



Southwark Planning

Objection to Draft Local Business Support U Relocation Strategy In support of Application Elephant and Castle Town Centre and LCC Campus at the EC (ref: 16/AP/4458)

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Latin Elephant is writing to object to the 'Draft Local Business Support and Relocation Strategy' document submitted in response to Traders Deputation to Southwark Council's Cabinet Meeting on 9 May 2017 and as a condition to Planning Application **Elephant and Castle Town Centre and LCC Campus at the EC (ref: 16/AP/4458)**.

- 1) Our main objection is that the relocation strategy does not consider the equality impacts derived from the relocation of BAME traders and does not account for a diverse retail offer, whereby the continuity of Elephant and Castle (EC) shopping centre as a specialist centre of economic activity catering to BAME groups is guaranteed. Of the protected characteristics listed in section 149 of the 2010 Equalities Act, age and race are particularly relevant for the purposes of the proposed development, therefore we stress the need for the Council to assess the risks and extent of any adverse impact and the ways in which such risk may be eliminated before the adoption of a proposed policy.
- 2) As in our previous objection to the above Application, we object the decision of the Applicant not to comply with Southwark's planning policy of at least 10% of affordable retail space in regards to the proposed redevelopment scheme. In this point, we simply ask the Applicant to comply with stated policy across the entire site. As stated below, when considering the entirety of retail space across the two sites the existing proposal amounts to less than the 10% affordable retail space required by Policy.
- 3) The relocation strategy has not been done in consultation with traders and local groups as recommended in the Deputation to the Council Cabinet Meeting of 9th May 2107. The leader of the Cabinet stated that the relocation strategy should be in place before planning application is approved and added that 'we will continue working with traders and groups to develop a relocation strategy'. It added that the relocation strategy should be submitted within next six months.
- 4) The strategy does not provide for a prioritised return of current independent and BAME traders to the new development.
- 5) The strategy does not consider wishes of BAME traders to remain clustered (throughout relocation and in returning to new development) as evidenced in the reports: [The case for](#)



[London's Latin Quarter: Retention, Growth, Sustainability](#) and [Relocation Alternatives for EC Traders](#)

In addition:

We are sceptical of how certain proposals are worded in the draft document, and we believe it is crucial that some amendments are made for purpose of clarity.

PART 3: SUPPORTING EXISTING AND FUTURE LOCAL TRADERS AND BUSINESSES

-Document states "Where practicable, the Applicant will take steps to help existing traders and businesses to benefit from the long-term opportunities offered by the wider Elephant & Castle regeneration". Regardless of the practicality, all traders should be offered help to mitigate relocation - and not only for "long-term opportunities" but also for the short-term ones specifically since they are dealing with a relocation.

We therefore propose that the following statement is changed to "The Applicant will take steps to help existing traders and businesses to benefit from the short-term and long-term opportunities offered by the wider Elephant & Castle regeneration."

PART 4: PLANNING POLICY CONTEXT

When addressing the planning policy context, document states "The Council's planning policy seeks 10% of new floorspace in large retail developments as affordable, aimed at providing opportunities for small and medium sized enterprises who have been displaced as a result of development, and to cater for new start-ups or independent retailers." We question that new start-ups or independent retailers are being considered at the same level as the existing traders. Existing traders must be entitled to a 'first-choice' and 'prioritised return' when affordable units become available in the new developments.

Elephant and Castle is a specialist centre of economic activity with a large proportion of traders identifying as having a BAME background and catering to the local population. The shopping centre and its surrounding area play an important social, cultural and economic function for Latin Americans and other BAME groups and for economically disadvantaged sections of the population.

The current planning policy accounts for the social aspects of regeneration and minimising negative impact of regeneration for existing groups, in particular those of protected characteristics as defined by the Equalities Act and other disadvantaged sections of the population.

1. London Plan Policy 4.8: [SUPPORTING A SUCCESSFUL AND DIVERSE RETAIL SECTOR AND RELATED FACILITIES AND SERVICES](#) at paragraph g viii states:¹

viii 'potential to realise the economic benefits of London's diversity' by making reference to **Policy 3.1 Ensuring equal life chances for all** paragraph 3.2: "London's diversity is one of its

¹ London Plan 2016. Chapter 4: London's Economy. Available at: https://www.london.gov.uk/sites/default/files/the_london_plan_malp_march_2016_-_chapter_4_-_londons_economy.pdf



greatest strengths and one of the things its residents most appreciate about living here: more languages and cultures are represented in the capital than in any other major city. The Mayor is committed to securing a more inclusive London which recognises shared values as well as the distinct needs of the capital's different groups and communities, particularly the most vulnerable and disadvantaged. He recognises that the city's strength is that it is far more than the sum of the communities and neighbourhoods that make it up. The GLA has a **statutory duty to promote equality for all people** in its work. The Mayor's Equality Framework promotes an approach that brings Londoners together, rather than dividing them. To underpin this, the Mayor has adopted a **new definition of equality that focuses on promoting equality for those groups who enjoy legal protection against discrimination, but also for other groups who may face discrimination and disadvantage**".

