

<b>Item No.</b>	<b>Classification:</b>	<b>Date:</b>	<b>Meeting Name:</b>
5.	Open	5 November 2019	Planning Committee
<b>Report title:</b>	<b>Conservation Area Appraisals, extensions and article 4 directions.</b>		
	<b>Address:</b> Glengall Road Conservation Area Cobourg Road Conservation Area Trafalgar Avenue Conservation Area		
	<b>Proposal:</b> To agree the adoption of the conservation area appraisals and article 4 directions for the Glengall Road, Cobourg Road and Trafalgar Avenue Conservation Areas.		
<b>Ward(s) or groups affected:</b>			
<b>From:</b>	Catherine Jeater		
<b>Application Start Date</b> n/a	<b>Application Expiry Date</b> n/a		
<b>Earliest Decision Date</b> n/a			

## RECOMMENDATION

1. That the Planning Committee note the responses to the consultation and agree the adoption of the amended conservation area appraisals, extensions and article 4 directions for Glengall Road, Cobourg Road and Trafalgar Avenue Conservation Areas.

## BACKGROUND INFORMATION

### Details of consultation

2. On the 14 May 2019, Planning committee agreed to publically consult on the draft appraisals, proposed extensions and article 4 directions for the Glengall Road, Cobourg Road and Trafalgar Avenue Conservation Areas. Public comments were invited for a 3 month period between 1 June and 30 August 2019. The public consultation took the form of
  - Display of documents on the Councils' website and oldkentroad.org.uk website including comment form, details of exhibition dates and general publicity.
  - Public exhibition held over three weeks during July and August 2019 at 231 Old Kent Road, the council's hub for Old Kent Road related consultation and exhibitions.
  - Invitations to comment and publicity of the exhibition sent to all property

addresses in the conservation areas

- Presentation to the Council's Conservation Areas Advisory Group
- Consultation letters/emails to national and local heritage bodies, including Historic England, The Victorian Society, Walworth Society, Friends of Burgess Park, New Peckham Mosque, Action Old Kent Road etc.
- Email notification to ward members and Planning Committee and Sub Committee members

### KEY ISSUES FOR CONSIDERATION

3. At present, these conservation areas do not have appraisals, and as such officers have researched and written these guidance documents, with conformity to the best practice Historic England guidance note "Conservation Area Appraisals, Designation and Management – (Second Edition) (February 2019)".
4. Public comments from exhibition at 231 Old Kent Road

Over the 3 weeks of the open exhibition, approximately 40 people attended during drop in sessions. Comments took the form of hand written notes in response to the questions for each conservation area:

- Q1; What is special to you about the areas history?
- Q2; What part of the areas require improvement?
- Q3; Do you feel that controlling changes to windows, doors and boundary treatments would help preserve the areas heritage?
- Q4; Are there any stories about past residents, group or events that contribute to the history of the area?

Feedback comments included:

- Q1; What is special to you about the areas history?

"Good to retain history" (Glengall Road)

"Nice terraces" (Glengall Road)

"I grew up here" (Glengall Road)

"Very pretty" (Trafalgar Avenue)

"Very important to keep history otherwise there is nothing to relate to" (Cobourg Road)

"Nice old shopfronts, good architectural features" (Cobourg Road)

"sense of identity" (Cobourg Road)

"We like Burgess Park" (Cobourg Road)

- Q2; What part of the areas require improvement?

"Old Kent Road frontage buildings should be in the conservation area" (Trafalgar)

"Important to preserve views from Burgess Park – do not overwhelm with tall buildings" (Cobourg Road)

"Burgess Park is important to the history" (Cobourg Road)

"No parking in front gardens, provide car park instead" (Trafalgar Avenue)

"more greenery" (Glengall Road)

- Q3; Do you feel that controlling changes to windows, doors and boundary treatments would help preserve the areas heritage?

“yes” (Glengall Road)

“yes – uniform sash windows, preserve the style of windows and doors (Glengall Road)

“no upvc” (Glengall Road)

“car park to Burgess Park to stop people parking on front gardens” (Cobourg Road)

“No objection to preserving things” (Cobourg Road)

“Better historic design to windows and doors” (Cobourg Road)

- Q4; Are there any stories about past residents, group or events that contribute to the history of the area?

“early cinema in Old Kent Road” (Trafalgar Avenue)

“my Father was involved with CPO for land for Burgess Park” (Cobourg Road)

“used to swim in the lake” (Cobourg Road)

Other comments:

“Pressure to develop 12 Ossory Road – should preserve the cobbles”

“Proud of areas heritage and history”

“glad to see extensions to conservation areas”.

