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|------------------------------------|--|---------------------------------|---|
| Item No. 16 | Classification: Open | Date: 31 October 2011 | Meeting Name: Peckham Community Council |
| Report title: | Planning application and planning enforcement performance for period 01/04/2011 to 31/08/2011. | | |
| Ward(s) or groups affected: | Peckham and Livesey (south of Old Kent Road) | | |
| From: | Head of Development Management | | |

RECOMMENDATION

- 1 That the report be noted.

BACKGROUND INFORMATION

- 2 This report monitors the planning application, planning appeal, planning enforcement and planning enforcement appeal activity and performance within the Peckham Community Council area.
- 3 Performance on the timeliness of decision making on planning applications and planning enforcement investigations is measured against borough-wide targets. For planning applications performance is split into three categories. The categories are for large scale and small scale 'major' applications, for 'minor' applications and for 'other' applications. Details of the types of applications falling within these three categories are set out in Appendix 1.
- 4 The locally set target for all three categories of planning applications is for 75% of all applications to be determined within statutory target period. The statutory target time period for the determination of 'major' applications is 13 weeks, or 16 weeks where the application is accompanied by an Environmental Impact Assessment, and for applications in the 'minor' and 'other' categories it is 8 weeks.
- 5 The significance of the 13 and 8 week target periods is that if an application has not been determined by the expiry of this period, an application's statutory expiry date, an appeal can be made to The Planning Inspectorate against the non-determination of the application.
- 6 The performance target for appeals is based on the number of all decided appeals that were allowed (i.e. lost by the Council) as a % of all appeal decisions made where the Council has refused planning permission. This target is currently set at 30%. The calculation of this performance indicator does not include appeals against the imposition of conditions or non-determination [where the Council has not made a decision on an application]. The calculation also excludes all other appeal types, e.g. those in respect of advertisements, certificates of lawfulness, prior approvals and enforcement appeals.
- 7 The local performance target for planning enforcement investigations is for in 80% of cases a decision to be made within 8 weeks of the start date for the investigation as to

whether or not there has been a breach of planning control.

KEY ISSUES FOR CONSIDERATION

Planning application performance

- 8 Major applications: One small scale major application was decided. It was decided in target and was granted permission.
- 9 Minor applications: 15 applications were decided of which 11 (73.3%) were decided in target. 12 were granted permission and three refused permission.
- 10 Other applications: Seven applications were decided of which 6 (85.7%) n were decided in target. Six were granted permission and one was refused permission.
- 11 Applications received and decided: 25 applications were received, 23 decided and one was withdrawn. At the end of the period there were 12 outstanding applications in the Community Council area (see Appendix 2).
- 12 Of the decisions made, all 23 (100%) were made under delegated powers.

Planning appeals performance

- 14 During the period two appeal decisions were received against decisions made by the council. Both were dismissed and related to refusal of planning permission decisions made under delegated powers. Two new appeals were received during the period and there are currently no outstanding appeals in the Community Council area.

Summary of appeals performance

- 15 A summary of the details of the decided appeals is set out in Appendix 3.

Planning enforcement performance

- 16 New investigations: During the period 7 new investigations were started. Of these 4 related to Peckham and 3 to Livesey Ward (see table Appendix 4).
- 17 Decided investigations: Decided investigations are those where a decision has been made that either:
- there was a breach of planning control, and formal enforcement action was required, or
 - there was a breach of planning control, but it was not expedient to take formal enforcement action, or
 - there was a breach of planning control but the breach has since ceased or been regularised, or
 - there was a breach of planning control but it was now immune from formal enforcement action, or
 - there was not a breach of planning control.
- 18 Six investigations which were decided of which three (50%) were decided within the eight week target (see Appendix 7 for comparative data with other Community Council areas).
- 19 Of the decided investigations the decision was that in 2 (33%) of investigations there was

no breach of planning control, in one (17%) the breach ceased as a result of the intervention of the council. In a further 2 (33%) cases the breach was regularised by the grant of planning permission and in one case enforcement action was not considered expedient (see Appendix 5). Appendix 6 shows details of investigations received since 01/01/2009 that are still open.

