

Item No. 2	Classification OPEN	Decision Level PLANNING COMMITTEE	Date 21.3.06
From HEAD OF PLANNING AND TRANSPORT		Title of Report DEVELOPMENT CONTROL	
Proposal (05-AP-2502) The erection of a 43 storey (147 metres) building with retail, restaurant with takeaway use (Use Class A1/A3/A5) on the ground and first floor and 399 residential units above, and a four storey (17 metres) pavilion building with retail, restaurant or takeaway use (Use Class A1/A3/A5) on the ground floor and 9 residential units above, associated landscaping and public open space, with parking and servicing facilities to the rear and at basement level.		Address CASTLE HOUSE, 2-20 WALWORTH ROAD, LONDON, SE1 6SP Ward Newington	

PURPOSE

- 1 To consider the above application, which is for Planning Committee consideration due to the scale of the development and due to the number of objections received.

RECOMMENDATION

- 2 To grant planning permission subject to a legal agreement.

BACKGROUND

Site

- 3 The application site [0.3 hectares] is a highly prominent land holding fronting the northern end of Walworth Road and within an area identified by the Council and the GLA as an Opportunity Area, where very significant redevelopment and regeneration will occur. The site currently contains a 1960's six-storey building with commercial uses on the ground floor, including two nightclubs and two restaurants. The upper floors have been empty since the mid 1990's were used by the Southbank University. The building forms part of a group originally developed by the Greater London Council and subsequently sold and transferred upon its abolition. Most of the group now forms the council-owned Draper Estate.
- 4 The site is to the south of the southern roundabout of the Elephant and Castle. To the east of the site is a railway viaduct under which are arches in use for various commercial activities. To the west of the site is Draper House, a 75

metre high residential tower with various commercial uses on the ground floor. The site encompasses Wollaston Close, an access road that leads onto Hampton Street. To the east of Wollaston Close is a two-storey building with garages on the ground floor and a day care centre on the first floor. On the western side of the road is a six storey residential block named Wollaston Close. The area to the rear of Castle House contains a complex local network of routes, access rights, level changes, parking and servicing. In combination, these factors have created an environment that does not tend to encourage general public use and movement, particularly during hours of darkness when the area is perceived to be unsafe.

- 5 The site encompasses Wollaston Close, an access road which leads onto Hampton Street. To the east of Wollaston Close is a two-storey building with garages on the ground floor and a day care centre on the first floor. On the western side of the road is a six storey residential block named Wollaston Close.

Planning History

- 6 Planning permission was granted on 3 June 2003, subject to a legal agreement, for the redevelopment of the site comprising the erection of a building to be used as a doctor's surgery, retail & restaurant purposes with 20 upper floors containing 124 residential flats (a mixture of 1,2 and 3 bedrooms) with 41 car parking spaces (ref 01AP0648). The application had been developed from two earlier versions both of which had been withdrawn prior to Planning Committee consideration (Refs. 00AP0842 and 01AP0647). The consent was not implemented and, as the committee will note, predated by 8 months the adoption of the London Plan and the Elephant and Castle Supplementary Planning Guidance (SPG), which together set an area-wide context for planning policy and decision-making in this location.
- 7 The legal agreement for the 2003 consent was limited to £40,000.00 towards environmental improvements to the surrounding area (including works to the paved areas and playground area to Draper House) and the provision on site of 31 affordable housing units. The agreement also provided for the operation of a car club for residents.

Proposal

- 8 Planning permission is sought for the demolition of the existing building and the erection of a 43-storey tower on the site, together with a four-storey 'pavilion' building and associated landscaping and public realm works.
- 9 The proposed tower is 147m high and would be set to the north east of the site. It would contain parking and car club facilities in the basement, commercial uses and servicing facilities on the ground floor, commercial uses on the first floor and 41 storeys of residential accommodation above. In the roof space, 3 wind turbines with a diameter of 9 metres each will generate electricity.
- 10 The pavilion building would be sited to the west of the tower, between it and Draper House. It is proposed to contain retail units on the ground floor, three storeys of residential accommodation and one storey of plant room above.

- 11 The proposal would create 36,610 square metres of floor space, with 33,523 sq m of residential accommodation, 668 sq m of retail, restaurant and takeaway (A1/A3/A5) use and 2,419 sq m of ancillary servicing. The residential component would be made up of 408 residential units, with a mix of 40 studio flats, 200 one-bed flats, 148 two-bed flats and 20 three-bed flats.
- 12 The tower footprint takes a rounded triangular form, with the front of the building facing almost directly north. The architectural approach to the tower has been to form a glazed core which is over-layered on the west and east faces by lapped skins of differently coloured zinc cladding. This allows the zinc to be 'cut out' to form window and balcony openings in a manner that avoids the inflexible, horizontal banding that characterizes most office towers. Overall a ratio of 50:50 solid to glass is achieved.
- 13 The south face of the tower is predominantly glazed creating open views from the residential accommodation and making maximum use of southern daylight. The pavilion building has essentially the same architectural language as the main building, carrying the lines of the tower through to the ground and providing active frontage, which is designed to encourage public use of the reorganized open space in front of the group of buildings.

