

Common Land Consent Application Streatham Common – AfriFest

Heritage Statement February 2023

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1. Introduction

Introduction

- 1.1 This Heritage Statement has been prepared by Turley Heritage on behalf of Lambeth Council ('the Client') to provide appropriate and proportionate information with regard to heritage impacts arising as a result of the proposed temporary development at Streatham Common, London Borough of Lambeth ('the Site').
- 1.2 The Application is for Common Land Consent to accommodate "AfriFest" festival in 2023. The proposal comprises temporary fences and structures on Streatham Common pursuant to the operation of the festival. The infrastructure to facilitate this includes numerous stage structures, marquees, cabins, toilet facilities, and seating, which will be bounded by security fencing.
- 1.3 This follows a Common Land Consent application that was submitted in 2022 and granted consent. The nature of the proposed temporary structures to accommodate the event included within this application is similar to that included in the 2022 application and is therefore considered acceptable in built heritage terms.
- 1.4 By review of the Common Land Consents Policy (November 2015), an assessment of how the proposals fit into the historic context is required to support a Common Land Consent application. This requires applicants to identify local heritage and assess the effects arising to its significance as a result of the proposed development.
- 1.5 The Site is located within Streatham Common Conservation Area. There are also a number of designated and non-designated heritage assets within the Site's setting which have the potential to be affected by the propose temporary development.
- 1.6 **Section 2** of this Appraisal therefore identifies the relevant heritage assets within the vicinity of the Site that may be affected by the proposals. A Heritage Asset Plan which identifies the study area and the location of the assets is provided in Appendix 1.
- 1.7 **Section 3** then provides a proportionate summary assessment of the significance of the identified heritage assets. This assessment is carried out on the basis of the special architectural and historic interest of the building, and is undertaken using existing published information, visual surveys and archival research.
- 1.8 **Section 4** provides an assessment of the impacts of the temporary proposals on the heritage significance of the identified heritage assets, as described. These are considered in light of the relevant statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy in the Framework and supported by National Planning Practice Guidance (NPPG) 2021, and local planning policy and guidance for the historic environment. This legislative and policy context is summarised in **Section 2** and set out in full at **Appendix 2**.

2. Built Heritage Context

2.1 The Planning Policy Framework (NPPF) 2021 defines a heritage asset as:

“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).”

2.2 A ‘designated heritage asset’ is:

“A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.” There are a number of non-designated and designated heritage assets within the application Site and surrounding area. There is potential, therefore, for the significance of the heritage assets to be affected as a result of the proposed development in this location, through change to character and appearance, setting, and views. This is a legislative (The Planning (LB & CA) Act 1990) and national (NPPF 2021) and also local planning policy consideration, and so requires robust and proportionate assessment as part of any application submission.

2.3 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duty with regard to applications for planning permission affecting the setting of listed buildings:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

2.4 With regard to applications for planning permission within conservation areas, it is set out that:

‘s.72(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.’

Conservation Areas

2.5 Conservation Areas is an area of special architectural or historic interest, the character and appearance of which is desirable to preserve or enhance.

2.6 Historic England has published guidance in respect of the designation and management of conservation areas, and this provides a framework for the appraisal and assessment of the special interest and significance of a conservation area.¹

Streatham Conservation Area

2.7 The Site is located within Streatham Common Conservation Area. This area was first designated by the London Borough of Lambeth in 1994, and subsequently extended in July 2017. The Council adopted the Streatham Common Conservation Area Character Appraisal in 2017. A map of the conservation area boundary is included in **Appendix 1**.

Listed Buildings

2.8 No listed buildings are located within the Site/Application Boundary, however, there are a number of statutorily listed buildings that lie within its setting. Those which have the potential to be temporarily affected by the proposed development through change within their setting are included below. Owing to the temporary nature of the proposals and the extent and nature of affects considered to arise, a proportionate assessment has been carried out.

- Streatham War Memorial (Grade II)
- 9 Streatham Common (Grade II)

2.9 A Heritage Asset Plan included in **Appendix 1** identifies the asset location. This has been created with reference to Historic England's² on-line mapping resource.

2.10 There are a number of additional designated heritage assets located within the wider setting of the application Site, however, the significance and/or appreciation for these assets is not considered to have the potential to be affected by the proposed development. This includes two registered Park and Gardens which are located within the wider setting of Streatham Common.

2.11 Whilst it is acknowledged that the appreciation of these assets may change as a result of the arising acoustic affects, this affect would be temporary and would not adversely impact the significance of the assets identified. These designated heritage assets have therefore been scoped out of this assessment.

2.12 These are including in **Table 2.1** below:

Table 2.1: Table of listed buildings which have been scoped out of the assessment.

Asset	Grade
496, Streatham High Road	II
Streatham United Reformed Church	II

¹ Historic England, Advice Note 1: Conservation Area Appraisal, Designation and Management, 2019 (2nd edn).

