

<b>Item No.</b> 12.	<b>Classification</b> Open	<b>Date:</b> 5 December 2023	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Southwark Local List Adoption	
<b>Ward(s) or groups affected:</b>		All	
<b>Cabinet Member:</b>		Councillor Helen Dennis, Climate Emergency, Planning and Transport	

## **FOREWORD – COUNCILLOR HELEN DENNIS, CABINET MEMBER FOR CLIMATE EMERGENCY, PLANNING AND TRANSPORT**

It is a huge privilege to live in a borough with Southwark’s rich heritage, and it is right that we should celebrate and protect that history as we think about our ever changing built environment. The benefits of a historic built environment are numerous and recent heritage projects, such as the renovation of shop frontages in Peckham, demonstrate the positive impact for education and learning, community engagement, wellbeing and the wider environment. It has been a longstanding desire of this Council to bring forward a Local List, supplementing the nationally listed buildings that we already have in the borough, and we set out our intention to take forward consultation with residents around this in our 2021 Heritage Supplementary Planning Document (SPD). This outlined criteria for a future Local List which included: age and rarity; aesthetic value & landmark status; group value; historic, evidential, communal & social values; archaeological interest; and designed landscaping.

We wanted to co-design a strategy with the community and last year we invited people to nominate buildings and other assets that had particular value and which met our criteria I’m delighted that this was met with such a significant response with 2,644 contributions receive, resulting in 219 additions to our draft Local List. The final list that is being presented to Cabinet today includes a huge range of heritage assets, from numerous public houses, former factories, schools, and residential buildings including estate tower blocks. It is a full and exciting list that reflects Southwark in all its diversity and one which will make a hugely positive contribution to decisions about sustainable development across the borough.

### **RECOMMENDATION**

1. That the Cabinet approves the draft Southwark Local List for adoption.

### **BACKGROUND INFORMATION**

#### **Statutory national listing**

2. Listing marks and celebrates a building's special architectural and historic interest and brings it under the consideration of the planning system so that it

can be protected for future generations. The older a building is, and the fewer the surviving examples of its kind, the more likely it is to be listed.

3. Statutory listed buildings are worthy of preservation due to a special architectural or historic interest at the national level. Statutory listing is managed by Historic England who are the Government's advisors on Heritage. Statutory Listing categorises entries into different levels of significance such as Grade I, Grade II and Grade II\*. These entries are designated heritage assets and are protected by legislation. Works to them would normally require a special planning permission called Listed Building Consent.

### **Local listing**

4. A Local List is made up of buildings or structures which are not listed at national level but are important to local people in Southwark. This importance can come from a special architectural or historic interest or from an entry having value in the local townscape or as part of a group.

### **Local listing in Southwark**

5. Locally listed buildings or structures are not protected by the same legislation as the National List and are instead dealt with under Policy P26 of the Southwark Plan 2022 which states '*development must take into account locally listed buildings and structures that positively contribute to local character and amenity*'.
6. The Council, however, does not currently have an adopted Local List.
7. A draft Local List was compiled in 2012, containing approximately 900 buildings and structures.
8. A separate draft Local List was compiled in 2018, consisting of the buildings and structures of local townscape, architectural or historical interest as identified in the Peckham and Nunhead Area Action Plan, Elephant and Castle Supplementary Planning Document, Blackfriars Road Supplementary Planning Document and the draft Old Kent Road Area Action Plan.
9. These previous lists formed the basis of a draft Local List which went to public consultation between 11 August and 30 November 2022.
10. The consultation process also invited public nominations for entries to be added to the draft Local List.

## **KEY ISSUES FOR CONSIDERATION**

### **Policy framework implications**

11. The Local List is underpinned by Policy P26 of the Southwark Plan 2022.

12. Policy P26 of the Southwark Plan (2022) set out the '*development must take into account locally listed buildings and structures that positively contribute to local character and amenity*'.
13. The council would have to consider the local significance of an entry on the Local List, if in the future a planning application came forward proposing redevelopment of the site.
14. Whilst the protection offered is not the same level as given by statutory listing, there will be a general presumption against demolition or substantial demolition.
15. Beyond the normal planning requirements, no additional development controls will be placed on sites if locally listed.
16. Inclusion on the Local List will not affect any previously consented planning permissions.
17. Works to a Locally Listed Building do not require Listed Building Consent. This is reserved only for statutory listed buildings.

