

Item No. 7.	Classification: Open	Date: 27 March 2012	Meeting Name: Planning Committee
Report title:		Valentine Place Conservation Area	
Ward(s) or groups affected:		Cathedrals	
From:		Head of Development Management	

RECOMMENDATIONS

1. That planning committee agrees and designate the Valentine Place Conservation Area and boundaries, as shown in Appendices 1 and 2.
2. That council officers carry out public consultation with local residents and businesses to obtain their view on the conservation area appraisal and boundaries for the Valentine Place Conservation Area and report back to Members.
3. That planning committee comments on the draft conservation area appraisal and map of the conservation area boundary (Appendices 1 and 2).
4. That planning committee notes the equality impact assessment.

BACKGROUND INFORMATION

5. The Valentine Place Conservation Area is a cohesive townscape comprising of industrial and warehouse developments from the late 19th and early 20th centuries. The conservation area is based around the streets of Valentine Place, Pontypool Place, Boundary Row, Valentine Place and Webber Street (Nos. 21-31 (odd)). 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. No. 21 Webber Street is an architecturally and historically significant building within the Valentine Place Conservation Area. Between 1896 and 1916 there was a period of significant change in the proposed conservation area. The late 18th century small terraced houses had been cleared away and replaced with larger industrial buildings; workshops and warehouses and public houses. No. 21 Webber Street retains a fine yellow brick facade with classical Edwardian decorative terracotta features. Historical maps confirm that the building has formally been used as a bakery and print works. On the 16th December 2011, the Council received an application for prior notification of demolition (LBS Reg: 11-PA-0026) of No. 21 Webber Street, followed by an application for a screening opinion for the demolition (LBS Reg: 12-AP-0239). The proposals would result in the loss of an important local building and would have a significant impact upon the character and appearance of the area. The application follows the demolition of No 1A Valentine Place, a contemporaneous building, for which no prior application for demolition was made. The designation of the Valentine Place Conservation Area, would give the council additional powers over the

development and the use of land within it. The Council would be able to control the demolition of buildings greater than 115 cubic metres or an entire building except its facade. Conservation Area Consent must be obtained from Southwark Council before carrying out this type of demolition works. Currently the Council is unable to control the demolition of any of the buildings within the proposed conservation area.

7. The area proposed for designation is defined as follows: the Valentine Place Conservation Area is situated immediately west of Blackfriars Road and Valentine Place, it is located south of Boundary Row and north of Webber Street. Running diagonally north-east/ south-west through the conservation area is Pontypool Place and Valentine Row.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

Planning Policy

9. Core Strategy 2011 (April)
Strategic Policy 12 Design and Conservation.

Southwark Plan 2007 (July)

Saved Policy 3.15 Conservation of the Historic Environment

Saved Policy 3.16 Conservation Areas

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

Saved Policy 3.19 Archaeology

London Plan 2011 (July)

Policy 7.9 Heritage-led regeneration

Policy 7.8 Heritage assets and archaeology

Planning Policy Statements

PPS5 Planning for the Historic Environment.

The draft National Planning Policy Framework (NPPF)

Principles of designation and current guidance

10. The conservation area contains predominantly late 19th century early 20th century industrial and warehouse buildings. The layout of the roads in the conservation area generally dates from the 1800s although the buildings fronting the roads are generally later. The conservation area demonstrates the pressure on land during the latter half of the 19th century to accommodate the increase in industrial activities. The streets are generally narrow and well enclosed by industrial and warehouse buildings of a high quality and architecturally interesting frontage.
11. The key approaches into the conservation area are: east-west from Blackfriars Road along Boundary Row and Webber Street. There are no direct north-south

routes through the conservation area, with Valentine Place/ Pontypool Place and Valentine Row running diagonally north-east/ south-west. The enclosed townscape created by relatively tall buildings (2-4 storeys) in comparison to the width of the streets and the lack of any landmark features within the conservation area means that planned views are not a feature of the townscape.

12. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the local Planning Authority to determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance and further allows for those areas to be designated as conservation areas. There is a duty on the local planning authority under Section 69 to review areas from time to time to consider whether designation of conservation areas is called for.
13. In March 2010 the Government issued PPS 5 'Planning for the Historic Environment' replacing the guidance formerly contained within PPGs 15 and 16. PPS 5 requires, in Policy HE2.1, that Local Authorities have evidence about the historic environment and heritage assets within their area, and that this evidence is publically documented. Designation records, such as Conservation Area assessments, should also be taken into account when determining planning applications.
14. In 2011 English Heritage published guidance on conservation area appraisals, 'Understanding Place: Conservation Area Designation, Appraisal and Management'. This sets out the importance of definition and assessment of a conservation area's character and the need to record the area in some detail. The purpose is to provide a sound basis for rational and consistent judgements when considering planning applications within conservation areas. Conservation area appraisals, once they have been adopted by the Council, can help to defend decisions on individual planning applications at appeal. They may also guide the formulation of proposals for the preservation and enhancement of the area.
15. Designation of a conservation area imposes certain duties on planning authorities. These duties are twofold, firstly, to formulate and publish from time to time, proposals for the preservation and enhancement of the conservation areas in their district and submit them for public consultation. Then secondly, in exercising their planning powers to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas. In exercising conservation area controls, local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question and therefore there is a presumption against the demolition of buildings within the area. In the case of conservation area controls, however, account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole.

Outstanding schemes

16. Planning permission was granted in 2010 (LBS Reg: 07-AP-0962) for a part 3/ part 4/ part 7 storey building at No. 102-107 Blackfriars Road just outside the

boundary of the Valentine Place Conservation Area. The scheme was amended in 2011 (LBS Reg: 11-AP-1513) and works are currently on site.

Community impact statement

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

Human rights implications

20. 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.
21. 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

22. Notifying the public of the Valentine Place Conservation Area will not result in resource implications for the staffing of the Department of the Chief Executive.
23. 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.
24. 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 Communities Law & Governance

25. 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)*).
26. There is no statutory requirement for LPAs to consult with anyone before a conservation area is designated, nor does the Councils Statement of Community Involvement require consultation in respect of designating Conservation Areas. However, English Heritage advises LPAs to consult as widely as possible, not only with local residents and amenity societies, but also with Chambers of Commerce, Public utilities and Highway authorities.
27. 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.
28. There is no statutory requirement on the level of detail that must be considered by an LPA before designation. However, guidance from English Heritage states that it is vital an area's special architectural or historic interest is defined and recorded in some detail. A published character appraisal is highly recommended and can be found at Appendix 1 of this report. The overall impetus for designating a conservation area must be the desire to preserve and enhance the area.
29. 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)*).
30. 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
31. 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

32. Positive equalities obligations are placed on local authorities, sometimes described as equalities duties with regard to race, disability and gender.
33. Gender equality duties were introduced by the Equality Act 2006, which amended the Sex Discrimination Act 1975. The general duties in summary require local authorities to have due regard to the need to:
- (a) “eliminate unlawful discrimination and harassment and;
 - (b) promote the equality of opportunity between men and women.”

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

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

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

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

Section 71 of the Race Relations Act 1976, section 49A(i) of the Disability Discrimination Act 1995 and section 76A of the Sex Discrimination Act 1975, require local authorities to act in accordance with the equalities duties and have

due regard to these duties when we are carrying out our functions.

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Tracy Chapman, Senior Design and Conservation Officer	
Version	Final	
Dated	16 March 2012	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		16 March 2012