² Historic England, The National Heritage List for England (web resource)

- 2.13 This position is informed by our analysis of the historical, physical, and or visual interrelationships - or lack of - between the Site and the proposed temporary development, and these assets.

Non-Designated Heritage Assets

- 2.14 The NPPF identifies that heritage assets include both designated heritage assets and assets identified by the local planning authority (including local listing).³ The London Borough of Lambeth maintains a local list of buildings of local architectural or historic interest. No buildings within the Site are included on this list, but a number of them lie within the vicinity of the Site.
- 2.15 The local significance of the non-designated heritage assets is not considered to have the potential to be impacted as a result of the temporary proposed development. The locally listed buildings are therefore scoped out of the assessment of this report. This has been concluded by a proportionate assessment of the potential effects arising to the local significance of the non-designated heritage assets, informed by our analysis of the historical, physical, and or visual interrelationships - or lack of - between the Site and the emerging proposals, and these assets.

³ MDCLG, National Planning Policy Framework (NPPF) 2021 - Annex 2: Glossary.

3. The Site and its Context

- 3.1 The application boundary is Streatham Common with the proposed temporary development located within its western portion.
- 3.2 Streatham Common forms one of the largest open spaces in the former parish of Streatham and has functioned as a public park since it was transferred to the Metropolitan Board of Works in 1883. The Common is bounded by Streatham Common North to the north, Streatham High Road to the west, Streatham Common South and Covington Way to the south, and residential houses and rear gardens to the east.
- 3.3 The Common is separated by Streatham Common South to the centre which marks the change in landscape character. The west side of Streatham Common is open and flat, with mature trees aligning its boundary with some sporadically planted trees within, affording long views across it from within. The east side presents a wooded area with views within this area limited to short-range and axial views along pedestrian/cycle pathways.



Figure 3.1: Application Boundary in Yellow

Historical Development of Streatham

- 3.4 The earliest mention of Streatham was in 675 AD, referred to as “Street Ham”. At this time, the area was frequented by passers-by travelling between London and Lewes, following the route of the High Road today. At this time, Streatham Common formed part of the Estate for the manor of South Streatham.

- 3.5 Streatham Spa Well was discovered in 1660 and, as a result, the popularity for the area increased, frequented for its medicinal waters by the poor classes in the neighbourhood.⁴
- 3.6 A mansion house -The Rookery - was built on the site of the spa in the 1780s. The allure of the spa and emerging mansion houses began to attract the higher classes. This popularity was heightened as a result of the area being located along the main route between London and the south coast. As a result, the area became a popular country residence for wealthy Londoners who acquired land and constructed their own mansions. This emerging residential development is evident along Streatham High Road as well as the Rookery (written as Streatham Wells) on John Rocque's maps of 1741 (**Figure 3.2**).

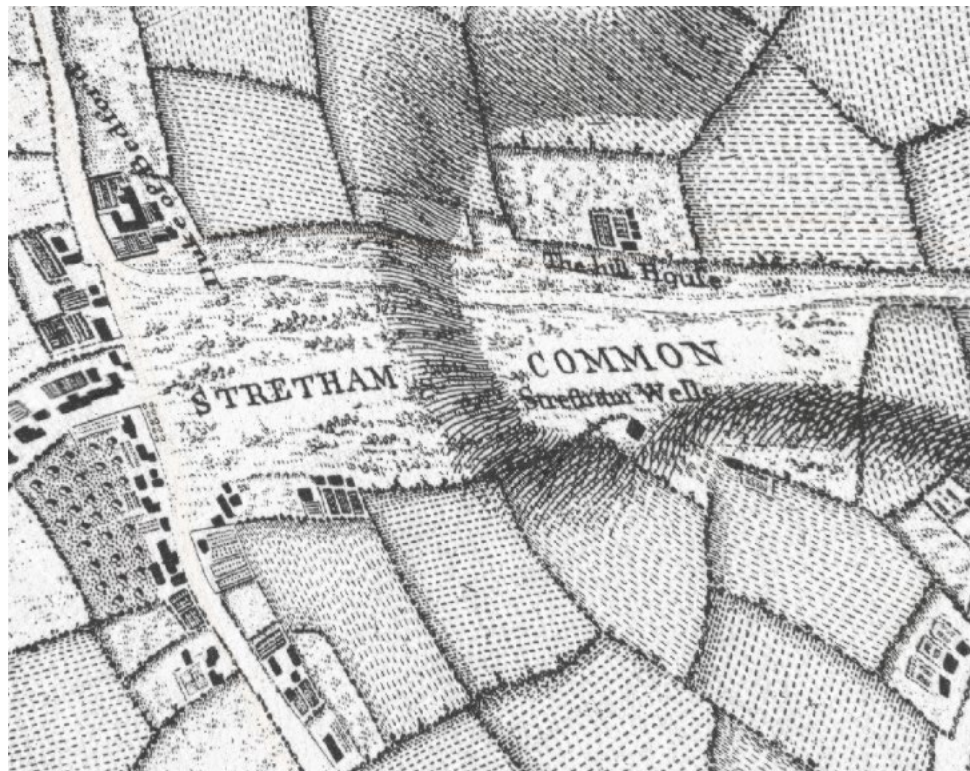


Figure 3.2: Extract from John Rocque's *Plan of London and Environs*, c. 1747.
Source: City of London Corporation

