

Walworth Community Council

Thursday October 8 2009

7.00 pm

Thurlow Lodge Community Hall, Wendover, Corner of Thurlow Street and
Albany Road, SE17 2UZ

Membership

Councillor Lorraine Lauder MBE (Chair)
Councillor Abdul Mohamed (Vice-Chair)
Councillor Paul Bates
Councillor James Gurling
Councillor Jelil Ladipo
Councillor Lorraine Lauder MBE (Chair)
Councillor Kirsty McNeill
Councillor Abdul Mohamed (Vice-Chair)
Councillor Caroline Pidgeon
Councillor Jane Salmon
Councillor Martin Seaton

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Contact

Caroline Chalkin on 020 7525 7385 or email: caroline.chalkin@southwark.gov.uk

Members of the committee are summoned to attend this meeting.

Annie Shepperd
Chief Executive
Date: Wednesday September 30 2009



Language Needs

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নম্বরে টেলিফোন করুন

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kuu ah sida gaadiid, af celiyaha dadka indha la' fadlan tilifooni 020 7525 7187.

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telifoonu 020 7525 7187. **Yoruba**

Walworth Community Council

Thursday October 8 2009

7.00 pm

Thurlow Lodge Community Hall, Wendover, Corner of Thurlow Street and Albany Road, SE17 2UZ

Order of Business

Item No.	Title	Page No.
1.	INTRODUCTION AND WELCOME [CHAIR]	
2.	APOLOGIES	
3.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS	
4.	ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT	
5.	MINUTES	2 - 4
	To approve the minutes of the meeting held on July 30 2009.	
6.	DEVELOPMENT CONTROL ITEM:	5 - 11
6.1	Land Adjoining Brandon Street, Larcom Street, Charleston Street London, SE17 1NL	
7.	QUARTERLY ENFORCEMENT REPORT:	12 - 22
	EXCLUSION OF PRESS AND PUBLIC	

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

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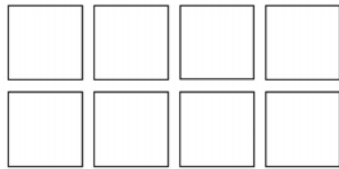
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Yoruba



COMMUNITY COUNCILS
A voice for your community



MINUTES TO BE AGREED AT THE NEXT MEETING

Walworth Community Council

Planning Meeting

Thursday July 30 2009 at 7.00PM
at Thurlow Lodge, Thurlow Steet, SE17 2US

Present

Councillors: Lorraine Lauder(Chair), Jane Salmon, Caroline Pidgeon and James Gurling
Officers: Caroline Chalklin (CCDO), Gareth Phillips (Legal Officer), Becky Baker (Planning Officer)

The meeting opened at **7.0 0 pm**.

- 1. Introduction and welcome by the Chair**
Councillor Lauder began the meeting by welcoming everyone.
- 2. Apologies**
Apologies for absence were submitted on behalf of Councillors Ladipo, Seaton, Mohamed and Bates
- 3. Notification of any items the Chair deems urgent**
None.
- 4. Disclosure of Members' interests and dispensations**
Councillor Pidgeon declared a prejudicial interest in items 6 and 7i.
- 5. Confirmation of minutes**

RESOLVED: That the minutes of the Planning meeting held on February 5 2009 be approved as a true and accurate recording of that meeting.

RECORDING OF MEMBERS' VOTES

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

The Committee considered the items set out on the agenda, a copy of which has been incorporated in the Minute File. Each of the following paragraphs relates to the item bearing the same number on the agenda. In every case the planning officer introduced the item to Members

6. DEVELOPMENT CONTROL**RESOLVED:**

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports on the agenda be considered
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated

That where reasons for the decision or condition are not included in the report relating to an individual item, that they be clearly specified.

*** Councillor Pidgeon withdrew from the Community Council ***

6/1 1-226 PULLENS ESTATE, PENTON PLACE, AMELIA STREET AND ILIFFE STREET LONDON, SE17 3SJ

Proposal (08-CO-0095)

Relocation of 71 satellite dishes (of no more than 1m in diameter) and 6 television antennas to be positioned behind parapet walls on Pullens Estate to the roof areas, and installation of trunking and handrails to roof level.

Procedure The Planning Officer presented the item; Members asked questions of the Planning Officer.

The objector spoke for up to three minutes. Members asked questions of the objector.

