

Item No. 13.1	Classification: Open	Date: 8 December 2012	Meeting Name: Borough, Bankside and Walworth Community Council
Report title:		Elliott's Row and Larcom Street Conservation Areas	
Ward(s) or groups affected:		Cathedrals and East Walworth	
From:		Head of Development Management	

RECOMMENDATIONS

1. That the community council notes the results of, and provides comments to planning committee on the public consultation on the proposal to designate the Elliott's Row and Larcom Street Conservation Areas. The maps of the proposed conservation area boundaries can be found at Appendices 1 and 2.
2. That the community council notes the results of, and provides comments to planning committee on the public consultation on the draft Elliott's Row and Larcom Street Conservation Area Appraisals (Appendices 3 and 4).

BACKGROUND INFORMATION

3. On the 26 January 2012 Borough and Bankside Community Council considered a report to carry out public consultation with local businesses on the proposed Elliott's Row Conservation Area. On the 16 February 2012 the Walworth Community Council considered a similar report to carry out public consultation on the proposed Larcom Street Conservation Area. Members are here being updated on the results of those public consultations.
4. Letters were sent to all the owner/ occupiers of properties in the immediate area and a wider boundary around the proposed conservation areas giving a twelve week consultation period. The letters included general guidance on conservation areas and information as to where the Elliott's Row and Larcom Street Conservation Areas Appraisals could be viewed on the council's website.
5. A public meeting was held in Newington Library on the 12 March 2012 for the proposed Elliott's Row and Larcom Street Conservation Areas. The meeting was well attended and the majority positively supported the proposal to designate the conservation areas. There were eight feedback forms completed on a day and a further nine responses received during the consultation period. The responses are analysed in more detail below.
6. The Elliott's Row Conservation Area is located within the Elephant and Castle Opportunity Area (as defined by Figure 13 of Southwark's Core Strategy) to the south of the River Thames. The conservation area is situated to the south of St. George's Road and to the west of the Elephant and Castle town centre. The proposed conservation area is a cohesive townscape comprising development from throughout the 19th and early 20th centuries. The historic street layout

remains, creating a legible and permeable environment. Well defined streets are a feature with high quality and architecturally interesting frontage development. This is a highly urban environment with little in the way of planned landscaping.

7. The Larcom Street Conservation Area is also located within the Elephant and Castle Opportunity Area. The conservation area is situated to the east of Walworth Road and to the south-east of Elephant and Castle town centre. The proposed conservation area is notable as a surviving piece of well-enclosed mid to late 19th century urban fabric. Narrow short streets and cul-de-sacs fronted by terraced houses are interspersed with buildings associated with St. John's Church; a vicarage, school, institute and a pair of symmetrical residential properties enclosing the eastern end of the church. Building heights across the area are generally uniform.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

8. The main issues of this are:

To report on the consultation responses received on the proposed Elliott's Row and Larcom Street Conservation Areas and the subsequent amendments made to the conservation area appraisals.

Planning Policy

9. 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)

Elliott's Row Conservation Area consultation responses

10. One feedback form completed at the public meeting stated in brief that the respondent was not in favour of the conservation area with a lengthier response, discussed below. Three written responses were received by the Council on the proposed conservation area designation and draft appraisal.

English Heritage

- English Heritage agreed that the proposed Elliott's Row Conservation Area is of sufficient identity and architectural interest to merit designation. English Heritage also suggested that the council revisits the existing boundaries of the West Square Conservation Area, particularly around Hayles Street.

GLA

- The GLA considered that the boundaries of the proposed conservation area have been well considered and were very logical, following the boundary with Lambeth and the West Square Conservation Area. However, the GLA also suggested revisiting the boundaries of the West Square Conservation Area, particularly along Austral Street.
- The GLA also suggested changes to the wording of section 5.3 of the appraisal. They considered that the phrase 'aping the style of earlier buildings' was unduly negative and unfairly weighs against high quality traditional architecture. The GLA also considered that section 5.6 of the appraisal could be expanded to suggest an audit of existing street furniture to identify any redundant or unnecessary items which could be removed.

7 Hayles Street

- The respondent explain that she was on the resident's committee for Elliott's Row and Hayles Street and had endeavoured to gain a representative opinion from residents on the proposed conservation area. She reported that of the 20 people she spoke to only one was in favour of the proposed conservation area, and their comments were as follows:
 - Concern about not being able to install environmentally friendly devices at the back of the property, which they considered to be out of touch.
 - Concern that designation would slow down the scheduled work for tenants in council dwellings, because they were of the view that repairs would now cost more.
 - Considered that the stipulation in the guidance section that re-roofing in natural slate was required was short sighted, as many of the roofs are not visible from street level.
 - A mixed view was reported on windows, but concern was raised over the perceived dictation of the colour of doors and windows.
 - It was reported that holding the public meeting in the local library hadn't been convenient for all and not everybody has access to the internet.
 - In conclusion it was considered that the conservation area would mean additional bureaucracy, with few if any advantages. However, they do love the area, want it to be kept beautiful, but wanted the council to do basic maintenance to the properties.

