

Statement of Common Ground between Southwark Council and The Camberwell Society



Introduction

This Statement of Common Ground (SCG) addresses matters specific to Southwark Council and The Camberwell Society which relate to the Proposed Modifications for Examination Version of the New Southwark Plan.

This SCG has been prepared by Southwark Council in agreement with The Camberwell Society and will be used to inform the contents of the New Southwark Plan.

The purpose of the SCG is for both parties to acknowledge areas of common or uncommon ground relating to the contents of the New Southwark Plan, and to progress in cooperating on the best approach to addressing these areas.

Southwark Council

Southwark Council is the local authority for the London Borough of Southwark in Greater London, England.

The Camberwell Society

The Camberwell Society (established 1970) is the local amenity society for the area with the explicit charitable object of promoting high standards of planning and architecture in Camberwell.

Strategic Matters

Matter 2: Spatial Strategy (inc. SP2)

Strategic Policy SP2: regeneration that works for all

(Camberwell Society)

In its representations (dated 2 November 2020), the Camberwell Society pointed out that Clause 5 of the Policy only mentioned three of the characteristics protected by the Equality Act 2010. In a borough as multi-ethnic as Southwark, one would have expected that race and religion would have been mentioned, if not sexual orientation as well.

Other than concurring with other parties during the hearing that the thread between Policy SP2 and the policies which explicitly underpin SP2 (namely P12-P25) should be tighter, the Society made no particular criticism of this strategic policy on account that it is very high level by nature.

That said, the Society has expressed its concerns about the substance and phrasing of proposed Policies P12-P25 in its written representations (dated 2 November 2020), oral representations during the hearings, and in the pages that follow. As things stand, the Society has some doubt about whether SP2's strategic aims can be achieved through the proposed policy framework.

(Council)

The Council considers the thread to be clear. The strategic policies set the strategy for all of the more detailed policies in the plan. The policies are sufficient to deliver the strategic aims of SP2.

Agreements:

- SP2 bullet 5 will be updated to list all of the protected characteristics.

Matter 3: Meeting Southwark's Housing Needs (inc. P14, P15, P17)

Policy P14: Residential design

(Camberwell Society)

The essence of both the Camberwell Society's written and oral representations is its concern with the imprecise and confusing definition of standards: 'high', 'excellent' and 'exemplary'.

It is recommended that there should be an 'acceptable' or 'satisfactory' standard of design which warrants planning permission, and an 'exemplary' standard which, if met, should carry greater weight in the overall planning balance.

In that vein, Clause 1 should be rephrased to something along the lines of: 'Development must achieve an acceptable standard of residential design in all cases and seek to be exemplary wherever possible.'

As regards that standard of 'exemplary design', the Society proposes that in terms of space standards (at least), the 'exemplary' standard of residential accommodation should begin at either:

- 10% above the minimum space standard for each category in Table 3.1 of the current London Plan, or
- meets the minimum threshold for a higher storey dwelling (eg. 1b2p single-storey flat which normally has a minimum space standard of 50 sqm, would be exemplary if its GIA were 58 sqm.)

whichever is the lesser.

The Society further recommends that other specific design criteria which enshrine best practice can be incorporated into the definition of 'exemplary'. These criteria could be drawn from Module C of the consultation draft of the London Plan's Good Quality Homes SPG. The 'exemplary standard' could then become a Fact Box and have some policy weight. (For example, in the 2011 Core Strategy, Strategic Policy 5, Clause 4 states that 'maximum densities may be exceeded when development is of an exemplary standard of design'. This is a logical proposition in principle: it allows for exemplary development to come forward in an area which might not be ready for the level of density quite so soon, but, weighing up the inconvenience of poor transport connectivity against the otherwise exemplary residential quality of the development, that balances out into a more than satisfactory residential standard today with the possibility of rising in quality as infrastructure develops around the development in years to come.)

Overall, the Society believes that greater consistency with the London Plan would be preferable to the list of quality criteria in Clause 2.1. It would make better sense to use Policy D6 – Housing quality and standards as a basis for residential design and supplement that with additional policies which are particularly important to Southwark.

