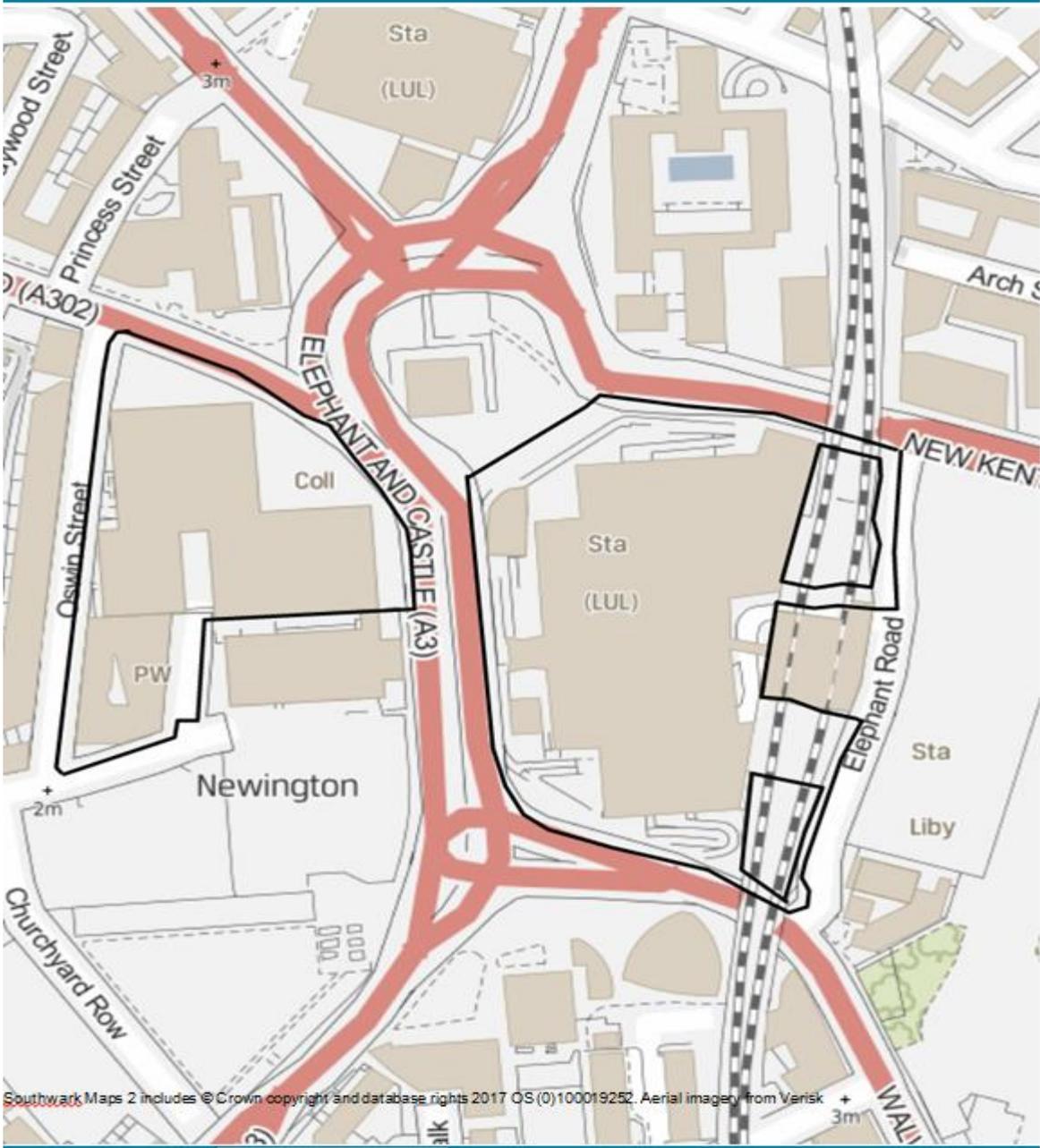


Application Details

Reference Number:	20/AP/3675
Site Address:	Shopping Centre Site Elephant And Castle, 26 28 30 and 32 New Kent Road, Arches 6 And 7 Elephant Road and London College Of Communications Site, London SE1
Application type:	Major application (s.73)
Proposal:	<p>Minor material amendment under s73 of the Town and Country Planning Act (1990 (as amended) to vary condition 1 (approved drawings) of planning permission 16/AP/4458 (Phased, mixed-use redevelopment of the existing Elephant and Castle shopping centre and London College of Communication sites comprising the demolition of all existing buildings and structures and redevelopment to comprise buildings ranging in height from single storey to 35 storeys (with a maximum building height of 124.5m AOD) above multi-level and single basements, to provide a range of uses including 979 residential units (use class C3), retail (use Class A1-A4), office (Use Class B1), Education (use class D1), assembly and leisure (use class D2) and a new station entrance and station box for use as a London underground operational railway station; means of access, public realm and landscaping works, parking and cycle storage provision, plant and servicing areas, and a range of other associated and ancillary works and structures comprising the enlargement and reconfiguration of the consented station box, including the provision of an additional basement level and minor elevational changes to the station entrance to:</p> <ul style="list-style-type: none"> - enable the new station entrance to serve as the single point of entry / exit for both Northern and Bakerloo lines in the future; - facilitate future connection with the Bakerloo line platforms from the ticket hall, through provision of space for three additional escalators; - provide simpler step free access routes between the ticket hall and the Northern line platforms; - provide an extension to the firefighters' lift shaft to the Bakerloo line connection level; and - secure revisions to retain access to an existing London Underground ventilation shaft.
Ward:	North Walworth St George's
From:	Director of Planning
Case officer and	Victoria Lewis, Strategic Applications

Team:	
Application start date:	15.12.2020
Application expiry date:	16.03.2021

Southwark Council southwark.gov.uk **ELEPHANT AND CASTLE SHOPPING CENTRE**



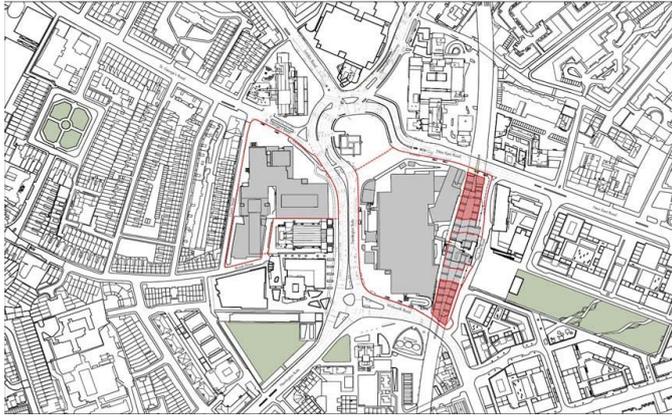
Representations From Members Of The Public

Total number of neighbours notified	1 by letter, site and press notices
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	Total number of contributions received	1
	Objections = 0	Support = 1 (two representations received from the University of the Arts, London).
	RECOMMENDATION	
1.	<p>a) That planning permission be granted subject to conditions and an endorsement to the s106 agreement for planning permission 16/AP/4458.</p> <p>b) That the environmental information be taken into account as required by Regulation 26 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>c) That following issue of the decision it be confirmed that the Director of Planning shall place a statement on the Statutory Register pursuant to Regulation 30 of the Town and Country Planning (Environmental Impact Assessments) Regulations and that for the purposes of Regulation 30(1)(d) the main reasons and considerations on which the Local Planning Authority's decision is based shall be set out as in this report, and shall inform the Secretary of State of the decision.</p>	
2.	EXECUTIVE SUMMARY	
3.	<p>On 10th January 2019 following the completion of a s106 agreement, full planning permission was granted for a comprehensive redevelopment of the Elephant and Castle Shopping Centre and London College of Communications (LCC) sites; the shopping centre site is described as the east site and the LCC site is described as the west site (reference: 16/AP/4458). The east site contains the Northern Line ticket hall which is of limited size, is served by two lifts, and only provides step-free access southbound towards Kennington. The approved development on the east site includes a below ground station box which would be constructed as part of the development and fitted out by London Underground, to provide a new ticket hall for the Northern Line with increased capacity and escalator access.</p>	
4.	<p>In 2014 Transport for London (TfL) first consulted on plans to extend the Bakerloo Line along the Old Kent Road towards Lewisham and Hayes, and there were further consultations in 2017 and 2019. The 2019 consultation includes details of two new stations in Southwark, on the Old Kent Road, and further stations in New Cross Gate and Lewisham. There is potential that the line may extend beyond Lewisham to Hayes but this is less developed in terms of detail. The Council formally supports the Bakerloo Line extension (BLE) and in December 2017 amended its CIL charging schedule to move the whole of the Old Kent Road Opportunity Area from zone 3 into zone 2 in order to capture additional CIL contributions to help support the delivery of this project. The Secretary of State for Transport has recently approved safeguarding directions which include a potential new tunnel route along St George's Road and the station locations on the Old Kent Road.</p>	
5.	<p>The applicant wishes to amend the existing planning permission to make changes to the consented station box to provide simplified, step-free access between the ticket hall and the Northern Line platforms, to extend a fire fighters lift shaft, and to retain access to a ventilation shaft. Moreover, the proposals would future-proof the station box so that if the BLE is delivered it could facilitate a single point of entry to the Northern and Bakerloo</p>	

