

Item No. 7	Classification: OPEN	Date: 23 November 2011	Meeting Name: Walworth Community Council
Report title:	Planning application and planning enforcement performance for period 01/04/2011 to 31/08/2011.		
Ward(s) or groups affected:	East Walworth, Faraday and Newington		
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 Walworth 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: Overall three applications were decided of which two (67%) were decided in target. Of these, all three were granted permission. All were small scale applications.
- 9 Minor applications: 33 applications were decided of which 27 (82%) were decided in target. 22 were granted permission and 12 refused permission.
- 10 Other applications: 39 applications were decided of which 32 (82%) were decided in target. 22 were granted permission, ten refused permission and 7 certificates of lawful development and notification applications determined. A summary of application performance is at Appendix 2
- 11 Applications received and decided: 82 applications were received, 75 decided and 14 were withdrawn. At the end of the period there were 39 outstanding applications in the Community Council area.
- 12 Of the 75 decisions made, 70 (93.3%) were made under delegated powers, three (4%) by the Community Council and two (2.6%) by Planning Committee. Of the three decided by the Community Council two were granted permission and one was refused. None of the decisions made by the Community Council were made within target. The application refused permission by the Community Council had been recommended for a grant of permission by officers.

Planning appeals performance

- 14 During the period five appeal decisions were received against decisions made by the council. Of those appeals decided four (80%) were allowed. Ten appeals were received during the period and there are currently ten 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 2.

Planning enforcement performance

- 16 New investigations: During the period 28 new investigations were started. Of these, 13 (46%) were in East Walworth, 10 (36%) were in Newington whilst the remainder (5) were in Faraday.
- 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 A total of 28 cases were resolved over the reporting period. Of these decided investigations, in 11 (39%) of investigations the decision was that there was no breach of planning control. In a further 25% (7) of the cases the breach ceased following planning enforcement investigations and in case, the breach of planning control was immune from enforcement action whilst in another case, enforcement action was not considered expedient. Eight of the cases (28%)

were resolved for a number of other reasons.

- 19 In terms of performance in resolving investigations, 14 (50%) of the cases were decided within the eight week target (see Appendix 3 for comparative data with other Community Council areas).

Formal enforcement action

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

21 12 Ossory Road, London, SE1 5AN – Planning enforcement notice dated 18th April 2011, served on all interested parties of the property. The reason for serving the Enforcement Notice was loss of employment floor space resulting from the change of use of the land to a mixed use development, comprising place of worship use; multi-purpose conference centre; computer training facilities (use Class D1) and administrative offices without planning permission. The notice has been appealed. Barring this appeal, the notice would have taken effect on the 23rd May 2011 with a six months compliance period.

22 44 Glengall Road, SE15 6NH – Current planning enforcement notice requiring replacement of the eight (8) uPVC windows that have been installed within the front elevation, and uPVC front door, to be replaced with original wooden timber windows, and a wooden door was supposed to be complied with on or before the 31st August 2011. The second aspect of the compliance was to replace all uPVC windows and doors that have been installed within the rear elevation within the original wooden timber windows, and a wooden door, on or before to 31 August 2012. Site within a conservation area. An application has now been submitted to retain the uPVC windows and to incorporate details to the fenestrations to match what exist along the terrace.

23 199 Walworth Road, SE17 1RL – Two of the unauthorised posters/placards advertising the business at these premises, exactprint/exactoffice, have been removed. Further action is being taken to secure the removal of the third placard as requested.

Summary of planning enforcement performance

24 There are 55 outstanding enforcement investigations within the Walworth Community Council area including the formal enforcement action outlined above. The majority of the outstanding cases are unauthorised signage. The priority going ahead is to progress the formal enforcement action and to reduce the number of outstanding cases.

Community impact statement

25 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

26 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

- 27 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.
- 28 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 appeals decided between 01/04/2011 to 31/08/2011
Appendix 3	Enforcement investigations closed in the period 01/04/2011 to 31/08/2011

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Phil Chambers, Group Manager - Project Management	
Version	Final	
Dated	28 September 2011	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET 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		14 November 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 appeals decided between 01/04/2011 to 31/08/2011

Address: 4 SHARSTED STREET, LONDON, SE17 3TN **Application No:** 11-AP-0585
Ward: Newington **Community C'cil:** Walworth
Proposal: Mansard roof extension providing additional residential accommodation for dwellinghouse.
Appeal Decision: **Allowed** **Date of Decision:** 16/08/2011
Appeal Type: Refusal of Planning Permission **Appeal Ref:** APP/A5840/D/11/215850
Recommendation: Refuse permission **Decision Level:** Delegated Officer
Council's Decision: Refused **Date of Decision:** 21/04/2011

Summary of decision:

Inspector considered the main issue to be the effect on the character and appearance of the property and street scene and setting of nearby conservation area.

