

<b>Item No.</b> 9.	<b>Classification:</b> Open	<b>Date:</b> 26 January 2012	<b>Meeting Name:</b> Borough and Bankside Community Council
<b>Report title:</b>		Elliott's Row Conservation Area	
<b>Ward(s) or groups affected:</b>		Cathedrals	
<b>From:</b>		Head of Development Management	

### RECOMMENDATIONS

1. That the Community Council comment on the proposal to carry out public consultation with local residents and businesses on the Elliott's Row Conservation Area.
2. That the Community Council provides comment on the proposal to designate the Elliott's Row Conservation Area
3. That the Community Council provide comment on the draft Conservation Area Appraisal and map of the proposed conservation area boundary (Appendices 1 and 2).
4. That the Community Council notes the Equality Impact Assessment (Appendix 3)

### BACKGROUND INFORMATION

5. It is proposed to consult upon the Elliott's Row Conservation Area based upon the attached map and conservation area assessment.
6. 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 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.
8. 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.
9. In March 2010 the Government issued PPS 5 'Planning for the Historic

Environment' replacing the guidance formerly contained within PPGs 15 and 16. PPS 5 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.

10. 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.
11. 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. The area proposed for designation is defined as follows: the Elliott's Row Conservation Area is situated immediately west of the West Square Conservation Area, Brook Drive to the south, Oswin Street to the east and across St. George's Road, Gaywood Street to the north.

#### **KEY ISSUES FOR CONSIDERATION**

13. The proposed conservation area contains predominantly Victorian and Edwardian residential buildings plus a limited number of other building types such as corner shops and a pub. The occasional Georgian building can also be seen. The layout of the roads in the conservation area generally dates from the 1800s although the buildings fronting the roads are generally later. The conservation area demonstrates the pressure on land during the latter half of the 19th century to accommodate the increase in population within what were previously field boundaries, partly as a result of improved transport links into the City of London.
14. Although the special quality of the area is the main reason for designation, rather than the individual buildings, the proposed conservation area is based around the residential streets between the West Square Conservation Area and the Elephant and Castle town centre. Much of the conservation area today still

consists of development dating from the latter half of the 19th century and early 20th century. The streets are generally narrow and well enclosed by housing of a high quality and architecturally interesting frontage.

15. The key approaches into the conservation area are: east-west along St. George's Road and Brook Drive, north-south down Oswin and Hayles Streets and Elliott's Row. The enclosed townscape created by relatively tall buildings in comparison to the width of the streets and the lack of any landmark features within the conservation area means that planned views are not a feature of the townscape. However, views into the West Square Conservation Area can be seen from Austral Street and the tall buildings of the Elephant Castle eastwards along Brook Drive and St. George's Road.

### **Outstanding Schemes**

16. There are no significant outstanding schemes within the conservation area.

### **Planning Policy**

17. 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)

### **Community impact statement**

18. 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.
19. It is proposed to hold a public meeting within 12 weeks of this committee and a report on this and any other consultation responses received will be made back to members for consideration.

20. 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 and will be made available at the Walworth One Stop Shop. This will show how the consultation has complied with the Statement of Community Involvement.

### **Human rights implications**

21. 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.
22. 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**

23. Notifying the public of the proposed Elliott's Row Conservation Area will not result in resource implications for the staffing of the Regeneration Department.
24. Other resource implications will be the cost of publishing the Conservation Area Appraisal, which can met within the Regeneration Department's revenue budget. The cover price of the document will be fixed to cover production costs.
25. 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 Communities Law & Governance (RM0112)**

26. 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)*).
27. 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.
28. 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.

29. 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.
30. 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)*).
31. The designation of a conservation area gives the LPA additional powers over the development and the use of land within it.
32. 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**

33. Positive equalities obligations are placed on local authorities, sometimes described as equalities duties with regard to race, disability and gender.
34. 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.

- 35. 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.
- 36. 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
None		

**APPENDICES**

No.	Title
Appendix 1	Draft conservation area assessment for Elliott’s Row Conservation Area.
Appendix 2	Map of the proposed Elliott’s Row Conservation Area
Appendix 3	Equality Impact Assessment

**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>	13 December 2011	
<b>Key Decision?</b>	Yes	
<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
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