This Policy will need a Residential Design Standards SPD which will fill in detail absent from the policy wording. The Society would like a commitment from the Council that this will be brought forward no more than 12 months after the publication of the London Plan's Good Quality Homes SPG.

(Council)

The Council considers the use of exemplary to be clear and to set out the Council's approach to considering quality of residential design.

Agreements:

- The Council will be updating the Residential Design Standards SPD to provide the additional guidance required to support the NSP.
- The SPD needs to work with the London Plan to ensure all conformity issues are addressed.

Disagreements:

- That the use of the word 'exemplary' is sufficiently clear and sound in planning terms.
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P15: Designing out crime

The Society would like a commitment to the Council producing a 'Secured by Design SPD' no less than a year following adoption of the Plan.

Agreements:

- That where there is the need to provide additional guidance the Council will prepare SPD. There will be a review once the NSP is adopted to set this out in the Local Development Scheme.

P17: Efficient use of land

(Camberwell Society)

This policy has stripped out all reference to density found in Strategic Policy 5 – Providing New Homes of the Core Strategy (2011) and its previous iteration in the New Southwark Plan as Policy P9 – Optimising Delivery of New Homes. There now appears to be no clear framework by which to control the density of development through the entire Plan.

The Society believes this policy to be a retrograde amendment of SP5 in the Core Strategy and saved UDP Policy 3.11 which made clear that what constitutes efficient use of land is the maximisation of its potential without harm. This concept of ‘maximisation without harm’ is what the Secretary of State termed ‘optimising density’ in his March 2020 directions to amend the London Plan.

The Society notes that Modification no. 21 in the Inspectors’ Final Action List for Part 1 Hearings, requests ‘amendments to Policy P17 to replace “maximise” with “optimise”’. The Society does not believe that a simple replacement of a word in Clause 1.1 will, by itself, make this effective as a policy.

In its written representations the Society proposed the following matrix to regulate the density of development:

Development density matrix for LB Southwark				
Setting	PTAL / density matrix			
	0 to 3		4 to 6	
	hrpha	dw/ha	hrpha	dw/ha
Suburban	200 - 250	70 - 85	200 - 350	70 - 120
Urban	200 - 450	70 - 150	200 - 700	70 - 235
Central			650 - 1100	95 - 370

The matrix follows the structure of Table 3.2 of the current London Plan and Policy SP5 of Southwark’s Core Strategy. The matrix is directly linked to existing transport infrastructure (PTAL) and sets a minimum density of 200 hrpha in the suburban and urban zones and 650 hrpha in the Central Zone in line with Policy SP5. Dwellings/hectare equivalent are calculated on the basis of 3 habitable rooms per dwelling. Applicants could justify their schemes using either the hrpha or the dw/ha range. Deviation beyond either the minimum or maximum limit would constitute grounds for refusal. Material considerations justifying the scheme contrary to policy would still apply in the normal way.

While scrutiny and refinement of the matrix above is welcomed, the Camberwell Society is adamant that there is no justification whatsoever for proposed Policy P17 to be silent on density.

The Camberwell Society’s Planning Sub-Committee actively reviews almost every major development within the SE5 postcode in fulfilment of its charitable objectives. Since May 2020,

we have cross-references proposals to the matrix; and we've found that, almost always, keeping density within the parameters set by the matrix avoids harmful impacts on neighbouring amenity, heritage assets or transport. The density matrix has been proven to be, time and time again, an extremely useful tool at sizing up proposals.

The Society objects to the adoption of Policy P17 without a density matrix in the strongest possible terms.

(Council)

The Council considers the design led approach which takes into account all relevant characteristics based on character assessments and other relevant criteria more effective than the blunt instrument of a density matrix based PTAL and area character. The fine grain of character requires a more detailed assessment and analysis. The NSP is following the London Plan in removing the matrix.