	Lines through the east site and facilitate a future connection with the Bakerloo Line from the new ticket hall. Minor associated elevational alterations are proposed at ground floor level.
6.	The vast bulk of the amendments would occur below ground comprising enlargements to the depth and footprint of the station box. The parent permission was accompanied by an Environmental Statement (ES) and it is concluded that the proposed amendments would not result in any significant environmental effects beyond those which would arise from the existing permission. The proposed amendments would allow for a fully accessible interchange between the Northern and Bakerloo Lines within the east site which is considered to be a very positive change which would support the delivery of a major piece of transport infrastructure in Southwark. Improving the Northern Line ticket hall at Elephant and Castle is a longstanding aspiration of the Council and is supported by planning policy from the London Plan through to the Elephant and Castle Supplementary Planning Document / Opportunity Area Framework and is fully supported in principle. This report should be read in conjunction with the officer report for the existing permission (reference: 16/AP/4458).
	BACKGROUND INFORMATION
	Site location and description
7	The site is located in the heart of the Elephant and Castle Opportunity Area which covers an area spanning 122 hectares. It extends just beyond St George's Circus to the north, New Kent Road to the east, Walworth Road as far as Burgess Park to the south, and Kennington Park Road to the west; the borough boundary with Lambeth is approximately 160m to the south-west. Located on what for centuries was the main road into London from the south, Elephant and Castle has long been a bustling south London centre and is a transport hub, served by both the Northern and Bakerloo Line underground lines, a railway station and numerous bus routes. The number of theatres and taverns which were established in the area gave it a reputation as the "Piccadilly Circus" of south London. However, the area was redeveloped in the 1960s following bomb damage during WWII, and a number of issues arose out of the redevelopment including a predominance of large, single use buildings, an environment dominated by heavy traffic, and disconnected public realm.
8	Elephant and Castle is undergoing a period of transformation, with significant redevelopment taking place. The local planning policy framework for managing the regeneration of the area is the adopted Elephant and Castle Supplementary Planning Document / Opportunity Area Planning Framework (SPD / OAPF). The SPD sets out a vision for the area which includes transforming it into an attractive central London destination, making it a more desirable place to live for existing and new residents, with excellent shopping, leisure, learning and cultural facilities, and significant new housing.
9	The site comprises two distinct areas located on opposite sides of Elephant and Castle. They are described in the submission as the east site and the west site, and they occupy a combined area of 3.56 hectares (ha). The east site comprises Elephant and Castle Shopping Centre, 26, 28, 30 and 32 New Kent Road and Arches 6 and 7 Elephant Road, and the west site is the London College of Communications (LCC) which sits under the University of the Arts London (UAL) umbrella. Both parts of the site sit within in the SPD central character area, and the east site sits within the SPD core area which is to be the main focus for development activity.

East and West sites:



10. East site - This part of the site measures 2.21ha and is bound by New Kent Road and a new area of public realm known as the Peninsula to the north (the entrance to the Bakerloo Line underground station is further north again), an elevated railway viaduct incorporating Elephant and Castle Railway Station to the east, Walworth Road to the south, and Elephant and Castle to the west. It contains a number of buildings, the largest of which is the shopping centre. The shopping centre is a 3-storey building which opened in 1965, and which incorporates Hannibal House, a 16-storey office block. The shopping centre sits above a basement car park and servicing area accessed via a ramp which passes beneath the viaduct from Elephant Road. The shopping centre formerly contained a range of retail and leisure uses including a supermarket, bowling alley and bingo hall, together with around 35 market stalls and 3 retail kiosks at lower ground floor level around the shopping centre in an area which became known as The Moat. The shopping centre closed on 24th September 2020, is hoarded, and internal strip out work has commenced. The shopping centre provided access to the railway station and this access is closed and people use the entrance to the station from Elephant Road on the opposite side of the viaduct instead. The Northern Line ticket hall which is located in a separate building in front of the shopping centre continues to be operational.

11. The east site includes numbers 26-32 New Kent Road which comprised the Charlie Chaplin public house, the Coronet Theatre, a newsagents, a dental surgery and potentially two flats, and these buildings are now partially demolished. Four railway arches are also included in this part of the site, the northern two of which provided access / egress to the shopping centre basement, and two arches to the south of the railway station which are occupied by a Colombian restaurant (Distriandina) and Elephant Mall which incorporates a number of uses including retail, a café, a hair salon and English classes.

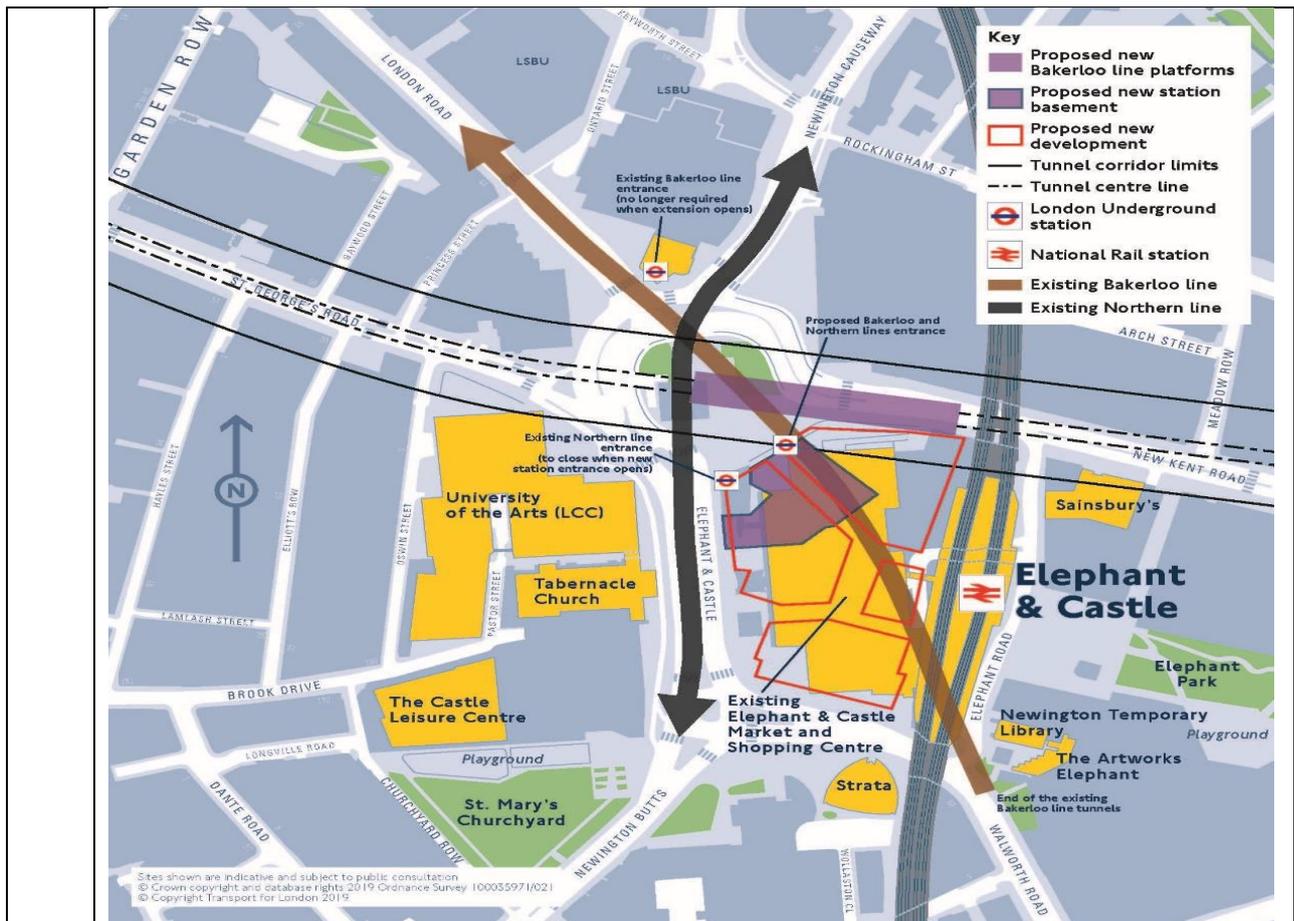
12. West site - This part of the site measures 1.35 ha and is bound by St George's Road to the north, Elephant and Castle to the east, Brook Drive, Pastor Street and the Metropolitan Tabernacle (a church with a grade II listed façade) to the south, and Oswin Street to the west. The LCC building is a part 4-storey, part 16-storey building completed in 1962, with some extensions added thereafter. It includes a small parking area comprising parking spaces on the northern part of the site which are accessed from Oswin Street.

Details of proposal

13. On 10th January 2019 following the completion of a s106 agreement planning permission was granted for a comprehensive redevelopment of the site, the description of

	development for which reads as follows:
	<i>Phased, mixed-use redevelopment of the existing Elephant and Castle shopping centre and London College of Communication sites comprising the demolition of all existing buildings and structures and redevelopment to comprise buildings ranging in height from single storey to 35 storeys (with a maximum building height of 124.5m AOD) above multi-level and single basements, to provide a range of uses including 979 residential units (use class C3), retail (use Class A1-A4), office (Use Class B1), Education (use class D1), assembly and leisure (use class D2) and a new station entrance and station box for use as a London underground operational railway station; means of access, public realm and landscaping works, parking and cycle storage provision, plant and servicing areas, and a range of other associated and ancillary works and structures (reference: 16/AP/4458).</i>
14.	The application was accompanied by an Environmental Statement (ES). The consented development is laid out as four plot, E1-E4. Plot E1 would provide a new building for the UAL, a new entrance to the Northern Line ticket hall and retail space; plots E2 and E3 would provide retail, leisure space and residential units, and plot E4 would provide retail space. The layout of the plots is shown on the image below.
	
15.	The east site currently contains the Northern Line underground station which comprises a small ticket hall and two lifts down to platform level. It is broadly located where plot E2 would be constructed. The Bakerloo Line station is located on the opposite side of the Peninsula, although there is a below ground connection between the two lines.
16.	The consented development includes a station box which would be constructed by the developer and fitted out by London Underground to provide a new ticket hall for the Northern Line. London Underground would also construct three new passenger tunnels to connect the new station box to the existing Northern Line tunnels, planning permission for which has been granted separately under reference 20/AP/0681.
17.	The entrance to the new ticket hall would be located in plot E1 (the UAL building) at ground floor level. From this new entrance escalators would descend to a ticket hall level where further escalators would link to platform level. This would allow for the removal of

	the existing lifts and closure of the current ticket hall, which would in turn allow for the construction of plot E2 once that part of the site has been acquired from London Underground.
18.	<p>This application has been submitted pursuant to s73 of the Town and Country Planning Act (1990) (as amended) and seeks to amend condition 1 (approved plans) of the existing permission in order to increase the size of the station box including the provision of an additional basement level and minor elevational changes in order to:</p> <ul style="list-style-type: none"> - enable the new station entrance to serve as the single point of entry / exit for both Northern and Bakerloo lines in the future; - facilitate future connection with the Bakerloo line platforms from the new ticket hall, through provision of space for three additional escalators; - provide simpler, step-free access routes between the ticket hall and the Northern line platforms; - provide an extension to the firefighters' lift / access shaft down to the additional basement level serving the Bakerloo Line; <p>and</p> <ul style="list-style-type: none"> - secure revisions to retain access to an existing London Underground ventilation shaft.
19.	<p>The amendments seek to improve access to the Northern Line platforms by connecting up with the recently approved passenger tunnels, and the design of the station box has been future-proofed so that it could accommodate the BLE if this project is delivered, including the ability to accommodate either the existing Bakerloo Line tunnels or a new tunnel route along St George's Road. The following TfL diagram taken from TfL Factsheet 3 (Elephant and Castle Combined Station Entrance) shows the potential new tunnel route and Bakerloo Line platforms:</p>



The consented station box would only be deep enough to connect with the Northern Line tunnels which run beneath the road on Elephant and Castle, and it needs to be 10-15m deeper in order to reach the level of the Bakerloo Line tunnels which run diagonally across the east site as shown on the diagram above.