FACTORS FOR CONSIDERATION

Main Issues

- 14 The main issues in this case are:
 - Relation to the Elephant and Castle masterplan
 - The height, scale and general design of the proposal
 - Density
 - The impact of the development on neighbouring residential occupiers
 - Affordable housing provision
 - Dwelling mix and quality of accommodation
 - Transport related issues
 - Sustainability and Renewable Energy

Planning Policy

Southwark Unitary Development Plan 1995 [UDP]:

- 15 Policy R.2.1 Regeneration Area
Policy R. 2.2 Planning Agreements
Policy E.1.1 Safety and Security of the Environment
Policy E.2.1 Layout and Building Line
Policy E.2.2 Heights of Buildings
Policy E.2.3 Aesthetic Control
Policy E.2.4 Access and Facilities For People With Disabilities
Policy E.2.5 External Space
Policy E.3.1 Protection of Amenity
Policy E.3.2 Environmental Assessment
Policy E.5.1 Sites of Archaeological importance
Policy H.1.4 Affordable housing

Policy H.1.5 Dwelling Mix of New Housing
Policy H.1.7 Density of new residential Development
Policy H.1.8 Standards for new Housing
Policy B.1 Employment Protection
Policy B.2.1 Employment area and Sites
Policy S2 Retail Outlets and Street Markets
Policy S.2.1 New Retail Outlets Under 2000m²
Policy S.3.3 Shopfront Design
Policy T1 Location and Design of New Developments
Policy T.1.2 Location of Development in relation to the Transport Network
Policy T.6.2 Off Street Parking
Policy T.6.3 Parking Space in New Development

Adopted Supplementary Planning Guidance, Elephant and Castle Development Framework dated 19 February 2004 – The Elephant and Castle is an Opportunity Area within the Central Activities Zone and is identified as having the capacity to accommodate significant growth in new homes and jobs. The London Plan states that the Elephant & Castle “is generally suitable for tall buildings” [para 5.36 Page 235].

London Plan Adopted February 2004

Planning Policy Statement 1 (PPS1) 'Creating Sustainable Communities'

Planning Policy Guidance note 3 (PPG 3) 'Housing'

The Southwark Plan [Revised Draft] February 2005

- 16 Policy 1.2 Opportunity Area and Local Areas:
Policy 1.5 Mixed Use Developments
Policy 1.8 Location of retail Provision and Other Town Centre Uses
Policy 2.5 Planning Obligations
Policy 3.1 Environmental Effects
Policy 3.2 Protection of Amenity
Policy 3.3 Sustainability Appraisal
Policy 3.4 Energy Efficient
Policy 3.5 Renewable energy
Policy 3.7 Waste reduction
Policy 3.9 Water
Policy 3.10 Efficient Use of Land
Policy 3.11 Quality in Design
Policy 3.12 Design Statements
Policy 3.13 Urban Design
Policy 3.14 Designing Out Crime
Policy 3.18 Setting of Listed Buildings and Conservation Areas
Policy 3.19 Archaeology
Policy 3.20 Tall Buildings
Policy 3.21 Strategic Views
Policy 3.22 Important Local Views
Policy 3.27 Other Open Space
Policy 4.1 Density of Residential Development
Policy 4.2 Quality of Residential Accommodation
Policy 4.3 Mix of dwellings

Policy 4.4 Affordable Housing
Policy 4.5 Wheelchair Affordable Housing
Policy 5.1 Locating Development
Policy 5.2 Transport Improvements
Policy 5.3 Walking and Cycling
Policy 5.4 Public Transport facilities
Policy 5.6 Car Parking

Consultations

17 Site Notice:
12/01/06 (8 notices put up)

Press Notice:
15/12/05

- Neighbour Consultees:
- 18 A total of approximately 3900 local addresses have been written to, and the consultation period was extended due to the Christmas period and the nature of the proposal. A full list of consultees is on the file, a summary of which is given below. Within a distance of 200 metres, all addresses have been consulted, but in some instances addresses as far as 300 metres away from the development site were consulted if it was thought that there would be a specific impact on the property. In addition, the developer has held a public consultation exhibition on 19, 20 and 21 January 2006, in which the development was showcased.
- 19 In summary, the following properties were consulted:
- All addresses within the Elephant and Castle Shopping Centre
 - All properties within the Draper Estate
 - All properties within the Newington Estate
 - All properties in Peacock Street and Peacock Yard
 - All properties in Crampton Street north of Amelia Street
 - Crampton Primary School
 - All properties on Hampton Street and Howell Walk
 - All properties on Robert Dashwood
 - All properties on Marlborough Close and Steedman Street
 - All properties between the railway line, Amelia Street and the Walworth Road
 - All properties on the eastern side of Walworth Road north of Browning Street
 - All properties within the Heygate Estate
 - All properties between New Kent Road, Meadow Row, Rockingham Street and Newington Causeway (including all flats of the Metro Central Heights)
 - All properties between Ontario Street and the Newington Causeway
 - Southbank University
 - Metropolitan Tabernacle
 - London College of Printing
 - All properties on Princess Street
 - All properties within Perronet House

- All properties on the east side of Gaywood Street
- All properties on Oswin Street
- All properties east of Elliot's Row
- All properties on Churchyard Row (Including the London Park Hotel)
- All properties on Dante's Row

20 Statutory and External Consultees:
 London Borough of Lambeth
 City of Westminster
 Corporation of London
 Greater London Authority (GLA)
 Government Office for London (GOL)
 Transport for London (TfL)
 English Heritage
 Environment Agency
 English Nature
 Thames Water
 Network Rail
 BBC
 BAA
 Commission for Architecture and the Built Environment (CABE)
 Metropolitan Police

21 Internal Consultees
 Elephant and Castle Development Team
 Traffic Group
 Conservation and Design
 Archaeological Officer
 Housing Department
 Building Control
 Pollution Control
 Waste Management

Replies from:

Neighbour Consultees

22 Draper Tenants and Residents Association: Support for the application, as long as a condition is imposed on the permission to the effect that none of the commercial premises in the development be allowed to obtain extended opening hours to sell alcohol beyond 12am.

