



Appeal Decision

Inquiry opened on 12 September 2023

Site visits made on 12 and 21 September 2023, and 25 and 31 October 2023

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State

Decision date: 30th November 2023

Appeal Ref: APP/A5840/W/23/3319797

Plot H1, Elephant Park, Land bounded by Walworth Road, Elephant Road, Deacon Street, and Sayer Street North, London SE17

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Lendlease (Elephant & Castle) Ltd against the decision of the Council of the London Borough of Southwark.
 - The application Ref.21/AP/1819, dated 20 May 2021, was refused by notice dated 21 December 2022.
 - The development proposed is redevelopment of the site to provide an 18-storey building (including a mezzanine floor) plus basement and rooftop plant providing office floorspace (Class E(g)(i)) and areas of floorspace for the following flexible uses: office/retail/services/food and drink/medical or health floorspace (Class E(g)(i), E(a), E(c), E(b) or E(e)), including ancillary cycle parking, accessible car parking, servicing, plant, roof terraces, landscaping, public realm improvements, and other associated works incidental to the development.
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Preliminary Matters

1. The Inquiry opened on 12 September 2023 and closed on 22 September 2023 after 8 sitting days. As well as the Council, and the appellant, a Rule 6(6) Party – Community Objectors of H1 (COH1) – appeared at the Inquiry and took a full part in the proceedings.
2. I carried out a brief, unaccompanied visit to the site on the morning of 12 September, before the Inquiry opened, for the purposes of familiarisation. On 21 September, during the Inquiry, I carried out an accompanied site visit to a flat in Hampton House (94-96 Walworth Road), where I was able to look towards the appeal site opposite, from a living room window.
3. I returned to the site unaccompanied on 25 October when I carried out a comprehensive site visit. Prior to that, as requested at the Inquiry, I visited the offices of ACME, the scheme architects, in the company of representatives of the Council and COH1. I also saw HY-LO, an office building recently completed in Bunhill Row, and the ACME designed Canopy by Hilton in Aldgate. Finally, as suggested, I visited (alone) the John Lewis store in Leeds, another ACME work, on 31 October 2023.
4. The originating application was accompanied by an Environmental Statement submitted pursuant to the Town and Country Planning (Environmental Impact Assessment Regulations 2017 (as amended)). I have, of course, taken this into account in my consideration of the appeal proposals.

5. A draft Agreement under s.106 was provided for discussion at the Inquiry¹. That discussion was helpfully informed by a CIL Compliance Statement prepared by the Council². I allowed time after the Inquiry closed for the Agreement to be completed and it was received in a finalised form (dated 19 October 2023) on 20 October 2023.
6. The Inquiry was most ably assisted by a Programme Officer, Joanna Vincent. I would like to record my thanks for the efficient manner in which the event, and the associated documentation was organised. I am grateful to the parties too for the helpfully flexible manner in which they approached what became a rather tight Inquiry programme.

Decision

7. The appeal is allowed and planning permission is granted for redevelopment of the site to provide an 18-storey building (including a mezzanine floor) plus basement and rooftop plant providing office floorspace (Class E(g)(i)) and areas of floorspace for the following flexible uses: office/retail/services/food and drink/medical or health floorspace (Class E(g)(i), E(a), E(c), E(b) or E(e)), including ancillary cycle parking, accessible car parking, servicing, plant, roof terraces, landscaping, public realm improvements, and other associated works incidental to the development on Plot H1, Elephant Park, Land bounded by Walworth Road, Elephant Road, Deacon Street, and Sayer Street North, London SE17 in accordance with the terms of the application, Ref.21/AP/1819, dated 20 May 2021, subject to the conditions set out in Annex B to this decision.

Main Issues

8. In opening the Inquiry, following what was discussed at the Case Management Conference, I set out the main issues as: (1) the effect of the proposal on the character and appearance of the area including design, the response to context, and any impact on the setting and thereby the significance of heritage assets; (2) the effect of the proposal on the living conditions of nearby residents and in particular, levels of daylight in nearby dwellings, and visual impact or loss of outlook; and (3) compliance, or otherwise with the development plan, and following on from that, any other material considerations including the wider policy background, and specifically, the principle of an office-based development on the site, as opposed to housing, including any 'planning balance' necessary'.
9. Having reflected on those in the light of the evidence, it seems to me that (1) and (2) remain but (3) needs to be approached in a different way because, as matters of principle, the relationship of the proposal to the development plan, and the principle of an office-based development on the site, as opposed to housing, need to be dealt with first. I have structured my reasons that follow on that basis.

Reasons

10. As set out in the Statement of Common Ground agreed between the appellant and the Council, the development plan for the area includes the London Plan 2021, and the Southwark Plan 2022.

¹ INQ-13

² INQ-12

11. Both contain a raft of policies relating to design and the protection of amenity that I will refer to further below. However, at the outset, it is important to recognise that the site, which forms part of Elephant Park, is on highly accessible (the PTAL rating is 6b), previously developed land that lies within the Central Activities Zone, an Opportunity Area, and a Major Town Centre. Major development and growth on the site are encouraged by both the London Plan and the Southwark Plan.
12. Moreover, both the London Plan and the Southwark Plan support an office-based use on the site. Indeed, Southwark Plan Policy ST2 Table A: Delivery in Vision Area expects Elephant Park to deliver 60,000 square metres (gross) of employment floor-space. The only remaining plot on Elephant Park where this floor-space might be brought forward is Plot H1.
13. In those terms, the proposal draws very strong support, in principle, from London Plan Policies SD1 (Opportunity Areas), SD4 (the Central Activities Zone), SD6 (Town Centres and High Streets) and Southwark Plan Policies ST1 (Southwark's Development Targets), ST2 (Southwark's Places), SP4 (Green and Inclusive Economy), P30 (Office and Business Development) and AV.09 (Elephant and Castle Area Vision).
14. COH1 advanced a counter-argument to all that based around the approach set out in London Plan Policy H8 which deals with the loss of existing housing and estate redevelopment. Central to the points made by COH1 is criterion D of the policy. This says that: *Demolition of affordable housing, including where it is part of an estate redevelopment programme, should not be permitted unless it is replaced by an equivalent amount of affordable housing floor-space. Affordable housing that is replacing social rent housing must be provided as social rent housing where it is facilitating a right of return for existing tenants. Where affordable housing that is replacing social rent housing is not facilitating a right of return, it may be provided as social rent or London Affordable Rent housing. Replacement affordable housing should be integrated into the development to ensure mixed and inclusive communities.*
15. To understand why the issue around affordable housing remains a live one for COH1, it is necessary to dwell a little on the history behind Elephant Park. The site of Elephant Park was previously home to the Heygate Estate. This was completed in the early to mid-1970s to the designs of the architect Tim Tinker. Whatever the architectural merits of the estate³, the Council granted consent for its demolition, and outline planning permission for the regeneration of the area it occupied, in March 2013. The area then became known as Elephant Park and the approved regeneration plans as the OPP.
16. The OPP allowed for up to 254,400 square metres of residential floor-space, up to 5,000 square metres of business floor-space, and up to 10,000 square metres of community, culture and leisure floor-space, alongside a new energy centre, a new park, and a new public realm. Various plots within the OPP then came forward through reserved matters applications which were approved and construction and, in some cases, occupation has followed.
17. Owing to the floor-space allowances in the OPP. the proposal for Plot H1 which is before me did not however come forward through a reserved matters application, but was the subject of a standalone, full application.