- 3.7 In the early years of the 19th century, building development accelerated. By the 19th century, a modest village has developed with the old parish church, St Leonard's, at the focus of the settlement, with manor farmland beyond. In the 1820's the first instance of industrialisation of the area came, with the construction of a silk mill near the common.
- 3.8 Towards the mid-19th century, the growth of the area became more rapid, with a number of suburban houses constructed around the Common.

⁴ 'Parishes: Streatham', in *A History of the County of Surrey: Volume 4*, ed. H E Malden (London, 1912), pp. 92-102. *British History Online* <http://www.british-history.ac.uk/vch/surrey/vol4/pp92-102> [accessed 27 January 2022].

- 3.9 The development of houses and shops continued apace, and new public buildings began to emerge, including schools, hospitals, and libraries. Speculative development became widespread, and many older houses were demolished to make way for newer, denser developments, largely concentrated along the Common and High Road (see **Figure 3.3**). Nevertheless, the area remained affluent, at this time.



Figure 3.3: First Edition OS Map from 1870

- 3.10 In the early 20th century, Streatham was a prosperous London Suburb, however the area suffered greatly from bombing during the Second World War and, as a consequence, the area began to decline somewhat in prosperity. Substantial rebuilding, as well as new development, occurred, particularly in the form of large-scale council housing during the second half of the twentieth century. Further, many of the larger suburban properties, particularly those along the common, were subdivided into flats.

4. Significance of the Heritage Asset

Introduction

4.1 The NPPF defines the significance of a heritage asset as:

*'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'*⁵

4.2 Historic England's Advice Note 12: Statements of Heritage Significance 2019 provides general advice with regard to preparing statements of heritage significance and also the analysing of significance for the full range of heritage assets. This is designed primarily for applicants proposing changes to heritage assets, and accords with the Framework as revised.

4.3 The NPPF defines the setting of a heritage asset as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

4.4 Historic England has published guidance⁶ in respect of the setting and views of heritage assets, providing detail on understanding setting and views and the associated assessment of the impact of any changes. This presents a series of attributes of a setting which can be used to help assess its contribution to the significance of a heritage asset. These can comprise the asset's physical surroundings; the experience of the asset; and the asset's associative attributes.

Assessment of Significance

4.5 The following assessment of significance is proportionate to the architectural and historic interest of the identified heritage asset and the likely impacts arising as a result of the proposals to this. The assessment is based on review of existing published information, focused archival research and then on-site visual survey and analysis.
Streatham Conservation Area

Historical Development

4.6 The historical development of the Streatham area is provided in detail in **Section 3** of this report. This context is not repeated here.

Character and Appearance

4.7 Streatham Conservation Area lies at the southern end of the London Borough of Lambeth, adjacent to the border with the London Borough of Croydon. It includes the

⁵ MHCLG, National Planning Policy Framework (NPPF) 2019 – Annex 2: Glossary.

⁶ Historic England, Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets, 2017 (2nd Ed.)

entirety of Streatham Common and most of the buildings overlooking it along Streatham Common North, Streatham Common South, and Streatham High Road.

