

Item No. 7.	Classification: Open	Date: 16 February 2012	Meeting Name: Walworth Community Council
Report title:		Larcom Street Conservation Area	
Ward(s) or groups affected:		East Walworth	
From:		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 Larcom Street Conservation Area.
2. That the Community Council provides comment on the proposal to designate the Larcom Street 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 Larcom Street Conservation Area based upon the attached map and conservation area assessment.
6. 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.
7. The Larcom Street 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 east of Walworth Road and to the south-east of 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 Larcom Street Conservation Area is situated on the southern edge of the Heygate Estate (decanted for redevelopment), it is bounded by Brandon Street to the east; Browning Street to the south; and the rears of buildings fronting Walworth Road to the west.

KEY ISSUES FOR CONSIDERATION

- 13 The proposed conservation area is characterised by typical terraces which are three-storey with canted ground floor bay windows, traditional Victorian detailing and small front gardens. 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 Walworth Road and Brandon Street, to the east and west and Wansey and Browning Streets to the north and south respectively.

Much of the conservation area today still consists of development dating from the latter half of the 19th century. The area is fine grained with small and frequent street blocks and plot subdivisions. This fine grain appears to have resulted from the need to accommodate a dense residential form (to house the rapidly expanding population) between pre-existing streets and development that generally followed existing field boundaries.

15. The key approaches into the conservation area are: east-west along Browning and Wansey Streets, north south down Brandon Street. The dense pattern of development, narrow streets, tall gaps between buildings has resulted in a very enclosed townscape that does not afford views out to the wider area. The cul-de-sac and dog-leg layout results in buildings terminating views along the streets, such as westwards along Charleston Street towards the church.

Outstanding Schemes

16. There are no significant outstanding schemes within the conservation area, however there are a number of potential development sites which contribute poorly to the character and appearance of the conservation area. These are:
 - End of Turquand Street (vacant site); and
 - No's 48/50 Wansey Street (redevelopment opportunity).

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 Larcom Street 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

(SH0112)

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 Larcom Street Conservation Area.
Appendix 2	Map of the proposed Larcom Street Conservation Area
Appendix 3	Equality Impact Assessment

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Tracy Chapman, Senior Design and Conservation Officer	
Version	Final	
Dated	09 December 2011	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	16 January 2012	