13 sets out the Mayor’s policy on Opportunity Areas. London Plan paragraph 2.58 states that Opportunity Areas are the capital’s major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility. Annex One of the London Plan sets out the strategic policy direction for the Elephant and Castle Opportunity Area. This 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.”

36 The proposal would, in line with London Plan Policy 2.13, support the strategic policy direction for the Elephant and Castle Opportunity Area and contribute towards meeting the minimum guidelines for housing and indicative estimates for employment capacity.

37 The proposal includes significant investment in housing as part of a strategically acceptable mix of uses. The 335 new homes, including 80 intermediate affordable homes, proposed would make a significant contribution to the strategic targets for London and Southwark set out in London Plan policies 3.3 and 3.11. The proposal would also contribute to the provision of social infrastructure necessary to support planned growth in the area.

38 The office floorspace, though a reduction on that existing, would on the basis of the application material be capable of achieving a comparable or greater employment capacity to the existing building even if the latter were fully occupied. Moreover, it suggests that as a modern office building the proposal would be better suited to meeting current and future demand for such space in this part of the CAZ. This would support the realisation of the targets for the Opportunity Area by potentially maintaining the current level employment provision on the site whilst allowing intensification for other uses, notably housing. The renewal and modernisation of the office provision in the CAZ is supported by London Plan Policy 4.2.

39 The proposal includes bus and public realm improvements in the vicinity and financial contributions towards wider transport improvements of the Elephant and Castle Strategic Interchange. This interchange is one of London’s most comprehensive, connecting two London Underground lines (Northern and Bakerloo) and two major rail routes serving three London termini (Waterloo, London Bridge and Blackfriars), as well as being one of the busiest bus interchanges in London with a two-way flow of nearly 400 buses per hour through the northern roundabout.

40 The proposed measures would contribute towards the improved efficiency and attractiveness of the Elephant and Castle Strategic Interchange and the implementation of London Plan Policy 6.1.

41 The proposal would result in the physical transformation of the application site and immediate surroundings through environmental improvements, including the creation of a public space. These measures would, in line with London Plan Policy 2.13, support wider regeneration in the area, especially by integrating the development proposals with the neighbouring area for regeneration (London Plan Policy 2.14) to the west.
In summary, the proposal would support the strategic policy direction for the Elephant and Castle Opportunity Area, contribute towards meeting the minimum guidelines for housing and indicative estimates for employment capacity and support the implementation of other London Plan policies. Failure to develop such a proposal on this brownfield site would be prejudicial to the implementation of the London Plan. These constitute sound planning reasons for the Mayor’s intervention.

The Mayor has considered a number of proposals in the Elephant and Castle Opportunity Area, most recently at 89-93 Newington Causeway opposite the site (reference PDU/2270/03). In that case Southwark Council resolved to grant permission and the Mayor resolved that he was content to allow Southwark Council to determine the case itself. The proposal in question differs from that and other proposals considered by the Mayor in that in this instance there are sound planning reasons for the Mayor's intervention for the reasons set out above.

Matters the Mayor must take account of

Government Office for London Circular 1/2008, and paragraph 7(3)(b) of the Mayor of London Order 2008, indicates that the Mayor must take account of the Council’s current and past performance against development plan targets. In this instance, targets relating to housing delivery and office floorspace are relevant.

London Plan targets

The London Plan, which covers a twenty year plan period from 2011-2031, establishes the following.

Housing

London Plan Policy 3.3 states that the Mayor will seek to ensure the housing need identified in paragraphs 3.17 and 3.18 is met, particularly through provision consistent with at least an annual average of 32,210 net additional homes across London. London Plan Policy 3.3 states that boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target in Table 3.1, which sets a target for Southwark of 2,005 homes.

Affordable housing

London Plan Policy 3.11 states that the Mayor will, and boroughs and other relevant agencies and partners should, seek to maximise affordable housing provision and ensure an average of at least 13,200 more affordable homes per year in London over the term of the Plan.

Employment and office floorspace

The London Plan does not have specific targets for office floorspace, although broad employment and floorspace projections are set out in London Plan Table 4.1. These are not disaggregated by borough but Table 4.1 anticipates demand for office based employment and floorspace in the Central Activities Zone and the north of the Isle of Dogs.

This indicates that office based employment may grow by some 177,000 over the plan period and that this would give rise to demand for an additional 2.3 million sq.m. (net) or 2.7 - 3 million sq.m. (gross) office floorspace by 2031.
Elephant and Castle Opportunity Area

50 London Plan Policy 2.13 and Annex One 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.

Southwark Council targets

51 The Southwark Core Strategy, which covers a fifteen year plan period from 2011-2026, establishes the following.

Housing

52 Core Strategy Strategic Targets Policy 1 establishes a borough wide target of 24,450 net new homes over the plan period. Core Strategy Strategic Targets Policy 2 establishes a sub target for the Elephant and Castle Opportunity Area target of 4,000 net new homes over the plan period. This is also set out in the associated Vision for the area and in Core Strategy Strategic Policy 5.

Affordable housing

53 Core Strategy Strategic Policy 6 establishes a borough wide target of a minimum of 8,558 net affordable housing units. The policy also 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 also set out in the Vision for the area.

Employment and office floorspace

54 Core Strategy Strategic Targets Policy 1 establishes borough wide targets of 32,000 net new jobs and 425,000 - 530,000 sq.m. additional business floorspace over the plan period. Core Strategy Strategic Targets Policy 2 establishes a sub target for the Elephant and Castle Opportunity Area target of 5,000 net new jobs over the plan period. This is also set out in the associated Vision for the area. The Core Strategy also sets out a vision for the Central Activities Zone (CAZ) in the Borough which affirms that development here will support the continued success of London as a world-class city.

55 Core Strategy Strategic Policy 10 disaggregates the borough wide business floorspace targets of 425,000 – 530,000 sq.m. over the plan period. The majority of this is to be focussed in the Bankside, Borough and London Bridge Opportunity Area where the policy supports the provision of 400,000 - 500,000 sq.m. additional business floorspace over the plan period. The policy establishes a target of 25,000 – 30,000 sq.m. additional business floorspace for identified location elsewhere in the borough. The identified locations include the remainder of the CAZ outside of the Bankside, Borough and London Bridge Opportunity Area which would cover the application site.

Borough performance

56 The Council’s most recent Annual Monitoring Report cover the period from April 2009 to March 2010 and also includes figures for preceding years. During this period there were 1,445 net additional homes in the borough. This was 185 homes short of the Council’s annual monitoring target of 1,630. It is 560 homes short of the current borough target of 2,005 set out in the London Plan, which supersedes that in the Core Strategy. Over the previous five year period, from 2004/05 to 2008/09 there were 8,408 net additional homes, which equates to annual completion rate of 1,682 net additional homes.
In terms of affordable housing, of the 1,397 new self contained dwellings provided over the monitoring period 701 (gross) 693 (net) were affordable. These figures broadly equate to 50% of provision and are consistent with targets. Over the past three years on average 45% of gross new self contained dwellings were affordable.

In terms of office floorspace provision there was a net increase of 66,425 sq.m. of B1(a) office floorspace during the monitoring period, compared to 56,487 sq.m. and 2,606 sq.m. for the preceding two annual monitoring periods. This trajectory is sufficient to meet and exceed the target above.

