

APPENDIX 2

Item No.	Classification: Open	Date: 13 October 2011	Meeting Name: Bermondsey Community Council
Report title:		Thorburn Square Conservation Area	
Ward(s) or groups affected:		South Bermondsey	
From:		Head of Development Management	

RECOMMENDATION(S)

1. That the Community Council considers a proposal that the Thorburn Square Conservation Area be extended as shown on the plan at Appendix 1.
2. That the Community Council considers the draft Conservation Area Appraisal and map of the proposed extended boundary (Appendix 2).
3. That the Community Council authorises the proposal to carry out public consultation with local residents and businesses to obtain their view on the designation of an extension to the Thorburn Square Conservation Area and the draft appraisal.
4. That the Community Council considers the Equality Impact Assessment (Appendix 3).

BACKGROUND INFORMATION

5. The Thorburn Square Conservation Area was designated on 30th January 1991, under the Civic Amenities Act 1967.
6. 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 19th century residential streets that once occupied this part of Bermondsey.
7. The area proposed for addition to the conservation area is the Queen Victoria Public House on Southwark Park Road. Visually, this building forms a legible end to the terrace of Nos 118-146 Southwark Park Road, which are already in the conservation area.

KEY ISSUES FOR CONSIDERATION

8. Section 69 of the Town and Country Planning Act 1990 imposes a duty on the local Planning Authority to designate 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. It is considered that this area has a quality and interest that merits designation as an extension to the Thorburn Square Conservation Area.
9. In March 2010 the Government issued PPS5 'Planning for the Historic Environment' replacing the guidance formerly contained within PPGs 15 and 16. PPS5 requires, in Policy HE2.1, that Local Authorities record 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.
 10. 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.
 11. Designation of a conservation area imposes certain duties on planning authorities. These duties are two-fold, firstly, to formulate and publish from time to time, proposals for the preservation and enhancement of 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.
 12. The Queen Victoria Public House is a mid 19th century 3 storey building, which retains many of its original features including glazed brick decoration to the external walls. Visually, this building forms a legible end to the terrace of Nos 118–146 Southwark Park Road, as it is stepped forward from the building line. It is also of good condition with many original features including its glazed brick decoration to the external walls

Outstanding Schemes

13. There are no significant outstanding schemes within the conservation area.

Planning Policy

Core Strategy 2011 (April)

Strategic Policy 12 Design and Conservation.

Saved Southwark Plan 2007 (July)

Policy 3.15 Conservation of the Historic Environment

Policy 3.16 Conservation Areas

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

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.

Community impact statement

14. 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.
15. 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 in the local libraries. This will show how the consultation has complied with the Statement of Community Involvement.

Human rights implications

16. 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.
17. 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

18. Notifying the public of the proposed extension of the Thorburn Square Conservation Area will not result in resource implications for the staffing of the Regeneration Department.
19. 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.
20. 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 Regeneration Department.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities Law & Governance

21. 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)*).
22. There is no statutory requirement for LPAs to consult with anyone before a conservation area being designated, nor does the Council's 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.
23. 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 the requirement to consult a Community Council is reserved under Part 3H paragraph 3 of the constitution
24. 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.
25. 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)*).

26. The designation of a conservation area gives the LPA additional powers over the development and the use of land within it.
27. 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

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
 - (b) 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 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).
31. In accordance with part 3F, paragraph 3 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

No.	Title
Appendix 1	Draft conservation area appraisal for Thorburn Square Conservation Area.
Appendix 2	Map of the proposed Thorburn Square Conservation Area

	extensions
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	19 September 2011	
Key Decision?	No	
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/Community Council/Scrutiny Team	N/A	