23 Cllr.T.Eckersley: Has raised an objection as a local resident to the application. Broadly, on the grounds that the development would not be in accordance with the provisions of the UDP, and would be detrimental to local residential amenity by virtue of its size and bulk, of inadequacy of local facilities and infrastructure for the inhabitants of the proposed 399 residential units when taken with the needs of existing residents of the locality and with the needs of residents of developments already completed or under development or awaiting consent in the locality, and of inadequacy of parking provision (whether within development or on-street) having regard to the development pressures referred to above.

24 69, 93, 95, 96, 118, 119 Draper House, 8, 10 Howell Walk, 154 Brook Drive, 147 Eagles Yard, 46, 208 Ashenden (Deacon Way), 53 Cuddington House (Deacon Way), 7 Princess Street, 57 Wesley Close, 210 Metro Central Heights, Unit 3 Farrell Court, 39 Smeaton Court, 18 Peacock Street, 17, 52 Hayles Building (Elliot's Row), 39 Winchester Close, 33, 37d Oswin Street, 165 Kingshill (Brandon Street), 28 Thornton House (Townend Street) (26 letters):
Objections raised to the scheme for the following reasons:

- The development represents an over-development of the site, and would result in densities that would be too high for the area.
- The proposal will cause traffic and parking problems, resulting in increased congestion and high levels of parking stress in the vicinity.
- The servicing access from Hampton Street is not sufficient for the new building.
- The proposal would create extreme local winds between Draper House and Castle House.
- The building would create noise pollution, especially with the introduction of any drinking establishments or restaurants.
- The introduction of drinking establishments, restaurants or take-away facilities would lead to increased crime, litter, vermin, vandalism and general antisocial behaviour in the area.
- The development would have a detrimental impact on local residents, particularly of Draper House. The development would block out day and sunlight, as well as views, especially to the east facing flats.
- The proposal would cause light pollution and result in a loss of privacy.
- The building itself is too close to the railway line and future residents will suffer from vibration.
- An insufficient Environmental Impact Assessment has been carried out, especially with regards to the environmental impact of the wind turbines.
- The development is premature as the Council's 'Tall Buildings SPG' and Southwark Plan have so far not been adopted.
- The development would not fit within the Elephant and Castle Masterplan.
- Objections have been raised about the tenure of the flats, as few existing residents could be able to afford the new flats, and insufficient affordable housing is proposed.
- The development would result in the loss of existing small businesses.
- The building is too high and not in keeping with the prevailing heights and styles of the surrounding buildings. As such, the building would fail to blend in with its surroundings.
- The existing Castle House provides a vital part of the Draper Estate, and the new building would destroy the architectural composition.
- Further concerns are raised to building noise and a lowering of property values of neighbouring properties. However these are not material planning considerations.
- Further complaints have been made about poor consultation. It is however considered that the consultation exercise for this development went well above and beyond the statutory requirements, as described above.

25

24 Draper House, 13 Peacock Street, 48 Marlborough Close, 72 Metro Central

Heights, 85 Albert Barnes House (New Kent Road), 1 Oswin Street, 46 Claydon (Deacon Way), 11 Newington Causeway, 63 St George's Road, (10 letters):

Support for the application, for the following reasons:

- It would improve the quality of the neighbourhood, and would upgrade the whole area.
- Would make the area safer.
- The building is distinctive and would add to the prestige of the area.
- The building would create new housing and facilities.
- The proposal would put the area on the map in a good way.

26

Key Property Investments: Wishes that the applicant contributes to the necessary infrastructure, facilities and regeneration of the Elephant and Castle Regeneration Area.

27

Margaret Fisher, Manager of Castle Day Centre: Concerns raised about the environmental impacts the building works will have.

External Consultees

28

London Borough of Lambeth: Does not wish to raise objections

29

Corporation of London: The proposal will not have a detrimental impact on the City of London

30

City of Westminster: No comment

31

Greater London Authority: That Southwark Council be advised that the proposal is acceptable in principle as a high density, mixed-use scheme accords with the Mayor's sustainability objectives and the aims of Southwark's Development Framework for Elephant & Castle but aspects of the design need further work.

31a

The site is located within the Elephant & Castle Opportunity Area and is also in an Area for Regeneration and the principle of the development is welcomed. A landmark, tall building in this location is consistent with both the Mayor's regeneration and sustainability objectives and Southwark Council's Development Framework Supplementary Planning Guidance. However, as this development will set the benchmark for future redevelopment in Elephant & Castle it is vital to ensure that the scheme delivers high quality architecture and a significantly enhanced public realm.

31b

Whilst the overall design concept for the building is supported, there is some concern that the building appears somewhat cluttered and overly fussy. Further attention should be given to simplifying the facades of the building and Southwark Council should pay particular attention to the quality of the materials used to ensure the design concept is effectively delivered. The ground floor layout fails to maximise opportunities to create a highly legible and safe pedestrian environment around the buildings. The southern 'service yard' would benefit from higher levels of ground floor activity and options should be explored to achieve this. In particular, the relocation of the main entrance

