

MAYOR AND CABINET		
Report Title	Merging Deptford High Street and St Paul's Church Conservation Areas, adopting as an SPD the Deptford High Street and St Paul's Church Conservation Area Appraisal, and the making of an Article 4 direction	
Key Decision	Yes	Item No.
Wards	Evelyn, New Cross, Brockley	
Contributors	Director of Planning and Director of law	
Class	Part 1	Date: 11 December 2019

1. Purpose

- 1.1 To report the response to the public consultation and recommend that amendments to the boundary of the Deptford High Street and St Paul's Church Conservation Areas are made; a new Conservation Area Appraisal be adopted as a supplementary planning document; and a non-immediate Article 4 Direction be made to identified single family dwelling houses.

2 Summary

- 2.1 This report presents the results of public consultation on proposals to merge the two conservation areas (Deptford High Street and St Paul's) into one, to be named Deptford High Street and St Paul's Church Conservation Area; make amendments to the boundary; adoption of a Conservation Area Appraisal and to make a non-immediate Article 4 Direction. It reports the response to the online survey which was largely positive with a significant majority supporting the draft conservation area appraisal and the proposed making of an Article 4 Direction, and with a smaller number of comments on the proposed boundary changes. This report includes summaries of consultation responses and identifies where amendments have been made to the Appraisal. It concludes with a recommendation to approve the boundary amendments, to adopt the appraisal and to make a non-immediate Article 4 Direction.

3. Recommendation

- 3.1 The Mayor and Cabinet are asked to:
- a) Note the responses to the consultation
 - b) Approve the revised amendments to the boundary including merging the two existing conservation areas (Appendix 2)
 - c) Adopt the revised Conservation Area Appraisal (Appendix 1) as a supplementary planning document, and

d) Approve the making of a non-immediate Article 4 Direction to the identified single family dwellings within the proposed Conservation Area (Appendix 3).

4. Background

4.1 The proposal to go out to consultation on the proposals was approved by Mayor and Cabinet on 8 May 2019. The area's special interest, its history, and a summary of its character is set out in the previous Mayor and Cabinet report which is attached as Appendix 4.

5. Legal Context

5.1 Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990 states that the local planning authority shall, from time to time, determine which parts of their area are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance; and shall designate those areas as conservation areas.

5.2 Under Section 71 of the Planning (Listed Building and Conservation Areas) Act 1990 the local planning authority has a duty from time to time to formulate and publish proposals for the preservation and enhancement of conservation areas.

6. Policy Context

6.3 The Appraisal, if adopted, will be a supplementary planning document. The role of SPDs is to provide further details on the policies and proposals contained in Lewisham's development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design and conservation. Supplementary planning documents are a material consideration in planning decisions but are not part of the development plan.

6.4 The National Planning Policy Guidance on Plan-making states that SPDs 'should not add unnecessarily to the financial burdens on development'. Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing Supplementary Planning Documents.

6.5 The SPD would play a role in delivering the Council's Corporate Strategy 2018-22 at all stages of its development. Through early engagement with local residents in producing the draft, public consultation, and by using the SPD to help the Council apply its policies appropriately and secure high quality development the proposal would help deliver the following Priorities:

- Open Lewisham - Lewisham is a welcoming place of safety for all, where we celebrate the diversity that strengthens us.
- Tackling the housing crisis - Everyone has a decent home that is secure and affordable.
- Building an inclusive local economy - Everyone can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
- Making Lewisham greener - Everyone enjoys our green spaces, and benefits from a healthy environment as we work to protect and improve our local environment.
- Building safer communities - Every resident feels safe and secure living here as we work together towards a borough free from the fear of crime.

6.6 Lewisham's Core Strategy Policy 16, states that '*the Council will continue to review its conservation areas, designating new ones and preparing associated management plans and policies to conserve their character*'.

It continues 'the Council will ensure that the value and significance of the borough's heritage assets, such as conservation areas, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice'.

'The Council will work with its partners, including local communities, to ensure that the borough's heritage assets and those yet to be identified will be valued positively and considered as central to the regeneration of the borough.....'

6.7 The National Planning Policy Framework (NPPF) identifies the protection of the historic environment as one of the key elements of its drive for sustainable development. It also asks local authorities under paragraph 186 when considering the designation of conservation areas to ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.