Agreements:

- P17 the wording of maximising will be amended to optimisation as a main or minor modification depending on the advice of the Inspectors.

Disagreements:

- The removal of the density matrix from the NSP.

Matter 8: Design, Heritage and Tall Buildings (inc. P12, P13, P16, P18, P20-P25)

P12: Design of places

(Camberwell Society)

While there is full support for the aims of Clauses 1, 3 and 4 in respect of massing, height, positioning and spacing of new development with close reference to and in sympathy with the established pattern of development, this entire policy provides no indication (let alone any framework) about how this is achieved. What are the 'principles of urban design' in Southwark referred to in Reason 1? Where will they be laid out and defined? Fearful that these will be concocted arbitrarily to justify or refusal applications as they come forward, the Camberwell Society considers this policy fundamentally unsound on account of its vagueness and likely consequent ineffectiveness and inconsistency with planning case law.

There is a fundamental want for supplementary planning guidance to underpin this policy, especially in respect of access, and, notwithstanding any amendments to this policy, the Society would like a commitment from the Council that this will be including in a new 'Residential Design SPD'.

(Council)

The principles of urban design is a general term referring to the policy rather than a new set of guidance outside the NSP.

Agreements:

- That where there is the need to provide additional guidance the Council will prepare SPD. There will be a review once the NSP is adopted to set this out in the Local Development Scheme.

Disagreements:

- That Policies P12 and P13 are sufficiently clear in their guidance around the design of places and design quality.

P13: Design quality

(Camberwell Society)

The Society's concerns about this policy are much the same as with P12.

Clause 1 could be clearer. Instead of specifying a vague, utterly subjective and contestable 'high standard' of design, it could specify exactly what it seeks to achieve in respect of the fabric, function and architectural composition of new development.

Clause 2's phrasing is poor. It is unreasonable to demand that '[development must provide] innovative design solutions'. Often, tried and tested building practices which replicate adjacent built form are the most appropriate solutions.

Also of benefit would be the inclusion of a clause which sought improvements to existing buildings where opportunities arose through proposed development for the amenity benefit of both the application site and its surroundings.

(Council)

Southwark considers the policy to be clear and to set out policy effectively. Development includes new and existing buildings.

Agreements:

- That where there is the need to provide additional guidance the Council will prepare a SPD. There will be a review once the NSP is adopted to set this out in the Local Development Scheme.

P16: Tall Buildings

(Camberwell Society)

The Society has little more to add to the impassioned representations against this policy from other local groups than the constructive criticism it made in its representations.

Fundamentally, we fail to see how there can be a tall buildings policy without a density matrix even though the height of buildings is inextricably linked to density. (Floorspace which is provided vertically across a site still needs to remain within an acceptable density range because upward development still affects neighbouring sites, albeit differently.)

Equally fundamentally, the Society believes that officers, applicants and local communities would all benefit from a 'yardstick' planning tool by which to gauge 'a height that is proportionate' (as per Clause 2.2). This could be done with reference to a 'context height ratio' as in the 'Westminster Building Height Study' (2019) within the evidence base for the proposed Westminster City Plan 2019-40 (p.18) which defines:

- a 'Large/Higher Building' as up to 2x context height;
- a 'Tall Building' which is a 'Local Landmark' as above 2x and up to 3x context height;
- a 'Tall Building' which is a 'District Landmark' as above 3x and up to 5x context height;
- a 'Tall Building' which is a 'Metropolitan Landmark' as above 5x context height.

Policy 42 of the soon to be adopted Westminster City Plan defines a tall buildings as 'buildings of more than 30 metres, or those that are more than twice the prevailing context height (whichever is lower)'. This policy enshrines 'tall' as something relative.

The Society strongly supports the sound approach taken by the City of Westminster and strongly urges the Council to recognise the exemplary design of Policy 42 and amend its own Policy P16 to emulate it.

(Council)

The policy sets out a clear strategy for tall buildings with a clear definition of tall buildings, area approach and criteria for decision making. The design led approach is more appropriate than a density matrix.

