

Item No. 7.	Classification: Open	Date: 1 December 2015	Meeting Name: Planning Committee
Report title:		Liberty of the Mint Conservation Area	
Ward(s) or groups affected:		Cathedrals	
From:		Director of Planning	

RECOMMENDATION(S)

1. That Members agree and designate the Liberty of the Mint Conservation Area and boundaries, as shown in Appendix 2.
2. That council officers carry out public consultation with local residents and businesses to obtain their view on the conservation area appraisal (Appendix 1) and boundaries for the Liberty of the Mint Conservation Area and report back to Members.
3. That Members comment on the draft conservation area appraisal and map of the conservation area boundary (Appendix 1).
4. That Members note the Equality Impact Assessment (Appendix 3).

BACKGROUND INFORMATION

5. The Liberty of the Mint Conservation Area is a cohesive townscape comprising of properties from the late 19th and early 20th centuries. The conservation area is generally found in the area bounded by Borough High Street Marshalsea Road and Great Suffolk Street and contains a varied section of Southwark townscape broadly dating from the later 19h century. This consists of a mix of industrial, residential, educational, transport and historic, mixed-use buildings fronting onto Borough High Street. The area has a particular significance due to the rebuilding of much of the area with the construction of Marshalsea Road dating from 1888. The southern parts of the conservation area retain much of the Victorian character of closely packed former industrial and residential buildings defining a tight, well-defined townscape. The historic street layout remains, creating a legible and permeable environment. The intimate scale and high quality and architecturally interesting frontage developments have survived largely intact.
6. The Gladstone Public House on Lant Street is an important local landmark and the subject of a recent planning application for its demolition and replacement. The proposals would result in the loss of an important local building and would have a significant impact upon the character and appearance of the area. The designation of the Liberty of the Mint Conservation Area, would give the Council additional powers over the development and the use of land within it. The Council would be able to exercise a greater degree of control over the demolition or substantial demolition of buildings in the conservation requiring applicants to gain planning permission for any replacement before they can go ahead and

demolish the building. Currently the Council is unable to control the demolition of any of the buildings within the proposed conservation area.

7. The area proposed for designation is defined as follows: The north boundary of the Conservation area follows the centre line of Marshalsea Road, but includes 6-14 (even) and 20-22 (even) Marshalsea Road which are located to the north side of the road. The west boundary follows the east boundary of Mint Street Park, continuing south along Sudrey Street, including the east side of this street. The south boundary runs behind properties on Great Suffolk Street, and heads south to include the public house at 125 Great Suffolk Street. Industrial buildings at the junction of Toulmin Street and Great Suffolk Street are included in the conservation area up to number 131 Great Suffolk Street. The west boundary of the grounds of Charles Dickens School and number 48 Lant Street mark the west extent, before the conservation area boundary continues along Lant Street, crossing south to include the Gladstone Public House. The east boundary of the conservation area then heads north on the west side of Borough High Street including numbers 196-230 (even) Borough High Street meeting the Borough High Street Conservation Area adjacent to St George the Martyr Church.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

8. The main issues of this are:
 - a) the ability of the LPA to designate a new conservation area as an area of special architectural or historic interest

Planning Policy

9. Core Strategy 2011 (April)

Strategic Policy 12 Design and Conservation.

Southwark Plan 2007 (July)

Saved Policy 3.15 Conservation of the Historic Environment

Saved Policy 3.16 Conservation Areas

Saved Policy 3.18 Setting of Listed Buildings, Conservation Areas and World Heritage Sites

Saved Policy 3.19 Archaeology

London Plan 2011 (July)

Policy 7.9 Heritage-led regeneration

Policy 7.8 Heritage assets and archaeology

Planning Policy Statements

PPS5 Planning for the Historic Environment.

The draft National Planning Policy Framework (NPPF)