Councillor Pidgeon spoke for up to three minutes as Ward Councillor. Members asked questions of Councillor Pidgeon.

In response to the Chair, the Legal Officer outlined the options for Members: to grant, refuse or defer deciding the planning application to a future meeting.

Members then debated the item and voted.

Resolved: That the item be deferred for further consideration: the Housing Department be requested to submit further information on the Health & Safety aspects of the proposal.

The decision was unanimous.

Councillor Pidgeon rejoined the Community Council

NON-DEVELOPMENTAL CONTROL ITEMS

*** Councillor Gurling sought legal advice on his position as Chair of the main Planning Committee. The legal officer suggested that he did not contribute to the discussion of item 7i***

7i. Transfer of £636,217 from a number of Section 106 legal agreements to implement the Amelia Street Public Realm improvement programme

Following a design competition, Members were presented with a schedule of proposed improvements for the Amelia Street area, and asked for their comments prior to the report going to the main Planning Committee.

Councillor Pidgeon said that these were not the final proposals. There was an emphasis on streetscene and management.

Councillor Salmon asked if car parking spaces would be lost. Officers responded that a reduction of car parking would only take place after taking technical advice and consulting with residents.

Members expressed the view that residents benefitting from the scheme would be very fortunate, and had no objections to the schemes.

7ii Local Parking amendment: Penton Place (0809 Q4 004)

Tim Walker explained that cars parked on single yellow lines made Penton Place too narrow for emergency services vehicles to get down the street.

EXECUTIVE DECISION

RESOLVED: That the local parking scheme 'Penton Place – Proposed parking bay alignment and introduction of no waiting at any time restrictions' be approved for implementation, subject to the outcome of any necessary statutory procedures, combined with an informal letter to the four adjacent Tenants and Residents Associations (Newington, Pullens, Alberta and Guinness Trust)

The meeting closed at 8.20pm

Signed:

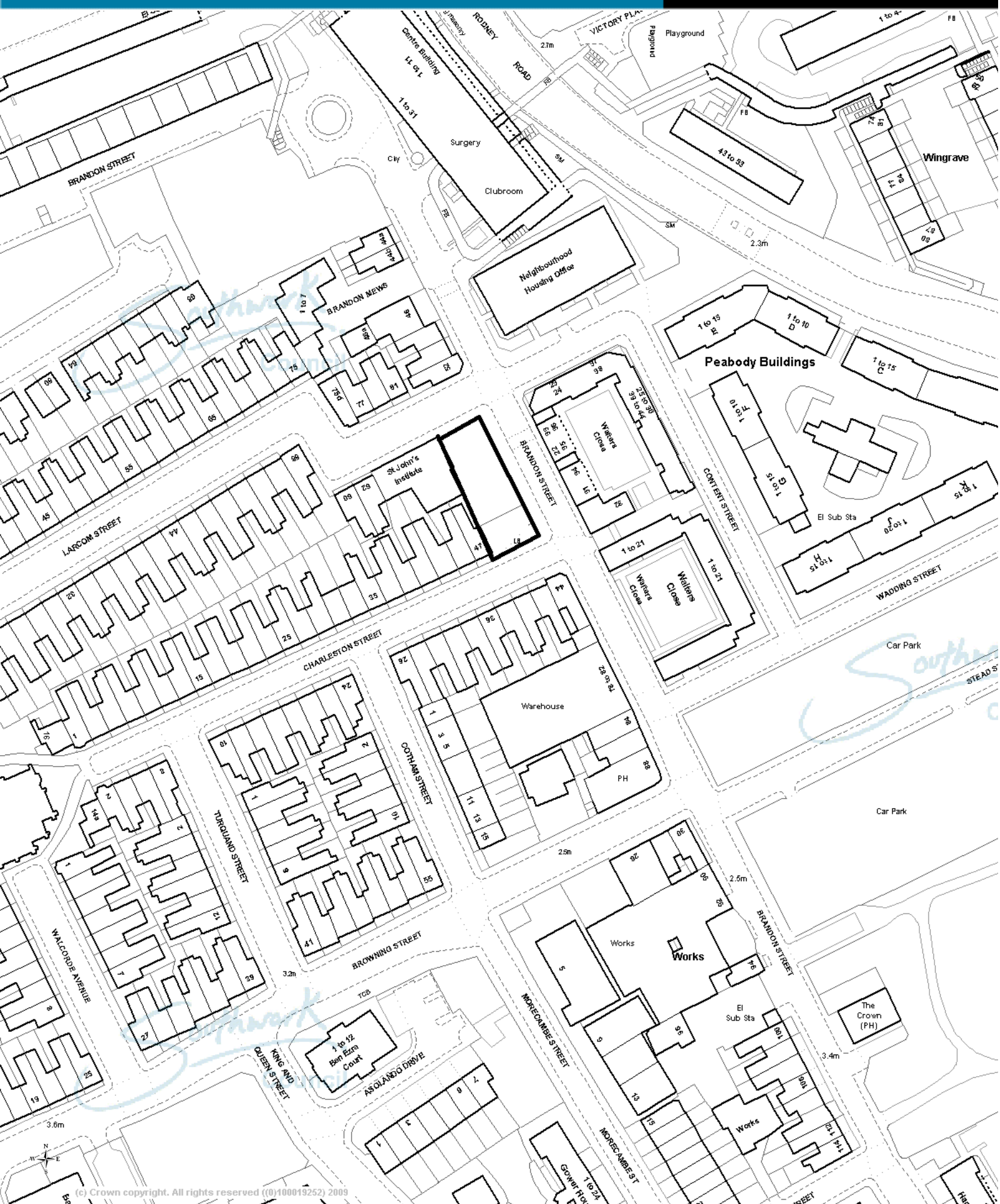
Date:

The deadline for notification of call-in under Section 18 of the Overview And Scrutiny Procedure Rules is midnight, Monday August 10 2009.

The above Executive Decisions (those marked 'EXECUTIVE DECISION') will not be implementable until after that date. If an Executive Decision of a community council is called-in for scrutiny, then the relevant decision will be held in abeyance pending the outcome of scrutiny consideration

Published Monday August 3 2009

Date 28/9/2009



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Item 6.1	Classification OPEN	Decision Level Walworth Community Council	Date 8/10/2009
From Head of Development Management		Title of Report DEVELOPMENT MANAGEMENT	
Proposal (09-CO-0106) Installation of 2.4m high x 8m length panel for Southwark's ' Revitalise17' branding to be displayed on site hoardings on Brandon St frontage.		Address LAND ADJOINING BRANDON STREET, LARCOM STREET, CHARLESTON STREET LONDON, SE17 1NL Ward East Walworth	

PURPOSE

- 1 To consider the above application.

RECOMMENDATION

- 2 Grant advertisement consent, subject to there being no material representations received that raise matters which have not been addressed within the report, by the end of the close of the 21 days statutory consultation period which expires 8/10/2009.

BACKGROUND

Site location and description

- 3 The application site is rectangular shaped and fronts the western side of Brandon Street on the corner of Larcom Street to the north and Charleston Street to the south, it has an area of 0.049 hectares. This brownfield site is currently surrounded by fencing, which local residents use as open space, however the site is not designated as Open Space in the Southwark Plan. The site is designated for housing use (as Proposal Site 50P) in the Southwark Plan. 5 mature trees are located within the site on Brandon Street.
- 4 The application site is located in a predominantly residential area characterised by terrace housing, flatted buildings and a nursing home.
- 5 Immediately to the north of the site across Larcom Street lies generally 3 storey Victorian terrace buildings (one building has a two storey element) that contain either flats or houses, there is a 4 storey flat building across from the St John's Institute that adjoins the site to the west. Further north is Victory Park, that offers the opportunity to play ball games.
- 6 To the west of the site 3 storey Victorian terraces run along Larcom Street and Charleston Street that contain either houses or flats. The St John's Institute directly adjoins the site on Larcom Street and is 3 storeys plus an attic.
- 7 3 storey Victorian terrace buildings are located to the south of the site containing

houses, flats and some ground floor commercial uses fronting Brandon Street. Further south is Nursery Row Park, which is a substantial expanse of open space.

- 8 The Walters Close Nursing Home is located to the east of the site across Brandon Street. The building has a height of 2 storeys.
- 9 The site is within the Central Activity Zone, Elephant and Castle Opportunity Area, the Elephant and Castle Major Town Centre, and the site is designated as Proposals Site 50P comprising a proposed housing development site. Permission has been granted for a housing development - see planning history section below. The site is not in a conservation area and there are no listed buildings in the vicinity the setting of which would be affected.