- foyer should be examined as this would enhance surveillance and would also enhance the relationship between the two buildings.
- 31c The scheme delivers positively against the Mayor's Energy policies and the integration of wind turbines into the form of the building is welcomed as a means of delivering renewable energy for the development.
- 31d Southwark Council should ensure that conditions are imposed to ensure an appropriate acoustic environment is achieved for residents and further information sought in relation to the potential vibration impacts of the wind turbines on the upper level apartments.
- 31e The proposal does not currently meet the Mayor's policies regarding inclusive design. Further information should be submitted to demonstrate that 100% of the residential units are designed to meet 'Lifetime Homes' standards and that 10% of all units are wheelchair accessible.
- 31f The development is unlikely to have a significant impact upon local air quality, however insufficient information is provided to support this conclusion and therefore a supplementary assessment should be submitted to cover the issues raised in this report. This supplementary assessment should also provide further information on the construction phase, heating plant and odour impact. Southwark Council should also ensure that the construction phase mitigation measures proposed by the applicant are implemented through imposition of planning conditions.
- 31g TfL wishes to see S.106 contributions made towards the proposed streetscape enhancements adjacent to the new street layout. As part of the environmental improvements, the developer should also consider committing funding to improvements to the external appearance of the railway viaduct adjacent to the site. The developer should assess bus stops in the vicinity to determine whether improvements are required to bring them up to full London Bus Initiative (LBI) accessibility standards. Contributions should be made, if necessary, towards achieving this. TfL also expects the production of a travel plan secured via the S.106 agreement.
- 32 Government Office for London: No comments made
- 33 Transport for London: The proposed amount of cycle parking, car-parking and disabled car-parking is considered to be acceptable. TfL would like to see contributions from the developer towards the streetscape improvements around the southern roundabout of the Elephant and Castle, as well as a contribution towards the external appearance of the railway viaduct. A contribution towards a bus stop in front of the development is requested, as well as a contribution towards public transport in general. TfL expects a Green Travel Plan to be submitted.
- 34 English Heritage: Recognises that the development is within guidelines of the Elephant and Castle Development Framework and that the 'visual intrusion is not great'. However there will be some impact on local views, notably Trinity Church Square, West Square and St Georges Circus. Also, EH urges the Council to take into account the visual impact upon the view from the

Serpentine Bridge, a key view identified in the Mayor's 'London View Protection Framework'.

35 Environment Agency: The site is located within Flood Zone 3, which is the 'high risk zone', as there is a higher than 1% floodrisk in any given year. As such, an objection is raised due to a lack of a Flood Risk Assessment. This objection can be withdrawn if a Flood Risk Assessment is submitted.

36 English Nature: The proposal does not seem to have any significant implications for the conservation of biodiversity or geology. As such, English Nature does not wish to make comments.

37 Thames Water: Insufficient information is provided to assess this application. It is requested to attach a condition to the permission for full details including water flow rates to be submitted to the local planning authority.

38 Commission for Architecture and the Built Environment (CABE): Overall, the proposal is an appropriate proposition. However, it is felt that some changes are necessary to raise the quality of the scheme. There are 3 main concerns; the pavilion building, the position of the tower and the overall landscaping proposal. The pavilion building divides the larger space unsuccessfully, and does not sit comfortably with Draper House, as it does not relate to Draper or Castle House. CABE feels that this element should be rethought or possibly removed altogether.

39 The orientation of the tower would be more appropriate if it was towards the neighbouring buildings. With regards to the landscaping, the Commission urges the Council to ensure that a clear coordinated, deliverable landscape strategy is put in place, as the current drawings do not make clear what sort of place is being created. With regards to the architectural language, it is considered that this has not yet come together as a successful whole, especially at the base and the top of the building.

40 CABE fully supports the principle of the proposed wind turbines, but warns the Local Authority that it should convince itself that the proposals are realistic, and reckons that a 'Plan B' would be desirable were the turbines too onerous.

41 Metropolitan Police: Good lighting is required through Wollaston Close and the Castle Day Care Centre. An upgrade for lighting in Hampton Street would be appropriate.

42 BBC: No comments received

43 BAA: No comments received.

44 Westminster Society: The scheme would not have a direct impact on any of the strategic London views. However, the Westminster Society has grave reservations about the additional height created by the wind turbines.

Internal Consultees

45 Elephant and Castle Development Team: Support for the application. The Elephant and Castle team welcome this scheme which is a well designed

and high quality residential development that will add momentum to the regeneration of the area. The site is within the secondary cluster area where tall buildings are considered appropriate and it has been sited in such a way as to minimise its impacts on adjoining properties. This is a well-considered building and the Elephant and Castle team consider that it meets the test set for the assessment of tall buildings in the framework. The architect has used the treatment of the faces of the building to create dramatic views from important local vistas such as St Mary's Churchyard, Newington Causeway and Walworth Road. The treatment of the top of the building incorporates a stepping back of the façade and the incorporation of the wind turbines to create a dramatic and highly recognisable building form that achieves one of the Council's plan objectives which is to create landmark buildings as signifiers of the Elephant and Castle on the London skyline. The turbines are of course not merely decorative but have a function which is directly related to the Elephant's status as an energy action area and to the achievement of the zero carbon growth which is a key objective of the framework.

46 The base of the building comprises commercial space with the potential to generate activity that can spill out into the public realm around the base of the building and generate footfall in an area, which will form an important link to the main shopping and leisure zone when the redevelopment is complete. The position of the pavilion building at the east side of Draper House helps to break up the public realm into smaller zones [which have the potential with careful design to generate their own character and identity] and establishes a new public route to connect the frontage with the housing to the south. In addition the pavilion helps to establish a relationship with the enlarged area of public realm to the west [which will be created through the early moves works] in a way, which is consistent with the Elephant & Castle open spaces masterplan

47 The environmental testing that accompanies the application suggests that the area will with careful design and tree planting be conducive to sitting out. It is important that the detailed landscaping treatment of the area is carefully considered and designed to ensure that a high quality public realm is produced that dovetails with the early moves programme outlined above. Appropriate conditions should be attached to the consent to ensure that the Council can continue to have control over these important aspects of the scheme.

48 In relation to energy the scheme has the potential to contribute to the planned area wide Multi Utility Services Company by generating and contributing to the distribution of heat power and cooling and by connecting into the proposed data infrastructure that will commence installation during the course of construction of Castle House. There should be obligations to work with the Council's energy and services team to secure an optimised working arrangement with the area programme.