Formal enforcement action

20 Formal enforcement action is being taken against the following breaches of planning control:

11 Drovers Place – Officers are considering appropriate action appropriate action, including the execution of works as specified by Enforcement Notice issued on 23rd March 2007 for the purposes of Section 178 of the Town and Country Planning Act 1990 (as amended) to comply with the requirements of Enforcement Notice (Ref:LEG /RP/ PL/122677/NS) issued on 23rd March 2007. The enforcement notice required the freeholder to remove the unauthorised single storey rear extension in its entirety returning the rear elevation of the property to its former un-extended condition.

The freeholder of the property has not undertaken any actions pursuant to achieving compliance with the requirements of the enforcement notice, despite conviction in the Camberwell Green Magistrates Court on 15th May 2009 for failure to comply with the requirements of the enforcement notice; and subsequent requests and notifications by Southwark Council.

There is no evidence to suggest that the freeholder of the property has undertaken actions to comply with the requirements of the enforcement notice. Nor is there any evidence to suggest that the freeholder intends to undertake works to comply with the requirements of the enforcement notice.

The unauthorised single storey rear extension forms a bulky obtrusive feature which occupies the entire length of the garden at the rear of the dwelling house; and results in a loss of outlook, overshadowing to adjoining properties and has a negative visual impact on the property and surrounding area contrary to Policy 3.2 'Effect on Amenity', 3.12 'Quality in Design' and 3.13 'Urban Design' of the Southwark Plan (2007) and Supplementary Planning Document 'Residential Design Standards' (2008)

18 Newent Close, London, SE15 – Follow up action on a listed building enforcement issued following the unauthorised installation of uPVC windows within the front (x3) and rear elevations (x3) of a Grade-II listed building. The notice required the owner of the listed building to remove the unauthorised uPVC windows from the front and rear elevation of the building; and to replace with timber framed sash windows which replicate the original style of the listed building and to include the arched Gothic-style window on the front elevation of the ground floor.

Ashosh House, 179-181 Queens Road, SE15 – Enforcement notice complied with. Notice issued against the unauthorised mixed use of the site for purposes including a hotel on the upper floors and a place of worship on the ground and lower basement level. The premises are current vacant.

Summary of planning enforcement performance

21 There are 32 outstanding enforcement investigations within the Peckham Community Council area including the formal enforcement action outlined above. The majority of the outstanding cases are unauthorised satellite dishes, places of worship and

advertisements. The priority going ahead is to progress the formal enforcement action and to reduce the number of outstanding cases.

- 22 There were no planning enforcement appeal decisions received in respect of the Community Council area during the period.

Community impact statement

- 23 The content of this report monitoring development management performance is judged to have no or a very small impact on local people and communities. However, poor performance can have an adverse effect on all individuals, businesses and other organisations within the community who submit planning applications and who do not get a decision within a reasonable period.

Consultations

- 24 No consultation has been carried out in respect of the contents of this report which is solely for the purpose of advising on the performance of the Development Management service in the determination of planning applications and planning appeals.

Human rights implications

- 25 This report does not engage human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 26 Any rights potentially engaged by this report are not considered to be unlawfully interfered with.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|---|--|---|
| Planning application performance statistics | Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ | Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk |

APPENDICES

| No. | Title |
|------------|---|
| Appendix 1 | Definition of 'major', 'minor' and 'other' applications |
| Appendix 2 | Planning applications decided |
| Appendix 3 | Planning appeals decided |
| Appendix 4 | Enforcement investigations received |
| Appendix 5 | Enforcement investigations closed |
| Appendix 6 | Enforcement investigations open |
| Appendix 7 | Enforcement investigations performance |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Lead Officer | Gary Rice, Head of Development Management | |
| Report Author | Phil Chambers, Group Manager - Project Management | |
| Version | Final | |
| Dated | 06 October 2011 | |
| Key Decision | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER | | |
| Officer Title | Comments Sought | Comments included |
| Strategic Director of Communities, Law & Governance | No | No |
| Strategic Director of Regeneration and Neighbourhoods | No | No |
| Strategic Director of Environment and Housing | No | No |
| Date final report sent to Constitutional Team | 21 October 2011 | |

Definition of 'major', 'minor' and 'other' applications

Large scale major developments¹

- 1 Dwellings
- 2 Offices/research and development/light industry
- 3 Heavy industry/storage/warehousing
- 4 Retail, distribution and servicing
- 5 Gypsy and traveller pitches
- 6 All other large scale major developments

