

## Overview & Scrutiny Committee

Monday 15 April 2013

7.00 pm

Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

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### Membership

Councillor Catherine Bowman (Chair)  
Councillor Dan Garfield (Vice-Chair)  
Councillor Neil Coyle  
Councillor Toby Eckersley  
Councillor Gavin Edwards  
Councillor David Hubber  
Councillor Lorraine Lauder MBE  
Councillor Paul Noblet  
Councillor David Noakes  
Councillor The Right Revd Emmanuel Oyewole  
Councillor Mark Williams

### Reserves

Councillor Kevin Ahern  
Councillor James Barber  
Councillor Nick Dolezal  
Councillor Rebecca Lury  
Councillor Tim McNally  
Councillor Abdul Mohamed  
Councillor Lisa Rajan  
Councillor Lewis Robinson  
Councillor Martin Seaton  
Councillor Cleo Soanes  
Councillor Geoffrey Thornton

### Education representatives

Reverend Nicholas Elder  
Colin Elliott, Parent Governor  
Leticia Ojeda, Parent Governor

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**Contact** Peter Roberts on 020 7525 4350 or email: [peter.roberts@southwark.gov.uk](mailto:peter.roberts@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 5 April 2013



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### Order of Business

Item No.	Title	Page No.
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#### **PART A - OPEN BUSINESS**

**1. APOLOGIES**

**2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT**

In special circumstances, an item of business may be added to an agenda within five clear working days of the meeting.

**3. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting.

**4. MINUTES**

To approve as a correct record the Minutes of the open sections of the meetings held on 4 February and 11 March. (To follow)

**5. BUSINESS MIX ON WALWORTH RD**

1 - 6

There will be three presentations, which are as follows:-

1. Liz Peace – Chief Executive of the British Property Federation
2. Jeremy Leach – Chair of the Walworth Society
3. Barbara-Ann Overwater – Southwark Planning Policy Team

**DISCUSSION OF ANY OTHER OPEN ITEMS AS NOTIFIED AT THE START OF THE MEETING.**

#### **PART B - CLOSED BUSINESS**

**DISCUSSION OF ANY CLOSED ITEMS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

# THE WALWORTH SOCIETY

28 Sutherland Square, Southwark, London, SE173EQ

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**Website:** [www.walworthsociety.co.uk](http://www.walworthsociety.co.uk)

**Date:** 19<sup>th</sup> February 2013

Dear Councillor Bowman,

## **The Retail Mix & Future of the Walworth Rd.**

Many thanks for attending the recent Walworth Society meeting and taking part in the discussion about the future of the Walworth Rd and its retail mix and offer as a town centre. The retail mix of the Walworth Rd and its perceived lack of fit with the needs of the local area has long been an issue. This has been exacerbated latterly by a proliferation of shops which are a positive dis-benefit to the area and our inability as a community to work with officers to curb their continued expansion.

More generally, the Walworth Road is subject to some of the problems endemic to all high streets in the UK at present but other factors also exist which will affect its future both as threats (eg the redevelopment of the Heygate Estate and the development of retail north of Wansey St) but also opportunities (eg the creation of new housing on the site of the Stead St car park and the redevelopment of the Manor Place Depot site). We would be very keen to take part in and contribute to any conversation which:

- highlights the struggles which high streets such as the Walworth Rd face
- seeks to develop strategies for the Walworth Road as a town centre which allows it both to flourish and also better to reflect the needs of local residents
- ensures that Southwark Council understands and makes use of the existing powers it has to curb saturation of establishments and considers what additional powers are needed.

We would, therefore, like to outline a number of issues which we feel that an Overview and Scrutiny Committee investigation might be able to address.

### **1. The Retail Mix**

- Probably the greatest cause for concern is the lack of protection communities have against certain types of retail. In our area we perceive a saturation of units devoted to:
  - betting/gambling
  - high interest/pay-day loans
  - pawnbroking.
- The issue of betting shops in this area was assessed in detail in a report in November 2011 by the member for Camberwell and Peckham and makes a number of references to position of the Walworth Rd.  
 (<http://www.harrietharman.org/uploads/d2535bc1-c54e-6114-a910-cce7a3eff966.pdf>)

# THE WALWORTH SOCIETY

28 Sutherland Square, Southwark, London, SE173EQ

- Our concern is that overall we are unable to defend ourselves against saturation by a range of retailers who exist principally to remove money from an area with little gain. This issue has been highlighted most recently in relation to the targeting of poorer areas via high-stakes gambling machines (<http://www.guardian.co.uk/uk/2013/jan/04/fixed-odds-betting-terminals-poorest-communities>).
- In relation to betting shops we are confused that while other shops appear to be closed by 5pm on a Sunday, betting shops are able to stay open far later even on a Sunday.
- The current range of retail is also problematic. There is a perception (which perhaps needs to be backed up by research) that the current range/mix of retailers fails to meet the retail and service needs of the surrounding communities. This issue is highlighted by a recent statistic which highlighted how little of the spend by people in the area (it may have been across Southwark as a whole) is actually spent in the area. What more can be done to ensure that local people are able to spend a greater proportion of their disposable income in the local area with all of the economic and job creation benefits that can have?
- There is perceived a shortage of independent businesses which can deliver both a greater sense of variety to a high street. Locally run businesses also have the advantage of employing greater numbers of people in relation to turnover than multiples.
- What is being done/can be done to attract entrepreneurial activities (whether through retail starts-up/trader start-ups of new non-retail small businesses. Can a programme involving affordable rents/rates for help encourage new independent businesses?

