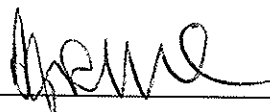


PLANNING COMMITTEE / COMMUNITY COUNCIL
CASE OFFICER REPORT RECORD SHEET

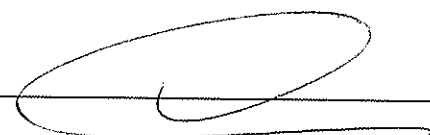
PLANNING ENFORCEMENT UPDATE REPORT

Date: 01/10/09

Recommendation proposed by Report Author

Signed  date 21/09/09

Recommendation cleared by Team Leader / Group Manager:

Signed  date 21/9/09

Recommendation cleared by Head of Development Management:

Signed _____ date _____

Recommendation NOT cleared by Team Leader / Group Manager OR
Head of Development Management

Signed _____ date _____

Reason Recommendation NOT agreed:

Decision made by Planning Committee / Community Council

Signed _____ date _____

Item No.	Classification: Information Only	Date: 18 th September 2009	Meeting Name: Dulwich Community Council 01/10/09
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 the Dulwich 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 Glen Camenzuli in the planning enforcement team in time for the meeting in December.

Performance Data

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

	Previous Year 08/09	1st Quarter 2009	2nd Quarter 2009	Total for 2009
Cases Received	69	20	12	32
Cases Resolved	56	10	6	16
Live cases				98
Instructions to Legal		1	1	2
Enforcement Notices Served		1	1	2
Planning Contravention Notices		none	none	none

- 3.2 There has been a slight increase in the number of enquiries over the reporting period compared to the previous 3 quarters. 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.

3.3 However where the breaches of planning control could not be resolved by negotiated resolution, officers considered formal planning enforcement action and **instructed legal services** accordingly as shown below:

Enforcement Notices & Appeals

3.4 Four enforcement notices were served over the reporting period as shown in the table below:

Address	Requirements of Notice	Date Notice expires	Appeals	Further action needed
268 Upland Road, London SE22 0DN	Without planning permission, The conversion of the existing dwelling house to create one self-contained two (2) bedroom flat on the first floor and one self-contained three (3) bedroom flat over the ground and first floors, without the benefit of prior planning permission.	Enforcement notice issued on 26/08/09 & barring an appeal takes effect on 28/09/09 with a 4 months compliance period	Appeal not yet lodged	Members will be advised if an appeal is lodged.
126 Lordship Lane, London SE22 8HD	Without the benefit of planning permission, the installation of one (1) air-conditioning unit and two (2) refrigeration units'. It appears to the Council that the above breach of planning control has occurred within the last four years and in the absence of planning permission, the development is not immune from enforcement action. Enforcement notice served on the 21 st of May 2009 on all interested parties of the abovementioned property. Barring this appeal, the notice would have taken effect on the 25 th of June 2009.	Requirements of notice suspended pending appeal decision	Appeal lodged on grounds a & f. Residents and members notified.	Awaiting Inspector's site visit date.

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. There are no current cases to report within Dulwich on pro-active initiatives.

3.8 Other sites of interest to members:

- i. **302 LORDSHIP LANE, LONDON SE22 8LY** – Successful resolution of the breaches of planning control at this address. The brief facts of this case are that planning permission granted in 2005 for the conversion of the existing dwelling house into three self-contained flats, a two storey rear extension, a ground floor side extension, a rear dormer window, roof lights and elevational alterations (ref: 05-AP-2215). The development as built was then found to be not in accordance with the planning approval and the developer failed to regularise the alterations through several retrospective planning applications. An enforcement notice was subsequently served to bring the development into compliance with the approved plans. The notice was upheld on appeal. A recent site inspection shows that the requirements of the enforcement notice have been complied with.
- ii. **312 LORDSHIP LANE, LONDON SE22 8LY** – The breach of planning control investigated at the above site is the removal of the front boundary fence to Lordship Lane and laying out of a hardstand in the front garden to allow the parking of motor vehicles in front of the residential flat building. This work was carried out without the benefit of planning permission. Following unsuccessful effort to resolve the breach of planning control by negotiation, an enforcement notice was served on the owner directing the removal of the hardstand and the cessation of the use of the front garden as a vehicle parking area. The owner requested that he be allowed to retain the hardstand if a permanent boundary fence was erected along the front boundary to prevent vehicles from parking in the front garden. This arrangement was agreed and a timber

boundary fence under one metre in height has now been erected, preventing the vehicular access to the front garden.

