

<b>Item No.</b> 7.1	<b>Classification:</b> OPEN	<b>Date:</b> 4 July 2018	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 17/AP/4525 for: Full Planning Application  <b>Address:</b> 1 VICTORY PLACE, LONDON SE17 1PG  <b>Proposal:</b> Permanent removal of the louvres covering the ground and first floor windows on the elevation to 1 Victory Place facing Balfour Street		
<b>Ward(s) or groups affected:</b>	North Walworth		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 05/12/2017		<b>Application Expiry Date</b> 30/01/2018	
<b>Earliest Decision Date</b> 28/12/2017			

## RECOMMENDATION

1. That planning permission be granted subject to conditions.

## BACKGROUND INFORMATION

2. This application has been referred to the Planning Sub-Committee to determine at the request of members.

### Site location and description

3. The application site is located in Capell Apartments to the south of Victory Place, to the east of Balfour Street and to the north of New Paragon Walk. The site comprises a ground and first floor maisonette. The site is not listed or located in a conservation area.

### Details of proposal

4. The host property was constructed as part of the Heygate re-development and approved under application 12/AP/2797. The drawings approved for planning permission reference 12/AP/2797 did not include details of ground and first floor windows and as such, these details were sought by condition 38 so their design was appropriate, the condition states:

#### East facade of Building R1C

Notwithstanding what is indicated on the approved drawings, 1:50 scale drawings on the east facade of Building R1C facing onto Balfour Street including windows on the ground and first floors of this public face of the development shall be submitted to and

approved by the Local Planning Authority in writing before any work in connection with this permission is commenced above grade; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as the quality of the design and details in accordance with Policy SP12 'Design and Conservation' of the Core Strategy (2011) and Saved Policies 3.12 Quality in Design; 3.13 Urban Design of The Southwark Plan (2007).

5. Subsequently, an approval of details application was submitted under ref 13/AP/2278. The details submitted showed the position of the windows on the named elevation with the solar shading screens. This was considered acceptable for the purposes of condition 38.
6. 17/AP/2199 Certificate of Lawfulness - proposed: sought for the removal of the louvres approved by 13/AP/2278. The reason for refusal as follows:

The proposed removal of metal louvres is considered an operation resulting in a material change in the appearance of the planning unit and the host building granted permission under 12/AP/2797. Details of the east facade of Building R1C pursuant to condition 38 of planning permission 12-AP-2797 were discharged under planning permission 13/AP/2278. Condition 38 required the development to be carried out in accordance with the approved details to ensure good quality design. It is considered that the proposed removal of the metal louvres undermines the intention of condition 38 and materially alters the approved design and appearance of the east façade contrary to Policy SP12 'Design and conservation' of the Core Strategy (2011) and Saved Policies: 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (2007).

7. Planning permission is now sought for the removal of the louvres at ground and first floor on the eastern elevation of 1 Victory place on Balfour Street, to expose the existing windows behind.

### **Planning history**

8.

<p>12/AP/2797 Application type: Full Planning Permission</p> <p>Construction of 8 buildings ranging between 4 and 10 storeys in height (maximum building height 38.5m AOD), comprising 235 residential units, 204 sqm (GEA) of retail use (Class A1 - A3), car parking beneath podium level, cycle storage, servicing, plant areas, landscaping and public realm improvements.</p> <p>Decision: Granted (GRA)</p>
<p>17/AP/2199 Application type: Certificate of Lawfulness - proposed (CLP)</p> <p>Lawful Development Certificate (Proposed) to remove the metal louvres from in front of the ground and first floor windows of 1 facing Balfour Street.</p> <p>Decision date 31/07/2017 Decision: Refused (REF)</p>

The proposed removal of metal louvres is considered an operation resulting in a material change in the appearance of the planning unit and the host building granted permission under 12/AP/2797. Details of the east facade of Building R1C pursuant to Condition 38 of planning permission 12-AP-2797 were discharged under planning permission 13/AP/2278. Condition 38 required the development to be carried out in accordance with the approved details to ensure good quality design. It is considered that the proposed removal of the metal louvres undermines the intention of condition 38 and materially alters the approved design and appearance of the east façade contrary to Policy SP12 'Design and conservation' of the Core Strategy (2011) and Saved Policies: 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (2007).

