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Item No. 7.2	Classification: OPEN	Date: 5 November 2019	Meeting Name: Planning Committee
Report title:	Development Management planning application: Application 18/AP/3285 for: Listed Building Consent Address: 596-608 OLD KENT ROAD AND LAND AT LIVESEY PLACE, LONDON, SE15 1JB Proposal: Careful removal and storage of Grade II listed mural prior to demolition of the existing non listed building, and subsequent incorporation of the mural into mixed-use redevelopment of the site to be considered under planning application reference 18/AP/3284.		
Ward(s) or groups affected:	Old Kent Road		
From:	DIRECTOR OF PLANNING		
Application Start Date 15/10/2018		Application Expiry Date 10/12/2018	
Earliest Decision Date 22/11/2018			

RECOMMENDATION

1. That Listed Building Consent be granted, subject to the recommended conditions.

BACKGROUND INFORMATION

Site location and description

2.

Type of property	Grade II Listed Mural at Ground Floor Level of former North Peckham Civic Centre.
Site bounded by	The mural fronts onto Old Kent Road and turns the corner onto Peckham Park Road.
Is property listed?	The host building (the former North Peckham Civic Centre) is not listed, but the mural is Grade II listed.
Is property in a Conservation Area?	No
Any other relevant constraints?	No

Details of proposal

3. Listed Building Consent is sought for the careful removal and storage of the Grade II Listed Mural, and then its reinstatement in a proposed mixed use development on

the site. This mixed use development is considered separately under 18/AP/3284.

Planning history

4. See Appendix 1 for any relevant planning history of the application site and/or adjoining sites.

Please note that this application for Listed Building Consent is submitted in conjunction with an application for Full Planning Permission for the following:

“Mixed-use redevelopment comprising the demolition of all existing buildings and structures (listed mural to be removed and stored prior to demolition, and incorporated into proposed development); construction of three buildings arranged around a central plinth ranging in height from 10 to 38 storeys (maximum height +144.2m AOD) above single basement, ground and mezzanines floors, to provide a range of uses including 372 residential units (Use Class C3), place of worship (Use Class D1), retail (Use Classes A1-A4), and office / light industrial (Use Classes B1(a)/B1(c)); means of access, public realm and landscaping works, parking and cycle storage provision, energy centre / plant and servicing areas, and associated ancillary works.”

KEY ISSUES FOR CONSIDERATION

Summary of Main Issues

5. The main issue to be considered in respect of this application is the harm the proposal would cause to significance of the heritage asset. This assessment should be carried out giving regard to all relevant planning policies. This assessment covers the following key considerations:
 - Policy;
 - Consultation responses, and how the application addresses the concerns raised;
 - Understanding the significance and the proposal;
 - Assessment of harm to significance;
 - Community impact and equalities assessment;
 - Human rights implications, and;
 - Positive and proactive statement

Policy

6. Listed Building Consent is considered under the terms of the Listed Building and Conservation Areas Act (1990) [the Act] as amended and updated. The main principles of the Act are repeated in the NPPF (2019), 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.
7. 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) 2019

8. The revised National Planning Policy Framework ('NPPF') 2019 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.
9. Paragraph 215 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications. The relevant chapters in the consideration of this application are:
 - Chapter 16 - Conserving and Enhancing the Historic Environment

London Plan 2016

10. The relevant policies in the consideration of this application are:
 - Policy 7.8 - Heritage Assets and Archaeology

Core Strategy 2011

11. The relevant policies in the consideration of this application are:
 - Strategic Policy 12 - Design and Conservation

Southwark Plan 2007 (July) - saved policies

12. 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:
 - 3.15 - Conservation of the Historic Environment
 - 3.17 - Listed Buildings
 - 3.18 - Setting of Listed Buildings, Conservation Areas and World Heritage Sites

ASSESSMENT

Consultation Responses and How the Application Addresses the Concerns Raised

13. In the introduction to this Officer's Assessment is a table summarising the number of responses received from members of the public about this application. The consultation summary in the appendices of this report lists any statutory consultees that were consulted, and states the date a response (if any) was received. The Twentieth Century Society, Historic England and two members of the public have responded to this specific application. It should be noted that there were eight objections received to the application for full planning consent, a number of which raised the listed mural as a concern.