And paragraph 3.3 which highlights the Mayor's commitment to ensuring that London "provides equal life chances for all its people, enabling them to realise their potential and aspirations, make a full contribution to the economic success of their city – and share in its benefits – while tackling its problems of deprivation, exclusion and discrimination that impede them".

An important aspect of diverse retail is about realising the potential that BAME groups bring to London's economy and about tackling barriers to deprivation, exclusion and discrimination. 'Diversity' here does not refer to class use, size or type of business brought to the mix. Instead more consideration needs to be given to provision of a diverse commercial offer.

We recommend that all reference to 'mix use' or 'appropriate mix of retail space' is mindful and inclusive of a 'diverse retail offer' whereby diverse refers to, and invokes, the London Plan definition of diversity.

PART 5: PROPOSED LOCAL BUSINESS SUPPORT & RELOCATION STRATEGY

We deemed necessary the inclusion of the following principles at this stage:

- Traders and local organisations supporting traders should be involved in drafting the relocation strategy and subsequently having an input on section 106 agreement. This should include Traders Association, Latin Elephant and Tree Shepherd and Elephant Amenity Network.
- A separate compensation fund to be allocated for loss of trade during the relocation period.
- Clarity over timing of the relocation strategy. When does the relocation strategy and allocation of funds begin? We are concerned that a number of businesses are already leaving the shopping centre due largely to, but not solely, uncertainty over the redevelopment. Consequently, these businesses are not only negatively impacted by the Application to redevelop the site, but left out of any relocation strategy, business advice and support and relocation fund.

The business advice and support has already started and so it seems reasonable to ask that the relocation strategy and relocation fund is clearly defined and staggered so that implementation can commence as soon as possible. To this effect we propose the inclusion of a section that accounts for a transition period (prior to approval of application) to include those traders who were tenants as of Delancey's take over in November 2013 and are currently leaving the shopping centre.



A. Business support and relocation advisor

- Under the Business Support and Relocation Advisor we question the concept of "eligible traders". All existing independent traders should have the right to relocate and be entitled to independent assistance for this purpose.
- We would like to see the indoor market traders (carts in the corridors) and those in the outdoor market (commonly known as the moat) to be included in the list of eligible traders.

B. Database of relocation opportunities

- There is no mention as to the process for disclosure of the data base and for it to be publicly available. We would like to provisions to this effect.
- The wording on the database of affordable retail units is very vague since it does not specify where the units will be, it rather gives a broad idea of the area - which is not sufficient, apart from being too far from the current location (e.g. East Street) and ignores the expressed desire of traders to remain close to the current location and clustered.
- Clarity over issues of transparency and equal access to the information and database (e.g. availability of database in variety of languages as and when requested, formats for the visually impaired and consideration over digital divide).
- There is also no mention of the bidding process and allocation of affordable and vacant retail units in the vicinity. Clarity over process for bidding and the allocation of vacant units is needed. Who is / will be in charge of this process?

C. Relocation Fund

- We ask that apart from the "cost associated with relocation" there is a clear mention to the "loss of trade" that existing businesses will suffer with relocation. We would therefore recommend the following addition to the first and last sentence on this section:

“The Applicant will establish a relocation fund to assist businesses that require financial support and costs associated with their relocation from the Shopping Centre, **and loss of trade during the relocation period**”.

“Monies from the relocation fund will be used to pay for businesses’ access to professional services, such as solicitors and surveyors, and contribute towards physical costs of relocation, **loss of trade during relocation period** and fit out new premises as appropriate.

- In this section there is no mention of existing businesses returning to the Site, once development is completed. We ask for prioritised return for existing traders to be incorporated in the plans.