## 2. The Future of High Streets/the Walworth Rd.

- We understand that the trading environment for both retailers and traders is particularly harsh at present. Following a poor Christmas trading period, a number of retailers are struggling to pay their rents and traders are giving up or looking to give up their pitches on East St.
- We are interested to understand what strategies are being employed to support struggling businesses?
- The Walworth Road faces particular problems. While we understand that the retail environment for all high streets/town centres change over time and they need to be sufficiently resilient to deal with change the Walworth Rd is particularly exposed for a number of reasons. These include:
  - The redevelopment of the Heygate Estate and long-term loss of business from the residents who formerly lived there.
  - The loss of car parking spaces provided at the Stead St car park. This will of course be balanced by the opportunity from the residents of the new homes.
  - The longer term threat from the regeneration of the Heygate Estate and the plans for the creation of significant amounts of new retail coupled with the regeneration of the Elephant & Castle Shopping Centre.

# THE WALWORTH SOCIETY

28 Sutherland Square, Southwark, London, SE173EQ

- The long-term after-effects of the riots in the summer of 2011 and the relatively small amounts of support that the area has received compared to places such as Peckham, Tottenham and Croydon.
- It would appear that the Walworth Rd retail offer will need to cater better for larger numbers of people who are arriving on foot and by public transport as considerable amounts of new residential is created and land given over to car parking is redeveloped in favour of homes.
- What analysis is being undertaken of the long-term competitive position of the Walworth Rd as a town centre and how it is to both respond to these threats but also be in a position to maximise the opportunity of many new residents who will settle here in the next decade.

### **3. The Use of Powers.**

- Overall there is a sense that planning officers appear to believe their powers are very limited despite evidence that other authorities have been more proactive in making use of powers to address saturation of establishments.
- We would like to officers to be questioned in terms of what powers they think they lack and what additional powers would help to address the situation on the Walworth Road. The need for additional powers would then form the basis for dialogue with central government, MPs etc about potential legislation.

We hope that this analysis is of value and would stress our interest in working with Southwark Council on an issue that is both dear to our hearts but also fundamental to the future prosperity of the local area.

Yours sincerely,

Jeremy Leach – Chair Walworth Society

# BRIEFING NOTE

Health, vitality and viability of Elephant and Castle town centre:  
Business Mix on Walworth Road

www.southwark.gov.uk

## Overview of Planning Policy Framework

1. Elephant and Castle is a major town centre in the borough's town centre hierarchy, and the Walworth Road is a defined protected shopping frontage, where the mix of uses is managed to ensure a mix of services is maintained. Table 1 provides an overview of the policies applicable to the retail and business mix in Elephant and Castle.

Table 1

<b>Core Strategy Strategic Targets Policy 2</b>	Elephant and Castle Opportunity Area: Targets of 4,000 new homes and 5,000 new jobs; but also seeks around 45,000 sqm of additional shopping and leisure space and 25,000 sqm of business space.
<b>Core Strategy Policy 3: 'Shopping, leisure and entertainment'</b>	Overarching objective to promote more shopping and leisure space in the Elephant and Castle town centre.
<b>Core Strategy Policy 10: 'Jobs and Business'</b>	Protects existing business (B use class) floorspace and support additional floorspace to help increase the number of jobs. Protects creative, cultural and tourism facilities and encourages new facilities.
<b>Southwark Plan Policy 1.7 'Development within town and local centres'</b>	Promotes a balance and mix of uses and is used to assess amenity and harm to retail vitality/viability. Protects retail use unless the proposal would not harm the retail vitality and viability of the town centre
<b>Southwark Plan Policy 1.9 'Change of use within protected shopping frontages'</b>	Protects A1 retail use class. Change of use from A1 will be permitted subject to criteria being met, including:  the proportion of units in A1 must not fall below 50% and premises must have been vacant for a period of at least 12 months
<b>Elephant and Castle Opportunity Area Supplementary Planning Document (March 2012)</b>	Provides guidance on the mix of shops, businesses and other activities such as arts, leisure and cultural provision. <u>Policy 1: Shopping:</u> supports new retail development in the town centre. Provide strong links between the shopping centre and Walworth Road, creating a continuous high street at the northern end of Walworth Road and provide active ground floor uses on the Heygate development site. Developments over 1,000sqm to provide at least 10% of the floorspace as affordable units. Provision of affordable shop units will be secured through s106 planning obligations. <u>Policy 4: Jobs and Business:</u> Supports the provision of new business space, including incubator space. Space needs to be designed flexibly to accommodate a range of unit sizes to help meet the needs of the local office market and SME businesses and to enable businesses to remain in the area as they grow. Existing business floorspace should be retained, unless replaced by an alternative town centre use. <u>Policy 33: Walworth Road:</u> Development should provide active ground floor uses and maintain a vibrant mix of retail uses within the protected shopping frontages. No more than 5% of units on Walworth Road within the character area should be in A5 (hot food takeaway) use. In addition: <ul style="list-style-type: none"> <li>• No more than two A5 units should be located adjacent to each other and;</li> <li>• No less than two-non A5 units should be located between a group of hot food takeaways;</li> <li>• A range of town centre uses on Walworth Road will be supported.</li> <li>• Existing business space should be retained unless replaced</li> </ul>

