

Item No. 8.	Classification: Open	Date: 4 September 2012	Meeting Name: Planning Committee
Report title:		Page's Walk and Thorburn Square Conservation Areas	
Ward(s) or groups affected:		Grange	
From:		Head of Development Management	

RECOMMENDATION

1. That Members agree to formally adopt the Page's Walk and Thorburn Square Conservation Area Appraisals as supplementary planning guidance following a period of public consultation commencing in October 2011.

BACKGROUND INFORMATION

2. The Page's Walk Conservation Area is situated between Willow Walk and Old Kent Road. The conservation area is very cohesive in character, consisting for the most part of two-storey, mid 19th century, terraced dwellings in London stock brick. Due to their simultaneous construction by the same developer, the terraces are consistent in design and form a strong rhythm that continues along the length of the street.
3. 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 19th century residential streets that once occupied this part of Bermondsey.
4. In September 2011 council officers produced draft conservation area appraisals for the Page's Walk and Thorburn Square Conservation Areas. It is the duty of local planning authority to formulate and publish from time to time proposals for the conservation and enhancement of conservation areas, in the form of appraisals. On 13 October 2011 Bermondsey Community Council considered reports recommending that public consultation be undertaken on the draft Page's Walk and Thorburn Square Conservation Area Appraisals (Appendices 1 and 2) and resolved to support such consultation. Letters were sent to all of the owner/occupiers of properties in the immediate conservation area, seeking their views on the draft appraisals. The letter included general guidance on conservation areas and information as to where the Page's Walk and Thorburn Square Conservation Area Appraisals could be viewed on the council's website. On 12 July 2012 the Bermondsey and Rotherhithe Community Council considered the results of the public consultation on the two conservation area appraisals (Appendices 1 and 2) and supported the officer's recommendation that the appraisals be adopted.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

5. The main issue to be considered is:
 - a) whether or not to adopt the conservation area appraisals

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. No major objections to the appraisals were received other than minor points of detail and accuracy, which have been incorporated into the appraisals. Both the Page's Walk and Thorburn Square appraisals were also revised to reflect recent changes in national planning policy following the introduction of the NPPF in March this year. These conservation area appraisals are now considered acceptable.

Conclusion on planning issues

8. 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 both the Page's Walk and Thorburn Square Conservation Areas remain notable surviving examples of mid 19th century workers terraced housing of a strong unified character and therefore worthy of retaining their designation.
9. 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 appraisals comply with the requirements of NPPF paragraph 169.

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. Both the Page's Walk and Thorburn Square Conservation Area Appraisals have been prepared in accordance with the English Heritage guidance.

Community impact statement

11. Although consultation is not required, the draft appraisal has been consulted on 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.
12. The consultation has sought the views of local residents, businesses and other local interest groups over the conservation area appraisals. The draft Page's Walk and Thorburn Square Conservation Area Appraisals were placed on the council's website and copies made available in the local libraries.

Human rights implications

13. 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.
14. 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

15. Notifying the public of the Page's Walk and Thorburn Square Conservation Area Appraisals has not resulted in resource implications for the staffing of the Chief Executive's Department.
16. Other resource implications will be the cost of publishing the conservation area appraisal, which can be met within the Chief Executive's Department's revenue budget. The cover price of the document will be fixed to cover production costs.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

17. 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. The adoption of conservation area appraisals will formalise the council's review of the two conservation areas.

18. There is no statutory requirement for LPA's to consult with anyone before a conservation area is designated or appraised and nor does the council's statement of community involvement require consultation in respect of designating or appraising 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.
19. Once adopted the Conservation Area Appraisals will provide additional guidance to be taken into account in determining applications for developments affecting Page's Walk and Thorburn Square Conservation Areas.
20. The proposal to adopt the conservation area appraisals is brought before the planning committee in accordance with Part 3F paragraph 3 of the Constitution which authorises the committee to adopt conservation area character appraisals.

Equalities and Human Rights

21. 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.
22. 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.
23. 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 and Human Rights Impact Assessment (EqIA).
24. Paragraph 3 of part 3F of the Southwark Constitution reserves to planning committee the decision as to whether to designate an area a conservation area.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Reports to the Bermondsey Community Council on 13 October 2011 & 2 July 2012 (Page's Walk and Thorburn Square Conservation Area Appraisals).	Chief Executive's Department 160 Tooley Street London, SE1 2QH	Tracy Chapman Tel: 020 7525 2289

APPENDICES

No.	Title
Appendix 1	Page's Walk Conservation Area Appraisal.
Appendix 2	Thorburn Square Conservation Area Appraisal.
Appendix 3	Equality Impact Assessment (EqIA) – Page's Walk (pages 107-114)
Appendix 4	Equality Impact Assessment (EqIA) – Thorburn Square (pages 115-122)

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Tracy Chapman, Senior Design and Conservation Officer	
Version	Final	
Dated	13 August 2012	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		23 August 2012