

<b>Item No.</b> 7.1	<b>Classification:</b> Open	<b>Date:</b> 12 July 2012	<b>Meeting Name:</b> Bermondsey and Rotherhithe Community Council
<b>Report title:</b>		Edward III's Rotherhithe Conservation Area	
<b>Ward(s) or groups affected:</b>		Grange	
<b>From:</b>		Head of Development Management	

## RECOMMENDATIONS

1. That the community council considers the results of the public consultation on the draft appraisal for the Edward III Rotherhithe Conservation Area and report comments to Planning Committee.
2. That the community council comment on the proposal to carry out public consultation with local residents and businesses to obtain their view on the proposed extension to the Edward III's Rotherhithe Conservation Area (Appendix 5).

## BACKGROUND INFORMATION

3. On the 1 February 2011, Southwark Council's Planning Committee designated the Edward III's Rotherhithe Conservation Area. Then on the 7 March 2011 community council considered a report recommending that public consultation be undertaken on the designated Edward III's Rotherhithe Conservation Area and the draft conservation area appraisal. A copy of the report is Appendix 2.
4. Letters were sent to all of the owner/occupiers of properties in the conservation area and a wider boundary around the area, giving a 12 week consultation period (Appendix 3). The letter included a copy of the conservation area boundary and information as to where the conservation area appraisal could be viewed on the Council's website. A public meeting was held at the Angel Public House on the 15 March 2011 to discuss the Edward III's Rotherhithe Conservation Area. The meeting was well attended and all responses supported the proposed conservation area. There were 28 feedback forms completed on the day and a further 11 responses received during the consultation period. The responses are analysed in more detail below.
5. The Edward III's Rotherhithe Conservation Area is an area of open land located between the River Thames and the Registered Park and Garden of Southwark Park. The area is characterised by open land displaying the Scheduled Monument and King's Stairs Gardens connecting Southwark Park to the Thames. The area is characterised by these open landscapes with relict features of the former built-up waterfront and a range of housing dating from the 18<sup>th</sup> century through to modern buildings and religious uses. The primary character of the area and its significance are the character and appearance of

the open spaces and their relationship to the designated heritage assets within the proposed conservation area and immediately on its boundary.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

6. The main issues of this are:
  - a) to report on the consultation responses received and the subsequent amendments made to the draft Edward III's Rotherhithe Conservation Area Appraisal.

### **Planning policy**

7. 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  
  
The National Planning Policy Framework (March 2012)

### **Consultation responses**

8. Twenty-eight feedback forms completed on the day and a further 11 responses received during the consultation period, and included the following comments:

### **Public meeting feedback forms**

9. All twenty-eight responses returned on the feedback forms were in favour of the proposed conservation area. It was generally considered that the designation would preserve the character of the area. Three responses suggested extending the conservation area to the east to join up with the St Mary's Rotherhithe Conservation Area. Six of the responses suggested that the conservation area boundary should be extended west, some to an undefined extent, others to include Angel Wharf or further including Cherry Garden Pier or to National Terrace and Corbett's Wharf. The greatest extension suggested recommended including all open space until Fountain Square. No detailed comments were received other than proposals for the extension of the conservation area or requests for additional information to be included in the conservation area assessment.

### **Written responses**

10. Eleven emails were received as written responses to the consultation letters. Seven emails were supportive of the proposal, one email was supportive of the proposal, although questioned the basis and justification for the conservation

area:

**Email 1:** requested that the conservation area be extended to include Southwark Park.

**Email 2:** *"...As someone who cycles through Rotherhithe village I welcome the proposal to extend the conservation area. I think it should include Kings Stairs Gardens King Edward's manor house, plus the Angel pub and Corbett's Wharf."*

**Email 3:** supported the proposal for a conservation area with no further comment.

**Email 4:** *I am a local resident who lives next door to King stairs gardens and fully agree and support the new proposed Edward III's Conservation Area. I already thought this was a conservation area and that it was protected but sadly i was mistaken. I have lived here for 11 years and feel this proposed conservation area would be beneficial to all local residents. We have to protect this beautiful area from anyone or company that would happily destroy it."*

**Email 5:** *"principle, the proposed designation would appear to be a positive step."*

**Email 6:** *"This is great news about the conservation area. It's such a shame we have lost some of the amazing historic department stores of Peckham Rye Lane like the Cooperative House. I do hope this goes ahead"*