Overall these figures show that Southwark Council has historically had a good record of bringing forward housing, affordable housing and office floorspace. It should, however, be noted that based on previous performance the Council would fall short of the current housing target in the London Plan, which exceeds and supersedes that in the Southwark Core Strategy.

Outstanding strategic planning issues

Notwithstanding the above, the applicant should have regard to the following matters considered below.

Housing

Affordable housing

At the consultation stage the affordable housing offer fell significantly short of policy targets and had not been justified by financial appraisal. It could not, therefore be confirmed that the proposed approach represented the maximum reasonable amount of affordable housing in accordance with London Plan Policy 3A.10, since superseded by London Plan Policy 3.12.

An independent financial appraisal was conducted in August 2009 and subsequently updated in August 2011 to ensure this remained current. This concluded that, having regard to the relevant policy considerations, the affordable housing proposed represented the maximum reasonable amount. Furthermore, in light of the current economic conditions, the Council also sought the inclusion of a review mechanism in the draft head of terms for the section 106 agreement set out in the Council officer’s report. This would ensure that the viability of the scheme would be reviewed on implementation and any uplift go towards additional affordable housing on site or by way of a financial contribution to off-site provision. This approach would be consistent with London Plan Policy 3.12 and was duly supported by GLA officers.

Other housing matters

As noted above the London Plan (2011) has been published since the consultation stage and, should the proposal be considered further, will form the basis of any assessment at the strategic level. London Plan Policy 3.5 and Table 3.3 promote design quality in new housing and set out a series of space standards to achieve this. The proposal pre-dates the publication of these standards and Council officer’s assessment highlights a number of areas where it would not comply, notably in relation to one-bed units and external amenity space. The Council officer’s report did however conclude that the standard of accommodation was generally considered to be high, in line with the expectations for a higher density scheme such as that proposed, and was in accordance with London Plan Policy 3.5 and the relevant local policies.
Climate change

Mitigation

64 At consultation stage, concerns were raised with various aspects of the energy strategy for the building. The applicant has responded to these and submitted an updated energy report. The additional information confirms the basis for the original carbon emission estimates and that the proposal would not need to rely on a district heating network to meet the Building Regulations in force at the time the planning application was made (Part L 2006). It should be noted in any future consideration of the scheme that building regulations have since been updated to Part L 2010 and that these constitute the point of reference for the relevant London Plan policies. The applicant has also confirmed that the carbon savings from the district heating network proposed at the time have now been recalculated using the Building Regulations compliance methodology.

65 The heat exchangers that would connect the development to a future district heating network would be large enough to supply the total building heat requirements, ensuring supply at times of peak heat demand. The applicant indicates that the small cooling requirements were intended to be met from the district energy system. However, the additional information confirms that in the event that these cannot be met by the district energy network, local air cooled chillers will be used.

66 It should be noted the nature of the district energy system in Elephant & Castle is less certain than at the consultation stage, given that the Council is no longer proposing to procure a Multi-Utility Service Company (MUSCO). It is, however, likely that a district energy network will be brought forward in the area in the medium to long term and proposals in the area are accordingly expected to be designed to be capable of connection to any future network and to facilitate its development where feasible. The proposal would meet these requirements.

67 The further information and updated energy assessment submitted satisfactorily addresses the concerns raised at the consultation stage.

Adaptation

68 At the consultation stage concerns were raise regarding the provision of electric car charging points, which is addressed in the transport section below, and measures relating to flood risk. In the case of the latter the applicant has submitted an addendum to the flood risk assessment which addresses all of the points raised. The consultation stage report recommended the use of conditions to secure the relevant measures and the applicant has agreed to this.

Transport

69 At consultation stage Transport for London (TfL) raised a number of issues, including trip generation methodology, assessment of development impacts, clarification on the phasing of proposed public realm works, impacts on bus services and infrastructure and the level of transport mitigation required.

70 During 2009 further detailed discussions were held with the applicant, it’s consultants and the Council, and additional detailed information was provided by the applicant in relation to all the points raised. At that time the majority of the outstanding issues were resolved to TfL’s satisfaction and the applicant agreed to the following transport related contributions:

- £136,000 towards bus service alterations related to bus service alterations associated with phase I public realm works;
£250,000 towards bus standing and stopping facilities associated with the delivery of phase II public realm works;

£134,462 towards strategic transport contribution as required by the Council’s planning obligation SPD; and

£100,000 towards the wider the Elephant and Castle transport solution.

Notwithstanding this should the proposal be considered further the following matters should be considered given changes to planning policy since that time:

- the appropriateness of the level of contribution towards strategic transport needs in the wider Elephant and Castle Opportunity Area needs to be reconsidered given the changes to the Southwark Core Strategy and potentially to reflect the Elephant & Castle SPD;

- the need to factor in an uplift in the level of the transport related contributions set out above to take account of price indexation since April 2009, in line with the approach taken by the applicant on the other ‘non-transport’ contributions;

- the need to secure a commitment from the applicant to maintain the operation of Cycle Super Highways Route 7 (CS7) which now runs through the site in line with London Plan Policy 6.9;

- the need and secure a contribution and land within the site to provide a Cycle Hire Docking Station in line with London Plan Policy 6.9; and

- the need for an agreement to provide electric vehicle charging points within the development in line with London Plan Policy 6.13.

Further discussion and agreement on these matters, and any further matters identified by TfL, will be required before the application can be considered to be consistent with the relevant London Plan policies.

Response to consultation

The representations received by Southwark Council and the Mayor are summarised below. The Council consulted neighbouring occupiers, statutory and non-statutory bodies on the original application and the subsequent amendments to this.

The objections raised by neighbours give grounds including: architecture; building height; urban design; potential as a terrorist target; inadequate quantum of intermediate and lack of social rented affordable housing; the flatted nature of proposed residential accommodation; density and overcrowding in the area; impact on public services; socio-economic impacts especially on children, young people and old people; failure to provide for local needs including community space and affordable business premises; impact of the proposed uses on the Ministry of Sound; failure to comply with planning policy or any integrated plan for the area; lack of amenity space, parks and insufficient trees in the vicinity; microclimatic impact; inadequate climate change mitigation measures; loss of sunlight, daylight and overshadowing to properties and surrounding spaces; loss of aspect; lack of parking and transport impacts; noise and air quality impacts; protracted disturbance during construction; merits of converting the current building to residential use; and doubts over the applicant’s ability to deliver the proposal.

The Ministry of Sound has raised and sustained objections to the proposal making representations to both the Council and the Mayor. It has also raised an online petition on its
website objecting to the proposal which it reports has having in excess of 26,000 signatories at the
time this was closed. The Mayor has also received direct correspondence in support of the Ministry
of Sound’s position.

76 The Ministry of Sound’s objections, though covering a broad range of planning policy
matters including many of those summarised above, centre on the inclusion of residential
accommodation in the proposal as a potentially sensitive receptor of noise emanating from its
premises on Gaunt Street, opposite the application site. The Ministry of Sound is concerned that
should its operations give rise to any noise disturbance of future residents then those residents
would have legitimate grounds for complaint to the Council which could in turn curtail or revoke its
entertainment license.