³ And I for one remember it as having a layout and design of very high architectural quality

18. Today, the redevelopment of the Heygate Estate, or Elephant Park, is largely complete and many of the plots are occupied. The H1 Plot is largely open and is most obviously, as it was termed at the Inquiry, 'the last piece of the jigsaw'.
19. How then does this narrative bear on the case relating to London Plan Policy H8 advanced by COH1? In the first instance, it seems to me that, rightly or wrongly, the fate of the Heygate Estate was sealed as far back as 2013 when consent was granted for its demolition and the OPP was approved. That was the time when the loss of the social housing in the estate, and its replacement on-site, or off-site, fell to be considered. Moreover, that consideration took place in the light of the policy context that prevailed at the time. London Plan Policy H8 was not, of course, in place in 2013.
20. The Council took the view, in the policy context that prevailed at the time, that the provision of affordable housing within the OPP, and on sites that did not form part of the OPP, were sufficient to offset those lost from the Heygate Estate. Whether the Council was right or wrong in reaching that conclusion at the time is not a matter upon which I can adjudicate. Suffice to say, that is the conclusion that was reached, and in my view, there is no compelling reason to justify re-opening that particular debate.
21. I appreciate that, as set out above, the proposal before me is a full application, rather than a reserved matters application under the OPP. However, I do not consider that makes any material difference to the conclusion set out above. The reason the scheme has come forward in this way is because of the floor-space restrictions in the OPP. While not advancing under the umbrella of the OPP, the scheme is very much part of the Elephant Park redevelopment. That it has come forward in the way it has does not mean that we can turn the clock back to 2013 and consider again the mechanics of replacing the social housing that formed the most part of the Heygate Estate, under the auspices of London Plan Policy H8. While I appreciate and understand the motives behind the argument COH1 advance, I am afraid that ship sailed in 2013.
22. Of course, it is perfectly legitimate for COH1 to make the point that housing, and in particular, affordable housing, would be a better use for Plot H1. However, as I have set out above, the provision of offices on the appeal site draws support from both the London Plan and the Southwark Plan. Indeed, London Plan Policy SD5 expresses no preference for residential development over offices and/or other strategic functions in the Central Activities Zone, or vice versa. There is no policy basis, therefore, for a conclusion that housing and affordable housing would be a better use for the site. I see no difficulty in principle therefore, with the uses proposed in the scheme at issue.
23. Reference has been made by COH1 in support of their argument on this point to the decision of the Secretary of State in the *Edith Summerskill House* case⁴, and in particular the approach taken therein to London Plan Policy H8. For reasons that need not detain us here, the demolition of Edith Summerskill House took place long before the replacement tall building was considered, and London Plan Policy H8 was adopted. Nevertheless, the policy bore on the replacement tall building because it was always intended as a replacement for Edith Summerskill House, and that replacement had to be considered in the light of the development plan that was in place at the time of that consideration.

⁴ APP/H5390/V/21/3277137 (I was the Inspector who prepared the report to the SoS)

24. In the case of the Heygate Estate, its demolition and replacement by the OPP was considered together, in 2013, in the light of the development plan as it stood then. As I have set out, the way in which the scheme for Plot H1 has come forward does not justify reopening that debate and bringing London Plan Policy H8 into play.
25. On that overall basis, I agree with the appellant and the Council that there is no reason, in principle, why an office scheme, with associated uses, should not come forward on Plot H1. Whether what is proposed is acceptable, or not, turns on the questions of the scheme's impact on the character and appearance of the area, and living conditions.

Character and Appearance

26. The redevelopment of Elephant Park, under the umbrella of the OPP has continued apace since 2013, alongside other redevelopment work in the area, notably the shopping centre. The appeal site looks quite incongruous in its largely open state and the descriptor 'the last piece of the jigsaw' is apt in visual as well as policy terms. All agree that the site needs to be developed and given the location of the site in the Central Activities Zone, an Opportunity Area, and a Major Town Centre, it needs to be developed in a way that makes efficient use of it. That approach is underlined in London Plan Policy GG2 which endorses a design-led approach to determine the optimum development capacity of a site, and further encouraged in London Plan Policy D3.
27. On that basis, having regard to the scale of other buildings that have come, or are coming forward in the OPP, and the shopping centre, and elsewhere in Elephant and Castle, it is evident that one way or another, the appeal site is going to be home to a substantial building. That conclusion is bolstered by the expectation in Policy ST2 of the Southwark Plan that Elephant Park will deliver 60,000 square metres (gross) of employment floor-space. Plot H1 is where practically all of this space will have to be accommodated if the policy expectation is to be met.
28. The central question then is whether the form of the building at issue would be an appropriate way to provide that amount of floor-space (or something closely approaching it). Having listened with care to the evidence presented by the parties on this matter, it seems to me that the central question is a very simple one: should the proposal continue the design approach that has been taken elsewhere in the OPP and around it, or is it legitimate to take a markedly different design approach on Plot H1?
29. The starting point for that analysis is to consider the buildings that have come forward as part of Elephant Park, and around it. From what I saw, these share a similar architectural language - podia and towers or mansion blocks with regularly sized and spaced openings in solid walls, or glazing modules that follow straight lines and give a distinct, vertical emphasis. These buildings are well considered, in my view, and of high quality in design terms, but they are rigid in terms of their approach. That rigidity of approach has led to a development (Elephant Park) that is uniform in its appearance; a uniformity that is shared by the design of the adjoining shopping centre.
30. The impression I gained from looking around Elephant Park is of a development that is technically very well done, but somewhat dry. The buildings share a common language, but there is nothing that stands apart, as a focal point.

31. I do not suggest that is necessarily a failing of the development, nor that continuing in the same idiom would be a mistake, in design terms, but it does mean that there is the potential to provide a pleasing contrast or counterpoint on Plot H1.
32. A building on Plot H1 that takes a different form to what would be around it could work, in design terms, and provide a focus for the development, and the wider Elephant and Castle area. One might look to the impact the Faraday Memorial had when it was built, or indeed, Alexander Fleming House (as it was) for local examples of that.
33. That potential is underlined when one considers that the proposal on Plot H1 would have a different use. It would be an office building rather than a building with commercial uses at lower levels and residential uses on the upper levels. While I accept that office buildings can take the form of a podium with tower above with regular openings, and the HY-LO building I visited is an example of that, office buildings can have deeper floorplates than residential uses, and predominantly glazed façades.
34. That sort of approach does have its potential pitfalls, however. It is not sufficient to be merely 'different' in terms of the use and the design approach. To work as a contrast of this sort, and not appear as merely wilful, the building proposed for Plot H1 would have to attain a very high standard of design, in its own idiom, and again I would point to the Faraday Memorial (despite the compromises in its design) and the former Alexander Fleming House as examples. On my analysis, the proposal before me meets that very high standard and I reach that conclusion for a number of reasons.
35. In addressing those reasons, the first matter to deal with is the question of what the Council refer to in its reason for refusal as 'excessive height, massing and bulk' of the proposal. In my view, this criticism is largely a product of the Council's resistance to the different approach taken to the design of the building at issue, as opposed to the approach taken to other buildings on Elephant Park, and the town centre generally.
36. For the reasons I have set out above, my start point is that there is the potential for a counterpoint building on Plot H1 and the form of the building proposed must be considered with that in mind. This form is unquestionably different to the form of the buildings the proposal would sit alongside but that is the product of a different design approach, and use. Where adjoining buildings might be said to have more 'slender' forms, the proposal could be said to have more 'bulk'. However, the question is not, in my view, whether the proposal is 'bulky' but whether the contrast in its form would be harmful?
37. To my mind, the scheme at issue has an attractive form. It would not have the same regularity in its floorplate as neighbouring buildings, but it would not be harmfully amorphous. Its size, scale and massing would be disciplined and controlled, and articulated by steps, terraces and the 'ripples' in the façade. It would not appear as a building that is too tall, or too big – it would appear as a building that has a contrasting form to the buildings around it. It would be different, obviously, but in a way that would be pleasing.
38. As an example of that, there was some discussion about the impact of the building when viewed from parts of Walworth Road where it would be visible on either side of the Hurlock Heights tower on Plot H2.

