

Item No. 6.	Classification: Open	Date: 27 November 2018	Meeting Name: Planning Committee
Report title:		Liberty of the Mint Conservation Area	
Ward(s) or groups affected:		Borough and Bankside	
From:		Director of Planning	

RECOMMENDATIONS

1. That the Planning Committee consider the responses from the Borough, Bankside and Walworth Community Council and the results of the public consultation following the designation the Liberty of the Mint Conservation Area.
2. That the Planning Committee adopts the conservation area appraisal, attached at appendix 1.

BACKGROUND INFORMATION

3. On 1 December 2015 the Planning Committee considered a report to designate the Liberty of the Mint Conservation and to carry out public consultation on an appraisal and management plan. Following the Planning Committee meeting letters were sent to all the owner/ occupiers of properties in the immediate area and a wider boundary around the proposed conservation area giving a twelve week consultation period. The letters included general guidance on the implications of a conservation area designation and advice on how to access the draft Liberty of the Mint Conservation Area Appraisal which was published on the council's website.
4. Officers attended the Borough, Bankside and Walworth Community Council meeting on the 30 January 2016, in order that Members could provide comment on the conservation area boundaries and appraisal. A public meeting was also held on the 4 February 2016 at St. George the Martyr, Borough High Street. The meeting was well attended and the majority positively supported the designation of the conservation area. There were a number of feedback forms completed on the day and in all over 20 responses were received during the consultation period.
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 area covered by the 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

7. Over 20 consultation responses were received, the overwhelming number of these wrote in support and respondents highlighted the quality and character of the area. A summary of the specific issues raised in the responses received from the public consultation are set out below. The GLA's Heritage Advisor wrote in support. Historic England also supported the designation and provided comment on the content of the appraisal; these recommendations have been taken on board and incorporated into the amended conservation area appraisal. Four comparable objection letters were received from a consultant representing four sites within the conservation area and this is dealt with in more detail below.
8. The responses received as a result of the public consultation raised the following points (officer comment is provided in italics):

- Three comments were received on line and strongly supported the designation and hoped it would ensure that buildings of historic value are preserved where possible.

Officer response: The designation of the Liberty of the Mint Conservation Area, has given the Council additional powers over the development and the use of land within it. The Council are now 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.

- One objector to the conservation area considered the boundary to be random and queried the inclusion of modern buildings.
- Four separate identical objections were received from the owners of No. 5 Vineyard, Nos. 52-56 Lant Street, Nos. 218-220 and 222-224 Borough High Street via their planning consultant, who commented that the conservation area was an excessive response to an invalid application. Also considered that the appraisal was missing key elements such as

maps. They also objected to paragraph 4.5.2 in relation to scale of the replacement buildings. They considered this did not reflect the NPPF. In addition the letter in response to 222-224 Borough High Street also considered that the boundary should not extend along the Borough High Street frontage.

- At the public meeting, one response was received regarding extending out to take in Mint Street park and north of Marshalsea Road.

Officer response: Large expanse of open space are not routinely included in Conservation Areas unless they are part of the historic structure of the area: Mint Street park was created in the 1980s so is not part of the historic development of the area. Historic buildings north of Marshalsea Road are included.

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

National Planning Policy Framework (NPPF)

Para 185

Para. 190

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 July 2018, the revised National Planning Policy Framework was published by Department of Housing, Communities and Local Government. With relation to the assessment of significance of heritage assets, including conservation areas, the guidance states “Plans should set out a positive strategy for the conservation and enjoyment of the historic environment” (para. 185) and when assessing proposals, “Local planning authorities should identify and assess the particular significance of any heritage asset”. (para. 190) Conservation Area Appraisals and Management Plans enable the Council to affectively undertake these tasks as required by the NPPF.
14. In 2011 English Heritage (now Historic England) 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 eight 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

And

16-AP-4467 at 133-135 Great Suffolk Street, SE1 1PP for Demolition of existing four-storey commercial building and redevelopment to provide a five-storey (plus basement) commercial building (Use Class B1). This application is outside the Conservation Area however affects its setting. It was granted consent.

17. In 2015, 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 has been 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. A public meeting was held within 12 weeks of the Planning Committee and to report any consultation responses received back to Members for consideration.
21. The consultation sought 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 did 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 Corporate Services

Director of Law and Democracy

27. Planning Committee authorised in December 2015 the designation of the Liberty of Mint as a conservation area and is now asked to consider the results of a public consultation as recommended by Historic England concerning the appraisal and management plan and also the comments from the Community Council.
28. 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)*).
29. 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, Historic England 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.
30. 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.

31. There is no statutory requirement on the level of detail that must be considered by an LPA before designation. However, guidance from Historic England 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.
32. 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)*).
33. 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
34. 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

35. Positive equalities obligations are placed on local authorities, sometimes described as equalities duties with regard to race, disability and gender.
36. Gender equality duties were introduced by the Equality Act 2006, which
37. 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. Equalities issues are considered in detail in the analysis set out at Appendix 2 to this report. Paragraph 7 to section 2 of the report provides the officer view that the appraisal and management plan contributes to eliminating discrimination, promoting equality of opportunity and promoting social cohesion

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix 1	Draft conservation area assessment for Liberty of the Mint Conservation Area.
Appendix 2	Map of the Liberty of the Mint Conservation Area
Appendix 3	Equality Impact Assessment

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Development Management	
Report Author	Catherine Jeater, Senior Planner, Design and Conservation Team	
Version	Final	
Dated	17 November 2015	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Corporate Services	Yes	Yes
Finance Director	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	16 November 2018	