Summary of Elliott's Row Conservation Area consultation

11. English Heritage and the GLA's heritage advisor wrote in support of the proposed Elliott's Row Conservation Area. However, both considered that Southwark should in the future, review and rationalise the boundaries of both the Elliott's Row and West Square Conservation Areas. Comments were made suggesting an audit of existing street furniture, however this exercise would follow designation and form part of a future management plan for the conservation area. With regards the wording of section 5.3, this is longstanding guidance in all

our existing adopted appraisals. Good traditional design is encouraged in the borough's conservation areas, as well exemplary contemporary design solutions.

12. One written response was received on behalf of residents which expressed concern about the guidance (section 5) and the implications of installing renewable energies and also concern regarding the maintenance programme for the Council owned properties within in the proposed conservation area. Section 5.0 of the appraisal sets out best practice guidance for development, repair and alterations to unlisted buildings within all of Southwark's conservation areas. This section of the document is in accordance with English Heritage's guidance on conservation area appraisals which advises that the appraisal is completed with generic guidance. Section 5.0 has also been drafted in accordance with the guidance contained within the PPS 5 Practice Guidance, which was not cancelled with the introduction of the NPPF and English Heritage's guidance on installation of renewable energy systems within conservation areas. With regard to external paint colours for windows and doors, the colours identified are suggestions, by way of guidance. The Council would have to seek an Article IV Direction from the Secretary of State should it wish to control external paint colours within the conservation area. Even then the Council would need to demonstrate that the character of the area was being eroded by in appropriate alterations or loss of historic decorative treatment.
13. We are advised under paragraph 127 of the NPPF that local authorities should ensure that the area to be designated is of sufficient special or architectural interest. Officers consider that the townscape of the proposed Elliott's Row Conservation Area is of special architectural and historic interest and comparable to parts of the neighbouring Walcott and West Square Conservation Areas. Whilst the comments on maintenance of the Southwark owned buildings are noted, the council is the Freehold owner of large number of residential properties within conservation areas elsewhere in the borough, such as: Thorburn Square, Grosvenor Park, Sutherland Square and the Pullens Estate. Ownership of a large number of the buildings within the proposed conservation area, by Southwark Council, should not therefore preclude its designation.

Larcom Street Conservation Area consultation responses

14. Seven feedback forms were completed at the public meeting; all were in favour of the Larcom Street Conservation Area. A number of comments were made on recent developments within the boundary of the conservation area and the appropriateness of the design and colour of the materials. Other concerns raised on the forms related to: the number of refuse bins, loss of trees at the end of Charleston Street and the need for more lights for security reasons.
15. Six written responses were received by the Council on the proposed conservation area designation and draft appraisal, and included the following comments:

English Heritage

- English Heritage agrees that the proposed Larcom Street Conservation Area is of sufficient identity and architectural interest to merit designation.

GLA

- The GLA considered that the boundaries of the proposed conservation area have been well considered, with one notable exception the non-inclusion of the Walter's Close Almshouses and the Peabody Estate.
- The GLA also suggested changes to the wording of section 5.3 of the appraisal. They considered that the phrase 'aping the style of earlier buildings' was unduly negative and unfairly weighs against high quality traditional architecture. The GLA also considered that section 5.6 of the appraisal could be expanded to suggest an audit of existing street furniture to identify any redundant or unnecessary items which could be removed.

The Walworth Society

- The Society strongly supports the conservation area.
- The Society queried the inclusion of the modern development Garland Court on Wansey Street and was concerned that it could be a precedent for other radical new developments within the conservation area.
- The Society suggested including: the industrial complex west of Colworth Grove, Nos. 106-114 Brandon Street.
- The Society would like to see further investigation undertaken on No. 46 Brandon Street, to see whether worthy of designation or local listing.

No. 28 Thornton House, Townsend Street

- The conservation area should be extended to include: the entire length of and both sides of Brandon Street, Peabody Estate Rodney Road, Browning Estate buildings, Crown Estate housing on Portland Street and the East Street market.
- There should be a Walworth Road Conservation Area and the Larcom Street area should be a character area. The suggestion in the appraisal that the conservation area should only include streets and buildings with a similar townscape is a restrictive interpretation of the range of possibilities provided by English Heritage guidance.

