

<b>Item No.</b> 13.2	<b>Classification:</b> Open	<b>Date:</b> 8 December 2012	<b>Meeting Name:</b> Borough , Bankside and Walworth Community Council
<b>Report title:</b>		Liverpool Grove, Thrale Street, West Square Conservation Areas	
<b>Ward(s) or groups affected:</b>		Faraday and Cathedrals	
<b>From:</b>		Head of Development Management	

### RECOMMENDATION

1. That the Borough, Bankside and Walworth Community Council notes and provides comments to planning committee on the results of the public consultation upon, and the subsequent amendments made to, the draft appraisals for the Liverpool Grove, Thrale Street and West Square Conservation Areas. appended at (Appendices 1-3) of this report.

### BACKGROUND INFORMATION

2. On the 26 January 2012 the Borough and Bankside Community Council considered a report recommending that public consultation be undertaken on the draft Thrale Street and West Square Conservation Area Appraisals. On the 16 February 2012 the Walworth Community Council considered a report recommending that public consultation be undertaken on the draft Liverpool Grove Conservation Area Appraisal. Members are here being updated on the results of this public consultation.
3. Letters were sent to all of the owner/ occupiers of properties in the immediate conservation area giving a 12 week consultation period, in accordance with the consultation requirements set out in the Council's Statement of Community Involvement. The letter included general guidance on conservation areas and information as to where the draft conservation area appraisal could be viewed on the council's website. Responses were received on all three conservation area appraisals, these responses are analysed in more detail below.
4. The Liverpool Grove Conservation Area is situated east of Walworth Road and west of Dawes Street. The conservation area is very cohesive in character, consisting mainly of Arts and Crafts two storey terraced cottages and three storey tenement flats. The conservation area's most significant heritage asset is the Grade II\* St. Peters Church.
5. The Thrale Street Conservation Area is situated between Southwark Street and Southwark Bridge Road. The conservation area is adjacent to the Borough High Street Conservation Area to the east and Union Street Conservation Area to the south. The Thrale Street Conservation Area is mostly contained with the 'L' formed by Southwark Bridge Road and the railway line between London Bridge and Charing Cross. It is a mixed area of predominantly 19th century commercial on the main streets; Southwark Street and Southwark Bridge Road and smaller

late 18th century residential properties at Anchor Terrace and on Thrale Street.

6. The West Square Conservation Area is located to the north-west of the borough abutting the borough boundary and the Walcot Conservation Area in Lambeth. To the east is the proposed Elliott's Row Conservation Area. The West Square Conservation Area is a mixed area containing a number of notable terraces of good quality late Georgian and mid-19th century houses, with a number of significant public buildings. The Imperial War Museum, with its surrounding parkland; Geraldine Mary Harmsworth Park, is the centrepiece of the conservation area. St George's Roman Catholic Cathedral is another important building.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

7. The main issues of this Report are:  
To report on the consultation responses received and the subsequent amendments made to the draft Liverpool Grove, Thrale Street and West Square Conservation Area Appraisals.

### **Planning policy**

8. 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**

8. A number of written and email consultation responses were received by the Council on the three draft appraisals. The consultation comments are summarised below:

#### **Liverpool Grove Conservation Area**

9. One comment was received in respect of the Liverpool Grove Conservation Area. The respondent commented on the detrimental impact of the rubbish and recycling bins in front of the properties in the conservation area. A suggestion was made that a reference to refuse bins should be included in section 3.8 of the appraisal.

### **Thrale Street Conservation Area**

10. In total, three responses were received in respect of the Thrale Street Conservation Area Appraisal. A resident from Old Theatre Court wrote in favour of the conservation area appraisal.
11. A response was received from those parties with an interest in Nos. 53 and 55 Southwark Street and adjacent car park site. The comments were critical of the guidance section of the appraisal. They suggested that architects should be allowed to design without preconditions as they considered that their site required a top quality building. Furthermore, it was suggested that the post war buildings around the junction of Southwark Square and Southwark Bridge Road and the car park site should be removed from the conservation area. A document was submitted, which compared the appraisal with documents produced by the City of London.
12. The architects advising the owner of the car park site adjacent to Nos. 53 and 55 Southwark Street; wrote separately in response to the consultation. They questioned the lack of significant buildings and weakness of buildings at the southern junction of Southwark Bridge Road and Southwark Street. The respondents also suggested that the boundary of the conservation area should be amended to omit these buildings and the car park site. Furthermore, the respondent criticised paragraph 4.8.1 of the appraisal; which relates to the car park site, as being too prescriptive in that it suggests a building of 4 storeys, but no more than 7. They suggested that the conservation area is very weak in the south west corner and placing unnecessary restrictions on this site is unjustified and will restrict the ability to deliver a workable scheme.