The Inspector noted that none of the properties in the terrace had extensions of the type proposed but that there were several examples in the terrace opposite and further up the street. Although the upper parts of these mansards can be seen from ground level, because the high continuous parapet they are not prominent and have only a minimal impact on the character of the terraces. He concluded that viewed from the street the proposal would not unduly affect the character or appearance of the property or street scene. Nor would it have any discernible impact on the setting of the Kennington Park Road Conservation Area.

Although when viewed from the rear the loss of the existing "Butterfly" roof would alter the architectural character of the terrace, he considered the design to be acceptable and as the building is not listed or in conservation area there should be a greater tolerance of alterations. There would be no material impact on the conservation area or its setting.

Address: 38A DE LAUNE STREET, LONDON, SE17 3UR **Application No:** 10-AP-2586
Ward: Newington **Community C'cil:** Walworth
Proposal: Modification of existing building, to provide a new two storey building, to include change of use from Betting Shop (within A2 use class) to two bedroom dwelling (Class C3) with roof terrace at first floor level to the rear. (This proposal may affect the setting of the adjacent listed buildings and Conservation Area in Kennington Park Road).
Appeal Decision: **Dismissed** **Date of Decision:** 17/05/2011
Appeal Type: Refusal of Planning Permission **Appeal Ref:** APP/A5840/a/11/2144893/wf
Recommendation: Refuse permission **Decision Level:** Delegated Officer
Council's Decision: Refused **Date of Decision:** 24/12/2010

Summary of decision:

Inspector considered main issues to be (a) effect on character and appearance of the area; (b) effect on living conditions of neighbours in respect of noise; and (c) effect on archaeology of the site.

In respect of (a) he considered that whilst a contemporary design might be acceptable in principle, the details proposed in terms of windows in front elevation, that have a discordant relationship, and the means of enclosure to a first floor terrace at the rear, that would make it appear bulky compared with its neighbours, would have a significant detrimental effect on the character and appearance of the building and street scene. This would be in conflict with policies 3.12 and 3.13 and also 3.18 as it would not preserve or enhance the immediate setting of nearby listed buildings.

On (b) he concluded that the proposed first floor terrace of the size, height and with the degree of projection rearwards could lead to increased noise and disturbance for neighbours when used instead of the rear garden and would be contrary to policy 3.2. The appellant's offer to omit the terrace was considered to result in such a reduction of private amenity space being available that the proposal would not meet the residential design standards. The amended proposal would in substance be different from that applied for and to accept the change at the appeal stage the Inspector decided would be prejudicial to the Council and interested third

parties who would have been consulted.

On issue (c) he noted the letter from the Museum of London indicating that in such circumstances as that proposed her the archaeological impact would be negligible and that the imposition of conditions, if permission were to be granted, would ensure no harmful effect on the archaeology of the site.

Address: FLAT 5, CHARLOTTE COURT, 68B OLD KENT ROAD, LONDON, SE1 4NU **Application No:** 10-AP-3471
Ward: East Walworth **Community C'cil:** Walworth
Proposal: Replacement of 12 x metal framed windows with white framed uPVC double glazed windows
Appeal Decision: **Allowed** **Date of Decision:** 04/08/2011
Appeal Type: Refusal of Planning Permission **Appeal Ref:** APP/A5840/A/11/2149105
Recommendation: Refuse permission **Decision Level:** Delegated Officer
Council's Decision: Refused **Date of Decision:** 02/03/2011

Summary of decision:

Inspector considered the main issue to be the effect of the proposal on character and appearance of the property and surrounding area.

He noted that the front and side elevations of the property are prominent features in the street scene. He also noted that a number of other windows had been replaced or altered at different times and the building now included a range of window types and designs with wood, metal and uPVC frames. He considered that in a building of this type it is the proportions and sitting of the window openings together with the ratio of openings to brick walls that contributes to the character and appearance of the building rather than the individual window types, design and frames. The proposed windows would be appropriate and not out of keeping with the character or appearance of the building. Similarly he did not feel that the windows would cause significant harm to the character or appearance of the surrounding area.

Address: 292 WALWORTH ROAD, LONDON, SE17 2TE **Application No:** 10-AP-2796
Ward: Newington **Community C'cil:** Walworth
Proposal: Construction of four storey building, plus basement, comprising 330m2 of A1 / A3 use at basement and ground floor, with 9 self contained residential units located at first, second and third floor levels (comprising 1x studio, 6 x one bed and 2 x two bed units); with cycle and refuse storage at ground floor and hard and soft landscaping.
Appeal Decision: **Allowed** **Date of Decision:** 05/05/2011
Appeal Type: Planning Non-determination Appeal **Appeal Ref:** APP/A5840/A/11/2143363/NWF
Recommendation: Withdrawn - Appeal (Non-determination) **Decision Level:** Walworth Community Council
Council's Decision: Withdrawn - Appeal (Non Determination) **Date of Decision:** 14/01/2011

Summary of decision:

As an appeal against non-determination as part of the appeal process the Council confirmed that had it determined the application it would have been refused on the grounds of the effect on the outlook from the existing flats in the former police station and the lack of an archaeological investigation.

