

Item No. 7.2	Classification: OPEN	Date: 10 December 2013	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 12/AP/2746 for: Full Planning Permission Address: FLAT 8, HIGHLAND COURT, 182 OVERHILL ROAD, LONDON SE22 0EB Proposal: To retain glass balustrade installed to perimeter of the flat roof to the northeast of 8 Highland Court solely provide edge protection during maintenance operations; original Juliet balustrade to be reinstalled across of existing patio doorway to prevent recreational use of flat roof.		
Ward(s) or groups affected:	College		
From:	Head of Development Management		
Application Start Date 10/10/2012		Application Expiry Date 05/12/2012	
Earliest Decision Date 04/10/2013			

RECOMMENDATION

- 1 That planning permission be granted.

BACKGROUND INFORMATION

Site location and description

- 2 The application site is a an upper second floor flat on a part three and part four storey development containing nine flats. It is located on the northern side of Overhill Road. Immediately to the east is 180 Overhill Road, a development containing 10 flats while to the northwest are the semi-detached dwellings on Mount Adon Park. The area is predominately residential and the site is not within a conservation area or within the vicinity of a listed building or structure.

Details of proposal

- 3 The proposal is for the retention of a balustrade that has been constructed around a flat roof to the northeast of flat 8 and the re-introduction of a Juliet balustrade prevented access to the flat roof. The construction of the balustrade was undertaken without planning permission, details of which are discussed below. It was, according to the applicant, installed for health and safety reasons, to provide edge protection for anyone accessing the flat roof for maintenance or other such purposes.

Planning history

- 4 08-AP-2432
Planning permission granted on 14 April 2009 for the:
Demolition of existing building and garage block. Construction over three and four storeys of seven two bed flats and two one bed flats with 6 parking spaces, cycle and refuse storage and associated amenity space.

5 Several conditions were imposed on this permission but most notable with reference to this application is condition 10 which reads:

6 *The section of flat roof on the second floor, overlooked by Flat 8 on Plan no. E328/PP/003 hereby permitted shall not be used as an amenity area including use as a roof terrace or balcony or for the purpose of sitting out.*

Reason

In order that the privacy of other units within the block and the gardens of the adjoining properties may be protected from overlooking from use of the roof area in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

7 The area referred to in the condition is the area subject to this application.

12-AP-2745

8 Planning application for:

Retrospective application to retain glass balustrade installed to perimeter of rear flat roof parapet and to use the enclosed area as a patio/terrace.

9 This is an application submitted simultaneously with the present one and is also under consideration at this meeting. Should both applications be granted permission, the applicant has advised that 12-AP-2745 will be implemented that retains the use of the flat roof as a terrace. Implementation of this permission will be apparent because a condition is recommended for that application to require the installation of a privacy screen following submission if its details for approval.

12-EN-0116

10 Planning enforcement investigation into a breach of condition 10 of planning permission reference 08-AP-2432. The present application and application reference 12-AP-2745 were submitted following the commencement of the enforcement investigation to regularise the breach. This case has been closed and a separate investigation has been opened up under reference 13-AP-033, awaiting the outcome of this application and 12-AP-2745.

Planning history of adjoining sites

11 None of relevance

KEY ISSUES FOR CONSIDERATION

Summary of main issues

12 The main issues to be considered in respect of this application are:

- a. The impact of the development on the amenity of neighbouring properties
- b. The design of the balustrade

Planning policy

13 Core Strategy 2011

Strategic Policy 12- Design and Conservation
Strategic Policy 13- High Environmental Standards

14 Southwark Plan 2007 (July) - saved policies

The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF. The following saved policies are considered particularly relevant for this application:

Policy 3.2 - Protection of Amenity
Policy 3.13 - Urban Design

15 London Plan 2011

Policy 7.6 - Architecture
Policy 7.15 - Reducing Noise and Enhancing Soundscapes

16 National Planning Policy Framework (NPPF)

This application should be assessed against the NPPF as a whole but of particular relevance are the following sections:

7- Requiring good design
12- Conserving and enhancing the natural environment

Principle of development

- 17 The principle of a balustrade at this location is considered to be acceptable, so long it complies with relevant planning policies and material considerations. It will provide edge protection for any people accessing the flat roof for maintenance.

Environmental impact assessment

- 18 Not required for an application of this nature.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

- 19 The balustrade will not result in any overlooking or additional noise for neighbouring properties as the use of the flat roof would not be used as a patio/terrace if planning permission is granted. A Juliet balustrade across the door used to access the flat roof would prevent unauthorised access. The use of the flat roof as a patio/terrace is prohibited by condition 10 of planning permission reference 08-AP-2432, this protection would remain in place. A condition is recommended to ensure that the Juliet balustrade is installed within two months of approval, should planning permission be granted.

Impact of adjoining and nearby uses on occupiers and users of proposed development

- 20 There are no nearby uses that would adversely affect this development.

Design issues

- 21 The balustrade is constructed of glass with a brushed aluminium rail and supports of white powder coated metal. They have been designed to match external balustrades elsewhere on the development. The balustrade on this flat roof causes no harm to the design of the parent building.

Planning obligations (S.106 undertaking or agreement) and Community Infrastructure Levy (CIL).