Disagreements:

- That Policy P16 Tall Buildings adequately address the development of tall buildings in the borough.

Heritage

(Camberwell Society)

In Point 40 of their Final Action List for Part 1 Hearings, the Inspectors requested the

'Council to look at wording of: Policy P18 (effectiveness of first sentence); Policy P19 (criterion re harm requiring clear and convincing justification (NPPF 194)); and the balance in Policy P20 on the proportionality of approach to designated and non-designated heritage assets to reflect NPPF paras 194 and 197. Notwithstanding the statement of common ground (agreement) with Historic England on the wording of the heritage policies the Council will undertake a final overview check on the requirement to conserve and enhance.'

The Camberwell Society notes that the Statement of Common Ground with Historic England dates from December 2019 and flags that the amendments since then warrant review.

The Camberwell Society agrees with the Inspectors' judgement that a 'final overview check on the requirement to conserve and enhance' is warranted, and adds that the soundness of the heritage policies can only be strengthened if Historic England were to review this suite of policies afresh.

The Society is adamant that the heritage policies, as drafted, do not accord with law. The long-established principle in case law regarding the s72 general duty to 'preserve or enhance' is laid out in the judgment in South Lakeland District Council v Secretary of State for the Environment [1992] 1 All E.R. 45. The House of Lords held that while the intention of the 1971 Act, as well as its successor (the Planning (Listed Buildings and Conservation Areas) Act 1990), was that a high priority be given to the preservation or enhancement of the character or appearance of a conservation area, that object could be achieved either by a positive contribution to preservation or enhancement or by development that left character or appearance unharmed. The lawful policy requirement, therefore, is the avoidance of harm to heritage assets; not their proactive enhancement. All proposed policies referring to Southwark's heritage must, therefore, be rephrased to read 'conserve or enhance...' or 'preserve or enhance...' where it refers to the obligations of an applicant rather than the Council's overall ambitions. This is the minimum change that must be made to the suite of heritage policies.

The Camberwell Society would further like to see the principle of proportionality enshrined in para. 184 of the NPPF (wherein it's stated that heritage assets are 'an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations') and Historic England's Conservation Principle 5, to be equally clear and embedded in the New Southwark Plan. With the exception of proposed Policy P22: Archaeology, none of the other heritage policies in the New Southwark Plan highlight the point of proportionality, even though this is a fundamental aspect of managing change to the historic environment.

Notwithstanding the agreement (or not) of this Statement of Common Ground, the Camberwell Society is very willing to work rigorously and constructively with the Council to develop heritage policies of exemplary quality and usefulness in everyday development management. To this end we have produced a first re-draft of Policies P18: Listed Buildings, P19: Conservation Areas and P25: Local List to assist the Council. We are happy to re-work these draft policies further; as well as P20: Conservation of the historic environment and natural heritage, which, instinctively, we feel should be broken apart and incorporated into other policies.

These re-drafts follow overleaf. Original policy text is in black; revised and additional text in red. Reasoned justification and comparison follows in the footnotes.

(Council)

The Council is preparing updated drafts of these policies and these will be main modifications for consultation.

P18 Listed buildings and structures – Camberwell Society

The Camberwell Society suggests that proposed Policy P18 be revised to read thus:

~~1. Development relating to affecting listed buildings and structures will only be permitted if it conserves and enhances the special significance of listed buildings and structures and their settings by conserving and enhancing; must pay special regard to the desirability of preserving the designated heritage asset or its setting or any features of special architectural or historic interest which it possesses.¹~~

~~1. The historic fabric, architectural style and features, curtilage, site layout, plan form and readability, and land use; and~~

~~2. The contribution of the building to its setting or its place within a group; and~~

~~3. Views that contribute positively to the significance of the building or structure or their setting; and~~

~~4. The viable use of listed buildings and structures that is consistent with their on-going and long term conservation.~~

~~2. Any harm to the significance of the listed building or structure that results from a proposed development must be robustly justified.~~

