

Item No. 9.	Classification: Open	Date: 4 September 2012	Meeting Name: Planning Committee
Report title:		Valentine Place Conservation Area	
Ward(s) or groups affected:		Cathedrals	
From:		Head of Development Management	

RECOMMENDATION

1. That Planning Committee:
 - a) Note the results of the public consultation on the designation of the Valentine Place Conservation Area.
 - b) Confirm the conservation area boundary.
 - c) Authorise the amendments to the conservation area appraisal, as shown in Appendices 1 and 2.

BACKGROUND INFORMATION

2. On the 27 March 2012, Southwark Council's planning committee designated the Valentine Place Conservation Area. Letters were sent to all of the owner/occupiers of properties in the conservation area and within 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 on 30 April 2012 at St. Alphege's Church Hall, Kings Bench Street, to discuss the Valentine Place Conservation Area. There were 3 feedback forms completed on the day and one email response from a Statutory Consultee, the responses are analysed in more detail below.
3. The Valentine Place Conservation Area is a cohesive townscape comprising of industrial and warehouse developments from the late 19th and early 20th centuries. The conservation area is based around the streets of Valentine Place, Pontypool Place, Boundary Row, Valentine Place and Webber Street (Nos. 21-31 (odd)). The historic street layout remains, creating a legible and permeable environment. The intimate scale and high quality and architecturally interesting frontage developments have survived largely intact.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

4. The main issue contained within this report is the report on the consultation responses received and the subsequent amendments made to the Valentine Place Conservation Area Appraisal.

Planning Policy

5. 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

Planning Policy Statements

PPS5 Planning for the Historic Environment.

The draft National Planning Policy Framework (NPPF)

Consultation responses

6. Three feedback forms were completed at the public meeting, and one email response was received by the Council on the conservation area designation and appraisal.
7. All three responses received on the feedback forms were in favour of the conservation area. One respondent suggested that the conservation area be extended to Blackfriars Road. Other comments included a correction on the use of No. 12 Valentine Place and on WW II damage in the area. The Mayor's Heritage Advisor also wrote in favour of the conservation area.

Summary of consultation and amendments to conservation area appraisal

8. Officer's reviewed the suggested boundary changes to the Valentine Place Conservation Area and consider that the site at No. 102-107 Blackfriars Road with its implemented permission (LBS Reg: 11-AP-1513) does not meet the criteria set out in paragraph 127 of the NPPF (March 2012), which states: '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.' This is because at the time of designation the site; at No. 102-107 Blackfriars Road, had already been cleared and in readiness for a new part 3/ part 4/ part 7 storey building.
9. The Valentine Place Conservation Area Appraisal (Appendix 1) has been corrected to take into account the current use of No. 12 Valentine Place, which is a photographic equipment supplier and not printworks as the adopted appraisal had stated. The appraisal has also been revised to reflect recent changes in national planning policy following the introduction of the NPPF in March this year which is discussed below.

Conclusion on planning issues

10. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the local planning authority to determine 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 further allows for those areas to be designated as conservation areas. 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.
11. 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.
12. 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.

Community impact statement

13. The designation and 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.
14. The consultation has sought the views of local residents, businesses and other local interest groups over the conservation area appraisal. The Valentine Place Conservation Area Appraisal was placed on the council's website and copies made available in the local libraries.

Human rights implications

15. This conservation area may engage 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.
16. 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 proposal, include the right to a fair trial and the right to respect for private and family life however both of these are not considered to be unlawfully interfered with by this proposal.

Resource implications

17. Notifying the public of the Valentine Place Conservation Area has not resulted in resource implications for the staffing of the Department of the Chief Executive.
18. Potential resource implications will be the cost of publishing the conservation area appraisal, which can be met within the Department of the Chief Executive'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

19. 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), Planning (Listed Buildings and Conservation Areas) 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)*).
20. There is no statutory requirement for LPAs to consult with anyone before a conservation area is designated, nor does the councils 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.
21. 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 2 of the Constitution. This report is asking Members to consider the consultation responses received and to amend the appraisal
22. 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 one for the Valentine Place Conservation Area can be found at Appendix 1 of this report.
23. The designation of a conservation area gives the LPA additional powers over the development and the use of land within it and has the following consequences;
 - control of demolition of buildings - all demolition will require conservation area consent
 - any new development will need to enhance or preserve the conservation area –
 - protection of trees – certain criminal offences arise if trees in the conservation area are cut down or wilfully damaged without the consent of the LPA
 - duty of LPA to formulate and publish from time to time proposals for the conservation and enhancement of conservation areas (e.g, by updating conservation area appraisals)

- certain permitted development rights are more restricted
- specific statutory duties on telecommunications operators
- exclusion of certain illuminated advertisements [although not very relevant in this context]
- publicity for planning applications affecting the conservation area must be given under Section 73(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

24. 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

25. Positive equalities obligations are placed on local authorities, sometimes described as equalities duties with regard to race, disability and gender.

26. Gender equality duties were introduced by the Equality Act 2006, which amended the Sex Discrimination Act 1975. The general duties in summary require local authorities to have due regard to the need to:

- (a) “eliminate unlawful discrimination and harassment and;
- (b) promote the equality of opportunity between men and women.”

27. Race equality duties were introduced by the Race Relations Amendment Act 2000 which amended the Race Relations Act 1976. The general duties in summary require local authorities to give due regard to the need to:

- (a) “eliminate unlawful discrimination and harassment;
- (b) promote the equality of opportunity; and
- (c) promote good race relations between people of different racial groups”

28. Disability equality duties were introduced by the Disability Discrimination Act 2005 which amended the Disability Act 1995. The general duties in summary require local authorities to carry out their functions with due regard to the need to:

- (a) “promote equal opportunities between disabled persons and other persons;
- (b) eliminate discrimination that is unlawful under the Act;
- (c) eliminate harassment of disabled persons that is related to their disabilities;
- (d) promote a positive attitude towards disabled persons;
- (e) encourage participation by disabled persons in public life; and

- (f) take steps to take account of disabled person's disabilities even where that involves treating disabled persons more favourably than other persons."

29. Section 71 of the Race Relations Act 1976, section 49A(i) of the Disability Discrimination Act 1995 and section 76A of the Sex Discrimination Act 1975, require local authorities to act in accordance with the equalities duties and have due regard to these duties when we are carrying out our functions.
30. Equalities and Human Rights have already been considered in detail as part of the conservation area appraisal and an Equalities Impact Assessment (EqIA) was completed when the matter was first taken to Community Council. Following the consultation responses no there are no additional impacts upon Equality since the formulation of that original report which can be found at Appendix 4.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Report to Planning Committee on 27 March 2012	Chief Executive's Department 160 Tooley Street London SE1 2QH	Tracy Chapman Tel: 020 7525 2289

APPENDICES

No.	Title
Appendix 1	Amended conservation area appraisal for the Valentine Place Conservation Area.
Appendix 2	Map of the Valentine Place Conservation Area
Appendix 3	Consultation letter 180412
Appendix 4	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	31 July 2012	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	23 August 2012	