

COMMUNITY COUNCILS
A voice for your community



Nunhead and Peckham Rye Community Council

Planning Agenda

DATE: Wednesday September 6 2006	TIME: 7.00pm
PLACE: Thomas Calton Centre, Alpha Street SE15 4NX	

- 1. Welcome and introductions**
- 2. Apologies**
- 3. Notification of any items which the Chair deems urgent**
- 4. Disclosure of Members' interests and dispensations**

- 5. Matters from the previous meeting. Members to consider the minutes of the meeting of July 12 2006.**

- 6. Planning Application for Decision:**

Item1
Nunhead green conservation area

- 7. Closing comments by Chair**

ADDITIONAL INFORMATION

Nunhead and Peckham Rye Community Council Membership

Councillor Mark Glover *Chair*

Councillor Evirm Laws *Vice Chair*

Councillor Fiona Colley

Councillor Aubyn Graham

Councillor Susan Jones

Councillor Gordon Nardell

Councillor Robert Smeath

Councillor Althea Smith

Councillor Dominic Thorncroft

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“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of information as defined in paragraphs 1-15, Access to Information Procedure Rules of the Constitution.”

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Liza Morshead

Phone: 0207 525 1018

E-mail: liza.morshead@southwark.gov.uk

Council Website: www.southwark.gov.uk

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Lati je ki a mo nipa iranlowo tabi idi pato, gegeri oko (moto) tabi olutumọ, jowo pe telifoonu 020 7525 7514.

Yoruba



PLANNING COMMITTEE

MINUTES of the OPEN section meeting of the PLANNING COMMITTEE held on Wednesday July 12 2006 at 6:05pm at the Thomas Carlton Centre, Alpha Road, SE15

PRESENT: Councillor Mark Glover (Chair)

Councillors Althea Smith, Aubyn Graham, Fiona Colley

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Susan Elan Jones, Evrim Laws, Dominic Thorncroft, Gordon Nardell, Robert Smeath

2. CONFIRMATION OF VOTING MEMBERS

The members listed as present were confirmed as the voting members.

3. NOTIFICATION OF ANY OTHER ITEMS WHICH THE CHAIR DEEMS AS URGENT

a) None

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no disclosures of interests and dispensations.

RECORDING OF MEMBERS' VOTES

Council Procedure Rule 1.17 (5) allows a Member to record her/his vote in respect of any Motions and amendments. Such requests are detailed in the following Minutes. Should a Member's vote be recorded in respect to an amendment, a copy of the amendment may be found in the Minute File and is available for public inspection.

The committee considered the items set out on the agenda, a copy of which has been incorporated in the minute file. Each of the following paragraphs relates to the item bearing the same number on the agenda.

5. MINUTES

RESOLVED: To be agreed at the 6th September Meeting

6.1 **238 Peckham Rye London SE22 0LR** (Planning application reference number 06-AP-0380) (See pages 11-23)

PROPOSAL: *Demolish existing building and build new three storey block comprising five two bedroom flats with car parking for five cars (resubmission).*

The committee heard the officer's presentation on the application and members asked questions of the officers.

A representation was heard from an objector for the application.

Questions and concerns raised.

Q: Is the building listed?

A: Attempts were made, however, due to the change of windows several years ago the application was declined.

Q: There are five parking spaces however the likelihood is the type of people/couples to buy the property will have more than one vehicle which would lead to cars being parked on Piermont Green which already had cars double parked on them. This would make the parking a much worse situation.

A: There is room for extra car parking space which can be incorporated into the design, however, the development does follow council guidelines regarding parking.

Q: There are concerns about emergency access to the road from the site and also the front line of the building being closer to the road than the existing. It is felt that it is too close to the edge of the site. Also, other than cameras, were there any other traffic safety measures in front of the site?

A: There is a zebra crossing but the lights were removed. The roads are a highways issue and nothing is being done to the existing road to make it better or worse for emergency access.

Q: A main concern is the replacement of a Georgian building with a modern development, compromising the character of the area generally.

A: The current building is beyond economic repair. Even if the structure were to be used for a house, it would have to be knocked down and rebuilt due to extensive damage to the building over such a long period.