Details of proposal

- 10 Installation of 2.4m high x 8m length panel for Southwark's 'Revitalise17' branding to be displayed on site hoardings on the Brandon St frontage. The total length of the Brandon St frontage is 35m.
- 11 The panel would be primarily in purple Southwark brand background, and would state that Southwark and L&Q are investing in new homes. It would provide brief details of the works that are to be carried out on the site and anticipated completion date which is winter 2010. Contact details for the contractor and architect would be provided.
- 12 The sign would not be illuminated.
- 13 The panel would form only a part of the overall length of hoardings that would enclose the site, and would be the only advertising panel to be erected on the site.

Planning history

- 14 Planning permission was granted subject to a legal agreement 12/1/09 for the erection of one part 4, part 5 storey building on the corner of Brandon Street and Charleston Street and one part 5, part 6 storey building on the corner of Brandon Street and Larcom Street, comprising 18 dwellings in total with communal private courtyard and public amenity space at ground floor level.
- 15 This development does not appear to have been commenced yet, but a number of approval of details applications have been submitted.

Planning history of adjoining sites

- 16 None relevant.

FACTORS FOR CONSIDERATION

Main Issues

- 17 The main issues in this case are:
- a] impacts on amenity and public safety

Planning Policy

- 18 Southwark Plan 2007 [July]
3.23 Outdoor advertisements and signs
- 19 London Plan 2004
None relevant.

- 20 Planning Policy Guidance [PPG] and Planning Policy Statements [PPS]
PPG19 Outdoor advertisement control

Consultations

- 21 Site notice date: 17/9/20-09 Press notice date: N/A

- 22 Neighbour consultation letters sent: 17/9/2009

- 23 Case officer site visit date: 17/9/09 - unaccompanied

- 24 Internal consultees

Design
Transport

- 25 Statutory and non-statutory consultees

None.

- 26 Neighbour consultees

44 CHARLESTON STREET LONDON SE17 1NF
RODNEY ROAD NEIGHBOURHOOD OFFICE CONTENT STREET LONDON SE17 1NS
ST JOHNS PARISH CLUB LARCOM STREET LONDON SE17 1NQ
ST JOHNS INSTITUTE LARCOM STREET LONDON SE17 1NQ
PART FIRST FLOOR AND SECOND FLOOR FLAT 48 BRANDON STREET LONDON SE17 1NL
GROUND FLOOR FLAT 38 CHARLESTON STREET LONDON SE17 1NF
FIRST FLOOR AND SECOND FLOOR FLAT 38 CHARLESTON STREET LONDON SE17 1NF
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FIRST FLOOR AND SECOND FLOOR FLAT 52 BRANDON STREET LONDON SE17 1NP
OFFICES LONDON BOROUGH OF SOUTHWARK CONTENT STREET LONDON SE17 1NS

- 27 Re-consultation
N/A

Consultation replies

- 28 Internal consultees
Design - incorporated within report.
Transport - no problem with sign/hoarding given that it is on site boundary (not enclosing footpath) and is limited to 2.4m in height.
- 29 Statutory and non-statutory consultees
N/A
- 30 Neighbour consultees
None received at time of writing, however any representations will be reported to Community Council by way of addendum report.
- 31 Re-consultation
N/A

PLANNING CONSIDERATIONS

- 32 **Principle of development**
The principle of advertisements on sites is acceptable subject to considerations of public safety and amenity.
- 33 It is not considered that the sign would harm public safety as it would not be illuminated and would have no moving parts, and being flush with the site boundary and not overhang or having any projecting parts, would not affect vehicular visibility nor pedestrian movement, and would not obstruct pedestrian access along the footpath.
- 34 In terms of amenity the sign would be contained within the height and length of site hoardings that would be erected around a development site, so would not be obtrusive in its height. It would comprise an 8m length of a 35m frontage so would not be overly dominant in views of the street frontage.
- 35 Its design is considered to be acceptable with relatively discrete details of the development of the site which has already received planning permission and which the hoarding would be related to, and details of the contractor. For these reasons there is not considered to be any harm arising in relation to amenity.
- 36 The scheme is considered to be acceptable with regard to policy 3.23 Outdoor advertisements and signs.

Other matters

- 37 None.