39. Far from emphasising the 'bulk' of the proposal, that visibility would advertise its different form and signify that there is a building within Elephant Park that is different in its design approach to other buildings in Elephant Park, including the building on Plot H2. As set out above, I consider that contrast to be positive rather than negative. It would act as a signpost advertising the contrast.
40. The issue of scale also has a bearing on this contrast. If handled with a lack of care, an office building of the size proposed, on Plot H1, with fully glazed façades, could have a scale that was visually injurious. However, the proposal has carefully articulated façade treatments. Firstly, as I have referred to above, the façades are not sheer – they are modulated with steps, terraces, and 'ripples'. On top of that, the façade would be treated with a series of fins in the pattern of the 'Faraday cage'.
41. Whether those experiencing the building would appreciate the reference to Faraday is not, in my view, a matter of particular importance. What is important is that the designed irregular arrangement of the fins would break up the façades in a way that would provide significant visual interest, and contrast attractively with the regularity of the adjoining buildings. At the same time, the system of fins would give the building a sense of scale, that would be similar to those adjoining buildings.
42. Another area of contrast would be the way in which the proposal would relate to the open space that forms the centrepiece to Elephant Park. The other buildings that face on to this open space interact with it, to an extent, by dint of the shops, cafés and bars that occupy their ground floors. However, the proposal would take that further with the base of the building being treated as an extension of the public space with a colonnade running around the building, and with part of the ground floor freely accessible with a continuous floor treatment, built-in furniture, and feature lighting, as well as a restaurant/café, in an attractively designed, lofty space. All this would make the building an effective continuation of the public open space. The NHS facility, proposed for the ground floor, that I refer to further below, would add to that sense of the building as a destination.
43. Bringing those points together, I am of the view that the proposal would have a significantly positive impact on Elephant Park and the Elephant and Castle area more generally. The proposal would deliver the efficient use of land, and the amount of office floorspace, sought by the London Plan and the Southwark Plan, in a way that would provide an attractive lift to the area and complete the 'jigsaw' that is Elephant Park with a building of what I consider to be of exemplary design.
44. There is always a little wariness on my part as to whether buildings that are well designed conceptually will be completed in a manner that does justice to that concept. My visits to other examples of works by the architects suggested very strongly to me that ACME is an architectural practice that is capable of delivering very high-quality buildings and associated public spaces. Moreover, I have every confidence that the Council, given their experience in the field, can ensure, through planning conditions and the Obligation, matters that I refer to further below, that the promise of what is proposed here, is properly translated into built form.
45. On that overall basis, I am of the firm view that the proposal would comply with London Plan Policy D9 (Tall buildings); in particular, it would make a

positive townscape contribution in long-range, mid-range, and immediate views. Moreover, it would have a pleasing relationship with surrounding streets and the public open space within Elephant Park. With the requisite controls, the architectural quality and materials of the building would be of an exemplary standard. On top of that, the proposal would comply with London Plan Policy D3 in that it would make the best use of the site by having followed a design-led approach. I would add too that the scheme would be in accord with Policy D4 (Delivering good design).

46. For the same reasons, the proposal would comply with Policy P13 (Design of places) of the Southwark Plan and parts 1 and 2 of the policy in particular. Moreover, there would be ready compliance with Policy P17 (Tall buildings) in that the proposal would respond positively to local character and townscape.
47. The proposal would also accord with the requirements of the National Planning Policy Framework in terms of achieving well-designed places.

Living Conditions

48. The policy that must underpin the analysis of the impact of the building proposed for Plot H1 on the living conditions of neighbouring residents is Policy P56 of the Southwark Plan. This states that development should not be permitted when it causes an unacceptable loss of amenity to present or future occupiers or users. Amenity considerations that will be taken into account include, of relevance here, daylight and visual impact⁵. In a similar vein, Part D of London Plan Policy D6, which refers to housing quality and standards says that the design of development should provide sufficient sunlight and daylight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing, and maximising the usability of outside amenity space.
49. There is agreement between the parties about the way that questions around the loss of daylight to residential properties should be approached. It should be a two-stage process – first as a matter of calculation, whether there would be a material deterioration in conditions; and second, as a matter of judgment, whether any deterioration would be acceptable or unacceptable in the particular circumstances of the case. I take the reference to *unacceptable* loss of amenity in Policy P56 to reflect that process.
50. The neighbouring residents who would be most affected by the proposals are in two groups. The first of these groups are the resident of units in Hurlock Heights and the Weymouth Building (Plot H2) to the south of the H1 plot. The second group are residents in Nos.82-96 (inclusive) Walworth Road, to the west of the H1 plot, on the opposite side of Walworth Road.
51. The residential units on the upper floors of Hurlock Heights and the Weymouth Building that face the appeal site are modern apartments with large windows and in some cases balconies. I have been able to see plans of these buildings, so I have a good understanding of the internal layout of the units.
52. The urban block made up of Nos.82-96 Walworth Road is a remnant of the 'old' Elephant & Castle - a terrace of properties of very broadly similar heights and design. As set out above, I was helpfully able to visit one of the flats in

⁵ The policy refers to an 'actual or sense of.....enclosure' which I consider to be much the same thing

Hampton House (Nos.94-96 Walworth Road), so I was able to assess its layout, but beyond that particular flat, I have little to go on in terms of the nature of the residential accommodation in the terrace.

53. It may be that some of the units across the terrace are studio flats, bedsits, or short-term accommodation, but I cannot be sure about that. In any event, I do not consider that the nature of the accommodation should have any material bearing on either stage of the process. In my view, one should set different standards for different forms of accommodation because not all people have the economic freedom to be able to choose where they live. The living conditions of residents of studio flats, bedsits, or temporary accommodation are just as worthy of protection as those of residents of more permanent and/or substantial forms of accommodation.
54. There are some differences between the main parties about the calculations, having regard to advice in BRE Guidance⁶ but in my view, these are relatively minor. What is clear from the calculations is that the proposal would lead to significant reductions in daylight to all the rooms in Nos.82-96 Walworth Road that face the appeal site, and all the single aspect north facing master bedrooms in the lower part of Hurlock Heights (Plot H2). With that in mind, the second stage of the process is whether these reductions are judged to be, in the words of Policy P56, unacceptable.
55. There was some discussion as to how that judgement might be reached. For my part, I consider reading across to impacts that have been found acceptable by colleague Inspectors, Councils, or the GLA, in relation to different developments on different sites across London to be fraught with difficulties. The 'judgement' stage of the process will always involve balancing impacts against other factors or benefits and that balance will be different in every case. A comparison between the decisions in relation to developments at the Whitechapel Estate⁷ and Albert Embankment⁸ amply demonstrates that.
56. There are issues too in understanding what might be a reasonable start point for the reductions in daylight that would take place. It could be argued that residents of the affected properties have benefitted, latterly, from the cleared nature of Plot H1 so is it correct to adopt that as the baseline? However, it seems unrealistic too, given the passage of time, to take the baseline for residents of Nos.82-96 as the situation that prevailed when the Heygate Estate was in place. There are difficulties too with using the OPP parameters as a guide because the floor-space allowances therein have been so far overshot.
57. To my mind, it is necessary to consider the impacts in terms of loss of daylight and for that matter, visual impact in the light of the intentions for Elephant Park and Plot H1, in particular. Plot H1 is 'the last piece of the jigsaw' in a regeneration scheme of significance, for Southwark, and London more generally. That is borne out by the policy imperatives of the London Plan, and the Southwark Plan that I have covered in detail above.
58. In short, the clear policy expectation is that Plot H1 will deliver a building that is substantial in size, in order to make the best use of the site.

