

Item No. 7.	Classification: Open	Date: 22 March 2016	Meeting Name: Planning Committee
Report title:		Walworth Road Conservation Area	
Ward(s) or groups affected:		East Walworth, Faraday, Newington and Camberwell Green Wards	
From:		Director of Planning	

RECOMMENDATIONS

1. That the Planning Committee consider that the areas, shown on the plans at Appendices 1 and 2 are of special architectural or historic interest and supports the designation of the Walworth Road Conservation Area.
2. That the Planning Committee consider the response from the Borough, Bankside and Walworth Community Council and the results of the public consultation to designate the Walworth Road Conservation Areas.
3. That the Planning Committee adopts the conservation area appraisal, available online at:

http://www.southwark.gov.uk/downloads/download/2451/draft_conservation_area_appraisals

BACKGROUND INFORMATION

4. On 8 September 2015 the Planning Committee considered a report to carry out public consultation with local businesses on the proposed Walworth Road Conservation Area. Following the planning committee meeting letters were sent to all the owner/occupiers of properties in the immediate area and a wider boundary around the proposed conservation area giving a twelve week consultation period. The letters included general guidance on the implications of a conservation area and advice on how to access the Draft Walworth Road Conservation Area Appraisal which was published on the council's website.
5. A public meeting was also held on 5 November 2015 at InSpire, St. Peter's Church Liverpool Grove. The meeting was well attended and the majority positively supported the proposal to designate the conservation area. There were a number of feedback forms completed on the day and in all over 50 responses were received during the consultation period. Officers also attended the Borough, Bankside and Walworth Community Council meeting on the 30 January 2016, in order that Members could provide comment on the proposed conservation area boundaries and appraisal.
6. The proposed conservation area is focused upon the busy commercial street of Walworth Road, a street that reflects the historic commercial and retail growth of the area and which is characterised by a mixture of early 19th century to mid 20th century buildings. The boundary has been informed by the historical research and characterisation area work undertaken by the Walworth Society.

7. The proposed Walworth Road Conservation Area starts at the cluster of listed buildings around the former Walworth Town Hall at the junction with Wansey Street and stretches down to the junction with Albany Road at Burgess Park. It is bounded by the Larcom Street and Liverpool Grove Conservation Area to the east and the Sutherland Square Conservation Area to the west. The area is primarily centred along Walworth Road, stretches along the southern side of Manor Place to the railway line and takes in the streets around Westmoreland Road, Queens Row and Horsley Street. The area is also located within the commercial core of Walworth and the Elephant and Castle Opportunity Area (as defined by Figure 13 of Southwark's Core Strategy).

KEY ISSUES FOR CONSIDERATION

8. In all over 50 consultation responses were received, the overwhelming number of these wrote in support and respondents highlighted the quality and character of the area. A summary of the specific issues raised in the responses received from the public consultation are set out below. The GLA's Heritage advisor wrote in support, they considered that the appraisal was most comprehensive and robustly demonstrated the considerable historic and architectural interest of this key arterial road in London. Historic England also supported the designation and considered that the area clearly demonstrated the appropriate historic and architectural significance. Historic England also provided comment on the content of the appraisal; these recommendations have been taken on board and incorporated into the amended conservation area appraisal. A written response was received from the representatives of the site at No. 4 Browning Street and this is dealt with in more detail below.
9. The responses received as a result of the public consultation raised the following points (officer comment is provided in italics):

- Seven respondents have requested that the Tankard Public House at the junction with the Walworth Road and Amelia Street should be included within the boundary.

Officer's response: *The boundary of the proposed conservation area has been amended to include the Tankard Public House.*

- The Walworth Society wrote a detailed response in support and suggested that the Tankard Public House should be included within the boundary. They also recommended that Nos. 82-96 (evens) Walworth Road be included within the boundary.

Officer's response: *The exclusion of Nos. 82-96 (evens) Walworth Road is dealt with under paragraph 10 below and the inclusion of the Tankard Public House is supported as stated above. The Walworth Society also made a number of recommendations on the appraisal and these comments have been taken on board. Photographs and maps will be incorporated into the final adopted text, before publishing on the Council's website.*

- One consultation response suggested the boundary should be amended to include the Hampton Court Palace on Hampton Street.