6.8 Paragraph 185 of the NPPF requires local planning authorities to set out in their Local Plans a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and

- Opportunities to draw on the contribution made by the historic environment to the character of a place.
- 6.9 Paragraph 187 of the NPPF requires local planning authorities to have up to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment. They should also use it to predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.
- 6.10 Policy 7.4 Local Character, London Plan (July 2011) requires Boroughs to consider the different characters of their areas to identify landscapes, buildings and places, including on the Blue Ribbon Network, where that character should be sustained, protected and enhanced through managed change.
- 6.11 Policy HC1A of the draft London Plan (2019) states that boroughs should, in consultation with Historic England, local communities and other statutory and relevant organisations, develop evidence that demonstrates a clear understanding of London’s historic environment. This evidence should be used for identifying, understanding, conserving, and enhancing the historic environment and heritage assets, and improving access to, and interpretation of, the heritage assets, landscapes and archaeology within their area.
- 6.12 Policy 7.8: Heritage Assets and Archaeology of the London Plan (July 2011) states that London’s heritage assets and historic environment, including conservation areas and archaeological remains, should be identified so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account.
- 6.13 Policy HC1, paragraph 7.1.3 of the draft London Plan (2019) states that ‘Ensuring the identification and sensitive management of London’s heritage assets in tandem with promotion of the highest standards of architecture will be essential to maintaining the blend of old and new that contributes to the capital’s unique character’.
- 6.14 With regard to **Article 4 Directions**, paragraph 53 of the NPPF states;
- ‘The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)’.
- 6.15 Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”), grants planning permission for the classes of development described as Permitted Development in Schedule 2 of that Order. Article 4 of the Order states that if the Secretary of State or the local planning authority is satisfied that it is expedient that development (described in any Part, Class or paragraph in Schedule 2, other than Class K, KA or M of Part 17) should not be carried out unless permission is granted for it on an application, the Secretary of State or

local planning authority may bring development into its control by making a direction under this paragraph that the permission granted by article 3 does not apply to—

(a) all or any development of the Part, Class or paragraph in question in a specified area; or

(b) any particular development, falling within that Part, Class or paragraph, which is specified in the direction,

and the direction must specify that it is made under this paragraph.

6.16 The procedure to be followed in making an Article 4 direction is set out in Schedule 3 of the Order.

7. The Deptford High Street and St Paul's Church Conservation Area Appraisal SPD

7.1 The appraisal follows best practice as set out in Historic England's 'Understanding Place: *Conservation Area Designation, Appraisal and Management*', (February 2016, updated Feb 2019).

7.2 The conservation area appraisal is intended to be used:

- As a tool to demonstrate the area's special interest
- As an explanation to owners, businesses and inhabitants of the reasons for designation
- As educational and informative documents created with the local community, expressing what the community particularly values about the place they live and work in
- For greater understanding and articulation of its character to give robust detail to the policy framework used in planning decisions
- As guiding those considering investment in the area on the scale, form and content of new development

If adopted, it will become material to the determination of planning applications and appeals, including those where urgent works are proposed to preserve an unlisted building in a conservation area

7.3 The Appraisal includes a description of elements recommended in Historic England's guidance on character appraisals which includes the following:

- History of the Area
- Townscape character
- Uses
- Views
- Listed buildings and non-designated heritage assets
- Assessment of condition
- Archaeology

- Management Plan;
 - Planning controls and enforcement
 - Priorities for future grant-funded projects
 - Opportunities for enhancement
 - Highways, pedestrians and public realm
 - Open space and trees
- Guidance on alterations to buildings within the conservation area

7.4 The Appraisal will be relevant to:

- Householders.
- Design professionals and developers, in drawing up proposals.
- Development management officers, as a material consideration in assessing the suitability of applications.
- Statutory and non-statutory consultees and the public in commenting on planning applications.
- The Council, in determining planning applications and in upholding decisions at planning appeals.
- The Planning Inspectorate, in considering appeals.

8.0 The need for an Article 4 Direction

8.1 The 8 May 2019 report to Mayor and Cabinet (Appendix 4) sets out at para 6.11 the condition of buildings and spaces within both the designated conservation area, and also the areas proposed for inclusion within the boundary, which led to the conclusion that the use of additional planning controls via an Article 4 Direction were justified. Consultation comments were generally in favour of the introduction of the Article 4 (see paragraph 10.5 below for breakdown of the consultation responses). No comments were made that referred to the specific permitted development rights proposed for removal.

8.2 The permitted development rights proposed to be removed are:

- Alteration to the roof of a dwellinghouse
- Installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse
- Installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse
- Painting of the exterior of any building.

8.3 These changes can significantly harm the character and appearance of the buildings which are in (or proposed to be included) in the conservation area. The purpose of this Article 4 Direction is to restrict the changes owners can make to the outside of their property without first seeking planning permission in order to help protect the special character of conservation areas. The fee for minor householder applications such as those required by the Article 4 Direction is £206.00.

8.4 Section 107 as applied by Section 108 of the Town and Country Planning Act 1990 provides for property owners to claim compensation where, amongst

other circumstances, permitted development rights have been withdrawn and planning permission for the development formerly permitted by those PD rights is refused or is granted subject to conditions other than those they would have applied to that PD right. The compensation payable comes within two heads, abortive expenditure and any other loss or damage directly attributable to the loss of PD rights, which can include any depreciation in the value of the land.