No. 26 Walter's Close

- It was unclear from the response whether they were in favour of the Larcom Street Conservation Area. However they commented that they were lucky to be outside the proposed boundary, because Walter's Close already had the benefit of plastic windows. They raised the question whether Walter's Close and the Peabody Estate would be redeveloped like the car park site as they were excluded from the conservation area.

Email response

- Fully supported the conservation area, but would like to see the Walters Close Almshouses on Brandon Street, Peabody Estate, Balfour Street and Henshaw Street included.

Summary of Larcom Street Conservation Area consultation

16. Overall the designation of the Larcom Street Conservation Area was supported. There were a number of responses received; including from the GLA's Heritage advisor, regarding suggested boundary changes to the conservation area. These included parts of Walworth which were not initially included in this original

public consultation exercise. The streets which make up the Larcom Street Conservation Area are consistent in character and predominantly owned by one landowner. The majority of the streets, estates suggested for inclusion are different in character, age and building use to the Larcom Street Conservation Area. Furthermore, the GLA have asked Southwark Council to undertake a thematic review of philanthropic housing across the borough to identify new conservation areas or extend existing ones. Therefore a more detailed assessment of the streets identified during this consultation exercise would form part of this future piece work.

Conclusion on planning issues

17. Designation of a conservation area imposes certain duties on planning authorities. These duties are twofold; firstly, to formulate and publish from time to time, proposals for the preservation and enhancement of the conservation areas in their district and submit them for public consultation. Then secondly, in exercising their planning powers to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas. In exercising conservation area controls, local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question and therefore there is a presumption against the demolition of buildings within the area. In the case of conservation area controls, however, account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole.
18. Section 69 of the Town and Country Planning Act 1990 imposes a duty on the local Planning Authority to designate 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.
19. In March 2012 the Government introduced the National Planning Policy Framework replacing the guidance formerly contained within PPS 5. The NPPF also introduced a new criteria for local authorities to consider when designating new conservation areas, paragraph 127 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.' The council considers that both proposed conservation areas are cohesive, notable surviving examples of mid 19th to early 20th century urban fabric in Walworth. The historic street layout remains; with defined architecturally interesting frontage developments and that these areas meet the criteria for designation. 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 draft conservation area appraisals comply with the requirements of NPPF paragraph 169.
20. Although comments were received in relation to the wording of the guidance section of both the Larcom and Elliott's Row Conservation Area appraisals, it

should be noted that the content of these appraisals has 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.

Community impact statement

21. 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 when designating a conservation area, but in this instance the Council proposes to follow a similar procedure here as a matter of good practice.
22. A public meeting was held within 12 weeks of the original community council committees and the results of which have been reported back in this report for Members consideration.
23. The consultation sought the views of local residents, businesses and other local interests over the definition of the boundaries and the conservation area appraisal. Notification of the consultation on the proposed designation and the supporting documents was placed on the council's website and made available at the Walworth One Stop Shop. The consultation has therefore complied with the Statement of Community Involvement.

Human rights implications

24. 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.
25. 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

26. Notifying the public of the Elliott's Row and Larcom Street Conservation Areas will not result in resource implications for the staffing of the Chief Executive's Department.
27. Other resource implications will be the cost of publishing the conservation area appraisals, which can met within the Chief Executive's Department revenue budget. The cover price of the document will be fixed to cover production costs.

28. The conservation area could generate additional casework for planning staff. However, given the location and scale of many of the proposals in this area there is already a level of attention to the design and appearance of the proposals and the designation should not result in significant resource implications for the staffing of the Chief Executive Department.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services (SH1012)

29. 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)*).
30. 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, and the Council is therefore following its Statement of Community Involvement in this case.
31. 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. Community Council Members are being asked here to provide comments to Planning Committee under Part 3H paragraph 2 of the Constitution, 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.
32. 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.
33. 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)*).
34. The designation of a conservation area gives the LPA additional powers over the development and the use of land within it.

35. 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

36. Positive equalities obligations are placed on local authorities, sometimes described as equalities duties with regard to race, disability and gender.
37. 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.

38. 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.
39. In accordance with part 3H, paragraph 4 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
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 Elliott's Row and Larcom Street Conservation Area Appraisals	Chief executive's Dept. 160 Tooley Street London, SE1 2QH	Tracy Chapman Tel: 020 7525 2289

APPENDICES

No.	Title
Appendix 1	Map of the proposed Elliott's Row Conservation Area
Appendix 2	Map of the proposed Larcom Street Conservation Area
Appendix 3	Elliott's Row Draft Conservation Area Appraisal Copies circulated separately to community council members and available on the website.
Appendix 4	Larcom Street Draft Conservation Area Appraisal Copies circulated separately to community council members and available on the website.

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Tracy Chapman, Senior Design and Conservation Officer	
Version	Final	
Dated	8 October 2012	
Key Decision?	Yes	
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	22 November 2012	