77 It should be noted that the site would, given its inner London location in close proximity to
a busy road and railway, experience high levels of background noise even without the effects of the
Ministry of Sound. This is confirmed by the acoustic assessment submitted with the application
which identifies that the site would fall into PPG24 Noise Emission Category (NEC) C during the day
and NEC D at night. The Ministry of Sound asserts that, based on the advice of its acoustician, its
nightclub would nevertheless be the focus of nuisance complaints from future residents because of
the nature of the noise emitted and inadequacy of the mitigation proposed.

78 The Ministry of Sound, which is acknowledged to be a global brand of notable cultural
importance, is long established in the area. In addition to the nightclub the premises are also used
as the head office for other elements of its business. The land surrounding the premises is at
present predominantly in commercial use though local planning policy envisages a greater mix of
land uses, including residential, will be introduced to this area as sites are redeveloped.

79 The applicant, the Ministry of Sound and the Council have each sought the assistance of
specialist acousticians and given extensive consideration to the potential for noise disturbance to
future residents of the proposal. There remains dispute over this issue. Council officers did,
however, following the most recent acoustic survey completed in July 2011 conclude that:

“... provided that sound insulation measures and alternative means of ventilation are
required by condition, the likely effects of MoS [Ministry of Sound] will have been
appropriately minimised and are not likely to give rise to unacceptable disturbance to
future occupiers. Future occupiers would have the ability to close their windows and
obtain a quiet internal environment with fresh air provided by means of alternative
mechanical ventilation. It is considered that the activities of MoS would not give rise to
unacceptable living conditions for future occupiers and that the relevant policy
standards are attained.”

80 This conclusion and the associated conditions identified in the Council officer’s report and
addendum have been reviewed by GLA acousticians and do not raise any concern, subject to these
conditions being enforced in any consent. As noted above the Council has, despite the findings of
its survey work and the advice of its officers cited concerns regarding this issue as one of the
reasons for refusal.

81 The letters of support raised by neighbours give grounds including: positive effect of
redevelopment and regeneration; provision of housing; new retail; new public space; the
sustainability of the buildings; the economic benefits including job creation; the architecture,
quality of design and suitability for a tall building; the poor quality and appearance of the current
building current building and need to replace this. The letters of support include one from London
Southbank University, which notes the benefits of the improved public realm, especially in terms of
enhancing this approach to the university and supporting public realm improvements in the
Enterprise Quarter.
The statutory and non-statutory consultee responses include an objection from English Heritage based on its view that the proposal would result in harm to the historic environment. This centres on the impact of the proposal on the setting of the Royal National Theatre (Grade II) from Waterloo Bridge and the setting of heritage assets in St Georges Circus and Walcot Square. It comments, however, that should other material considerations be judged to outweigh the harm to the historic environment it would wish to see planning obligations secured towards the improvement of listed terraces on London Road/Borough Road. A contribution to this effect was identified in the draft heads of terms set out in the Council officer’s report. The Council’s draft decision notice does not identify harm to the historic environment as a reason for refusal.

Royal Parks has raised reservations regarding the impact of the proposal on Hyde Park and St. James’ Park. Specifically, whilst welcoming the reduction in height of the building to that currently proposed, it has reservations regarding the impact on the sky space above the tree line in autumn and winter. The townscape impact of the proposal on these areas has been considered by officers and is not a cause for concern.

In summary the representations received by Southwark Council and the Mayor do not raise any material planning issues of strategic importance that have not been considered by the Mayor at the consultation stage and/or in this report.

**Legal considerations**

Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor 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. 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. The Mayor must also have regard to the guidance set out in GOL circular 1/2008 when deciding whether or not to issue a direction under Article 7.

**Financial considerations**

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**

Having regard to the details of the application, the matters set out in the committee report, and the Council’s draft decision notice, the development has a significant impact on the implementation of the London Plan and there are sound planning reasons for the Mayor to intervene in this particular case. The Mayor should therefore issue a direction under Article 7 of the Order 2008.
Dear Kristina,


Eileen House, 80-94 Newington Causeway, London, SE1 6EF
Local Planning Authority Reference: 09/ AP/ 0343

I refer to the copy of the above planning application, which was received from you on 10 March 2009. On 16 April 2009, the Mayor considered a report on this proposal, reference PDU/ 1100a/ 01. A copy of the report is attached, in full. This letter comprises the statement that the Mayor is required to provide under Article 4(2) of the Order.

The Mayor considers that the application does not comply with the London Plan, for the reasons set out in paragraph 104 of the above-mentioned report; but that the possible remedies set out in paragraph 106 of this report could address these deficiencies.

In addition, the Mayor raised concern at the impact on the strategic view from Serpentine Bridge. The Mayor requested that the proposed tower should sit below the tree line. The Mayor also requested this view be provided in winter.

The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The environmental information made available to date has been taken into consideration in formulating these comments.

If your Council subsequently resolves to make a draft decision on the application, it must consult the Mayor again under Article 5 of the Order and allow him fourteen days to decide whether to
allow the draft decision to proceed unchanged, or direct the Council under Article 6 to refuse the application, or 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. You should therefore send me a copy of any representations made in respect of the application, and a copy of any officer’s report, together with a statement of the decision your authority proposes to make, and (if it proposed to grant permission) a statement of any conditions the authority proposes to impose and a draft of any planning obligation it proposes to enter into and details of any proposed planning contribution.

Yours sincerely,

Giles Dolphin
Head of Planning Decisions

cc Val Shawcross, London Assembly Constituency Member
Nicky Gavron, Chair of London Assembly Planning and Housing Committee
John Pierce and Ian McNally, GOL
Colin Lovell, TfL
Helen Wood/Dean Williams, LDA
Chris Shaw, Shaw Corporation, 94 New Bond Street, London W1S 1LA
Eileen House, Elephant & Castle

in the London Borough of Southwark

planning application no. 09/AP/0343

Strategic planning application stage 1 referral (new powers)


The proposal

The demolition of the existing office building and erection of a 44-storey mixed use building incorporating 369 flats, office/educational/health and retail uses together with a separate 8 storey building incorporating office/educational and retail uses, together with associated parking and servicing facilities within 2 basement levels, and public realm improvements.

The applicant

The applicant is Englewood Limited, and the architect is Allies and Morrison.

Strategic issues

The proposal would support and enable the ongoing regeneration of the Elephant and Castle area and the land uses are broadly consistent with those envisioned for the area. The level of affordable housing provision requires independent verification given the significant losses being projected. The design is consistent with the London Plan design policies including those concerning strategic views and inclusive access. The proposal is inconsistent with the climate change adaptation and mitigation policies of the London Plan. Various aspects of the transport proposals are inconsistent with the London Plan but subject to further work and securing relevant clauses within the section 106 agreement these matters can be remedied.

Recommendation

That Southwark Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 104 of this report; but that the possible remedies set out in paragraph 106 of this report could address these deficiencies.

Context

On 10 March 2009, 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. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 20 April 2009 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for
The application is referable under Categories 1A, 1B and 1C 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... in Central London (other than the City of London) and with a total floorspace of more than 20,000 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”.

Once Southwark Council has resolved to determine the 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.

The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of this case.

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

**Site description**

The site is located at 80-94 Newington Causeway in the northern part of the Elephant and Castle area. The 0.63 hectare site is bounded by Newington Causeway, Gaunt Street and Southwark Bridge Road, through the application boundary extends beyond this triangle of land to encompass those parts of the surrounding streets where public realm improvements are proposed.