5. Public comments received online/email:

“strongly in favour of extending into Burgess Park with the proviso that the lime trees are managed so that street lights are not obscured by their foliage” (Glengall Road)

“Strongly in favour of the proposed Conservation Area boundary extension to take in the former John Mills and Sons Mineral Water Factory and Bottling works at 12 Ossory Road” (Glengall Road)

Incorrect reference on website (*officer note: corrected*)

“no leaflets were posted to inform us of this” (*officer note; refer members to details of consultation, above*)

6. Conservation Area Advisory Group comments

Cobourg Road Conservation area appraisal

“The CAAG panel suggests that the Southwark conservation team could consider a further extension to the CA on the immediate opposite side of The Old Kent Road. This could take in the attractive Wessex House estate by Peter Moro and Partners, 1971-74 in bright red brick face brickwork. This seventies development is north-west of the Old Kent Road Fire Station and faced the existing conservation area Victorian terrace with shopping parade with raised pavement on South side of Old Kent Road. The CAAG group would be grateful if the Southwark Conservation team could initiate a listing request to Historic England for the handsome Peckham landmark the Victorian Cobourg Road Primary School. This wonderful, statuesque London Board School was built circa 1890 by the School Board’s chief architect T J Bailey. This building is thoroughly intact and retains three of its beautiful ‘Queen Anne Style’ out-buildings including the caretaker’s house and children’s workshops.”

*Officer comment; Considered extension to Wessex House but this area is of a different character and significance to the Cobourg Road CA and would require separate designation. Design and Conservation team to assess whether the school meets the criteria for listing and consult internally before proposing to Historic*

*England.*

7. Trafalgar Avenue Conservation area appraisal  
“Extension to the Old Canal Mews i.e. 5-6 Old Canal Mews, 49/51 Trafalgar Avenue, nos 388, 388b & 388c Old Kent Road” supported

*Officer comment: noted and agreed*

8. Glengall Road Conservation area appraisal  
“noted that this conservation area extension is to include the former Mineral Water and Bottling Works in Ossory Road with the “cobbled yard” and the path in Burgess Park with lime trees in former gardens along the Old Kent Road. The CAAG panel recommends the extension of this conservation area further southward to include the attractive Victorian Italianate terrace on the west side of Glengall Road between Bianca Road and Latona Road. A southern extension could also include the picturesque group of period industrial buildings on the east side of Glengall Road immediately opposite the terrace of houses. Please see the sketch map attached to these minutes.”

*Officer comment: south west side of Glengall Road between Bianca Road and Latona Road and industrial building are disconnected physically to the existing conservation area however could be separately considered in the future.*

9. Historic England comments

“Historic England welcomes the publication of these documents which will help to provide a positive framework for the management of the conservation areas and associated listed buildings. The production of these is particularly welcomed in light of the proximity to Old Kent Road and the envisaged levels of growth predicted alongside the extension of the Bakerloo Line. We consider the documents to be comprehensive and to provide a balanced assessment of significance and condition”

Recommend that assessments of setting also including in each conservation area appraisal, particularly the views across Burgess Park (Cobourg Road), positive about inclusion of buildings on Old Kent Road (Glengall Road and Trafalgar Avenue) and 12 Ossory Road.

*Officer comment: text amended to include setting assessment. Full comments in appendix.*

### **Adopted planning policy**

#### National Planning Policy Framework (NPPF)

10. The revised National Planning Policy Framework (‘NPPF’) was published in February 2019 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
11. Paragraph 215 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.
12. Chapter 12 Achieving well-designed places

## Chapter 16 Conserving and enhancing the historic environment

### London Plan 2016

13. The London Plan is the regional planning framework and was adopted in 2016. The relevant policies of the London Plan 2016 are:

Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology

14. Core Strategy 2011

15. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:

Strategic Policy 12 Design and conservation  
Strategic Policy 13 High environmental standards

### Southwark Plan 2007 (saved policies)

16. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:

Policy 3.16 Conservation Areas  
Policy 3.17 Listed Buildings  
Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites

17. **Emerging planning policy**

### Draft New London Plan

18. The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2 March 2018. The document is expected to reach examination stage later this year however, given the stage of preparation it can only be attributed limited weight.

### New Southwark Plan

19. For the last 5 years the council has been preparing the New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. The council concluded consultation on the Proposed Submission version (Regulation 19) on 27 February 2018. It is anticipated that the plan will be adopted in 2019 following an Examination in Public (EIP). Similarly with the OKR AAP, as the NSP is not yet adopted policy, it can only be attributed limited weight. Nevertheless paragraph 48 of the NPPF states that decision makers may give

weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.

#### Old Kent Road Area Action Plan (OKR AAP/OAPF)

20. The council is preparing an Area Action Plan/Opportunity Area Planning Framework for Old Kent Road (AAP/OAPF) which proposes significant transformation of the Old Kent Road area over the next 20 years, including the extension of the Bakerloo Line with new stations along the Old Kent Road towards New Cross and Lewisham. Consultation has been underway for 3 years, with a first draft published in 2016. A further preferred option of the Old Kent Road AAP (Regulation 18) was published in December 2017 and concluded consultation on 21 March 2018. As the document is still in draft form, it can only be attributed limited weight.

#### 21. **Principles of designation and guidance**

The conservation areas are largely residential streets from the late 18<sup>th</sup> and 19<sup>th</sup> centuries with terraces, detached and semi detached houses, plus other uses such as schools and religious buildings, and light industrial warehouses which show a snapshot in time during the suburban expansion of London, specifically around the south of the Old Kent Road.

22. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the local Planning Authority to determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance and further allows for those areas to be designated as conservation areas. 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
23. In 2019, the revised National Planning Policy Framework was published by Department of Housing, Communities and Local Government. With relation to the assessment of significance of heritage assets, including conservation areas, the guidance states “Plans should set out a positive strategy for the conservation and enjoyment of the historic environment” (para. 185) and when assessing proposals, “Local planning authorities should identify and assess the particular significance of any heritage asset”. (para. 190) Conservation Area Appraisals and Management Plans enable the Council to affectively undertake these tasks as required by the NPPF.
24. 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

**25. Changes to the appraisals following consultation**

The appraisals have been amended to take into account the comments of the consultation, Historic England and the Council's Conservation Area Advisory Group, as noted above.

The maps in each appraisal have also changed to reflect the extensions to the boundaries. The final appraisals are attached to this report in the appendices.

**26. Article 4 direction**

A positive response to the consultation was received in regards to an "article 4" direction for the conservation areas, especially in regards to changes to windows and doors. An article 4 direction is made by the local planning authority. It restricts the scope of permitted development rights either in relation to a particular area or site, or a particular type of development anywhere in the conservation area. Where an article 4 direction is in effect, a planning application may be required for development that would otherwise have been permitted development. Article 4 directions are used to control works that could threaten the character of an area of acknowledged importance, such as a conservation area.

27. An article 4 (1) direction without immediate effect under The Town and Country Planning (General Permitted Development) (England) Order 2015 schedule 3 Paragraph 1 is proposed for all residential properties within the conservation areas to require a planning application for changes to

- windows and doors
- porches
- boundary treatments where they front a highway (walls, fences, gates)
- hardstanding adjacent to a public highway
- roof coverings

28. A draft article 4 direction is included in the appendices. The owner and occupiers of the properties affected will be notified, site notices displayed in the conservation areas and local advertisement take place for 28 days as the requirements of Town and Country Planning (General Permitted Development) (England) Order 2015 schedule 3.

29. Applications for development which are subject to an article 4 are fee exempt.

**SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

**Director of Law and Democracy**

30. This report asks the Planning Committee to note the consultation responses and agree to the adoption of the amended conservation area and article 4 directions for the Glengall Road, Cobourg Road and Trafalgar Avenue Conservation Areas.

31. In May 2019, the Planning Committee authorised the designation of the extension to Glengall Road conservation area and the consultation on extensions, designations and article 4 directions for certain specific roads. The Committee is now asked to consider the results of the public consultation as recommended by

Historic England concerning the appraisal and management plan.

32. 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), Planning (Listed Buildings and Conservation Areas) 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)*).
33. There is no statutory requirement for LPAs to consult with anyone before a conservation area is designated, extended or on appraisals, nor does the Councils Statement of Community Involvement require consultation in respect of designating Conservation Areas. However, Historic England 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.
34. There is no formal designation or consultation 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, and consultation of Community Council members will take place before the designation is confirmed.
35. The designation of a conservation area gives the LPA additional powers over the development and the use of land within it and has the following consequences;
  - control of demolition of buildings - all demolition will require conservation area consent
  - any new development will need to enhance or preserve the conservation area –
  - protection of trees – certain criminal offences arise if trees in the conservation area are cut down or wilfully damaged without the consent of the LPA
  - duty of LPA to formulate and publish from time to time proposals for the conservation and enhancement of conservation areas (e.g, by updating conservation area appraisals)
  - certain permitted development rights are more restricted
  - specific statutory duties on telecommunications operators
  - exclusion of certain illuminated advertisements [although not very relevant in this context]
  - publicity for planning applications affecting the conservation area must be given under Section 73(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
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.
37. The report has considered the Public Sector Equality Duty and the obligation for the Council to have regard to the requirements set out at paragraph 30 of this report and in particular to the persons sharing a relevant protected characteristic. Whilst it is for Members to assess the position, the report considers that these rights have been considered.
38. The Planning Committee is also being asked to approve the making of a non-immediate Article 4 Direction as set out in Appendix 2. This will restrict the scope of

permitted development rights in respect of specified properties within the enlarged conservation area. As before, the Planning Committee has authority to take this decision in accordance with Part 3F, paragraph 3 of the Council Constitution. Since this is a non immediate Direction, this does not give rise to any claim for compensation.

## **Other matters**

### **Community impact statement / Equalities Assessment**

39. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three “needs” which are central to the aims of the Act:
- a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
  - b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
    - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
    - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
    - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
  - c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
40. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
41. The Council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
42. Officers have been mindful of the requirement to give due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.

### **Human rights implications**

43. 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.
44. This application has the legitimate aim of providing 26 residential dwellings. 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/H1066 Application file: 19/AP/1506 Southwark Local Development Framework and Development Plan Documents	Place and Wellbeing Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 0207 525 0254 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

## APPENDICES

No.	Title
Appendix 1	Glengall Road, Trafalgar Avenue and Cobourg Road Conservation Area Appraisal
Appendix 2	Draft article 4 direction and maps

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Catherine Jeater, Team Leader, Design and Conservation	
<b>Version</b>	Final	
<b>Dated</b>	25 October 2019	
<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 and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		25 October 2019