



Southwark Planning

Objection to Planning Application Elephant and Castle Town Centre and LCC Campus at the EC (ref: 16/AP/4458)ⁱ

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&
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I. INTRODUCTION

This document should be read in conjunction with our previous objections and intervention at the Planning Committee meeting on 16th January 2018:

[LE-Objection to Planning Application 16_AP_4458 – February 2017](#)

[LE-Objection Relocation Strategies, Sept 2017](#)

[LE-Comments on Relocation Strategy Update, November 2017](#)

[LE_Presentation to Planning Committee on 16th January 2018](#)

Amendments to the original application were submitted by the Applicant following deferral of the application at the 30th January 2018 Planning Committee Meeting. Latin Elephant's response to The Applicant's latest offer was submitted to Southwark's Planning Department in March 2018:

[LE-Objection to Deferred Application, March 2018](#)

In addition, a joint response has been submitted by Southwark Law Centre, Elephant Amenity Network and Latin Elephant. Letter dated 18th June 2018 – uploaded in [Southwark Council's website](#) on 22 June 2018.

II. SUMMARY OF KEY POINTS

Latin Elephant's objection at February 2017

Latin Elephant objected to Delancey's planning application on the following grounds:

1. Displacement of BAME traders & groups
2. Absence of 10% affordable retail space as per planning policy
3. Absence of a relocation strategy & fund for existing traders, including directory of available spaces
4. An Equalities Impact Assessment for BAME traders, the Latin American Community and more generally the local population who are users and consumers at the EC shopping centre
5. No concessions to the diverse character of the area as a migrant and ethnic business centre
6. Lack of consideration to strength of the clustering of specialist businesses & services
7. Concerns over the development of Railway Arches 6 & 7 in Elephant Road
8. Spanish Language translation of main statement documents



Latin Elephant's objection at 16th January 2018 – Planning Committee meeting

Equalities ground

1. The proposed development will have adverse equality impacts on local businesses, their employees and customers, many of whom are from BAME groups and/or of an older demographic.
2. The proposed development will result in the loss of **indoor** social and cultural space for groups of protected characteristics, an aspect not covered on the Equalities Impact Assessment.
3. A quarter of the totality of the Latin American Business Cluster will be lost as a result of this development. We demand an Equality Impact Assessment for the Latin American community in particular.

Insufficient relocation strategy

4. We would recommend a condition is set to allocate additional fund for the return of qualifying shops to the new site.
5. Mitigation Strategies do not consider impact on secondary economies and supply chains.

Human rights ground

6. An expert study by the United Nations revealed the Human Rights impact of regeneration and gentrification, and the right of minority groups to equal participation in economic, social and cultural rights.

III. CHANGES TO THE ORIGINAL APPLICATION

1. 10% affordable retail space
2. A relocation fund for existing traders – Part of mitigation measures set out by the Council in its Cabinet Report (May 2017) – raised to £634,000
3. Business support via Tree Shepherd
4. An Equalities Impact Assessment for Bingo and Impact on users mostly of whom are of protected characteristics
5. Spanish language community outreach person at consultation display in EC shopping centre since February 2018
6. Identification of new temporary relocation site provided by the applicant
 - Additional temporary retail space at Castle Square temporary retail units – Just under 300sqm

IV. ISSUES YET TO BE RESOLVED

Equalities

- An updated equalities survey – Current one is two years old - Feb 2016 – Refer to points raised by Latin Elephant's & Southwark Law Centre's objection letter dated 18th June 2018. Please also refer to Latin Elephant's Objection (paragraphs 1, 11, 12, 13 & 14) dated 8 March 2018.
- Impact assessment of loss of indoor space not done and explanation in current Statement is not based on a fresh questionnaire, but on a speculative assessment of the use of proposed space .



- Disregard of impact of development for Latin American and other migrant and ethnic
- No concession to the multi-ethnic character of the business cluster (Please refer to Latin Elephant’s Objection (paragraph 9, 21) dated 8 March 2018).
- No Equalities Impact Assessment has been done addressing impact on loss of 25% of Latin American business cluster for Latin American communities in London. Please refer to Latin Elephant’s Objection (paragraphs 19, 20) dated 8 March 2018.
 - Latin American participation 3% - Borough’s Latin American population is 8.9%
 - Survey responses (used for Equalities Statement) does not compare with the borough’s ethnic profile demonstrating very little engagement from BAME groups, so the need for a fresh and updated Equalities impact assessment.

