

Item No. 7.	Classification: Open	Date: 16 February 2012	Meeting Name: Walworth Community Council
Report title:		Liverpool Grove Conservation Area	
Ward(s) or groups affected:		Faraday	
From:		Head of Development Management	

RECOMMENDATIONS

1. That the Community Council comments on the proposal to carry out public consultation with local residents and businesses to obtain their view on the draft appraisal for the Liverpool Grove Conservation Area.
2. That the Community Council provides comment on the draft Liverpool Grove Conservation Area Appraisal (Appendix 1) and map of the Liverpool Grove Conservation Area boundary (Appendix 2).
3. That the Community Council notes the Equality Impact Assessment (Appendix 3).

BACKGROUND INFORMATION

4. The Liverpool Grove Conservation Area was designated on 12th January 1982, under the Civic Amenities Act 1967.
5. Liverpool Grove is located in the Faraday Ward east of Walworth Road and west of Dawes Street. The conservation area's most significant heritage assets are St Peters Church designed by Sir John Soane with its churchyard and the arts and crafts Edwardian housing which is prominent throughout the area and consists of two storey terraced cottages and three storey tenemented flats. These are a social housing development begun in the 1890's with the backing of Octavia Hill.

KEY ISSUES FOR CONSIDERATION

6. Section 69 of the Town and Country Planning Act 1990 imposes a duty on the local Planning Authority to designate as 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.
7. In March 2010 the Government issued PPS5 'Planning for the Historic Environment' replacing the guidance formerly contained within PPGs 15 and 16. PPS5 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.

8. 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.

Outstanding Schemes

9. There are no significant outstanding schemes within the conservation area, however future developments outside the Liverpool Grove Conservation Area could potentially impact its setting.

Planning Policy

Core Strategy 2011 (April)

Strategic Policy 12 Design and Conservation.

Saved Southwark Plan 2007 (July)

Policy 3.15 Conservation of the Historic Environment

Policy 3.16 Conservation Areas

Policy 3.18 Setting of Listed Buildings, Conservation Areas and World Heritage Sites

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

10. The draft appraisal 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 the interests of good practice the Council proposes to follow a similar procedure here.
11. The consultation will seek the views of local residents, businesses and other local interest groups over the conservation area appraisal. Notification of the consultation on the proposed appraisal and the supporting documents will be, on

the council's website. This will show how the consultation has complied with the Statement of Community Involvement.

Human rights implications

12. 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.
13. 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

14. Notifying the public of the proposed Liverpool Grove Conservation Area Appraisal will not result in resource implications for the staffing of the Regeneration Department.
15. Other resource implications will be the cost of publishing the Conservation Area Appraisal, which can be met within the Regeneration Department's revenue budget. The cover price of the document will be fixed to cover production costs.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities Law & Governance (RM0112)

16. 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)*). Section 69(2) of the Act imposes a further duty on local planning authorities to review the extent of their functions and if need be to designate any further parts of their area as conservation areas. It is this section of the Act which is being triggered here within this conservation area appraisal.
17. As stated above in paragraph 10 of this report there is no statutory requirement for LPA's to consult with anyone before a conservation area is designated and nor does the Council's Statement of Community Involvement require consultation in respect of designating Conservation Areas. However, English Heritage advises LPA's 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.
18. Once adopted the Conservation Area Appraisal will provide additional guidance to be taken into account in determining applications for developments affecting Liverpool Grove Conservation Area.
19. The draft appraisal for the Conservation Area Appraisal is brought before the

Community Council in accordance with Part 3H paragraph 4 of the Constitution under the heading “Consultative/non-decision making” which requires the Community Council to comment to Planning Committee on the adoption of Conservation Area Appraisals and also designations of Conservation Areas.

Equalities and Human Rights

20. The Equality Act 2010 introduced a single public sector equality duty (PSED). This duty requires us to have due regard in our decision making processes to the need to:
- (a) Eliminate discrimination, harassment, victimisation or other prohibited conduct;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
 - (c) Foster good relations between those who share a relevant characteristic and those that do not share it.
21. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The PSED also applies to marriage and civil partnership, but only in relation to (a) above.
22. There has been compliance with the Council’s Equalities and Human Rights Scheme 2008-2011 as well as the public sector equality duty as contained within section 149 of the Equality Act 2010. All six equality strands have been duly considered and assessed, this is evidenced at in the Equalities and Human Rights Impact Assessment (EqIA).
23. 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 appraisal for the Liverpool Grove Conservation Area.
Appendix 2	Map of the Liverpool Grove Conservation Area
Appendix 3	Equality Impact Assessment (EqIA)

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Tracy Chapman, Senior Design and Conservation Officer	
Version	Final	
Dated	15 December 2011	
Key Decision?	No	
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	