49 The negotiation of the draft section 106 agreement for this site has been based on an extremely detailed appraisal of the project which has been undertaken by the Council officers and includes full scheme costings.

50 Castle House represents the first of the central towers that will create the Elephant and Castle tall buildings cluster. The infrastructure requirements in the immediate vicinity of Castle relate primarily to junction alteration,

accommodation of bus movements, landscaping and improvements to pedestrian movement. With the removal of the southern roundabout already in programme the total value available to s106 commitment has been allocated largely in favour of on site provision of affordable housing. With the early housing sites [see SPG Land Use section 3 P38-39] likely to provide most of the affordable family housing needs Castle House is particularly suited to the needs of existing leaseholders who wish to remain as owner occupiers in the area and to smaller households wishing to make the switch into low cost home ownership.

- 51 The public realm works which are provided for in the draft s106 agreement will allow the Elephant & Castle open-space masterplan to begin to be implemented through a very large initial funding in public realm works which will compliment the programme of investment secured from the LDA/TfL for the removal of the southern roundabout and upgrading of St Mary's Churchyard.

Traffic Group: Comments incorporated in the main body of the report.

- 52 Conservation and Design: comments incorporated in main body of report

Archeological Officer: Although the proposed development site is close to an archaeological priority zone, as designated in the UDP the existing structure is likely to have significantly truncated any archaeological deposits that may have been present. Additionally, the above application does not propose a significantly larger footprint than the existing structure's footprint. With this in mind, the proposal is unlikely to have any significant archaeological deposits, features of structures.

Pollution Control: No comments.

Arboriculturalist: 6 trees will be removed as part of this proposal (2x Lime, 3x London Plane, 1x Alder). In order to mitigate the loss caused by the removal of such prominent trees, 10 replacement trees of a mix of species should be planted the next planting season following the completion of the building works.

PLANNING CONSIDERATIONS

Strategic Policy Compliance

- 53 The London Plan and Council strategy is for a high density, high quality, mixed use town centre at the Elephant and Castle that will address demonstrable local, sub- regional and London wide needs for new homes, an enhanced public transport interchange, employment and retail floorspace and other social benefits. The opportunities to achieve these objectives in a sustainable and responsible fashion arise from the location's high levels of public transport accessibility allied with its recognized status as a southern gateway to Central London.
- 54 The London Plan establishes the need for regional growth in new homes and employment. The overall spatial strategy for development in London identifies further development in the Central Activities Zone (Policy 5B.2), London South

Central and associated Opportunity Areas (Policy 2A.2) as one means by which this new requirement for homes and employment can be accommodated. The Key Diagram and Proposals map in the emerging Southwark Plan identify the Elephant and Castle as an Opportunity Area within the Central Activities Zone and as an area of mixed use with a strong retail character.

- 55 The London Plan sets general policy directions to be followed in the Elephant and Castle Opportunity Area and states as follows:
'The planning framework for the area around the Elephant and Castle should draw on its good public transport accessibility, closeness to the Central Activities Zone and relatively affordable land. This could be a suitable location to meet some of London's longer-term needs for extra office space and is generally suitable for tall buildings. Large – scale car based retail development should not be encouraged. The framework should seek a significant increase in housing and integrated with a more efficient transport interchange' London Plan page 235, paragraph 5.36.
- 56 The 1995 Southwark Unitary Development Plan policy 2.1 identified the Elephant and Castle as being within the 'Central Area of Community Need within the Central London Boundary' and designated a regeneration area where investment would be welcomed and public/private partnerships encouraged. The plan stated that planning permission would normally be granted for proposals that generate employment, improve the environment, meet the needs of local residents, and bring back into beneficial use vacant land or buildings. The purpose of the plan strategy in objective R2 was to promote and steer private sector investment into areas, which displayed both a concentration of need and possessed opportunities for renewal.
- 57 Section 8.2 of the emerging Southwark Plan provides a Borough context and objectives for the Elephant and Castle Opportunity Area, which have been given detailed physical expression in the SPG adopted in February 2004. The vision for the Elephant and Castle is set out as:
- 58 'A vibrant, thriving and successful mixed use metropolitan town centre, accessible from a highly integrated public transport system establishing a place where people will want to live, to work and to visit for shopping and leisure.'
- 59 12 key objectives are contained within part 1 of the emerging plan. Relevant objectives are:
- To remove the barriers to employment and improve access to jobs and training opportunities;
 - To create the conditions for wealth creation to succeed and increase the number and range of employment opportunities available to the borough;
 - To improve the range and quality of services available in the Borough and ensure that they are easily accessible;
 - To reduce poverty, alleviate concentrations of deprivation and increase opportunities;
 - To ensure that developments improve local areas and address London's needs through planning agreements; to improve amenity and

environmental quality;

- To promote the efficient use of land, high quality development and mixed uses;
- To provide more high quality housing of all kinds, particularly affordable housing;
- To increase ease of movement by alternative modes of transport to the private car and to reduce congestion in and around Southwark by promoting the development of infrastructure for an efficient public transport, cycling and walking system
- To reduce congestion and pollution within Southwark by minimizing the need to travel through increased densities at transport nodes and by high quality public transport accessibility.