Equalities and Affordability: New Evidence

Both proprietors and customers of the shopping centre constitute a diverse group of people defined in terms of age groups, ethnicities and income. It is crucial in the context of the profile of mixed traders and mixed users to emphasise the aspect of ‘affordability’ with respect to equality, not only as a factor key to homes but also to livelihoods, recreation and convenience retail. The relationship between affordability and equality takes a variety of forms:

- Many traders noted the significant impact of the loss of social housing at the Heygate Estate as having a dramatic impact on the loss of trade and custom.
- In 2015, the occupancy rates of social housing in Southwark were of 98-100 % except in Peckham and Walworth where 36% and 22% of the dwellings respectively are vacant. In the last ten years, the median housing prices have risen by 50% in the surrounding areas of the EC Shopping Centre.ⁱⁱ
- A comparative assessment of what can be brought and experienced at the shopping centre offers a wide age group access to comparatively affordable goods and services.
- This aspect of affordability is also key to who uses the shopping centre as a leisure space and what social value this entails. Places that provide affordable food, affordable Internet services, and a host of community services are core to social life. In recent interviews of proprietors at the Elephant and Castel shopping centre conducted by a research team from the London School of Economics in collaboration with Latin Elephant, they note that all proprietors interviewed conducted some form of social value within the remit of their work. This factor frequently connects with the longevity of shops and the highly invested role of independent proprietors. They draw on their research conducted in the ‘High Streets for All’ report commissioned by the Mayor of London in 2017ⁱⁱⁱ to echo that: the shopping centre provides local and affordable economic opportunities; and the shopping centre promotes affordable social and cultural exchange significant for the elderly, young people and newcomers.

Finally the loss of affordable and independent retail space needs to be put in the wider national context of a significant shift in the growth of small-scale self-employment over the period from 2001



to 2017.^{iv} The Council needs to position this in relation to the loss/demise of migrant economies and workspace in Southwark:

- Between 2013 to 2017, there was 50% reduction in National Insurance Number applications among the nationalities that operate in the Elephant and Castle Shopping centre. The most affected national groups are Colombians (-66%) and Nigerians (-56%).^v
- Between 2002 and 2012, retail workspace rateable value rose 55%. Southwark was the borough where the prices of office space rose the most 159%, almost three times inner London's average of 51%. During the same period, the availability of retail space increased by 3% while the availability of office space increased by 20%.^{vi}

Relocation Strategy to mitigate negative impact of development

- A comprehensive relocation package that includes
 - Trader led retail panel (Retail strategy for EC)
 - Considerable increase in relocation fund (£634,700 – agreed with Council) (Please refer to Latin Elephant's Objection (paragraph 15) dated 8 March 2018).
 - Re-relocation fund for the return of existing shops wishing to return to new development
 - Written commitment to 'first refusal option' for all traders within the red line
 - Certainty over affordable units provided at 40% of market rates averaged over 5 years
- Multiple language provision
 - Despite advancements being made in terms of language provision for community consultation at EC shopping centre unit, traders are yet to receive advice on their specific language. The language provision has been made available for consultation purposes, not for advice to traders.
 - Translation of main statement documents – No translations have been made of the statement documents and nor has any provision being made for these to be available on demand if required by tenants and or members of the community.
- Unit sizes and available relocation space
 - Despite advancements being made in terms of additional relocation sites by provision of temporary units and Castle Square – The overall amount of temporary relocation space is not enough to allocate the 4,000sqm currently occupied by traders. Please refer to Latin Elephant's Objection (paragraph 2) dated 8 March 2018.
 - The offer is not clustered but fragmented across different sites with considerable distance of each other and in instances based on speculative planning approval (E.g. Peronet House Garages). Please refer to Latin Elephant's Objection (paragraph 8) dated 8 March 2018.
 - Despite the offer of a new temporary relocation site at Castle Square the current offer of just under 300sqm falls short of what is needed for some tenants of the shopping centre (smaller than some of the units occupied by current tenants). Please refer to Latin Elephant's Objection (paragraph 2) dated 8 March 2018.
 - Size of units is not like for like for current tenants. Please refer to Latin Elephant's Objection (paragraph 6) dated 8 March 2018.