- 22 The proposal is below the threshold for a S106 payment. No additional residential units have been created and there is no proposed change of use, thus this development is not liable for the CIL.

Conclusion on planning issues

- 23 The balustrade reduces the risk of serious injury or death from a fall off the flat roof by introducing edge protection for anyone accessing the roof for maintenance. The design is considered to be acceptable. Condition 10 of planning permission 08-AP-2432 will continue to prevent the use of the flat roof as a terrace or patio.

Community impact statement

- 24 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. No adverse impact on any group with the above protected characteristics is expected should planning permission be granted or indeed refused.

Consultations

- 25 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

- 26 Objections have been received from neighbours at 12A and 12B Mount Adon Park. A letter of support was received from the occupiers of 8 Highland Court, who are not the applicant.

Summary of consultation responses

- 27 Two objections to the proposal are in the form of identical letters. While the objectors refer to the balustrades being unsightly and distorting the roofline, the letters conclude by saying that a condition should be imposed to ensure that the original Juliet balustrade be re-installed and welded into position.
- 28 A condition has been recommended that will require the installation of a secure Juliet balustrade. Condition 10 of planning permission reference 08-AP-2432 prohibits the use of the flat roof as a patio/terrace.
- 29 A letter from the occupiers of 8 Highland Court refers to the fact that they need access to the flat roof for clearing debris that accumulates there in the form of leaves and twigs. The installation of the Juliet balustrade will make the access of the flat floor for such maintenance difficult.

30 The Juliet balustrade would indeed hinder access for maintenance, however, this forms part of the application and the maintenance of the flat roof would be a matter for the applicants to arrange as the owners of the property.

Human rights implications

31 This planning application engages certain 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.

32 This application has the legitimate aim of providing edge protection for people accessing the flat roof for maintenance. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2555-186 Application file: 12/AP/2746 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 1778 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received.
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Dipesh Patel, Team Leader major applications team	
Version	Final	
Dated	27 November 2013	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team	28 November 2013	

APPENDIX 1

Consultation undertaken

Site notice date: 29/11/13

Press notice date: N/A

Case officer site visit date: 17/07/12

Neighbour consultation letters sent:

11 September 2013

Internal services consulted:

None

Statutory and non-statutory organisations consulted:

None

Neighbours and local groups consulted:

FLAT 7 HIGHLAND COURT 182 OVERHILL ROAD LONDON SE22 0EB
FLAT 6 HIGHLAND COURT 182 OVERHILL ROAD LONDON SE22 0EB
FLAT 9 HIGHLAND COURT 182 OVERHILL ROAD LONDON SE22 0EB
FLAT 3 HIGHLAND COURT 182 OVERHILL ROAD LONDON SE22 0EB
FLAT 2 HIGHLAND COURT 182 OVERHILL ROAD LONDON SE22 0EB
FLAT 5 HIGHLAND COURT 182 OVERHILL ROAD LONDON SE22 0EB
FLAT 4 HIGHLAND COURT 182 OVERHILL ROAD LONDON SE22 0EB
10 MOUNT ADON PARK LONDON SE22 0DT
8 MOUNT ADON PARK LONDON SE22 0DT
6 MOUNT ADON PARK LONDON SE22 0DT
12B MOUNT ADON PARK LONDON SE22 0DT
12A MOUNT ADON PARK LONDON SE22 0DT
16 MOUNT ADON PARK LONDON SE22 0DT
14 MOUNT ADON PARK LONDON SE22 0DT
20 MOUNT ADON PARK LONDON SE22 0DT
18 MOUNT ADON PARK LONDON SE22 0DT
FLAT 5 180 OVERHILL ROAD LONDON SE22 0DD
FLAT 4 180 OVERHILL ROAD LONDON SE22 0DD
FLAT 7 180 OVERHILL ROAD LONDON SE22 0DD
FLAT 6 180 OVERHILL ROAD LONDON SE22 0DD
FLAT 1 180 OVERHILL ROAD LONDON SE22 0DD
FLAT 3 180 OVERHILL ROAD LONDON SE22 0DD
FLAT 2 180 OVERHILL ROAD LONDON SE22 0DD
FLAT 8 180 OVERHILL ROAD LONDON SE22 0DD

FLAT 5 178 OVERHILL ROAD LONDON SE22 0PS
FLAT 4 178 OVERHILL ROAD LONDON SE22 0PS
FLAT 1 HIGHLAND COURT 182 OVERHILL ROAD LONDON SE22 0EB
FLAT 6 178 OVERHILL ROAD LONDON SE22 0PS
FLAT 1 178 OVERHILL ROAD LONDON SE22 0PS
FLAT 3 178 OVERHILL ROAD LONDON SE22 0PS
FLAT 2 178 OVERHILL ROAD LONDON SE22 0PS

APPENDIX 2

Consultation responses received

Neighbours and local groups

2 letters of objection from the occupiers of 12A and 12B Mount Adon Park. The objections refer to the balustrade being unsightly, distorting the roof line. The objectors suggest that a condition requiring the Juliet Balustrade to be welted in position should be imposed. This is not considered necessary as the proposed Juliet balustrade would be secure enough to deter unauthorised access.

Letter of support from the occupiers of 8 Highland Court. Discussed above.