	<p>by an alternative town centre use.</p> <p>The Heygate outline permission will provide new units including a mix of large format stores and smaller units on the Walworth Road and New Kent Road frontages and smaller units on secondary routes in the site. The permission includes a minimum of 10,000 sqm (GEA) and maximum of 16,750 sqm (GEA) of retail floorspace (Use Classes A1-A5). Detailed Reserved Matters planning applications will need to demonstrate a balance and mix of uses.</p>
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### Other key considerations

#### 2. Use Classes Order (2007) (UCO) and the General Permitted Development Order 1995 (GPDO).

- Together these instruments act to deregulate aspects of the planning system, classifying land uses into separate use classes and allowing changes within and between these classes in certain circumstances without planning permission. Permitted development rights for change of use set out in the orders are generally limited to cases where the impacts of “before” and “after” uses are broadly similar or beneficial. Thus a hot food takeaway can be changed to a café without planning permission but not vice versa (see table 2 below).

#### 3. Betting Shops:

- There is an issue of perceived proliferation of betting shops on high streets. Betting shops are in the same use class as banks or building societies i.e. A2 (Financial Services). The majority have been established through permitted development which enables a change of use to A2 from the following use classes: A3, A4, A5. There is a lack of distinction in the A2 use class which has the potential to weaken the shopping function of centres and reduce the council’s ability to effectively balance land uses and provide for an appropriate level of diversification. We have lobbied the government to address the proliferation of betting shops/pay day loan shops on our high streets and re-classify as sui-generis use, which would require planning permission.

#### 4. Government changes:

- In January 2013, the Government confirmed that it would make the following changes to the GPDO (1995).
  - Getting empty town centre buildings back into use: To create opportunities for new and start-up businesses and help retain the viability and vitality of our town centres, allow a range of buildings to convert temporarily to a set of alternative uses including shops (A1), financial and professional services (A2), restaurants and cafes (A3) and offices (B1) for up to two years.
  - Allow change of use from B1(a) office to C3 residential initially for a period of three years: The permitted development rights will only cover change of use; any associated physical development which currently requires a planning application will continue to need one.

### Guidance and initiatives

#### 5. Mayor’s Takeaways Toolkit (2012)

- The toolkit was compiled to provide tools, interventions and case studies to help local authorities develop a response to the health impacts of fast food takeaways. The toolkit has three broad recommendations in response to the challenges that London boroughs face by the increase in takeaways, including a recommendation that local authorities use regulatory and planning measures to address the proliferation of hot food takeaway outlets.

#### 6. Mayor’s Draft Town Centre Supplementary Planning Guidance (2013): (currently in consultation)

- Provides comprehensive guidance on the implementation of the London Plan (2011)

policies on town centre development and management. A response to the consultation document will be submitted in May.

7. Healthier High Streets Working Group (GLA, Lewisham, Haringey, Barking & Dagenham, Tower Hamlets) (public health, licensing & environmental protection, planning)
- The group reports back to the London Health Inequalities Network (LHIN). Has a number of on-going work streams including:
    - Explore development of a saturation policy for betting shops. Develop a voluntary charter/enhanced code of conduct practice for betting shops (enhanced gambling commissioning guidance). Lobby via the LHIN for betting shops to be reclassified as sui generis.
    - Map what is available in terms of traditional lending, how best to promote local credit unions and local arrangements for crisis payments. Publicise the Good Practice Charter for Payday Loans.
    - Fast food saturation: Produce a briefing for LHIN, sign posting to sources of support including Mayor's Takeaway toolkit and other local examples.
    - Future topics of discussion are money transfer shops, alcohol licensing, pubs and corner shops.

Table 2

A Use Classes	Example of use	Permitted Development change
A5	<b>Takeaways</b> (i.e. premises where the primary purpose is the sale of hot food to takeaway).	To A3, or A2 or A1 (retail)
A4	Public House, Wine Bar, other Drinking Establishments (i.e. premises where the primary purpose is the sale and consumption of alcoholic drinks on the premises).	A3, A2 & A1
A3	Restaurants & Cafés (i.e. places where the primary purpose is the sale and consumption of food and light refreshment on the premises).	A2 & A1
A2	For example <b>Financial Services</b> , Banks, Building Societies, Bureau de Change. Professional Services, Estate Agents, Employment Agencies & <b>Betting Shop</b>	A1

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