⁶ BRE: Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice

⁷ APP/E5900/W/17/3171437

⁸ APP/N5660/V/203254203 & APP/N5660/V/20/3257106

59. With that in mind, it seems to me that impacts in terms of loss of daylight of the sort that have been calculated are not surprising or extreme. I reach the same conclusion in terms of visual impacts. In the light of the policy background, I consider that the loss of daylight and visual impacts that would arise as a result of the development would not be unacceptable.
60. On another point, residents who have moved into Hurlock Heights ought to have been aware that a building would come forward on Plot H1. They may well have expected that this building would have a residential rather than an office use. However, I do not consider that the changed use would have any great impact in privacy terms. Given the spacing between the plots, occupiers of Hurlock Heights who are keen to protect their privacy would have to take measures to do so in any event.
61. Bringing all those points together, I am satisfied that the proposal complies with Policy P56 of the Southwark Plan, Policy D6 of the London Plan, and advice in this regard in the National Planning Policy Framework.

Conclusion

62. Bringing those points together, I conclude that the proposal would provide a design of very high quality that would have a significantly positive impact on the character and appearance of the area and its impact on the living conditions of neighbouring residents would be within reasonable bounds. At the same time, the scheme would accord with policy expectations in relation to use of the site and floor-space on Plot H1. On that basis, I conclude that the proposal would comply with the development plan as a whole and there are no material considerations that would justify a conclusion that ran contrary to the development plan.

Conditions and Obligations

63. Paragraph 56 of the Framework tells us that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. A list of draft conditions, agreed between the appellant and the Council, was discussed at the Inquiry⁹. I have considered those conditions in the light of advice in the Framework treating those that are pre-commencement in nature as having been accepted by the appellant. I have made some minor changes to the draft conditions in the interests of precision.
64. As usual, a condition is necessary to deal with commencement, along with another setting out the approved plans. Having given it some thought, I am content that condition 3, which sets out the maximum heights of the building, and more importantly, floor areas given to various uses at different levels, does serve a necessary purpose.
65. Given the location of the appeal site, in relation to London Underground lines, a condition is required to address and potential impacts of the construction process on those lines. As a result of the proximity of neighbouring residential uses, and the need to control any impacts of the construction process on the amenity of residents, and other environmental factors, a range of conditions is required to address construction waste, dust monitoring, site enclosure, noise,

⁹ Inquiry Document INQ-11

- vibration, potential contamination, subsequent verification, and any unexpected contamination, and piling methods.
66. Given that the submitted plans are indicative only in relation to the layout of the basement levels, a condition is required to secure details of various aspects, particularly in relation to circulation for pedestrians and cyclists. Linked to that, details of the provision for staff cycle parking need to be subject to the approval of the Council, as does the provision of cycle parking for visitors.
 67. I have referred above to the importance of the interface between the building proposed and the public space it would address. To ensure that this is dealt with effectively, conditions are needed to deal with hard and soft landscaping, and tree planting, their ongoing management, the approach to retained trees, and arboricultural site supervision. A further condition is necessary to secure the nesting boxes for swifts advanced as a biodiversity gain. Linked to all that, the nature of the biodiverse roofs needs to be controlled by a condition.
 68. To address various aspects of the development plan, it is reasonable to apply conditions to deal with the circular economy, a Whole Life-Cycle Carbon Assessment, Secured by Design principles, and full fibre connectivity.
 69. As set out above, the design of the building and its interface with the public realm are fundamentally important aspects of the overall proposal. In that context, it is necessary to apply conditions to require the submission and for approval of samples of materials, detailed drawings of important elements of the design, and 'mock-ups' of the elevational treatments. I have expanded the list of matters for which detailed drawings will be required to reflect what was discussed at the Inquiry.
 70. Further, there is a need for the Council to have oversight over shop-fronts and signage, the layouts of internal floors, the arrangement of rooftop plant and its upward projection, the approach to wayfinding and signage, the provision of electric vehicle charging points, external lighting and security equipment, and details of the moveable planters. Linked to all that, it is necessary to apply a condition to ensure all the glazing is clear.
 71. In terms of the operation of the building, a condition is needed to deal with the approach to any impact the building might have on TV and/or radio reception, or telecommunications. Furthermore, the storage and collection of refuse, and any kitchen extraction systems must be subject to conditions. In a similar vein, the approach to foul and surface water disposal, in the context of the relationship of the building with the water network, maintained by Thames Water, and the timing of implementation, must be controlled by condition. A condition is required to set out the circumstances when surface water drainage by means of infiltration might be favoured.
 72. Given the location of the building in a breach zone of the Thames, there is a need for a Flood Warning and Emergency Evacuation Plan to be approved through the vehicle of a condition. Flood risk in general terms needs to be addressed through a condition too. In terms of other risks, a condition is also needed to ensure the development is carried out in accordance with the submitted Fire Statement.

73. The operation of the Use Classes Order and the extent of permitted change mean that the nature of the uses within the building have to be secured by condition. To protect the appearance of the building, the potential for telecommunications equipment to be installed on the building without the need for planning permission must be restricted by condition.
74. To protect the living conditions of adjoining residential occupiers, the times when the terraces can be used needs to be restricted by means of a condition. For similar reasons, a condition is required to address noise from plant and equipment associated with the building.
75. Conditions are necessary to secure post-construction or post-occupation reports dealing with BREEAM ratings, and the circular economy, a Whole Life-Cycle Carbon Assessment, and archaeology.
76. As set out above, a completed Agreement under s.106 was submitted after the Inquiry closed. This contains a significant number of obligations which I have considered in the context of paragraph 57 of the Framework. Mirroring the requirements of the CIL Regulations¹⁰, this says that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
77. The Council helpfully produced a CIL Compliance Schedule¹¹ which explains the basis for the various obligations sought by the Council. The Obligation includes a clause which says that if I find that any obligation, or part of an obligation, within the Agreement does not meet the tests set out above then it shall cease to have effect.
78. In assessing the various obligations against those tests, and based on the CIL Compliance Schedule, and the policy references therein, I am content that the planning obligations relating to the health hub and/or affordable workspace (subject to my findings below), public realm, s.278 highways works, cycle hire docking station contribution and cycle hire scheme, construction employment training, local procurement, end use of the development, travel plan, health hub transport plan, energy: energy statement update, carbon offset contribution, energy: be seen monitoring, energy: connection to the district heating network, construction environmental management plan, delivery and service plan, delivery and service cash deposit and delivery and service monitoring fee, active lobby management plan and public access, bus services contribution, Elephant & Castle strategic transport contribution, Walworth Road bus contribution, Legible London Contribution, and administration fee and monitoring contribution all meet the relevant tests and should take effect.
79. There are a number of other points I would make. First, there is an obligation in the Agreement relating to the retention of the scheme architect. As I have referred to above, there is always something of a doubt on my part as to whether the promise of an architectural composition will survive the detailed design and construction processes. Here, it is very important that it does, and I consider that alongside the various planning conditions intended to address this matter, the architect retention obligation is necessary to make the development acceptable in planning terms.

