

MAYOR AND CABINET		
Report Title	Confirmation of non-immediate Article 4 Directions at two Perry Vale and the Christmas Estate Conservation Area and Lewisham Park Conservation Area	
Key Decision	YES	Item No.
Wards	Perry Vale and Lewisham Central	
Contributors	Head of Planning and Head of law	
Class	Part 1	Date: 11 December 2019

1. Purpose

- 1.1 To inform the Mayor and Cabinet of the outcome of statutory publicity periods for the making of Article 4 Directions (non-immediate) in two recently adopted Conservation Areas and to seek authorisation to confirm the Directions.

2 Summary

- 2.1 This report describes the process of statutory publicity periods for two Article 4 Directions at Perry Vale and the Christmas Estate Conservation Area and Lewisham Park Conservation Area. No representations were received from building owners or occupiers and the Secretary of State for the Ministry of Housing, Communities and Local Government (MHGLC) raised no objections or issues with the making of either Article 4 Direction.

3. Recommendation

- 3.1 The Mayor and Cabinet is asked to:
- a) Note the publicity process set out in Section 6;
 - b) Resolve that Director of Law authorise the confirmation of the Perry Vale and the Christmas Estate Conservation Area Article 4 Direction (non-immediate) (Appendix 1); and
 - c) Resolve that Director of Law authorise the confirmation of the Lewisham Park Conservation Area Article 4 Direction (non-immediate) (Appendix 2)

4. Background

- 4.1 The proposal to make Article 4 Directions was part of a programme of proactive conservation work nominated by local residents to designate two new conservation areas: Perry Vale and the Christmas Estate and Lewisham Park. The adoption of the conservation areas was authorised by the Mayor and Cabinet at their meetings of 16 January 2019 and 26 June 2019 respectively, after the 6 week consultation period, and considering the

representations made on proposals to designate the areas as conservation areas, adopt Conservation Area Appraisals, and make Article 4 Directions.

- 4.2 In both areas condition surveys were carried out and on the basis of the information gathered it was considered necessary to remove specific permitted development rights through the use of Article 4 Directions, This is to prevent further loss of important historic features, or bring into planning control alterations that would erode the special interest of the areas.
- 4.3 Initial 6 week periods of consultation on the proposals to designate the conservation areas and make Article 4 Directions took place between 10 September 2018 – 23 October 2018 (Perry Vale) and 21 January 2019 - 1 March 2019 (Lewisham Park).
- 4.4 Responses to the proposals were both very positive, and were reported to M&C in the reports dated 16 January 2019 (Perry Vale) and 26 June 2019 (Lewisham Park) (Appendices 3 and 4) and the authorisation to make the Directions (non immediate) was given.
- 4.5 The Directions were made on 21 March 2019 (Perry Vale) and 7 August 2019 (Lewisham Park) (Appendices 1 and 2) and a statutory period of publicity ensued in accordance with guidance set out in the General Permitted Development Order 2015 (GPDO). The publicity stated the date upon which the Direction would come into force if confirmed, which must be between 28 days and 2 years from the date of notification.
- 4.6 No compensation for the withdrawal of certain permitted development rights is payable if an LPA gives notice of the withdrawal between 12 months and 24 months in advance, so the Council allowed for a minimum period of 24 months between notification and the Direction coming into force.
- 4.7 No additional representations were received from residents or building owners in either conservation area. The Ministry of Housing, Communities and Local Government (MHGLC) raised no objections or issues with the making of either Article 4 Direction.
- 4.8 Officers have concluded, therefore, that it is appropriate to recommend confirmation of the non-immediate Article 4's in both Conservation Areas. If this is done, the dates upon which the Article 4s would come into force would be as notified which is 24 April 2020 for Perry Vale and 7 August 2020 for Lewisham Park.
- 4.9 The date at which a Direction comes into force has to be stated on the initial notice at the time it is made. As this was the first time Officers had made an Article 4 since the last change in regulations, they calculated the date at which it would come into force as after the consultation period *plus* the minimum 24 month period (referred to in paragraph 4.6 above). When the process was repeated for Lewisham Park the approach was refined following advice and the the consultation period was *included* within the 1 year period. Both fall within the 28 days – 2 years time limit (referred to in para 4.5 above) from the

date of notification and so are both compliant with the requirements of the GPDO.

5. Legal Context

- 5.1 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.
- 5.2 If the Article 4 Directions are confirmed, the Council must notify the confirmation and date the Article 4 comes into force to affected owners and occupiers in the same way as when notifying of the making of the Direction. The Council must also notify the Secretary of State who, under Article 5(13) of the GPDO, has the power to cancel or modify any direction under Article 4(1) either before or after its confirmation.
- 5.3 There is no legal right of appeal against an Article 4 Direction.

6. Consultation Process

- 6.1 The consultations for both Article 4 directions after they were made followed the statutory consultation procedures for Article 4(1) Directions without immediate effect set out within Schedule 3, paragraph 1 of the GPDO. This requires that the Council:
- Publishes a notice of the direction in a local paper specifying a minimum period of 21 days for representations to be made and specifying the date upon which the Direction would come into force if confirmed;
 - Displays at least two site notices (with the above information) for a period of not less than 6 weeks
 - Notifies the owners and occupiers of the affected properties (unless this is impractical, e.g. because of the number of owners or occupiers or because of problems identifying them).