~~2. The council will seek to identify and assess the significance of the heritage assets affected by development and the contribution of their setting to that significance (as may be relevant) by considering:~~

- ~~i. the statement of significance and any other evidence submitted with the application;~~
- ~~ii. the historic environment record (including designation records);~~
- ~~iii. the heritage assets themselves;~~
- ~~iv. the outcome of the usual consultations with interested parties; and~~
- ~~v. where appropriate and when the need to understand the significance of the heritage asset demands it, expert advice.²~~

~~3. Planning permission for proposals which involve an alteration or extension to a listed building will normally only be permitted where:~~

- ~~i. there is no loss of important historic fabric; and~~
- ~~ii. the development is not detrimental to the special architectural or historic interest of the building; and~~
- ~~iii. the development relates sensitively and respects the architectural style and features, plan form, curtilage and legibility of the listed building or structure, or later alterations of architectural or historic interest; and~~

¹The text replicates the wording of the 'general duty' under s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

²The text draws heavily on Key principle - AH1 Information requirements for applications for consent affecting heritage assets and Key principle - AH2 Protection of Heritage Assets from the Planning Guidance SPG of LB Hammersmith & Fulham. The spirit of the Clause reflects Historic England's Conservation Principle 3: Understanding the significance of places is vital. The requirement on applicants to provide a statement of significance, and the process by which the Council will assess significance, can be included in the Reasoned Justification of pithier policy wording.

iv. existing detailing and important later additional features of the building or structure are repaired and preserved or, where appropriate, missing fabric is restored.³

4. Planning permission for proposals which involve a change of use to a listed building will only be permitted where that use is consistent with the long-term conservation of the heritage asset. Where there is no real difference between alternative economically viable uses from a conservation perspective, then the optimum viable use is a decision for the owner.

5. Development within the setting or affecting views of listed buildings will take reasonable opportunities to enhance or better reveal their significance.

6. Where the loss of the whole or a material part of a heritage asset's significance is justified, the Council will require the developer, using planning conditions or obligations as appropriate, to record the significance of the heritage asset before it is lost, in order to record and advance the understanding of the borough's heritage.⁴

Reasons

~~1. Heritage assets are irreplaceable. The Council and we recognises the importance of Southwark's built heritage as an essential and irreplaceable community asset. We will seek the conservation and enhancement of this asset as required by the Planning (Listed Buildings and Conservation Areas) Act 1990. Southwark has around 2,500 listed buildings which define local character, providing a sense of place and enrich the townscape. The Council, moreover, has a general duty under s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving the over 2,500 listed buildings and structures which enrich Southwark's townscape and contribute to its character.~~

2. Understanding the significance of heritage assets is vital, and decisions about change must be reasonable, transparent and consistent. In assessing applications for their redevelopment, therefore, the Council will require all applications to include a description of the significance of the asset concerned and an assessment of the impact of the proposal upon it or its setting which should be carried out with the assistance of a suitably qualified person. The level of detail should be proportionate to the nature and level of the asset's significance.⁵

3. Having understood what is significant about a listed building or structure; what fabric or detail or form is important to maintain the integrity of that heritage significance and its legibility; development proposals are inherently expected to avoid, mitigate or minimise harm to its special architectural or historic interest. Where a development will lead to substantial harm or less than substantial harm, the Council will weigh the level of harm against the public benefits of the proposal according to the relevant tests laid out in national policy. Only where the public

³ Proposed policy wording replicates much of saved UDP Policy 3.17 which retains exemplary clarity among local planning policy in London borough. It also draws on Clauses G-J of Policy 40: Westminster's Heritage in the Westminster City Plan 2019-40 which has just concluded its Examination-in-Public.

⁴ The requirement to record heritage significance allowed to be lost is from para. 199 of the NPPF and is articulated in words used by Key principle - AH2 Protection of Heritage Assets from the Planning Guidance SPG of LB Hammersmith & Fulham.

