

<b>Item No.</b> 11.	<b>Classification:</b> Open	<b>Date:</b> 26 January 2012	<b>Meeting Name:</b> Borough and Bankside Community Council
<b>Report title:</b>		West Square Conservation Area	
<b>Ward(s) or groups affected:</b>		Cathedrals	
<b>From:</b>		Head of Development Management	

## RECOMMENDATIONS

1. That the Community Council comments on the proposal to carry out public consultation with local residents and businesses to obtain their view on the draft appraisal for the West Square Conservation Area.
2. That the Community Council provides comment on the draft West Square Conservation Area Appraisal (Appendix 1) and map of the West Square Conservation Area boundary (Appendix 2)
3. That the Community Council notes the Equality Impact Assessment (Appendix 3)

## BACKGROUND INFORMATION

4. The West Square Conservation Area was designated on 17th September 1971, under the Civic Amenities Act 1967.
5. The West Square Conservation Area is located to the north-western edge of the Borough abutting the Lambeth-Southwark boundary and the Walcot Conservation Area. To the east is the proposed Elliott's Row Conservation Area. The area is to the south and east of the River Thames with the main distributor road, Lambeth Road, passing through the northern part of the designated area. The Elephant and Castle, to the southeast, provides the nearest tube station link, with Lambeth north station equally close for those on the western boundary of the conservation area.

## KEY ISSUES FOR CONSIDERATION

6. 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.
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.

8. 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.
9. The proposed West Square Conservation Area Appraisal is in general conformity with national and regional guidance and policy. The council's policies and strategies are also included in the document. Once adopted the appraisal will form part of the Local Development Framework. The West Square Conservation Area Appraisal will be new policy, there is currently no adopted design guidance specific to the West Square Conservation Area. The 1986 'Albert Association/ West Square Conservation Area – House Extensions in the Albert Triangle' is not a material consideration for 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 in 1989. It should be noted that the appraisal provides design and conservation guidance for the West Square Conservation Area, however it is not intended to be a conservation area management plan. A future West Square Conservation Area Management Plan would set out for example, development management policies and strategies for: regeneration, landscape, enhancement, street and traffic management and enforcement.

### **Outstanding Schemes**

10. There are no significant outstanding schemes within the conservation area. However future developments in the Elephant and Castle and in the neighbouring Borough of Lambeth could impact on the setting of the West Square Conservation Area.

### **Planning Policy**

#### Core Strategy 2011 (April)

Strategic Policy 12 Design and Conservation.

#### Saved 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 2011 (July)

Policy 7.9 Heritage-led regeneration

Policy 7.8 Heritage assets and archaeology

The draft National Planning Policy Framework (NPPF)

**Community impact statement**

11. The draft appraisal 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. The Statement of Community Involvement does not require the Council to consult when designating a Conservation Area, but in the interests of good practice the Council proposes to follow a similar procedure here.
12. The consultation will seek the views of local residents, businesses and other local interest groups over the conservation area appraisal. Notification of the consultation on the proposed appraisal will be, on the council's website. This will show how the consultation has complied with the Statement of Community Involvement.

**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 proposed West Square Conservation Area Appraisal will not result in resource implications for the staffing of the Regeneration Department.
16. Other resource implications will be the cost of publishing the Conservation Area Appraisal, which can be met within the Regeneration Department's revenue budget. The cover price of the document will be fixed to cover production costs.

**SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

**Strategic Director of Communities Law & Governance**

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. It is this section of the Act which is being triggered here.

18. As stated above in paragraph 10 of this report 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.
19. Once adopted the Conservation Area Appraisal will provide additional guidance to be taken into account in determining applications for developments affecting West Square Conservation Area.
20. The draft appraisal for the Conservation Area Appraisal is brought before the Community Council in accordance with Part 3H paragraph 4 of the Constitution under the heading "Consultative/non-decision making" which requires the Community Council to comment to Planning Committee on the adoption of Conservation Area Appraisals and also designations of Conservation Areas.

### **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 Equalities and Human Rights Scheme 2008-2011 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. In accordance with part 3H, paragraph 3 of the constitution 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
None		

## APPENDICES

No.	Title
Appendix 1	Draft conservation area appraisal for the West Square Conservation Area.
Appendix 2	Map of the West Square Conservation Area
Appendix 3	Equality Impact Assessment (EqIA)

## AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Tracy Chapman, Senior Design and Conservation Officer	
<b>Version</b>	Final	
<b>Dated</b>	15 December 2011	
<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>
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	16 January 2012	