

Item No. 14.	Classification: Open	Date: 12 March 2013	Meeting Name: Bermondsey and Rotherhithe Community Council
Report title:		Edward III's Rotherhithe Conservation Area	
Ward(s) or groups affected:		Rotherhithe and Riverside	
From:		Head of Development Management	

RECOMMENDATION

1. That the community council notes the results of the public consultation and provides comments to planning committee on the proposed extension of the Edward III Rotherhithe Conservation Area (Appendix 1).

BACKGROUND INFORMATION

2. On the 12 July 2012 Bermondsey and Rotherhithe Community Council considered a report to carry out public consultation with local businesses on the proposed extension to the Edward III's Rotherhithe Conservation Area. The proposed western extension includes: Cherry Gardens and Fountain Green Square on the riverfront, Nos. 1-10 Bermondsey Wall East, and two listed buildings the former Thames Water Authority Office Farncombe Street and Corbett Wharf, Bermondsey Wall East. Members are here being updated on the results of the public consultation.
3. Letters were sent to all of the owner/ occupiers of properties in the proposed conservation area extension and a wider boundary around the area, giving a 12 week consultation period. The letter included a copy of the conservation area map with the proposed extension and information as to where the conservation area appraisal could be viewed on the Council's website. Two responses were received during the consultation period and are analysed in more detail below.
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.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

5. The main issues of this are:

To report on the consultation responses received on the proposed extension to the Edward III's Rotherhithe Conservation Area.

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. Two responses were received during the consultation period, and included the following comments:

Heritage Advisor to the GLA

The proposal to include the river frontage and its hinterland further west along Bermondsey Wall East, is an eminently sensible and logical one. It includes some characterful buildings that are an integral part of this quarter of Rotherhithe's history and townscape, particularly the Grade II listed mid Victorian Corbett's Wharf and adjoining Angel Wharf - two of the last surviving traditional wharf buildings, the splendid example of 1930s Tudorbethan pub architecture, The Old Justice, and the listed 1820s building on Farncombe Street. Even National Terrace is now an interesting example of c1980s/90s riverside regeneration in the Docklands Georgian idiom. The 1980s housing on the south side of Bermondsey Wall East (Nos. 144 - 204) is of a high design quality and whilst it may still be too recent to appraise objectively, may well have potential for inclusion within the conservation area at a future date. I am surprised the fine circular Victorian fountain in the middle of Fountain Green Square has no individual heritage protection and recommend that this should be looked at.

170 Bermondsey Wall East

Conservation areas are defined as having significant historical or architectural interest, and English Heritage has indicated that they should not be applied to areas which only marginally comply with the definition. While it may not be unreasonable to wish to have a protected environment around buildings such as Corbetts Wharf (grade II listed) or Angel Wharf, which is directly opposite

Corbetts Wharf, as well as for the former Thames Water Authority Office on Farncombe Street, the bulk of the proposed extension area is undeserving of conservation status.

Many of the houses bordering Bermondsey Wall East were built in the late 1980s. While of reasonable build quality and comfort, they have no particular architectural merit. Furthermore their appearance has been seriously marred by Southwark Council's granting of two planning permissions, which allowed ugly balconies to be added to the front of four of the houses. These additions seriously damaged the appearance and symmetry of the row of houses between numbers 158 to 170. This is pertinent to the proposed conservation area extension since the associated public realm is defined to include everything visible from publicly accessible areas including both street spaces and any areas up to the front elevations of buildings (Para 5.3.1 of July 12th Bermondsey and Rotherhithe Community Council Meeting Agenda item 7.1).

The riverside area in front of Bermondsey Wall East is a somewhat depressing area, with a series of trees which are too tall and too close together. The bases of the trunks constitute what is probably Bermondsey's favourite dog loo! Overall in the proposed extension of the conservation area there really is very little that is actually worth conserving. Since arguments regarding the recent construction of housing within or adjoining the proposed conservation area were deemed relevant to prevent the eastern extension of the Edward III's Rotherhithe conservation area it seems unreasonable to proceed with the proposed western extension.