On a floor by floor basis the following changes are proposed:

Plot E1 – Amendments to the north-west and south-west facades around what would be the new entrance to the underground station to incorporate digital screens, access doors and ventilation louvres;

Plot E2 - Reconfiguration of an approved Northern Line fire exit opening out onto Elephant and Castle comprising the removal of internal partitions to create a larger lobby space and minor alterations to the elevations;

Behind plot E4 – Provision of an access hatch to a vent shaft below. This would be located in a gated off area at the back of the plot E4 retail building.

Basement levels 1 and 2 – An extension to the footprint of the approved basement is proposed to provide a new chamber to provide access to the vent shaft located behind plot E4.

Basement level 3 – The footprint of the consented basement at this level would be extended north-eastwards to provide an enlarged ticket hall level for the Northern Line.

Basement level 4 – The plans show the footprint extending north-eastwards beyond the existing Bakerloo Line tunnels, with a bridging structure to support the enlarged footprint

	<p>at basement level 3.</p> <p><u>Basement level 5</u> – This would be an entirely new basement at Bakerloo Line level which would provide a connection to the potential new Bakerloo Line platforms which would sit beneath the Peninsula.</p>
20.	<p>The proposed amendments would increase the amount of floorspace associated with the underground station from 4,707sqm (GEA) as consented, to 10,667sqm (GEA) (+5,960sqm). There would be no changes to any of the other land use quantum as part of this application.</p>
21.	<p>As stated, when planning application 16/AP/5548 was submitted it was accompanied by an Environmental Statement pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations (2011). The 2016 ES has been resubmitted with this s73 application and an EIA Statement of Conformity letter has been provided, together with a number of other supporting plans and documents.</p>
22.	<p><u>Amendments</u> – an image in the submitted Design and Access Statement Addendum which contained an erroneous annotation for the existing Bakerloo Line tunnels has been corrected.</p>
23.	<p>Planning history</p> <p>20/AP/2674 - Display of hoarding advertising and wayfinding signage for the duration of construction works related to the redevelopment of the site, as approved under application reference 16/AP/4458. Advertisement consent was GRANTED in November 2020.</p> <p>20/AP/2357 - Variation to Paragraph 1.3 of Part 7 of Schedule 2 of Section 106 for planning permission 16/AP/4458 Phased, mixed-use redevelopment of the existing Elephant and Castle shopping centre and London College of Communication sites comprising the demolition of all existing buildings and structures and redevelopment to comprise buildings ranging in height from single storey to 35 storeys (with a maximum building height of 124.5m AOD) above multi-level and single basements, to provide a range of uses including 979 residential units (use class C3), retail (use Class A1-A4), office (Use Class B1), Education (use class D1), assembly and leisure (use class D2) and a new station entrance and station box for use as a London underground operational railway station; means of access, public realm and landscaping works, parking and cycle storage provision, plant and servicing areas, and a range of other associated and ancillary works and structures. The variation would allow the demolition of the existing building in advance of a development agreement being concluded with LUL. This application was AGREED in August 2020.</p> <p>20/AP/0681 – ‘Construction of tunnelled connections to the existing Northern Line platforms from a new station box for the Elephant and Castle London Underground Northern Line Station’. This application was submitted by London Underground Ltd and was GRANTED on 29th July 2020. The red line site sits partially within the red line for permission 16/AP/4458 and extends westwards to encompass the Northern Line platforms which sit beneath Elephant and Castle.</p>
	<p>16/AP/4458 – Details of this application have been provided above. This permission is currently the subject of a Judicial Review which is due to be heard by the Court of Appeal at a hearing starting on 16th March 2021.</p>

	<p><u>Metropolitan Tabernacle Church, Elephant and Castle</u></p> <p>16/AP/4525 – ‘Minor amendments to the northern elevation of the grade II listed Metropolitan Tabernacle building by virtue of the demolition of the immediately adjacent/abutting London College of Communications building (subject to planning application reference: 16-AP-4458’). Listed building consent was GRANTED on 10th January 2019.</p>
24.	<p>Relevant planning history of adjoining sites</p> <p><u>Skipton House, 80 London Road, Perry Library, 250 Southwark Bridge Road, Keyworth Street Hostel, 10 Keyworth Street.</u></p> <p>15-AP-5125 - Demolition of the existing buildings and creation of basement (plus mezzanine) and the erection of buildings ranging from Ground Floor plus 7 to ground floor plus 39 stories (maximum building height of 146.3m AOD) comprising retail uses (Use Classes A1/A3/A4) and fitness space (Use Class D2) at ground floor, multifunctional cultural space (Use Classes D1/D2/Sui Generis) at basement and ground floor levels, and office use (Use Class B1) and 408 residential units (Use Class C3) on upper levels, new landscaping and public realm, a publically accessible roof garden, ancillary servicing and plant, cycle parking and associated works. The Planning committee resolved to grant planning permission on 12th July 2016, however the application was subsequently WITHDRAWN.</p> <p>18/AP/4194 - Part retention, part demolition, reconfiguration and re-cladding of existing building and extension to create six additional storeys to accommodate office space (Use Class B1) at upper floor levels, a gym (Use Class D2) and flexible retail/commercial uses (Use Class A1/A2/A3) at ground floor level with associated cycle parking, landscaping, ancillary servicing and plant and all associated works. The Planning committee resolved to grant planning permission on 3rd November 2020 subject to the completion of a s106 agreement.</p>
25.	<p><u>The Heygate Estate and surrounding land</u></p> <p>12-AP-1092 - Outline application for: Redevelopment to provide a mixed use development comprising a number of buildings ranging between 13.13m (AOD) and 104.8m (AOD) in height with capacity for between 2,300 (min) and 2,469 (max) residential units together with retail (Class A1-A5), business (Class B1), leisure and community (Class D2 and D1), energy centre (sui generis) uses. New landscaping, park and public realm, car parking, means of access and other associated works. Planning permission was granted, following the completion of a s106 agreement, on 27/03/2013.</p> <p>A number of reserved matters applications have since been approved in relation to this outline planning permission and building works are well under way on site.</p>
26.	<p><u>Ground floor, Perronet House, Gaywood Estate, Princess Street</u></p> <p>17/AP/4651 - Change of use of 12 existing garages / parking spaces to provide retail space (use class A1), café space (use class A3) and ancillary storage / plant and servicing space, together with new glazing and doors to south, east and west elevations. Planning permission was GRANTED on 17th July 2018 and has been implemented.</p>

KEY ISSUES FOR CONSIDERATION	
Summary of main issues	
27.	The ability to vary an extant planning permission is set out in section 73 of the Town and Country Planning Act 1990 (as amended). Unlike an application for 'non-material changes' (section 96a applications), an application under section 73 results in a new permission being issued, although the time given to implement the permission remains unchanged and is not extended as a result of any section 73 permission. Whilst a planning authority should take into consideration all relevant matters, including current policies at the point it determines a section 73 application, it must also take into account the scope of the changes being requested, and the status of the permission in terms of how far construction has progressed.
28.	<p>The planning issues relevant to the overall development were set out in full in the officer report for the existing permission (reference:16/AP/4458). The following minor material amendments are proposed and no significant new material issues have been identified which would arise from the proposed amendments:</p> <ul style="list-style-type: none"> • The enlargement and reconfiguration of the consented station box, including the provision of an additional basement level and minor elevational changes to the station entrance to: • enable the new station entrance to serve as the single point of entry / exit for both Northern and Bakerloo lines in the future; • facilitate future connection with the Bakerloo line platforms from the ticket hall, through provision of space for three additional escalators; • provide simpler step-free access routes between the ticket hall and the Northern line platforms; • provide an extension to the firefighters' lift shaft to the Bakerloo line connection level; and • secure revisions to retain access to an existing London Underground ventilation shaft.
29.	The proposal does not seek any fundamental changes such as the addition or removal of land uses or the introduction of any new buildings. The proposal is for extensions and modifications to the consented station box, and associated minor elevational alterations at ground floor level. In light of this it is not considered reasonable or necessary to carry out a comprehensive reassessment of all planning matters. As such, the main issues to be considered in respect of this application are:
	<ul style="list-style-type: none"> • Relevant adopted planning policy; • Relevant emerging planning policy; • Consultation responses, and how the application addresses any concerns raised; • Principle of the proposed development in terms of land use; • Equalities implications; • Environmental impact assessment; • Transport; • Design; • Noise and vibration; • Impact of proposed development on amenity of adjoining occupiers and surrounding area; • Energy and sustainability; • Air quality;

	<ul style="list-style-type: none"> • Ground conditions and contamination; • Water resources and flood risk; • Archaeology; • Implications on the conditions attached to permission 16/AP/4458; • Implications on the section 106 agreement attached to permission 16/AP/4458; • Community Infrastructure Levy implications; • Community involvement and engagement; • Other matters; • Human rights implications; and; • Positive and proactive statement. <p>These matters are discussed in detail in the 'Assessment' section of this report.</p>
	Legal Context
30.	Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2016, the Core Strategy 2011, and the Saved Southwark Plan 2007.
	Planning policy
31.	<p><u>Adopted Planning Policy Designations (Proposals Map)</u></p> <ul style="list-style-type: none"> • Elephant and Castle Opportunity Area; • Elephant and Castle Major Town Centre; • Central Activity Zone; • Proposal Site 39P 'Elephant and Castle Core Area' which identifies a large area of land at the centre of Elephant and Castle for comprehensive, mixed-use redevelopment (east site only): • Archaeological Priority Zone; • Air Quality Management Area; • Area where a minimum of 35% affordable and 35% private housing is required. <p>The site sits within zone 1 and has a Public Transport Accessibility Level (PTAL) of 6b (excellent). It is located in Flood Zone 3 as identified by the Environment Agency flood map, which indicates a high probability of flooding.</p> <p>Elephant and Castle sits in the background of townscape view 23A.1 looking from the Serpentine Bridge in Hyde Park to Westminster (London View Management Framework 2012).</p>
32.	National Planning Policy Framework (NPPF)
	The revised National Planning Policy Framework ('NPPF') was published in February 2019 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
	Paragraph 212 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

