

Item No. 6	Classification: Open	Date: 7 September 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 the community council considers the results of the public consultation on the proposal to designate Peckham Hill Street Conservation Area
2. That the community council comments on the proposal to designate Peckham Hill Street Conservation Area.
3. That the community council comments on the draft Conservation Area Appraisal and map of the proposed conservation area boundary (Appendix 1).

BACKGROUND INFORMATION

4. On 12 May 2011 community council considered a report recommending that public consultation be undertaken on a proposal to designate the Peckham Hill Street Conservation Area. A copy of the report is Appendix 2.
5. A public meeting was held in Peckham Library on the 28 June 2011 for the proposed Peckham Hill Street and Rye Lane Conservation Areas. The meeting was well attended and the majority positively supported the proposal to designate the conservation area. There were 14 feedback forms completed on the day and a further 12 responses received during the consultation period. The responses are analysed in more detail below.
6. Letters were sent to all of the businesses and owner/ occupiers of properties in the immediate conservation and a wider boundary around the proposed area (Appendix 4) giving a twelve week consultation period including a copy of the proposed boundary as well as letting consultees know 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. 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.

8. 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.
9. In March 2010 the Government issued PPS5 'Planning for the Historic Environment' replacing the guidance formerly contained within PPG 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. 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 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.
11. A conservation area imposes additional controls on owners of buildings. In addition to the need for applicants and the Council to pay special attention to the character and appearance of the area, consent is required for demolition and for work to trees.

POLICY IMPLICATIONS

12. 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.”

13. 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.*
14. 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.”*
15. 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.’*
16. 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

17. Fourteen feedback forms completed on the day and a further twelve responses received during the consultation period. A number of the consultation responses also provided comment on the proposed adjoining Rye Lane Peckham Conservation Area and amendment of the Holly Grove Conservation Area.

Public meeting feedback forms

18. All fourteen responses returned on the feedback forms were in favour of the proposed conservation area. Four of the responses suggested that the conservation area boundary should be extended to include three terraced mid Victorian houses (No's 37-41 Peckham Hill Street) on the eastern side of the road. Two comments were received relating to the Whitten Timber site. One suggested that the site should be included in the Rye Lane Conservation Area along with Peckham Square. The other comment was that *"care needs to be taken with the development of the old Whitten site, to ensure that the areas character is not diminished."*

Written responses

19. The twelve letters and emails in support of the designation of the conservation area included the following comments:

57 Ansdell Road and 40 Elsie Road: both wrote in support of the proposed conservation area and agreed with the main argument which the Peckham Society had brought forward:

"Restoring historic buildings is a significant way to raise the quality of building and urban design in an area so that not only are the old buildings saved for the future but their restoration raises the quality of any new developments as well... I also believe the conservation area status will avoid a further deterioration of Rye Lane and Peckham Hill Street through ugly architecture which only purpose is functionality at the cheapest price."

83-87 Bellenden Road: *"We agree that the areas mentioned would benefit from being given a conservation status, as we believe that there areas all over London which should be designated as areas of special architectural and historic interest. We also recognise the need for refurbishment of the buildings involved to bring them up to a standard worthy of being conserved. As sign makers...we also understand that shop keepers, office builders etc. need to advertise their company names and services to ensure their survival, but this should be in keeping with the general street scene you are aiming for."*

149 Chadwick Road: *"I would to express my support of the proposed conservation areas – Peckham Rye and Peckham Hill Street. I think such a move will help to improve the quality of this urban area"*

25 Denman Road: *“Proposed Conservation Areas for Rye Lane and Peckham Hill Street. I wish to support both of these proposals as they will prevent further deterioration of the town centre. Adoption of these proposals should enable these buildings and the whole street scape and environment to be improved.”*

Elland Road: *“I would like to support the creation of Peckham Town Centre Conservation Areas – the buildings sorely need rescuing from some of the violence done to them by unthinking and uncaring commerce”*

26 Geldart Road: *“I attended the public meeting on 28th June and indicated then on the pro formas that I was in favour of the proposals for both Town Centre and the Peckham Hill Street draft conservation areas and I still am. I think the only query I would like to raise is, what assistance may be available for those existing owners affected in complying with the requirements which could sometimes prove expensive? I suspect that some businesses and owners of homes may find it expensive to comply.”*

10A Lanvanor Road: *“Yes, it's very important for the future of Peckham that they can rediscover their identity and build up.”*

71 Montpelier Road: *“...I am certain that if this is done it will raise the quality of building and urban design in Peckham generally. At the moment there are sad lapses in this. Peckham has quite special architectural and immense historic interest compared with other London areas. And it is important that we preserve the character and appearance of those few buildings that still exist. Rye Lane, Peckham High Street, Peckham Hill Street and Commercial Way have some very good old architecture and character and I consider them well worthy of designation as conservation areas.”*

60 Nutbrook Street: *“my comments on the Conservation Area proposal which I support strongly. (I support also the Peckham Hill St Conservation Area proposal, but have no detailed comments on it.)*

Peckham Society: *The Peckham Society welcomes the Draft Conservation Area Appraisal, and commends Southwark and English Heritage for their exemplary work. We have some remarks to make. Generally, we feel there are no comments to make on Peckham Hill Street, because the character of both these areas is clearly defined by the building types and street pattern.*

Summary of consultation

20. The main thrust of the comments received has welcomed the proposal to designate the conservation area with a request to include No's 37, 39 and 41 Peckham Hill Street. Having carried out a further survey it is thought that these buildings on the eastern side of the street merit being included in the conservation area. These mid 19th century houses clearly relate to the houses on the western side of Peckham Hill Street. They are; along with No's 1-23 Peckham Hill Street, the last remnant of an earlier street pattern. The Peckham Hill Street Conservation Area boundary map (Appendix 4) has been amended to include these houses and Glengall Tavern, which had been excluded. The conservation area appraisal identifies the property as a key unlisted building.

21. The Council acknowledges the consultation comments regarding the Whitten Timber Yard site and its inclusion in the Rye Lane Peckham Conservation Area and not Peckham Hill Street Conservation Area. However, the timber yard is built on the site of the former Peckham Manor House and the Peckham Hill Street Conservation Area developed on the land associated with the manor house. Due to its location, the current building on the Whitten site is read with the houses directly in front on Peckham Hill Street. Any future redevelopment of the Whitten site will need to respect and relate to these houses. It is therefore recommended that the Whitten Timber Yard site should remain in the Peckham Hill Street Conservation Area as originally proposed.

KEY ISSUES FOR CONSIDERATION

Community impact statement

21. 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 Peckham Hill Street 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.
22. 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

23. 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.
24. 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

25. 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.
26. 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

27. This report seeks comments on the recommendation to the Planning Committee to designate the Peckham Hill Street Conservation Area.
28. 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)*).
29. 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.
30. 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.
31. 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.
32. 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)*).
33. The designation of a conservation area gives the LPA additional powers over the development and the use of land within it.
34. 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

35. 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.
36. 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.
37. 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 appended Equalities and Human Rights Impact Assessment (EqIA).
38. In accordance with part 3F, paragraph 3 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

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix 1	Map of the proposed Peckham Hill Street Conservation Area
Appendix 2	Report to the Peckham Community Council 12 May 2011
Appendix 3	Draft amended Peckham Hill Street Conservation Area Appraisal
Appendix 4	Consultation map, letter to businesses and owner/ occupiers of proposed conservation area and wider area.
Appendix 5	Equalities Impact Assessment

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Tracy Chapman, Senior Design and Conservation Officer	
Version	Final	
Dated	17 August 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 Community Council Team	23 August 2011	