14. In their consultation response, the Twentieth Century Society note that they provided comments on a previous application 17/AP/4234, dated 7 December 2017. This advice discouraged permission being granted unless a clear strategy for the removal, storage and reinstatement of the mural was set out. They go on to say that the application now under consideration successfully addresses these issues, and that they welcome the decision to involve a ceramic mural specialist to manage the relocation works. They state that they are satisfied with the methods specified and the proposed new location of the mural which offers both protection and prominence, retaining its visible position on the Old Kent Road.
15. The Twentieth Century Society also go on to state that they recognise the difficulty of removing such a large piece of public art, and understand that technical necessity will result in it needing to be broken into smaller pieces. They recommend that the original break lines of the mural be followed where possible when dividing and removing to minimise potential damage to the ceramic.
16. In conclusion, the Twentieth Century Society say that they are “greatly pleased to see the mural retained in its original location” and that they “welcome the attention paid in planning a careful relocation, that secures public access and appreciation for years to come.”
17. Historic England did not make any comment in relation to the application and directed the council to determine the application as seen fit. They referred the consultation to the Secretary of State who has confirmed that they do not wish to comment further or call the application in.
18. The responses from the members of the public both objected to this proposal. The first raises concerns that the mural was created to be displayed in the context of the existing building and considers that there is a high risk that the removal and storage process could compromise the mural. This objector is also of the view that the building itself should be maintained, and restored to its original use. The second objector, where their comments relate to the Listed Mural states that “Incorporating it into an ugly design is not good enough.”
19. Officer Response: In general, the issues raised in these objections are addressed in subsequent parts of this report, particularly relating to the mural being designed for the existing building and the risk of damage. As the Civic Centre is not listed, and omitted from the Mural’s list description, the demolition of this building is not considered here. It is however addressed in the report on the application for full planning permission (18/AP/3284). The high quality and architectural design of the proposed new buildings is also discussed in that report.

Understanding the Significance and the Proposal

20. Paragraph 189 of the NPPF requires applicant together with the Local Planning Authority 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.
21. The architectural or historic significance of any heritage asset includes its internal and external historic features and its setting.

22.	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?	NO
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23. The Mural was Grade II listed on 20th April 2017. It is a large ceramic mural made by Adam Kossowski, and it consists of three panels. It was finished in 1965. The former Civic Centre, for which it was designed and on which it is currently mounted, is not included in the listing.

24. The list description states that it was listed for the following principal reasons:
1. Artistic interest: the signed and specially-commissioned mural is a striking artwork by Adam Kossowski, displaying intricate detail and historical references to the Old Kent Road;
 2. Rarity: it is rare as an unusual survival from the period when ceramic mural-making was at its zenith, and as a largescale example of Kossowski's secular work;
 3. Craftsmanship and materials: each panel is a bespoke and beautifully-made object, with each tile individually textured, painted, and glazed by the artist;
 4. Historic interest: the mural is a testament to the atmosphere of optimism and excitement initiated by the Festival of Britain, and which continued in to the 1960s.

25. The Mural is made of textured and moulded ceramic tiles in a variety of colours, with selective glazes. It consists of three large panels telling the chronological history of the road from the Roman period to the 1960s which are described in the list description as follows:

"The first panel is c5m wide, and c3m tall. It is attached to the N end of the E elevation of a building (not included in the listing), under the shallow projection of its first storey. It tells the story of the Roman period and is decorated with images of Roman buildings with their terracotta tile roofs, and classical proportions. Military iconography is represented through legionary standards, one topped with the letters 'SPQR'. Within the buildings a number of citizens and soldiers are gathered, perhaps discussing the conquest of Britain. The panel also hints at the civilisation delivered by Rome, and features a horseman saying goodbye to his family and travelling along the newly-paved road. At the corner where this panel and the next meet there are ten moulded butterflies. They represent the rare Camberwell Beauty which was first spotted in this area in 1798, but is not native to these shores.