### **Determining planning applications**

18. In determining planning applications, applicants will be asked to provide a Heritage Statement that records the features of significance of any locally listed heritage assets that could be affected by their proposals and describes how the proposed development will affect those features of significance.
19. When considering the impacts of a proposed development on a locally listed heritage asset, great weight will be given to the applicant's efforts to conserve or adapt the building, minimising harm or loss through substantial alteration or destruction. As locally listed assets are irreplaceable, any harm or loss will require clear and convincing justification.
20. Any harm caused to a local list entry by a proposed development would have to be justified and outweighed by the benefits created as a result of the works.
21. Where a proposed development will lead to substantial harm to or total loss of significance of a locally listed building or structure and the harm is not justified, consent will be refused.
22. Exceptions will be made if it can be demonstrated that the wider public benefits of the scheme outweigh the harm, including securing an optimum alternative use for the building. All of the following apply:
  - The nature of the locally designated heritage asset prevents all reasonable uses of the site; and
  - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its retention; and
  - The proposed replacement is of exceptional quality of design; and

- The harm or loss is outweighed by the public benefits arising from bringing the site back into use.
23. There are no foreseen actual or potential legal or financial consequences of taking the recommended course of action.

## **CONSULTATION**

24. The Local List was consulted on for 15 weeks from 11<sup>th</sup> August 2022 to 30<sup>th</sup> November 2022.
25. The public were invited to comment on the draft Local List which consisted of around 1,000 entries which the Council had proposed for Local Listing. The public could also nominate a building or structure for local listing if they felt it met the criteria as set out in Heritage SPD (2021).
26. The consultation was run through Commonplace and 2,644 contributions were received. Over 800 comments were registered, of which 400 were nominations for buildings and structures to be added to the local list. Over 1,700 agreements were made supporting the responses.
27. The owners of buildings included on the draft Local List were written to and given the opportunity to respond to the consultation on Commonplace or via Email or post. The letter explained the purpose of a Local List and what the policy designation means for building owners
28. Overall, the contributions were 86% positive supporting the consultation.
29. In addition to the contributions submitted on Commonplace, we received over 50 nominations and a further 50 comments via email.
30. The building owners of properties nominated in the first round of consultation were written to on 25<sup>th</sup> July 2023 to notify them of the nomination and give them the chance to register a comment. This round of consultation was open until 20<sup>th</sup> August 2023. 63 responses were received during this period regarding 13 entries which had been nominated for Local Listing. Of this, 59 responses were objections, however the bulk of these comments related to 3 entries.
31. The full summary of the Local List consultation can be found in the Consultation Report appended to this document.

## **Post-consultation review**

32. Senior officers from the Council's Design, Conservation and Transport team reviewed each nomination to decide whether it met the required criteria. Each objection to local listing from both rounds of consultation was also considered.
33. The outcome of the review process has formed a final draft Local List, which this report recommends for adoption.

34. Of the nominations received, 219 entries have been added to the draft Local List.
35. Officers are checking each nomination to be added to ensure the building or structure is not subject to any planning permission.
36. The full summary of the Local List consultation can be found in the Consultation Report appended to this document.
37. In accordance with the Heritage SPD owners of Locally Listed Buildings have the right to appeal against the council's decision.
38. Article 4(1) Orders removing the right to demolish Locally Listed buildings are being considered by Officers. This will mean that owners will need Planning Permission if they wish to demolish a building on the Local List.
39. The list will be reviewed on an annual basis when proposed additions to or removals from the Local List will be considered.

## **COMMUNITY, EQUALITIES (INCLUDING SOCIO-ECONOMIC) AND HEALTH IMPACTS**

### **Equalities (including socio-economic) impact statement**

40. 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:
41. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
42. 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:
43. Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
44. 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;
45. 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.
46. 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.

47. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
48. The council has given due regard to the above needs and rights where relevant.
49. The Local List and engagement on the Local List have 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.

### **Community and health impact statement**

50. The Local List and engagement on the Local List have intended to be inclusive and accessible to communities recognizing buildings and places that make a positive contribution to their wellbeing. Planning has a key role to play in supporting the council to promote community cohesion and wellbeing. 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.

### **Climate change implications**

51. Southwark Council adopted a Climate Change Strategy in 2021 that sets out the borough-wide approach to tackling the climate emergency. All development including refurbishment and / or retrofitting of historic buildings must be compliant with New Southwark Plan policies. This includes onsite carbon reduction targets for major development. The adoption of the Local List recognises the importance of existing buildings to communities and neighbourhoods. By discouraging their demolition the policy encourages their enhancement (through refurbishment and retrofitting) and positive re-use.