Officer's response: *Whilst the building has townscape merit it is some distance from the proposed boundary of the conservation area and the Walworth Road itself.*

- Two objections were received from one respondent. The first considered that the designation would prevent the improvements being made around the Elephant and Castle heading south. They felt that whilst the individual buildings were of interest and these could be preserved it did not make sense to exclude them. The second also considered that some parts of the area earmarked for designation were questionable. They were also concerned about the poor standard of some of the houses and they thought that designation would lead to further dilapidation. They wondered if a dedicated shop front improvement scheme such as at Nunhead and Leytonstone might be better.

Officer's response: *Whilst the concerns are noted the designation of the conservation area will not prevent regeneration as seen within the borough's other conservation areas, such as Rye Lane Peckham and those at the northern end of the borough. In his consultation response the GLA Heritage advisor advised that the Walworth Road will soon benefit from a new joint GLA and Southwark Council initiative which will provide up to £800,000 funding (shared with Lower Road in Bermondsey) for shop front improvements, utilisation of empty units and business support, and this has the potential to significantly enhance the character and appearance of the proposed conservation area.*

- One respondent suggested that frontage of the Gateway Estate should be included within the boundary.

Officer's response: *The Gateway Estate has been assessed as having little townscape merit and the buildings lack either special architectural or historic interest. It is not therefore recommended to extend the boundaries to include the Gateway Estate.*

- One comment criticised Southwark wasting public money for the Walworth Society to prepare the assessment.

Officer's response: *The Walworth Society was awarded some CGS funding by the Community Council in competition with a number of other projects in the area. The bulk of the Historic Area Assessment and the published document was carried out by volunteers who offered their own time for the study.*

- A letter was received from Lend Lease, who are currently developing parts of the Elephant and Castle. Whilst they broadly supported the proposal to designate the Walworth Road Conservation Area, they were particularly concerned about the contents of paragraph 5.3.6 which states that tall buildings within or immediately outside the conservation area are unlikely to be appropriate. They drew the council's attention that the Elephant and Castle Opportunity Area is associated with tall buildings. They suggested that paragraph 5.3.6 should be reworded to 'focus on influencing the design and character of surrounding tall buildings to ensure any new development tie in with the urban context of the conservation rather than setting out that tall buildings are unlikely to be acceptable'.

Officer's response: *The wording contained with paragraph is consistent with the Council's other adopted appraisals and its policies and is intended to provide guidance for developments within or immediately adjacent to the boundary of the conservation area, which may come forward in the future. Notwithstanding this*

all developments are assessed on their own merits and material considerations, therefore it is not recommended to revise the wording of 5.3.6.

- A detailed consultation response was received from the owner of the site at 4 Browning Street, objecting to their site being included within the boundary of the conservation area. They cite pre-application discussions they have had with the Council. A condition survey of No. 4 Browning Street has been submitted as part of their consultation response. It confirms that although the building is in a declining condition, the defects are typical of a building of this age and others within the proposed conservation area. Members should note that following submission of their consultation response the owners of No. 4 Browning Street have now submitted a scheme for the demolition of the existing commercial building and the erection of 4 storey building (LBS Reg: 16/AP/0667), this application is currently under consideration.

Officer's response: The pre-application discussions between the council and the objector pre-dated the work on the proposed conservation area. Pre-application advice is given to assist but is not a decision of the Council which involves public consultation including statutory consultees. The recommendation to Members is to keep the building within the conservation area and for the existing Larcom Street Conservation Area to abut the Walworth Road Conservation Area in this location. Officers consider that despite the former church hall's condition the building still has townscape merit. Furthermore to include the building within the boundaries would give the Council additional powers over the development and the use of land within it. The Council would be able to exercise a greater degree of control over the demolition or substantial demolition of the building and quality of the development if it is within the boundaries. Currently the Council is unable to control the demolition of any of the buildings within the proposed conservation area.