	<p>Chapter 2 Achieving sustainable development Chapter 5 Delivering a sufficient supply of homes Chapter 6 Building a strong, competitive economy Chapter 7 Ensuring the vitality of town centres Chapter 8 Promoting healthy and safe communities Chapter 9 Promoting sustainable transport Chapter 11 Making effective use of land Chapter 12 Achieving well-designed places Chapter 14 Meeting the challenge of climate change, flooding and coastal change Chapter 15 Conserving and enhancing the natural environment Chapter 16 Conserving and enhancing the historic environment</p> <p>National Planning Practice Guidance</p>
	<p>The London Plan 2021</p>
<p>33.</p>	<p>On 2 March 2021, the Mayor of London published the London Plan 2021. The spatial development strategy sets a strategic framework for planning in Greater London and forms part of the statutory Development Plan for Greater London. The relevant policies are:</p> <p>GG1 Building strong and inclusive communities GG2 Making the best use of land GG3 Creating a healthy city GG4 Delivering the homes Londoners need GG5 Growing a good economy GG6 Increasing efficiency and resilience Policy SD1 Opportunity Areas Policy SD4 The Central Activities Zone (CAZ) Policy SD5 Offices, other strategic functions and residential development in the CAZ Policy SD6 Town centres and high streets Policy SD7 Town centres: development principles and Development Plan Documents Policy SD8 Town centre network Policy SD9 Town centres: Local partnerships and implementation Policy SD10 Strategic and local regeneration Policy D1 London’s form, character and capacity for growth Policy D2 Infrastructure requirements for sustainable densities Policy D3 Optimising site capacity through the design-led approach Policy D4 Delivering good design Policy D5 Inclusive design Policy D6 Housing quality and standards Policy D7 Accessible housing Policy D8 Public realm Policy D9 Tall buildings Policy D10 Basement development Policy D11 Safety, security and resilience to emergency Policy D12 Fire safety Policy D13 Agent of Change Policy D14 Noise Policy H1 Increasing housing supply Policy H4 Delivering affordable housing</p>

Policy H5 Threshold approach to applications
Policy H6 Affordable housing tenure
Policy H7 Monitoring of affordable housing
Policy H8 Loss of existing housing and estate redevelopment
Policy H10 Housing size mix
Policy H11 Build to Rent
Policy S1 Developing London's social infrastructure
Policy S3 Education and childcare facilities
Policy S4 Play and informal recreation
Policy S6 Public toilets
Policy E1 Offices
Policy E2 Providing suitable business space
Policy E3 Affordable workspace 2
Policy E9 Retail, markets and hot food takeaways
Policy E11 Skills and opportunities for all
Policy HC3 Strategic and Local Views
Policy HC4 London View Management Framework
Policy HC5 Supporting London's culture and creative industries
Policy HC6 Supporting the night-time economy
Policy HC7 Protecting public houses
Policy G1 Green infrastructure
Policy G4 Open space
Policy G5 Urban greening
Policy G6 Biodiversity and access to nature
Policy G7 Trees and woodlands
Policy SI 1 Improving air quality
Policy SI 2 Minimising greenhouse gas emissions
Policy SI 3 Energy infrastructure
Policy SI 4 Managing heat risk
Policy SI 5 Water infrastructure
Policy SI 6 Digital connectivity infrastructure
Policy SI 7 Reducing waste and supporting the circular economy
Policy SI 12 Flood risk management
Policy SI 13 Sustainable drainage
Policy T1 Strategic approach to transport
Policy T2 Healthy Streets
Policy T3 Transport capacity, connectivity and safeguarding
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car parking
Policy T6.1 Residential parking
Policy T6.2 Office Parking
Policy T6.3 Retail parking
Policy T6.4 Hotel and leisure uses parking
Policy T6.5 Non-residential disabled persons parking
Policy T7 Deliveries, servicing and construction
Policy T8 Aviation
Policy T9 Funding transport infrastructure through planning

	Policy DF1 Delivery of the Plan and Planning Obligations
34.	<p><u>GLA Supplementary Planning Guidance (SPG)</u></p> <p>Affordable Housing and Viability (August 2017) Housing SPG (March 2016) Social Infrastructure (May 2015) Play and Informal Recreation (September 2012) London View Management Framework SPG (2012) Planning for Equality and Diversity in London (October 2007)</p>
	Core Strategy 2011
35.	<p>The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:</p> <p>Strategic policy 1 - Sustainable development Strategic policy 2 - Sustainable transport Strategic policy 3 - Shopping, leisure and entertainment Strategic policy 4 - Places for learning, enjoyment and healthy lifestyles Strategic policy 5 - Providing new homes Strategic policy 6 - Homes for people on different incomes Strategic policy 7 - Family homes Strategic policy 9 - Student homes Strategic policy 10 - Jobs and businesses Strategic policy 11 - Open spaces and wildlife Strategic policy 12 - Design and conservation Strategic policy 13 - High environmental standards Strategic policy 14 - Implementation and delivery</p>
	Southwark Plan 2007 (saved policies)
36.	<p>In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:</p> <p>1.1 - Access to employment opportunities 1.4 - Employment sites outside the preferred office locations and preferred industrial locations 1.5 - Small businesses 1.7 - Development within town and local centres 1.11 - Arts, culture and tourism uses 2.1- Enhancement of community facilities 2.2 - Provision of new community facilities 2.3 - Enhancement of educational facilities 2.4- Educational deficiency - provision of educational establishments 2.5- Planning obligations 3.2- Protection of amenity 3.3- Sustainability assessment</p>

	<p>3.4- Energy efficiency 3.6- Air quality 3.7- Waste reduction 3.9 - Water 3.11- Efficient use of land 3.12- Quality in design 3.13- Urban design 3.14- Designing out crime 3.15- Conservation of the historic environment 3.16- Conservation areas 3.17– Listed buildings 3.18- Setting of listed buildings, conservation areas and world heritage sites 3.19- Archaeology 3.20- Tall buildings 3.21- Strategic views 3.28 - Biodiversity 4.2- Quality of residential accommodation 4.3- Mix of dwellings 4.4- Affordable housing 4.5- Wheelchair affordable housing 4.7 - Non self contained housing for identified user groups 5.1- Locating developments 5.2- Transport impacts 5.3- Walking and cycling 5.4- Public transport improvements 5.6- Car parking 5.7 - Parking standards for disabled people and the mobility impaired</p>
37.	<p><u>Proposal site designation</u></p> <p>The east site sits within proposal site 39P of the saved Southwark Plan which is a large site designation which encompasses sites to the north-west, south-east and south-west including the Former Heygate Estate; it does not include the west site. The site designation sets out a broad range of town centre uses which are required, including a range of D class uses, new homes, new retail, B1 floorspace and a highly efficient transport hub.</p>
	<p>Area based AAPs or SPDs</p>
38.	<p>Development Viability SPD (2016) Technical Update to the Residential Design Standards SPD (2015) Section 106 Planning Obligations/CIL SPD (2015) Elephant and Castle Opportunity Area Planning Framework/SPD (2012) Affordable housing SPD (2008 - Adopted and 2011 - Draft) Residential Design Standards SPD (2011) Sustainable Transport SPD (2010) Sustainable design and construction SPD (2009) Sustainability assessments SPD (2009) Statement of Community Involvement (2008)</p>
39.	<p><u>Conservation Area Appraisals</u></p> <p>Elliott's Row Conservation Area Appraisal (2013)</p>
	<p>Emerging planning policy</p>

	New Southwark Plan
40.	The New Southwark Plan (NSP) was submitted to the Secretary of State in January 2020. The Examination in Public (EiP) for the NSP is taking place between February to April 2021 and the amendments within the Proposed Changes to the Submitted New Southwark Plan will be considered along with the consultation responses received at each stage of public consultation. It is anticipated that the plan will be adopted later in 2021 following the EiP which will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy.
41.	Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.
	<p>SP1a Southwark's Development Targets</p> <p>SP1b Southwark's Places</p> <p>SP1 Quality affordable homes</p> <p>SP2 Regeneration that works for all</p> <p>SP3 Best start in life</p> <p>SP4 Strong local economy</p> <p>SP5 Healthy, active lives</p> <p>SP6 Cleaner, greener, safer</p> <p>AV.09 Elephant and Castle Area Vision</p> <p>P1 Social rented and intermediate housing</p> <p>P2 New family homes</p> <p>P4 Private rented homes</p> <p>P7 Wheelchair accessible and adaptable housing</p> <p>P12 Design of places</p> <p>P13 Design quality</p> <p>P14 Residential design</p> <p>P15 Designing out crime</p> <p>P16 Tall buildings</p> <p>P17 Efficient use of land</p> <p>P18 Listed buildings and structures</p> <p>P19 Conservation areas</p> <p>P20 Conservation of the historic environment and natural heritage</p> <p>P22 Archaeology</p> <p>P26 Education places</p> <p>P27 Access to employment and training</p> <p>P29 Office and business development</p> <p>P30 Affordable workspace</p> <p>P31 Small shops</p> <p>P32 Business relocation</p> <p>P33 Railway arches</p> <p>P34 Town and local centres</p> <p>P41 Pubs</p> <p>P43 Broadband and digital infrastructure</p> <p>P44 Healthy developments</p> <p>P45 Leisure, arts and culture</p> <p>P46 Community uses</p> <p>P48 Public transport</p> <p>P49 Highways impacts</p> <p>P50 Walking</p>

