

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 18 October 2011	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>		Peckham Hill Street Conservation Area	
<b>Ward(s) or groups affected:</b>		Peckham and Livesey	
<b>From:</b>		Head of Development Management	

## RECOMMENDATIONS

1. That the Planning Committee considers that the area shown on the plan at Appendix 1 is of special architectural or historic interest and supports the designation of the Peckham Hill Street Conservation Area and the adoption of the Peckham Hill Street Conservation Area Appraisal as set out in Appendix 2.
2. That the Planning Committee considers the responses from the Peckham Community Council and the results of the public consultation to designate Peckham Hill Street Conservation Area.
3. That the Peckham Hill Street Conservation Area, as amended following consultation, be designated, and that the conservation area appraisal be fully adopted.

## BACKGROUND INFORMATION

4. The proposed conservation area is essentially the remnants of a 19th century planned suburban development with a strong landscape element, which contrast with the post-war housing immediately to the east, timber yard to the west and Peckham High Street to the south. The conservation area is largely characterised by flat yellow front stock brick houses, either in terraces or in semi-detached pairs. Essentially the Peckham Hill Street Conservation Area provides a good view of mainly early to mid 19th century housing in the borough.
5. On 12 May 2011 Peckham Community Council considered a report recommending that public consultation be undertaken on a proposal to designate the Peckham Hill Street Conservation Area.
6. Letters were sent to all of the businesses and owner/occupiers of properties in the immediate conservation area and a wider boundary around the proposed area (Appendix 3). The letter notified consultees of the proposed conservation area, the date of a public meeting, a twelve week consultation period. A copy of the invitation letter is in Appendix 2. The letter included a copy of the proposed boundary and informed consultees that the Conservation Area Appraisal could be downloaded on the Council's website. Copies of the appraisal were also placed in Peckham Library. The public consultation was co-ordinated to run in conjunction with that for the Peckham and Nunhead Area Action Plan (PNAPP). Officers in the Design, Conservation and Archaeology Team and Planning Policy have attended consultation events for public meetings for the proposed conservation areas and PNAAP.

7. A public meeting was held in Peckham Library on the 28 June 2011 for the proposed Peckham Hill Street, Rye Lane Peckham Conservation Areas and amendments to the Holly Grove Conservation Area. The meeting was well attended and the majority positively supported the proposal to designate the conservation area. There were 14 feedback forms completed on the day and a further 12 responses received during the consultation period.
8. A report to Peckham Community Council on 7 September 2011 set out the results of the public consultation with a recommendation to refer the designation to this committee for full ratification.
9. In 2011 English Heritage published guidance (Understanding Place: Conservation Area Designation, Appraisal and Management) which 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. These documents have the status of supplementary planning guidance and therefore 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 draft Peckham Hill Street Conservation Area Appraisal is appended in Appendix 2.
10. 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. It is considered that this area has quality and interest that merits its designation as a conservation area.

## **POLICY IMPLICATIONS**

11. Southwark Plan (2007) saved Policy 3.15, Conservation of the Historic Environment, is as follows: "Development should preserve or enhance the special interest or historic character or appearance of buildings or areas of historical or architectural significance. Planning proposals that will have an adverse effect on the historic environment will not be permitted.

*"The character and appearance of Conservation Areas should be recognised and respected in any new development within these areas. Article 4 directions may be imposed to limit permitted development rights, particularly in residential areas.*

*"In this policy the term historic environment includes Conservation Areas, listed buildings, scheduled monuments, protected London Squares, historic parks and gardens and trees that are protected by Tree Preservation Orders, trees that contribute to the character or appearance of a conservation area and ancient hedgerows."*

12. Southwark Plan (2007) saved Policy 3.16 – Conservation Areas states that, "within conservation areas development should preserve or enhance the character or appearance of the area". After setting out the criteria governing proposals for new development or alterations and designates in conservation areas, this policy continues: "within conservation areas there will be a general presumption in favour of retaining buildings that contribute positively to the character or appearance of the conservation area. Planning permission will not

*be granted for proposals that involve the demolition or substantial demolition of a building that contributes positively to the character or appearance of the conservation area, unless ... it can be demonstrated that:*

- *The costs of repairs and maintenance would not be justified, when assessed against the importance of the building and the value derived from its continued use, providing that the building has not been deliberately neglected; and*
  - *Real efforts have been made to continue the current use or find a viable alternative use for the building; and*
  - *There will be substantial planning benefits for the community from redevelopment which would decisively outweigh loss from the resulting demolition; and*
  - *The replacement development will preserve or enhance the character or appearance of the conservation area and has been granted planning permission.*
13. Southwark Plan (2007) saved Policy 3.18 – Setting of Listed Buildings, Conservation Areas and World Heritage Sites states, *inter alia*, that, “*permission will not be granted for developments that would not preserve or enhance:*
- *The setting of a Conservation Area; or*
  - *Views into or out of a Conservation Area.”*
14. Strategic Policy 12 – Design and conservation of Core Strategy 2011, requires that development ‘*will achieve the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in. We will do this by: expecting development to conserve or enhance the significance of Southwark’s heritage assets, their settings and wider historic environment, including conservation areas, archaeological priority zones and sites, listed and locally listed buildings, registered parks and gardens, world heritage sites and scheduled monuments.*’
15. The proposed Peckham Hill Street Conservation Area when it is designated, together with the published conservation area appraisal will form part of the Council’s Local Development Framework, which contains all the Council’s planning policies and will be used to guide the design and appearance of development in the designated area and in the determination of planning applications. The proposed Peckham Hill Street Conservation Area appraisal will be noted in the Peckham and Nunhead Area Action Plan (PNAPP). The PNAPP will form part of the Council’s statutory development plan.
16. The Council’s policies relating conservation areas are reinforced by the London Plan 2011 (July) Policy 7.8 ‘Heritage assets and archaeology’: ‘*London’s heritage assets and historic environment, including listed buildings....conservation areas should be identified, so that the desirability of sustaining and enhancing their significance and utilising their positive role in place shaping can be taken into account.*’
17. Article 4 of the General Permitted Development Order provides for two different types of direction. An Article 4(1) direction enables an LPA to dis-apply certain permitted development rights, including those relating to demolition, whilst an Article 4(2) direction relates solely to the removal of such rights in relation to