⁵ This Reason is based on para. 189 of the NPPF and Historic England's Conservations Principles 3 and 5; and it reflects the wording of that text, as well as that of Policy DC8: Heritage and Conservation of LB Hammersmith & Fulham.

benefits outweigh the heritage harm or meet the special conditions laid out in national policy, will planning permission be granted.⁶

4. Managing change to the built environment sometimes involves the whole or partial loss of heritage assets in order to secure comparatively greater public benefits. In such cases, where a heritage asset cannot be retained in its entirety or when a destructive change of use is proposed, the developer should ensure that a suitably qualified person carries out an analysis (including photographic surveys) of the asset's design and significance, in order to record and advance the understanding of heritage in the borough. The level of detail should be proportionate to the nature and level of the asset's significance, meaning that, in some cases, the heritage statement and associated documentation may be sufficient.⁷

(Council)

The Council is preparing updated drafts of these policies and these will be main modifications for consultation.

⁶'relevant tests in national policy' is the phrasing used by draft Policy 40 of the Westminster City Plan 2019-40 in referring to the tests in para. 193ff of the NPPF.

⁷This Reason reflects the requirements outlined in para. 199 of the NPPF, and draws on the phrasing used by Policy DC8 of LB Hammersmith & Fulham.

P19 Conservation areas

1. The Council will require full planning applications for development in conservation areas.⁸

2. Development ~~relating to~~ within a conservation area will only be granted planning permission where

~~1. The development it conserves and or enhances the character or appearance of the conservation areas , including its setting and inward and outward views, taking into account their local character, appearance and positive characteristics published the special architectural or historic interest of the area as identified in Conservation Area Appraisals and Conservation Area Management Plans; and other Supplementary Planning Guidance.~~

~~2. The development conserves and enhances the significance of a conservation area's setting, including views to and from the conservation area.~~

This means that:

- i. the extension or alteration of existing buildings should be sympathetic to their host building and its context in terms of scale, materials and detailing;
- ii. ~~the 2-~~ the demolition of buildings or structures which make a positive contribution to the historic character and appearance of a conservation area will not generally be permitted. ~~Any replacement buildings or structures must conserve and enhance the conservation area's historic character and distinctiveness.;~~ however, buildings which make a negative or neutral contribution may be substantially altered or replaced where this will result in a high quality building which will reinforce the character or improve the appearance of the conservation area.⁹;
- iii. ~~where changes of use are proposed,~~ the contribution of both existing and proposed uses to the character, function and appearance of conservation areas will be considered and changes of use supported only where these preserve or enhance the character of the conservation area.¹⁰

Reasons

1. The Council ~~We~~ recognises the importance of Southwark's conservation areas as areas with irreplaceable historic fabric which ~~a community asset and will seek the adequate safeguarding of this asset. These areas help~~ defines local character, provides a sense of place and enriches the townscape. The Council, moreover, has a general duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of these areas. The Council will, therefore, manage development in a way which conserves these heritage assets

⁸This may be considered an onerous requirement by some, but, coupled with an Article 4 direction it does simplify development management and reinforce the importance of conservation areas to Southwark's heritage. The policy as written here is part d. of Policy CL3 Heritage Assets - Conservation Areas and Historic Spaces of the Royal Borough of Kensington and Chelsea Local Plan (2019).

⁹ Part L of Policy 40 of the Westminster City Plan 2019-40

¹⁰ This wording draws from Part M of Policy 40 of the Westminster City Plan 2019-40 and Policy CL3 of RBKC's Local Plan.

in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations of people who visit and live in them.¹¹

2. The Council's ~~The control of external appearances is important within conservation areas and where the quality of the environment is particularly high. Our~~ published conservation area appraisals include detailed evaluations of the character and special features of each conservation area and provide ~~additional supplementary~~ important guidance for developments affecting conservation areas. These constitute material considerations in any planning application. ~~We are keen to encourage a high quality of design in conservation areas.~~

3. There is a presumption in conservation areas that unlisted buildings which make a positive contribution to a conservation area will be conserved, unless it has been demonstrated that the relevant tests in national policy have been met. This does not mean a prohibition on development; rather that extensions and alterations of existing buildings should be sympathetic to their host building and the conservation area in terms of scale, form and materials used. Equally, where appropriate, development in conservation areas may include the use of modern materials or innovative techniques where it can be demonstrated in a design and access statement that this will preserve or enhance the character or appearance of the conservation area.¹²

~~This may include the use of modern materials or innovative techniques on new developments as they can sustain or enhance the character or appearance of the conservation area.~~

(Council)

The Council is preparing updated drafts of these policies and these will be main modifications for consultation.