- 8.5 S108(2A) of the Act provides that compensation is only payable if an application for planning permission for certain types of prescribed development formerly permitted by the Order is made within 12 months of the Article 4 direction taking effect. No compensation for the withdrawal of certain permitted development rights is payable if the council gives notice of the withdrawal between 12 months and 24 months in advance. Regulation 2 of the Town and Country Planning (Compensation) (England) Regulations 2015 prescribes those permitted development rights where no compensation would be payable if such notice is given.
- 8.6 This covers most of the PD rights that the current Article 4 Direction proposes to remove, except for in Class C of Part 2 of Schedule 2 (the demolition of a boundary wall/fence) and Class C of Part 11 of Schedule 2 (the painting of the exterior of a house). A claim for compensation in these cases, as set out in S107, would need to be made in writing and served on the LPA within 12 months from the date of the decision in respect of which the claim is made.
- 8.7 It is proposed that an Article 4 direction without immediate effect is made under Schedule 3, which will be brought back to Mayor and Cabinet for consideration of confirmation if officers conclude, after taking into account the representations borne out of the making of the Article 4, that it is appropriate to recommend confirmation of the same to Mayor and Cabinet.

9. Consultation Process

- 9.1 Following the Mayor and Cabinet's authorisation in May 2019, the public consultation was carried out in accordance with the Council's adopted Statement of Community Involvement (SCI), and took place during the period from 17 June 2019 – 9 August. The consultation was run for 8 weeks rather than the standard 6 weeks because the 6th week fell within the summer school holidays, and so additional time was provided so as not to prejudice people's opportunities to comment
- 9.2 That process of consultation does not constitute statutory consultation for the purposes of the Article 4. Any Article 4 direction made will also have to follow the statutory consultation procedures for Article 4(1) Directions (non-immediate) as set out within Schedule 3, paragraph 1 of the Order.
- 9.3 As part of the consultation process pursuant to the SCI, a consultation letter including a questionnaire was distributed to all addresses within the proposed

conservation area by post (1579 address points) and to all ward counsellors by email. The following 9 local stakeholders and groups were sent details of the consultation by email: Deptford Society, Deptford Folk, Deptford Working Histories, Pepys Community Forum, Deptford Neighbourhood Action, Everest, the Deptford High Street Association, the Albany and the Lewisham History Society. The following organisations were also consulted: Historic England, The Georgian Society, The Victorian Society, The Twentieth Century Society, Society for the Protection of Ancient Buildings, Ancient Monuments Society, the Council for British Archaeology and TfL.

- 9.4 The questionnaire, draft Article 4 Direction, and Appraisal were available on the Council's online consultation platform, and physical copies were provided at the Deptford Lounge Library, the Pepys Resource Centre Library, the Lewisham Reference Library on Lewisham High Street and at the Lewisham Planning Information Desk at Laurence House, Catford.
- 9.5 Recognising that the Deptford High Street and St Paul's Church Conservation Area Appraisal SPD would, if adopted, be a material consideration in the determination of future planning applications, the Council was required to consider whether the SPD has the potential to result in significant environmental effects, particularly where such effects may not have already been assessed during the preparation of the Council's statutory Development Plan. In line with the Strategic Environmental Assessment Directive (Directive 2001/42/EC), a draft screening report was prepared which summarised the likely environmental effects. Three statutory bodies were consulted on this report: The Environment Agency, Historic England and Natural England.
- 9.6 The consultation letter and online consultation platform outlined the proposals for amendments to the boundary of the Conservation Area and proposed Article 4 Direction and of the draft Appraisal SPD. This included a map of the proposed boundaries, a summary of why the area was considered to be of significant special interest to the borough, and a statement of how it could affect residents and stakeholders.
- 9.7 The consultation asked five 'Yes or No' questions, with the opportunity to provide further comment. The questions were as follows:
- Do you live or work within the proposed conservation area boundaries?
 - Do you agree with the proposed changes to the Conservation Area boundary?
 - Do you think Part 2: Character of the draft Appraisal accurately describes the significance of the Conservation Area?
 - Do you think the guidance in Part 3: Management will help to preserve and enhance the Conservation Area?
 - Do you agree with the proposal to make an article 4 Direction to the properties identified in the schedule?
- 9.8 Stakeholders were also asked two further questions to give them the opportunity to provide more detailed comments:
- What do you value the area for?
 - Is there anything else that you feel the Council should consider?

- 9.9 A local drop-in event was held on 1 July 2019 at the Albany, Douglas Way where Council officers were present to answer questions and to provide further information. Officers present included two planners, two conservation officers and the planning enforcement team manager. Two sessions were held, from 2.00-4.30pm and 5.30-8.00pm, in recognition of the diversity of occupations within the area and to provide more opportunity for people to attend. Despite the mail out and site notices, only 6 people attended in total which was unexpectedly low.
- 9.10 It is worth noting, however, that there have been two other opportunities for local people to feed into the work. During the research phase officers and consultants manned a stall in the market at Giffin Square for a day which received a continuous high level of interest all day, with very many suggestions, comments and ideas given in writing on large scale maps of the area. The consultants also led a walk around the area with key stakeholders and received additional verbal feedback. This process allowed local views to shape the proposals at an early stage.