**Email 7:** *"I live in Pilgrim House in Mayflower Street, between the two sections of the proposed conservation area. The proposals therefore affect me significantly, and will perhaps restrict any future planning applications I might wish to make. Despite this, on the information I have seen so far, I wholeheartedly support the proposal and the proposed boundaries of the conservation area. Since I moved to Rotherhithe six years ago I have been aware of the great historical importance of Edward III's Manor House (too little known in the wider world) and I believe the proposal will both protect and promote this significant monument. Extending the boundaries to include the many fine buildings near to the Manor House and in Rotherhithe Village too, will in my opinion add to the character of the area and help preserve the best of Rotherhithe for residents, visitors and the future. Including King's Stairs Gardens within the conservation area recognises the considerable environmental and community importance of this park; will hopefully protect it from threats such as Thames Water's attempts to use the park as a construction site for the Thames Tideway Tunnel; and will ensure a continuous and viable riverside asset for the local community and the nation. So in short, on the evidence to hand, I strongly support the proposal!"*

**Email 8:** *"as the owner of \*\*\*\*\* out of pure self interest I welcome the idea of a conservation area that encompasses my flat and the park. However from the proposals I can only assume that this is a means of thwarting and hampering the development of the park as a site for the Thames Water 'super sewer' construction site. That can be the only reason as the whole area is of no architectural merit whatsoever. If one looks at the 1988 map of the area there is no riverside park and the fabric of the area was urban and dense. Now we have ... the Bosco Centre which should be torn down at the earliest opportunity"*

*and a variety of insignificant council houses. There is a pub and a house left standing after presumably planners allowed the wholesale destruction of the river front in earlier times. It reminds one of post war films set in a bomb wrecked London. I am sure any archaeological issues could be addressed through other planning tools. Maybe I have missed something and therefore would be grateful if you could list out the great architectural and urban masterpieces which clearly I have missed. As much as one can see the tactical value of such a move I think this only proves a certain moral corruption which most people associate with planning departments.”*

**Email 9:** “...very much support the idea of a conservation area as outlined.”

**Email 10:** “In principle the proposed designation would appear to be a positive step.”

**Email 11:** “We would like you to know that we wholeheartedly support this idea; this is one of London’s most historic, ancient areas and it is great to think that Southwark Council are so keen to preserve its unique character. You can be assured that this proposal chimes well with all residents in this area.”

### **Statutory consultee responses**

11. Three emails were received from statutory consultees: English Heritage’s Inspector of Ancient Monuments, English Heritage’s Inspector of Historic Buildings, and the Mayor’s Heritage Advisor. All three wrote in support of the conservation area.

### **Summary of consultation and amendments to the draft appraisal**

12. Officers reviewed the suggested boundary changes to the Edward III’s Rotherhithe Conservation Area and considers that the area and buildings to the west meet the criteria set out in paragraph 127 of the NPPF (March 2012), which states: 127: ‘*when considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.*’ However, officers consider that an eastwards extension, to join up the conservation area with the St Mary’s Rotherhithe Conservation Area, would not meet the criteria. An eastwards extension would involve including the 1980s housing on the riverfront. Officers propose to consult only the western extension to the Edward III’s Rotherhithe Conservation Area (Appendix 5), the area would include: Cherry Gardens to the riverfront, Nos. 1-10 Bermondsey Wall West. The extended conservation area will also include two Grade II listed buildings: the former Thames Water Authority Office on Farncombe Street and former Corbett’s Wharf on Bermondsey Wall West.
13. The draft Edward III’s Rotherhithe Conservation Area Appraisal (Appendix 1) has been revised to reflect recent changes in national planning policy following the introduction of the NPPF in April this year. Other changes include the addition of a ‘definition of special interest and significance’ and a section on ‘the setting of the conservation area’.
14. It should be noted that the content of conservation area appraisal has been prepared in accordance with guidance contained within English Heritage’s

document 'Understanding Place: Conservation Area Designation, Appraisal and Management'. In addition the appraisal accords to the NPPF and the PPS 5 Practice Guidance, which was not cancelled with the introduction of the NPPF. The layout and content of the appraisal reflect the Council's other recently adopted council conservation area appraisals.