Cllr Fiona Colley said that her views are that the existing building is more attractive aesthetically, that she is concerned about the fencing, and the extension at the front, but that re the planning issues, there are no real grounds on which she could reject this.

Cllr Aubyn Graham said he thought that Cllrs had to recommend the application, despite feeling that it might change the nature of the area.

Cllr Aubyn Graham asked what guarantee the Developers could give that the look of the building would be retained as far as possible

The PO explained that the members would have to make a decision based upon the plans in front of them.

Cllr Fiona Colley said that she felt that the bin stalls were not in an appropriate place

The PO advised that members could add a condition re the bin stalls.

RESOLVED: The committee resolved that in the case of planning application number 06-AP-0380 subject to conditions (as follows):

- Condition 4: Bin stores

The dwellings hereby permitted shall not be occupied before details of the location and arrangements for the storing of domestic refuse have been submitted to (2 copies) and approved by the local planning authority and the facilities approved have been provided and are available for use by the occupiers of the dwellings. The facilities shall thereafter be retained for refuse storage and the space used for no other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied that suitable facilities for the storage of refuse will be provided and retained in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Policy E.3.1: Protection of Amenity and Policy T.1.3: Design of Development and Conformity with Council's Standards and Controls of Southwark's Unitary Development Plan.

- Condition 9: Cycle storage

The dwellings hereby permitted shall not be occupied before details of the location and arrangements for the storing of cycles have been submitted to (2 copies) and approved by the local planning authority and the facilities approved have been provided and are available for use by the occupiers of the dwellings. The facilities shall thereafter be retained for cycle storage and the space used for no other purpose without the prior written consent of the Council as local planning authority.

Reason:

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with policy T.4.1 Measures for Cyclists of the Southwark Unitary Development Plan and Policy 5.3 Walking and Cycling of The Southwark Plan [Revised Draft] February 2005.

- Condition 11: Boundary treatment

Details of the means of enclosure for all site boundaries shall be submitted to and approved by the local planning authority and the development shall not be carried out otherwise than in accordance with any approval given. The development hereby permitted shall not be occupied until the works approved pursuant to this condition have been carried out.

Reason: In order that the Local Planning Authority may be satisfied as to the details of materials in the interest of the appearance of the boundary wall in accordance with Policy E.2.3 'Aesthetic Control' of the Southwark Unitary Development Plan.

6.2 **2 HONOR OAK RISE, LONDON, SE23 3QY** (Planning application reference number 05-AP-2462) (See pages 24-29)

PROPOSAL: *Demolition of two storey rear building and one storey lean-to building and removal of existing fire escape to the rear elevation.*

The committee heard the officer's presentation on the application

A representation of concerns were voiced from a member of the objectors. They said that their concern was that the existing brick boundary wall be preserved as agreed by the Planning Inspector in his report (Paragraph 33, Item 9 of the Inspector's Report).

The Objectors read out the relevant paragraph from the report.

The Legal Officer said that it is not necessary to introduce a new condition to the application since the condition already exists in the Inspector's decision (Ref. 33.9 in Inspector's Report). She said Members concerns about the wall being retained could be noted, however.

RESOLVED: That, in the case of planning application number 05-AP-2462, the committee decided that the application be granted for the reasons set out in the report.

The meeting closed at 7:10pm.

CHAIR:

DATE:

Item No.	Classification: Open	Date:	Meeting Name: Nunhead and Peckham Rye Community Council
Report title:		Development Control	
Ward(s) or groups affected:		All within Nunhead and Peckham Rye Community Council	
From:		Strategic Director of Regeneration	

RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

BACKGROUND INFORMATION

4. The Council's powers to consider Community Council Planning business detailed in Article 10 under Role and Functions of Community Councils were agreed by the Constitutional Meeting of the Council on 25 May 2005. The Matters Reserved to the Planning Committee and Community Councils Exercising Planning Functions are described in Part 3F of the Southwark Council Constitution 2005/06. These functions were delegated to the Planning Committee and Community Councils.