10 Responses to the consultation

- 10.1 The Council received 21 responses. 16 were made via the online platform, and 5 responses were received in writing.

Table 1 below gives an overview of the responses to the online survey questions:

Table 1

Question	Answer		
Q1. Do you live or work within the proposed CA boundary?	Live	5	31.25%
	Work	4	25%
	Neither	8	50%
Q2. Do you agree with the proposed changes to the C A boundary?	Yes	12	75%
	No	2	12.5%
	Don't know	2	12.5%
Q3. Do you think Part 2: Character of the draft Appraisal accurately describes the significance of the C A?	Yes	14	87.5%
	No	2	12.5%
Q4. Do you think the guidance in Part 3: Management will help to preserve and enhance the C A?	Yes	8	50%
	No	2	12.5%
	Don't know	5	31.25%
	Not Answered	1	6.25%
Q5. Do you agree with the proposal to make an article 4 Direction to the properties identified in the schedule?	Yes	12	75%
	No	1	6.25%
	Don't know	3	18.75%

The main issues raised in this consultation are set out in the tables below and include a response as to how these have been addressed, including actions for amendments to the Appraisal where appropriate.

10.2 **Q1. Do you live or work within the proposed Conservation Area boundary?**

Of the 16 online respondents 5 lived in and 4 worked in the area. This included one respondent who both lived and worked in the area. 8 stated that they neither lived or worked in the area. We do not have this information collected from those who provided written responses.

10.2 **Q2. Do you agree with the proposed changes to the Conservation Area boundary?**

Of the 16 online respondents 12 agreed, 2 disagreed and 2 stated that they didn't know. The following comments were submitted online and in writing:

Q2. Do you agree with the proposed changes to the Conservation Area boundary?	
	Action
<p>Historic England</p> <p>The proposed changes to the boundaries are clearly argued and the joining of the Deptford High Street and St Paul's Conservation Areas into one is supported. Although these areas are distinct character areas their historic relationship, the need for a holistic approach to be taken to issues such as public realm, and the importance of St Paul's as an important historic landmark make this a logical approach to managing these important historic assets.</p> <p>The boundary changes include a number of extensions and removals. The reasons for these are clearly set out and will contribute to the positive management of the special character and appearance of the conservation area and the need for positive change. The areas to be removed do not have sufficient interest for inclusion there is a clear case for removal in accordance with the NPPF requirement that areas must demonstrate sufficient merit for inclusion.</p>	<p>Noted – no further action.</p>
<p>The Albany</p> <p>We are supportive of the overall aims of the report, and its aim to preserve and enhance the unique qualities of Deptford High Street and the surrounding area. However, we feel that it is inappropriate and potentially counterproductive to include the site of the Albany within the new area.</p>	<p>The inclusion of the Albany within the CA was proposed in order to highlight the important contribution it has made (and continues to make) to the area's social and cultural life.</p> <p>The concerns suggest that its inclusion could compromise</p>

<p>The Board has been working on plans to develop the site for several years, with the aim of securing the Albany's long-term future at a time when public funding has been reducing significantly. They are intent on retaining the distinctive character and uses of the building and to respect its historical, cultural and community significance.</p> <p>The Board has made a firm commitment to retain the unique main theatre space, and to enhance the building's use as an amenity for local people, including its open space. Any changes we propose would be subject to a thorough process of discussion and consultation with users, local people and other stakeholders.</p> <p>The Albany makes a hugely positive contribution to the local area, as you acknowledge, and we wish to secure its future for the next generation. There are real concerns that the inclusion of the site in the new conservation area is not conducive to ensuring this can happen. It is both unnecessary and inappropriate in this case.</p> <p>We are keen to ensure that the local community can expect the Albany to continue its unique and important role in Deptford. We suggest there are more effective approaches to this, such as designating the site as an Asset of Community Value.</p>	<p>the ability of the organisation to redevelop and strengthen their future viability, and thereby obviate the aim of inclusion.</p> <p>Officers have considered the significance of the Albany to the local area, and agree that it is important due to its role as an institution with a long-standing contribution to community and the arts. Whilst the building itself is of aesthetic interest, it does not relate strongly to the architectural and historic reasons for the designation of the CA as a whole.</p> <p>The consultation responses have enabled a better understanding of the significance of the Albany. This is linked to the activities that take place at the Albany rather than the building itself or specific spaces. In terms of securing the necessary quality should the site be developed, the site is currently adjacent to the existing CA boundary and as such, any future development would be considered against DM Policy 36 in terms of how it affects the CA's setting.</p> <p>Officers consider that the proposed inclusion of the Albany within the conservation area will not make a difference to the preservation of its significance if the Institution continues its current activities on the site. Bearing in mind the representations made, it is considered that the proposed boundary change should not be made. it would be a reasonable amendment to not include the building in the CA.</p>
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	The proposed boundaries, and text of the Appraisal have been amended to reflect this.
<p>Councillor Dromey I am aware that the extension would bring the Albany into the conservation area.</p> <p>There is some concern at the Albany about this, which I share. They are looking at a re-development of the site to modernise the facilities and provide some much-needed housing. If done right, such a development would have significant social value and could really benefit Deptford. However, they are concerned that inclusion in the conservation area would really limit what they would be able to do in this regard.</p>	Noted, see comment above
<p>Councillor Dacres Will being included restrict or make it more expensive for the Albany to implement their plans? I think that there may be a case to exclude the Albany at this moment in time and I would support excluding.</p> <p>Also on the map for the properties on the other side of Florence Road there is mention of a possible other conservation area. I believe that these building should be in a conservation area. What time frame would there be to creating a conservation area if they are not included in this one?</p>	<p>Noted, see comment above</p> <p>The Florence Road area would need a full survey to be undertaken, and then consultation to create a new CA here. It will be added to the team's ongoing proactive work to be scheduled alongside other conservation priorities, and would not take place until after 2019/2020.</p>
<p>Deptford Society Generally support the ideas expressed with the exception of the removal of the part of the CA that includes the building adjacent to the Noahs Ark pub; given the significance of this site - being as it is very close to one of the 'gateways' into Deptford - and being alongside the original pub building, we think that proposals for this site need to be assessed using the usual CA criterion.</p>	The site adjacent to the Noah's Ark is currently undeveloped and in use as a car park. It does not have sufficient interest for inclusion contrary to NPPF requirement that areas must demonstrate sufficient merit. However, Policy DM36 requires that development adjacent to the CA boundary must respect the CA and DM 30 – Urban Design would also be relevant in seeking an appropriate response to its position in the townscape.