Summary of consultation responses and amendments to the appraisal

8. Two consultation responses were received, one in favour and one against the extension. One respondent considered that the buildings and townscape were of merit and worthy of designation the other disagreed. No consultation responses were received from those living with the existing conservation area boundary or the proposed extension.

Conclusion on planning issues

9. 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. Officers consider that the western extension to the conservation area; complies with paragraph 127 of the NPPF (March 2012), which states: 127: '*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.*' The extended conservation area will include two Grade II listed buildings: the former Thames Water Authority Office No. 96 Bermondsey Wall East and former Corbett's Wharf on Bermondsey Wall West. The extension would also include interesting local buildings such as Angel Wharf, The Old Justice Public House and the Victorian fountain, as well as preserving this section of river frontage. During the

consultation period construction recommenced on the site adjacent to No. 96 Bermondsey Wall East. In view of this, it is proposed to exclude this site from the conservation area extension and realign the boundary so that it includes the listed building; the former Thames Water Authority Office, but not the depot site.

10. 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.
11. 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 Edward III's Rotherhithe Conservation Area Appraisal has been prepared in accordance with the English Heritage guidance.

Community impact statement

12. The designation 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. The Statement of Community Involvement does not require the Council to consult on the designation of a conservation area or an extension to an existing one, but in this instance the Council proposes to follow a similar procedure here as a matter of good practice.
13. The consultation sought the views of local residents, businesses and other local interest groups over the definition of the boundaries and conservation area appraisal. Notification of the consultation on the proposed extension and supporting documents was placed on the council's website.

Human rights implications

14. 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.

15. 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

16. Notifying the public of the Edward III's Rotherhithe Conservation Area Appraisal has not resulted in resource implications for the staffing of the Chief Executive's Department.
17. Other resource implications will be the cost of publishing the conservation area appraisal, which can be met within the Chief Executive 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

18. 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 here.
19. There is no statutory requirement for LPA's to consult with anyone before a conservation area is designated and nor does the Council's Statement of Community Involvement require consultation in respect of designating 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.
20. 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 under the heading 'Role and Functions'. Community Council Members are being asked here to provide comments to Planning Committee under Part 3H paragraph 2 of the Constitution under the heading 'Matters Reserved For Decision', which reserves to members the right to comment on proposals for the designation of conservation areas and also the adoption of the conservation area appraisal.
21. 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 for both conservation areas can be found at Appendices 3 and 4 of this report. The overall impetus

for designating a conservation area must be the desire to preserve and enhance the area.

22. 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)*).
23. The designation of a conservation area gives the LPA additional powers over the development and the use of land within it.

Equalities and Human Rights

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

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”

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.”

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.

26. Equalities and Human Rights have been considered as part of the development conservation area appraisal and an Equalities Impact Assessment (EqIA) is in the process of being completed. EqIAs are an essential tool to assist councils to comply with equalities duties and ensure they make decisions fairly.
27. In accordance with part 3H, paragraph 2 of the constitution under the heading 'Matters Reserved For Decision', 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 Bermondsey and Rotherhithe Community Council (12/7/12)	Chief executive's Dept. 160 Tooley Street London, SE1 2QH	Tracy Chapman Tel: 0207 525 2289
Equalities Analysis	Chief executive's Dept. 160 Tooley Street London, SE1 2QH	Tracy Chapman Tel: 0207 525 2289

APPENDICES

No.	Title
Appendix 1	Map of the proposed boundary changes
Appendix 2	Amended appraisal for Edward III's Rotherhithe Conservation Area

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Tracy Chapman, Senior Design and Conservation Officer	
Version	Final	
Dated	8 February 2013	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	Yes	Yes
Director of Finance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		28 February 2013