Conclusion

- 38 The scheme is considered to be acceptable with regard to policy 3.23 Outdoor advertisements and signs as it would not result in harm to amenity or public safety and it is therefore recommended that it be approved.

COMMUNITY IMPACT STATEMENT

- 39 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a] The impact on local people is set out above.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

40 None

LEAD OFFICER	Gary Rice	Head of Development Management
REPORT AUTHOR	Becky Baker	Team Leader - Development Management [tel. 020 7525 1137]
CASE FILE	TP/ADV/1090-54	
Papers held at:	Regeneration and neighbourhoods dept. tel.: 020 7525 5403 email: planning.enquiries@southwark.gov.uk	

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Mr M Rees Southwark Council	Reg. Number 09-CO-0106
Application Type	Council's Own Development - Reg. 3 (Council's Own Development)	
Recommendation	Grant permission	Case Number TP/ADV/1090-54

Draft of Decision Notice

Permission was GRANTED, subject to the conditions and reasons stated in the Schedule below, for the following development:

Installation of 2.4m high x 8m length panel for Southwark's 'Revitalise17' branding to be displayed on site hoardings on Brandon St frontage.

At: LAND ADJOINING BRANDON STREET, LARCOM STREET, CHARLESTON STREET LONDON, SE17 1NL

In accordance with application received on 29/09/2009

and Applicant's Drawing Nos. Elevation of proposed site; un-labelled drawing of sign; Map showing the prominent strip of hoarding on which the advertisement will be placed; Development boundary for the Brandon St site

Schedule

Consent is granted for a period of 5 years and is subject to the following standard conditions:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for the measuring of the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason:

In the interests of amenity and public safety as required by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended.

Item No.	Classification: Information Only	Date: 17/09/09	Meeting Name: Walworth Community Council 08th October 2009
Report title:	PLANNING ENFORCEMENT UPDATE REPORT		
From:	01/04/09 -/09/09		

Summary and purpose

1. This report is intended to provide members with a brief and informative insight into the performance of the planning enforcement service and the progress of some key cases over the period April to September 2009 within Walworth Community Council area. It is the intention of the planning enforcement team to provide these quarterly performance reports to all community councils.
2. Please note that this report is for information purposes only. The determination of planning enforcement investigations and conduct of enforcement appeals is delegated to officers under the Southwark Constitution 2008. Part 3F Note (a). Members are advised that they do not have a decision making function in relation to Enforcement Cases. If there are any specific enforcement cases that members would like to be updated on at the next community council meeting please contact Dennis Sangweme and David Lane in the planning enforcement team by 01/12/09.

Performance Data

- 3.1 The table below shows performance in dealing with investigations and overall performance on cases received within the Walworth Community Council area over the period April to September 2009.

	Previous Year 08/09	1st Quarter 2009	2nd Quarter 2009	Total for Year
Cases Received	54	13	9	22
Cases Resolved	57	3	5	8
Live cases/Total Outstanding				114
Instructions to Legal		None	None	None
Enforcement Notices Served		1	None	1
Planning Contravention Notices		0	1	1
Appeal Decisions		1	none	1

- 3.2 Members might be aware that the planning enforcement team has recently adopted an area based officer approach to planning enforcement within the borough. This has helped to streamline the way the team work and to provide members and residents with a fixed point of contact within the team. The officer responsible for Walworth is David Lane who joined the team at the end of June 2009 and also covers Camberwell Community Council. There would be a marked increase in the number of actions to report at the December meeting as David picks up on the outstanding issues in Walworth.

3.3 The statistics show a slight increase in the number of cases received compared to the same period over the past financial year. Cases resolved above includes: enquiries where no breach was found, where it was found not to be expedient to take enforcement action, where the breach ceased and where retrospective planning permission was received. Approximately 80% of the breaches of planning control were dealt with without resorting to formal enforcement action and this is largely attributable to the negotiating skills of the planning enforcement officers involved. Officers in the team have developed good engagement/negotiating skills to achieve agreed compliance without the need of often expensive and protracted enforcement action.