### **Resource implications**

52. The council will publish the Local List virtually on Southwark Maps and any planning applications affecting them will be managed as usual through the DM process including expert advice provided by D&C Officers. There are no additional resource implications arising from the Local List.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Assistant Chief Executive, Governance & Assurance NST021123**

53. This report is being brought before Cabinet on the basis of a request by the Cabinet Member for Climate Emergency, Planning and Transport.
54. Protection of buildings and sites through local heritage listing relies on the planning system. It is therefore very important that the planning context is understood, as set out in the NPPF (Chapter 16: Conserving and enhancing the historic environment) and in the PPG. The NPPF advises that plans should set

out 'a positive strategy for the conservation and enjoyment of the historic environment' (paragraph 190).

55. Emphasis is placed on 'sustaining and enhancing the significance of heritage assets' and recognising that heritage assets are an 'irreplaceable resource' which should be conserved 'in a manner appropriate to their significance' (paragraph 190). Paragraphs 190-197 of the NPPF outline the matters which must be taken into account where proposals affect heritage assets.
56. Paragraphs 190 and 191 give detail on the process which applicants and local planning authorities should follow in developing proposals and making and deciding applications concerning heritage assets, and paragraph 195 explains what local planning authorities should take into account in determining applications.
57. Whilst the planning protections for non-designated heritage assets are not as strong as those for designated heritage assets, they are still important. Specifically, paragraph 203 of the NPPF states that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset'.
58. Significance, referred to above, is a guiding principle of heritage-related planning policy, of relevance to all forms of heritage asset across the continuum of designated to non-designated. The NPPF defines it as 'the value of a heritage asset to this and future generations because of its heritage interest.
59. The more information that can be provided about the significance of the asset and the reasons for its inclusion on the local list, the more effective its identification as a locally listed heritage asset will be.
60. The English planning system is plan-led. Where a local heritage list exists, it is therefore good practice to have a relevant policy in the Local Plan (and/ or Neighbourhood Plan) which sets out how proposals affecting the non-designated heritage assets on the list will be considered. In the case of Southwark, the relevant policy is set out in policy P26, set out in paragraph 12 of this report.
61. In determining applications for planning permission that affect a non-designated heritage asset or its setting, the NPPF requires, amongst other things, both that local planning authorities should take into account the desirability of sustaining and enhancing the significance of such heritage assets, and of putting them to viable uses consistent with their conservation, and the consideration of the positive contribution that conserving such heritage assets can make to sustainable communities including their economic vitality (NPPF paragraphs 190 and 197).
62. These NPPF requirements mean that the conservation of a building or site on a local heritage list as a heritage asset is an objective of the NPPF and a material

consideration when determining the outcome of a planning application (NPPF, paragraphs 80 and 189). The adoption of Southwark’s Local List therefore contributes to the objective of the NPPF.

- 63. Planning applications can be refused on the grounds of harm to a non-designated heritage asset. Local planning authority decision-making concerning non-designated heritage assets will benefit in clarity and transparency from the preparation and publication of a local heritage list.
- 64. The legitimacy and weight within the planning system of local heritage lists is increased when the list has been prepared in accordance with defined selection criteria, and has been subject to public consultation. Officers have confirmed that they followed Local Heritage Listing Advice Note 7 published by Historic England on 27 January 2021 including the recommended advice in respect of consultation. Once adopted, Southwark’s Local List will have legitimacy and weight within the planning system.

**Financial implications**

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

**Strategic Director of Finance and Governance**

- 67. This report is requesting the Cabinet Member for Climate Emergency, Planning and Transport to approve the Local List for adoption. Full details are contained within the main body of the report.
- 68. The strategic director of finance notes that there are no immediate financial implications arising from this.
- 69. It is also noted that staffing and any other related costs will be contained within existing departmental revenue budgets.

**BACKGROUND DOCUMENTS**

Background Papers	Held At	Contact
Heritage Supplementary Planning Document (September 2021)	<b>Link:</b> <a href="https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-guidance/spd-by-planning-topic?chapter=2">https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-guidance/spd-by-planning-topic?chapter=2</a>	Michael Tsoukaris, Group Manager Design, Conservation and Transport



## APPENDICES

No.	Title
Appendix 1	Local List
Appendix 2	Consultation report

## AUDIT TRAIL

<b>Lead Officer</b>	Michael Tsoukaris, Group Manager Design, Conservation and Transport	
<b>Report Author</b>	Gemma Williams, Design and Conservation Senior Planner	
<b>Version</b>	Final	
<b>Dated</b>	24 November 2023	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Assistant Chief Executive, Governance & Assurance	Yes	Yes
Strategic Director of Finance	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>		24 November 2023