¹¹ This wording draws principally from para. 184 of the NPPF and marries with the suggested policy requirement that all development in conservation areas be subject to full planning permission through the withdrawal of Article 3 (Permitted Development) rights.

¹² This wording is taken from Part L of Policy 40 of the Westminster City Plan 2019-40.

P20 – Conservation of the historic environment and natural heritage

(Camberwell Society)

The Camberwell Society commented in its representations that ‘this policy reads like a shopping list with no structured hierarchy of ambitions, methods or proportionality in conservation’.

In discussion of Matter 8 on 10 March 2021, the Inspectors also queried the proportionality and approach taken to designated and non-designated assets alike. This is reflected in Modification 40 on the ‘Final Action List – Part 1 Hearings’ (issued 19 March).

The Society expressed the view that the suite of heritage policies might benefit from all falling under a single policy – and this would resolve the issue with P20 – but we expressed no preference either way for a single ‘mega policy’ or a suite. Indeed, our redrafted policies follow the ‘suite’ approach. Following this approach, we feel the aims of Policy P20 might be better accommodated in a preamble and any development requirements in respect of the subject assets be incorporated in other relevant policies (eg. P60: Trees).

(Council)

The Council is preparing updated drafts of these policies and these will be main modifications for consultation.

P25 – Local List

(Camberwell Society)

The Camberwell Society suggests that Policy P25 be revised to read thus:

1. Development must take into account locally listed buildings, ~~and structures and artifacts that positively contribute to local character and amenity,~~ and the impact of any harm or loss proposed on the significance of the heritage asset.¹³

2. In all applications affecting locally listed buildings, structures and artifacts, there will be a presumption in favour of sensitive repair and reuse before demolition. Development will not be permitted if it would result in the demolition, loss or harmful alteration to buildings, structures and artifacts which are locally listed unless:

(a) the building or structure is no longer capable of beneficial use, and its fabric is beyond repair; or

(b) the proposed development would outweigh the loss or harm to the significance of the non-designated heritage asset; and

(c) the proposed development cannot practicably be adapted to retain the identified heritage interest that the building or structure possesses; and

(d) the existing building or structure has been fully recorded; and

(e) in the case of artifacts, they cannot practicably be retained in situ or, failing that, retained for re-use elsewhere within the site or in an appropriate location off-site.¹⁴

2. 3. The criteria and process for a building to be locally listed are defined by Supplementary Planning Guidance.¹⁵

~~1. Age and rarity; and~~

~~2. Aesthetic value and landmark status; and~~

~~3. Group value; and~~

~~4. Historic, evidential, communal and social values; and~~

~~5. Archaeological interest; and~~

~~6. Designed landscaping.~~

¹³ This policy phrasing has been constructed having regard to para. 197 of the NPPF and Principle 5.4 of Historic England's Conservation Principles (2008).

¹⁴ This policy phrasing mostly repeats verbatim Key principle - BM2 Proposals affecting buildings of merit of the Planning Guidance SPD of LB Hammersmith & Fulham. The rationale for including this sub-clause derives from para. 13 of Historic England's Local Heritage Listing: Identifying and Conserving Local Heritage (2021) which states that '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.'

¹⁵ Historic England's Local Heritage Listing makes clear that selection criteria (discussed in para. 35ff) are not the same as 'heritage values' or 'heritage interests', as defined by Historic England and the NPPF, respectively. It is inappropriate that methodological considerations of manifestly secondary importance form part of the Local Plan. How, why and when the Local List is formed and adopted is entirely a matter for supplementary planning guidance.