Small scale major developments²

- 7 Dwellings
- 8 Offices/research and development/light industry
- 9 Heavy industry/storage/warehousing
- 10 Retail, distribution and servicing
- 11 Gypsy and traveller pitches
- 12 All other small scale major developments

Minor developments³

- 13 Dwellings
- 14 Offices/research and development/light industry
- 15 Heavy industry/storage/warehousing
- 16 Retail, distribution and servicing
- 17 Gypsy and traveller pitches
- 18 All other minor developments

Other developments

- 19 Minerals
- 20 Changes of use -where no other works requiring planning permission are involved
- 21 Householder developments
- 22 Advertisements
- 23 Listed building consents to alter/extend
- 24 Listed building consents to demolish
- 25 Conservation Area consents
- 26 Certificates of lawful development
- 27 Notifications

Notes

¹ Large scale major applications comprise residential development for the creation of 200 or more dwellings for full applications and outline applications for sites of 4ha. or more.

For all other proposals it covers full applications for developments for the creation of 10,000sq.m.or more of new floorspace and for outline applications for sites of 2ha. or more.

² Small scale major applications comprise residential development for the creation of 10 to 199 dwellings for full applications and outline applications for sites from 0.5ha to less than 4ha.

For all other proposals it covers full applications for developments for the creation of between 1,000sq.m.and 9,999sq.m.of new floorspace and for outline applications for sites from 1.0ha to 2ha.

³ Minor applications comprise residential development for the creation of 1-9 dwellings for full applications and outline applications where the site is less than 0.5ha.

For all other proposals it covers full applications for developments for the creation of less than 1,000m² of new floorspace and for outline applications where the site area is less than 1.0ha.

APPENDIX 2

Planning applications decided between 01/04/2011 to 31/08/2011

| | No. decided | % decided in target | Granted | Refused |
|-------------------|-------------|---------------------|-----------|----------|
| Large scale major | 0 | 0 | 0 | 0 |
| Small scale major | 1 | 100 | 1 | 0 |
| Minor | 15 | 73 | 12 | 3 |
| Other | 7 | 86 | 6 | 1 |
| Total | 23 | 74 | 19 | 4 |

APPENDIX 3

Planning appeals decided between 01/04/2011 to 31/08/2011

Address: 670-672 OLD KENT ROAD, LONDON, SE15 1JF
Application No: 10-AP-3399
Ward: Livesey
Community C'cil: Peckham
Proposal: Removal of upper section of rear extract flue and extend it up flank wall of building at second floor level.
Appeal Decision: Dismissed
Date of Decision: 30/08/2011
Appeal Type: Refusal of Planning Permission
Appeal Ref: APP/A5840/A/11/2151197/NWF
Recommendation: Refuse permission
Decision Level: Delegated Officer
Council's Decision: Refused
Date of Decision: 09/03/2011

Summary of decision:

The Inspector considered the main issue to be the effect of the proposal on the street scene.

He considered that the existing flue is not visible unless one walks from the Old Kent Road along the lane at the side of the building. When the flue can be seen its size and appearance make it an unattractive feature at the rear of the building. As the gable of the building is unaffected by alterations and accretions and is open to view from the Old Kent Road re-routing the flue onto this gable would introduce inappropriate characteristics into the street scene in a visually intrusive way. In addition, in this location, it would diminish the setting of the adjacent locally listed church.

Address: 39-41 WILLOWBROOK ROAD, LONDON SE15 6BW
Application No: 10-AP-1335
Ward: Livesey
Community C'cil: Peckham
Proposal: Conversion of the existing building and creation of new part second and third floors, with terrace to third floor, to create 3 self-contained residential units (comprising 1 x 1 bedroom, 1 x 3 bedroom and 1 x studio units), with elevational changes to lower floors.
Appeal Decision: Dismissed
Date of Decision: 26/05/2011
Appeal Type: Refusal of Planning Permission
Appeal Ref: APP/A5840/A/10/2142450/NWF
Recommendation: Refuse permission
Decision Level: Delegated Officer
Council's Decision: Refused
Date of Decision: 22/09/2010

Summary of decision:

The Inspector considered the main issues to be (a) the effect of the proposal on the character and appearance of the area, (b) whether it would provide satisfactory living standards for future occupants with particular regard to room sizes and (c) the living conditions of neighbours.