Enforcement Notices & Appeals

3.4 One enforcement notice was issued over the reporting period as shown in the table below:

Address	Requirements of Notice	Date Notice expired	Appeals	Further action needed
Land at ground floor, 343-345 Walworth Road, London SE17 2AL shown edged red on the attached plan ("the Land").	Notice issued on 15/12/08 for the following breach 'without planning permission, the installation of, roller box shutters to the shop front, shop entrance and shop windows and doorway in Liverpool Grove ("the Unauthorised Development"). The notice required the removal of the box shutters from the shop front.	Appeal lodged against enforcement notice	Appeal dismissed on 25/04/09. Appellant now liaising with officers for suitable replacement shutters.	Keep case under review and report back at December CC meeting
Grade II listed building at 305 Walworth Road, London SE17 2TG (former Kennedys)	Listed building enforcement notice issued on 15/04/09 for 'without Listed Building Consent, the installation of a roller shutter and canopy to the facade of the Grade II Listed Building and also the tiling over the original floor of the Grade II Listed Building'. It is considered that the installation of the roller shutter and canopy to the facade of the building does not preserve or enhance the special interest or historic character and appearance of the this former Kennedy's shop whilst the tiling over of the original flooring is not in keeping with the original architectural style of the building and fails to preserve or enhance the historic character of the listed building contrary to Council development plan policies.	Appeal lodged against enforcement notice and requirements of notice suspended pending appeal decision	The appellant has appealed on grounds (c), (d), (e), (h) and (i) of Section 39 of The Planning (Listed Buildings and Conservation Areas) Act 1990 Offices. The facts in support of each chosen ground of appeal are contained in the appeal documents at the Council Offices.	Council's statement of case prepared and now awaiting Inspector's site visit date. *Planning application 09-AP-1996 & 09-AP-1997 submitted seeking full planning permission & listed building consent for 'Change of use from retail to restaurant and an extension to rear to accommodate kitchen and modernised sanitary facilities'. Apps currently invalid*.

3.5 As members might be aware, failure to comply with the requirements of an enforcement notice is an offence and a person guilty of the offence is liable, on conviction at the Magistrate's Court, to a fine not exceeding £20,000 or an

unlimited fine if convicted at Crown Court. Members might be aware that in order to secure compliance with an enforcement notice, the Town and Country Planning Act, 1990 and the extended provisions in the Planning and Compensation Act, 1991, empowers local planning authorities to take direct action in default by the owner or occupier of the land. This means that where any steps required by an enforcement notice to be taken are not taken within the period for compliance with the notice, the Council as the Local Planning Authority may carry out the works in default and recover the costs from the owners of the premises.

- 3.6 Officers will seek to utilise all the available enforcement powers as the effectiveness of the development management system largely depends on the willingness of the Council to take effective enforcement action.

Pro-Active Projects

- 3.7 Members might be aware that the planning enforcement team is running three pro-active initiatives aimed at (i) the removal of inappropriately located and unsightly advertisement hoardings in the Borough. The main area of focus for this initiative has been conservation areas, displays close to and attached to listed buildings and major thoroughfares (ii) cessation of the authorised use of buildings as places of worship by various faith groups and (iii) the removal of inappropriately located and unsightly satellite dishes within conservation areas, on listed buildings and along Southwark's main thoroughfares and high streets. The planning enforcement team is also coordinating with other business units to pilot an initiative to proactively identify and remediate breaches of planning control affecting Southwark's thoroughfare and high streets in order to improve the character and appearance of these highly visible main roads.
- 3.8 Below is the progress under each project:

the removal of inappropriately located and unsightly advertisement hoardings in the Borough.



Too many signs causing visual clutter notices

Up to 9 signs removed using s11 & s225

Unauthorised use of buildings as places of worship by various faith groups ceases.

This initiative has been concentrate in employment areas where the unauthorised use of buildings has resulted in loss of employment floor space. However, within the Walworth area the team has in the past dealt with cases of shops being converted into churches providing unsuitable venues with risk to life and limb. These cases have been resolved.

Unightly Satellite Dishes

The satellite dish pro-active project resulted from the general proliferation of unauthorised satellite dishes on residential properties throughout the borough. Of priority concern are dishes located on listed buildings and in the conservation areas. The matter is often complicated by the fact that some of the properties concerned are Council owned. Tenants and occupiers of Council owned properties require permission from the Council (separate from the planning process) to install satellite dishes on Council owned buildings. The priority has been to secure the removal of unauthorised satellite dishes from listed buildings and from conservation areas where they are visible from a highway in order to (i) improve the setting, heritage, visual and architectural interest of listed buildings within the borough; and (ii) improve the character and appearance of designated conservation areas within the borough. Over the period 08/09 a pilot satellite dish removal project was initiated in Sutherland Square Conservation area, and a number of satellite dishes were removed. The Team has liaised with the Councils' area housing teams and the Council's Digital Switchover Project which requires the Council to achieve Digital Switchover by 2012 to ensure coordinated action on this matter especially with Council owned properties.

