

Item No: 6.	Classification: Open	Date: 7 January 2019	Meeting Name: Planning Sub-Committee B
Report title:		Addendum Late observations, consultation responses, and further information.	
Ward(s) or groups affected:		North Walworth	
From:		Director of Planning	

PURPOSE

1. To advise Members of observations, consultation responses and further information received in respect of the following planning applications on the main agenda. These were received after the preparation of the report and the matters raised may not therefore have been taken in to account in reaching the recommendation stated.

RECOMMENDATION

2. That Members note and consider the late observations, consultation responses and information received in respect of each item in reaching their decision.

FACTORS FOR CONSIDERATION

3. Late observations, consultation responses, information and revisions have been received in respect of the following planning applications on the main agenda:

Item 6.1 – Application 18/AP/2108 for: Full Planning Permission – CASTLE SQUARE ELEPHANT & CASTLE ROAD, SE1

4. 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) Verify 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 that have given Castle Square as their first choice relocation option would pay less rent at Castle Square than they currently pay in the shopping centre.
5. The officers' response is set out below:
 - 1) Verification of existing rent levels
6. Paragraph 42 of the officer report to the 12 December 2018 Planning Sub-Committee advises that smaller units in the shopping centre on longer leases cost on average £65 per square foot. This was calculated from a schedule of 18 units of up to 600 square feet in size which was provided by the applicant.
7. At the meeting, members requested officers to verify the rents being paid by the 18 traders in the shopping centre with comparable units.
8. Following the 12 December 2018 Planning Sub-Committee meeting the applicant provided the Council's legal officers with copies of the leases for the 18 units. For data

protection reasons it is not possible to make the leases public, but legal officers have confirmed that the leases show that the average rent paid across the 18 units equates to £65.06 per square foot, thereby confirming the information provided in the earlier officer report. The units on offer at Castle Square would cost less than this, with the breakdown of rents being as follows:

Year 1 rents per square foot

Ground floor £28.13
First floor £22.50
Second floor (with terrace) £37.50

Years 2-5 rents per square foot

Ground floor £37.50
First floor £30
Second floor (with terrace) £50

9. In recognition that rents are significantly higher for some of the 18 units than for others, for reasons including their location within the Shopping Centre, legal officers have undertaken a second calculation of the average rent levels, by excluding the three highest rent levels and the three lowest rent levels and calculating the average based on the remaining 12 units. Under this method of calculation the average rent currently paid is £56.52 per square foot for smaller units in the Shopping Centre. This would still be more than the highest proposed rent in Castle Square for a second floor unit with terrace.

2) Information as to whether traders which have selected Castle Square as their first choice as a relocation option would pay less rent than they currently pay in the shopping centre

10. Members were advised at the 12 December 2018 Planning Committee that 16 traders have selected Castle Square as their first choice for a relocation option. The traders gave these choices to Tree Shepherd, an independent business advisor in place to support affected businesses, as part of a consultation exercise which Tree Shepherd undertook.
11. Legal officers have subsequently been provided with details of the Tree Shepherd consultation, but again for data protection reasons it is not possible to share this with the applicant in order to obtain copies of the leases for the 16 traders. However, by cross-referencing the Tree Shepherd information with the 18 leases which have been provided, legal officers have broadly verified that a small number of the 16 traders who selected Castle Square as their first choice also fall within the group of 18 businesses whose rents have been verified. In broad terms the small number of the 16 traders whose leases have been verified would still pay less at Castle Square for all years.
12. A similar cross-referencing exercise was undertaken in respect of the 13 traders who selected Castle Square as their second choice. Legal officers have only been able to verify the rents for a small number of them and have similar findings that those traders would pay less at Castle Square for all years. Legal officers are unable to give exact details of the numbers of leases that they have been able to verify as this could potentially identify the traders and would result in a data protection breach.
13. It has not been possible to confirm how much rent is currently being paid by the 8 traders who selected Castle Square as their third choice because the Council does not hold any leases or tenancy information for them. It is not therefore possible to confirm whether they would pay more or less in Castle Square than they currently pay in the shopping centre.

Additional consultation responses

14. One additional consultation response has been received, but no new issues are raised.
15. Conclusion – The information set out above confirms that for the 18 smaller units on longer leases in the Shopping Centre, the average rent paid is £65.06 per square foot, and rents at Castle Square would be less than this. Legal officers have only been able to confirm the rents paid by a small number of traders who selected Castle Square as a first or second choice for a relocation option. Of the small number identified all would generally pay less rent than they currently pay. Further specific detail can not be given due to data protection issues.
16. With regard to the additional information provided above and the detailed information which was provided in the original officer report to the sub-committee on 12 December 2018, officers remain of the opinion that the scheme is policy compliant and acceptable. As such, temporary planning permission should be granted, subject to a s106 agreement and conditions, including an additional condition which was included in the addendum report dated 12 December 2018.

REASON FOR URGENCY

17. Applications are required by statute to be considered as speedily as possible. The application has been publicised as being on the agenda for consideration at this meeting of the Planning Committee and applicants and objectors have been invited to attend the meeting to make their views known. Deferral would delay the processing of the applications and would inconvenience all those who attend the meeting

REASON FOR LATENESS

18. The new information, comments reported and corrections to the main report and recommendation have been noted and/or received since the committee agenda was printed. They all relate to an item on the agenda and Members should be aware of the objections and comments made.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Individual files	Place and Wellbeing 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403