¹⁰ Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended)

¹¹ Inquiry Document INQ-12

80. The second point relates to the Health Hub. Through the Agreement, the parties have asked that I determine whether the relevant Heads of Terms of the Health Hub lease should be those set out in Appendix A (as preferred by the Council), B (as preferred by the appellant), or C (as preferred by COH1).
81. As set out above, the Health Hub would be a most valuable facility for local people that would also add to the sense of the building as a destination. I do not suggest that it is crucial in this regard, but I do feel that the proposal would be much better with it than without it. In that context, I am concerned that if the Agreement ties the hands of the appellant too tightly in terms of its negotiations with the NHS, then the Health Hub might not come forward. I consider that specifying a 30 year term for the lease would make it potentially more difficult for the appellant to agree a lease with the NHS. The appellant needs to be furnished with more flexibility in the negotiations and, on that basis, the Agreement should proceed on the basis of Appendix 3 B.

Final Conclusion

82. For all the reasons given above, and having had regard to all other matters raised, it is my conclusion that the appeal should be allowed.

Paul Griffiths

INSPECTOR

Annex A: APPEARANCES

For the Local Planning Authority

James Burton, Counsel

Instructed by the Assistant
Chief Executive for Governance
and Assurance at the LB
Southwark

He called:

Richard Craig BA(Hons) MPhil

Team Leader, Design and
Conservation LB Southwark

Kaivin Wong BSc(Hons) MRICS

Director and Principal, Lumina
Ltd

Nathaniel Young BSc(Hons) MSc

Senior Planning Officer,
Strategic Applications Team, LB
Southwark

For the Rule 6(6) Party

Charles Bishop, Counsel

Instructed by Public Interest
Law Centre (PILC)

He called:

Jerry Flynn

COH1

For the Appellant

Russell Harris KC and
Anjoli Foster, Counsel

Instructed by Pinsent Masons

They called:

Friedrich Ludewig AA Dipl (Hons) RIAI

Founding Director, ACME

Louise Newman BA(Hons) Dip.Arch ARB

Equity Director, Tavernor
Consultancy Ltd

Simone Pagani MSc MSLL

Senior Partner, Gordon Ingram
Associates

Jonathan Marginson MA Hons (MRTPI)

Senior Director, DP9

Inquiry Documents

INQ-01	List of Appearances on behalf of the appellant
INQ-02	List of Appearances on behalf of the Council
INQ-03	Opening Statement on behalf of the appellant
INQ-04	Opening Statement on behalf of COH1
INQ-05	Opening Statement on behalf of the Council
INQ-06.1	Daylight, Sunlight and Overshadowing Assessment – Surrounding OPP Buildings
INQ-06.2	Daylight, Sunlight and Overshadowing Report - * Albert Embankment Appeal (Parts 1-5)
INQ-06.3	Whitechapel Estate Appeal PoE (Gordon Ingram Associates)
INQ-06.4	Whitechapel Estate Appeal Appendices (Gordon Ingram Associates)
INQ-06.5	Appendices to the Hartley Centre Daylight and Sunlight Report (January 2021)
INQ-07	List of Appearances on behalf of COH1
INQ-08	Daylight, Sunlight and Overshadowing Report on West Grove (Plots H2 and H3)
INQ-09	3D View of Albert Embankment appeal scheme
INQ-10	3D View of Albert Embankment appeal site
INQ-11	Updated Conditions List
INQ-12	CIL Compliance Statement
INQ-13	Draft Agreement under s.106
INQ-14	Closing Submissions on behalf of COH1
INQ-15	Closing Submissions on behalf of the Council
INQ-16	Closing Submissions on behalf of the appellant
INQ-17	Completed Agreement under s.106 dated 19 October 2023

Annex B: CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 259639-A100-H01-01-PL-ZZ-0202 P102 Location Site Plan: Proposed
 - 259639-A100-H01-01-PL-ZZ-0207 P102 Proposed Site Plan
 - 259639-A100-H01-01-PL-ZZ-0209 P102 Proposed Roof Plan
 - 259639-A100-H01-01-PL-ZZ-0211 P102 Proposed Site Plan GF
 - 259639-A100-H01-20-PL-B1-1002 P102 Floor Plan-Basement Level 1
 - 259639-A100-H01-20-PL-BM-1003 P102 Floor Plan-Basement Mezzanine
 - 259639-A100-H01-20-PL-00-1004 P104 Floor Plan-Level 00
 - 259639-A100-H01-20-PL-MZ-1006 P102 Floor Plan-Level Mezzanine
 - 259639-A100-H01-20-PL-01-1007 P102 Floor Plan-Level 01
 - 259639-A100-H01-20-PL-02-1008 P102 Floor Plan-Level 02
 - 259639-A100-H01-20-PL-03-1009 P102 Floor Plan-Level 03
 - 259639-A100-H01-20-PL-04-1010 P102 Floor Plan-Level 04
 - 259639-A100-H01-20-PL-05-1011 P102 Floor Plan-Level 05
 - 259639-A100-H01-20-PL-06-1012 P102 Floor Plan-Level 06
 - 259639-A100-H01-20-PL-07-1013 P102 Floor Plan-Level 07
 - 259639-A100-H01-20-PL-08-1014 P102 Floor Plan-Level 08
 - 259639-A100-H01-20-PL-09-1015 P102 Floor Plan-Level 09
 - 259639-A100-H01-20-PL-10-1016 P102 Floor Plan-Level 10
 - 259639-A100-H01-20-PL-11-1017 P102 Floor Plan-Level 11
 - 259639-A100-H01-20-PL-12-1018 P102 Floor Plan-Level 12
 - 259639-A100-H01-20-PL-13-1019 P102 Floor Plan-Level 13
 - 259639-A100-H01-20-PL-14-1020 P102 Floor Plan-Level 14
 - 259639-A100-H01-20-PL-15-1021 P102 Floor Plan-Level 15
 - 259639-A100-H01-20-PL-16-1022 P102 Floor Plan-Level 16
 - 259639-A100-H01-20-PL-17-1023 P102 Floor Plan-Level Roof
 - 259639-A100-H01-20-PL-18-1024 P102 Floor Plan-Level Plant 2
 - 259639-A100-H01-20-EL-ZZ-1200 P102 North Elevation
 - 259639-A100-H01-20-EL-ZZ-1201 P102 East Elevation
 - 259639-A100-H01-20-EL-ZZ-1202 P102 West Elevation
 - 259639-A100-H01-20-EL-ZZ-1203 P102 South Elevation
 - 259639-A100-H01-20-EL-ZZ-1204 P102 North East Elevation
 - 259639-A100-H01-20-EL-ZZ-1205 P100 South East Elevation
 - 259639-A100-H01-20-EL-ZZ-1206 P102 South West Elevation
 - 259639-A100-H01-20-SX-ZZ-1100 P102 Section-AA
 - 259639-A100-H01-20-SX-ZZ-1101 P102 Section-BB
 - 259639-A100-H01-20-SX-ZZ-1102 P102 Section-CC
 - 259639-A100-H01-20-SX-ZZ-1103 P100 Section-DD
 - 259639-A100-H01-25-EL-ZZ-2900 P102 Ground Floor Façade Elevations - Sheet 1
 - 259639-A100-H01-25-EL-ZZ-2901 P102 Ground Floor Façade Elevations - Sheet 2
 - 259639-A100-H01-25-EL-ZZ-2902 P102 Ground Floor Façade Elevations - Sheet 3
 - 259639-A100-H01-25-EL-ZZ-2903 P100 Ground Floor Façade Elevations - Sheet 4
 - 259639-A100-H01-25-EL-ZZ-2904 P100 Ground Floor Façade