The site is currently occupied by Eileen House, an 8-storey office building dating from the 1960’s and currently partially occupied by London South Bank University. The site is surrounded by the Ministry of Sound nightclub to the north, London South Bank University accommodation to the west and south, and a homeless hostel to the southwest.

The closest Transport for London Road Network (TLRN) is the section of the A3 Newington Causeway to the south of the site between Southwark Bridge Road and the Elephant & Castle gyratory. The Elephant & Castle gyratory system and the roads leading off it are also part of the TLRN.

The site has a public transport accessibility level (PTAL) of 6 on a scale of 1 to 6, where 6 is most accessible. The site is within 150 metres of Elephant & Castle Underground stations, providing access to the Northern and Bakerloo lines. Jubilee line services and additional Bakerloo and Northern line services are also accessible within walking distance from Southwark, Borough, and Lambeth North Underground stations. National rail services are available within 400 metres from Elephant & Castle main line station. Numerous bus services run along the London Road and Newington Causeway corridors, with the nearest bus stops adjacent to the site on Newington
Details of the proposal

10 Full planning permission is sought for the demolition of the existing office building and erection of two new buildings:

- A 44-storey (137.5 metres AOD) mixed-use tower building incorporating 284 private flats (18 x studio, 140 x 1-bed, 90 x 2-bed and 36 x 3-bed), 85 intermediate flats (25x 1-bed, 52 x 2-bed and 8 x 3-bed) (Use Class C3), office and/or educational and/or health uses (Use Class B1/D1) and retail space (Use Class A1-A5).

- An 8-storey (35.60 metre AOD) building incorporating office and/or educational uses (Use Class B1/D1) and retail uses (Use Class A1-A5).

11 The buildings would provide a total of 4,764 square metres of office and/or educational and/or health uses (Use Class B1/D1) and 307 square metres of retail space (Use Class A1-A5). The buildings would share 34 car parking spaces, 44 motorcycle spaces and 429 cycle spaces within two basement levels, plus associated servicing facilities (4,626 square metres) and public realm improvements including creation of a resident’s garden and park and University Square.

Case history

12 A planning application for a part 11, part 18 and part 24-storey building to provide retail, restaurant and leisure uses at ground floor with 329 residential units on the upper floors was refused by Southwark Council in June 2005. The application was referred to the Mayor under the old Mayor of London Order 2000. At that time, the Council refused planning permission before the Mayor was able to consider the details of the case, therefore an officer report was not published regarding the scheme.

Strategic planning issues and relevant policies and guidance

13 The relevant issues and corresponding policies are as follows:

- Regeneration: London Plan; the Mayor’s Economic Development Strategy
- Land use: London Plan
- Housing: London Plan; PPS3; Housing SPG; Providing for Children and Young People’s Play and Informal Recreation SPG
- Affordable housing: London Plan; PPS3; Housing SPG
- Urban design: London Plan; PPS1
- Tall buildings & views: London Plan; View Management Framework SPG
- Access: London Plan; PPST; 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; Diversity and Equality in Planning: A good practice guide (ODPM)
- Climate change: London Plan; PPST, Planning and Climate Change Supplement to PPST; PPS3; PPG13; PPS22; the Mayor’s Energy Strategy; Sustainable Design and Construction SPG
- Transport & parking: London Plan; the Mayor’s Transport Strategy; PPG13;
14 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 July 2007 Southwark Plan and the London Plan (Consolidated with Alterations since 2004). The Elephant and Castle development framework supplementary planning guidance, adopted by Southwark Council and partially endorsed by the Greater London Authority, is also a material consideration.

Regeneration and land use

15 Elephant and Castle lies in the Central Activities Zone (Policy 2A.4, Policies 5G.1-5), the South East sub-region (Policies 5D.1-2) and is identified as an Opportunity (Area 2A.5) and Area for Regeneration (Policy 2A.7) in the London Plan. Table 5D.1 of the London Plan identifies that the Elephant and Castle opportunity area has an indicative employment capacity of 4,200 jobs and the potential to deliver a minimum of 6,000 homes (both these figures assume commensurate investment in transport capacity enhancements).

16 Elephant and Castle has been the subject of extensive master planning and regeneration work led by Southwark Council, which is ongoing. The Elephant and Castle development framework has been adopted by Southwark Council to guide this process and includes a physical master plan and policy guidance for the core area, a short way to the south of the application site. The immediate vicinity of the site and the area to the northwest have been identified in Council supplementary planning guidance as an enterprise quarter based around the University.

17 In this context, the proposal is welcomed and will facilitate the regeneration of the wider Elephant and Castle area, in line with the strategic policies cited above. The proposed mix of uses do not raise any strategic concerns and would be broadly consistent with the mix of land uses sought for area by local policy. The compliance of the proposals with housing and climate change mitigation and adaptation policies is discussed in the relevant sections below. In summary the proposal is consistent with the London Plan policies cited above.

Housing

18 London Plan Policy 3A.10 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. Policy 3A.9 states that such targets should be based on an assessment of regional and local housing need and a realistic assessment of supply, and should take account of the London Plan strategic target that 35% of housing should be social and 15% intermediate provision, and of the promotion of mixed and balanced communities. In addition, Policy 3A.10 encourages councils to have regard to the need to encourage rather than restrain residential development, and to the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

19 Policy 3A.10 is supported by paragraph 3.52, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The ‘Three Dragons’ housing viability toolkit is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified.

20 In line with the above policies Policy 4.4 of the Southwark UDP (2007) sets an overall affordable housing target of 50% of new dwellings with this comprising 35% social rented and 15% intermediate affordable housing. However, Policy 4.4 states that in the Elephant and Castle
Affordable housing

21  The proposal includes a total of 369 residential units (952 habitable rooms), comprising 284 private flats (714 habitable rooms) and 85 intermediate flats (238 habitable rooms), which represents 25% of units on a habitable rooms basis.

22  In line with the affordable housing policies above the proposal would be expected to provide 35% or 129 of these housing units as affordable of which 50% or 64 units should be social rented units and 50% or 64 units should be intermediate units.

23  The applicant has submitted a housing toolkit appraisal for the scheme to Southwark Council and to the GLA. This information suggests a residual value for the scheme that is below the stated existing use value of the site and therefore that the scheme cannot support any affordable housing, and indeed would not be viable.

24  The figures suggest, therefore, that the building is more profitable left in its current state and that redevelopment in the form proposed results in a significant loss to the applicant development partners involved. It is therefore unclear as to why the applicant wishes to pursue such an approach on the basis of such substantial losses. Given the level of affordable housing proposed falls significantly short of policy targets at strategic and local levels and in order to be satisfied that the applicant has provided robust financial analysis to substantiate the approach, GLA officers recommend an independent valuer test various aspects of the figures put forward by the applicant to ensure the housing offer is justified. The applicant has agreed in principle to accommodate this process.

25  At this stage therefore, and without independent advice on the merits of the viability work in this instance, GLA officers cannot be confident that the scheme offers the maximum reasonable amount of affordable housing. The proposals are therefore inconsistent with London Plan Policy 3A.10.