60 A comprehensive approach is needed to achieve the identified housing, employment, open space and retail floorspace objectives. To accommodate the range of uses a large core site (43P on the emerging Southwark Plan proposals map) has been allocated as a redevelopment area with the capacity to accommodate not fewer than 4,200 new homes, up to 75,000 sq.m of retail, leisure and complimentary town centre uses, a minimum of 50, 000 sq.m of B1 space, and a range of D use class facilities. Transport is the key to unlocking the Elephant and Castle's regeneration potential. The Elephant and Castle Opportunity Area has been designated as a Transport Development Area in the emerging Southwark Plan (policy 5.5). The policy requires development at the Elephant and Castle to:

- Maximise the efficient use of land around major transport sites; and
- Strengthen and enhance links to existing public transport nodes; and
- Strengthen and enhance walking and cycling infrastructure; and
- Improve the legibility of the public transport network; and
- Be of exemplary design quality.

61 A development framework for the Elephant and Castle was adopted as Supplementary Planning Guidance in February 2004 following extensive consultation. This contained a detailed set of plans and proposals for the area providing further guidance to the London Plan and adopted and emerging Southwark Unitary Development Plans. The physical proposal at the heart of the Elephant and Castle is further detailed in a masterplan setting out the creation of a major new town centre served by improved public transport and pedestrian movement and supported by the extension of the Walworth Road through to a major civic space where the northern roundabout sits today.

62 The application site is located within the Central Activities Zone, London South Central, The Elephant and Castle Opportunity Area, a Transport Development Area and it is allocated within site 43P in the emerging Southwark Unitary Development Plan. The proposals are consistent with these requirements of the London Plan and adopted and emerging Southwark plans set out above. The proposed development will make a significant contribution to the regeneration of the Elephant and Castle Opportunity Area. It will provide a high density, high quality mixed-use scheme making a significant contribution to the provision of housing and providing secondary retail/restaurant uses in site 43P in a sustainable and responsible fashion. This scheme would make an important contribution to the regeneration of the Elephant and Castle Opportunity area providing housing and environmental improvements in

accordance with the policy objectives.

Elephant and Castle Development Framework Compliance

- 63 The application site is one of a handful of sites being brought forward through the planning process in advance of the development partner selection process for the wider Elephant and Castle regeneration. The application site is located within Site 43P as defined in second deposit Southwark Plan. This is the area identified for major redevelopment including not fewer than 4,200 new homes, up to 75,000m of retail and leisure floor space and not less than 50,000 sq.m of commercial business space.
- 64 The plan also anticipates investment in roads and other transport infrastructure and major upgrades in the quality of the public realm as a setting for a new mixed use urban centre. The Elephant and Castle is designated as a Transport Development Area and the strength of its connectivity and access have supported its designation for a high density development based on very low levels of car parking.
- 65 The Elephant and Castle SPG was approved in February 2004 and includes a physical development framework providing more detail as to how the new Southwark plan policies may be implemented.

The framework envisages this site to be a predominantly residential or live/work units building, with active uses on the ground floor. The framework states that Castle House is in the secondary tall building cluster zone, an area suitable for tall/landmark buildings which will complement and reinforce the central area and hence core cluster.

The height, scale and general design of the proposal

- 66 This site is extremely important in terms of its strategic role in securing the successful regeneration of the Elephant and Castle. It will set the standard for other developments which follow. It is therefore important that early schemes set a design, architectural and environmental standard that is consistent with the overall objectives of the full body of planning policy documents.
- 67 This building is considered to be of an appropriate architectural quality and will be on 147 metres high residential building with active uses on the ground/first floor, and as such the proposed development would fit well into this framework. It lies outside the Strategic View Corridors and Background Consultation Areas as defined by RPG3A. It is also outside the proposed viewing corridors contained in the draft London View Management Framework Supplementary Planning Guidance.
- 68 This site has a number of constraints, which include the service yard (which occupies 60% of the site and has to be maintained), the rights of light envelope, the daylight and sunlight envelope for Draper House, overlooking and the need to maintain a gap between the building and the viaduct. These constraints have played a major role in determining the position and shape of the building on this site.

In terms of uses, the building would be commercial at ground floor level with residential above. In urban design terms this would enliven the street scene and is therefore welcomed.

Main building

- 69 The northern edge of the building fronts the Walworth Road and is positioned 4.5 metres from the edge of the pavement. This would have an imposing impact on the street. The architects have tried to lessen the impact by peeling the façade back in layers, and the distance between the entrance of the building and the pavement is 6.7 metres. Revealing the glazed retail unit at ground floor level introduces a satisfactory human scale and should help mitigate the impact of the building at street level.
- 70 The architects have made a considerable effort to 'slim down' the tower by layering it at ground floor level as well as at the upper levels. The three dimensional images and sections demonstrate that the façade would have considerable interest. The quality of detailing and the use of materials will be critical to the success of this proposal and it would be right for the Council to resist any attempt to 'dumb down' the scheme if planning permission is granted. Conditions are recommended to prevent this.
- 71 Architecturally, the detailing of the building varies according to its orientation. The solid form of the cladding has been pared back to reveal successive layers beneath. The south façade composition includes coloured mullions that give a sense of individuality to the flats. The position of the windows is subtly shifted with each unit. This will give the building a varied three-dimensional form and will create significant interest. A prototype should be produced and inspected by the Local Planning Authority before work starts on site.
- 72 The roof-cleaning cradle will be 'parked' in an enclosed garage at roof level. This is acceptable but a condition is proposed requiring any equipment to be stored within the envelope of the roof as it would be highly obtrusive otherwise.

Pavilion Building

- 73 It is considered that the siting of the pavilion building forms a satisfactory relationship with Castle House with the convex configuration of both buildings creating an interesting tension. The pavilion successfully defines the edge of the open space and contains uses that will provide vibrant activity in the public realm.