conservation areas. The Council is empowered to make a Direction when there is a real and specific threat to the character of an area. It will then be in force for a period of 6 months. During that period the necessary consultation will take place. Subsequently the Secretary of State will review the Direction to determine whether it will be approved and extended beyond this period or disallowed.

## **CONSULTATION**

18. As set out above the Council first consulted the Peckham Community Council on 12 May 2011 on the proposed designation of the Peckham Hill Street Conservation Area. A full public meeting was held on the 28 June 2011 in Peckham Library. 2609 letters of the proposed designation of the Peckham Hill Street Conservation Area, Rye Lane Peckham Conservation Area and amendments to the boundary of the Holly Grove Conservation Area, and invitations to attend the public meeting were sent to all occupiers beyond the proposed boundaries. With regards the Peckham Hill Street Conservation Area fourteen feedback forms completed on the day and a further twelve responses received during the consultation period. All consultation responses received were in support of the conservation area. Four of the responses suggested that the conservation area boundary should be extended to include three terraced mid Victorian houses (No's 37-41 Peckham Hill Street) on the eastern side of the road. Two comments were received relating to the Whitten Timber site. One suggested that the site should be included in the Rye Lane Conservation Area along with Peckham Square.
19. The results of the consultation and the amended conservation area boundary were reported to Peckham Community Council on 7 September 2011. The amendments being the inclusion of 37-41 Peckham Hill Street as requested by each owner and one building included in the appraisal, but inadvertently omitted from the boundary map. The Peckham Community Council noted the public consultation and supported the proposal to designate Peckham Hill Street Conservation Area. However, Members requested that in future some examples of how the conservation area affects residents be included in letters or leaflets sent out. The legal officer undertook to work with the design and conservation team to investigate how information sent to residents could be developed in the future.

## **KEY ISSUES FOR CONSIDERATION**

### **Community impact statement**

20. The designation has been consulted in accordance with the Statement of Community Involvement. In line with the Council's Community Impact policies, the impact of the Peckham Hill Street Conservation Area, which is recommended in this report, has been assessed with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation.
21. The designation of a conservation area introduces some additional controls to the planning process: conservation area consent is required for the demolition or substantial demolition of unlisted buildings in the conservation area, and the Council has a duty to have regard to the special architectural or historic interest of the area in determining any planning applications affecting it. However, these controls apply equally to all members of the community and there are no less good implications for any particular communities or groups.

## **Human rights implications**

22. 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.
23. 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 application, including the right to a fair trial and the right to respect for private and family life, are not considered to be unlawfully interfered with by this proposal.

## **Resource implications**

24. 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.
25. 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.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic Director of Communities, Law & Governance**

26. This report recommends that the Planning Committee be recommended to designate the Peckham Hill Street Conservation Area.
27. 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)*).
28. There is no statutory requirement for LPAs to consult with anyone before a conservation area being 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. Whilst the boundary has altered slightly during the consultation, this has been primarily at the request of the owners of older properties on the boundary to be included within the area. The consultation boundary is beyond the area itself, so those affected by minor changes to the boundary have had an opportunity to comment.
29. 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. Community Councils are invited to comment on proposals in their

area under Part 3H, Planning functions paragraph 4. The Community Councils comments are summarised in the report.

30. 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 2 of this report. The overall impetus for designating a conservation area must be the desire to preserve and enhance the area and the heritage assets and characteristics within it.
31. If the Planning Committee resolves to designate the area shown at Appendix 1 as a conservation area, it is the date of the resolution that is the date of designation. 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), P(LBCA)A 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)*).
32. The designation of a conservation area gives the LPA additional powers over the development and the use of land within it in particular in relation to demolition. Following designation development proposals within and that affect views into the conservation area, need to be assessed in respect of it.
33. 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**

34. 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.
35. 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.
36. 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 in the Equalities and Human Rights Impact Assessment (EqIA).

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Reports to the Peckham Community Council 12 May and 7 September 2011	160 Tooley Street, London SE1 2QH	Constitutional team: <a href="mailto:constitutional.team@southwark.gov.uk">constitutional.team@southwark.gov.uk</a>
Equalities Impact Assessment	160 Tooley Street, London SE1 2QH	Michael Tsoukaris, <a href="mailto:michael.tsoukaris@southwark.gov.uk">michael.tsoukaris@southwark.gov.uk</a>

## APPENDICES

No.	Title
Appendix 1	Map of the proposed boundary of the Peckham Hill Street Conservation Area
Appendix 2	Peckham Hill Street Conservation Area Appraisal
Appendix 3	Invitation letter to public meeting on 28 June 2011
Appendix 4	Consultation map, letter to businesses and owner/occupiers of proposed conservation area and wider area.

## 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>	26 September 2011	
<b>Key Decision?</b>	No	
<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
<b>Date final report sent to Constitutional Team</b>	7 October 2011	