Housing density

26  London Plan Policy 3A.3 requires development proposals to achieve the maximum intensity of use compatible with the local context, the design principles of Policy 4B.1 and with public transport capacity. Table 3A.2 provides density guidelines in support of this. The proposed 952 habitable rooms (369 units) on the 0.63 hectare site would give a density of 1,511 habitable rooms per hectare. This is significantly higher than the density guidelines in Table 3A.2 which specifies a range of 650-1100 habitable rooms per hectare for highly accessible locations such as this.

27  A higher density may be considered acceptable in cases where there are other strategic benefits associated with the application or other policy guidance to support such an approach. The thrust of London Plan Policy 3A.3 is that the site should support the maximum intensity of use compatible with the local context, the design principles of Policy 4B.1 and with public transport capacity. Both the physical and policy context are, therefore, important. The site is within the CAZ, within an Opportunity Area and Area for Regeneration, where significant new homes and jobs will be delivered over the plan period.
Furthermore, the development framework conceives this part of Elephant and Castle as being more appropriate for smaller units and higher densities, therefore, subject to the proposal complying with other strategic policies, notably those on urban design and transport, the proposed density is acceptable in this instance.

**Housing choice**

London Plan Policy 3A.5 and the Housing Supplementary Planning Guidance (SPG) (2005) seeks a balanced mix of unit sizes in new developments with an overall London wide target of 32% one-bed, 38% two & three-bed and 30% four bed or larger units and a market housing specific target of 25% one-bed, 75% two and three-bed units. This may be subject to justified local variation owing to identified local housing needs.

The application proposes a unit mix of 50% studio/one-bed, 38% two-bed and 12% three-bed units. No four bed units are proposed. The skew towards one and two-bed units and low proportion of three-bed or larger units reflects the position of the scheme in the heart of Elephant and Castle. As previously noted, the development framework conceives this part of Elephant and Castle as being more appropriate for smaller units and higher densities with lower density family housing provided in more suitable locations to the east. The proposal therefore complies with the development framework in this regard and the unit size mix is therefore accepted.

The applicant has stated that all residential units will be designed to comply with Lifetime Homes standards and that ten percent of residential units are designed to be wheelchair accessible units and has provided evidence of this. The Council should enforce this by planning condition. The application is currently consistent with London Plan Policy 3A.5.

**Children’s play space**

Policy 3D .13 of the London Plan states that “the Mayor will and the boroughs should ensure developments that include housing make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.”

Using the methodology within the Mayor’s supplementary planning guidance ‘Providing for Children and Young People’s Play and Informal Recreation’ it is anticipated that there will be approximately 57 children in the development. This figure is expected to be divided as follows:

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-4 years</td>
<td>34</td>
</tr>
<tr>
<td>5-10 years</td>
<td>15</td>
</tr>
<tr>
<td>11-15 years</td>
<td>8</td>
</tr>
</tbody>
</table>

The guidance sets a benchmark of 10 square metres of useable child play space to be provided per child, with under-5 child play space provided on-site. Accordingly the development should make provision for 570 square metres of play space to be divided as follows:

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Area (sq.m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-4 years</td>
<td>340</td>
</tr>
<tr>
<td>5-10 years</td>
<td>150</td>
</tr>
<tr>
<td>11-15 years</td>
<td>80</td>
</tr>
</tbody>
</table>

The applicant appears to have underestimated the expected child occupancy levels within the design and access statement. Whilst this is the case provision has been made for on-site local playable space in the form of a new linear park a residential park and a new public square. The doorstep play for the under 5’s will be at the residential park, comprising approximately 458 sq.m.
The applicant has assessed other provision in the area and identified several play spaces within 400 and 800 metres. Furthermore the spatial development framework includes a large park immediately east of the site, which would significantly improve local provision. The application is therefore complaint with London Plan Policy 3D.13.

**Urban design**

Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within Chapter 4B which address both general design principles and specific design issues. London Plan Policy 4B.1 sets out a series of overarching design principles for development in London. Other design polices in this chapter and elsewhere in the London Plan include specific design requirements relating to maximising the potential of sites, the quality of new housing provision, tall and large-scale buildings, built heritage, views, and the Blue Ribbon Network. London Plan policies 4B.9 and 4B.10, which set out specific design requirements for tall and large-scale buildings, are applicable to the proposal.

The proposed design is founded on a robust analysis of the existing and emerging context of the site and the wider setting. The design concept uses the geometry of the site and the wider area to create a layout and built form that is both contextually responsive and engaging. The main tower building would be appropriately located on Newington Causeway and have a parallelogram plan with active commercial frontage on to Newington Causeway to the east and a residential entrance lobby to the west. The residential entrance lobby would front a new garden space, which allows for the retention of an existing mature tree to the south, and on the other side of this space a second building, triangular in plan, would fill the remainder of the plot. This building would have a retail use and office entrance to Southwark Bridge Road to the east. To the west it would successfully front the new garden space with windows to the retail use at ground floor with a seven storey green wall from first floor upwards.

The proposed ground floor plan (see figure 1) and form of the buildings above would successfully define the surrounding streets and create a new open space. It is also intended to form the basis of a wider public realm and landscaping improvement package that would integrate with enhancements to Keyworth Street to create a new square. The landscape and public realm aspects of this element of the proposal are supported in principle, subject to a satisfactory solution being found to problems that this would create for bus operation in the vicinity (see transport section below). The ground floor elevations to Gaunt Street are the least successful in terms of their relationship with the surrounding streets as these would accommodate the majority of the servicing access. This is largely the result of the constrained nature of the site and the design would, however, mitigate this by the position of entrances and access to the park along this frontage.

The green wall on the eastern elevation of the upper levels of the office building would create a pleasant environment for the new garden space and avoid any overlooking of the residential units on corresponding levels of the tower. These floors of the building would still receive ample natural light owing to the fully glazed elevations to Southwark Bridge Road and Gaunt Street.

The layout of the residential units in the main tower would maximise the number of dual aspect units and the majority would have generous, semi-enclosed private balconies. Those units without access to full balconies would have access to Juliet balconies and all units would have
All units would meet lifetime homes standards and ten percent would be capable of adaptation for occupation by wheelchair users. All units would also comply with Southwark Council’s residential design guide and meet or exceed the minimum unit floor areas therein which is welcomed. The position of the office/health uses in the lower floors of the tower building would raise the residential levels to the four storey and above which is positive in amenity terms given the busy environment at ground level.

Figure 1: Ground floor layout. Source: Design & Access Statement, February 2009.

The proposed form of the office building is a simple eight storey extrusion of the triangular plan form but would be all the more successful for its simplicity. The form of 44-storey tower is appropriately more complex. This would replicate the parallelogram plan up the majority of the building before symmetrically chamfering this on either side of the parallelogram to create two inclined triangle faces that rise to the peak of the tower.

The form of the building would be visually engaging and is an adept response to the geometry of the routes in the surrounding area, offering a dynamic form that would change with different perspectives. This approach is particularly appropriate to building of this scale and prominence. The acceptability of the proposed scale is supported by a range of microclimatic studies and a townscape assessment (discussed below).

The clear geometry of the building forms is echoed in the facade treatments, which would be regular in appearance and respond to the microclimatic context. The office building would be suitably commercial in appearance and, in addition to the green wall to the new garden space would be fully glazed above ground level with an overlaid frame of vertical metal louvres to the
Figure 2: Residential led mixed use tower. Source: Design & Access Statement, February 2009.
Figure 3: Office block. Source: Design & Access Statement, February 2009.