<p>Include the old mortuary arts and crafts building on Watson's Street - needs protection.</p>	<p>The former mortuary is at no.77 Watsons Street - this building sits away north of the boundary, separated by much later redevelopment. It therefore wouldn't be appropriate to include it but it is of historic and architectural interest and could be considered for addition to the Local List instead.</p>
<p>No real reason to remove the small areas – these should be preserved</p> <p>Strongly support the changes – will create a more coherent CA that can be considered as a single unit.</p>	<p>The small areas that are proposed for removal have insufficient historic or architectural interest in their own right to be included, as set out above.</p> <p>Noted</p>

10.3 **Question 3 Do you think Part 2: Character of the draft Appraisal accurately describes the significance of the Conservation Area?**

Of the 16 online respondents, 14 agreed, 2 disagreed, and 2 did not know. Below is a summary of comments relating to this question.

Question 3 Do you think Part 2: Character of the draft Appraisal accurately describes the significance of the Conservation Area?	
<p>Historic England Supports the adoption of the proposed conservation area appraisal and management guidelines which are comprehensive and well set out.</p> <p>A clear and informed evidence base against which future management decisions can be made is a key tool for securing a positive regime to address erosion of character and to ensure that future changes sustain the significance of the conservation area. The document acknowledges the unique character of Deptford and the importance of decisions reflecting its rich cultural and architectural history and setting. The conservation area has wider than local significance in its relationship to the wider history of maritime development along the Thames and particularly in relation to</p>	<p>Noted</p>

<p>the communities which have developed from the growth of royal shipyards and patronage.</p>	
<p>Deptford Society Fully in support of the appraisal and would be pleased to see it form part of the policy document for this Conservation Area.</p> <p>1.1.2 Architectural Interest In this opening section, could mention be made of some of the pre/post war buildings of merit which exist alongside the aside the pre-1800 buildings along the High St as these are also of special interest? E.g. The Salvation Army building, Burtons the Taylor's on the Broadway and the corner building on Tanners hill with its Art Deco shopfront</p> <p>5.0 Views The view had from the public platforms of the station as it bridges over the high street and other views from the platforms could/should be included here - it's many peoples first view of the high street and being elevated, it's rather interesting and gives another perspective on the street.</p> <p>10.1.4 There are really only a handful of bars etc along mechanics path (renamed resolution way) - the description given suggests something like 'Beer Mile' in Bermondsey, which it's not.</p> <p>10.6.3 Artwork (mural) referred to was over-painted by a local artist recently (without CA consent) - the mural is not in its original form as is suggested in the report.</p>	<p>Agree - reference to all three buildings/shopfronts made at para 1.1.3 and reference to Burton's added to Fig 126.</p> <p>Agree –text added at 5.2 and 10.1.1, and to Fig 26</p> <p>Agree – text amended at 10.1.4 and former street name included</p> <p>Noted – text at 10.6.3 amended to reflect that</p>
<p>Other comments I don't think enough was made of the current community. There is a strong collegiate and cohesive sense among the people who live and work in the area - whether they've been there 3 years, 30 or their whole lives.</p> <p>It would be good to see the residential density of the high street also recognised in the appraisal - the fact that many of the buildings provide good quality residential accommodation in their upper floors contributes to the vibrancy of the high street and its strong community.</p> <p>It will always be an area of small shopkeepers</p>	<p>Agree – additions to the draft to reflect this at 4.00</p> <p>As above</p> <p>Noted</p>