KEY ISSUES FOR CONSIDERATION

5. Members are asked to determine the attached applications in respect of site(s) within the borough.
6. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. The draft decision notice will detail the reasons for any approval or refusal.
7. Applicants have the right to appeal to the First Secretary of State against a refusal of planning permission and against any condition imposed as part of permission. If the appeal is dealt with by public inquiry then fees may be incurred through employing Counsel to present the Council's case.
8. The sanctioning of enforcement action can also involve costs such as process serving, Court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal involving a public inquiry or informal hearing the inspector can make an award of costs against the offending party.
10. All legal/Counsel fees and costs as well as awards of costs against the Council are borne by the Regeneration budget.

EFFECT OF PROPOSED CHANGES ON THOSE AFFECTED

11. Equal opportunities considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Borough Solicitor & Secretary

12. A resolution to grant planning permission shall mean that the Development & Building Control Manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the Committee and issued under the signature of the Development & Building Control Manager shall constitute a planning permission. Any additional conditions required by the Committee will be recorded in the Minutes and the final planning permission issued will reflect the requirements of the Community Council.
13. A resolution to grant planning permission subject to legal agreement shall mean that the Development & Building Control Manager is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the Borough Solicitor and Secretary, and which is satisfactory to the Development & Building Control Manager. Developers meet the Council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the Borough Solicitor and Secretary. The planning permission will not be issued unless such an agreement is completed.
14. Section 70 of the Town and Country Planning Act 1990 as amended requires the Council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Section 54A of the Town and Country Planning Act 1990 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently the Southwark Unitary Development Plan adopted by the Council in July 1995 and the London Plan adopted by the Mayor of London in February 2004. The enlarged definition of "development plan" arises from s38(2) of the Planning and Compulsory Purchase Act 2004. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
15. Section 106 of the Town and Country Planning Act 1990 introduced the concept of planning obligations. Planning obligations may take the form of planning agreements or unilateral undertakings and may be entered into by any person who has an interest in land in the area of a local planning authority. Planning obligations may only:
 1. restrict the development or use of the land;
 2. require operations or activities to be carried out in, on, under or over the land;
 3. require the land to be used in any specified way; or
 4. require payments to be made to the local planning authority on a specified date or dates or periodically.

Planning obligations are enforceable by the planning authority against the person who gives the original obligation and/or their successor/s.

16. Government policy on planning obligations is contained in the Office of the Deputy Prime Minister Circular 05/2005. Provisions of legal agreements must fairly and reasonably relate to the provisions of the development plan and to planning considerations affecting the land. The obligations must also be such as a reasonable planning authority, duly appreciating its statutory duties, can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement Members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.

