

Simon Bevan
Director of Planning
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Jerry Flynn
35% Campaign
By email

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Tel: 020 7525 5655

Date: 20 December 2018

Ref: 16/AP/4458

Dear Jerry

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

Thank you for your letter of 19 December 2018.

We recommend to the Planning Committee that all resolutions to grant planning permission subject to a section 106 agreement include a target date for completion of the agreement with the possible sanction that permission may be refused, if appropriate, if that target date is not met. This is done in order to put some discipline into the process and ensure that developers do not see the process of completing the section 106 agreement as being open-ended and an opportunity to continue negotiating a wide range of details. In practice, section 106 agreements can be very long, complex documents and agreeing all of the details can take some time. In this case, the process of agreeing the details has run relatively smoothly and according to timetable and, as stated in my letter to Delancey, the agreement meets all of the substantive requirements that were set out for the Planning Committee. I therefore did not consider it appropriate to exercise the authority delegated to me to refuse planning permission on the target date.

The decision on this application is unusual in that it requires certain other conditions to be met before the planning permission can be issued. One of these is outside the applicants control, namely that they should obtain planning permission for the development of another site. In my letter to Delancey I said that permission for the Shopping Centre redevelopment would be issued 'as and when' permission is granted for the temporary development on Castle Square. In this way, I acknowledged the fact that permission might not be granted.

I note your comment that reconvening the sub-committee on 7 January to consider the Castle Square development does not allow sufficient time to collect, digest and consult on the rent information requested by the sub-committee. In my view we are making

good progress on collecting and digesting this information and will be in a position to provide the clarification that the sub-committee requested. It is, of course, possible that the sub-committee will consider it necessary to further defer the decision or to refuse planning permission, in which case we will consider what further action is required before a decision can be reached or to overcome the reasons for refusal whatever they may be.

The decision on the Shopping Centre also required the developer to acquire a land interest in the site for the Castle Square development. Since the date of the Planning Committee I have satisfied myself that a company within the Delancey group has an interest in the Castle Square site by way of an Agreement for Lease. This sets out the terms for the final form of lease which is to be for a term of 99 years and will be granted in the near future. Once it is completed, then it will be subject to registration with the Land Registry in the usual way and will therefore be open for public inspection.

The Council has not previously placed emerging draft section 106 agreements on the website but in these particular circumstances a decision was taken to do so and a detailed draft of the agreement was published on the council's website on 29 November. This coincided with its submission to the Mayor of London. A further update was provided in the Relocation Strategy appended to the agreement which was published on 7 December. Any minor amendments to the agreement will be published with the final agreement after it has been executed by the council which will only take place after the necessary authority is in place to complete. If the Planning Sub-Committee approves the development at Castle Square on 7 January this should be on the following day, 8 January 2019.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Simon Bevan', written in a cursive style.

Simon Bevan
Director of Planning