D. On-Site Affordable retail

Despite the applicant being aware of the need to assist existing occupiers, the preference is for larger national retail units. The draft relocation strategy states "...the East Site will appeal to large format national retailers" and the Retail Assessment produced by DP9 says (2.17, p7) "the retail proposals have been designed with the requirements of a range of retailers in mind, but in particular, larger 'primer' retail units to enable the Town Centre to compete with competing town centres”.



This is used as justification for the lower allowance of affordable retail space in the East Site of the development and a payment in lieu to the Council under section 106.

We therefore seek clarity over the percentage of affordable retail space across the two sites (East and West Sites). Our calculations point to a disparity and unequal distribution of space across sites, thus, the total of affordable space in square meters amounts to less than 10% when both sites are considered as one.

- The 'East Site' has more than 4 times more retail floorspace than the 'West Site', potentially providing many more affordable units for existing traders in the current Shopping Centre than in the 'West Site'. However, it is in the West Site that a 10% affordable retail space is guaranteed, whilst in the East Site the provision is of 5%.

- The 'West Site' only offers 3,728sqm of retail space (since 2,614sqm of the total space will be used for the proposed music venue), meaning that only 373sqm will be rented at affordable market price, which under the Applicant's proposal of "larger 'prime' retail units" (Retail Assessment produced by DP9, 2.17, p7) would mean approximately only 2 (two) affordable units available for the 'West Site'.

- As for the 'East Site' (current Shopping Centre), the Applicant's proposal offers a total of 25,720sqm of retail floorspace, which already means a loss of 1,484sqm compared to the current Shopping Centre floorspace (27,204sqm), or the equivalent loss of 5.5% in retail floorspace.

- On top of that, the decision of the Applicant not to comply with Southwark's planning policy of at least 10% of affordable retail units has a significant impact for existing traders that wish to remain in the current site. Specifically, the 5% shortfall in provision of affordable retail on the 'East Site' will mean a loss of 1,286 sqm, which counts for about 15+ units considering the current average unit sizes (estimated at 80sqm per unit).

- Finally, the document states that "there will be around 1,200sqm of affordable retail space overall". If this figure is accurate, that would mean that not even the proposed 5% of affordable retail space (which, again, does not to comply with Southwark's planning policy of at least 10%) will be provided, since 1,200 sqm represent 4.6% of the 25,720sqm of proposed retail floorspace for the 'East Site'.

E. Affordable retail – Payment in Lieu

- Furthermore, under "Payment in Lieu", apart from failing to comply with Council's policy of a minimum of 10% affordable units, this proposed payment is set to be used for "the provision of affordable retail space elsewhere in the Opportunity Area". Again, this is vague and broad. We ask for policy compliance of 10% of affordable units in the same existing site.

- At this stage we also deemed necessary to stipulate the tariff set per square meter that will be paid in lieu.

F. On-site affordable workplace

The second paragraph states that:



“Up to 10% of the flexible commercial space on the West Site will be provided as affordable workspace (Use Class B1), with the exact amount to be agreed and secured through the section 106 agreement”.

We proposed the following:

No less than 10% of the flexible commercial space on the West Site will be provided as affordable workspace (Use Class B1), with the exact amount to be agreed and secured through the section 106 agreement”.

Reasoning:

- Vagueness of ‘up to’ could in reality leave as little as 1% - reassurance over the amount of workspace to be made available is crucial at this stage.

PART 6: FURTHER SUPPORT IN THE WIDER ELEPHANT AND CASTLE AREA

Throughout the document there are instances upon which the role of ‘Tree Shepherd’ and ‘The Applicant’ are merged, confused or treated as the same. For example, the first paragraph under this section states that

“... the Applicant will support businesses looking to access affordable retail units that have been secured by the Council across recent developments and those currently under construction in the area.”

The second paragraph continues,

“...the Applicant and Tree Shepherd will work to facilitate the transition of qualifying tenants into those affordable units where possible.”

The Independent Business Advisor (Tree Shepherd) is funded by the Applicant, but appointed by and accountable to Southwark Council. This association and confusion of roles between ‘The Applicant’ and the ‘Business Advisor’ could be seen as a clear conflict of interest raising suspicion and lack of trust from existing traders who have expressed concerns over the nature and purpose of the information collected.

We therefore seek a clear demarcation of the roles of the Applicant and that of the Independent Business Advisor.

We also deem necessary to include a non-disclosure and confidentiality agreement between the Independent Business Advisor and the traders. This is an urgent matter as some information has already been collected and traders have expressed concerns about the purpose of the information collected. We deemed this necessary in order to guarantee independence of the business advisor and ultimately stimulate trust placed on the Business Advisor.