Public Realm

- 74 The proposal has the ability, through an accompanying programme of high quality landscaping, to provide a good civic enrichment, and some initial design work has been done. However, a full landscaping scheme is necessary, comprising of drawings of the entire site at a scale of 1:50, and should be fully annotated to include all materials, and details of the proposed planting, lighting, floodlighting, paving, bollards, seating and security cameras. A condition requiring this is proposed.

Views

- 75 The building would be seen from a considerable distance given its height, but

as the site is a significant distance from local listed buildings and conservation areas, the impact would not cause harm to interests of acknowledged importance. The view from the Serpentine Bridge, in Hyde Park would remain unaffected as the site is just outside the proposed viewing corridor as contained in the Draft London View Management Framework.

The impact of the development on neighbouring residential occupiers

- 76 The main impact on neighbouring amenities will be to the residents of Draper House. The building has been designed and is positioned to meet the Rights of Light envelope of Draper House. Furthermore, a daylight / sunlight study has been carried out, which concluded that BRE guidelines for day and sunlight are met for most properties, apart from some of the lower units in Draper House. There will be some impact on daylight levels to some units in Draper House, and no impact on sunlight levels received to any neighbouring properties. Since the BRE guidelines are intended as guidance, it is virtually impossible to meet the standards for all windows within an urban context. The main tower is a minimum of 15 metres away from Draper House, and the shape of the proposal minimizes the impact on Draper House. The distance between the residential faces of the towers is about 23 metres.
- 77 The proposal has been designed to minimize overlooking into Draper House from the new development and protect the amenities of the future occupiers. This, together with the distances achieved between the buildings, would ensure that the proposal would not lead to any significant overlooking.
- 78 Neighbours and local residents have objected to a drinking establishment (A4 use class) in the commercial units on the ground floor, on grounds of possible noise nuisance and antisocial behaviour. There are a number of nightclubs in the vicinity that create disturbance to neighbouring residents. This issue has been discussed with the applicants, and the proposal has now been amended to exclude the possible provision of drinking establishments in the commercial units. A condition will be placed on any permission to restrict opening hours of the commercial units.

Affordable housing provision

- 79 The development would provide almost 30% affordable housing, by habitable rooms. Of these, 25.2% of the habitable rooms would be provided on site, which comprises 98 of the total 408 units. In terms of tenure split, 78 of these units would be provided as shared ownership, and the other 20 units would provide retained equity housing for the benefit of decanting Heygate Estate leaseholders.
- 80 A further 4.5% would be provided by means of a financial contribution of £1.3 million towards the provision of affordable housing elsewhere in the Masterplan area. The total affordable housing provision through the scheme is therefore slightly below the 35% normally required under the emerging Southwark Plan. This is considered to be the maximum level of affordable housing which could be achieved whilst retaining the economic viability of the development. This conclusion was reached following a thorough valuation of the scheme. Any increase in the affordable housing provision, or the inclusion of a greater number of social rented units, could only be achieved through the omission of infrastructure works or other measures of local benefit from the proposed S106

agreement. These works are vital to mitigate the impacts of the development, and put in place improvements to the public infrastructure necessary to the longer term development of the wider Elephant and Castle area. In these particular circumstances, it is considered that the level of affordable housing is acceptable. The need to achieve a minimum level of affordable housing across the Elephant and Castle Masterplan area (proposal 43P) is recognised, and the Elephant and Castle Development Team are confident that sufficient land is available in the future housing developments to ensure that this can be achieved within the Plan period.

Density

- 81 The building would have a density well in excess of the densities normally accepted within this area (normal Central Area range is 650-1100 hrh). However, the site has been designated in the adopted Elephant and Castle SPG as a location for a tall landmark building, and this form of building will inevitably have a high density. It is considered that the building has been accommodated on the site in a way which responds positively to the townscape and urban form, and without an unacceptable impact on the amenity of the future occupiers of the building, or of surrounding occupiers or uses. As such, density alone would not constitute a reasonable reason to refuse permission for this building, especially given the nearly car-free nature of the development and the excellent public transport accessibility. Amenity space for the future occupiers is limited, but given the location opposite the St Marys Churchyard open space, and the mix of unit types, this is considered acceptable, and a contribution is being made through the S106 Agreement for open space, parks and sports development.

Residential accommodation

- 82 The provided units comply with the minimum floor areas as set out in the Council's SPG, and all habitable rooms have sufficient outlook and natural light. The development would provide the majority of the habitable rooms within two and three bedroom units (although when measured by unit numbers, as Policy 4.3 of the emerging Plan requires, there are less than 50% of flats with 2 or more bedrooms). The proposal also provides 40 studio flats, which is about 9.8% of the housing units, all within the housing for sale. This is above the 5% maximum set out in Policy 4.3, and can only be justified in this case because of the exceptional development costs of the scheme, including the infrastructure contributions. When viewed in the context of the overall residential development in site 43P this would appear to be well suited for accommodation for smaller households. Subsequent sites will provide sufficient family orientated and larger units of housing, with the result that the overall development will comply with the requirements of policy 4.3.

Transport related issues

- 83 The site has a Public Transport Accessibility Level (PTAL) rating of 6, which is the highest possible rating. The site is within minutes of the Northern and Bakerloo London Underground lines, and numerous bus services connecting the site with Central and South East London. Mainline rail services, including Thameslink, are easily accessible from the site using the Elephant and Castle Station. It is also intended that the Cross River Tram will pass within the vicinity of the site, opening further transport options.

84 The development would provide 440 bicycle spaces, 22 motorcycle spaces and 57 car parking spaces, of which 10 would be disabled spaces. 23 spaces are within the new basement extension while 34 would be within an existing basement car park. As part of the proposed Section 106 Legal Agreement, a further two of the proposed car parking spaces will be made available for a car-club. This is considered acceptable given the high PTAL rating. The proposed parking and servicing arrangements would comply with Council policy.