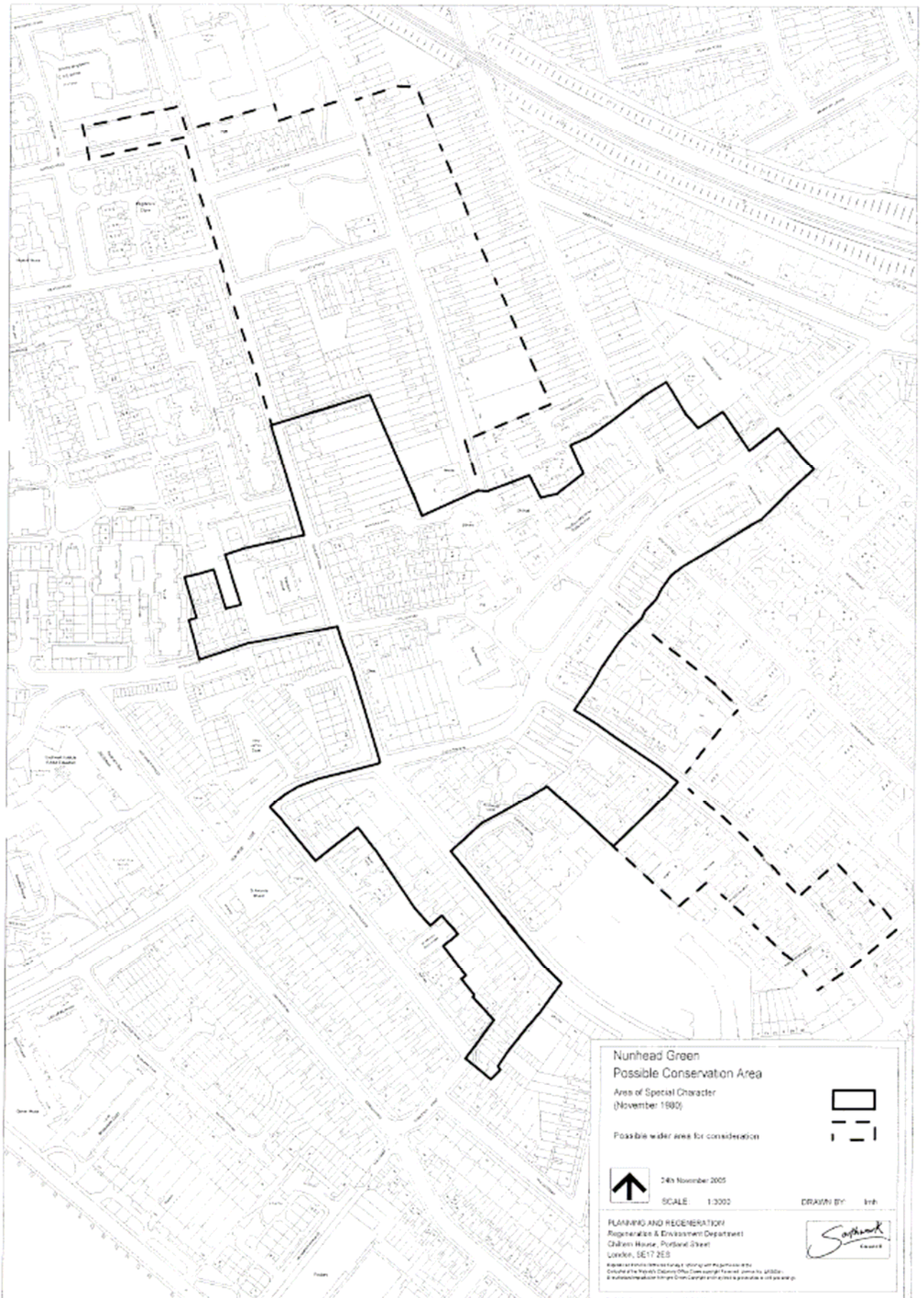
BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly Agenda 25 th March 2005	Constitutional Support Services, Southwark Town Hall, Peckham Road SE5 8UB	Lesley John 020 7525 7228
Each application has a separate planning case file	Council Offices Chiltern Portland Street London SE27 3ES	The named case Officer as listed or Phil Chambers 020 7525 5447

APPENDIX 1

Audit Trail

<u>Lead Officer</u>	Glen Egan, Acting Borough Solicitor & Secretary	
Report Author	Ellen FitzGerald, Acting Senior Planning Legal Officer [relevant officer], Constitutional Support Officer (Executive)	
Version	Final	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
<i>Officer Title</i>	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes	Yes
Paul Evans Strategic Director of Regeneration	No	No
Phil Chambers, Acting Development & Building Control Manager	No	No



Item No	Classification	Committee NUNHEAD AND PECKHAM RYE COMMUNITY COUNCIL	Date 06/09/2006
From HEAD OF PLANNING AND TRANSPORT	Title of Report NUNHEAD GREEN CONSERVATION AREA		
Proposal Proposed conservation area at Nunhead Green.	Wards Nunhead, Peckham Rye and The Lane.		

1. **PURPOSE**

- 1.1 To consider a proposal from the Nunhead Residents' Association for the designation of a Nunhead Green Conservation Area.

2. **RECOMMENDATION**

- 2.1 That the proposed boundary and the draft Conservation Area Appraisal for a Nunhead Green Conservation Area be approved, subject to public consultation.