Reasons

1. The Council's Local List of non-designated heritage assets constitutes the register of locally listed buildings, structures and artifacts within the borough. The Local List will be actively managed to ensure it remains relevant as a record of Southwark's locally important historic environment. Buildings, structures and artifacts will be added to, or in exceptional cases removed from, the Local List, from time to time, according to the processes outlined in the Heritage SPD and in consultation with recognised amenity societies and community groups. Furthermore the Council may recommend that particular buildings on the Local List should be added to the Statutory National List of Buildings of Special Architectural or Historic Interest by the Secretary of State.¹⁶

~~4.~~ **2.** Locally important buildings and views do not benefit from a the protection afforded to statutorily designated ~~designation~~ heritage assets, even though ~~some of them can~~ they make a positive contribution to local character and distinctiveness. It is, therefore, important that there is a presumption in favour of their retention. Reasonable opportunities to repair locally listed buildings and putting them to viable uses consistent with their long-term conservation, possibly through adaptation, must be explored and discounted before demolition can be permitted as a last resort.¹⁷

~~2. Further information on the Local List is set out in the Heritage SPD.~~

~~3.~~ All applications affecting assets on the Local List or their setting should include a description of the significance of the heritage asset and an assessment of the effect of any proposal on that significance. The level of detail in the description should be proportionate to the importance of the heritage asset.¹⁸

~~4.~~ To ensure development proposals affecting non-designated heritage assets outside conservation areas are afforded appropriate scrutiny, the Council may pass an Article 4 direction to remove permitted development rights from some, or all, buildings, structures and artifacts on the Local List.¹⁹

(Council)

The Local List policy clearly sets out the policy for locally listed buildings in Southwark with the criteria for designation of a building.

¹⁶ The phrasing for this Reason is taken principally from Key principle - BM1 Designation of Buildings of Merit of the Planning Guidance SPD of LB Hammersmith & Fulham.

¹⁷ This phrasing supplements and justifies revised Clause 2 of Policy P25.

¹⁸ This Reason follows the express requirement laid out by para. 189 of the NPPF.

¹⁹ This Reason follows good practice in development management adopted by numerous London boroughs where conservation areas do not constitute an absolute majority of the borough's land.

Disagreements:

- That Policy P25 adequately explains what considerations and practical steps development of an undesignated heritage asset is to practically take into account; what reasoned justification underpins this conservation approach; and thereby that the policy is effective as a planning policy in safeguarding these assets within the borough.

Matter 10: Area Visions and Site Allocations (Camberwell)

The Camberwell Society made no representations on Policy AV.05 or on site allocations NSP21 – NSP33 (in Camberwell) in November 2020. The Camberwell Society does not find anything objectionable in Area Vision 05 but it does not consider that vision exhaustive either.

The Society's position in respect of NSP22: Burgess Business Park is a matter of public record, having been a member of the Rule 6 Group at the public inquiry into the appeal of refused app. 17/AP/4797.

The Society circulated an Opinion on local development in the Parkhouse Street area in July 2020. It also provided considerable feedback on the Local Development Study produced by Tibbalds in the summer and autumn of 2020.

The Society currently supports none of the live or nascent schemes in the site allocation.

The Society believes NSP22 should be revised to accord with the judgement of the Secretary of State and his inspector, expressed in his appeal decision dated 29 April 2020.

Signatories

This statement has been informed by engagement between Southwark Council and The Camberwell Society.

'We agree that this statement is an accurate representation of matters discussed and issues agreed upon.

It is agreed that these discussions will inform the New Southwark Plan and that both parties will continue to work together collaboratively in order to meet the duty to cooperate.'

Signed: _____



Name: Jason Leech

Position: Member of the Camberwell Society's
Planning Sub-Committee

Date: 1-Apr-21

Signed: _____

A handwritten signature in black ink that reads "Simon Bevan".

Name: Simon Bevan

Position: Director of Planning

Date: 6 April 2021