85 The rear service yard would allow for various servicing vehicles to collect rubbish, deliver shopping etc. to the site simultaneously, and this aspect of the development is considered to be acceptable given the requirement to retain the existing service yard.

86 TfL has commented on the scheme and is in support of the scheme, as the levels of parking provided are within the standards of the London Plan and the London Cycle Network Design Manual. However, TfL want the developer to contribute to streetscape improvements, towards a bus stop and public transport. S106 contributions are included in the heading below. Finally, Transport for London expects a Travel Plan for residents, which will be conditioned.

Sustainability and Renewable Energy

87 The London Plan and Policies contained within the Emerging Plan requires the inclusion of energy efficiency and renewable energy measures where feasible. As part of this applicants should submit an energy demand assessment and demonstrate that schemes are consistent with the Mayor's heating and cooling hierarchy, and demonstrate how they meet 10%, where feasible, of energy demand from renewable energy technologies.

88 The wind turbines in the roof space would create the energy for approximately 20 flats, or lighting for the entire building. Incorporation of the wind turbines and a Combined Heat and Power (CHP) unit in the basement would result in an overall projected 8.7% reduction in carbon emissions, which is slightly below the 10% target, but considered to be acceptable given that tall buildings generally do not lend themselves for renewable energy sources. The CHP has been designed to plug into the communal CHP system that will be delivered through the main Elephant and Castle Regeneration.

89 A preliminary assessment indicates that all affordable units would have an 'Excellent' rating, and the private units would have a 'Very Good' rating in the "Ecohomes 2005" protocol. This difference is explained in the water consumption of the showerheads used for the different units.

Wind Microclimate

90 A study based on a wind tunnel simulation has been submitted as part of the Environmental Impact Assessment, to show local wind conditions around the development. It was considered that the impact on local wind conditions was actually relatively minor. However, it would be appropriate to attach a condition to any permission granted to ensure that where appropriate the landscaping and planting mitigate any effect on the general microclimate around the new buildings.

Other issues

- 91 A number of objectors and respondents raised issues related to Draper House works. The applicant has accepted that the external cleaning of the concrete of Draper House will have benefit to their scheme and has agreed to pay for the cost of this cleaning. In addition to this the Housing Department has prepared a scope of works for Draper, which represents investment necessary for general repairs and maintenance and for Decent Homes purposes.

These works include

- Replacement of all windows, balcony door units and infill panels (the Double Glazing works)
 - Roof repairs
 - Concrete render and brickwork repairs
 - Balcony repairs
 - Renewal of front entrance and lift lobby properties with multi-secure doors.
 - New entry system
 - General redecoration to all external and communal parts
 - Rewiring of kitchens
 - Replacement of some kitchen elements as specified
- 92 These works are not related to the plans for Castle House, in other words they are not a response to the planning application and nor are they in any way conditional or dependant upon there being a development on the Castle House site. They are funded by the Housing Department because they are properly in its programme and properly specified through a detailed independent survey of the block.

Heads of Terms for Section 106 Agreement:

- 93 The following heads of terms, will be included within the section 106 Agreement to accompany the details of the scheme.
- a) Capital Contributions, with a total value of £2,600,000, for:
- A contribution towards the capital works for education.
 - A contribution towards Employment and Training
 - A contribution towards Public realm improvements for the benefit of public open space, children's play equipment, sports development and off-site landscaping.
 - A contribution towards Health and Community facilities
 - A contribution towards Affordable Housing to provide 4.5% off-site family housing - (for a value of £1,300,000)
 - A contribution towards the computer model of Southwark

- A contribution towards the 'Tall Buildings Strategy' of Southwark Council
 - Lifetime Homes Standards for all the residential units and 10% of all units are wheelchair accessible.
 - A contribution towards the CAZ Local Wardens Scheme
 - A contribution towards safety and security measures
 - A contribution to measures to improve accessibility to public transport
 - A contribution towards environmental improvements
 - Production of a Travel Plan
 - A contribution for the cleaning of the external walls of Draper House
- b) Provision of 25.2% affordable housing provision on-site with a recognised Registered Social Landlord(RSL), totalling 98 units, of which 78 would be shared ownership, and 20 would be retained equity for the benefit of Heygate Estate Leaseholders.
- c) Two places within the secured car park for the benefit of a car club.
- d) The installation and maintenance of three wind turbines within the roof space.
- e) Subsidised retail space for the relocation of existing business from the Elephant and Castle Shopping Centre
- f) The provision of public art installation at the entrance area of the main building
- g) The installation on site of a Combined Heat and Power (CHP) plant, which can plug into the main CHP plant that will be constructed as part of the main Elephant and Castle redevelopment.

Conclusion

94

The development would be one of the first large developments to come to fruition within the Elephant and Castle Regeneration Area, and broadly conforms to the adopted Elephant and Castle Framework SPG. The building would provide a stunning and landmark building of high architectural quality, showing a visual commitment to sustainability. It would set the design standard for future developments within the area. Furthermore, the development would provide shared ownership housing, 20 of which to decant Heygate Estate leaseholders, and would provide a large financial contribution for environmental improvements to the surrounding areas. It is recommended to grant planning permission.

COMMUNITY IMPACT STATEMENT

- 95 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
- a] The impact on local people is set out above.
- b] The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as:
- the provision of shared ownership housing and retained equity housing on the site.
 - the loss off the commercial uses on the ground floor.
 - the environmental improvements to the Draper Estate and its surroundings.
- c] The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are contained within the Section 106 agreement.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

- 96 A flood risk assessment would be made a condition to any consent granted.

Further sustainability implications of this development are described in the heading above.

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