The second panel is of similar dimensions and stands on the principal N elevation of the building, towards the E end, under its deep overhang. This panel displays images from the Canterbury Tales, and includes a quote from the text 'AND OFF WE RODE AT SLIGH / TLY FASTER PACE THAN / WALKING TO ST THOMAS' / WATERING-PLACE; AND / THERE OUR HOST DREW / UP, BEGAN TO EASE HIS / HORSE, AND SAID 'NOW / LISTEN IF YOU PLEASE'. In the middle of the panel stands a large cathedral, with its entrance door guarded by a ghostly white knight, perhaps making reference to the murder of Thomas Becket at Canterbury in 1170. The next section of the panel is given over to Henry V and his army, commemorating their regular passage to battles in France during the Hundred Years War. The final section displays the Camberwell coat of arms and the text 'ALLS

WELL' which is a pun based on the two water well symbols which make up the Camberwell insignia.

The third panel is wider at c10m. It also stands on the N elevation of the building, but to the W end. The imagery starts with a diorama of the Jack Cade rebellion of 1450, which stemmed from grievances over the corruption of Henry VI's regime and the debt caused by years of warfare against France. Jack Cade and his Kent-based followers marched on London demanding change. Once in London the conflict descended to looting and riot, culminating in a bloody battle on London Bridge. Cade fled but was later killed in a skirmish. The Jack Cade Rebellion was the largest popular uprising to take place in England during the 15th century. The next section represents the triumphant return of Charles II to England in 1660 after a nine year exile. Contemporary reports suggested that his entourage took seven days to pass by. The final section of this panel represents the C20 East End of London, with imagery of a policeman, factories, transport, and high rise buildings. In the centre a family dressed in traditional 'Pearly King and Queen' dress (made popular by Henry Croft, a late-C19 orphan street sweeper), use a road crossing. In the top right hand corner, the work is signed by the artist and dated 1965."

26. The panels were designed for display on the former Civic Centre building (now in use as a church). However, the manner in which the panels currently wrap around different frontages and are interrupted by an extensive area incorporating the entrance to the building detracts somewhat from their appreciation.
27. The Mural's heritage significance derives principally from its artistic interest as a signed piece by a known artist, Adam Kossowski. It is noted as a 'rare and unusual survival from the period when ceramic mural-making was at its zenith', and as a large-scale example of Kossowski's secular work. In respect of its historic interest it is of value to the local area and the list description notes it is 'testament to the atmosphere of optimism and excitement initiated by the Festival of Britain, and which continued in to the 1960s.' The host building is not considered to contribute to the significance of the listed mural. The host building is omitted from the listing description.

Image: The Mural Panels



Panel 1; Peckham Park Road elevation



Panel 2; Old Kent Road elevation



Panel 3; Old Kent Road elevation

Assessment of Harm to Significance

28. 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'.
29. Paragraphs 195 and 196 of the NPPF also require Local Planning Authorities to weigh that harm against the public benefits of the development proposed, including securing the optimal viable use of the heritage asset.
30. Any harm should require clear and convincing justification and can arise from the loss of historic fabric or features of significance as well as impact on the setting of a heritage asset. In accordance with paragraph 194 of the NPPF, both 'substantial' or 'less than substantial', any harm should be avoided and should be exceptional in the case of Grade II listed buildings and wholly exceptional in the case assets of highest significance.
31.

Does the proposal cause harm to the architectural or historic significance of the heritage asset or its setting?	NO
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32. As set out above, the list description summarises the reasons for listing the mural as relating to its artistic interest, rarity, craftsmanship and materials. It would retain all these aspects of its significance.
33. The Mural would remain on site in its prominent location, fronting onto Old Kent Road. As such, it would retain any significance associated with its connections with the local area.
34. The Mural does not rely on the host building or its current mounting for its significance. The host building was excluded from the listing. It is acknowledged that the panels were designed for display on the existing Civic Centre building, but the manner in which the panels currently wrap around different frontages and are interrupted by an extensive area incorporating the entrance to the Civic Centre detracts somewhat from their appreciation.
35. A detailed methodology for the removal, storage and reinstatement of the mural has been submitted in support of this application for Listed Building Consent. This has been prepared by Orbis Conservation, a specialist contractor with experience in working with post-war tile murals. This states that the following documentation has been/will be prepared:
- i. Condition Report produced of entire work
 - ii. Measurements
 - iii. Systematic photographic record taken of entire surface
 - iv. 3D laser scanning of entire work.
36. A planning condition is included with this recommendation to require the submission and approval of this information prior to commencement of any work on site. It notes that the methods of production can be replicated today should any tiles need to be replaced.