For the reasons given above, the proposed development is not permitted as the application unit is a maisonette. Full planning permission is therefore required.

### **Planning history of adjoining sites**

9. None relevant.

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

10. The main issues to be considered in respect of this application are:
  - a) The principle of the development in terms of accordance with the relevant planning policies.
  - b) The impact of the proposals on the residential amenity of the occupiers and users of the host building and the impact of the proposals on any occupiers and users of adjoining sites.
  - c) The impact of the proposals upon the character and appearance of the host building and the surrounding area.
  - d) All other relevant material planning considerations

### **Planning policy**

#### National Planning Policy Framework (the Framework)

11. Section 7 - Requiring good design  
Section 12 - Conserving and enhancing the historic environment

#### The London Plan 2016

12. Policy 7.4 - Local Character  
Policy 7.6 - Architecture

Core Strategy 2011

13.

Strategic policy 12 - Design and conservation  
Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

14. 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.

Policy 3.2 - Protection of amenity  
Policy 3.12 - Quality in design  
Policy 3.13 - Urban design

2015 Technical Update to the Residential Design Standards SPD (2011)

**Summary of consultation responses**

15. One letter of support and four letters of objection.

16. Matters of objection were regarding:

- Removal of louvres resulting in overlooking to properties on Balfour Street
- The lack of consultation to potentially affected properties
- The lack of respect to the character of the area as a result of the removal of louvres
- Removal of screening trees on Balfour Street
- Appearance of screens and representing care.

Officers' comments:

Matters regarding, removal of louvres resulting in overlooking to properties on Balfour Street' have been addressed in paragraph 9 and 10 of this report.

With regards, the lack of consultation to potentially affected properties, the council initially carried out the statutory consultation of 21 days which were sent on 13 December 2017. A site notice was placed near the site on 28 December 2017. Following this, a re-consultation period took place on 15 February 2018 to ensure residents adjacent the application site had been consulted.

Matters regarding the lack of respect to the character of the area as a result of the removal of the louvres and appearance of screens and representing care have been addressed in paragraph 11 and 12.

This application is solely for the removal of the louvres and no works to trees are proposed. The objection on the removal of the trees is not relevant to this particular

application.

### **Principle of development**

17. There is no land use change proposed as part of this development. The principle of the development, in that it is for a change to the façade, is acceptable. Other considerations such as the visual impact and impact on amenity are considered below.

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

18. The 2015 Technical Update to the Residential Design SPD 2011 states that:

House and flat developments should be arranged to safeguard the amenity and privacy of occupiers and neighbours. New development, extensions, alterations and conversions should not subject neighbours to unacceptable noise disturbance, overlooking or loss of security.

To prevent unnecessary problems of overlooking, loss of privacy and disturbance, development should achieve the following distances:

- A minimum distance of 12 metres at the front of the building and any elevation that fronts onto a highway
- A minimum distance of 21 metres at the rear of the building

Where these minimum distances cannot be met, applicants must provide justification through the Design and Access Statement.

19. Standard windows with no solar shading have already been established on elevations of Building R2A and Building R2E fronting residential properties on Balfour Street, through the original permission. It is noted that the resultant glazing to apertures to Building R1C would retain a distance of 15.1m from adjacent neighbours on Balfour Street, exceeding the council's minimum separation distance of 12m required for any elevation fronting a highway as stated above.
20. The Residential Design Standards SPD is a material consideration and holds significant weight. Because the separation distance from the windows that would be revealed behind the removed louvres and those opposite is more than 12m, there would be no adverse impact from overlooking or loss of privacy. Consequently, the development would meet the aims of saved Policy 3.2 - Protection of Amenity, which states:

Planning permission for development will not be granted where it would cause loss of amenity, including disturbance from noise, to present and future occupiers in the surrounding area or on the application site.

