

Item No. 7.	Classification: Open	Date: 18 October 2011	Meeting Name: Planning Committee
Report title:		Rye Lane Peckham Conservation Area	
Ward(s) or groups affected:		The Lane and Peckham	
From:		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 Rye Lane Peckham Conservation Area and the adoption of the Rye Lane Conservation Area Appraisal as set out in Appendix 3.
2. That the Planning Committee considers the responses from the Nunhead and Peckham Rye and Peckham Community Councils and the results of the public consultation to designate Rye Lane Peckham Conservation Area and the revision to the Holly Grove Conservation Area boundary as shown in Appendix 2.
3. That the Rye Lane Peckham 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 focused upon the busy commercial streets; Rye Lane and Peckham High Street. These streets reflect the characteristics of the different periods of the area's growth. The conservation area is largely characterised by a mixture of 18th century to mid 20th century buildings. The pattern of development of each is broadly characterised by different phases of the area's commercial and retail growth. Unlike neighbouring conservation areas there is no predominate architectural style or palette of materials. The character of the Rye Lane Peckham Conservation Area is attributed to the eclectic architectural styles and materials.
5. On 11 May 2011 and 12 May 2011, the Nunhead and Peckham Rye and Peckham Community Councils respectively considered a report recommending that public consultation be undertaken on a proposal to designate the Rye Lane Peckham Conservation Areas.
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 5). 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 4. 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 13 feedback forms completed on the day and a further 43 responses received during the consultation period. The responses are analysed in more detail below.
8. Reports to the Nunhead and Peckham Rye Community Council (1 September 2011) and Peckham Community Council (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.
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 Rye Lane Peckham 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 Rye Lane Peckham 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 Nunhead and Peckham Rye Peckham Community Councils on 11 and 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 Rye Lane Peckham Conservation Area 13 feedback forms completed on the day and a further 43 responses received during the consultation period. The main thrust of the comments received has welcomed the proposal to designate the conservation area.
19. Several requests were made to include No's 275-295 Rye Lane and extend the boundary of the conservation area further south towards Peckham Rye. However Members should note that the boundary of the proposed conservation area reflects that of the original English Heritage study area, at the southern end of Rye Lane. It is proposed that the Design, Conservation and Archaeology Team will undertake an assessment of the area around Peckham Rye in 2012, with a view to recommend the designation of a separate Peckham Rye Conservation Area. No's 275-295 Rye Lane would form part of this new conservation area.
20. Two objections were received regarding the proposed relocation of No's 1-4 Holly Grove to the Rye Lane Peckham Conservation Area. The objections referred to an Appeal decision in 2009, for a new retail store at No's 1-4 Holly Grove. The Inspector recommended that new shopping facilities should be restricted to the defined town centre and the Appeal was dismissed. It is therefore recommended that No's 1-4 Holly Grove remain in the Holly Grove Conservation Area and the boundary (Appendix 1)
21. The results of the consultation and the amended conservation area boundary were reported to Nunhead and Peckham Rye Community Council on 1 September 2011. The amendments being that No's 1-4 Holly Grove should remain in the Holly Grove Conservation Area and not form part of the proposed Rye Lane Peckham Conservation Area. The Nunhead and Peckham Rye Community Council Members considered and warmly welcomed the conservation area report on the designation of Rye Lane Peckham Conservation Area and resolved that the report be noted with no additional comments to planning committee.
22. The results of the consultation and the amended conservation area boundary were reported to Peckham Community Council on 7 September 2011. The amendments being that No's 1-4 Holly Grove should remain in the Holly Grove

Conservation Area and not form part of the proposed Rye Lane Peckham Conservation Area. The Peckham Community Council noted the public consultation. However, in addition to the comments relating to the consultation, members discussed the inclusion of the area north of Peckham High Street to the west of Kentish Drovers Public House, which was currently included in the proposal. Members discussed the appearance of buildings in this area and whether they were of special character and architectural merit and occurrences of anti-social behaviour. Members questioned the inclusion of this area into the conservation area as they considered that it could limit needed development opportunities. The Design and Conservation Officer who attended the meeting explained that inclusion in the conservation area does allow for development in the future and would enhance the design of any future plans. It should also be noted that the area in question, was included in the original English Heritage study of Peckham. Nonetheless Members resolved to recommend to Planning Committee designation of the Rye Lane Peckham Conservation Area.

KEY ISSUES FOR CONSIDERATION

Community impact statement

23. 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 Rye Lane Peckham 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.
24. 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

25. 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.
26. 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

27. 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.

28. 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

29. This report recommends that the Planning Committee be recommended to designate the Rye Lane Peckham Conservation Area.
30. 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)*).
31. There is no statutory requirement for LPAs to consult with anyone before a conservation area being designated, nor does the Council's 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 following consultation, the consultation boundary is beyond the area itself, so those affected by minor changes to the boundary have had an opportunity to comment.
32. 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 Council's are invited to comment on the proposals in their area under Part 3H, Planning functions paragraph 4. The Community Council's comments are summarised in the report.
33. 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 3 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.
34. 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)*).
35. 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.

36. 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

37. 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.
38. 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.
39. 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
Report to the Nunhead and Peckham Rye and Peckham Community Councils on 11 and 12 May 2011	160 Tooley Street, London SE1 2QH	Constitutional team: constitutional.team@southwark.gov.uk
Report to the Nunhead and Peckham Rye Community Council 1 September 2011		
Report to the Peckham Rye Community Council 7 September 2011		
Equalities Impact Assessment	160 Tooley Street, London SE1 2QH	Michael Tsoukaris, michael.tsoukaris@southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Map of the proposed Rye Lane Peckham Conservation Area
Appendix 2	Map of the proposed revision to the boundary of the Holly Grove Conservation Area.
Appendix 3	Rye Lane Peckham Conservation Area Appraisal
Appendix 4	Invitation letter to public meeting on 28 June 2011
Appendix 5	Consultation map, letter to businesses and owner/occupiers of proposed conservation area and wider area.

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Tracy Chapman, Senior Design and Conservation Officer	
Version	Final	
Dated	26 September 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		7 October 2011