Figure 4: Base of the residential tower. Source: Design & Access Statement, February 2009.
Views

46 The application is supported by townscape assessment covering near, middle distances and far views to the proposal, including strategically designated views. In terms of those views that are not subject to strategic designations this assessment demonstrates that the impact of the scheme on near, middle distance and far views, including those affecting heritage assets, is acceptable in its own right and in its contribution to the cumulative impact of the emerging cluster of tall buildings at Elephant and Castle.

47 In terms of strategic views, the proposal would be visible in a number of strategic views from central London, most notably the panorama from Primrose Hill (Designated View 4) and the townscape view from Serpentine Bridge in Hyde Park towards the Palace of Westminster (Designated View 23). The impact on the former would be negligible as the building will sit low in the background of the view, to the right of the Euston Tower and behind the consented Doon Street Tower, in a section dominated by prominent tall buildings in the foreground, namely the Euston Tower, Centrepoint and the BT Tower.

48 Regarding the latter the London View Management Framework (July 2007) identifies one viewing place for this view (Designated View 23), that being the eastern footway of the bridge over the Serpentine Bridge, and one assessment point, that being 23A.1. The view from this assessment point is managed by Qualitative Visual Assessment as described in the London View Management Framework (July 2007).

49 In accordance with London Plan Policy 4B.18 a development proposal in the backdrop of this Designated View to the Palace of Westminster will only be acceptable when it can be demonstrated that it preserves or enhances the ability of the viewer to recognise and appreciate the strategically important landmark building. The London View Management Framework recognises that clusters of tall buildings may emerge within the Elephant and Castle Opportunity
The townscape assessment provides a visual assessment of the proposed development based on accurate visual representations of the building from the assessment point both with the naked eye and telephoto magnification. The upper edges of the proposed tower would just be visible in clear conditions behind the tree line and existing buildings on Whitehall, some way to the left of the strategic landmark. The proposed tower would be virtually indistinguishable to the naked eye owing to the length of the view to the landmark and the distance of over a kilometre to the proposal beyond. The existing buildings on Whitehall, which are of comparable viewing distance to that of the strategic landmark, are the most prominent element in part of the view and would further diminish the impact of the proposal on the view. On the basis of the material submitted the proposal would preserve the ability of the viewer to recognise and appreciate the Palace of Westminster and is therefore acceptable in this regard.

Summary

In summary the proposal is consistent with the design polices of the London Plan, notably 4B.1, 4B.9, 4B.10 and 4B.18.

Inclusive access

Policy 4B.5 of the London Plan expects all future development to meet the highest standard of accessibility and inclusion. 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 3A.5 of the London Plan requires all new housing to be built to ‘Lifetime Homes’ standards and 10% of all new housing to be designed to be wheelchair accessible or easily adaptable for such use in order to meet the full range of housing needs.

The design and access statement demonstrates that all parts of the proposal will comply with the relevant standards and that the principles of inclusive access have been considered in developing the design. The proposal would be consistent with London Plan Policy 4B.5.

Climate change – mitigation

The London Plan climate change policies as set out in chapter 4A collectively require developments to make the fullest contribution to the mitigation of and adaptation to climate change and to minimise carbon dioxide emissions (Policy 4A.1).

The Elephant and Castle is an Energy Action Area and is intended to act as exemplar showcase low carbon developments in London. Southwark Council is bringing forward a Multi-Utility Service Company (MUSCo) that will provide all district heating, cooling, borehole source ‘green’ water for non-potable uses, and telecommunications to new buildings in Elephant and Castle. In addition new buildings are also required to generate renewable energy onsite. This approach will offer substantial carbon dioxide emission savings over an individual site approach and is fully supported by London Plan Policy.

Be lean

The baseline emissions for the development have been calculated using building regulations approved modelling software and have been estimated to be 1,063 tonnes carbon dioxide per annum. The applicant has proposed a series of demand reduction measures that intend to reduce carbon dioxide emissions by 18% beyond the baseline emissions. Measures proposed
The use of building regulations approved software for the modelling of the carbon emissions is welcomed. The table of carbon emissions provided in the executive summary, however, requires some further clarification as set out below:

- Confirmation that carbon emissions from unregulated energy uses, i.e. appliances and equipment have been included.
- Baseline emissions should be representative of a scheme that is complaint with building regulations 2006.

The applicant has stated that some of the individual dwellings do not comply with building regulations unless the MUSCo carbon factors for the heat supplied are used. This approach requires further work. The applicant should demonstrate that the proposed energy efficiency measures (before the provision of the low carbon heat from the MUSCO) are enough to exceed compliance with building regulations. The applicant should revisit this matter by exploring whether the energy efficient design measures proposed for the dwellings could be enhanced to guarantee compliance with building regulations before considering the carbon savings arising from the low carbon heat supply from the Southwark MUSCO.

The applicant has stated that some of the individual dwellings do not comply with building regulations unless the MUSCo carbon factors for the heat supplied are used. This approach requires further work. The applicant should demonstrate that the proposed energy efficiency measures (before the provision of the low carbon heat from the MUSCO) are enough to exceed compliance with building regulations. The applicant should revisit this matter by exploring whether the energy efficient design measures proposed for the dwellings could be enhanced to guarantee compliance with building regulations before considering the carbon savings arising from the low carbon heat supply from the Southwark MUSCO.

Be clean

The heating requirements of the development will be provided via connection to the district-heating network that the Southwark MUSCo is implementing. As a result, Eileen house will be supplied with low carbon heat generated with an offsite combined heat and power plant.

The applicant has stated that the MUSCo operator has already expressed an interest in working with the design team to enable the MUSCo to be able to provide heat to Eileen house once this is built. Commitments will need to be built into the section 106 agreement.

In order to calculate the carbon emission savings arising from the MUSCo heat supply, the applicant has used the carbon intensity factors as provided by the scheme operator. Although using the carbon intensity of the heat delivered by the Southwark heat network as calculated by the scheme operator is useful and illustrative, this is not currently the official calculation methodology that is used for building regulations compliance purposes and for domestic buildings in particular. SAP 2005 methodology should be used instead.

Within this context, the applicant needs to recalculate the savings arising from the heat delivered with the Southwark heat network using the SAP 2005 calculation methodology for CHP fired community heating schemes.

In addition to the heat delivered by the MUSCo, gas boilers will be installed at the building level to supplement the heat supplied from the MUSCo for those times when heat from the MUSCo is not available.

The MUSCo pipes will enter the building through the basement where heat exchangers will be located. The heat will be transferred from the MUSCo to an intermediate plant room mid way up the building in order to control the high pressures, which result from high-rise constructions. As such the applicant will need to clarify that the capacity of heat exchangers installed at Eileen house would be sufficient to provide all the heating requirements of the proposed development even at peak times
The applicant intends to provide the cooling requirements of the commercial areas by taking cooling from the MUSCo. For the dwellings, no provision for active cooling has been envisaged. Clarification is required as to how cooling would be provided in the event the MUSCo is unable to deliver the anticipated cooling loads. Ground source cooling should be considered as part of this strategy.