### **West Square Conservation Area**

13. In total, 35 responses were received in response to the consultation on the draft West Square Conservation Area. A summary of the comments are as follows:
14. Representatives of Notre Dame School wrote against the suggested inclusion of the Notre Dame School (paragraph 4.7.1) in the West Square Conservation Area. Another response was also received regarding the inclusion of the school, commenting that it was a shame to include the school after the construction of the present extension.
15. 16 responses were received from the Albert Association Committee and the group's supporters. Their comments referred mainly to the Albert Triangle (Colnbrook Street, Gladstone Street and Nos. 104-108 St. George's Road) included the following points:
  - The committee raised a concern about the dismissal of the 1986 guidelines 'House Extensions in the Albert Triangle' without a replacement.
  - The committee suggested that the draft appraisal contradicts the Southwark Council Residential Standards SDP (2008) by the documents promotion of historic valley roofs.
  - The committee comments that in the 1992 Conservation Bulletin (Issue 18) and the 1989 English Heritage leaflet 'Mansard Roofs', there is no suggestion that where an extension has been agreed, the outline of the 'v' shaped roof is kept.

- The committee consider that it is subjective to promote the retention of a butterfly roof in isolation or without reference to the immediate setting of the terrace and cite Policy HE.7 of PPS5.
  - The committee cite last year with Southwark Council, English Heritage and Councillor Morris, where it was agreed by all parties for the need for clear guidance for extensions to properties in the Albert Triangle.
  - The Committee supported the inclusion of the Notre Dame School and also suggested further extensions to the conservation area, to include: Bakerloo Sidings and the Coach House, Colnbrook Street. They query why the Coach House has been excluded from the conservation area, when it appears within the boundary of the draft August 2002 appraisal.
16. A resident of West Square wrote to object to the 'implied blanket presumption against mansard roof extensions for houses in the West Square Conservation Area.' Concern was expressed that this guidance (paragraphs 5.2.5 and 5.7.10) did not take into account the history of current rooflines of many of the terraces and take into account future roof level changes, which they believe would improve or enhance the terrace. The respondent provided examples, where roof extensions would enhance and unify the area. A second concern was raised about the shortage of suitable private family housing and the impact the presumption against mansards would have. The respondent makes reference to the 1986 Albert Triangle guidelines. A second resident from West Square, wrote that whilst they generally supported the appraisal they objected to paragraphs 5.2.5 and 5.7.10.
  17. A resident of Temple West Mews wrote in objection to the inclusion of the 1970s houses within the conservation area.
  18. 10 responses were received from the residents of St. George's Road. One respondent questioned various elements of the appraisal text, in particular the guidance on: double glazed windows, tree planting, paving, TV aerials and refuse bins. The remainder of the St. George's Road respondents echoed the comments of the West Square respondents, objecting to the implied blanket presumption against mansard roof extensions.
  19. A resident of King Edward Walk wrote commenting on the number of large refuse bins outside the properties in the conservation area.
  20. A resident of Barkham Terrace wrote commenting on the number of refuse bins and confirmed that Nos. 58-72 Lambeth Road have officially changed back to Barkham Terrace.
  21. A resident of Gladstone Street wrote providing some factual corrections to Sections 2.0 and 3.0 of the appraisal text.
  22. A resident from Hayles Street wrote in support of the West Square Conservation Area appraisal.

### **Summary of consultation and amendments to the draft appraisals**

23. The Liverpool Grove, Thrale Street and West Square Conservation Area Appraisals have 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'. It should be noted that the content of all three conservation area appraisals have 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 these appraisals reflect the Council's other recently adopted council conservation area appraisals. Where historical information has been received as a result of the consultation, the text of the appraisals has been amended accordingly.

24. Suggestions were received regarding alterations to the boundaries of both the Thrale Street and West Square Conservation Areas. No boundary changes to the Liverpool Grove were suggested. With regards the Thrale Street the conservation area was designated in 1988 to specifically include the modern buildings at the southern junction of Southwark Bridge Road and Southwark Street. The conservation designation does not preclude the replacement of these buildings and therefore there would be no benefit to the conservation area to exclude these buildings now. Notwithstanding this, even if the site was outside the Thrale Street Conservation Area; as well as the Union Street and the Borough High Street Conservation Areas, any redevelopment would require a lightness of touch respecting the townscape and prevailing building heights. It is therefore not proposed to amend the designated boundaries of the Thrale Street Conservation Area.
25. Suggestions were also received for extension and rationalisation of the West Square Conservation Area boundaries. English Heritage and the GLA have suggested; that following designation of the nearby Elliott's Row Conservation Area, the Council considers rationalising the boundaries to the new conservation area and the West Square Conservation Area. Both bodies consider that some of the streets presently in the West Square Conservation Area reflect the character of the Elliott's Row Conservation Area. It is proposed to undertake public consultation on these proposed changes early next year. At the same time we propose to consult on the suggestions made by the Albert Association for extensions to the West Square Conservation Area. We also note the request to exclude Temple West Mews from the West Square Conservation Area. However this group of houses located between West Square and St. George's Road were constructed after designation and to exclude them would result in a hole in the conservation area.
26. The comments made during consultation on both Liverpool Grove and West Square Conservation Areas and the negative impact of refuse bins, have been noted. Whilst, refuse bins are not considered development and therefore do not fall under the control of the planning system, their control could be dealt with by a future management plan for the conservation areas.
27. A large number of objections were received to paragraphs: 5.2.5, 5.7.10, 5.7.11 relating to roofs and paragraph 5.7.5 on double glazed windows of the draft West Square appraisal. Section 5.0 of this appraisal sets out best practice guidance for development, repair and alterations to unlisted buildings within Southwark's conservation areas. Whilst the consultation comments are noted this guidance section is consistent with the Council's other adopted appraisals. It should be noted that a significant number of the buildings within the conservation area are statutorily listed and any alterations or extension to these would be considered

