

<b>Item No.</b> 7.4	<b>Classification:</b> Open	<b>Date:</b> 13 December 2017	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Council's own development Application 16/AP/3412 for: Listed Building Consent  <b>Address:</b> SCOTTISH POLITICAL MARTYRS MEMORIAL, NUNHEAD CEMETERY, LINDEN GROVE, LONDON, SE15 3LP  <b>Proposal:</b> Refurbishment works to the area around the Scottish Political Martyrs memorial comprising: <ul style="list-style-type: none"> <li>• Replacement of plinth and granite kerbs around memorial and the retained bench;</li> <li>• Excavation of area either side of the memorial to a depth of 300mm to allow for the new road formation;</li> <li>• Installation of new resin bonded gravel road formation around memorial and associated drainage</li> </ul>		
<b>Ward(s) or groups affected:</b>	Peckham Rye		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 25/07/2017		<b>Application Expiry Date</b> 19/09/2017	
<b>Earliest Decision Date</b> 30/11/2017			

## RECOMMENDATION

1. That listed building consent is given, subject to conditions.

### Site location and description

2.

Type of property	Obilisk monument
Site bound by	Nunhead Cemetery
Is property listed?	Yes - Grade II
In conservation area?	Yes - Nunhead Cemetery
In a Registered Park and Garden?	Yes - Nunhead Cemetery, Grade II*

### The proposal is for

3. Refurbishment works to the area around the Scottish Political Martyrs memorial comprising:
  - Replacement of plinth and granite kerbs around memorial and the retained bench;

- Excavation of area either side of the memorial to a depth of 300mm to allow for the new road formation;
- Installation of new resin bonded gravel road formation around memorial and associated drainage.

### **Planning history**

#### 15AP4623 Listed Building Consent

4. Refurbishment works to the area around the Scottish political martyrs memorial comprising:
  - Removal of defected Yorkstone paving around memorial;
  - Removal of granite kerbs around memorial;
  - Excavated of area either side of the memorial to a depth of 300mm to allow for the new road formation;
  - Installation of new road formation around memorial.

Withdrawn 08/01/16

### **Policy**

5. Listed building consent is considered under the terms of the Listed Building and Conservation Areas Act (1991) [the Act] as amended and updated. The main principles of the Act are repeated in the National Planning Policy Framework (NPPF) 2012, and reinforced by the council's policies, and associated guidance documents. The main issue in these cases is the effect of the proposal on the special architectural and historic interest of the listed building.
6. The Act places great weight on the 'special interest' of heritage assets and their settings, and stresses the importance of preserving and enhancing their architectural and historic significance. The NPPF reinforces these principles stressing that heritage assets are irreplaceable and once lost can never be recovered. It requires Local Planning Authorities to avoid harm to heritage assets and to ensure that development conserves and enhances heritage assets and their settings.

#### National Planning Policy Framework (NPPF)

7. Chapter 12: Conserving and Enhancing the Historic Environment.

#### The London Plan 2016

8. Policy 7.8: Heritage Assets and Archaeology.

#### Core Strategy 2011

9. Strategic Policy 12: Design and Conservation

#### Southwark Plan 2007 (July) - saved policies

10. The council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework.

All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

3.15 – Conservation of the Historic Environment; and

3.17 – Listed Buildings.

3.18 – Setting of listed buildings, conservation areas and world heritage sites

**Summary of consultation responses**

11.

Total number of representations:	3				
In favour:	0	Against:	2	Neutral:	1
Petitions in favour:	0		Petitions against:	0	

**Issues raised by neighbours and statutory consultees**

12. The issues raised by consultees are addressed in the report and raise the following additional planning matters:

Historic England

13. We do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

Garden History Society

14. No response

Council for British Archeology

15. No response

Objections from Friends of Nunhead Cemetery and one member of the public

16. The Friends of Nunhead Cemetery (FONC) have objected on a two grounds; their preference for the finance for this project to be used for another one and the impact of the gully. The finance for this scheme and the potential for it to be spent elsewhere is not a material consideration and the gully is not development that requires consent. The member of public had objected on similar grounds in relation to the gully but also questioned whether the bench would be retained.

**How the application addresses these**

17. Amended plans have been obtained to confirm that the bench will be retained. While the gully is included in the drawings, it is beyond the curtilage of the listed monument and does not need planning permission; it is development permitted by Part 12 of the General Permitted Development Order 2015.