3. **BACKGROUND**

- 3.1 The Nunhead Residents' Association has suggested to the Council that the area around Nunhead Green should be designated a conservation area.
- 3.2 In 1980, following consultations with the Association, the area was identified by the Council as an "Area of Special Character". However, this designation is not one that conveys any additional protection within the planning system, and a perceived increase in development pressure on the area has led the Association to urge that the formal controls introduced with conservation area status are now necessary to safeguard the areas' character. The boundary of the "Area of Special Character" is shown on the plan which is attached as Appendix 'A'.
- 3.3 A conservation area is defined in the Planning (Listed Buildings and Conservation Areas) Act 1990 as "an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance", and the only criterion for designation is whether or not the area is of special architectural or historic interest.
- 3.4 The draft Appraisal follows guidance published by English Heritage in 1997. This sets out the importance of defining and assessing a conservation area's character and the need to record it in some detail. The purpose is to provide a sound basis for rational and consistent judgements when considering planning applications within conservation areas. When formally adopted by the Council, conservation area appraisals have the status of supplementary planning guidance and therefore can help to defend decisions on individual planning applications on appeal. They may also guide the formulation of proposals for the preservation and enhancement of the area.
- 3.5 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. Secondly, in exercising their planning powers to pay special attention to the desirability of

preserving or enhancing the character or appearance of the areas. The formal adoption of appraisals will satisfy these obligations.

4. FACTORS FOR CONSIDERATION

4.1 Main Issues.

The main issues in this case are

4.1.1 The Character and Appearance of the Area.

The area suggested for designation includes Nunhead Green itself, the buildings surrounding it, and some of the streets leading away from it, including parts of Gordon and Consort Roads to the north and Nunhead and Linden Groves to the south.

4.1.2 Until the early 19th century, the area remained largely rural with no more than a small group of scattered houses on the north and west sides of what is now Nunhead Green, surrounded by market gardens and open fields. Immediately to the south of the Green, Nunhead Cemetery (designated a conservation area in 1986) was laid out in 1840, which marked the beginning of the area's urbanisation. At this date the area was still far enough out from the Metropolis to afford a quiet retreat for the retired. As a result, two groups of almshouses were erected: for the Girdlers' Company in 1834 in what is now Consort Road, and for the Beer and Wine Trades in 1852 on the north side of the Green. These are both now listed, grade II, and are key buildings in the area.

4.1.3 Residential development of the area was well under way in the third quarter of the 19th century, with spacious detached and semi-detached villas in Linden Grove and Nunhead Grove and with terraces of smaller houses in other nearby streets. In 1868 the future of the Green as an open space was secured, when it was acquired by the Vestry on condition that it remained open to the public in perpetuity.

4.1.4 The prevailing character of the area is of later 19th century residential development. This is punctuated by some noteworthy public buildings, such as the Passmore Edwards Library of 1896 and the former Relief Station in Consort Road of 1901, which nevertheless manage to respect the domestic scale of the area. A number of street corner public houses also contribute positively to the village green character, including the mid 19th century Pyrotechnic Arms, whose name commemorates Brock's firework factory, which was located nearby in the 1860s and 1870s, and the Nun's Head Tavern, built in 1934 in mock Tudor style, but on a site which has been occupied by a public house since the 17th century.

4.2 Conservation Area Boundary

4.2.1 The boundary of the 1980 "Area of Special Character" was drawn tightly round the Green, with only short extensions to the north and south to incorporate the almshouses in Consort Road and some of the more distinctive domestic villas and terraces. While this boundary adequately defines the Green's immediate environs, it is considered that, for the purposes of public consultation, there are two areas that contribute to the Green's wider setting that are also worthy of consideration for inclusion in the designation. These additional areas are shown on the plan at Appendix 'A', outlined with a broken line.

4.2.2 The first, northward, extension includes Gordon Road and the east side of Consort Road as far as Sturdy Road, together with the north side of Sturdy Road, St. Paul's mission church of 1906 in Consort Road and the former St. Mary Magdalene School in Consort Road, erected in 1856 as the first purpose-built school in the area but now much altered and converted to residential use. It comprises generally two-storey, brick-faced terraced housing, of consistent quality, dating from the 1860s and 1870s, with a public open space between Sturdy Road and Ellery Street. It is considered that the character of these streets complements the character of the Green and

significantly contributes to its setting, and that therefore their inclusion in a conservation area can be justified.