- 4.8 The conservation area is defined principally by the open green space of Streatham Common which has been a public park since 1883. As consequence, the principal routes within the area are Streatham Common North, Streatham Common South, and Streatham High Road. The character and appearance of the western portion of the conservation area is largely defined by its open and flat nature, with mature trees aligning its boundary with some sporadically planted trees within. The conservation area contrasts somewhat to the east, largely comprising a wooded area within the Common boundary, with interconnecting pathways and a nature reserve.
- 4.9 The character and appearance of the conservation area is also defined by the various buildings and landscape features dating to the 18th century. This includes the Rookery to the south which is bounded by a belt of trees and shrubs, a grade II registered park and garden, and the former grounds of Well House (also referred to as Streatham Wells), an 18th century spa house. To the north of the Common is St Michael's Convent, a grade II registered park and garden with a number of listed buildings which date from the 19th century.
- 4.10 The character and appearance of the Area is also reflective of the increasing appeal of Streatham as a spa settlement in the 18th and 19th century, as well as the extensive bomb damage and subsequent rebuilding in the 20th century. The built environment is varied in form, scale and architectural styles.
- 4.11 The built environment is concentrated to the perimeter of the Common and includes a series of grand terraces and villas overlooking the Common, as well as smaller-scale terraces, detached houses and semi-detached houses, and larger-scale mansion blocks and council estates principally to the north and south. Buildings in the area date from all periods from the late-eighteenth century to today but the predominant building material is stock or buff brick, with widespread use of stucco. Classical and Italianate styles are dominant among the detached, semi-detached and terrace houses, although Gothic Revival and Queen Anne detailing, particularly overlooking the Common, and Modernist council blocks are also found throughout the Area.
- 4.12 As indicated above, the principal use of the area is residential, but these terraces, villas and apartment buildings are interspersed with shops, places of worship, schools, public houses, hospitals and entertainment establishments.
- 4.13 Several important views within and out of the conservation area help to define its character. The Emmanuel Church tower on the western edge is also considered to be a local landmark, experienced in long views across the Common. Within the Common itself, views across the Common and Rookery Gardens are also of value and the perimeter buildings form an important backdrop to the parkland.
- 4.14 The principal element of the setting of the Streatham Conservation Area to the south is the adjacent Norwood Grove Conservation Area within the London Borough of Croydon, which is of similar character. To the north, the area is bounded by the predominately Victorian development along the Common, including the grade II registered park and garden of St Michael's Convent. To the west, is the more modern and commercial parts

of Streatham, centred on the High Road and leading to the station to the north west of the Common. To the west is an extensive area of predominately 20th century semidetached villas between the Common and St Joseph's College further west.

Summary of Significance

- 4.15 The significance of the Streatham Conservation Area derives from the expanse of open public land which was transferred to the Metropolitan Board of Works in 1883. Its architectural and historic interest also derives from it being a record of the evolution of affluence of Streatham from the eighteenth century to the present, which is evidenced by the survival of historic built forms from all of these periods.
- 4.16 The buildings of the Streatham Conservation Area provide evidence of changing architectural styles and construction methods, as well as living standards and social practices through the design and forms of the residential buildings, as well as the existence of places of worship, schools, public houses and community facilities.
- 4.17 Significance also derived from its aesthetic interest and views which are experienced and appreciated across the Common towards The Emmanuel Church Tower to the west, as well as views south towards Morden and Croydon, afforded by its location at the highest point in Streatham.

Contribution of the Site to the Significance of the Conservation Area

- 4.18 The Site is located within Streatham Common Conservation Area, specifically the western portion of the Common. The Site therefore accounts for a large portion of the conservation area and makes a positive contribution to its character and appearance. This is predominantly due to it being representative of the historic parkland and public open space, and its open nature which presents long-distanced views through the western portion of the Common.
- 4.19 The Site also makes a positive contribution to the character and appearance of the conservation area where it provides a verdant, picturesque backdrop / setting to the surrounding buildings, some of which are listed, that surround the parkland as an integral part of this architectural composition. The undeveloped nature of the Site helps to amplify an appreciation of this predominantly 19th century architectural composition.

Streatham War Memorial, Grade II Listed Building

Special Architectural and Historic Interest

- 4.20 The special architectural and historic interest of this listed structure derives from it being an example of an interwar memorial commemorating the fallen soldiers of the First World War 1914-18 who were residents of Streatham. It was completed in 1922 by the well-known sculptor Albert Toft. It is located to the northwest corner of the Streatham Common Conservation Area within a small garden area at the junction of Streatham High Road and Streatham Common North.
- 4.21 The architectural and aesthetic interest of this listed memorial also derives from the quality of its design, craftsmanship and use of materials. Its historic value is far greater as one of so very many poignant yet tragic memorials built across England in the aftermath of the First World War; recording the terrible impact of this conflict.

Contribution of Setting and Site to Significance

- 4.22 The setting of this listed memorial is defined by the surrounding open green landscape of Streatham Memorial Gardens, and it is from within its immediate vicinity and also the boundaries of this landscape area that the significance of this heritage asset is understood and appreciated.
- 4.23 The wider setting of the listed memorial is varied and comprises, predominantly, later 19th and early 20th century redevelopment as well as some infill development to the north, east and west, with the large open expanse of Streatham Common to the south. This varied and much evolved townscape does not contribute to the significance of the listed structure by way of setting. However, the historic views and access to the neighbouring Streatham Common is considered to positively contribute to the significance of the listed memorial. As the Site forms part of the wider Streatham Common landscape, it is considered to make a positive contribution to the significance of the listed memorial as an element of setting.

9, Streatham Common

Special Architectural and Historic Interest

- 4.24 The special architectural interest of this listed building derives from it being an example of a high-status villa house dating from the 18th century, demonstrative of the influence of the then fashionable Regency style. Although later altered, the original form and design intent of the house remains legible from the street.
- 4.25 The building's special historic interest derives from its location, form and character which is representative of the residential development of the historic settlement of Streatham, positioned on a key route between London and the south coast.