## Understanding the significance and the proposal

18. Paragraph 129 of the NPPF requires Local Planning Authorities to identify the architectural or historic significance of a designated heritage asset and to record the effect of any proposal on that architectural or historic significance.
19. The architectural or historic significance of any heritage asset includes its internal and external historic features and its setting. In addition to the facades of a Listed Building its features of significance could include its roof, its plan form, decorative internal features like original cornices, skirtings and fireplaces and important structures like floor beams, staircases or chimneys.
20. In addition to the features described or noted in the Listing Description, are there features of architectural or historic significance that this property currently retains? **Yes**
21. The Scottish Martyrs' Memorial is a granite obelisk, 10m high, on a square base with inscriptions on each side. It is set within low rails of twisted iron carried by squat corner posts. Photographic evidence submitted by the applicant demonstrate that the limestone plinth is a later addition.
22. The historic interest of the memorial is that it was erected through funds raised from public by radical MP Joseph Hume, following a public meeting in 1837, to commemorate 5 men sentenced to be transported for sedition in 1793-94, comprising Thomas Muir, Thomas Palmer, Joseph Gerrald, William Skirving and Maruice Margarot. A similar monument was erected on Calton Hill, Edinburgh in 1837.

## Assessment of harm to significance

23. The NPPF requires Local Planning Authorities to consider whether a proposal would result in harm to the significance of a heritage asset and to decide whether that harm would be 'substantial' or 'less than substantial'.
24. Paragraphs 133 and 134 of the NPPF also require Local Planning Authorities to weigh any that harm against the public benefits of the development proposed, including securing the optimal viable use of the heritage asset.
25. Harm can arise from the loss of historic fabric or features of significance as well as impact on the setting of a heritage asset. Whether 'substantial' or 'less than substantial', any harm should be avoided unless it can be justified by what is proposed by the application.
26. Does the proposal cause harm to the architectural or historic significance of the heritage asset or its setting? **No**
27. The plinth is not original and provides an uneven surface in need of repair or replacement; it is a health and safety risk. The proposed replacement plinth is lower, with a 50mm upstand, revealing more of the obelisk and squat corner posts that are partially obscured by the existing, taller plinth.
28. Amended drawings have been submitted confirming that the associated bench would be retained and set on a second plinth. Both plinths would be constructed with limestone recycled from the existing plinth. The drawings are to scale and show that the monument plinth extends 1m from the obelisk.

29. The works include a new road surface with permeable, resin bonded gravel. This option was chosen as the best match for the gravel elsewhere on the roadway to ensure that the works blend in comfortably with their surroundings. An associated gully with a kerb to trap water is proposed at the lower end of the new roadway to reduce the risk of flash flooding affecting adjacent buildings.
30. The proposed works would not affect the historic fabric of the monument because the plinth is not original and does not form part of the listed structure. The proposal would have no impact on its special architectural or historic interest. Indeed, it would enhance the obelisk by revealing more of the monument and associated corner posts. The works would to preserve and enhance its setting of the monument and improve access to it.
31. While not a material consideration for listed building consent application, the proposal would preserve the character and appearance of the Nunhead Cemetery Conservation Area and the special interest of this Grade II\* Registered Park and Garden.

### **Conclusion**

32. The proposal conforms with the Listed Building and Conservation Areas Act (1991) as amended and updated. It complies with current policy to: preserve the special architectural and historic interest and preserve the setting of the listed monument and should therefore be granted Listed Building Consent.

### **Community impact statement**

33. In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
  - a) The impact on local people is set out above.
  - b) No issues relevant to particular communities/groups likely to be affected by the proposal have been identified.
  - c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

### **Consultations**

34. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

### **Consultation replies**

35. Details of consultation responses received are set out in Appendix 2.

### **Human rights implications**

36. This planning application 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.

37. This application has the legitimate aim of providing new residential flats. 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.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2522-F Application file: 16/AP/3412 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 7540 Council website: www.southwark.gov.uk

## APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Philip Ridley, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	Thursday 30 November 2017	
<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 Finance & Governance	No	No
Strategic Director, Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>	04 December 2017	

## APPENDIX 1

### Consultation undertaken

**Site notice date:** 07/11/2017

**Press notice date:** 10/08/2017

**Case officer site visit date:** n/a

**Neighbour consultation letters sent:** 04/08/2017

**Internal services consulted:**  
N/A

#### **Statutory and non-statutory organisations consulted:**

Council for British Archaeology  
Garden History Society  
Historic England

#### **Neighbour and local groups consulted:**

The Lodge Nunhead Cemetery SE15 3LP  
185 Gordon Road London SE15 3RT

161a Shyardeloes Road London SE14 6RT  
33 Chalsey Road Brockley SE4 1YN

**Re-consultation:** 12/10/2017

## APPENDIX 2

### Consultation responses received

#### **Internal services**

None

#### **Statutory and non-statutory organisations**

Historic England

#### **Neighbours and local groups**

161a Shyardeloes Road London SE14 6RT  
185 Gordon Road London SE15 3RT  
33 Chalsey Road Brockley SE4 1YN