



<http://35percent.org/>

Director of Planning
Southwark Council
160 Tooley St
London SE1 2QH

By email

19 Dec 2018

Dear Mr Bevan

Planning Application 16/AP/4458 demolition and mixed-use redevelopment of the Elephant and Castle shopping centre and London College of Communication.

Southwark's planning committee resolved to approve the Elephant and Castle Shopping Centre demolition and redevelopment planning application, submitted by Delancey, on the 3 July 2018.

A condition of that resolution was that the S106 agreement should be completed by 18 December 2018 (Officer's report 3 July 2018 para 1a; Resolution condition 4). In the event that this was not done, the authority to refuse the application was given to the Director of Planning. The reasons for refusal are detailed in Para 757 of the officer's report.

A further condition, that Delancey secure a planning approval for affordable retail space at Castle Square for market traders from the shopping centre (Resolution condition 6), has also not been fulfilled.

The S106 therefore cannot be concluded. Despite this, a letter has been sent to Delancey (dated 17 Dec 2018) reassuring them that Southwark will not refuse the application.

We take issue with this letter on the following points;

1. The letter claims that all the '*substantive requirements*' of the S106 agreement have been met. This is not the case – an approved Castle Square application was required.
2. It says that the application was submitted in '*a timely manner in order that we would be a position to approve before 18 December*'. While the application was submitted on the 26 June 2018, a re-consultation from 14 November of a revised application, ensuring disabled access, was necessary. This meant that it did not reach committee until 12 December, less than a week before the S106 deadline. This cannot be considered timely.
3. It states that the grant of planning permission is not in Delancey's control. This is true, but the application itself is in Delancey's control and were it satisfactory it would have been approved on the 12 Dec.
4. The letter says '*we will complete the section 106 agreement as and when planning permission is granted*'. This appears to give an indefinite time limit for the conclusion of the S106 and omits to remind Delancey of the option of refusing the application, which remains in the power of planning sub-committee B.
5. The letter states that there will be an '*officer recommendation for approval*' at the reconvened meeting on 7 Jan. This pre-empts any different conclusion that might be reached in the light of new evidence requested from officers by the committee.

We believe that this letter has been written solely to provide comfort to Delancey, without any thought for the future wellbeing of the shopping centre traders, whose future livelihoods depend on a robust relocation strategy, including a satisfactory Castle Square facility. Both the planning committee and sub-committee have made their concerns on this point clear, hence condition 6 on the resolution to approve the shopping centre application and the deferral of the Castle Square application.

Your letter undermines both the planning committee and sub-committees' measures towards safeguarding traders' interests. We note that the improvements to the shopping centre application, including trader relocation, were only proposed by Delancey during the first deferral of the shopping centre application (Officers 3 July 2018 para 3). Your letter removes much of the incentive for Delancey to do something similar in this case.

We therefore respectively suggest that a further letter be written to Delancey reminding them that the final decision on the Castle Square application remains with the planning sub-committee and urging them to address the issues that led to the deferral, including, but not confined to, rent levels.

We further suggest that reconvening the committee on 7 Jan does not allow officers sufficient time to collect, digest and re-consult on the rent information requested by the sub-committee and that this date be reconsidered.

We remain objectors to the Castle Square and shopping centre applications. Delancey has failed to meet two conditions of the resolution to approve the shopping centre application and demonstrated a lack of serious intent in protecting traders' interests, amounting to sufficient reasons for refusing both applications.

Finally, we would be grateful if you would forward us the s106 agreement, as signed by Delancey and details of the concluded agreement with Delancey for the land interest.

Yours sincerely

Jerry Flynn

35% Campaign

Tanya Murat (Defend Council Housing)

Southwark Notes (Local Campaign Group)

56a Infoshop (Community Centre)

Danielle Gregory (Ledbury Action Group)

Hannan Majid (Rainbow Collective)

Sally Causer and Flora Walker (Southwark Law Centre)

Patria Roman (Latin Elephant)

Celia Cronin (Friends of Victory Community Park)

Alice Martin (Trade Union Liaison Officer, Camberwell and Peckham Labour Party)

Sahaya James

Matthew Phull (GMB South London Universities)

Richard Lee

Louise Young (Southwark Green Party)

Liba Hoskins (Walworth Greens)

Steve Lancashire

Cc Jon Gorst
Members of planning committee
Members of sub-committee B
North Walworth Ward councillors
St George's Ward councillors
Florence Eshalomi AM
Sian Berry AM