	<p>P51 Low Line routes P52 Cycling P53 Car Parking P54 Parking standards for disabled people and the physically impaired P55 Protection of amenity P58 Green infrastructure P59 Biodiversity P60 Trees P61 Reducing waste P63 Contaminated land and hazardous substances P64 Improving air quality P65 Reducing noise pollution and enhancing soundscapes P66 Reducing water use P67 Reducing flood risk P68 Sustainability standards P69 Energy IP1 Infrastructure IP2 Transport infrastructure IP3 Community infrastructure levy (CIL) and Section 106 planning obligations IP5 Compulsory Purchase Order (CPO) IP7 Statement of Community Involvement NSP45 Elephant and Castle Shopping Centre and London College of Communication</p>
42.	<p><u>Draft NSP proposal site designation</u></p> <p>The draft NSP now places both the east and west sites into proposal site NSP45. This site designation states that redevelopment of the site must:</p> <ul style="list-style-type: none"> • Provide at least the amount of employment and retail floorspace currently on the site including new offices (B1) and retail, cafes and bars (A1, A2, A3, A4); and • Provide at least the amount of education floorspace (D1) currently on the site used by London College of Communication; and • Provide new homes (C3); and • Provide new civic space, and enhancements to the public realm, including new access routes such as the Low Line along the railway viaduct; and • Provide a new tube station entrance; and • Enhance the local townscape by providing high quality active frontages including town centre uses (A1, A2, A3, A4, D1, D2) at appropriate ground floor locations. <p>Redevelopment of the site may:</p> <ul style="list-style-type: none"> • Provide a new community health hub (D1). <p>It states that planning application 16/AP/4458 is relevant to this site.</p>
43.	<p>Consultation responses</p> <p>Two representations have been received from the University of the Arts, London as set out below. It is noted that the UAL is a party to the existing planning permission and a signatory on the existing s106 agreement.</p> <p><u>Representation 1</u> - UAL fully support this amendment to the consented scheme. Transport for London's Northern Line and Bakerloo Line stations are critical for keeping the Elephant & Castle the active hub that it is. The existing infrastructure is in need of</p>

	<p>upgrade and we welcome this opportunity to co-locate both ticket halls and give them the refurbishment they require and feel this amendment only enhances the previously consented scheme. As the new TfL tickethall entrance will sit adjacent to UAL's new London College of Communication building this will also improve our students sense of arrival and ensure the college is well connected to the wider London area.</p> <p><u>Representation 2</u> - London College of Communication fully support this amendment to the consented scheme. Many of our students, staff and visitors use public transportation to attend the College and we welcome the opportunity to give both ticket halls the physical upgrades they require. The ticket hall is next to our new building's main entrance as part of the Elephant & Castle Town Centre scheme. Our students' journey and arrival to our building and their connection to the wider Elephant & Castle area will be enhanced by this improvement. UAL are also very supportive of the opportunity to ensure step free access routes to both platforms in line with CABE's principles of inclusive design, as this will enhance the accessibility and equality opportunities of Elephant & Castle as a whole.</p>
44.	Internal consultees
45.	<p><u>Highways Network Development</u></p> <p>The proposal would not affect highways significantly. If there are additional deliveries, the Construction Environmental Management Plan will need to be updated.</p>
46.	<p><u>Highways Development Management</u></p> <p>The changes do not affect Southwark highways.</p>
47.	<p><u>Environmental Protection Team</u></p> <p>EPT reports no objections or any more comments on this amendment.</p>
48.	<p><u>Flood Risk and Drainage Team</u></p> <p>Having reviewed the submitted information, it appears there has been no change to the drainage proposals. We therefore have no comments or objections to make on the application.</p>
49.	<p><u>Archaeology</u> - The amendment to the scheme has been discussed with the applicant's archaeologists. No archaeological response is necessary for these changes; the existing conditions applied to the original consent continue to adequately manage the mitigation of this development, even with the changes.</p>
50.	<p><u>Highways Licensing</u></p> <p>No response received at the time of writing.</p>
51.	<p><u>Waste Management Team</u></p> <p>No comments on the basis that the changes only relate to the station box, with no changes to the broader waste strategy.</p>
52.	<p><u>Ecology</u></p> <p>No ecological concerns or comments.</p>
53.	<p><u>Local Economy Team</u></p> <p>No comments. Satisfied that the agreed construction targets in the s106 agreement</p>

	remain appropriate.
54.	<u>Housing Regeneration Team</u> No response received at the time of writing.
55.	<u>Public Health Team</u> No response received at the time of writing.
	External consultees
56.	<u>Greater London Authority</u> Have assessed the details of the application and, given the scale and nature of the proposals, conclude that the amendments do not give rise to any new strategic planning issues. Therefore, under article 5(2) of the above Order the Mayor of London does not need to be consulted further on this application. Your Council may, therefore, proceed to determine the application without further reference to the GLA. Please submit a copy of any decision notice and section 106 agreement to the GLA.
57.	<u>Health and Safety Executive</u> No response received at the time of writing.
58.	<u>Historic England</u> On the basis of the information available to date, HE do not wish to offer any comments. HE suggest that you seek the views of your specialist conservation advisers, as relevant. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.
59.	<u>Council for British Archaeology</u> No response received at the time of writing.
60.	<u>The Georgian Group</u> No response received at the time of writing.
61.	<u>Twentieth Century Society</u> No response received at the time of writing.
62.	<u>The Victorian Society</u> No response received at the time of writing.
63.	<u>Aqiva</u> Arqiva is responsible for providing the BBC, ITV and the majority of the UK's radio transmission network and is responsible for ensuring the integrity of Re-Broadcast Links. Tall infrastructure such as wind turbines and other tall structures have the potential to block radio transmission links and rebroadcasting links (through direct blocking of radio signal or deflecting signal). Our radio transmission networks normally operate with a 100m buffer either side of a radio link, free from interference by tall development. Arqiva have considered whether this development is likely to have an adverse effect on our operations and have concluded that we have no objections to this development.

64.	<p><u>National Grid</u></p> <p>No response received at the time of writing.</p>
65.	<p><u>London Fire and Emergency Planning</u></p> <p>No response received at the time of writing.</p>
66.	<p><u>Metropolitan Police</u></p> <p>No additional comments. Request that the Secure by Design condition on the existing permission be re-imposed on any forthcoming permission.</p>
67.	<p><u>Natural England</u></p> <p>Natural England currently has no comment to make on the variation of condition 1 of planning permission 16/AP/4458. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.</p>
68.	<p><u>London Underground</u></p> <p><u>First response</u> - Can confirm that London Underground/DLR Infrastructure Protection has no comment to make on this planning application as submitted.</p> <p><u>Second response</u> - This response is written on behalf of London Underground Limited in support of application 20/AP/3675 (the "Application") for a minor material amendment to planning permission 16/AP/4458 (the "Planning Permission") for the phased, mixed-use redevelopment of the existing Elephant and Castle shopping centre and London College of Communication sites. The Planning Permission includes a new station entrance and station box for use as a London Underground operational railway station.</p> <p>This response represents the views of London Underground Limited as the development partner for the new station entrance and station box; owner of some of the land within the Application boundary and operator of the upgraded station. The response from Transport for London (TfL) as statutory consultee on transport matters will be submitted separately. The application proposes to amend the planning permission by enlarging and reconfiguring the consented station box. This includes the provision of an additional basement level and minor elevational changes to the station entrance. These changes are critical to the future of the Elephant and Castle Station as they enable future connection to the Bakerloo Line Extension and provision of a single point of entry for the Bakerloo and Northern lines, rather than the separate entrances that currently exist. The revised scheme also provides improved step free access routes between the new ticket hall and the Northern line platforms. Consequential amendments to accommodate the revisions include a necessary extension to the firefighter's access shaft to the additional basement level serving the Bakerloo line, and amendments to ensure that access to an existing London Underground ventilation shaft located within the site of the development can be retained.</p> <p>London Underground has worked closely with the applicant on the proposed changes to the station box. The amended plans accord with London Underground's proposals to upgrade the station to provide a single integrated access point to the station serving both</p>

underground lines in future, which will help to deliver a highly integrated and efficient public transport hub at Elephant and Castle. The proposed changes are in line with the Mayor's Transport Strategy and adopted and emerging national, regional and local policy, in particular the Publication London Plan and Southwark's emerging Local Plan.

Emerging policy at regional and local level provides explicit support for the Bakerloo Line Extension. The Publication London Plan (December 2020) states that Development Plans and development decisions should give particular priority to securing and supporting the delivery of upgrades to (inter alia) the Bakerloo Line Extension (Policy T3).

The New Southwark Plan (Southwark Council's Proposed Changes August 2020) states that development in Elephant and Castle should provide a new ticket hall for the Northern line and Bakerloo Line Extension (AV.09 Elephant and Castle Area Vision) and that development 'must support' the implementation of strategic transport project and initiatives including the Bakerloo Line extension (IP2 Transport Infrastructure).

In terms of the improvements to the ticket hall and access to the Northern line platforms, the 2012 Elephant and Castle Supplementary Planning Document/Opportunity Area Planning Framework (SPD/OAPF):

- makes explicit reference to the need to accommodate additional demand imposed by development in the area by improving the Northern line ticket hall and capacity between the ticket hall and the platforms, as well as improving interchange between all public transport modes (SPD 10 Public Transport);
- states that the redevelopment of the shopping centre site should provide space for an increase in the capacity of the Northern line ticket hall (SPD 21 Land Uses); and
- requires development to help facilitate improvements to the Northern Line ticket hall and capacity between there and the platforms (SPD22).

The draft Old Kent Road Area Action Plan (December 2020) which is currently out to consultation commits the borough to working towards securing the Bakerloo Line Extension (AAP2: Bakerloo Line Extension and Infrastructure). Whilst Elephant and Castle is outside the Old Kent Road Opportunity Area boundary, the Bakerloo Line Extension cannot be delivered without provision of infrastructure at Elephant and Castle and the strong policy support on the draft Area Action Plan confirms the London Borough of Southwark's continuing commitment to the scheme.

London Underground can confirm that the approved tunnels that link the new station box to the existing Northern line platforms (planning permission reference 20/AP/0681 approved on 29 July 2020) were designed to accommodate the changes to the station box sought by the application.

London Underground will only progress the optimum and most efficient station box design which, for the reasons set out above, is considered to be the station box as amended by the application. London Underground is therefore strongly supportive of the application before you.

London Underground look forward to continuing to work with Southwark and the applicant on upgrading Elephant and Castle Underground station and facilitating the future delivery of the Bakerloo Line Extension.