37.	Is there sufficient information to show the public benefits of the proposal or improved usability of the heritage asset?	YES
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38. The Mural would become an integral part of the new building, with the panels placed side by side on a single frontage facing Old Kent Road, such that they could be viewed as a continuous piece, and their significance better appreciated. The siting of the Mural within a colonnade would maintain protection from the weather it currently enjoys in part, and provide protection from vandalism. The heritage significance of the Mural would be preserved, and in many ways enhanced.

The wider development proposals would deliver a number of substantial public benefits, including:

- 372 new homes to the borough's housing stock;
- 35% affordable housing overall;
- The re-provision of B1(c) light industrial floorspace;
- 10% affordable workspace;
- The re-provision of the Everlasting Arms Ministries Church;
- 87-109 new full time equivalent jobs, an uplift of 69-86 jobs on the site;
- A contribution to the Linear Park, including delivery mechanisms secured through the Section 106;
- Improvements to Old Kent Road, Peckham Park Road and Livesey Mews;
- An uplift in the number of trees and ecology value of the site; and
- Improved connectivity for cyclists and pedestrians.

39.	Do you consider that harm to be 'less than substantial'?	N/A
	There would be no harm to the heritage significance of the mural, as set out above.	

Community Impact and Equalities Assessment

40. The Council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights

41. The Council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application. Further consideration of these issues is set out in full on the report for the associated planning permission (18/AP/3284).

42. 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:

1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
2. 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

3. 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.

43. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

Human Rights Implications

44. 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.

45. This application has the legitimate aim of seeking listed building consent. 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.

Positive and Proactive Statement

46. The Council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

CONCLUSION ON PLANNING AND OTHER ISSUES

47. The NPPF requires Local Planning Authorities to consider whether the public benefits of the proposed development outweigh the harm that may arise and whether it is justified. In the case of substantial harm, Local Planning Authorities should consider whether the harm is necessary to deliver the public benefits. The greater the harm the greater the justification necessary.

48.	Is any harm to the heritage asset outweighed by public benefits arising from the proposal including securing an optimal viable use?	YES
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As set out above, it is not considered that the proposals would result in any harm to the heritage significance of the listed mural. Nonetheless, substantial public benefits of redeveloping the site have been identified.		
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CONCLUSION

49. The proposal demonstrates that it conforms to the Listed Building and Conservation Areas Act (1990) [the Act] as amended and updated. It complies with current policy to: preserve and enhances the heritage asset and its setting; provide good design; and address issues raised by statutory consultees and should therefore be granted Listed Building Consent.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2168-596 Application file: 18/AP/3285 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: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 7194 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Human Rights Considerations

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Sarah Parsons	
Version	Final	
Dated	22 October 2019	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
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
Date final report sent to Constitutional Team	22 October 2019	

Consultation undertaken

Site notice date: 23/10/2018

Press notice date: n/a

Case officer site visit date: 23/10/2018

Neighbour consultation letters sent: n/a

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

Council for British Archaeology
Historic England
The Peckham Society, 178 Peckham Rye
Twentieth Century Society

Neighbour and local groups consulted:

38 Reading House Greenhundred Rd. SE15 1RS

Flat 92, Northfield House Peckham
Park Road SE15 6TN

Re-consultation: n/a

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

Historic England
Twentieth Century Society

Neighbours and local groups

Flat 92, Northfield House Peckham Park Road SE15 6TN
38 Reading House Greenhundred Rd. SE15 1RS