on case by case basis. In summary, no amendments are proposed to the text of Section 5.0 of the Liverpool Grove, Thrale Street and West Square Conservation Area appraisals.

28. The 1986 'House Extensions in the Albert Triangle' leaflet was mentioned in a large number of responses relating to the West Square Conservation Area consultation. Concern was raised that this leaflet had been dismissed without a replacement. Section 1.8 of the draft West Square Conservation Area; made specific reference to the status of the leaflet and confirms that the document is not a material consideration for current planning and Listed Building Consent applications. The guidance pre-dates recent national, regional and local planning policy and the statutory listing of properties within the Albert Triangle (Colnbrook Street and Gladstone Street) in 1989. It should also be noted that a Planning Inspector in a 2011 appeal decision; relating to a property in Colnbrook Street, confirmed the status of the leaflet: 'the guide has not been reviewed or updated to take into account that the buildings have been listed or that there have been changes in legislation and advances in conservation philosophy. Although it promotes good practice in terms of some aspects of house extensions in the triangle it is significantly out of date and I cannot give this guide weight in the assessment of this appeal.' Similarly the respondents cite Conservation Bulletin 18 (1992) and the English Heritage leaflet 'Mansard Roofs (1989). Conservation Bulletin is a bi-annual magazine and therefore not a material consideration for planning applications. The 1992 article referred to highlights the need to revise the English Heritage leaflet following appeal decisions since its release in 1989, the article also reinforced the significance of the 'v' shape historic profile. The 'Mansard Roofs' leaflet has not been available on English Heritage's website as way of guidance for some years.
29. The Albert Association and supporters consider that the 'West Square draft appraisal to singularly promote historic valley roofs directly contradicts the LBS, Residential Design Standards SPD (2008). Although they cite the 2008 this SPD has been superseded by the 2011 SPD. However, the text in section (3.4) relating to 'extensions to existing residential dwellings' remains unaltered and also appears in the 2011 version. Section 3.4 provides guidance as to when roof extensions will not be permitted, which includes: on buildings or terraces which are completed compositions, un-broken run of butterfly roofs, important historic roof forms would be lost. Section 3.4 also states that 'within conservation areas development should preserve and enhance the character or appearance of the area. Proposed development on listed buildings should preserve the building and its features of special architectural or historic interest.' The SPD advises that extensions and alterations within conservation areas should 'not involve the loss of existing traditional features of interest which involve the loss of existing traditional features of interest which make a positive contribution to the character.' Additional advice is given on alterations to listed buildings and confirms that they should ensure: 'no loss of important historic fabric and that the development is not detrimental to the special architectural or historic interest of the building. The development relates sensitively and respects the period, style detailing and context of the listed building. Existing detailing and important late additional features of the buildings are preserved, repaired or, if missing, replaced.' Officers consider that the guidance in the appraisal does not contradict the Residential Design Standards SPD.
30. The Albert Association and supporters also considered that it is subjective for the council to promote the retention of a butterfly roof in isolation or without reference to the immediate setting of the terrace and make reference to Policy HE7 of PPS

5. In their consultation response on the West Square Conservation Area Appraisal, they state: 'in considering the impact (including the positive contribution it might make) of proposed development, LBS have the responsibility to identify the significance of any heritage assets affected. The LBS has the responsibility to take into account of the desirability of enhancing that significance. This proposed change to singularly elevate the importance of the butterfly roof profile without reference to its setting does not correctly take into account the desirability of the wider setting that forms the cohesive whole of the conservation area. It is at odds with Policies 3.17 and 3.18 with regards the setting of any building within a terrace in a conservation area.' During the consultation period PPS 5 was replaced by the NPPF. Policy HE7.1 was superseded by NPPF paragraph 129: 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.' All applications are assessed on an individual case by case basis. However, it should be noted that, the practice guide which accompanied PPS 5 has not been cancelled with the introduction of the NPPF. Paragraph 185 of the practice guide is considered relevant here: 'the insertion of new elements such as doors and windows, (including dormers and roof lights to bring roof spaces into more intensive use) is quite likely to adversely affect the building's significance....In some circumstances the unbroken line of a roof may be an important contributor to its significance.'

