

Item No.	Classification: Open	Date: 12 May 2011	Meeting Name: Peckham Community Council
Report title:		Peckham Hill Street Conservation Area	
Ward(s) or groups affected:		Peckham and Livesey	
From:		Head of Development Management	

RECOMMENDATION(S)

1. That Members authorise the proposal to carry out public consultation with local residents and businesses on Peckham Hill Street Conservation Area .
2. That Members provide comment on the proposal to designate Peckham Hill Street Conservation Area
3. That Members provide comment on the draft Conservation Area Appraisal and map of the proposed conservation area boundary (Appendices 1 and 2).
4. That Members note the Equality Impact Assessment (Appendix 3)

BACKGROUND INFORMATION

5. It is proposed to consult upon the Peckham Hill Street Conservation Area based upon the attached map and conservation area assessment.
6. 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. These buildings vary in height from two and three storeys (with attics) and one, two or three bays in width. Common features in the conservation area include: round arched windows some recessed, segmental-headed windows, blind panels and high parapets
7. The proposed conservation area is focused upon the villas and houses of Peckham Hill Street and contains the landscaped green spaces of the former Peckham branch of the Grand Surrey Canal.
8. 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.

9. In March 2010 the Government issued PPS5 'Planning for the Historic Environment' replacing the guidance formerly contained within PPGs 15 and 16. PPS5 requires, in Policy HE2.1, that Local Authorities have evidence about the historic environment and heritage assets within their area, and that this evidence is publically documented. Designation records, such as Conservation Area assessments, should also be taken into account when determining planning applications.
10. In 1997 English Heritage published guidance, 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.
11. Designation of a conservation area imposes certain duties on planning authorities. These duties are twofold. First, to formulate and publish from time to time, proposals for the preservation and enhancement of 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.
12. The area designated is defined as follows: The Peckham Hill Street Conservation Area is located directly to the north of the commercial core of Peckham, two miles south of London Bridge and situated between Camberwell, to the west, and New Cross, to the east. The conservation area is principally centred on Peckham Hill Street, which connects the commercial core of Peckham with the north of the borough. The southern edge of the conservation area is bounded by the proposed Rye Lane Peckham Conservation Area; northwards the conservation area extends to Willowbrook Bridge. Essentially the Peckham Hill Street Conservation Area provides a good view of mainly early to mid 19th century housing in the borough. The Conservation Area also includes the Surrey Canal Linear Park where it backs onto Peckham Hill Street and the recreation ground between Jowlett Street and Commercial Road together with buildings associated with this space.

KEY ISSUES FOR CONSIDERATION

- 13 The proposed conservation area is characterised by the remnants of a 19th century planned suburban development with a strong landscape element based around the remnants, and course of the Peckham branch of the Grand Surrey Canal.
- 14 Although the special quality of the area is the main reason for designation, rather than the individual buildings, the proposed conservation area contains a number of listed buildings and a significant number of buildings included on the local list which are representative of the suburban character and significant remains of the former canal.
- 15 The vistas within and out of the conservation area are also of considerable merit. Most houses in the conservation area have generous back gardens, with much altered rear elevations. Many look out on to, and are visible from, the landscape areas such as the: Surrey Canal Walk, Commercial Way Recreation Ground and Bonar Road Allotment Gardens. The uninterrupted views of these green spaces make an important contribution to the character of the conservation area.

Outstanding Schemes

- 16 There are no significant outstanding schemes within the Conservation Area.

Planning Policy

Core Strategy 2011 (April)

Strategic Policy 12 Design and Conservation.

Southwark Plan 2007 (July)

Policy 3.15 Conservation of the Historic Environment

Policy 3.16 Conservation Areas

Policy 3.18 Setting of Listed Buildings, Conservation Areas and World Heritage Sites

Policy 3.19 Archaeology

London Plan 2008 consolidated with alterations since 2004

Policy 4B.11 London's Built Heritage

Policy 4B.12 Heritage Conservation

Policy 4B.15 Archaeology

Planning Policy Statements

PPS5 Planning for the Historic Environment.