Elevations - Sheet 5
259639-A100-H01-25-EL-ZZ-2905 P100 Ground Floor Façade
Elevations - Sheet 6
259639-A100-H01-25-EL-ZZ-2906 P100 Ground Floor Façade
Elevations - Sheet 7
259639-A100-H01-25-EL-ZZ-2907 P100 Ground Floor Façade
Elevations - Sheet 8
259639-A100-H01-25-DT-ZZ-2910 P102 Typical Facade Bays - Office
Floors - Sheet 1
259639-A100-H01-25-DT-ZZ-2911 P102 Typical Facade Bays - Office
Floors - Sheet 2
259639-A100-H01-25-DT-ZZ-2912 P102 Typical Facade Bays - Office
Floors - Sheet 3
259639-A100-H01-25-DT-ZZ-2913 P100 Typical Facade Bays - Office
Floors - Sheet 4
259639-A100-H01-25-DT-ZZ-2914 P100 Typical Facade Bays - Office
Floors - Sheet 5
259639-A100-H01-25-DT-ZZ-2915 P100 Typical Facade Bays - Office
Floors - Sheet 6
259639-A100-H01-25-DT-ZZ-2920 P100 Typical Facade Bays -
Terrace Façade
251797-LA01-REH1-90-PL-00-100 06 H1 Public Realm General
Arrangement Plan

- 3) The development hereby permitted is limited to a maximum height of 78.13m (AOD) to the roof level parapet, 83.58m (AOD) to the level plant 2 screen and 85.730m (AOD) to the top of the plant screen. Uses within the development hereby permitted are limited to the following maximum floor areas and identified floor levels: Offices - Class E(g)(i) - levels 2 to 16 - 48,750 GIA sqm, 48,960 GEA sqm; Offices or health - Class E(g)(i) or E(e) - mezzanine and first floors levels - 6,729 GIA sqm, and 6,796 GEA sqm; Offices, retail, professional services, health - Classes E(g)(i), E(a), E(c), E(e) - ground level - 264 GIA sqm and 277 GEA sqm; Offices, retail, professional services, cafe and restaurant - Classes E(g)(i), E(a), E(c), E(b) - ground level - 1,664 GIA sqm and 1,704 GEA sqm; and ancillary areas including the servicing yard, cycle storage and plant - basement, ground, mezzanine and roof levels - 5,566 GIA sqm and 6,258 GEA sqm.
- 4) Prior to the commencement of development, detailed design and method statements shall be submitted to and approved in writing by the local planning authority which: a) provide demolition and construction details on all structures, including all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent) for each stage of the development; b) accommodate the location of the existing and future London Underground structures and tunnels; c) accommodate ground movement arising from the construction thereof; and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels. The development shall thereafter be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted, which are required by the approved design statements in order to procure the matters mentioned in paragraphs a) to d) of this

- condition, shall be completed, in their entirety, before any part of the building hereby permitted is occupied.
- 5) No works shall commence until a construction waste management plan has been submitted to and approved in writing by the local planning authority. The construction waste management plan shall include details of how waste will be reused, recycled and/or disposed of, and managed during construction. Development shall be carried out in accordance with the approved construction waste management plan.
 - 6) Prior to the commencement of development, a particulate monitoring survey shall be undertaken by the developer and shall be submitted to and approved in writing by the local planning authority. The particulate monitoring survey shall include a background particulate survey covering a minimum of 3 months data for the perimeter for the application site, and shall be in accordance with the Institute of Air Quality Monitoring Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites. Monitoring shall take place throughout the construction phase to ensure the approved monitoring targets are met. The particulate monitoring survey details (monitoring locations, methodologies, frequency, and method of results reporting) shall be submitted to and approved by the local planning authority in writing prior to the submission of the particulate monitoring survey for approval. The survey shall be carried out in accordance with the approval given and the results of the survey shall be used to inform targets and monitoring requirements for the Construction Environmental Management Plan as required by the s106 agreement. The survey and monitoring shall be undertaken by appropriately qualified and experienced personnel using the correct equipment.
 - 7) No development shall commence until details of a scheme for temporary fencing, hoarding and/or enclosure have been submitted to and approved in writing by the local planning authority. Any fencing, hoarding and/or enclosure shall be erected in accordance with the approved details and therefore shall be retained for the duration of the building works.
 - 8) Before any works commence, a noise monitoring survey shall be undertaken by the developer and shall be submitted to and approved in writing by the local planning authority. The noise monitoring survey shall include a background noise survey covering a minimum of one month's data and include measurements taken at all times of the day for the perimeter of the development. Monitoring shall take place throughout the construction phase to ensure the approved targets are met. The noise monitoring survey details (monitoring locations, methodologies, frequency of results reporting) shall be submitted to the local planning authority for approval in writing prior to the submission of the noise monitoring survey. The survey shall be carried out in accordance with the approval given. The noise trigger levels to inform the Construction Environmental Management Plan as required by the s.106 Agreement shall be 70dB(A) Leq(10 hour) 10hr - 0800-1800hrs and 75dB(A) Leq(15 mins). The trigger levels shall not be exceeded without prior written consent by the local planning authority. The survey and monitoring shall be undertaken by appropriately qualified and experienced personnel using the correct equipment.

- 9) Before any work commences a vibration monitoring survey shall be undertaken by the developer and shall be submitted to and approved in writing by the local planning authority. The vibration monitoring survey shall include a building condition survey for relevant premises adjacent to the development and a background vibration survey covering a minimum of one week's data including measurements taken at all times of the day for the perimeter of the development. Monitoring shall take place throughout the construction phase to ensure the approved targets are met. The vibration monitoring survey details (monitoring locations, methodologies, frequency of results reporting) shall be submitted to the Local Planning Authority for approval in writing prior to the submission of the vibration monitoring survey. The survey shall be carried out in accordance with the approval given and shall accord with standards set out in BS 6472-1:2008 and BS 5228-2:2009+A1:2014. The results of the survey shall be used to inform targets and monitoring requirements for the Construction Environmental Management Plan as required by the Section 106 Agreement. The survey and monitoring shall be undertaken by appropriately qualified and experienced personnel using the correct equipment.
- 10) Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority: (1) a site investigation scheme, based on the 'Phase 1 Geo-Environmental Assessment' by WYG (dated May 2021, ref.B024735 Rev V2) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; (2) the results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and (3) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.
- 11) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- 12) Prior to the commencement of development, detailed plans at an appropriate scale of the Plot H1 basement levels shall be submitted to and approved in writing by the local planning authority. The submitted details shall include the layout of each level with drawings at scale 1:200, the lift cores, stair cores, cycle ramp and cycle lift with drawings at scale 1:50. The development shall be carried out in accordance with the approved details.
- 13) Prior to the commencement of development, details (1:50 scale drawings) of the facilities to be provided for the secure and covered

storage of cycles, and associated staff facilities, shall be submitted to and approved in writing by the local planning authority. The details shall show the stand design(s) to provide at least 855 staff cycles for office, retail and health hub uses of the development (including at least 10 spaces for accessible cycles and at least 10 cargo cycle spaces) along with shower facilities. The cycle parking facilities for staff shall be provided in accordance with the approved details prior to first occupation of the development and retained in their approved format thereafter.