On (a) the Inspector considered that the two parts of the existing building are of different proportions with various elements that do not relate well to each other and that it is of poor architectural quality. Whilst the proposal made some effort to unify the two parts of the building the proposed zinc covered Mansard roof would introduce an additional material out of keeping with the brick work below. He concluded that the proposal would not be of significantly better architectural quality than the existing but would be bigger and more prominent so having a greater adverse impact on the street scene. The proposal would therefore be harmful to the character and appearance of the area. It would also harm the setting of the nearby listed building.

On (b) he noted that the overall size of the proposed units would be at or near the minimum in the Council's Residential Design Standards SPD. He stated that as an SPD the standards are to be interpreted with some flexibility. It was clear however that because of the shape of the building and configuration of existing structural walls and staircase the room layouts would include awkward angles

and irregular shapes making furnishing difficult and lead to an inefficient use of the space available. In such circumstances he did not consider that it would be appropriate to accept rooms with floor areas at or near the minimum. Some of the rooms would be below the minimum standard and with their awkward shape would feel unpleasantly cramped and congested. He concluded that these rooms would not provide satisfactory living conditioned for future occupiers.

On (c) the Inspector felt that the windows in the adjoining property would receive less daylight if the proposal was implemented. However, although it was thought that the adjoining building was in residential use he had no indication of the internal layout or use of the rooms served by the windows. He was therefore unable to determine if the proposal would have an adverse effect on the living condition of neighbours.

APPENDIX 4

Enforcement Investigations received between 01/04/2011 and 31/08/2011

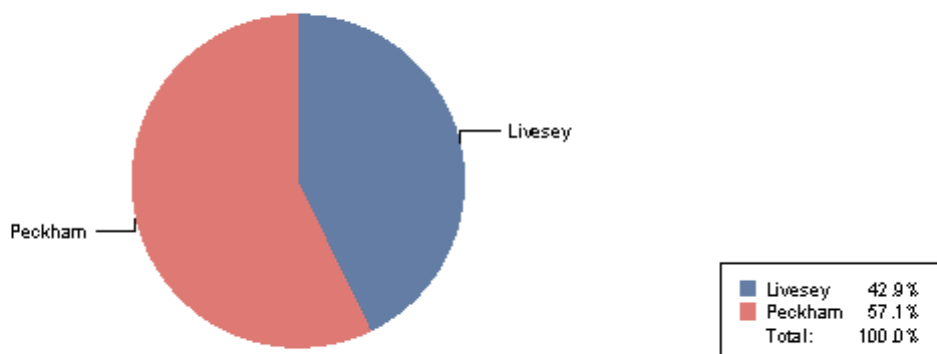
Totals by Ward

| | 2011 | Total |
|---------|------|-------|
| Livesey | 3 | 3 |
| Peckham | 4 | 4 |
| Total | 7 | 7 |

Totals by Community Council

| | 2011 | Total |
|---------|------|-------|
| Peckham | 7 | 7 |
| Total | 7 | 7 |

Percentages by Ward



APPENDIX 5

Enforcement Investigations decided between 01/04/2011 and 31/08/2011

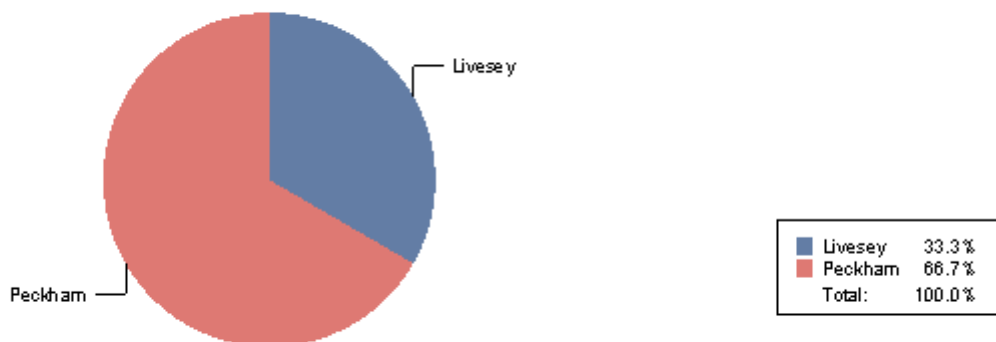
Summary totals by Ward

| | BC | BR | NB | NE | Total |
|---------|----|----|----|----|-------|
| Livesey | 1 | 0 | 0 | 1 | 2 |
| Peckham | 0 | 2 | 2 | 0 | 4 |
| Total | 1 | 2 | 2 | 1 | 6 |