Community impact statement

- 17 The designation will be consulted in accordance with the Statement of Community Involvement. The Statement of Community Involvement sets out how and when the Council will involve the community in the alteration and development of town planning documents and applications for planning permission and was adopted in January 2008. The Statement of Community Involvement does not require the Council to consult when designating a

- Conservation Area, but in this instance the Council proposes to follow a similar procedure.
- 18 The consultation will seek the views of local residents, businesses and other local interests over the definition of the boundaries and the conservation area appraisal. Notification of the consultation on the proposed designation and the supporting documents will be put in the local press, on the council's website and will be made available in the local libraries and the Town Hall. This will show how the consultation has complied with the Statement of Community Involvement.

Human rights implications

- 19 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.
- 20 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

- 21 Notifying the public of the proposed Peckham Hill Street Conservation Area will not result in resource implications for the staffing of the Regeneration Department.
- 22 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.
- 23 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal & Democratic Services

- 24 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)*).
25. 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.

26. 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.
27. 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 can be found at Appendix 1 of this report. The overall impetus for designating a conservation area must be the desire to preserve and enhance the area.
28. 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), LBA 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)*).
29. The designation of a conservation area gives the LPA additional powers over the development and the use of land within it.
30. 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

31. Positive equalities obligations are placed on local authorities, sometimes described as equalities duties with regard to race, disability and gender.
32. Gender equality duties were introduced by the Equality Act 2006, which amended the Sex Discrimination Act 1975. The general duties in summary require local authorities to have due regard to the need to:
 - (a) "eliminate unlawful discrimination and harassment and;
 - (b) promote the equality of opportunity between men and women."

Race equality duties were introduced by the Race Relations Amendment Act 2000 which amended the Race Relations Act 1976. The general duties in summary require local authorities to give due regard to the need to:

- (a) "eliminate unlawful discrimination and harassment;
- (b) promote the equality of opportunity; and
- (c) promote good race relations between people of different racial groups"

Disability equality duties were introduced by the Disability Discrimination Act 2005 which amended the Disability Act 1995. The general duties in summary require local authorities to carry out their functions with due regard to the need to:

- (a) “promote equal opportunities between disabled persons and other persons;
- (b) eliminate discrimination that is unlawful under the Act;
- (c) eliminate harassment of disabled persons that is related to their disabilities;
- (d) promote a positive attitude towards disabled persons;
- (e) encourage participation by disabled persons in public life; and
- (f) take steps to take account of disabled person’s disabilities even where that involves treating disabled persons more favourably than other persons.”

Section 71 of the Race Relations Act 1976, section 49A(i) of the Disability Discrimination Act 1995 and section 76A of the Sex Discrimination Act 1975, require local authorities to act in accordance with the equalities duties and have due regard to these duties when we are carrying out our functions.

33. Equalities and Human Rights have been considered as part of the development conservation area appraisal and an Equalities Impact Assessment (EqIA) is in the process of being completed. EqIAs are an essential tool to assist councils to comply with equalities duties and ensure they make decisions fairly.

34. In accordance with part 3H, paragraph 4 of the constitution providing comments to planning committee on proposals for the designation of conservation areas including conservation area appraisals is a matter for community council.

BACKGROUND DOCUMENTS – there are no background documents.

APPENDICES

No.	Title
Appendix 1	Draft conservation area assessment for Peckham Hill Street conservation area.
Appendix 2	Map of the proposed Peckham Hill Street Conservation Area
Appendix 3	Equality Impact Assessment

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management
Report Author	Tracy Chapman, Senior Design and Conservation Officer
Version	Final

Dated	26 April 2011	
Key Decision?	Yes	
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/Community Council/Scrutiny Team	N/A	