Follow-up comment –The design for the station box which is the subject of the s73 application has been future proofed for the future delivery of the Bakerloo line Upgrade and Extension. This has involved designing the box around the main potential running tunnel alignments including that proposed along St George's Road, as well as making

	<p>allowance within the box structure for a future connection to the proposed new Bakerloo line platforms. As such it is not anticipated that further modifications to the Station Box design will be required in the future and the S73 application can and should be determined in its current form.</p>
69.	<p><u>Civil Aviation Authority</u></p> <p>No response received at the time of writing.</p>
70.	<p><u>Transport for London</u></p> <p>This application may be referable to the Mayor; the comments below are TfL Spatial Planning officer comments only. The comments should not prejudice any subsequent Mayoral planning decision, nor do they necessarily reflect the GLA's position, but they will form the basis of any advice to the GLA in terms of strategic transport.</p> <p>The proposed amendments to the previously consented development primarily occur underground and do not fundamentally change the residual transport impact of the consented development. Further, the amendments facilitate the delivery of the Bakerloo line upgrade and extension (BLUE) which is supported in the new London Plan and local policy as being essential to sustainably deliver the identified level of growth in jobs and homes in the Old Kent Road Opportunity Area (OA) and beyond in Lewisham .</p> <p>TfL have agreed with the Council a cap on the number of homes that can be delivered in the Old Kent Road OA prior to delivery of the necessary public transport capacity through BLUE, and the Secretary of State has very recently agreed to statutorily safeguard the BLUE alignment. It would therefore seem perverse if BLUE was not considered and accommodated in the design of the new Northern line ticket hall (NLTH), which is facilitated by the extant permission through provision of the station 'box' within the basement of the development. Clearly if BLUE was not accommodated at this stage, it would have to be 'retrofitted' at a later date, adding to the BLUE project timescale, project cost and resulting in further, potentially disruptive construction impacts in the future, alongside potentially substantial effects on the permanent development and its occupiers completed ahead of BLUE. As such, the proposed amendments are strongly supported.</p> <p>The proposed changes to the construction programme and methodology, for example the higher number of construction vehicle movements, should be incorporated into the revised draft construction environmental management plan (CEMP) that is being developed in consultation with TfL at the moment, and appropriate mitigation incorporated as required. The draft CEMP should be required to be approved by the Council in consultation with TfL, as with the consented development.</p>
71.	<p><u>Network Rail</u></p> <p>Following a review of the application, it appears that all the works are to the Elephant and Castle London Underground station. As a result our Asset Protection team have confirmed that they do not have any objection the proposals.</p>
72.	<p><u>Thames Water</u></p> <p>Waste comments – Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under</p>

	<p>the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: “A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water’s Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p> <p>Supplementary comments: Water: Thames Water have previously discharged Condition 15 - Impact Study for Water Infrastructure (East Site) and Condition 67 - Impact Study for Water Infrastructure (West Site). Thames Water's modelling team have reviewed this and have confirmed that there is still sufficient capacity in the water network to accommodate these further properties. Thames Water must be kept informed of any additional changes to design – for example, a further increase in development. Such changes could mean there is no longer sufficient supply capacity.</p>
	<p><u>Environment Agency</u></p> <p>Having reviewed the amendments to the approved planning application, the EA have no objection to the development as planned.</p> <p>The proposed amendments relate solely to the consented LUL station only comprising of external alterations of the consented LUL station entrance and the enlargement and reconfiguration of the consented LUL station box, including the provision of an additional basement level.</p> <p>We recommend the Local Planning Authority assess whether an updated Flood Risk Assessment (originally undertaken as part of the 2016 Environment Statement) should be submitted with respect to other sources of flooding and emergency planning, which fall within their remit. Please note that an FRA is required under Paragraph 163, Footnote 50 of the National Planning Policy Framework (NPPF), when development is proposed in such locations.</p>
73.	<p><u>UK Power Networks</u></p> <p>No comments, as there is already a project in place to relocate existing equipment during construction work.</p>
74.	<p><u>Theatres Trust</u></p> <p>We have been consulted because the site contains the Coronet Theatre; these revisions cover that specific part of the site. The Trust strongly objected to the loss of the Coronet and considered the scheme to provide insufficient replacement along with a long break in provision. This has been further compounded by plans for the redevelopment of Skipton House being dropped and the site being removed as a site allocation within the Council’s draft Local Plan resulting in even less future cultural provision. We would welcome a discussion with the Council as soon as possible to discuss their plans and strategy to meet the borough’s cultural needs.</p>

	Nonetheless, those matters fall outside of the scope of this specific application. With demolition of the Coronet already having been permitted and this application not impacting the proposed smaller music venue elsewhere within the scheme, we raise no objection.
75.	<u>Royal Parks</u> No response received at the time of writing.
76.	<u>London Borough of Bromley</u> No objections.
77.	<u>London Borough of Croydon</u> No response is to be provided.
78.	<u>London Borough of Haringey</u> No response received at the time of writing.
79.	<u>London Borough of Lambeth</u> No objection.
80.	<u>London Borough of Lewisham</u> No response received at the time of writing.
81.	<u>London Borough of Islington</u> No comment.
82.	<u>City of London</u> The City does not wish to make any observations in relation to this proposal.
83.	<u>City of Westminster</u> The City Council has considered the proposals described below and has decided it does not wish to comment on the proposals.
	ASSESSMENT
	Principle of the proposed development in terms of land use
84.	The existing permission is for the redevelopment of the east and west sites, and broadly comprises the demolition of all of the existing buildings to provide a range of uses including retail, education floorspace, assembly and leisure, residential units and a station box. The land use implications of the consented development are set out in full in the officer report for 16/AP/4458.
85.	The only amendments proposed through this s73 application are an increase in the size of the consented station box and associated minor elevational alterations. All of the other consented land use quantum and locations would be unaffected by the proposal. The development is considered to be of strategic importance owing to the heights of the various buildings and quantum of development and has been referred to the GLA. Given that this application only seeks to increase the size of the station box and minor

	elevational alterations the GLA have issued a response stating that they do not consider the new issues to be of strategic significance and therefore the Council is able to proceed to determine the application without any further consultation with the GLA.
86.	Since the parent permission was granted a new NPPF has been published and the London Plan 2021 has been adopted. However, the policies therein still support the broad range of town centre uses which form part of the existing permission and which would strengthen and support the functioning of the town centre. The draft NSP is currently being examined in public and now has more weight than when the existing permission was being considered. The key change in relation to land uses is a requirement to retain or increase the existing amount of employment space on the site which the proposal would not achieve. However, given that the proposed amendments are limited in scope to the station box and minor elevational alterations, it would not be reasonable to require further significant changes to the scheme beyond the scope of what is being proposed in order to increase employment floorspace on the site. Both the London Plan and the draft NSP introduce requirements for affordable workspace, and an element of affordable workspace was secured in the legal agreement for the existing permission. The legal agreement contains a clause binding all subsequent s73 applications to the terms of the existing agreement and should be endorsed to note this s73 application.
87.	Improving the Northern Line ticket hall at Elephant and Castle is a longstanding aspiration of the Council, reflected in policy documents including the Core Strategy, the saved Southwark Plan and the Elephant and Castle SPD/OAPF and the proposed amendments would help to realise this. The proposed amendments would also support the delivery of the BLE, the detail for which has significantly progressed since the parent permission was granted and is supported by the 2021 London Plan and the draft NSP. The BLE is key to the delivery of growth in the Old Kent Road Opportunity Area and beyond, by providing a key connection to central London. The draft Old Kent Road Area Action Plan (OKRAAP) sets a target of 20,000 new homes and 10,000 new jobs in the Old Kent Road Opportunity Area and the BLE is essential to providing the transport infrastructure to support this. In recognition of this the Council has agreed a two phase delivery plan with the GLA and TfL to limit the number of new homes which can be approved in the opportunity area to 9,500 until the BLE is completed. The Mayor of London has committed to delivering the BLE by 2031 and whilst this timescale may not now be possible owing to the Covid-19 pandemic, the Secretary of State for Transport has recently approved safeguarding directions for the BLE tunnel route and station locations, and it is noted that both TfL and London Underground strongly support the application.
88.	Overall it is concluded that the proposed amendments do not raise any new land use issues and that the amendments to the station box are fully supported in principle as they would help to deliver improvements to the Northern Line ticket hall and would be a key part of facilitating the delivery of the BLE and growth in the Old Kent Road Opportunity Area.
	Equalities implications
89.	The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. Section 149 of the Equality Act 2010 places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning

	<p>powers. Officers have taken this into account in the assessment of the application and Members must be mindful of this duty, inter alia, when determining all planning applications. In particular Members must pay due regard to the need to:</p> <ul style="list-style-type: none"> • Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act; • Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; • Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
90.	<p>The equalities impacts of the existing permission were considered and are set out in full in the officer report for permission 16/AP/4458. This was informed by various documents including an Equalities Statement and addendum submitted by the applicant and various equality analyses undertaken by the Council. For the demolition of the shopping centre the analysis identified adverse impacts in relation to age and race, and a range of mitigation measures were secured in the s106 agreement including a detailed Local Business Support and Relocation Strategy, a business relocation fund, temporary retail space during construction, affordable retail space within the development, and space for a potential new bingo hall. The shopping centre has now closed and the east site is hoarded, and a number of these mitigation measures have already been triggered including the provision of a temporary retail facility on the nearby Castle Square which is fully occupied. The s73 clause in the existing legal agreement would ensure that these mitigation measures continue to be delivered.</p>
91.	<p>The Equalities Statement for the existing permission concluded that the proposals for the Northern Line ticket hall would have had positive equality impacts in relation to disability, age, pregnancy and maternity. This s73 application is accompanied by an Equality Statement Addendum which considers the potential equality impacts arising from the proposed amendments. It concludes that the findings of the Equalities Statement for the existing permission would be unchanged in relation to the ticket hall, and that the proposed amendments would further improve the accessibility of the station which would benefit many people, including those with protected characteristics. It also concludes that the pre-application consultation and engagement undertaken by both TfL and the applicant has been inclusive and has taken into consideration potential equality impacts.</p>
92.	<p>The existing Northern Line ticket hall would remain operational until / unless the new ticket hall is operational, and the amendments now being sought would provide simpler, step-free access routes between the ticket hall and the Northern line platforms which would have positive equality impacts in relation to disability, age, pregnancy and maternity. The future-proofing of the station box to facilitate the BLE would have similar positive equality impacts and would allow for a single entrance to both the Northern and Bakerloo Lines from within the east site rather than the two separate entrances which currently exist. It is therefore concluded that the proposed amendments would have positive equality implications, and that mitigation secured in relation to the closure of the shopping centre would continue to be delivered through the existing s106 agreement.</p>
	<p>Environmental impact assessment (EIA)</p>
93.	<p>The existing planning permission was accompanied by an Environmental Statement (ES),</p>