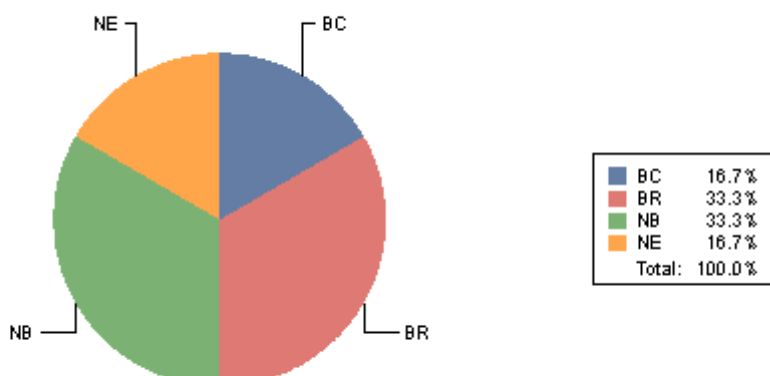
Summary totals by Community Council

| | BC | BR | NB | NE | Total |
|-------|----|----|----|----|-------|
| PECK | 1 | 2 | 2 | 1 | 6 |
| Total | 1 | 2 | 2 | 1 | 6 |

Ward percentages



Percentages of reasons for closure



NB = No breach of planning control. BC = Breach has ceased. BI = Breach immune from action. BR = Breach regularised
NE = Breach of control but not expedient to take action. M= Miscellaneous

APPENDIX 6

Open Enforcement Investigations, received between 01/01/2009 and 31/08/2011

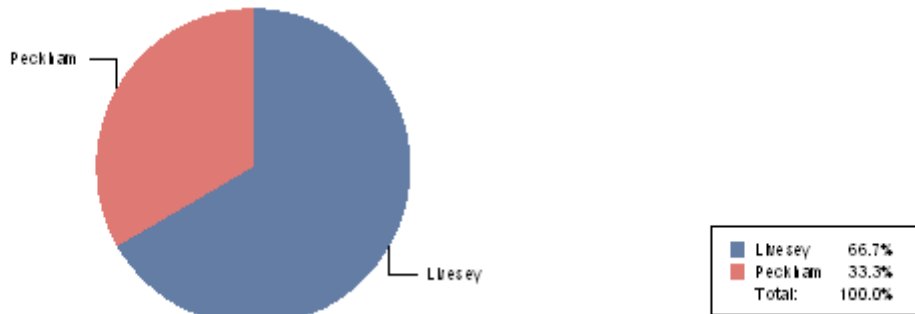
Totals by Ward

| | 2009 | 2010 | 2011 | Total |
|---------|------|------|------|-----------|
| Livesey | 9 | 4 | 3 | 16 |
| Peckham | 0 | 4 | 4 | 8 |
| Total | 9 | 8 | 7 | 24 |

Totals by Community Council

| | 2009 | 2010 | 2011 | Total |
|---------|------|------|------|-----------|
| Peckham | 9 | 8 | 7 | 24 |
| Total | 9 | 8 | 7 | 24 |

Percentages by Ward



APPENDIX 7

Enforcement investigations decided in the period 01/04/2011 to 31/08/2011

| Community Council | Total | Total in target | % in target |
|-------------------------|------------|-----------------|-------------|
| Bermondsey | 38 | 22 | 58 |
| Borough and Bankside | 28 | 17 | 61 |
| Camberwell | 29 | 18 | 62 |
| Dulwich | 25 | 16 | 64 |
| Nunhead and Peckham Rye | 34 | 22 | 65 |
| Peckham | 6 | 3 | 50 |
| Rotherhithe | 9 | 7 | 78 |
| Walworth | 29 | 15 | 52 |
| Grand total | 198 | 120 | 61 |