The Inspector noted that as the site is not within an Archaeological Priority Zone there is no specific requirement for such an investigation and that such could in any event be controlled by condition. He therefore considered the main issues to be the effect of the proposal on (a) the character and appearance of the area and (b) the living conditions of the occupiers of the flats in the former police station.

On (a) he noted the long history of the site being a garden to the former police station. The garden and police station became separate planning units on the conversion of the police station into flats. Although the site provides an element of greenery and openness in an otherwise densely developed area the site is privately owned, is not identified as Borough Open Land, does not have public access and does not provide a recreational resource. Although the view of the former police station from Walworth Road would be lost, it would still be a prominent feature along Carter Place. He considered the height, scale and bulk of the building

to be in keeping with its surroundings and the detailed design would add interest to the locality and would not harm the character and appearance of the area. It would not have an adverse effect on the setting of the Sutherland Square Conservation Area.

He noted the desire of many in the local community to see the site brought into use as public open space and the historic and cultural connections between the former police station and its garden. However, in the absence of any process to achieve this he had to determine the appeal on the basis of existing circumstances.

On (b) he felt that the proposal would clearly have some effect on the outlook from the windows in the former police station. However, he was satisfied that the set back of the building from the existing flats would be sufficient to avoid an undue sense of enclosure or an overbearing effect on outlook.

On other matters, a potential increase in on-street parking would be satisfactorily dealt with by the unilateral undertaking to exclude the future occupiers from being able to secure a parking permit.

Address: 115 BRANDON STREET, LONDON, SE17 1AL	Application No: 10-AP-1507
Ward: East Walworth	Community C'cil: Walworth
Proposal: Demolition of the existing public house and the erection of a three part four storey mixed use residential development with 9 flats (1 x one bed, 7 x two bed and 1 x three bed) and an office (use class A2 financial/professional services) on part ground and basement floors.	
Appeal Decision: Allowed	Date of Decision: 25/07/2011
Appeal Type: Refusal of Planning Permission	Appeal Ref: APP/A5840/a/11/2143911/nwf
Recommendation: Refuse permission	Decision Level: Walworth Community Council
Council's Decision: Refused	Date of Decision: 17/09/2010

Summary of decision:

The Inspector identified the main issues to be the effect of the proposed development on (a) the character and appearance of the area, with particular regard to the townscape context including Nursery Row Park, (b) nearby trees, and (c) the effect of the loss of the public house as a facility for the local community. As background he noted the history of the public house and that it was not in a conservation area and was not listed, having been specifically rejected for listing by English Heritage. The fact that it was on an emerging local list as a heritage asset, the list was at a very early stage the weight to be given to this intended status was very limited.

On issue (a) he noted that the public house was a much loved local landmark but the past loss of its surrounding built context means that the blank north and park elevations do not make a positive contribution to the area. Given the large scale of many of the buildings in the near or middle distance views around the park he did not consider that the proposed building would be unduly overbearing or detrimental to the prevailing openness or setting of the park. Rather, it would address the park in a way that the public house does not and it would enhance the sense of quality of the open space as a whole in a way consistent with the Core Strategy by making a positive contribution to the green space network. In terms of design, he considered that the crisp contemporary lines of the building would sit well in the townscape viewed from the park.

In terms of the character of Brandon Street, the value of the public house had been diminished by the loss of its immediately contemporaneous buildings and context. The key consideration therefore is the quality of the proposed replacement building. As a single isolated building the Inspector felt that the proposal needs to make a significant statement. This he felt was achieved by the proposed building that displays a quality of design that would make a positive contribution to the street scene and the character and appearance of the area.

On (b) he considered that the two London Plane trees flanking the site need not be compromised by the proximity of the proposed development.

On (c), loss of the public house, he noted the concerns of third parties and recognised that to a significant number of local people it is seen as a local facility. However, he noted that the closure of pubs is a widely

regretted phenomenon nationally but had no reason to consider this pub to be immune from that trend. There was no evidence available to appraise the viability of the pub with any certainty or precision and there is no basis in local policy to require its retention.

Application for costs.

The Council made an application for an award of costs against the appellant for the late submission of the appellant's statement and the submission of detailed new evidence on the day of the hearing and that this was unreasonable behaviour that led to the adjournment of the hearing causing the Council to incur unnecessary or wasted expense. The hearing had opened on 5th May but was adjourned until 29th June. The Inspector considered that the appellants' failure to submit their statement on time and the submission of detailed new evidence on the day of the hearing did amount to unreasonable behaviour. The appellant has been ordered to pay the costs incurred by the Council for the first day of the hearing on 5th May 2011.

Enforcement investigations closed 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	28	18	64
Dulwich	25	16	64
Nunhead and Peckham	33	21	64
Peckham	6	3	50
Rotherhithe	9	7	78
Walworth	28	14	50
Grand totals	195	118	61