Contribution of Setting and Significance of the Site

- 4.26 The immediate setting of this listed building comprises its associated small garden to its principal elevation which sits adjacent to Streatham Common South Side, and landscaped park beyond. This setting is considered to contribute to the significance of the heritage asset as it is partially demonstrative of its historic setting, although impacted somewhat due to the widening of Streatham Common South Side.
- 4.27 More widely, some surviving elements of early to mid-19th century townscape along Streatham Common South make some contribution to the significance of the listed building as they are demonstrative of its historic setting. Otherwise, the streetscape and wider townscape has a fragmented and evolved character, reflective of ongoing development of contrasting forms, scale and materiality.
- 4.28 The Site forms part of the wider landscape setting of the listed building and is appreciable in views from the listed building. The Site is also representative of the historic setting of the listed building and is therefore considered to make a positive contribution to its significance.

5. Heritage Impact Assessment

5.1 This section provides a review of the temporary proposed development and assesses the likely impact arising to the significance of the identified heritage asset(s). These impacts are set out in accordance to relevant heritage legislation, planning policy and guidance included below (Detailed in **Appendix 2**):

- The statutory duty of the Planning (Listed Buildings & Conservation Areas) Act 1990
- National policy set out in the National Planning Policy Framework 2021
- Local policy for change within the historic environment, including the Development Plan for London Borough of Lambeth, and other relevant material considerations.

Proposed Development

5.2 The Application is for Common Land Consent to accommodate “AfriFest” festival in 2023. The proposal comprises temporary fences and structures on Streatham Common pursuant to the operation of the festival. The infrastructure to facilitate this includes numerous stage structures, marquees, cabins, toilet facilities, and seating, which will be bounded by security fencing.

5.3 The proposed development is temporary and will have no material impact on existing buildings or landscape features of Streatham Common. All effects arising are temporary.

Site Location and Visibility of Proposed Development

5.4 The location of the proposed development has been carefully considered as to limit effects upon the local heritage context and visual amenity. The event location is therefore confined within the western portion of the park, partially obscured from view by existing trees which align its boundary and to its northern extent. In addition to this existing physical screening, the proposed development will also benefit from being in close proximity to the existing café and children’s playground to its western boundary which will further reduce visibility from the surrounding area. The visibility of the structures within the Site will also be limited from the surrounding area as a result of the security fencing which is proposed to its boundary.

Assessment of effects upon the identified heritage assets

Streatham Common Conservation Area

5.5 Whilst it is anticipated that the visibility of the infrastructure within the Site boundary will be limited, the hoarding erected to the perimeter of the Site will be experienced during the short period the structure will be in place. As a result, direct impact to the character and appearance of the conservation area will arise. This impact will predominantly arise through change in character and visual amenity whereby the long-distanced views through the park will be affected.

- 5.6 However, due to the scale of the park and the conservation area itself, this impact would be localised and would not materially impact its significance. The expanse of the remaining park and conservation area would remain accessible and appreciable during the temporary event.
- 5.7 Further, the proposed development is unlikely to be experienced from within the wider conservation area, specifically from the east due to distance, intervening built form, and existing vegetation. The impact arising would therefore be confined to only a portion of the conservation area.
- 5.8 To summarise, the proposed development would have a direct impact upon the character and appearance of Streatham Conservation Area, however, this impact would be localised and temporary in nature. Overall, no adverse effects will arise.

Listed Buildings

- 5.9 The proposed Events and associated structures are not considered to adversely impact the significance of the nearby listed buildings through introducing temporary development within their setting. Whilst change to their setting would arise, this change would be localised and limited to a prescribed period only, after which the temporary structures would be removed.
- 5.10 Further, the physical presence of the temporary structures within local views to, from and between the designated heritage assets and their settings would be highly constrained by existing boundary treatments around Streatham Common, including mature vegetation throughout the summer months, and vehicular thoroughfares.
- 5.11 Although it's possible that glimpsed views of the proposed structures, predominantly the boundary hoarding, would be experienced within the wider setting of the listed buildings, it would be experienced in the context of the built development of this settlement. Further, the temporary visual / experiential effects of the proposals would not be so prominent as to distract from the existing understanding and appreciation of the significance of the buildings, or the appreciation for the historical development or character and appearance of the area. No harm to the significance of the nearby listed buildings is therefore considered to arise and, overall, no adverse effects will arise.

Landscape Features

- 5.12 Trees within the event boundary will not be accessible and will be protected by fencing, where necessary. Trees that are located within the event boundary that contribute to the local heritage will therefore be preserved. No adverse effects will arise as a result.