Principles of designation and current guidance

10. The conservation area contains predominantly late 19th century early 20th century industrial and warehouse buildings. The layout of the roads in the conservation area generally dates from the 1800s although the buildings fronting the roads are generally later. The conservation area demonstrates the pressure on land during the latter half of the 19th century to accommodate the increase in industrial activities. The streets are generally well enclosed by industrial and warehouse buildings of a high quality and architecturally interesting frontage.
11. The key approaches into the conservation area are: from the north along Marshalsea Road; from the east along Borough High Street and from the south along great Suffolk Street. Mint Street Park on its western edge, offers views of the across the historic area. Vistas along the narrow streets within the conservation area are generally closed off by built form and the former Board School (Charles Dickens School) at the centre of the conservation area. Generally views are axial along linear streets however, the bend of Marshalsea Road establishes a dynamic characterful view.
12. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the local Planning Authority to determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance and further allows for those areas to be designated as conservation areas. There is a duty on the local planning authority under Section 69 to review areas from time to time to consider whether designation of conservation areas is called for.
13. In March 2010 the Government issued PPS 5 'Planning for the Historic Environment' replacing the guidance formerly contained within PPGs 15 and 16. PPS 5 requires, in Policy HE2.1, that Local Authorities have evidence about the historic environment and heritage assets within their area, and that this evidence is publically documented. Designation records, such as Conservation Area assessments, should also be taken into account when determining planning applications.
14. In 2011 English Heritage published guidance on conservation area appraisals, 'Understanding Place: Conservation Area Designation, Appraisal and Management'. This sets out the importance of definition and assessment of a conservation area's character and the need to record the area in some detail. The purpose is to provide a sound basis for rational and consistent judgements when considering planning applications within conservation areas. Conservation area appraisals, once they have been adopted by the Council, can help to defend decisions on individual planning applications at appeal. They may also guide the formulation of proposals for the preservation and enhancement of the area.
15. Designation of a conservation area imposes certain duties on planning authorities. These duties are twofold, firstly, to formulate and publish from time to time, proposals for the preservation and enhancement of the conservation areas in their district and submit them for public consultation. Then secondly, in exercising their planning powers to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas. In exercising conservation area controls, local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question and therefore there is a presumption against

the demolition of buildings within the area. In the case of conservation area controls, however, account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole.

Outstanding Schemes

16. The main focus of development in the area has been focussed on the Borough High Street and Marshalsea Road frontages as well as Vineyard to the rear. Notwithstanding this, the cohesive nature of the townscape has meant that new development opportunities have been limited in scope. In the last five years the only significant new development in the area of the proposed conservation area has been: 218-220 Borough High Street – Ref: 10-AP-2304 – for *Redevelopment of site for a mixed use development comprising six storeys (basement and five floors above ground) including retail/professional services/cafe - restaurant (Use Classes A1/A2/A3) at ground floor and basement and seven residential units.*
17. More recently, a planning application was received in relation to the Gladstone Public House at 64 Lant Street (ref 15-AP-3137) for: *Demolition of existing public house; and erection of ten storey building comprising Class A3/A4 use at ground floor level and 9 residential units (Class C3) across upper floors.* This application is invalid and not started.
18. The council has also received an application from the public for the designation of the Gladstone Public House at 64 Lant Street as an Asset of Community Value (ACV). This was listed as an ACV by the council on 9 September 2015 and it remains on the list for 5 years. The owners requested a review of the decision which has been heard but was not upheld so the listing remains in place. The panel considered it was a valid nomination, there was good evidence that it furthers the social wellbeing of the community and that it is reasonable to think that it could do so. (The list of designated ACVs is published is at this weblink:

http://www.southwark.gov.uk/downloads/download/3226/assets_of_community_value_successful_bids)

Community impact statement

19. The designation will be consulted in accordance with the Statement of Community Involvement. The Statement of Community Involvement sets out how and when the Council will involve the community in the alteration and development of town planning documents and applications for planning permission and was adopted in January 2008. The Statement of Community Involvement does not require the Council to consult when designating a conservation area, but in this instance the Council proposes to follow a similar procedure.
20. It is proposed to hold a public meeting within 12 weeks of this committee and to report any consultation responses received back to Members for consideration.
21. The consultation will seek the views of local residents, businesses and other local interests over the definition of the boundaries and the conservation area appraisal. Notification of the consultation on the proposed designation and the supporting documents will be put in the local press, on the council's website and will be made

available at the Walworth One Stop Shop. This will show how the consultation has complied with the Statement of Community Involvement.

Human rights implications

22. This conservation area may engage 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.
23. This proposal has the legitimate aim of providing for the conservation of the historic environment within the conservation area. The rights potentially engaged by this proposal, include the right to a fair trial and the right to respect for private and family life however both of these are not considered to be unlawfully interfered with by this proposal.

Resource implications

24. Notifying the public of the Liberty of the Mint Conservation Area will not result in resource implications for the staffing of the Department of the Chief Executive.
25. Other resource implications will be the cost of publishing the conservation area appraisal, which can met within the Department of the Chief Executive's revenue budget. The cover price of the document will be fixed to cover production costs.
26. The conservation area could generate additional casework for planning staff. However, given the location and scale of many of the proposals in this area there is already an attention to the design and appearance of the proposals and the designation should not result in significant resource implications for the staffing of the Department of the Deputy Chief Executive.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance

27. A conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance (*section 69(1), Planning (Listed Buildings and Conservation Areas) Act (LBA) 1990*). A Local Planning Authority (LPA) is under a duty to designate conservation areas within its locality and to review them from time to time (*section 69(2)*).
28. There is no statutory requirement for LPAs to consult with anyone before a conservation area is designated, nor does the Councils Statement of Community Involvement require consultation in respect of designating Conservation Areas. However, English Heritage advises LPAs to consult as widely as possible, not only with local residents and amenity societies, but also with Chambers of Commerce, Public utilities and Highway authorities.
29. There is no formal designation procedure. The statutory procedure simply involves a council resolution to designate being made. The date of the resolution is the date the conservation area takes effect. The designation of conservation areas is reserved to Planning Committee under Part 3F, paragraph 3 of the Constitution, and consultation of Community Council members will take place before the designation is confirmed.

