

<b>Item No.</b> 7.3	<b>Classification:</b> Open	<b>Date:</b> 12 July 2012	<b>Meeting Name:</b> Bermondsey and Rotherhithe Community Council
<b>Report title:</b>		Thorburn Square Conservation Area	
<b>Ward(s) or groups affected:</b>		Grange	
<b>From:</b>		Head of Development Management	

## RECOMMENDATION

1. That the community council considers and reports to Planning Committee the results of the public consultation on the draft appraisal for the Thorburn Square Conservation Area and on the designation of an extension to the conservation area, to include the Queen Victoria Public House on Southwark Park Road.

## BACKGROUND INFORMATION

2. On the 13 October 2011 community council considered a report recommending that public consultation be undertaken on the draft Thorburn Square Conservation Area Appraisal. A copy of the report is Appendix 2.
3. Letters were sent to all of the owner/ occupiers of properties in the immediate conservation area (Appendix 3) giving a 12 week consultation period. The letter included general guidance on conservation areas and information as to where the Thorburn Square Conservation Area Appraisal could be viewed on the council's website. Four individual responses and one group response received during the consultation period, these responses are analysed in more detail below.
5. The Thorburn Square Conservation Area is located on land lying to the south of Southwark Park Road. It is now the only remaining part of the tightly packed mid to late 19<sup>th</sup> century residential streets, that once occupied this part of Bermondsey.

## KEY ISSUES FOR CONSIDERATION

### Summary of main issues

5. The main issues of this are:
  - a) to report on the consultation responses received and the subsequent amendments made to the draft Thorburn Square Conservation Area Appraisal.

### Planning policy

6. 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

7. Four individual and one group consultation responses were received by the Council on the draft appraisal, and included the following comments:

### 50 Alma Grove

- The respondent welcomed the Thorburn Square Conservation Area Appraisal and noted that the visual appearance of the area has suffered for far too long from inappropriate redevelopment. However, the respondent considered that an important negative aspect was missing from the appraisal, which was the prevalence of rubbish bins in the front gardens.

### 132 Fort Road

- The respondent was disappointed to see no improvements planned for the area, except for the inclusion of the Queen Victoria Public House. They also suggested that the conservation area should be extended to include: the nursing home and shops on Southwark Park Road; between Reverdy Road and Alma Grove.
- The respondent cited parking problems in the area since the introduction of the congestion charge.
- Concern was raised with regards the gradual loss of original doors, windows and chimneys. The respondent suggests that to prevent the introduction of more PVC windows and doors an Article IV Direction should be imposed, and refers to the recommendation made for an Article IV at the time of designation.
- Thorburn Square itself should be regenerated and the 1950s flats replaced with appropriate houses and views of the church reinstated for all.
- The respondent suggested that street lights appropriate for a conservation area are installed and refers to the modern and nondescript lights in Monnow Road and part of Simms Road.

### 87 Lynton Road

- The respondent agreed with the extension of the conservation area to include the Queen Victoria Public House. However, considered that the conservation area should be extended south to include: Paterson Park, entrances and gates.
- The original planting of the Ada Street trees should be reinstated.

### **Thorburn Square Conservation Society (TSCS)**

TSCS welcomed the appraisal and broadly agreed with the assessment of the area. In addition the TSCS made a number of comments on the appraisal text, which they asked to be considered:

- Under the 'Broad Context' section they suggested that the following passage should be included: "historically and presently the Thorburn Square Conservation Area has consisted of family sized dwellings. It is important to the character of the area that the houses remain family sized and that they can be modernised to allow the bathroom to be on the first floor near all the bedrooms and that the rear of the house at ground floor can be opened to the garden, which may involve re-configuring the kitchen, removing the original WC, which were historically positioned at the rear wall in the garden, accessed from the outside."
- The council should recognise the importance of preserving the living heritage of family houses in central London as a preference over keeping the historical character of an external WC; which at the back of a house, often cannot be seen from the street.
- Maintaining a family house is important when considering infilling of the side return. The TSCS go on to cite recent approvals further on in their consultation response.
- First floor rear extensions should not be discouraged and enable a bathroom to be accommodated at first floor level and a larger bathroom. The TSCS go on to cite recent approvals further on in their consultation response.
- Section 5.3.3 of the draft appraisal should reflect recent planning history, where a large number of houses have full width extensions at the rear, by infilling the side return at ground level. This form of full-width addition where there is an existing rear addition made wider by infilling the side return should be acceptable. It would be appreciated if this was clarified in the council's appraisal.
- The TSCS felt that whilst the street frontage of the buildings should be maintained to preserve and enhance the character and appearance of the conservation area, development of the rear of the houses should be allowed to be more flexible where new modern design can enhance the conservation area providing a further layer of heritage.
- The TSCS would also like to see more flexibility in relation to materials to the rear of the properties at ground floor level. They considered that aluminium or steel doors or windows would provide slimmer elegant sections than some timber sections. The TSCS noted that aluminium framed doors have been approved more recently.
- Overall they considered that the council should be more sensitive to the nature of modern building rather than applying a blanket rule stating that every new door and window must mirror the 19<sup>th</sup> century style of the house and be in painted timber.