It is also considered good practice to publish a notice of the Article 4 Direction on the Council's website.

- 6.2 For Perry Vale, the notice of the made Direction was placed in the local paper; News Shopper on 27 March 2019. Site Notices were affixed in visible locations which were not removed until after the 6 week period, and letters were sent to all addresses and to owners where the address was different. A 5 week representation period was given: this exceeded the statutory 21 day period due to it taking place close to the Easter holidays. The document was also made available on the Council's website and a printed copy located in the Planning Business Centre at Laurence House.

- 6.3 For Lewisham Park, the notice of the made Direction was placed in the News Shopper on 7 August 2019. Site Notices were affixed on the same day in visible locations which were not removed until after the 6 week period, and letters were sent to all owners of addresses specified in the Article 4 Direction. A 6 week representation period was given: this exceeded the statutory 21 days period due to it taking place during the summer holidays. The document was made available on the Council's website and a printed copy located in the Planning Business Centre at Laurence House.
- 6.5 There were no responses to the consultation of the made Article 4 Directions. The Secretary of State raised no objections or issues with the making of either Article 4 Direction.

7. Policy Context

- 7.1 The Policy Context was set out in paragraphs 3.15-3.17 (Perry Vale) and 6.14-6.16 (Lewisham Park) of the reports to Mayor and Cabinet (see Appendices 3 and 4)
- 7.2 The Article 4 Direction would play a role in the delivery of the Council's Corporate Strategy 2018-22. The Article 4 Direction should be seen as one of a group of measures which were developed together, including the adoption of Conservation Area Appraisals which informed the drafting of the Article 4 Directions. These will enable the Council to ensure that more development in the areas is sensitive to the Conservation Area and in line with adopted Policy
- 7.3 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.

8 Financial Implications

- 8.1 The financial implications of making the Article 4 Direction are negligible and were addressed in paragraphs 7.5-7.6 and 11.2 (Perry Vale) and 12.2-12.4 (Lewisham Park) (see Appendices 3 and 4). There are no additional financial implications of confirming the Directions.

9 Legal Implications

- 9.1 The legal implications of making the Article 4 were addressed in paragraphs 7.4-7.8 and 12. (Perry Vale) and 8.4-8.7 and 13 (Lewisham Park) (see Appendices 3 and 4). There are no additional legal implications of confirming the Directions.

10. Crime and Disorder Implications

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

11. Equalities Implications

- 11.1 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.
- 11.2 When considered against the five objectives of this strategy the confirmation of the Article 4 Directions do not have any direct implications on tackling victimisation, discrimination and harassment or on closing the gap in outcomes for all residents.
- 11.3 However, the Article 4 Direction should be seen as one of a group of measures which were developed together, including the adoption of Conservation Area Appraisals (Supplementary Planning Guidance) which informed the drafting of the Article 4 Directions. These will enable the Council to ensure that more development in the areas is sensitive to the Conservation Area and in line with adopted Policy, will help to provide equality of access to guidance that, if used, will increase the likelihood of successful planning applications. The proposal to designate the area as a conservation area was requested by local residents, who also drafted the initial version of the Appraisal and supported Article 4 Directions. The process of revising this draft and consulting on the process provided opportunities for conversations amongst residents, particularly at the public drop in event, and may have furthered mutual understanding within this community. This process also was driven by citizen participation and increased engagement.

12. Environmental Implications

12.1 The environmental implications of making the Article 4 were set out in paragraphs 15.1 (Perry Vale) and 16.1-16.3 (Lewisham Park) (see Appendices 3 and 4). There are no additional environmental implications of confirming the Directions.

13. Conclusion

13.1 Historic England, who represent the Secretary of State agreed with Officers recommendations to use Article 4 Direction powers in both conservation areas.

13.2 Public representations were made during the initial non statutory consultation periods on the proposals to make Article 4 Directions, which were generally in support of the proposal. No additional representations have been made during the statutory period of consultation for either Conservation Area.

13.3 Officers therefore recommend that the article 4 Directions in both areas be confirmed. If this is done the Directions will come into force on 24 April 2019 (Perry Vale) and 7 August 2020 (Lewisham Park).

Background documents and originator

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
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
General Permitted Development Order 2015 (GPDO).	April 2015	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		2 nd floor Civic Suite	Strategic Planning Team	Joanna Ecclestone	No
Perry Vale and the Christmas Estate Conservation Area Appraisal	January 2019	2 nd floor Civic Suite	Strategic Planning Team	Joanna Ecclestone	No
Lewisham Park Conservation Area Appraisal	June 2019	2 nd floor Civic Suite	Strategic Planning Team	Joanna Ecclestone	No

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: Perry Vale and the Christmas Estate Article 4 Direction

Appendix 2: Lewisham Park Article 4 Direction

Appendix 3: Perry Vale report to Mayor and Cabinet 16.1.19

Appendix 4: Lewisham Park report to Mayor and Cabinet 26.6.19