31. The Albert Association cite in their consultation response a meeting held last year between Southwark Council, English Heritage and Councillor Morris. They report that it was agreed; by all parties, that clear guidance for extensions for properties in the Albert Triangle was required. The Albert Triangle forms only part of the wider West Square Conservation Area. The document they are describing is a future conservation area management plan and not an appraisal. A management plan is usually produced following the adoption of an appraisal. An appraisal reviews a conservation area and is used to help local authorities develop a management plan, because it analyses what is positive and negative, and identifies opportunities for beneficial change or the need for additional protection and restraint. A management plan sets out the way in which development pressure and neglect will be managed to ensure the conservation area retains the qualities which led to their designation. The Council has no adopted conservation area management plans in place, but is currently preparing one for the Rye Lane Peckham Conservation Area.

### **Conclusion on planning issues**

32. 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 Liverpool Grove, Thrale Street and West Square Conservation Areas remain a notable surviving example of 18th or 19th century development south of the river and therefore worthy of designation.

33. 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.
34. 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 Liverpool Grove, Thrale Street and West Square Conservation Area Appraisals have been prepared in accordance with the English Heritage guidance.

#### **Community impact statement**

35. The draft appraisal has been consulted upon, 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.
36. The consultation has sought the views of local residents, businesses and other local interest groups over the conservation area appraisal. The draft Liverpool Grove, Thrale Street and West Square Conservation Area Appraisals were placed on the council's website and copies made available in the local libraries.

#### **Human rights implications**

37. 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.
38. 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**

39. Notifying the public of the Liverpool Grove, Thrale Street and West Square Conservation Area Appraisals has not resulted in resource implications for the staffing of the Chief Executive's Department.



40. 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**

41. The recommendation of the Report requests that Borough , Bankside and Walworth Community Council Members' note and provide comments to Planning Committee on the results of the public consultation upon, and the subsequent amendments made to, the draft conservation area appraisals for the Liverpool Grove, Thrale Street and West Square Conservation Areas, appended at (Appendices 1- 3) of the Report.
42. The draft Conservation Area Appraisals for the Liverpool Grove, Thrale Street and West Square Conservation Area's are brought before the Community Council in accordance with Part 3H, paragraph 2, of the Southwark Constitution 2012/13, under the sub-heading "Consultative/non-decision making." This paragraph reserves a planning (non-executive) consultative function to Community Council's, enabling Community Council Members' to provide comments to Planning Committee upon proposals to designate Conservation Areas and the adoption of the conservation area appraisals. The recommendation is therefore within the Community Council's remit.
43. 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 by the Recommendation of the Report.
44. There is no statutory requirement for LPA's to consult with anyone before a conservation area is designated. Further, the Council's Statement of Community Involvement does not require that consultation be undertaken by the LPA in respect of the designation of 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. The Council is therefore consulting upon the draft conservation area appraisals as a matter of good practice.
45. Once adopted the Liverpool Grove, Thrale Street and West Square conservation area appraisal's will provide additional guidance to be taken into account in determining applications for developments affecting the Liverpool Grove, Thrale Street and West Square Conservation Areas.

### **Equalities and Human Rights**

46. 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.
47. 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.
48. 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 in the Equalities Assessment (EA).
49. In accordance with part 3H, paragraph 2 of the Southwark Constitution 2012/13 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
Report to Borough and Bankside Community Council (26/1/12)	Chief executive's Dept. 160 Tooley Street London, SE1 2QH	Tracy Chapman Tel: 020 7525 2289
Report to Walworth Community Council (16/2/12)	Chief executive's Dept. 160 Tooley Street London, SE1 2QH	Tracy Chapman Tel: 020 7525 2289
Equality Impact Assessments (EqIA) for Liverpool Grove, Thrale Street and West Square Appraisals	Chief executive's Dept. 160 Tooley Street London, SE1 2QH	Tracy Chapman Tel: 020 7525 2289

## APPENDICES

No.	Title
Appendix A	Amended appraisal for Liverpool Grove . Copies circulated separately to community council members and available on the website.
Appendix B	Amended appraisal for Thrale Street . Copies circulated separately to community council members and available on the website.
Appendix C	Amended appraisal for West Square . Copies circulated separately to community council members and available on the website.

**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>Dated</b>	2 October 2012	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Director of Legal Services	Yes	Yes
Finance Director	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	29 November 2012	