### **Email response**

- The respondent supports the extension of the conservation area, however considers that the exclusion of the nursing home on Southwark Park Road; given its size and position, a weakness in the proposal.
- The respondent was also concerned about the financial consequences of the proposal, if they have to replace windows/ doors and the extra cost for freeholders/ leaseholders.

## Summary of consultation and amendments to the draft appraisal

8. No objection was raised during the consultation for the inclusion of The Queen Victoria Public House. Officers have reviewed the suggested boundary changes to the Thorburn Square Conservation Area and considers that the nursing home, the shops on Southwark Park Road and Patterson Park do not 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.'* The shops on Southwark Park Road have been significantly altered and the nursing is a 20<sup>th</sup> century building of little architectural merit. Patterson Park dates from after World War II and does not form part of the 19<sup>th</sup> century urban development, for which is so intrinsic of the Thorburn Square Conservation Area.
9. The Thorburn Square 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'.
10. 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.
11. The recommendation for the reinstatement of the Ada Street tree planting has been noted. These trees were planted as part of Dr Alfred and Ada Salter's campaign to tackle air pollution and improve endemic poor health generally, whereby "A Borough Gardens Superintendent was employed and ordered to plant elms, poplars, planes and acacias in the streets of Bermondsey". The trees therefore had an important cultural and environmental value and a suggestion for their reinstatement has been included in the appraisal under the section on 'Environmental Improvements'.
12. The consultation comments on the impact of traffic, parking, refuse bins; street lighting and wider environmental improvements have been noted. These issues would normally be addressed under a Conservation Area Management Plan, which sets out the way in which development pressure and neglect will be managed to ensure conservation areas retain the qualities which led to their designation. This would be a separate piece of work, involve several council departments, a plan might include: enhancement schemes, street and traffic management, trees and open space strategies and enforcement strategies. A Conservation Area Management Plan is currently being prepared for the Rye Lane Peckham Conservation Area.
13. Whilst the suggested additional wording; from the TSCS, with regards the 'Broad Context' section has been noted, officers consider that the text does not

- conform with guidance in English Heritage's document 'Understanding Place: Conservation Area Designation, Appraisal and Management'. This section of the appraisal serves to provide an overview of the Thorburn Square Conservation Area, its architectural quality and built form, prevalent types and periods of buildings, topography, street pattern, views and landscape. The purpose of the section is not to provide specific design and planning advice.
14. Section 5.0 of the appraisal sets out best practice guidance for development, repair and alterations to unlisted buildings within Southwark's conservation areas. This section of the document is in accordance with the English Heritage's guidance on conservation area appraisals which advises that the appraisal is completed with generic guidance. Section 5.0 has also been drafted in accordance with the guidance contained within the PPS 5 Practice Guidance. Paragraph 178 of the practice guidance states that: *'the main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of extension that might be appropriate.'* With regards the issue of rear and side extensions, officers have noted recent approvals and the concerns raised by the TSCS. The merits of each particular application are always assessed on a site by site basis. In view of comments received the wording in the appraisal has been amended to reflect that for some properties, depending on location and previous alterations full-width and two storey extensions may prove acceptable.
  15. Section 5.3 'New design in the conservation area' of the draft appraisal states that modern design is not precluded, nor would should new development necessarily ape the 19<sup>th</sup> century houses. There are examples of contemporary new buildings and extensions to existing ones throughout Southwark's many conservation areas. The reference in the appraisal to aluminium and UPVC was in connection with the replacement of historic windows with modern materials; particularly on facades visible from the highway. In appropriate replacement of windows and doors; on prominent facades, can have a detrimental impact on the special character of the conservation area. The appraisal text has been revised to make the guidance on materials clearer.

### **Conclusion on planning issues**

16. 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. The Council considers that the Thorburn Square Conservation Area remains a notable surviving example of mid 19<sup>th</sup> century workers terraced housing of a strong unified character and therefore worthy of designation.
17. 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.

18. 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 Thorburn Square Conservation Area Appraisal has been prepared in accordance with the English Heritage guidance.

### **Community impact statement**

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

### **Human rights implications**

21. 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.
22. 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**

23. Notifying the public of the Thorburn Square Conservation Area Appraisal has not result in resource implications for the staffing of the Regeneration Department.

24. 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**

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), 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.
26. 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.
27. Once adopted the Conservation Area Appraisal will provide additional guidance to be taken into account in determining applications for developments affecting the Thorburn Square Conservation Area.
28. 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**

29. 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.
30. 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.

31. There has been compliance with the Council's Equalities and Human Rights Scheme 2008-2011 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 and Human Rights Impact Assessment (EqIA).
32. 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&MId=4287>

No.	Title
Appendix 1	Amended conservation area appraisal for Thorburn Square Conservation Area
Appendix 2	Report to the Bermondsey Community Council on 13 October 2011
Appendix 3	Consultation map, letter to businesses and owner/ occupiers
Appendix 4	Equality Impact Assessment (EqIA)

## 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>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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