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| Item No. 6 | Classification: Open | Date: 30 November 2021 | Meeting Name: Planning Committee |
| Report title: | | Walworth Road Conservation Area extension | |
| Ward(s) or groups affected: | | North Walworth | |
| From: | | Director of Planning and Growth | |

RECOMMENDATION(S)

1. That Members agree and designate the Walworth Road Conservation Area extension and boundaries, as shown in Appendices 1 and 2.
2. That council officers carry out public consultation with local residents and businesses to obtain their view on a draft conservation area appraisal and boundaries for the Valentine Place Conservation Area and report back to Members.
3. That Members comment on the draft conservation area appraisal and map of the conservation area boundary (Appendix 1).
4. That Members note the Equality Impact Assessment. (Appendix 2)

BACKGROUND INFORMATION

5. The Walworth Road Conservation Area was designated by the Planning Committee on 22 March 2016. It 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.
6. The current 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.
7. The council has received a Prior Approval application (Re No: 21/AP/3888) for the demolition of the East Street Baptist Church and Ragged School. The building is owned by the church. It is outside a conservation area and not statutory listed and as such can be demolished and the site cleared without a planning permission for its replacement. The church (designed by George

Baines and completed in 1896) and school (completed in 1875) are recognised local landmarks and, due to their age, their social significance and architectural character, are considered as undesignated heritage assets (as defined by the NPPF '21). The proposed demolition therefore is likely to result in the loss of an undesignated heritage asset without any indication of what could replace it, nor how the function will remain in the local community.



Views of the East Street Baptist Church (1896) from East Street and an interior.



View of the Ragged School (1875) with the 1974 extension of the church in the foreground.

8. The council has 28 days to determine all Prior Approval applications and these types of applications benefit from deemed consent meaning that if the council does not determine the application in that time the demolition can proceed after the application has expired. The criteria for assessment of such applications are limited in Planning terms and linked primarily to issues of public safety.
9. Historic England (HE), the government advisors on the heritage, are currently assessing the property for statutory listing. Statutory listing is managed by the Secretary of State for Digital, Culture, Media and Sport (SoS) acting on the advice of HE. The assessment of the SoS will depend on how closely the building complies with the published national criteria of significance. At the time of writing the SoS has not concluded their assessment.
10. Given the imminent threat to demolition of these undesignated heritage assets the council is proposing to extend the existing Walworth Road Conservation Area with immediate effect. The proposal will mean the East Street market area and its surrounding buildings will be designated as an integral part of the already designated Walworth Road Conservation Area. The area proposed for immediate designation in this case is limited to the current the East Street Market corridor and its surrounding buildings. The proposed extension starts from the main commercial frontage on the Walworth Road and extends east along East Street up to the intersection with Portland Road/Brandon Street. The proposed extension takes in the Peabody Buildings and pub, the former Board School and the East Street Baptist Church.



Aerial View of the proposed extension from the north. (the East Street Baptist Church and Ragged School are visible on the left hand side of the proposed extension)

11. By including the Baptist Church and Ragged School in the Walworth Road Conservation Area in this way the demolition of these undesignated heritage assets are removed from the immediate threat of demolition. If the church wish to develop their property they will require full planning permission.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

12. The main issues of this are:
 - a) the ability of the LPA to designate a new conservation area as an area of special architectural or historic interest

Planning Policy

13. 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 2021

Policy HC1 - Heritage conservation and growth

The National Planning Policy Framework (NPPF) July 2021

Principles of designation and current guidance

14. The East Street Penrose Street junction with Walworth Road is at the historic core of the Walworth Conservation Area. The link to the Market is a long-standing feature of the area and goes back to the historic emergence of Walworth, initially as a village, and later as a commercial area delivering provisions to the metropolis.
15. The extension to the conservation area is focussed on the Market area and contains predominantly late 19th century early 20th century buildings with a mix of uses including retail, housing, and social infrastructure – a school and church. The market at East Street has been a feature of the area since 1871 when the tram lines were laid along Walworth Road and the markets were established on East Street and Westmoreland Road.
16. The National Planning Policy Framework (2021) requires local authorities to consider when designating new conservation areas; paragraph 191 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 areas meet this test because they 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. Paragraph 192 of the NPPF is particularly relevant with regards to conservation area appraisals and provides 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 draft conservation area appraisals provide detail as to the merits of the proposal and complies with the requirements of this paragraph.

17. In 2017 Historic England published guidance on conservation area appraisals, ‘Understanding Place: Historic Area Assessments.’ This document sets out the importance of providing a sound evidence base for the informed management of the historic environment. The purpose of this evidence base is to provide a sound basis for rational and consistent judgements when considering planning applications within conservation areas. Historic Area Assessments and 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.
18. 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. Secondly, in exercising planning powers, a local authority must pay special attention to the desirability of preserving and enhancing the character and appearance of conservation areas. As such, there is also a presumption against the demolition of buildings within a conservation area.

Outstanding Schemes

19. There are no relevant Planning Applications affecting the area at the moment.

Climate Change Implications

20. Whilst designation does not preclude demolition should a reasoned and justifiable case be made, the retention and reuse of the existing building would mean that the embodied energy within the building would not be lost, helping LBS meet its net zero carbon climate change goals.

Community impact statement

21. The designation 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 this instance the Council proposes to follow a similar procedure.
22. It is proposed to hold a public meeting within 12 weeks of this committee and to report any consultation responses received back to Members for consideration.

23. The consultation will seek 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 will be put in the local press, on the council's website. This will show how the consultation has complied with the Statement of Community Involvement.

Human rights implications

24. This conservation area may engage 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 Valentine Place Conservation Area will not result in resource implications for the staffing of the Department of the Chief Executive.
27. Other resource implications will be the cost of publishing the conservation area appraisal, which can met within the Department of the Chief Executive's 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 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 Department of the Chief Executive.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities Law & Governance (SH0212)

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), Planning (Listed Buildings and Conservation Areas) 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.

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, and consultation of Community Council members will take place before the designation is confirmed.
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 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.
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 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
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. The loss of the church, without a clear indication of how it is to be replaced is likely to impact on the congregation and will need to be given due regard under the Equalities Act (2010) especially as they are a group with protected

characteristics. The council's has considered the desirability to enable the continuity of worship and associated community activities in this location. Whilst there are similar facilities nearby the nearest Baptist church is located at the Elephant and Castle to the north or Wells Way to the south – approximately 700m to 1000m away.

37. The designation does not preclude demolition, and we would like to work with the church to see if their needs could be met without the loss of the heritage asset.
38. Positive equalities obligations are placed on local authorities, sometimes described as equalities duties with regard to race, disability and gender.
39. 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 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.

40. 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.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|-------------------|---------|---------|
| None | | |

APPENDICES

| No. | Title |
|------------|--|
| Appendix 1 | Map of proposed extension to the Walworth Road Conservation Area |
| Appendix 2 | Equality Impact Assessment |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Lead Officer | Colin Wilson, Head of Development Management | |
| Report Author | Michael Tsoukaris, Senior Design and Conservation Officer | |
| Version | Final | |
| Dated | 18 November 2021 | |
| Key Decision? | Yes | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments included |
| Strategic Director of Law & Governance | Yes | Yes |
| Finance Director | No | No |
| Cabinet Member | No | No |
| Date final report sent to Constitutional/Community Council/Scrutiny Team | N/A | |