	<p>the findings of which are detailed in full in the officer report for 16/AP/4458. This s73 application is accompanied by the original 2016 ES, together with an EIA Statement of Conformity letter which reviews the various topics in the ES and considers whether the proposed amendments would result in any significant environmental impacts beyond those which were identified in the 2016 ES. It concludes that the proposed amendments would not give rise to any significant changes to the previously reported effects of the consented development.</p>
94.	<p>The existing permission was determined under the 2011 EIA Regulations; these have been updated and the 2017 EIA regulations are now in force. The 2017 regulations include a requirement for the ES to be carried out by competent experts and for the ES to be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts; this has been included as an Appendix to the EIA Statement of Conformity and is considered to meet this requirement. The 2017 EIA regulations also introduced three new topic areas which must be considered: Human Health, Greenhouse Gases and Climate Change, and Risk of Major Accidents. Whilst these have been introduced as distinct topics, the issues relevant to them were already considered in the 2016 ES including impacts upon air quality, flood risk and ground conditions. In relation to the Risk of Major Accidents topic, the EIA Statement of Conformity advises that the development would not be likely to be prone to the risk of major accidents as there are no Control of Major Accidents Hazards registered to the site and that it is proposed to scope this issue out. There are no objections to this approach, and it is noted that the proposed amendments would include provision for improved firefighter access.</p>
95.	<p>The proposed amendments relate primarily to the station box, together with some very minor elevational alterations and an access hatch. In relation to development programme, demolition and construction, the station box amendments would require a different structural solution and deeper piles, but the overall piling strategy would remain as per the consented development. The estimated number of construction vehicles would remain broadly as per the consented development, although daily construction vehicle movements could increase from 150 per day to 170 per day for a one month period, changing the categorisation of the impact from insignificant to minor adverse. The construction methods and sequence would remain as reported in the 2016 ES, with an insignificant shift backwards in programme of 7 months for the works relating to the proposed s73 amendments.</p>
96.	<p>This is considered further below in relation to transport impacts, but it is not considered that the changes to the development programme, demolition and construction would result in significant effects beyond those reported in the 2016 ES. The s106 agreement for the existing permission requires detailed construction environmental management plans to be submitted for approval, and these would need to take account of the enlarged station box and additional construction traffic.</p>
97.	<p>Given that the vast bulk of the changes would be below ground it is considered that there would be no significant additional environmental effects in relation to socio-economics, wind microclimate, daylight, sunlight, overshadowing and solar glare and townscape visual impact beyond those identified in the 2016 ES, and as such the amendments would not result in any significant additional cumulative effects when nearby developments are taken into account. Transport, noise and vibration, air quality, ground conditions, water resources and flood risk and archaeology are considered separately below, albeit that it is concluded that the nature and scale of the proposed changes are such that they would not give rise to any significant environmental impacts and that the</p>

	findings and conclusions of the 2016 ES remain valid.
98.	On the basis of the above considerations it is concluded that the proposed minor material amendments do not give rise for the need for any additional or different mitigation measures to those already recommended and stated within the original ES documentation. Accordingly, all of the likely significant residual effects for all of the technical areas remain as stated in the 2016 ES.
	Transport
99.	Elephant and Castle is a major transport node that accommodates a wide range of travel options. The site has a public transport accessibility level (PTAL) of 6B (“excellent”), with access to the Northern and Bakerloo lines from within the east site. Elephant and Castle Railway Station adjoins the shopping centre to the east and can be accessed from Elephant Road, and prior to the closure of the shopping centre via a bridged access from the raised ground floor of the shopping centre. The railway station offers Thameslink services to north and south London and beyond, and is also used by South Eastern services. The transport implications of the consented development are set out in full in the officer report for 16/AP/4458.
100.	The proposed amendments to the existing permission would improve circulation and access between the new Northern Line ticket hall and the Northern Line platforms by connecting with the recently approved passenger tunnels. Improving the Northern Line ticket hall at Elephant and Castle is a long standing aspiration of the Council reflected in the Core Strategy, saved Southwark Plan and the Elephant and Castle SPD. The proposed amendments to the station box would also enable it to be used as part of the BLE if this project is delivered, to provide a single entrance to both the Northern and Bakerloo Lines rather than the two separate entrances which currently exist. Policy T3 (D) of the London Plan 2021 states that in development plans and development decisions, particular priority should be given to securing and supporting the delivery of upgrades to (inter alia) the Bakerloo line extension. The proposal is also supported by the Elephant and Castle Area Vision in the draft NSP which states that development in Elephant and Castle must improve the train and underground stations, provide step-free access, provide a new ticket hall for the Northern Line and Bakerloo Line extension and enable new transport infrastructure links with the surrounding areas by providing safe and accessible walking, cycling and public transport routes. Policy IP2 ‘Transport infrastructure’ of the draft NSP is also relevant, and both TfL and London Underground are strongly supportive of the application.
101.	The changes to the station box are therefore considered to be very positive in terms of transport and accessibility and are fully supported by the relevant planning policies. The tunnel alignment for the BLE has not yet been fully determined, and the design of the amended station box is essentially future-proofed so that it could operate either using the existing Bakerloo Line tunnels which run north-west to south-east across the east site, or using a potentially new east/west alignment along St George’s Road.
102.	As stated, during construction it is anticipated that the proposed amendments would result in a broadly similar number of daily construction vehicle trips, with the exception of a one month period when daily construction vehicle trips would increase from 150 to 170. It is not considered that this would have a significant adverse impact over and above the impacts arising from the consented development, and could be managed and mitigated through a construction environmental management plan which would need to be submitted under the terms of the existing legal agreement. This document would need to

	take into account the additional construction vehicle movements arising as a result of the proposed amendments, and this approach is supported by the Council's Transport Policy and Highways Network Development Teams.
103.	During the operation of the development the proposed amendments would deliver improvements for people using the underground station by providing increased capacity and step-free access. The EIA Statement of Conformity concludes that the findings of the 2016 ES remain valid in relation to other transport matters including trip generation, pedestrian movement and public transport trips, with no additional effects predicted as a result of the proposed changes. This is supported by a specific Transport Letter of Conformity which advises that because the proposed amendments do not include any changes to trip attractors/generators in land use areas, trip generation arising from the proposed development would not increase. Moreover, the proposed amendments do not include implementing the BLE plans, only enabling them to be delivered. If the BLE plans are brought forward the transport impacts of this would need to be assessed by Transport for London and London Underground, in consultation with the Council. This s73 application has been reviewed by the Council's Transport Policy Team which is supportive of the proposal, and the Highways Development Management Team does not wish to provide any comments.
104.	It is noted that the London Plan 2021 has recently been adopted, which represents a material change in planning policy since the existing permission was granted. It continues to set maximum parking standards, but introduces more onerous cycle parking requirements and a requirement for a healthy streets transport assessment. Given that the changes being sought under this s73 application are limited in scope to the station box, it is not considered reasonable to revisit these issues which could require substantial revisions beyond the scope of what is being proposed.
105.	Overall, the proposed amendments are considered to be very positive in relation to transport and sustainability, by significantly improving public transport in Elephant and Castle town centre. Besides additional construction vehicles, the impacts of which could be mitigated through a CEMP, it is not considered that any adverse transport impacts would arise as a result of the proposed amendments.
	Design
106.	The design, townscape and heritage asset implications of the consented development are set out in full in the officer report for 16/AP/4458. The vast bulk of the amendments now being sought would take place below ground and would not therefore be visible from the public realm.
107.	<u>Plot E1</u> – Some minor modifications are proposed to the ground floor elevation which would face onto Station Route leading from the Peninsula into the middle of the site. What was consented as a number of narrow windows sitting between structural columns and a large ventilation louvre would be amended to provide fewer structural columns, with the space in between used for digital displays and access doors, with ventilation louvres above adorned with vertical fins. This change would not be significant and the digital screens would provide animation to the street at this level and would be appropriate to the highly urbanised town centre location. These changes are considered to be acceptable in terms of their design. <u>Plot E2</u> - The alterations to this plot comprise reconfiguring an approved Northern Line fire exit opening out onto Elephant and Castle including the removal of internal partitions

	<p>to create a larger lobby space and minor alterations to the elevations including to the door arrangement. This would be a very minor change which would be acceptable in terms of design.</p> <p><u>Behind plot E4</u> – The change proposed to this plot is the provision of an access hatch to a vent shaft below located in a gated off area at the back of the plot E4 retail building. This change is unlikely to be discernible from the adjacent areas of public realm and would be acceptable in design terms.</p>
108.	Overall the proposed amendments are considered to be very minor and would be acceptable with regard to their design.
	Noise and vibration
109.	Noise and vibration issues arising from the consented development are set out in full in the officer report for 16/AP/4458. The EIA statement of Conformity advises that construction noise and vibration would remain as reported in the 2016 ES which assumed a worst case scenario, although it is noted that the construction period would be extended by seven months. Necessary mitigation by way of a requirement for a CEMP was secured through the s106 agreement, and any forthcoming permission would remain bound to the terms of the existing agreement. When submitted, the CEMP would need to take into account the proposed amendments to the station box. The Council's Environmental Protection Team (EPT) has reviewed the application and do not wish to make any comments.
	Impact of proposed development on amenity of adjoining occupiers and surrounding area
110.	The impact of the consented development upon the amenity of adjoining occupiers and the surrounding area is considered in full in the officer report for 16/AP/4458. Given the below ground nature of the bulk of the proposed amendments it is not considered that they would result in any significant environmental impacts beyond those of the consented development. The requirement for a CEMP to manage construction impacts is noted, and would need to take into account the proposed amendments. The minor elevational alterations and access hatch would not result in any additional bulk to the building and would not give rise to any additional amenity impacts.
	Energy and sustainability
111.	The consented development includes an energy centre at basement level in both the east and west sites, and energy matters are considered in full in the officer report for 16/AP/4458. An energy and sustainability strategy statement of conformity has been submitted in support of this s73 application. It advises that the proposed station box would be independent of the east site energy system, and therefore the proposed amendments would not have any impacts upon the approved energy strategy.
112.	The station box would not be connected to the site wide energy systems for the development, and would instead be fully powered by the London Underground network. Whilst it is noted that the 2021 London Plan now requires non-residential development to achieve carbon zero as opposed to a 35% reduction in carbon emissions under the 2016 London Plan, given that the proposed amendments are limited in scope to the station box which would not be powered by the development or fitted out as part of this planning