3.10 Key Cases to Report On

(i) R/O 304 WALWORTH ROAD, LONDON, SE17 2TE

- The breach of planning control under investigation here is the installation of a shop front without planning permission. It is considered that the shop front detracts from the residential character of the area and is not sympathetic to the building and the adjoining area including the Sutherland Square Conservation Area in terms of design and material contrary to Council Development Plan policies.

The shop front in question:



- An enforcement notice was served on 28/10/07 requiring the removal of the above shop front. The notice was subsequently deemed a nullity and withdrawn from the register by a letter dated 15/05/08.
- The owner who is based in Spain indicated that the shop front was substantially completed by 15/03/04 at the latest and therefore now immune from enforcement action by virtue of the statutory time limits.
- However following legal advice on the matter, the owner was advised that the shop front is in fact not immune from further enforcement action. Section 171B(4)(b) of the Town and Country Planning Act 1990 provides for the taking of "further" enforcement action in respect of any breach of planning control within four years of previous enforcement action (or purported action) in respect of the same breach. This mainly deals with the situation where earlier enforcement action has been taken, within the relevant time-limit, but has later proved to be defective, so that a further notice may be issued even though the normal time-limit for such action has since expired. In practice the council now has until October 2011 to take further enforcement action.
- As such, further action can be taken under the above provision and the Council intends to proceed to do so with all due care to proper service.
- Officers are in the process of instructing legal services to issue a new enforcement notice.

(ii) WM MORRISON 264-276 WALWORTH ROAD, LONDON, SE17 2TE

There are two alleged breaches of planning control under investigation at the Morrisons site (a) the unauthorised trolley railing and (ii) the illuminated signage causing loss of amenity to residents at Penrose House.

- In August Cllr Caroline Pidgeon requested the council's planning department to investigate the planning status of the railings outside of Morrisons on the Walworth Rd, which had narrowed the pavement and did not appear to have planning permission.

Unauthorised railings



- Planning enforcement officers investigated the status of the railings in question and confirmed that there was no record of planning permission being sought or granted for the railings outside of Morrisons at 264-276 Walworth Road.
- Three applications were submitted for the site this year, two were for advert consent and the third for alterations to the rear of the premises, and the railings do not form part of any of the schemes.
- The trolley railings are located within the Morrisons site and not on the public footpath, but the introduction of the railings and the parking of trolleys increases clutter and creates a pinch point with the existing phone-boxes. WM Morrisons have now submitted a application for a new trolley bay adjacent store entrance. The planning application reference no. is 09-AP-1962.
- Planning enforcement action has dully been held in abeyance pending a decision on the planning application.

Illuminated Signage:

- Planning permission(09-AP-0505) granted with conditions earlier on this year for '5 no. Internally illuminated signs and one non-illuminated sign, comprising: internally illuminated letters to the shopfront at fascia level and a high level internally illuminated sign on east elevation along Walworth Road; high level non-illuminated letters sign on west elevation to rear; high level internally illuminated sign at rear facing north; and 2 internally illuminated signs at the rear of the building facing west and south'.
- Condition 1 stated that notwithstanding the plan indicating internally-illuminated letters at high level (Sign 2), this has been superseded by email

dated 13/05/09 from the applicant's agent and accordingly the consented high level sign shall be non-illuminated at all times. The reason for imposing the condition was in order that the illumination of the proposed signs would not cause a nuisance for nearby residential occupiers, in the interests of amenity.