<p>who will need help with the buildings. The high street is not dying, just changing in character and this should be encouraged.</p> <p>It's inaccurate because there are already agreements made about what will happen that aren't exactly conservation bound.</p> <p>Other significant views – towards Convoys Wharf and from station platforms</p>	<p>Planning permissions that have already been granted will have all been assessed against existing policies DM36 and 37 relating to the historic environment. However if the Appraisal is adopted then all future development will be also be assessed against its guidance. .</p> <p>Views out of the CA towards Convoys and from station platforms included in section 5.0 and Fig 26</p>
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10.4 **Question 4 Do you think the guidance in Part 3: Management will help to preserve and enhance the Conservation Area?**

Of the 16 online responses 8 agreed, 2 disagreed and 5 didn't know. Below is a summary of comments relating to this question.

Question 4 Do you think the guidance in Part 3: Management will help to preserve and enhance the Conservation Area?	
<p>Historic England The management guidelines seek to balance the need to preserve the character and appearance while ensuring appropriate change continues to encourage this vibrancy. In our view, the guidelines successfully achieve this balance.</p>	<p>Noted</p>
<p>Deptford Society 12.4 Enforcement – omit 'subject to the availability of resources' Omit 'consider' using legislative powers</p> <p>12.4.1 and 1.8 definition of 'at risk' inconsistent</p> <p>Measures to enhance the Broadway, e.g. planting trees</p>	<p>Omitted</p> <p>Text amended</p> <p>Descriptions in both instances amended to be consistent</p> <p>Included (along with the junction of Church Street and Broadway, and the space in front of 496-508 New Cross Road) for consideration at 12.7.1 – Open Space and Trees</p>

<p>13.1.1 More clarity needed re shopfronts, glazing, use of aluminium, detail of shutters</p> <p>13.3.1 Materials must be sustainable and have longevity</p> <p>13.4.1 Why <i>acrylic</i> secondary glazing?</p>	<p>Text revised to clarify design, materials and details. Added requirement for Doors to upstairs flats to be retained.</p> <p>Amended to include <i>durability</i>.</p> <p>'Acrylic' omitted as not the only material that can be used.</p>
<p>High Street Traders Association I would like to see all the upper buildings restored with new windows. Grants should be available to enable keeping these wonderful buildings for the future.</p>	<p>Noted</p>
<p>Other comments In theory yes, although the implementation will be dependent on appropriate resourcing by the council. It is important that enforcement in particular in the case of planning breaches is executed promptly.</p> <p>Only if enforcement are given the opportunity (resources) and only if they are able to act quicker than they (sic). Suggest public notices be displayed where there are enforcement cases (similar to when planning applications are posted on buildings) so that the general public are aware that procedures are being followed - at present shop and building owners are getting away with unauthorised alterations which sends out the wrong message to others - the CA cannot be effective without enforcement</p> <p>"As long as properly enacted and policed. I think a reappraisal of the recent High Street paving works also required, total disaster from safety/parking point of view and looks grubby already.</p>	<p>The structure and resourcing of the Planning Enforcement Team is currently under review with the aim of making sure it is able to respond appropriately to the wide range of demands placed on it.</p> <p>The Council would not publicise investigations while they are under away as they may find no breach, or be immune from action. They are also exempt from FOI procedures. Should an investigation result in successful prosecution or appeal decision in the council's favour, however, a press release would usually be made.</p> <p>The TfL funded scheme provided improved public realm infrastructure on the northern stretch of the High Street, to sustain the future increase in population in north Deptford.</p> <p>The Restricted Parking Zone (RPZ) replaced the former Controlled Parking Zone (CPZ) and is now consistent with the parking restrictions in the southern section. The scheme aimed to reduce street clutter, improve lighting through the new railway bridge artistic lighting scheme, make cycling and walking for</p>

	<p>pedestrians using the station and town centre facilities better through wider pavements and crossings. After a 2 weeks grace period, and some issues with signage being tampered with, parking infringements are being enforced.</p> <p>The Council's street cleaning and refuse teams work hard to manage litter and have a zero tolerance approach to fly-tipping and rubbish left on the streets. Current financial restraints mean that the Council can not fund a street jet-washing regime.</p>
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10.5 **Question 5 Do you agree with the proposal to make an Article 4 Direction to the properties identified in the schedule?**

12 online responses agreed, 1 did not agree, and 3 did not know. None of the consultation responses made any additional comments regarding this part of the proposal.

10.6 **Question 6 : What do you value about the area?**

Historic England asks local planning authorities to consider the values the community and other stakeholders attribute to the area when defining its special interest. Respondents referred to

- the value of the heritage of Deptford, and strong sense of history;
- the variety of built form;
- cheek by jowl nature of the place: vibrancy, mix of residential, retail, cultural and other business uses;
- the community of shopholders and residents, and friendly community spirit; and
- the limited number of chain stores, and dominance of independent businesses, markets.