- 14) Prior to the commencement of development,, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, surfacing materials of any parking, access, or pathways layouts, materials and edge details) including the roof terrace planting, climbing planting around the base of the building, green roof planting, and ground level planters shall be submitted to and approved in writing by the local planning authority. The measures set out in the urban greening factor calculation to achieve a score of at least 0.351 shall be detailed and implemented in full. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use. The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and prior to first occupation of the development. Any tree or shrub that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years following the carrying out of the landscaping scheme (whichever is later), shall be replaced by specimens of the same size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance recommendations for maintenance of soft landscape (other than amenity turf).
- 15) Prior to the commencement of development, details of all proposed tree planting shall be submitted to and approved in writing by the local planning authority. This will include tree pit cross sections, planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period, and make reference to how the proposal complies with the approved Elephant Park Site Wide Tree Strategy (approved pursuant to condition 9 of the OPP). All tree planting shall be carried out in accordance with those details and to be completed prior to the first occupation of the development. Planting shall comply with BS5837: Trees in relation to demolition, design and construction (2012) and BS: 4428 Code of practice for general landscaping operations. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season, unless the local planning authority gives its written consent to any variation.

- 16) Prior to works commencing, details of swift nesting bricks/boxes shall be submitted to and approved in writing by the local planning authority. No fewer than 18 nesting brick/boxes shall be provided, and the details shall include the exact location, specification and design of the habitats. The nesting bricks/boxes shall be installed within the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The swift nesting bricks/boxes shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter. Discharge of this condition will be granted on receiving the details of the nest/roost features and mapped locations and the local planning authority agreeing the submitted plans, and once the nesting features are installed in full in accordance with the agreed plans. A post completion assessment will be required to confirm the nesting features have been installed to the agreed specification.
- 17) Before development commences, a Circular Economy Statement demonstrating compliance with Part B of Policy SI7 "Reducing waste and supporting the circular economy" of the London Plan (2021) and including measures for monitoring and reporting against the targets within the Circular Economy Statement shall be submitted and approved in writing by the local planning authority. The assessment shall develop a strategy for the implementation of circular economy principles in both the approved building and the wider site's operational phase, in addition to developing an end-of-life strategy for the development according to circular economy principles, including disassembly and deconstruction. Development shall be carried out in accordance with the approved details.
- 18) Before development commences, a Whole Life-Cycle Carbon Assessment demonstrating compliance with Part F of Policy SI2 "Minimising greenhouse gas emissions" of the London Plan (2021), shall be submitted and approved in writing by the local planning authority. This assessment shall develop a strategy for the implementation of whole life cycle carbon principles in the approved development's construction, operational and demolition phases. The development shall be carried out in accordance with the approved details.
- 19) The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development, in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of development and shall be implemented in accordance with the approved details prior to occupation. Prior to first occupation of the development a satisfactory Secured by Design inspection must take place and the resulting Secured by Design certificate submitted to and approved in writing by the local planning authority.
- 20) Prior to the commencement of development, detailed plans shall be submitted to and approved in writing by the local planning authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be carried out in accordance with the approved details.

- 21) Before any above grade work hereby approved begins, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, trees, terrace planters, roof planting, ground level landscaping, climbing planters and ecological features, shall be submitted to and approved in writing by the local planning authority. The management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.
- 22) Before any above grade work hereby approved begins, details of the biodiverse (green/brown) roof(s) shall be submitted to and approved in writing by the local planning authority. The biodiverse roof(s) shall be: biodiversity based with extensive substrate base (depth 80-150mm); laid out in accordance with agreed plans; and planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage). Full discharge of this condition will be granted once the biodiverse roof(s) are completed in full in accordance with the agreed plans. A post completion assessment will be required to confirm the roof has been constructed to the agreed specification. The biodiverse roof(s) shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair or escape in case of emergency. The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.
- 23) Prior to the commencement of any works relating to the approved development above grade, the following details shall be submitted to and approved in writing by the local planning authority: samples of all facing materials, including the façade materials; fins; support columns with column 'socks' and trellis; terrace enclosures; windows; doors; shop-fronts; servicing yard entrance gates; perforated metal panels; louvres; façade pattern to metal components on Deacon Street; plant screen enclosure; floor finishes in the lobby and colonnade; lamps/lanterns; and timber structures/finishes in the lobby. Development shall be carried out in accordance with the approved details.
- 24) Prior to the commencement of any works relating to the approved development above grade, the following details shall be submitted to and approved in writing by the local planning authority: 1:20 contextual sections; 1:50 elevations to show the fin pattern on each side of the building and how it wraps around the corners and the terraces; and 1:10 and 1:20 scale details of the fins, windows, doors, service yard entrance, louvres, column bases, curved ground floor façade, roof terrace enclosures; and roof plant screening. Development shall be carried out in accordance with the approved details.
- 25) Prior to the commencement of any works relating to the approved development above grade, full-scale mock ups of the building façade shall be presented on site (or near to the site) and approved in writing by the local planning authority; the detailed scope of these mock ups having been agreed in writing by the local planning authority before their construction and presentation. Development shall be carried out in accordance with the approved details.

- 26) Prior to the commencement of any works relating to the approved development above grade, a Shopfront and Signage Strategy detailing the design code(s) for the proposed frontages of the commercial, retail, and health units (including materials, advertisement zones, awnings, the extent and demarcation of any spill out zones, and any revised shopfront designs from those on the approved drawings), and how it has regard to the Elephant Park site wide advertising and signage strategy approved pursuant to condition 14 of the OPP shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 27) Prior to the commencement of any works relating to the approved development above grade, detailed plans at an appropriate scale of the Plot H1 ground floor and upper floors shall be submitted to and approved in writing by the local planning authority. The submitted details shall include the ground floor layout showing the entrances to and layout of the active lobby, all office/retail/health units, associated service corridors, lift cores and stair cores, service yard and refuse storage, and to show the cores of the upper floors. No outward opening doors will be permitted except those that are solely fire escapes, infrequently used plant rooms, or those agreed to in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 28) Prior to the commencement of any works relating to the approved development above grade, detailed plans at an appropriate scale of the Plot H1 roof top plant and screening shall be submitted to and approved in writing by the local planning authority. The submitted details shall include the layout of the plant, the screening enclosure, and the height and appearance of the screening, BMU, plant and associated railings, gantries and ancillary structures. Development shall be carried out in accordance with the approved details.
- 29) Prior to the commencement of any works relating to the approved development above grade, details of how the impact of the development on television, radio and other telecommunications services will be assessed, the method and results of surveys carried out, and the measures to be taken to rectify any problems identified shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until any such mitigation measures as may have been approved have been implemented and these measures shall be retained in place thereafter.
- 30) Prior to the commencement of any works relating to the approved development above grade, a wayfinding and signage strategy for the development and its public realm, including a demonstration of how it fits into the wider Elephant Park OPP wayfinding and signage, shall be submitted to and approved in writing by the local planning authority. The wayfinding measures and signage shall be installed in accordance with the approved details prior to first occupation of the development and retained as such thereafter.
- 31) Prior to the commencement of any works relating to the approved development above grade, details of the electric vehicle charging points (EVCP) to be provided within the development shall be submitted to and