- iii. **549 LORDSHIP LANE, LONDON SE22 8LB** - Enforcement action at this site remains ongoing. Planning Enforcement Officers and Council's Legal Service recently met with Counsel to discuss enforcement options for the site. Officers are now preparing a report for the service of an enforcement notice for the demolition of the new build 'white gothic house' on the site. It is the opinion of officers that the development on the site now known as the white gothic house is not representative of either the 1994 planning permission (94/670A), or the 2000 permission (9901958) and officers are therefore treating the building as unauthorised development. An enforcement notice requiring the demolition of the building will be served by the end of September 2009
- iv. **LAND TO THE REAR OF 19 VILLAGE WAY, LONDON SE21** – The owner of this site has failed to comply with the Section 215 Notice issued by the Council directing the reinstatement of the listed wall, which has fallen into disrepair. A briefing meeting was held with members to discuss options available to the Council to repair the grade II listed wall at the above site. Officers have commenced prosecution proceedings against the owners of the site for failing to comply with a s215 notice requiring the rebuilding of the damaged sections of the wall. It was felt that a prosecution will allow the s215 to be scrutinised in the courts and strengthen the Council's position in the event of direct action for the works in default to rebuild the wall. It is anticipated that it will take up to three weeks to instruct legal services to commence prosecution proceedings.
- v.
- vi. **65 ELFINDALE ROAD, LONDON SE21** – Works underway at this dwelling house including a loft extension, a ground floor rear extension and a first floor rear extension. The loft extension and the first floor rear extension were found to be development requiring planning permission for which planning permission had not been obtained. The loft extension has since been altered to bring it into line with permitted development requirements while an application has been submitted in retrospect for the first floor rear extension. The application, referenced as 09-AP-1878, is currently under consideration and residents have been consulted.
- vii. **109 HALF MOON LANE, LONDON SE24 9JY** – In 2007 a **planning enforcement notice was issued at this site**. The reasons for serving the enforcement notice was the unauthorised erection of a gated, single storey double garage fronting Warmington Road. An appeal against the notice was subsequently dismissed. To date the works required to comply with the notice have not been undertaken. The Notice requires the demolition of the unauthorised gates and the single storey double garage. Both of these features are located at the rear of the site, facing Warmington Road. In dismissing the appeal against the notice, the Inspector acknowledged that because of the layout of the site, the principle of some garage structure at the rear of the site is acceptable. The owner is now proposing to remove the roof of the garage and to reduce the height of the gates to less than 2 metres in

height. The remaining timber walls of the garage and lower gates would remain in place as these altered structures would not require planning permission in their own right. The owner is proposing to undertake these works within the next two weeks. The owner will then make a planning application for a new garage roof. Officers are currently considering this proposal.

- viii. A closed report has been prepared separately on 17 CHESTERFIELD GROVE, LONDON, SE22 8RP

4. Conclusion

- 4.1 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 17/12/09.

Delegated Officer
REPORT AUTHOR
Contact Officers

Gary Rice
Dennis Sangweme
Dennis Sangweme

Head of Development Management
Group Manager – Planning Enforcement
0207 525 5419
Email: dennis.sangweme@southwark.gov.uk

Glen Camenzuli

0207 525 55449
Email: glen.camenzuli@southwark.gov.uk

Community
Reports
Papers held at:

Council Camberwell
Council

Community

Regeneration & Neighbourhoods Department, Council Offices, 160 Tooley Street, SE1

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 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.