The comments are included in full at Appendix 5 to this report

10.7 **Question 7: any other points the Council should consider**

Respondents referred to

- The lack of green space and community garden.

- How to maintain the character of the high street while allowing businesses to flourish (old and new),
- Parking, traffic, threat to pedestrians and cyclists.
- Need for more 'presence' in relation to enforcement e.g. a town centre manager
- Investing more money – street cleaning
- Funding for enhancements to existing buildings/frontages, in particular signage etc.

The comments are included in full at Appendix 5 to this report

11 Programme for Adoption of the SPD

- 11.1 If adopted, the Appraisal would be published as a number of hard copies as well as on the Council's website. The SPD would become part of the Local Development Plan portfolio.
- 11.2 If adopted, the adoption would be advertised in the London Gazette and a local paper. All addresses newly included within the Conservation Area would be advised in writing of the designation and would be added to the Local Land Charges Register.

12 Financial Implications

- 12.1 There are no direct financial implications arising from the designation of a conservation area. The costs of printing, publishing and consulting on the draft appraisal will be met from the existing Planning budget.
- 12.2 There are no direct financial implications arising from the making of a non-immediate Article 4 Direction in respect of the withdrawal of the majority of permitted development rights set out in the draft direction, providing that the procedures set out in paragraphs 7.6-7.7 are followed. Section 108 of the Town and Country Planning Act 1990 includes a provision that compensation can be sought where (i) the LPA makes an Article 4 Direction, (ii) an application is made for planning permission to carry out development that would formerly have been permitted by the GPDO and (iii) the LPA refuses that application or grants permission subject to conditions differing from those in the GPDO.
- 12.3 However, where 12 months' notice is given in advance of a direction taking effect (non-immediate Article 4 Direction) there will be no liability to pay compensation (provided that the development authorised by the new changes had not started before the notice was published).
- 12.4 In respect of those permitted development rights falling within Class A and D of Part 2 of Schedule 2 and Class C of Part 11 of Schedule 2 of the Town and Country Planning Act (i.e. the alteration or demolition of a boundary wall/fence and for the painting of the exterior of a house) a claim for compensation could still be made if an application for planning permission is made to carry out development that would have previously been permitted under those classes

and that permission is either refused or granted subject to conditions other than those imposed by the order that granted the permitted development right. Such a claim would need to be made within 12 months of such a decision being made.

- 12.5 Compensation would remain payable for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights. It is not possible to estimate the amount of compensation that the Council may need to pay but given the nature of the rights in question, namely the alteration or demolition of a boundary wall/fence and the painting of the exterior of a house, it is likely that the amount claimable would be restricted to the cost of the planning application fee.

13 Legal Implications

- 13.1 Section 69 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires the Council from time to time to determine which parts of the borough are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. They should designate those areas as conservation areas and review this designation periodically. Section 71 of the same Act places a duty on local planning authorities to from time to time formulate and publish proposals for the preservation and enhancement of their conservation areas; to hold a public meeting to canvas views; and to take into consideration the views expressed at that time.
- 13.2 The report at paragraph 3 identifies that Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the main steps in the procedure for the production and adoption of supplementary planning documents and that the procedure for making an Article 4 Direction is set out in Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 13.3 Section 9D of the Local Government Act 2000 states that any function of the local authority which is not specified in regulations under subsection (3) is to be the responsibility of an executive of the authority under executive arrangements. The Local Authorities (Functions and Responsibilities (England) Regulations 2000 does not specify that the certain functions proposed here are by law the responsibility of the Council, and therefore they are an executive function.
- 13.4 The position with regards to potential compensation payable as a result of the making of the Article 4 Direction is as set out in the main body of this report.
- 13.5 The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a public sector equality duty which covers the following nine protected characteristics: age; disability; gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation

- 13.6 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimization and other conduct prohibited by the Act;
 - Advance equality of opportunity between people who share a protected characteristic and those who do not;
 - Foster good relations between people who share a protected characteristic and those who do not.

13.7 It should be noted that it is not an absolute requirement to eliminate unlawful discrimination, harassment, victimization or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not; rather it is a duty to have due regard to the need to achieve these goals.

13.8 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in each circumstance.

13.9 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

13.10 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty

2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty: A guide for public authorities
4. Objectives and the equality duty. A guide for public authorities

13.11 Equality Information and the Equality Duty: A Guide for public authorities

The guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

14. Crime and Disorder Implications

- 14.1 There are no direct implications relating to crime and disorder issues.

15. Equalities Implications

- 15.1 The Council's Comprehensive Equality Scheme for 2016-20 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010. It describes the Council's commitment to equality and fairness for citizens, service users and employees through its powers to influence access to good quality housing, education, safety & security, health and leisure services.
- 15.2 When considered against the five objectives of this strategy the proposed Conservation Area boundary amendments, the Appraisal and the making of an Article 4 Direction do not have any direct implications on tackling victimisation, discrimination and harassment or on closing the gap in outcomes for all residents. However, through providing Supplementary Planning Guidance it will provide equality of access to guidance that, if used, will increase the likelihood of successful planning applications. The process of research for the first draft Appraisal and consulting on the draft provided opportunities for engagement with residents and visitors, particularly at the public drop in stall on the High Street in January 2019, and may have contributed to furthering mutual understanding within this community, as well as involving an element of citizen participation and engagement.
- 15.3 The consultation process was in line with the Council's Statement of Community Involvement.