- 4.2.3 The other additional area comprises later 19th century terrace housing in Nunhead Grove to the south of the Green and the Westminster House Youth Club in Banstead Street, built *circa* 1931 as a mission hall in a Swiss chalet style. The general scale of Nunhead Grove is similar to Consort Road and Gordon Road, but the quality is rather more varied and there is a greater degree of intrusion from modern residential development, so the case for inclusion in the conservation area is somewhat less compelling.

4.3 Southwark Unitary Development Plan (UDP) Policy:

- 4.3.1 UDP **Policy E.4.1 (Conservation Areas)** is as follows: “where appropriate, the Council will designate new conservation areas and extend existing conservation areas. The Council will seek to preserve and enhance the character and appearance of conservation areas. The Council will prepare guidelines to identify their special qualities. Identification of the special architectural and historic qualities will be based on detailed analysis of the area. This will include the architectural and historic quality, character and coherence of the buildings and the contribution they make to the special interest of the area.”

- 4.3.2 The UDP is shortly to be superseded by the Council’s new Southwark Plan. **Policy 3.15 – Conservation of the Historic Environment** - of the Southwark Plan (modifications version – 26/6/2006 Executive Version) 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.”

- 4.3.3 **Policy 3.16 – Conservation Areas** of the Southwark Plan states that, *“within conservation areas development should preserve or enhance the character or appearance of the area”*. After setting out criteria governing proposals for new development or alterations and extensions 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 of appearance of the conservation area and has been granted planning permission.”*

5 CONCLUSIONS

- 5.1 It is considered that the area around Nunhead Green has a distinctive character that is of special architectural or historic interest. It therefore meets the criteria for designation as a conservation area. Designation has the support of the Nunhead Residents Association, which has written to the Council requesting conservation area status.
- 5.2 It is therefore recommended that the proposed designation and the draft conservation area appraisal be approved for public consultation.

6 LOCAL AGENDA 21 [Sustainable Development] IMPLICATIONS

- 6.1 The conservation area initiatives proposed in this report will contribute to sustainability by promoting respect and care for historic buildings and heritage areas in Southwark.
- 6.2 Whilst the draft Appraisal recommends the use of some non-renewable resources, such as lime-based mortars and renders, these materials are acknowledged as appropriate in conservation terms and are recommended by English Heritage.

7 **COMMUNITY IMPACT IMPLICATIONS**

- 7.1 In line with the Council's Community Impact policies, the impact of designating a conservation area at Nunhead Green, 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. The report recommends that public consultation is undertaken in respect of the proposal.
- 7.2 The designation of a conservation area introduces some additional controls to the planning process: conservation area consent is required for the demolition of substantial demolition of unlisted buildings in the conservation area, and the Council has a duty to have regard for 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.

LEAD OFFICER: Julie Greer Design and Conservation Team Manager
REPORT AUTHOR: Paul Calvocoressi Senior Design and Conservation Officer [telephone: 7525 5433]
CASE FILE: TP/
Papers held at: Council Offices, Chiltern, Portland Street, London SE17 2ES (tel no 020 7525 5402)

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<u>LIBRARIES</u>		London SW1P 4QP	
Libraries	6		
Local Studies Library	1	Chief Superintendent Ian Thomas	1
		Borough Commander	
<u>PRESS</u>		Southwark Police Station	
Southwark	1	323 Borough High Street	
Evening Standard	1	London SE1 1JL	
South London Press	1		
		Valerie Shawcross	1
<u>MEMBERS OF PARLIAMENT</u>		GLA Building	
Tessa Jowell MP	1	City Hall	
Harriet Harman MP	1	Queens Walk	
		London SE17 2AA	
Constitutional Support Officer	30		
		<u>TRADE UNIONS</u>	
<u>EXTERNAL</u>		John Mulrenan, UNISON Southwark Branch	
Southwark Community Care Forum	1	Roy Fielding, GMB/APEX	
32-36 Rye Lane		Alan Milne TGWU/ACTS	
London SE15 5BS		Tony O'Brien, UCATT	
		TOTAL DISTRIBUTION	66
		Dated:	Friday 25 August 2006