30. There is no statutory requirement on the level of detail that must be considered by an LPA before designation. However, guidance from English Heritage states that it is vital an area's special architectural or historic interest is defined and recorded in some detail. A published character appraisal is highly recommended and can be found at Appendix 1 of this report. The overall impetus for designating a conservation area must be the desire to preserve and enhance the area.
31. Notice of the designation must be published in at least one local newspaper circulating in the LPA's area and in the London Gazette (*section 70(8), LBA 1990*). The Secretary of State and English Heritage must also be notified (*section 70(5)*). There is no requirement to notify the owners and occupiers of premises in the area. The conservation area must be registered as a local land charge (*section 69(4)*).
32. The designation of a conservation area gives the LPA additional powers over the development and the use of land within it and has the following consequences;
- control of demolition of buildings - all demolition will require conservation area consent
 - any new development will need to enhance or preserve the conservation area
 - protection of trees – certain criminal offences arise if trees in the conservation area are cut down or wilfully damaged without the consent of the LPA
 - duty of LPA to formulate and publish from time to time proposals for the conservation and enhancement of conservation areas (e.g., by updating conservation area appraisals)
 - certain permitted development rights are more restricted
 - specific statutory duties on telecommunications operators
 - exclusion of certain illuminated advertisements (although not very relevant in this context)
 - publicity for planning applications affecting the conservation area must be given under Section 73(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
33. There is no statutory right of appeal against a building being included in a conservation area. However, it is possible to seek a judicial review of an LPA's decision to designate a conservation area.

Equalities and human rights

34. Positive equalities obligations are placed on local authorities, sometimes described as equalities duties with regard to race, disability and gender.
35. Gender equality duties were introduced by the Equality Act 2006, which amended the Sex Discrimination Act 1975. The general duties in summary require local authorities to have due regard to the need to:

- (a) “eliminate unlawful discrimination and harassment and;
- (b) promote the equality of opportunity between men and women.”

Race equality duties were introduced by the Race Relations Amendment Act 2000 which amended the Race Relations Act 1976. The general duties in summary require local authorities to give due regard to the need to:

- (a) “eliminate unlawful discrimination and harassment;
- (b) promote the equality of opportunity; and
- (c) promote good race relations between people of different racial groups”

Disability equality duties were introduced by the Disability Discrimination Act 2005 which amended the Disability Act 1995. The general duties in summary require local authorities to carry out their functions with due regard to the need to:

- (a) “promote equal opportunities between disabled persons and other persons;
- (b) eliminate discrimination that is unlawful under the Act;
- (c) eliminate harassment of disabled persons that is related to their disabilities;
- (d) promote a positive attitude towards disabled persons;
- (e) encourage participation by disabled persons in public life; and
- (f) take steps to take account of disabled person’s disabilities even where that involves treating disabled persons more favourably than other persons.”

Section 71 of the Race Relations Act 1976, section 49A(i) of the Disability Discrimination Act 1995 and section 76A of the Sex Discrimination Act 1975, require local authorities to act in accordance with the equalities duties and have due regard to these duties when we are carrying out our functions.

36. Equalities and Human Rights have been considered as part of the development conservation area appraisal and an Equalities Impact Assessment (EqIA) is in the process of being completed. EqIAs are an essential tool to assist councils to comply with equalities duties and ensure they make decisions fairly.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix 1	Draft conservation area assessment for Liberty of the Mint Conservation Area. https://www.southwark.gov.uk/downloads/download/385/conservation_area_appraisals (Available online)
Appendix 2	Map of the Liberty of the Mint Conservation Area
Appendix 3	Equality Impact Assessment https://www.southwark.gov.uk/downloads/download/385/conservation_area_appraisals (Available online)

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Development Management		
Report Author	Michael Tsoukaris, Group Manager, Design and Conservation Officer		
Version	Final		
Dated	19 November 2015		
Key Decision?	Yes		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
	Officer Title	Comments Sought	
		Comments included	
	Strategic Director of Finance and Governance	Yes	Yes
	Director of Law and Democracy	No	No
	Cabinet Member	No	No
	Date final report sent to Constitutional Team		19 November 2015