- Officers inspected the site and confirmed that the signs were indeed illuminated as shown in the photograph above and causing light pollution to adjoining occupiers.
 - A letter was sent to WM Morrisons requiring them to switch off the illumination by Friday 02/10/09; failure to do this will result in the commencement of formal planning enforcement action.
 -
- (iii) 292 WALWORTH ROAD, LONDON, SE17 2TE (former Carter Place Police Station)**
- The Council approved planning application ref. no. 02-AP-1092 for 'change of use from place of worship and conversion to form 24 self-contained flats (13, one bed, 9, two bed and 2 studio flats) with 10 parking spaces' subject to a s106 legal agreement. The legal agreement is pending. This has been delayed due to changes in the development plan and the implication of s106 contributions.
 - Without the legal agreement, there is no formal planning permission at the above site and in principle, the whole development is therefore unauthorised. The developer is, however, currently negotiating the affordable housing contribution at the site with Officers in order to finalise the legal agreement.
 - Building Control officers have indicated that no final inspection has been carried out by the Council's Building Control section. Officers have been reviewing possible enforcement action to be taken at the above site in the

event that a formal decision is not issued on the development. It appears that the structure was substantially completed at the end of 2005 and therefore would not gain immunity from possible enforcement action until the end of 2009. As the building has recently been occupied, for the use to be immune from enforcement action, the building has to be occupied continually for four years. As such, there is sufficient time to carefully consider appropriate enforcement action.

- It appears the building is now occupied and in view of that, officers are now entering into final negotiations with the developer before considering and commencing appropriate formal enforcement action.

4. Success Stories

(i) 311-317 Walworth Road

Unightly railings on the rooftop of Marks & Spencer along Walworth Road removed following enforcement action.



Metal fence detracting from street scene



Metal fence removed to the benefit of street scene

(ii) 101 Newington Butts

An unauthorised air conditioning unit located on a roof-terrace and disturbing local residents has been relocated to the rear elevation away from residential properties following enforcement action.



5. Prioritisation

5.1 As members might appreciate, planning investigations are often lengthy and complex, and staff resources limited. Investigations, especially formal enforcement action, can take time because of the strict procedures that the council was obliged to follow. It is therefore necessary for the Council to prioritise its workload. The initial prioritisation of a complaint is based on the perceived effect of the breach of planning control. The highest priority is therefore accorded to cases that represent the greatest degree of harm to the environment/heritage/amenity. The council aims to investigate and decide within eight weeks if there has been a breach of planning control and what further action to take.

6 Conclusion

We hope members find this report informative and officers welcome your comments to improve format and content of the report to meet expectations. The next report will be provided at the community council of 01/12/09.

Appendix I - How to report a possible breach of planning control

The planning enforcement team has often been requested by residents on how members of the public can report possible breaches of planning control. Below is a brief guide:

i) What is a planning breach?

A planning breach usually occurs when:

- a development that requires planning permission is undertaken without the permission being granted - either because the planning application was refused or was never applied for
- a development that has been given permission subject to conditions breaks one or more of those conditions

A planning breach in itself is not illegal and the council can permit a retrospective application where planning permission has not been sought. In considering any enforcement action, the main issue for the Council as the local planning authority is whether the breach of control would unacceptably affect public amenity

ii) How to report a possible breach of planning control

Residents can report a possible breach of planning control by:

- Calling, emailing or writing to the Planning Enforcement Team – see the contact details below.

To help officers investigate the possible breach it would help if you could give as much detail as possible, including:

- The location of the site
- The exact nature of the alleged breach
- When the breach started
- How it affects you, or what problems it is causing.

Please also include your contact details. Anonymous complaints can be difficult to fully investigate as it means we are unable to get additional information to assist our inquiries. Such anonymous or obviously malicious complaints or allegations of a breach of planning control will not normally be investigated.

- [Email Planning Enforcement Team](mailto:planning.enforcement@southwark.gov.uk) at planning.enforcement@southwark.gov.uk
- Tel: 0207 525 5403
- Planning Enforcement, Development Management, Planning & Transport, PO Box 64539, London, SE1P 5LX

iii) The Planning Enforcement Team aims to:

- Acknowledge enforcement related enquiries within three working days either by telephone or letter
- Investigate the enquiries and visit the site in all instances within 10 working days
- Provide an interim response to enquiries within five working days of the site visit
- Notify the enquirer of any decision to take formal enforcement action within three working days of the decision.

Delegated Officer REPORT AUTHOR Contact Officer	Gary Rice Dennis Sangweme Dennis Sangweme	Head of Development Management Group Manager – Planning Enforcement 0207 525 5419 Email: dennis.sangweme@southwark.gov.uk
Community Reports Papers held at:	Council Camberwell Council Regeneration & Neighbourhoods	David Lane 0207 525 55449 Email: david.lane@southwark.gov.uk Department, Council Offices, 160 Tooley Street, SE1

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