Be green

The applicant has explored complementary renewable energy options in line with the Renewables Toolkit and concluded that the use of photovoltaic panels on the roof is the most practicable option. The analysis work undertaken suggests that the roof of the buildings could accommodate sufficient photovoltaic panels to displace around 7.7% of the estimated carbon dioxide emissions. In order to increase the overall percentage savings from renewables, ground source cooling needs to be further explored as part of the overall energy strategy, as identified above. This could provide further carbon savings towards the policy target of 20%.

Summary comments

The application is currently inconsistent with London Plan policies 4A.1, 4A.3, 4A.4, and 4A.7 and should be amended in line with the comments above. The implementation of all aspects of the energy strategy including all efficiency measures and targets when confirmed, connection to the MUSCo network and interim options, and the installation of the photovoltaic panels should be robustly secured within the section 106 agreement for the application.

Climate change - adaptation

The London Plan includes five principles in Policy 4A.9 to promote and support the most effective adaptation to climate change. These are to minimise overheating and contribution to heat island effects, minimise solar gain in summer, contributing to flood risk reductions, including applying sustainable drainage principles, minimising water use and protecting and enhancing green infrastructure. Specific policies cover overheating, living roofs and walls and water. The applicant has not submitted a sustainable design and construction statement as required by London Plan Policy 4A.3 but the environmental statement for the scheme does provide much of the information that would have other been included in this statement and has been assessed on this basis.

London Plan Policy 4A.10 addresses overheating in buildings and the heat island effect in London. The orientation of the blocks and use of photovoltaic panels as solar shading would manage solar heat gain and daylight whilst allowing ample sunlight to filter into the building and surrounding spaces. The residential park would incorporate new tree planting that would provide shade and cooling to the environs of the development.

London Plan Policy 4A.11 promotes the inclusion of living roofs and walls. The residential park faces onto the office building where a new green wall (south elevation to the office building) will be included, supported by the above policy. The Council should ensure that the implementation of the green wall is secured by planning condition.

The proposals lies within an area classified by the Environment Agency as Flood Zone 3 (high risk of flooding). The closest watercourse to the site is the River Thames approximately 1 kilometre to the north of the site. The site is not at risk from flooding from the River Thames under normal conditions as the flood defences along the river, in combination with the Thames Barrier, provide protection.
In order to satisfy the exceptions test, the flood risk assessment needs to demonstrate that the development would be safe under flood conditions. This should include consideration of the following:

- impact on services during a flood - e.g. electricity, lifts etc - these may require additional flood resilience measures.
- provision for flood warning, evacuation and pump for the two basement levels.

Basement units will be used for parking areas, storage and some plant areas. In the unlikely event of a breach of the defences and the site being inundated by floodwater, several measures are proposed to mitigate the potential impacts.

- Provision of a safe access to a refuge on the first floor accessed by internal stairs;
- Designated Flood Warden to ensure evacuation of basement levels in the event of a Flood Warning; and
- Provision of a pump to remove any floodwaters that inundate the basement levels.

These measures should be secured using a planning condition.

The site is currently 100% impermeable and this will be reduced under the proposals for development. The primary risk of flooding to the site is that from the surface water runoff and the associated impacts of climate change. London Plan Policy 4A.14 seeks to ensure that surface water run-off associated with a proposed development is managed as close to its source as possible, and sets out a hierarchy of preferred measures to achieve this.

An extensive network of sewers serves the site and the risk of flooding is designated as moderate. The proposed development will incorporate landscaping at ground level. The introduction of landscaped areas will reduce the volume of runoff generated at the site, when compared to existing conditions. However, the proposed extensive on-site basement means that these areas will not be hydraulically connected to the groundwater, and although they are still likely to reduce peak flows and provide some attenuation, they will require formal drainage.

Due to the extensive basement, it is not possible to implement the use of infiltration techniques, such as soakaways, as part of the drainage system. Therefore, the site will discharge to the combined sewers surrounding the site. The proposal should also include provision of surface water storage tanks. Given the heavily urbanised nature of the site, the provision of such appropriate sustainable techniques should be secured by planning condition in order to ensure that the surface water management is sustainable and in line with London Plan policy 4A.14.

Policy 4A.16 of the London Plan requires the Mayor and boroughs to have regard to the impact of proposals on water demand and existing capacity by minimising the use of treated water and maximising rainwater-harvesting opportunities. The applicant has provided limited details of measures to manage and make efficient use of water. The environmental statement confirms that it is assumed consumption of less than 105 litres per person per day will be met as a matter of good practice. This will need to be secured by planning condition. Furthermore the building should connect into the ‘green’ water system provided by the MUSCo, which would provide non-potable water for use in toilet flushing. This would greatly reduce demand for potable water and the associated carbon dioxide emissions.

The proposal does not incorporate any electric vehicle provision as required by the essential standard in the London Plan Sustainable Design and Construction SPG and is therefore contrary to London Plan Policy 4A.3 in this respect. The application should be amended to include two or more electric vehicle charging points and evidence of this submitted in order to be consistent with
Transport

80 This application has been subject to Transport for London’s formal pre-application advice process. Formal meetings were held on 5 March and 11 June 2008 followed by a series of meetings focusing largely on public realm and bus standing issues.

81 TfL has concerns in relation to the level of detail provided regarding trip generation associated with this development. Further information is required particularly in relation to the cumulative impact of this and other developments on transport services in the area. This will allow TfL to determine whether the proposal complies with London Plan policy 3C.2 Matching development to transport capacity.

82 As part of the original proposals the applicant was promoting a public realm scheme for the development, which removed all existing bus stands currently located on the southern section of Southwark Bridge Road and dispersing these north towards Borough Road. TfL objected to these proposals as such dispersal would result in increased bus journey times, decreased reliability as well as adding significantly to the running costs of these services. This therefore failed to comply with the ‘Land for Transport Functions’ Supplementary Planning Guidance or London Plan policies 3C.1 integrating transport and development, 3C.4 Land for Transport and 3C.20 Improving conditions for buses.

83 Following detailed discussions with the applicant, the Council and Design for London, an agreement has been reached whereby a public realm scheme and relocation of bus standing areas can be delivered over two phases. Phase one retains bus access through the southern section of Southwark Bridge Road and provides three less standing spaces than exist currently. Phase two removes all bus standing space from the southern section of Southwark Bridge Road and allows the full public realm scheme, including cycle access, to be delivered. This is subject to an alternative suitable location being identified and secured in the local Elephant and Castle area.

84 Clarity and agreement on the specific details concerning progression from Phase one to Phase two should be provided. As discussed and agreed with the developer and the Council and to ensure compliance with the relevant London Plan policies Phase two can only be implemented once an alternative standing location, which meets TfL’s operational and service requirements has been agreed and by both the council and TfL. TfL requires a condition and an appropriate clause within the section 106 (wording to be agreed) to secure this.

85 TfL also expects appropriate conditions to be agreed requiring the developer to gain the approval of both the Council and TfL in relation to the detailed design including materials of Phase one as well as a condition which ensures access and standing for bus services is maintained throughout the demolition and construction phases of the development.

86 The developer has agreed to fund costs associated with the bus service displacements required in relation to Phase one. TfL has calculated that extending the two bus routes to enable Phase one to be implemented will cost £13,600 per annum. These costs are only for the extra mileage. TfL requires funding for a maximum of 10 years or until a suitable alternative is delivered, whichever is the shortest period of time.