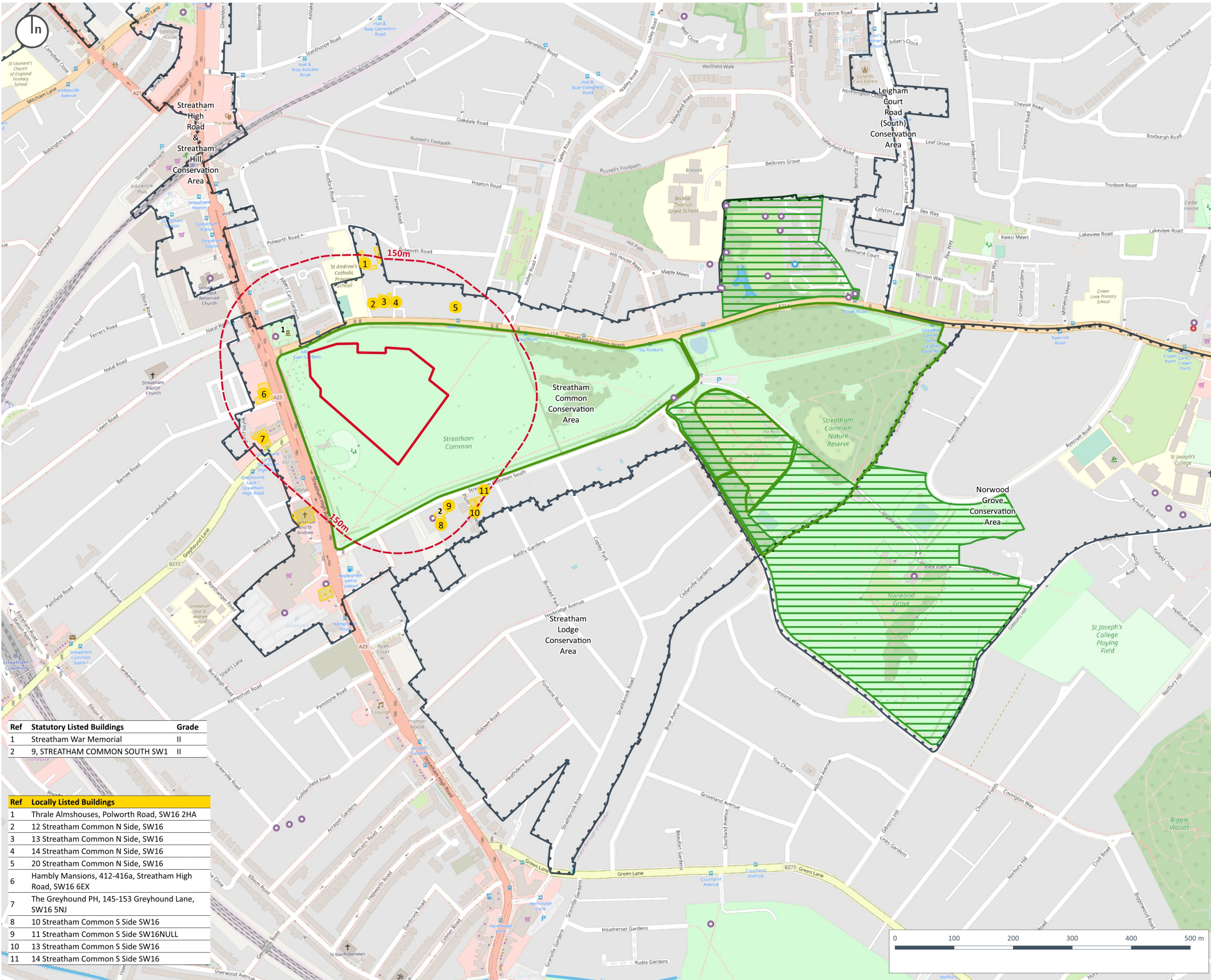
Other Indirect Effects

- 5.13 It is also acknowledged that temporary acoustic and lighting impacts will arise as a result of the proposed development. Whilst some change is likely to arise to how the local heritage will be experienced and appreciated as a result, this change is temporary and not considered to detrimentally impact the special architectural and historic interest of the heritage assets identified. Further, these indirect effects will be temporary and have been subject to independent assessments from specialist consultants.

Summary

- 5.14 To summarise, the proposed development is considered to have been carefully designed to limit temporary effects upon the significance of the local heritage. Whilst change to the setting of the identified heritage assets will arise, this change will not materially harm the heritage context. The proposals would not adversely impact the significance of the identified heritage assets, neither during nor after the erection of the temporary structures.
- 5.15 The Common Land Consent is therefore compliant with national and local policy concerning the historic environment, including Policy Q20 Statutory Listed Buildings, Policy Q22 Conservation Areas of the Lambeth Local Plan, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the NPPF (2021).
- 5.16 Further, as this application follows a Common Land Consent application that was submitted in 2022 and granted consent and the nature of the proposed temporary structures to accommodate the event included within this application is similar to that included in the 2022, the proposals are considered acceptable in built heritage terms.