- approved in writing by the local planning authority. Such details are to include the number and location of vehicle spaces the EVCP would serve (at minimum the two parking spaces on the north side of Deacon Street), and the appearance of the equipment. The EVCP shall be installed in accordance with the approved details and made available for use prior to first occupation of the development and retained as such thereafter.
- 32) Prior to the commencement of any works relating to the approved development above grade, details of the storage for refuse and recycling for all uses within the development, and arrangements for its collection from within the servicing yard shall be submitted to and approved in writing by the local planning authority. The storage arrangements shall be laid out in accordance with the approved details ready for use prior to first occupation of the development, and the collection arrangements shall be undertaken in accordance with the approved details. The facilities shall thereafter be retained for refuse and recycling.
- 33) Prior to the commencement of any works relating to the approved development above grade: A) details of the location(s) of ducting to be installed from the ground floor units and lobby areas (that may contain a commercial kitchen) up through the building to the roof level and details of the height and type of flue(s) shall be submitted to and approved by the local planning authority. Development shall be constructed in accordance with the approved details. B) Prior to the commencement of use of any commercial unit where food will be prepared, full particulars and details of a kitchen extract scheme for the ventilation of the kitchen to the appropriate outlet level approved in Part A) shall be submitted to and approved by the local planning authority. Such application should include details of odour emissions abatement equipment, sound attenuation for any necessary plant, filtration systems and the standard of dilution of exhaust air expected, and a maintenance plan for its ongoing management. Development shall not be carried out otherwise than in accordance with any approval given.
- 34) The development shall not be occupied until confirmation has been submitted to and approved in writing by the local planning authority that either: 1) all wastewater network upgrades, all surface water network upgrades, and all water network upgrades, required to accommodate the additional flows to and from the development have been completed; or 2) a development and infrastructure phasing plan has been agreed with the Local Planning Authority to allow the development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.
- 35) The development shall not be occupied until, notwithstanding the information shown on the approved landscaping drawings, details of the number (no fewer than 7), size, appearance, planting, location areas of the 'moveable' planters near the eastern and south-eastern side of the building have been submitted to and approved by the local planning authority. The details shall include information on how the planters are to be retained within the suggested areas at all times and how the planting and planters are to be maintained. The planters shall be placed and retained in accordance with the approved details.

- 36) The development shall not be occupied until a Flood Warning and Emergency Evacuation Plan has been submitted to and approved in writing by Southwark's Emergency Planning department. The plan should state how occupants will be made aware that they can sign up to the Environment Agency Flood Warning services, and of the plan itself. The plan should provide details of how occupants should respond in the event that they receive a flood warning or become aware of a flood. The report should be proportionate, and risk based in terms of sources of flooding.
- 37) Prior to the occupation of the development, a verification report demonstrating completion of the works set out in any remediation strategy (approved pursuant to condition 10) and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.
- 38) Prior to the occupation of the development, details (1:50 scale drawings) of the number, locations, and design(s) of the cycle parking facilities to be provided for visitors shall be submitted to and approved in writing by the local planning authority. The details should show how the number of spaces has been informed by the policy requirements of the London Plan and Southwark Plan for the intended occupier uses of the development. The cycle spaces shall be additional to those already approved for other parts of the Elephant Park OPP. The cycle parking facilities for visitors shall be provided in accordance with the approved details prior to the first occupation of the development, and retained in their approved form, for their intended purpose, thereafter.
- 39) The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations (including facilitative pruning specifications and supervision schedule) contained in the Arboricultural Method Statement dated May 2021. All tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the local planning authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work – recommendations. If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted, is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- 40) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment or enactment of those Orders), and notwithstanding the other uses within Class E: the office floorspace hereby approved shall

be used for Use Class E(g)(i) office purposes only; the health floorspace hereby approved shall be used for Use Class E(e) health hub purposes only; the retail floorspace hereby approved shall be used for Use Class E(a), E(b) and/or E(c) retail, professional services and/or cafe and restaurant purposes only; and the ancillary floorspace hereby approved shall be used for ancillary purposes to the above uses only.

- 41) The surface water drainage shall be installed prior to the occupation of the development and thereafter maintained in accordance with the approved Drainage Strategy by Robert Bird Group dated 17 February 2022, unless details of a revised drainage scheme are submitted to and approved in writing by the local planning authority prior to installation.
- 42) No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the local planning authority in advance of the system's installation, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. Development shall be carried out in accordance with the approval details.
- 43) The development hereby permitted shall be carried out in accordance with the recommendations of the approved Flood Risk Assessment prepared by RMA Environmental dated May 2021, unless a revised flood risk assessment is submitted to and approved in writing by the local planning authority prior to the relevant works being carried out.
- 44) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for a remediation strategy detailing how this unexpected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the local planning authority.
- 45) The development hereby permitted shall be carried out in accordance with the Fire Statement by OFR Consultants dated May 2021, unless a revised fire statement is submitted to and approved in writing by the local planning authority before the relevant works are carried out.
- 46) No roof plant, equipment, or other structures, other than as shown on the plans hereby approved or approved pursuant to a condition of this permission, shall be placed on the roof(s) or be permitted to project above the roofline of any part of the buildings as shown on elevational drawings or shall be permitted to extend outside of the roof plant enclosures of any buildings hereby permitted.
- 47) Notwithstanding the provisions of Schedule 2 Part 16 The Town and Country Planning (General Permitted Development) Order 2015 (as amended or re-enacted) no external telecommunications equipment or structures shall be placed on the roof or any other part of the building hereby permitted.
- 48) The approved glazing to the building shall be formed in clear glass and shall not be painted, covered or otherwise obscured or obstructed without prior written approval of the local planning authority.

- 49) Other than for maintenance and/or repair purposes, or means of escape, the terraces of the building hereby approved shall not be used outside of the hours of 08:00 - 22:00 on Mondays to Fridays.
- 50) The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in the tree protection condition shall be submitted for approval in writing by the local planning authority within 28 days of completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection measures throughout construction by the retained or pre-appointed tree-specialist.
- 51) The Rated sound level from any plant, together with any associated ducting shall not exceed the Background sound level (LA90 15min) at the nearest noise sensitive premises. Furthermore, the Specific plant sound level shall be 10dB(A) or more below the background sound level in this location. For the purposes of this condition the Background, Rating and Specific Sound levels shall be calculated fully in accordance with the methodology of BS 4142:2014. Following commissioning of the plant, a validation test shall be carried out. The results along with details of any acoustic mitigation measures shall be submitted to and approved by the local planning authority. The plant and equipment shall be installed, constructed and operated in accordance with the approval given and shall be permanently retained and maintained thereafter.
- 52) A) before any fit out works to the office premises or health hub (if this use is implemented) hereby approved begins, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve an 'outstanding' rating, including at least 'excellent' rating under the WAT 01 category, shall be submitted to and approved in writing by the local planning authority and the development shall not be carried out other than in accordance with any such approval given; and B) before the first occupation of the building hereby permitted, a certified Post Construction Review (or other verification process agreed with the local planning authority) shall be submitted to and approved in writing by the local planning authority, confirming that the agreed standards at A) have been met.
- 53) No later than three months following completion of the development hereby permitted, a Post Completion Circular Economy Report setting out the predicted and actual performance against all numerical targets in the relevant Planning Stage Circular Economy Statement shall be submitted to and approved in writing by the local planning authority.
- 54) Within 12 months of first occupation of the development, an updated Whole Life-Cycle Carbon Assessment demonstrating compliance with Part F of Policy SI2 'Minimising greenhouse gas emissions' of the London Plan (2021), shall be submitted and approved in writing by the local planning authority. This assessment should calculate updated whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment based on actual emissions. The updated assessment should show what actions have been taken in implementing the

development to reduce whole life-cycle carbon emissions, including assessment and evidencing of the recommendations set out in the approved pre-commencement Whole Life-Cycle Carbon Assessment.

- 55) On completion of the development, an archaeological report covering the development shall be submitted to and approved in writing by the local planning authority.
- 56) Details of the lighting (including design; power and position of luminaries; light intensity contours) of external areas and the exterior of the building, security surveillance equipment and vehicle mitigation measures shall be submitted to and approved by the local planning authority prior to the installation of any such equipment. Following the external lighting being commissioned for use, a validation report shall be submitted to the local planning authority for approval in writing. The development shall be carried out and operated in accordance with any such approval given. Any external lighting system installed at the development shall comply with the Institute of Lighting Professionals (ILE) Guidance Note 1 for the reduction of obtrusive light (2020).