#### Reasons:

To protect the amenity of an area and the quality of life for people living, or working in, or visiting the borough.

### **Design issues**

21. The proposal would not seek to change the size, design, scale or position of the apertures but would seek to remove the inserted louvers at the ground and first floor only. Whilst louvres on the second and third floor would remain in-situ.
22. It is acknowledged that the louvres were secured by condition for the purposes of design, prior to the commencement of the development ref 12/AP/4525. The unit has been occupied as a single family unit.
23. The existing louver covered windows that serve rooms at ground floor level and at first floor level. Section 2.7 Daylight and sunlight of the 2015 technical update to the Residential Design SPD 2011 states:

Residential developments should maximise sunlight and daylight, both within the new development and to neighbouring properties. Development should seek to minimise overshadowing or blocking of light to adjoining properties. A lack of daylight can have negative impacts on health as well as making the development gloomy and uninviting.
24. Louvres by their very definition are inserted to reduce the admittance of sunlight. It is envisaged that the ground floor and first floor windows served with a louver, are provided with a significantly reduced amount of daylight/sunlight. The loss of the louvres would not significantly affect the visual appearance of the building and would provide better living conditions for the occupiers. For this reason, it is considered that the proposal is acceptable in design terms.

#### **Conclusion on planning issues**

25. The proposal demonstrates that it conforms to the principles of sustainable development. It complies with current policy; respects the amenity of neighbouring properties; and is of good design and should therefore be granted planning permission.

#### **Community impact statement**

26. 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.
  - b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: none.
  - c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are: none.

#### **Consultations**

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

## Consultation replies

28. Details of consultation responses received are set out in Appendix 2.

## Human rights implications

29. 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.
30. This application has the legitimate aim of providing windows. 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/H1064A Application file: 17/AP/4525 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: 0207 525 3487 Council website: www.southwark.gov.uk

## APPENDICES

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

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Kerri Simpson, Graduate Planner	
<b>Version</b>	Final	
<b>Dated</b>	20 June 2018	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		22 June 2018

## APPENDIX 1

### Consultation undertaken

**Site notice date:** 18/12/2017

**Press notice date:** n/a

**Case officer site visit date:** 28/12/2017

**Neighbour consultation letters sent:** 30/01/2018

**Internal services consulted:**

n/a

**Statutory and non-statutory organisations consulted:**

n/a

**Neighbour and local groups consulted:**

27 Henshaw Street London SE16 1PE  
89a Balfour Street London SE17 1PB  
91a Balfour Street London SE17 1PB  
Flat G 85 Balfour Street SE17 1PB  
Flat H 85 Balfour Street SE17 1PB  
Ground Floor Flat 87 Balfour Street SE17 1PB  
91b Balfour Street London SE17 1PB  
First Floor And Second Floor Flat 87 Balfour Street SE17 1PB  
Flat F 85 Balfour Street SE17 1PB

Flat A 85 Balfour Street SE17 1PB  
89 Balfour Street London SE17 1PB  
Flat D 85 Balfour Street SE17 1PB  
Flat E 85 Balfour Street SE17 1PB  
Flat B 85 Balfour Street SE17 1PB  
Flat C 85 Balfour Street SE17 1PB  
85e Balfour Street London SE17 1PB  
85c Balfour Street SE17 1PB  
87 Balfour Street SE17 1PB  
Tooley Street London

**Re-consultation:** 15/02/2018

## APPENDIX 2

### Consultation responses received

**Internal services**

None

**Statutory and non-statutory organisations**

None

**Neighbours and local groups**

Email representation  
27 Henshaw Street London SE16 1PE  
85e Balfour Street London SE17 1PB