Appendix 1: Heritage Asset Map



Ref	Statutory Listed Buildings	Grade
1	Streatham War Memorial	II
2	9, STREATHAM COMMON SOUTH SW1	II

Ref	Locally Listed Buildings
1	Thrale Almshouses, Polworth Road, SW16 2HA
2	12 Streatham Common N Side, SW16
3	13 Streatham Common N Side, SW16
4	14 Streatham Common N Side, SW16
5	20 Streatham Common N Side, SW16
6	Hambly Mansions, 412-416a, Streatham High Road, SW16 6EX
7	The Greyhound PH, 145-153 Greyhound Lane, SW16 5NJ
8	10 Streatham Common S Side SW16
9	11 Streatham Common S Side SW16NULL
10	13 Streatham Common S Side SW16
11	14 Streatham Common S Side SW16

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- Lambeth Event Site
 - Streatham Common Study Area
 - Streatham Common Boundary
 - Conservation Area
 - Registered Park and Garden
- Listed Buildings**
- I
 - II*
 - II
 - Locally Listed Buildings

CLIENT:
 London Borough of Lambeth

PROJECT:
 Temporary Events at Streatham Common

DRAWING:
 Heritage Asset Plan - Streatham Common

PROJECT NUMBER:
 LONH3043

DRAWING NUMBER: GIS_11 CHECKED BY: EC

REVISION: 2.0 STATUS: Draft

DATE: January 2023 SCALE: 1:6,000 @ A3



Appendix 2: Heritage Planning Legislation, Policy and Guidance

Statutory Duties

The Planning (Listed Buildings and Conservation Areas) Act 1990

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides that listed building consent is required for;

'(s.7) ... any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest ...'

In determining such applications the following duty is placed upon the decision maker:

's.16(2) In considering whether to grant listed building consent for any works the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

With regard to applications for planning permission within conservation areas, it is set out that:

's.72(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Recent case law⁷ has confirmed that Parliament's intention in enacting section 66(1) of the 1990 Act was that decision-makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings, where "preserve" means to "to do no harm" This duty must be borne in mind when considering any harm that may accrue and the balancing of such harm against public benefits as required by national planning policy. Case law has confirmed that this weight can also be applied to the statutory tests in respect of

⁷ Barnwell Manor Wind Energy Limited and (1) East Northamptonshire District Council (2) English Heritage (3) National Trust (4) The Secretary of State for Communities and Local Governments, Case No: C1/2013/0843, 18th February 2014

conservation areas⁸. The Secretary of State has confirmed⁹ that ‘considerable importance and weight’ is not synonymous with ‘overriding importance and weight’.

Importantly, the meaning of preservation in this context, as informed by case law, is taken to be the avoidance of harm.

National Policy

National Planning Policy Framework (NPPF) 2021

The National Planning Policy Framework (NPPF) was introduced in March 2012 as the full statement of Government planning policies covering all aspects of the planning process. A revised National Planning Policy Framework was published in July 2018. A revision was issued in July 2021, which replaced the previous versions published in March 2012, revised in July 2018 and updated in February 2019. Chapter 16 of the NPPF outlines the Government’s guidance regarding conserving and enhancing the historic environment in more detail.

The glossary of the NPPF (Annex 2) defines conservation as the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

Paragraph 194 requires the significance of the heritage assets, which may be affected by the proposals to be described as part of any submission, ideally as part of a Heritage Statement report. The level of detail should be proportionate to the importance of the assets and sufficient to understand the potential impact of the proposals on their significance.

Paragraph 195 sets out that local planning authorities should also identify and assess the particular significance of heritage assets that may be affected by proposals. They should take this assessment into account when considering the impact of proposals in order to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.

Paragraph 197 states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of all heritage assets and putting them into viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 further outlines that local planning authorities should give great weight to the asset’s conservation when considering the impact on a proposed development on the significance of a designated heritage asset. The more important the heritage asset, the greater the weight should be.

Paragraph 200 specifies that any harm to, or loss of, significance of a designated heritage asset should require clear and convincing justification.

Paragraph 201 outlines that local planning authorities should refuse consent where a proposal will lead to substantial harm or total loss of significance, unless it can be demonstrated that this is necessary to deliver substantial public benefits that outweigh such harm or loss, or a number of other tests can be satisfied.

Paragraph 202 concerns proposals which will lead to less than substantial harm to the significance of a designated heritage asset. Here harm should be weighed against the public benefits, including securing the optimum viable use.

Paragraph 206 states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance), should be treated favourably. It outlines that local planning authorities should also look for opportunities for new development within conservations areas and the setting of heritage assets to enhance or better reveal their significance.

