

Item No. 6.1	Classification: Open	Date: 7 January 2019	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 18/AP/2108 for: Full Planning Application Address: CASTLE SQUARE & ELEPHANT ROAD SE1 6TW Proposal: Erection of a temporary 2/3 storey structure comprising 517 sqm of retail (Class A1-A5) floorspace, 14.8 sqm of estate management office (B1) floorspace, 33.1 sqm of welfare services/storage (Sui Generis) floorspace; 23 cycle stands and associated hard landscaping works, for a period of 5 years.		
Ward(s) or groups affected:	North Walworth		
From:	Director of Planning		
Application Start Date 23/07/2018		Application Expiry Date: 17/09/2018	
Earliest Decision Date 30/11/2018		Time Extension Date: 11/01/2019	

RECOMMENDATION

1. a) That planning permission be granted for a limited period, subject to conditions and a s106 agreement.
- b) In the event that the requirements of (a) are not met by 11 January 2019, that the Director of Planning be authorised to refuse planning permission, if appropriate, for the reasons set out at paragraph 64 of the report.

BACKGROUND INFORMATION

2. This application was presented to planning sub-committee B on 12 December 2018. After considerable debate, the sub-committee deferred making a decision on the application to allow officers time to:
 - 1) Corroborate rent levels paid by some of the existing shopping centre traders given at paragraphs 41 and 42 of the officer report; and
 - 2) To establish whether any of the 16 traders which have given Castle Square as their first choice as a relocation option would pay less rent at Castle Square than they currently pay in the shopping centre.
3. Officers are reviewing information supplied by the applicant and will provide an update

through an addendum report. Both the original officer report and the addendum report presented to the planning sub-committee on 12 December 2018 are attached as Appendix 1.

Community impact statement

4. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
 - a) The impact on local people and particular groups and communities is set out in the officer report to the planning sub-committee on 12 December 2018 which is attached as an appendix.

Community impact statement / Equalities Assessment

5. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:
 - a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
 - b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
6. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
7. The council must not act in a way which is incompatible with rights contained within the European convention of human rights.
8. The council has given due regard to the above needs and rights where relevant or

engaged throughout the course of determining this application.

9. Equality implications relating to the redevelopment of the Elephant and Castle shopping centre site have been considered in detail in the officer report for that application (reference: 16/AP/4458). Potential adverse equality impacts in relation to race and age were identified, including upon business owners from ethnic minorities and their customers, and older business owners. A package of mitigation measures has been secured and would be delivered, and this temporary retail space forms part of the support for affected traders.

Human rights implications

10. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
11. This application has the legitimate aim of providing temporary retail space. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life, are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1096-C Application file: 18/AP/2108 Southwark Local Development Framework and Development Plan Documents	Place & Wellbeing Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5410 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Planning Sub-Committee B report and recommendation from 12 December 2018

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Victoria Lewis, Team Leader	
Version	Final	
Dated	18 December 2018	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		18 December 2018