16. Environmental Implications

- 16.1 We have considered the need to prepare a Habitats Regulation Assessment (HRA). An earlier HRA report that considered the policies in the 2011 Core Strategy concluded that no options have been found to have a likely significant effect on any designated European sites. As this SPD gives effect to the policy in the Core Strategy and does not introduce new policy, there is no need to prepare another HRA in this instance.
- 16.2 A draft screening report was prepared to identify if a Strategic Environmental Assessment (SEA) would be required, and statutory consultation was undertaken concurrently with the statutory consultation for the Conservation Area boundary changes and Appraisal. The responses from the three statutory consultees (Historic England, Natural England, The Environment Agency) are set out in the final screening report, attached as Appendix 6. Historic England advised that the proposals do not raise sufficient heritage or environmental issues to require a full SEA. Natural England responded stating that they had no comments to make. The Environment Agency declined to comment.
- 16.3 Based on our assessment and the comments national statutory bodies, the council will not undertake a full SEA.

17. Conclusion

- 17.1 The draft Appraisal of the Deptford High Street and St Paul's Church Conservation Area shows that the areas maintain their special architectural and historic interest, the character and appearance of which it is desirable to preserve or enhance, and therefore both areas still warrant their 1970s designation as conservation area. Historic England, who represent the Secretary of State agree with Officers appraisal and recommendations, including with the proposal to use Article 4 Direction powers.
- 17.2 Public consultation on the proposed boundary changes, draft Appraisal, and proposed Article 4 Direction elicited positive public support for the conservation area and the Appraisal. The appraisal has been amended in several instances in light of representations made, and other comments have been passed on to relevant Council teams. No representations have been made which change officers' previous advice that the making of the Art 4 is expedient and necessary to protect local amenity of the area.
- 17.3 As discussed within the report, an assessment of alterations to two small groups of single family dwellings was carried out. Officers observed that while the areas were in a relatively good state of preservation, the existing permitted development rights that are afforded to such properties have resulted in a degree of harmful impact to the area's special interest and cohesive character. Further harm can be controlled via an Article 4 Direction.

- 17.4 It is recommended to amend the boundary and adopt a revised draft of the Appraisal as a Supplementary Planning Document to assist in the understanding, protection and enhancement of the area. It is also recommended to make a non-immediate Article 4 Direction.

Background documents and originator

Short Title Document	Date	File Location	File Reference	Contact Officer	Exe mpt
Planning & Compulsory Purchase Act 2004	May 2004	2 nd floor Civic Suite	Strategic Planning Team	Joanna Ecclestone	No
Localism Act 2011	November 2011	2 nd floor Civic Suite	Strategic Planning Team	Joanna Ecclestone	No
National Planning Policy Framework (NPPF)	June 2018	2 nd floor Civic Suite	Strategic Planning Team	Joanna Ecclestone	No
Town and Country Planning (Local Planning) Regulations 2012 (as amended)	March 2012	2 nd floor Civic Suite	Strategic Planning Team	Joanna Ecclestone	No
The London Plan 2016 (and draft London Plan 2018)	March 2016	2 nd floor Civic Suite	Strategic Planning Team	Joanna Ecclestone	No
The Core Strategy	June 2011	2 nd floor Civic Suite	Strategic Planning Team	Joanna Ecclestone	No
Lewisham Development Management Plan	November 2014	2 nd floor Civic Suite	Strategic Planning Team	Joanna Ecclestone	No
Statement of Community Involvement	July 2006	2 nd floor Civic Suite	Strategic Planning Team	Joanna Ecclestone	No
Comprehensive Equalities Scheme 2016 - 2020	2016	2 nd floor Civic Suite	Strategic Planning Team	Joanna Ecclestone	No
Conservation Area Designation, Appraisal and Management Historic England Advice Note 1	March 2016	2 nd floor Civic Suite	Strategic Planning Team	Joanna Ecclestone	No

Corporate Strategy 2018-22		2nd floor Civic Suite	Strategic Planning Team	Joanna Ecclestone	No
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If you have any queries on this report, please contact David Syme, Strategic Planning Manager, 2nd floor Civic Suite, Catford Road, Catford, SE6 4RU, telephone 020 8314 7400.

Appendix 1: Deptford High Street and St Paul's Church Conservation Area Appraisal

Appendix 2: Boundary change map

Appendix 3: Article 4 direction

Appendix 4: Report to M&C 26 May 2019 seeking authorisation to consult

Appendix 5: Consultation responses to Q6 and Q7

Appendix 6: Final SEA Screening Report