

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 17 December 2020	<b>Decision Taker</b> Cabinet Member for Climate Emergency, Planning and Transport
<b>Report title:</b>		Southwark's Historic Environment, Heritage Supplementary Planning Document	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Planning Policy Manager	

## RECOMMENDATION

1. That the Cabinet Member for Climate Emergency, Planning and Transport approves the Heritage Supplementary Planning Document (SPD) for consultation.

## BACKGROUND INFORMATION

2. The aim of the Heritage SPD is to provide detailed guidance on how to apply the relevant policies of the Southwark Plan and the emerging New Southwark Plan concerning the historic environment;
3. The Heritage SPD Sets out advice on how we expect development to conform to the additional national and local legislature and policies, within which the council must operate.
4. It has been written to provide better understanding of heritage matters and clear advice on the conservation, preservation and enhancement of the historic environment. It is designed for a wide readership, including applicants, owners, residents, planners, community groups and developers.
5. Once formally adopted, the Heritage SPD would be a material consideration and applicable to planning applications that concern, or are relevant to, heritage assets, and the consideration of listed building consent applications.
6. It will also guide the process of deciding which buildings should be added to the council's list of Buildings of Local Interest.
7. The duties for all local planning authorities (LPAs) are set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) as amended and updated. The Act places great weight on the "special architectural or historic interest" of designated heritage assets worthy of

preservation and enhancement for future generations. Designation of any part of the borough as a Conservation Area or statutory listing of a building, gives the council planning powers and responsibilities within that area that are additional to those normally available through the Town and Country Planning Act 1990 (the Planning Act).

## **KEY ISSUES FOR CONSIDERATION**

8. Heritage plays a central role in Southwark's cultural life, and it is the basis of Southwark's distinct character and allure. It is reflected in many diverse voices through musical, literary and artistic creative events and delivered through cultural groups, open spaces, libraries, heritage centres, museums, theatres, galleries and venues.
9. Research has shown that the historic environment can contribute positive social benefits, providing the foundation for positive growth, promoting social cohesion and contributing positively to physical and mental health wellbeing.
10. The aim is to co-design a heritage strategy with Southwark communities so we understand what people value about the places that they connect with, so the Council can actively build stronger connections, reinforce local cultural identities, celebrate diversity and support creative industry. The first step to achieving that is to provide guidance on how the council manages the historic environment, which is the purpose of this SPD.

## **Policy implications**

11. This document is a Supplementary Planning Document (SPD), which means that it is supplementary to the saved policies of the Southwark Plan and the emerging New Southwark Plan. SPDs contain non-statutory guidance that expands on development plan policies.
12. This document shows how the council expects our planning policies to be addressed by planning applications and how we make our planning decisions. SPDs can be a material consideration in planning decisions but are not part of the Plan.
13. There are no foreseen actual or potential legal or financial consequences of taking the recommended course of action or not taking it until the GLA adopts the New London Plan. In which case, we will not be in compliance with the New London Plan, LB Southwark planning policy must be in compliance with the adopted London Plan unless it can justify otherwise.

## **Community impact statement**

14. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities (including the Council) to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:

15. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
16. 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:
17. Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
18. 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;
19. 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.
20. 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.
21. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
22. The council has given due regard to the above needs and rights where relevant.
23. The Heritage SPD and engagement on the Heritage SPD are intended to be inclusive and accessible. Planning has a key role to play in supporting the council to promote equality and value diversity. We want to involve as many people as possible from as many communities as possible in the planning process. This aligns with our Public Sector Equality Duty.

### **Resource implications**

24. There are no additional resource implications from the proposed Heritage SPD.

### **Consultation**

25. The Heritage SPD will be consulted on for 12 weeks as set out in the consultation plan so that the community can give their opinions on any changes they would like to see made to the Heritage SPD.
26. The consultation plan will ensure that we work with our community and voluntary sector partners and focus on our strengths to build effective

engagement plans. We understand the reach the community and voluntary sector have into the community to help encourage and promote the consultation.

27. Once this consultation is over, responses will be compiled and the Heritage SPD will be amended where necessary to take on board the comments received. This amended Heritage SPD will then be formally adopted by Cabinet. The Heritage SPD will be implemented and monitoring will be ongoing.

### **Legal implications**

28. This report is being brought before the Cabinet Member for Climate Emergency, Planning and Transport under Part 3D of the Constitution. Under paragraph 7 of Part 3D individual cabinet members have the power to agree significant policy issues in relation to their area of responsibility. The Cabinet Member for Climate Emergency, Planning and Transport therefore has the power to agree the draft of the Heritage SPD which would include sending it out for consultation. It should be noted however that final approval of the SPD resides with full Cabinet under Part 3C of the Constitution paragraph 21 which states that only full Cabinet has the power to adopt supplementary planning documents taking account of comments from the planning committee.
29. The National Planning Policy Framework states that SPD's add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites or on particular issues and are capable of being a material consideration in planning decisions but are not part of the development plan.
30. The Town and Country Planning (Local Planning) England Regulations 2012 states at regulation 12 that a local planning authority must undertake a process of public participation before it can adopt a SPD. Part of that process involves consulting with relevant persons, setting out the main issues raised by those persons and then explaining how those issues have been addressed in the SPD. This report is the first step towards beginning the public participation process and will help to inform further drafts of the SPD.
31. SPD's are not subject to independent examination in the same way that other planning documents are however as stated above there is still a process of consultation that must be undertaken in respect of such documents. Section 19(3) of the Planning and Compulsory Purchase Act 2004 specifically requires local planning authorities to comply with their adopted Statement of Community Involvement ("SCI"). The Council's SCI provides for a period of 6 weeks informal and then 6 weeks formal consultation which will start in September 2020.

## Financial implications

32. There are no immediate financial implications arising from this report.
33. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

## Strategic Director of Finance and Governance

34. This report is requesting the Cabinet Member for Climate Emergency, Planning and Transport to approve the Heritage Supplementary Planning Document (SPD) for consultation. Full details are contained within the main body of the report.
35. The strategic director of finance and governance notes that there are no financial implications arising from this report.
36. It is also noted that staffing and any other related costs will be contained within existing departmental revenue budgets.

## Other officers

37. Comments from other officers have not been sought.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Planning (Listed Buildings and Conservation Areas) Act 1990	<a href="http://www.legislation.gov.uk/ukpga/1990/9/contents">http://www.legislation.gov.uk/ukpga/1990/9/contents</a>	planningpolicy@southwark.gov.uk

## APPENDICES

No.	Title
Appendix 1	Southwark's Historic Environment, Heritage Supplementary Planning Document

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Gemma Williams, Planning Apprentice	
<b>Version</b>	Final	
<b>Dated</b>	18 August 2020	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	Yes	No
<b>Date final report sent to Constitutional Team</b>		17 December 2020