10. At their meeting on 30 January 2016, Members of the Borough, Bankside and Walworth Community Council confirmed that they supported the designation of the Walworth Road Conservation Area. They suggested that the Tankard Public House be included within the boundary. Members also suggested that 19th century houses on the junction with Hampton Street should also be included within the boundary. Officers clarified that these buildings, whilst of merit, are a considerable distance from the proposed northern boundary of the conservation area and had already been included as being of townscape merit in the Elephant and Castle SPD (2011). *Given the distance of 82-96 (evens) Walworth Road from the proposed northern boundary of the conservation area it is not recommended that these buildings should be included.*

Conclusion of planning issues

11. Section 69 of the Town and Country Planning Act 1990 imposes a duty on local planning authorities to designate as a conservation area 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 local planning authorities under Section 69 to review areas from time to time to consider whether or not such areas should be designated as conservation areas. 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.

12. 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 test for local authorities considering the designation of a new conservation area in paragraph 127 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.'* The council considers that the proposed conservation area meets this test because it includes notable surviving examples of early 19th to mid 20th century urban fabric. The historic street layout also remains as it was and this contains well defined and architecturally interesting developments along the street frontage.
13. Paragraph 169 of the NPPF is also particularly relevant with regards to conservation area appraisals and requires that *'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 provides detail as to the merits of the proposal and complies with the requirements of this paragraph.
14. In 2011 English Heritage published guidance on conservation area appraisals, *'Understanding Place: Conservation Area Designation, Appraisal and Management.'* This document sets out the importance of defining and assessing a conservation area's character. The purpose of this assessment 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 Walworth Road Conservation Area Appraisal has been prepared in accordance with this guidance.

Planning policy

15. 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) consolidated with revised early minor alterations October 2013

Policy 7.9 Heritage-led regeneration
Policy 7.8 Heritage assets and archaeology

National Planning Policy Framework (NPPF)

Community impact statement

16. The designation 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. This document was adopted in January 2008. Although the Statement of Community Involvement does not require the council to consult when designating conservation areas, the council proposes to follow a similar procedure in this instance.
17. A public meeting was held within 12 weeks of the Planning Committee meeting on the 8 September the affected Community Council Borough, Bankside and Walworth was consulted. The draft conservation area appraisal was published on the Council's website during the consultation period.
18. The consultation sought the views of local residents, businesses and other local interest groups in respect of the proposed designation, the draft Conversation Area Appraisal and the boundary map.

Resource implications

19. Notifying the public of the proposed Walworth Road Conservation Area designation will not result in resource implications for the staffing of the Planning Department.
20. Other resource implications will be the cost of publishing the Conservation Area Appraisal, which can met within the Planning Department's revenue budget. The cover price of the document will be fixed to cover production costs.
21. 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 an attention to the design and appearance of the proposals and the designation should not result in significant resource implications for the staffing of the Regeneration Department.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Law and Democracy

22. 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*). Southwark Council as 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)*).
23. 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.

24. 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 and this report asks the Committee to note the comments from the Borough, Bankside and Walworth Community Council and also the outcome of the public consultation which included a public meeting held on 5 November 2015. The proposal concerning the consultation for this intended conservation area was considered by Planning Committee on 8 September 2015.
25. 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 can be found at Appendix 1 of this report. The overall impetus for designating a conservation area must be the desire to preserve and enhance the area.
26. 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)*).
27. 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.

Equalities and human rights

28. The Equality Act 2010 introduced the public sector equality duty which merged existing race, sex, and disability duties and extended them to include other protected characteristics. Accordingly, when making decisions, the council in exercise of its functions must (i) have due regard to the need to eliminate unlawful discrimination, (ii) advance equality of opportunity between people who share a protected characteristic

and those who do not, and (iii) foster good relations between people who share a protected characteristic and those who do not.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None.		

APPENDICES

No.	Title
Appendix 1	Map of the proposed Walworth Road Conservation Area (North)
Appendix 2	Map of the proposed Walworth Road Conservation Area (South)
Appendix 3	Draft Walworth Road Conservation Area Appraisal

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Tracy Chapman, Team Leader Design and Conservation	
Version	Final	
Dated	10 March 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Law & Democracy	Yes	Yes
Finance Director	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		10 March 2016