Local Policy

The London Plan 2021

The new London Plan 2021 was recently adopted in March 2021, and replaces the previous London Plan (2016 with alterations since 2011) and relevant policies. Policy HC1 of the new London Plan which states:

Policy HC1 of the draft London Plan relates to heritage conservation and growth. It states:

“A. Boroughs should, in consultation with Historic England and other relevant statutory 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 the heritage assets, landscapes and archaeology within their area.

B. Development Plans and strategies should demonstrate a clear understanding of the historic environment and the heritage values of sites or areas and their relationship with their surroundings. This knowledge should be used to inform the effective integration of London’s heritage in regenerative change by:

- 1. setting out a clear vision that recognises and embeds the role of heritage in place-making*
- 2. utilising the heritage significance of a site or area in the planning and design process*
- 3. integrating the conservation and enhancement of heritage assets and their settings with innovative and creative contextual architectural responses that contribute to their significance and sense of place*

C. Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings, should also be actively managed. Development proposals should seek to avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

D. Development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological

⁸ The Forge Field Society v Sevenoaks District Council [2014] EWHC 1895 (Admin); North Norfolk District Council v Secretary of State for Communities and Local Government [2014] EWHC 279 (Admin)

⁹ APP/H1705/A/13/2205929

assets and landscapes. The protection of undesignated heritage assets of archaeological interest equivalent to a scheduled monument should be given equivalent weight to designated heritage assets.

E. Where heritage assets have been identified as being At Risk, boroughs should identify specific opportunities for them to contribute to regeneration and place-making, and they should set out strategies for their repair and re-use.”

The Development Plan

The development plan for the London Borough of Lambeth comprises the London Plan 2021, and the Lambeth Local Plan 2021. These documents provide local guidance with regard to development affecting heritage assets.

Lambeth Local Plan 2020–2035 (2021)

The Lambeth Local Plan 2020–2035 was adopted on 22 September 2021. Section 10: Quality of the built environment includes information on design and heritage. Within this section, the policies relevant to this application in terms of heritage are:

Policy Q5 Local Distinctiveness:

Policy Q7 Urban design: new development

Policy Q20 Statutory listed buildings:

Policy Q22 Conservation areas:

Other Guidance and Material Considerations

National Planning Practice Guidance (NPPG) 2014

National Planning Practice Guidance (PPG) was first issued by the Government in 2014 as a web based resource and living document. This is intended to provide more detailed guidance and information with regard to the implementation of national policy set out in the NPPF. The most recent updates date from 2019.

Historic England: Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment 2015

GPA Note 2 provides information to assist in implementing historic environment policy in the National Planning Policy Framework (NPPF) and the related guidance given in the National Planning Practice Guidance (NPPG). These include; assessing the significance of heritage assets, using appropriate expertise, historic environment records, recording and furthering understanding, neglect and unauthorised works, and marketing.

Historic England: Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets 2017 (2nd Edition)

GPA Note 3 provides information to assist in implementing historic environment policy with regard to the managing change within the setting of heritage assets, and also now views analysis. This also provides a toolkit for assessing the implications of development proposals affecting setting and views. A series of stages are recommended for assessment, these are:

- *Step 1: identifying the heritage assets affected and their settings*
- *Step 2: assessing whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s)*
- *Step 3: assessing the effect of the proposed development*
- *Step 4: maximising enhancement and minimising harm*
- *Step 5: making and documenting the decision and monitoring outcomes.*

Historic England: Advice Note 1: Conservation Area Designation, Appraisal and Management 2019 (2nd Edition)

This Historic England Advice Note supports the NPPF and NPPG, and is intended to set out ways to manage change in a way that conserves and enhances historic areas through conservation area designation, appraisal and management. It seeks to offer advice to all those involved in managing conservation areas so that the potential of historic areas worthy of protection is fully realised, the need for community and owner consultation examined, and the benefits of management plans to manage change, and achieve regeneration and enhancement, fully exploited. Advice on appraisal of conservation areas is also given, as assistance in demonstrating special interest and articulating character, guiding investment, and in developing a management plan.

Historic England: Advice Note 2: Making Changes to Heritage Assets 2016

This advice note provides general advice according to different categories of intervention in heritage assets, including repair, restoration, addition and alteration, as well as on works for research alone. This covers different types of heritage assets, including buildings and other structures; standing remains including earthworks; buried remains and marine sites; as well as larger heritage assets including conservation areas, registered landscapes, and World Heritage Sites.

Historic England: Advice Note 12: Statements of Heritage Significance 2019

This Historic England Advice Note provides general advice with regard to preparing statements of heritage significance and also the analysing of significance for the full range of heritage assets. This is designed primarily for applicants proposing changes to heritage assets, and accords with the Framework as revised.

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