- A clear and transparent allocation of units needs to be drafted – To become part of the Traders’ Panel remit.
- A published timeline for relocation plan and clear logistics strategy to avoid loss of trade throughout the transition period. Please refer to Latin Elephant’s Objection (paragraph 9) dated 8 March 2018.
- Loss of indoor space for circulation and shopping. Please refer to Latin Elephant’s Objection (paragraph 18) dated 8 March 2018.
- The current diversity of retail will not be offered in the new plans. A recent study of the Elephant and Castle shopping centre conducted by a research team from the London School of Economics in collaboration with Loughborough University and Latin Elephant found retail practices operating from units ranging from 1.3 sqm to 880 sqm. Such variety constitutes a particular form of affordability allowing for stepping stone and low entry trade as well as the potential for incremental growth.
- The study also highlights the interconnected nature of units. The high social and cultural capital found in Elephant and Castle shopping centre is generated by the intense clustering of units in one place. Interviewees highlight the importance of the existing clustering such as smaller units next to, or adjacent to larger units such as the Santander Bank and Tesco. This will be lost under the new plans with businesses relocated to various unconnected sites; some of which is in discreet locations with low footfall.

V. Human rights ground

This aspect has not been considered by the Applicant, or Southwark Council. An expert study by the United Nations revealed the Human Rights impact of regeneration and gentrification, and the right of minority groups to equal participation in economic, social and cultural rights.

Migrant and ethnic business clusters are not just centres of economic activity, but are also acknowledged for the extended social and cultural value these bring to diverse communities across London. Access and availability of migrant and ethnic business clusters are a human right issue due to the extended social and cultural value of such sites. The hearing to contest Haringey’s Council Compulsory Purchase Orders issued to Seven Sisters Market traders in Tottenham (July 2017) and an expert study by the United Nations revealed the Human Rights consequences of regeneration and gentrification and the negative impact this would have on the dynamic and diverse cultural life of the area. In this particular instance the UN report highlights that “The regeneration project would force their activities to stop or relocate. This has a disproportionate impact on people belonging to minorities and their right to equal participation in economic, social and cultural rights”

(<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21911&LangID=E>)



VI. LONDON COLLEGE OF COMMUNICATION (LCC) & UNIVERSITY OF THE ARTS (UAL)

In order to mitigate negative impact of development for local communities and to fulfil its public duty responsibilities as a Charity and Public funded institution we demand a clear commitment and concrete measures from the University. In particular:

1. Clear policy and practice to grant access to university spaces and rooms to local community groups who often struggle to find meeting and or performance spaces. This is particularly heightened by loss of community spaces and increased prices due to redevelopment of EC.
2. Launch of a community fund for local groups – with a start budget of £5,000 to increase in line with inflation over the years.
3. Launch of 10 community grants (100% costs) for students from local schools who can prove economically disadvantage and or BAME background. The fund should be indefinite and a real commitment to support disadvantaged populations of Elephant and Castle.

VII. KEY DEMANDS

1. A just relocation and compensation deal that protects all of the small independent traders within the boundary of the planning application.
2. The total space made available for the immediate relocation of the Shopping Centre businesses must be 4,005 sqm
3. Like for like space provision for relocation to tenants of the shopping centre
4. A clear and agreed relocation strategy for all of the market stalls, kiosks and stands and for the 13 businesses displaced by the loss of arches 6 and 7 on Elephant Road
5. An enhanced relocation fund, the traders panel and the details of the relocation strategy would be required as conditions of the planning permission and are also issues that Southwark Council must address
6. A concrete community support programme for LCC to mitigate negative impact of development
7. To be compliant with the council's own policy there should be 170 social rented units., not 116
8. Replace the unaffordable 80% market rent units with London Living Rent

ⁱ With Special thanks to Julia King, Research Fellow, London School of Economics and Political Science; Suzanne Hall, Associate Professor, London School of Economics and Political Science; Alejandro Fernandez, Research Assistant, London School of Economics and Political Science; Josh Mallins, Research Assistant, Central Saint Martins for latest evidence and data input to this submission.

ⁱⁱ Southwark Council, Social Housing Valuation Data; Land Registry, Average House prices.

ⁱⁱⁱ We Made That and LSE Cities (2017) High Streets for All, GLA: Mayor of London's Office.

^{iv} Office for National Statistics, "Trends in Self-employment in the UK" (7 February 2018).

^v Department for Work and Pensions, National Insurance Number Registration to overseas nationals

^{vi} Valuation Office Agency (VOA), Commercial and Industrial Floorspace-Rateable Value Statistics.