### **Conclusion on planning issues**

15. Section 69 of the Town and Country Planning Act 1990 imposes a duty on the local Planning Authority to designate as conservation areas any "areas of special architectural or historic interest the character or appearance of which is desirable to preserve or enhance". 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. Officers consider that the Edward III's Rotherhithe Conservation Area remains an area characterised by open landscape and a framework of buildings, which include Grade II listed buildings and a Scheduled Monument. The vistas in and out of the conservation area are also of considerable merit, not least the view north to the river. Officers consider that the western extension to the conservation area; proposed during the public consultation, complies with paragraph 127 of the NPPF. Therefore it is proposed that further consultation with owner, occupiers and business should be undertaken on the boundary change to the conservation area.
16. In March 2012 the Government introduced the National Planning Policy Framework replacing the guidance formerly contained within PPS5. Paragraph 169 of the NPPF is particularly relevant with regards conservation area appraisals '*local planning authorities should have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment.*' The conservation area appraisal complies with the requirements of NPPF paragraph 169.
17. 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. The Edward III's Rotherhithe Conservation Area Appraisal has been prepared in accordance with the English Heritage guidance.

### **Community impact statement**

18. The draft appraisal 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.

19. The consultation has sought the views of local residents, businesses and other local interest groups over the conservation area appraisal. The draft Edward III's Rotherhithe Conservation Area Appraisal was placed, on the council's website and copies made available in the local libraries.

### **Human rights implications**

20. This conservation area engages 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 application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

### **Resource implications**

22. Notifying the public of the Edward III's Rotherhithe Conservation Area Appraisal has not resulted in resource implications for the staffing of the Regeneration Department.
23. Other resource implications will be the cost of publishing the conservation area appraisal, which can be met within the Regeneration Department's revenue budget. The cover price of the document will be fixed to cover production costs.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic Director of Communities Law & Governance**

24. 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), Listed Building 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)*). Section 69(2) of the Act imposes a further duty on local planning authorities to review the extent of their functions and if need be to designate any further parts of their area as conservation areas. It is this section of the Act which is being triggered here.
25. There is no statutory requirement for LPA's to consult with anyone before a conservation area is designated and nor does the Council's Statement of Community Involvement require consultation in respect of designating Conservation Areas. However, English Heritage advises LPA's 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.
26. Once adopted the conservation area appraisal will provide additional guidance to be taken into account in determining applications for developments affecting the Edward III's Rotherhithe Conservation Area.

27. The draft appraisal for the conservation area appraisal is brought before the Community Council in accordance with Part 3H paragraph 4 of the Constitution under the heading “Consultative/non-decision making” which requires the Community Council to comment to Planning Committee on the adoption of conservation area appraisals and also designations of Conservation Areas.

**Equalities and Human Rights**

28. The Equality Act 2010 introduced a single public sector equality duty (PSED). This duty requires us to have due regard in our decision making processes to the need to:
- (a) Eliminate discrimination, harassment, victimisation or other prohibited conduct;
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
  - (c) Foster good relations between those who share a relevant characteristic and those that do not share it.
29. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The PSED also applies to marriage and civil partnership, but only in relation to (a) above.
30. There has been compliance with the Council’s Approach to Equalities as well as the public sector equality duty as contained within section 149 of the Equality Act 2010. All six equality strands have been duly considered and assessed; this is evidenced at in the Equalities Analysis (Appendix 4).
31. In accordance with part 3H, paragraph 4 of the constitution providing comments to planning committee on proposals for the designation of conservation areas including conservation area appraisals is a matter for community council.

**BACKGROUND DOCUMENTS**

Background Papers	Held At	Contact
None		

**APPENDICES – available on the council’s website**

<http://modern.gov.southwark.gov.uk/ieListDocuments.aspx?CId=349&MIId=4287>

No.	Title
Appendix 1	Amended conservation area appraisal for Edward III’s Rotherhithe Conservation Area
Appendix 2	Report to the Bermondsey and Rotherhithe Community Council on 7 March 2011
Appendix 3	Consultation map, letter to businesses and owner/ occupiers
Appendix 4	Equalities Analysis
Appendix 5	Map of the proposed boundary changes

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Tracy Chapman, Senior Design and Conservation Officer	
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<b>Dated</b>	14 June 2012	
<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>
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	No	No
<b>Cabinet Member</b>	No	No
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