87 TfL welcomes the inclusion of bus driver facilities as part of the proposal; however the layout and design of these facilities need to be reconsidered. This is largely due to driver safety and security issues. London Buses can provide further guidance on this issue.
88   AutoTrack drawings of the manoeuvre for buses turning right from Southwark Bridge Road into the stand on Gaunt Street in Phase one should be provided.

89   The existing cycle route which runs adjacent to the site along Keyworth Street and Southwark Bridge Road is part of the London Cycle Network. As part of the Mayor’s Cycle Highway Programme this section of the London Cycle Network is included as part of the proposed ‘South Wimbledon to Bank or A24’ cycle highway. The cycle highway programme is a key Mayoral Priority and it is envisaged that this route will be one of the first to be delivered and could be completed by May 2010 at the earliest. The developer is therefore expected to work with TfL in terms of maintaining cycle access during construction as well as to in relation to the detailed design of both phase one and phase two. An appropriate planning condition needs to be agreed.

90   A total of 429 cycle parking spaces are proposed. In line with TfL guidelines 407 spaces provided in respect of the residential units and will be located on the second basement level; this is welcomed. However, the proposed cycle parking provision for the office/education and retail elements do not meet TfL’s standards. A minimum of 43 cycle parking spaces will be required for the office/education element and a minimum of 6 spaces for the retail use. In addition, the cycle parking proposed for these uses would be provided outdoors, which is unacceptable for long-stay users of the building. TfL will require cycle parking for these uses to be provided at the minimum level noted above and in secure, sheltered facilities. The provision of additional on-street cycle parking for visitors to the retail and office/educational element is welcomed.

91   Without provision of additional secure cycle parking for office/educational and retail staff and a firm commitment to work with TfL to accommodate the Mayor’s cycle highway proposals, the current cycle parking proposals are not compliant with London Plan policy 3C.22 Improving conditions for cycling.

92   No underground station capacity analysis has been undertaken by the applicant. TfL’s view is that when considered cumulatively and in relation to the wider development of the Elephant and Castle Opportunity Area the additional trips associated with this development will contribute to congestion issues particularly in relation to the Northern line ticket hall. Further analysis is required and commitment to mitigation measures if appropriate.

93   All proposed highway alterations should take account of the emerging master plan proposals for Elephant and Castle, particularly with regard to future bus provision and the Northern Roundabout. All highways works proposed as in relation to this development will require a separate Section 278 agreement with the relevant highway authority.

94   A total of 34 car parking spaces are proposed to be provided over two basement floors and although 26 of these spaces will be for disabled use all 34 spaces should be designed to meet the relevant disabled standards. Access to the car park is via a car lift from Gaunt Street, with a waiting bay provided at street level to ensure that queuing cars do not block back onto the street. TfL welcomes the restraint based approach to car parking provision; this is in line with London Plan policy 3C.23 Parking strategy. An appropriate condition should be attached to any planning permission which excludes all occupiers of the development from eligibility for on-street parking permits.

95   TfL welcomes the developer’s intention to prepare a servicing management plan/delivery Servicing Plan. This commitment should be extended to include a construction management/logistics plan; both will need to be secured by planning condition or section 106 agreement. All construction access routes and access details need to be approved by TfL prior to the commencement of any works. This will help to ensure compliance with London Plan Policies 3C.17 Tackling congestion and reducing traffic and 3C.25 Freight strategy.
The submission of a framework travel plan is noted, however a full travel plan needs to be submitted, in order to comply with London Plan Policy 3C.2 *Matching development to transport capacity*. TfL’s Smarter Travel Unit can provide further detailed comments on the travel plan. The travel plans should be TRAVL and iTRACE compliant and secured, enforced, monitored and reviewed as part of the section 106 agreement.

**Transport Contributions**

TfL and the GLA have been working with Southwark in relation to determining what additional public transport infrastructure will be required in order to enable and support the redevelopment of Elephant and Castle Opportunity Area, of which Eileen House forms a part.

In addition to the £13,600 per year for a maximum of ten years associated with Phase one public realm proposal and the displacement of bus services, a further contribution is sought towards wider transport improvements for Elephant and Castle including an improved bus standing facility which will be required to enable Phase two of the public realm master plan to be delivered as well as towards underground station improvements. It is TfL’s view that this should be part of the ‘Transport 2: Site Specific’ contribution as set out in Southwark Council’s SPD on Planning Obligations and separate to any other mitigation required by the council. TfL should be a party to the section 106 agreement.

Further discussion with the council and the applicant on the overall level of transport contributions and associated commercial viability is required.

**Summary**

A number of issues must be addressed before this application can be deemed fully compliant with London Plan policy. This includes trip generation, cumulative analysis, cycle parking, agreement in relation to the acceptability and wording of a number of planning conditions and/or section 106 clauses relating to Phase 1 and 2 of the public realm master plan and the Mayor’s cycle highway scheme. In addition an appropriate level of transport contribution must be identified and agreed with TfL and the Council; this must include a contribution towards transports improvements necessary to support growth in the wider Elephant and Castle Opportunity Area.

**Local planning authority’s position**

This is yet to be determined at the current time.

**Legal considerations**

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

There are no financial considerations at this stage.

Conclusion

London Plan policies on regeneration, land use, housing, children’s play space, urban design, inclusive access, 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:

- Regeneration and land use: the proposal is consistent with London Plan polices 2A.4, 2A.5, 2A.7, 3A.18, 3B.11, 5D.1-2 and 5G.1-5.
- Housing: the applicant has not demonstrated that the site would deliver the maximum reasonable amount of affordable housing and the proposal is therefore inconsistent with London Plan polices 3A.10.
- Children’s play space: the proposal is consistent with London Plan Policy 3D.13.
- Urban design and views: the proposal is consistent with the design requirements of 4B.1, 4B.9, 4B.10 and 4B.18.
- Inclusive access: the proposal is consistent with London Plan Policy 3A.5 and 4B.6
- Climate change mitigation: the application is inconsistent with London Plan polices 4A.1, 4A.3, 4A.4, and 4A.7.
- Climate change adaptation: the application is consistent with London Plan policies 4A.10, 4A.11, and 4A.16. The proposal is inconsistent with London Plan policies on drainage in particular 4A.12 and 4A.13 and 4A.14. The proposal does not include electric car changing points and is therefore inconsistent with London Plan Policy 4A.3.
- Transport: The application is consistent with London Plan policy 3C.23. The application is inconsistent with London Plan policies 3C.2, 3C.17, 3C.22 and 3C.25.

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

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 affordable housing offer falls significantly short of policy targets and the financial appraisal to support the approach requires further testing. The GLA wish to commission the review of various parts of the submission to ensure that the proposed approach represents the maximum reasonable amount of affordable housing in accordance with London Plan Policy 3A.10.
- Climate change mitigation: further work is required on all aspects of the energy strategy as set out in the main body of the report in order to meet with London Plan policy 4A.1.
- Climate change adaptation: the applicant should commit to the provision of electric car changing points in line with the London Plan Sustainable Design and Construction SPG and London Plan Policy 4A.3. Further work is also required regarding drainage and flooding to ensure consistency with London Plan policy 4A.12, 4A.13 and 4A.14.
- Transport: In order to ensure consistence with London Plan policies 3C.2, 3C.17, 3C.22 and 3C.25 the applicant must provided further details/information on trip generation cumulative impacts and capacity analysis, cycle parking and integration of the site with the