	<p>application, it is not considered reasonable to require carbon zero for the remainder of the development in this instance. Moreover, TfL has advised that it is committed to delivering a zero carbon railway by 2030 as outlined in the Mayor's Transport Strategy and the London Environment Strategy. TfL would ensure that this commitment is factored into the detailed design, construction and operational requirements of the project.</p>
	<p>Air quality</p>
113.	<p>The site is located in an Air Quality Management Area and the impact of the consented development upon air quality is considered in full in the officer report for 16/AP/4458. The EIA Statement of Conformity concludes that even though there would be an increase in construction vehicles as a result of the proposed amendments, this would not significantly alter the average number of trips over the entire construction programme and that the impact upon air quality during construction would be insignificant. During the operation of the development it advises that the air quality impacts would remain as reported in the 2016 ES.</p>
114.	<p>Air quality impacts during construction would need to be mitigated through a construction environmental management plan which is a requirement of the s106 agreement. EPT has reviewed the application and does not wish to make any comments. It is further noted that the conditions attached to the existing permission, some of which are relevant to air quality, would be re-imposed upon any forthcoming permission. The adoption of the 2021 London Plan does not suggest that a different approach should be taken in relation to air quality.</p>
	<p>Ground conditions and contamination</p>
115.	<p>Ground conditions and contamination are considered in full in the officer report for 16/AP/4458. The 2016 ES considered incursion to a depth of 30-45m below ground level associated with pile foundations. The additional basement depth would be 10-15m and should not therefore result in additional impacts beyond those already identified, albeit that a greater amount of soil would need to be excavated. The EIA Statement of Conformity advises that additional investigations have been undertaken following the granting of the existing permission including ground gas and vapour monitoring, and no significantly elevated gas or vapour concentrations have been identified. The Environment Agency and EPT have been consulted on the application and neither have raised any issues in relation to ground conditions and contamination as a result of the proposed amendments. Contamination conditions attached to the existing permission would be re-imposed on any forthcoming permission pursuant to this s73 application.</p>
	<p>Water resources and flood risk</p>
116.	<p>The impact of the consented development on water resources and flood risk are set out in full in the officer report for 16/AP/4458. The EIA Statement of Conformity advises that whilst there have been new policy and guidance documents published since the 2016 ES and Flood Risk Assessment (FRA) were prepared, these changes and the proposed amendments to the existing permission are not anticipated to have a material effect on the conclusions of the 2016 ES and FRA.</p>
117.	<p>Thames Water has been consulted on the application and has not raised any concerns in relation to water resources. Conditions for water supply impact studies were attached to the existing permission and have been discharged.</p>
118.	<p>With regard to flood risk, the Environment Agency (EA) has raised no objections to the</p>

	<p>proposed amendments. The EA has recommended that the Local Planning Authority assesses whether an updated Flood Risk Assessment should be submitted with respect to other sources of flooding and emergency planning which fall within the Council's remit. This is duly noted, and the Council's Flood Risk and Drainage Team has advised that because no amendments are being made to the drainage proposals, they do not wish to provide any comments or objections on the application and have not requested a revised Basement Impact Assessment. It is noted that conditions were attached to the existing permission which are relevant to flood risk, and these would be re-imposed upon any forthcoming permission. The 2021 London Plan continues to require greenfield run-off rates which was not achieved in the existing permission, but given the limited scope of the changes being proposed it is not considered reasonable to require this in this instance.</p>
	<p>Archaeology</p>
119.	<p>Part of both the east and west sites sit within the Kennington Road and Elephant and Castle Archaeological Priority Zone (APZ). The archaeological implications of the existing permission are set out in full in the officer report for 16/AP/4458.</p>
120.	<p>The proposed amendments to the station box would increase its depth by between 10-15m, and it would also extend further north-eastwards. Chapter 13 of the 2016 ES considers archaeology in detail and following a review of the ES a number of archaeology conditions were attached to the existing permission. The Council's Archaeology Officer has reviewed the application and has advised that the conditions applied to the existing permission continue to adequately manage the mitigation of the development, even with the proposed amendments. The archaeology conditions would be re-imposed upon any forthcoming permission.</p>
	<p>Implications for the conditions attached to permission 16/AP/4458</p>
121.	<p>Approval of a section 73 application results in a new consent, requiring a new decision notice. It is recommended that all of the conditions on the existing permission be re-imposed on any forthcoming permission with the pre-fix 'unless previously discharged under permission reference 16/AP/4458 or a subsequent amendment...'. The time limit for implementation would need to be amended so as not to extend the life of the permission, and the approved plans condition would need to be amended to include the new drawings. Two additional conditions requiring a Fire Statement to be submitted for approval are recommended for the east and west sites, in order to meet the requirements of policy D12 'Fire safety' of the London Plan (2021). Ordinarily this should be submitted with the application and not left to a condition, but it is noted that the 2021 London Plan was adopted after this planning application was submitted. Dealing with this by condition is therefore considered to be acceptable in this instance.</p>
	<p>Implications for the section 106 agreement attached to permission 16/AP/4458</p>
122.	<p>The existing permission is subject to a s106 agreement, and the agreement contains a clause binding any subsequent s73 permissions to the terms of the original agreement. If planning permission is granted it is recommended that the existing legal agreement be endorsed to note the s73 permission.</p>
	<p>Community Infrastructure Levy implications</p>
123.	<p>Section 143 of the Localism Act states that any financial contribution received as</p>

	community infrastructure levy (CIL) is a material "local financial consideration" in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker.
124.	The officer report for 16/AP/4458 advises that the consented development resulted in a requirement for a Mayoral CIL payment (pre- affordable housing relief) of £3,762,975 and a Southwark CIL payment of £15,804,382. The proposed amendments to the station box would result in a small amount of additional CIL chargeable floorspace, resulting in a slight increase in CIL charge when implemented.
	Community involvement and engagement
125.	<p>A Statement of Community Involvement (SCI) has been submitted which details consultation undertaken by the applicant prior to the submission of this s73 application. Owing to the Covid-19 pandemic the applicant undertook the public consultation predominantly online, supplemented by virtual meetings. The consultation period ran from 1st -10th December 2020 and comprised:</p> <ul style="list-style-type: none"> - A comprehensive public consultation website providing details of the proposed amendments; - A feedback function on the website; - A virtual community exhibition on 4th December 2020 which included a question and answer session.
126.	The public consultation was advertised by way of 15,000 flyers which were distributed to homes and businesses in the Elephant and Castle Opportunity Area, 500 flyers handed out to members of the public at the site, and flyers sent to various stakeholders including neighbouring residents associations and Latin Elephant. An electronic version of the flyer was sent to those who had signed up to receive updates about the project through a website for the town centre redevelopment, and all neighbours within 100m of the site were sent a newsletter which included details of the public consultation. The consultation was also highlighted at a monthly neighbourhood forum meeting on 1 st December 2020.
127.	A total of 73 people visited the online public consultation and 8 provided feedback. Of those respondents 75% were very positive about the proposal, 87.7% supported future proofing the station box to support the delivery of the BLE, and a number of detailed comments were provided.
128.	The applicant offered phone calls and the delivery of paper plans to anyone who could not access online communications during the planning application process, and this was highlighted in a flyer distributed to 15,000 local households in the Elephant and Castle Opportunity Area and email correspondence with other stakeholders. The SCI also details meetings held with elected Members including ward Councillors, and Council officers.
	Other matters
129.	<p>The following other matters relevant to the existing permission have been considered in full in the officer report for 16/AP/4458:</p> <ul style="list-style-type: none"> • Tenure mix, affordable housing and viability ; • Dwelling mix including wheelchair housing; • Density; • Quality of residential accommodation;

	<ul style="list-style-type: none"> • Layout, heritage assets and impact on Borough and London views; • Landscaping and trees; • Outdoor amenity space, children’s playspace and public open space; • Impact of proposed development on amenity of adjoining occupiers and surrounding area; • Ecology and biodiversity; • Wind microclimate; • Health impact assessment; • Aviation; • Television and radio signals.
130.	Given that the proposed amendments are limited to the station box, they would not impact upon any of the issues identified above. The draft NSP is currently being examined in public and it carries more weight than when the existing permission was determined. However, in terms of the policy areas which are directly impacted by the proposed amendments, these relate to public transport accessibility and the Bakerloo Line extension. The proposed amendments would not impact upon other aspects of the development.
131.	The 2021 London Plan also introduces requirements for a fire statement, a circular economy statement and an urban greening factor calculation. Conditions to secure a fire statement have been included in the draft recommendation, but given the limited scope of the amendments being sought it is not considered to be reasonable in this instance to require a circular economy statement or urban greening factor calculation.
132.	<u>Judicial review</u> – The existing permission is currently the subject of a Judicial Review (JR) which is due to be heard by the Court of Appeal at a hearing starting on 16 th March 2021. The JR relates to the affordable housing provision and the way in which this has been secured in the s106 agreement. The amendments now being sought would not have any impact upon affordable housing, and the station box would not add any commercial value to the development which would warrant revisiting the viability. The station box would be funded by the GLA, the Council and CIL contributions, but would be constructed by the developer.
	Human rights implications
133.	This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
134.	This application has the legitimate aim of seeking to secure amendments to an existing permission. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.
	Positive and proactive statement
135.	The Council has published its development plan and Core Strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

136.	The Council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.
Positive and proactive engagement: summary table	
	NO
Was the pre-application service used for this application?	NO
If the pre-application service was used for this application, was the advice given followed?	N/A
Was the application validated promptly?	YES
If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	YES
To help secure a timely decision, did the case officer submit their recommendation in advance of the statutory determination date?	YES
CONCLUSION	
137.	The proposed amendments to the station would have significant positive impacts in relation to transport and sustainability. They would allow for simpler, step-free access between a new Northern Line ticket hall and the Northern Line platforms, and would future-proof the station box to facilitate the BLE if this project is delivered. The proposed amendments would not result in any significant environmental effects beyond those of the consented development, and mitigation secured in the existing s106 agreement would continue to be delivered. Since the existing permission was granted a new NPPF has been issued, the 2021 London Plan has been adopted, and the draft NSP carries more weight as it has been through further rounds of consultation and is currently being examined in public. However, given the limited scope of the proposed amendments it is considered that it would not be reasonable to require any further revisions to the consented development beyond those which are being sought. The amended proposal would be in overall compliance with the development plan and would have positive equalities impacts, and it is recommended that planning permission be granted, subject to conditions and the existing s106 agreement being endorsed.