

APPENDIX 2

Item No.	Classification: Open	Date: 7 March 2011	Meeting Name: Bermondsey Community Council Rotherhithe Community Council
Report title:		Edward III's Rotherhithe Conservation Area	
Ward(s) or groups affected:		Riverside and Rotherhithe	
From:		Head of Development Management	

RECOMMENDATION(S)

1. That Members comment on the proposal to carry out public consultation with local residents and businesses to obtain their view on the designated Edward III's Rotherhithe Conservation Area and report back to Members
2. That Members comment on the draft Conservation Area Appraisal and map of the proposed conservation area boundary.

BACKGROUND INFORMATION

3. The Planning Committee of Southwark Council designated the Edward III's Rotherhithe Conservation Area based upon the attached map at the meeting on the 1 February 2011.
4. 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 18th 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.
5. The proposed conservation area is primarily open land. Thames Water have consulted upon proposals for the use of King's Stairs Gardens as a construction site for the Thames Tideway Tunnel. This would result in the construction of a 30m diameter access shaft, ventilation and management structures within the park. The construction of the access shaft would have a total impact on all archaeological remains in its footprint and the proposal as a whole would have a significant impact upon the character and appearance of the park.

6. 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.
7. 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 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.
7. In 1997 English Heritage published guidance, which 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. These documents have the status of supplementary planning guidance and therefore 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.
8. Designation of a conservation area imposes certain duties on planning authorities. These duties are twofold. First, to formulate and publish from time to time, proposals for the preservation and enhancement of conservation areas in their district and submit them to public consultation. 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.
9. The area designated is defined as follows: The Edward III’s Rotherhithe Conservation Area is situated south of the borough boundary between Southwark and Tower Hamlets in the middle of the River Thames and north of the Registered Park and Garden of Southwark Park. The west boundary of the Conservation Area follows the boundary of the Scheduled Monument of Edward III’s Manor House south to Paradise Street and then continues south along Cathay Street to meet the north boundary of the Registered Park and Garden. The east boundary of the Conservation Area follows the east boundary of King Stairs Gardens and south to meet the north-east extent of the Registered Park and Garden of Southwark Park.

KEY ISSUES FOR CONSIDERATION

10. The proposed conservation area is characterised by areas of open landscape created during the 1980s as part of the earlier regeneration of this area. The excavation and display of the Manor House of Edward III, and its subsequent inclusion of the Schedule of Ancient Monuments, was undertaken in the mid 1980s, as was the clearance of buildings occupying the area of King's Stairs Gardens. The two open spaces, and the framework of buildings surrounding them, together with the area of the Scheduled Monument and the adjacent Registered Park and Garden are the reasons for the proposal to designate the Conservation Area.
11. Although the special quality of the area is the main reason for designation, rather than the individual buildings, the site contains the Scheduled Ancient Monument of Edward III's Manor House and the significant archaeological remains associated with this monument. The Conservation Area bounds the Grade II Registered Park and Garden of Southwark Park and contains the Grade II listed Angel Public House and Sir William Gaitskell House, on Paradise Street. Other buildings within the Conservation Area are memorials to its former built-up character, such as 1 Fulford Street, the last, surviving riverfront warehouse in this area until the St Mary's Rotherhithe Conservation Area.
12. The vistas within and out of the conservation area are also of considerable merit, not least the view north from the two areas of river frontage which excellent panoramas of Tower Bridge. King's Stairs Gardens provides a heavily-wooded terminus to view north from Southwark Park and the buildings of Cathay Street provide framed views of the river to the north.

Outstanding Schemes

13. Thames Water has been undertaking consultation concerning the construction of the Thames Tideway Tunnel. No application has yet been submitted for this scheme which, as currently detailed in the consultation documentation would consist of a shaft of 30m diameter, dug to the depth of the proposed sewer. Permanent structures would be required consisting of a 15m tall, 3m diameter ventilation column and a building 10m high, 12m wide and 20m long to house ventilation and air filtering equipment for the tunnel. The area around these structures would be laid as hard standing to provide for vehicular access.

Planning Policy

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 2008 consolidated with alterations since 2004

Policy 4B.11 London's Built Heritage

Policy 4B.12 Heritage Conservation

Policy 4B.15 Archaeology

Planning Policy Statements

PPS5 Planning for the Historic Environment.

Core Strategy

Southwark's Core Strategy was considered by an independent Inspector during an Examination in Public held in July 2010. The Inspector has issued his binding report and deemed the Core Strategy to be sound. His report was received on 28 January 2011 and it is likely that the Southwark will adopt the Core Strategy.

Now the Inspector's binding report has been received, the Core Strategy, together with the suggested changes by the Inspector carries considerable weight. In the period before the Core Strategy is formally adopted, whilst the Southwark Plan remains the relevant statutory development plan, where the Core Strategy suggests a different approach when determining a planning application, the Core Strategy is a significant material consideration that should be taken into account.

Strategic Policy 12 – Design and Conservation.

Community impact statement

- 19 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.
- 20 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 and the Town Hall. This will show how the consultation has complied with the Statement of Community Involvement.

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 designation of the Edward III's Rotherhithe Conservation Area will 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 met within the Regeneration Department's revenue budget. The cover price of the document will be fixed to cover production costs.
- 25 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

LEGAL IMPLICATIONS

- 24 This report recommends that the Community Councils confirm the public consultation of the conservation area appraisal and boundaries and that Members comment on the contents of the appraisal.
- 25 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local planning authorities to determine, from time to time, 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 to designate those areas as conservation areas.
- 26 Government guidance on conservation areas can be found in PPS5 'Planning for the Historic Environment'. This advises that local authorities should have evidence concerning the historic environment within their area and that this should be publically documented. The government also advises that the principal concern of a local planning authority in considering the designation of a conservation area should be to form a judgement on whether the area is of special architectural or historic interest the character of appearance of which it is desirable to preserve or enhance.
- 27 There is no statutory requirement to consult on proposals to designate or to cancel the designation of a conservation area, but the guidance advises that consultation with local residents, businesses and other interested local bodies over the identification of areas and their boundaries is highly desirable.
- 28 There are no formal statutory provisions which set out how consultation should be conducted but a number of decided cases establish that proper consultation must satisfy the following criteria:
- Be undertaken when the proposals are at a formative stage;
 - Include sufficient details of proposals to allow those consulted to give intelligent consideration and an intelligent response;
 - Adequate time must be allowed for consultation; and
 - The results of the consultation must be conscientiously taken into account when making the decision.

- where any significant risks have been identified

BACKGROUND DOCUMENTS – there are no background documents.

APPENDICES

No.	Title
Appendix 1	Plan of the proposed Edward III's Rotherhithe Conservation Area
Appendix 2	Draft conservation area assessment for Edward III's Rotherhithe conservation area.

AUDIT TRAIL

Lead Officer	Gary Rice	
Report Author	Chris Constable	
Version	Final	
Dated	25 February 2011	
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/Community Council/Scrutiny Team	Date/month/year e.g. 21 September 2010	