

1 This application seeks to replace viable offices, and the potential jobs they can sustain, with a residential overdevelopment of a backland site, and to sidestep Lambeth's planning policies safeguarding employment and (probably) affordable housing. It is a disingenuous attempt by a developer to avoid the provisions of Lambeth's development plan, and should be rejected out of hand.

2 Contrary to what the developer alleges, the saved policies of the 2007 UDP, in particular policies

- 21 – redevelopment of offices for other uses only if demonstrated as “surplus” by marketing evidence
- 33(d) – building scale and design, and
- 38(c) – conditions on backland development

are integral and legitimate parts of the Lambeth development plan, having been expressly saved by direction of the Secretary of State, without limit of time, to accompany and complement the 2011 Core Strategy. Nor are they “overtaken” by the temporary extension of permitted development rights to convert an existing set of offices, without structural change, which the developer hopes can act as a virtual stepping stone to the structural re-development for residential uses he actually seeks in this application.

3 This is confirmed by the restatement of the substance of these policies as policies ED2(b), Q2 (amenity) and Q14(e) (expressly dealing with backland **redevelopment**) of the draft Lambeth Local Plan. As these policies have passed Examination in Public without significant modification, they now have substantial and increasing weight until they become decisive on adoption of this Plan later in 2015.

4 We argue as follows:

- Policy 21 says you can only redevelop offices for residential use if “surplus”
- There is no evidence of the year's worth of good faith marketing required by the policy to prove that the offices are truly “surplus”.
- Nor is there likely to be, since the offices, now described as “tired” by the developer, were sold to him, as recently as July 2013, described in the sale brochure as “attractive courtyard offices” with a tenant paying a rent of £80,000 a year, £17 a sqft. These offices, at that rental, are far from surplus
- For a tenant with a strong covenant, grossing up at 5%, this gives an existing use value as offices of £1.6m, which matches the price actually paid.
- Even if “surplus” were proved, redevelopment on a backland site like this has to meet saved policy 33(d) (Building Scale and Design) and 38(c) UDP (Backland Development) as well
- But it doesn't, because it fails saved policy 33(d) re residential amenity of existing properties eg on unacceptable overlooking, especially with the extra overlooking windows, and saved policy 38(c) eg on inadequate subordination (increased height), prejudice to privacy and outlook from existing dwellings

and nuisance access arrangements (including in effect a tandem access, half the width of which is now taken up by refuse bins)

- We note in particular the comment in para 10.61 of the draft Lambeth Local Plan "The existence of existing development in back gardens should not be seen as justification for further development as the cumulative effect of such development is likely to be adverse."
- the permitted development for conversion of the **existing** business floor space without change of fenestration to 6 flats is neither here nor there unless **actually implemented and brought into C class use** by occupation - until then the building is last in B1 office use and caught by policy 21
- The TfL PTAL database confirms the 3 rating for outside No 52, though it is a longer than usual walk from the flats to the road.
- In this case the developer declares 12 flats with 35 habitable rooms (HR) on a site area that he states is **.0787** hectares at the beginning of his Design and access Statement. That is an average of 2.9 HR per unit, and a density of 152 units and 445 HR per hectare - the London Plan Maximum on a PTAL 3 site is 170 units with an HR per unit of 2.9, but only 145 with an HR per unit of 3.1, and in any event, an HR per hectare limit of 450. A small miscalculation of plot size could take this development over the London Plan limit- and if you go to the "Proposed density" page of the D&A statement, you find the area quoted instead as 765 sqm, ie **.0765** ha, which yields a density of 457.5 HR per ha, above the London Plan maximum. Perhaps the developer has added part of the flying freehold access drive to his site area, to bring his development down below the London Plan Maximum.
- As presented, there is no calculation of child yield and hence calculation of dedicated on site child play space. Nor is an affordable housing offer made – we trust that the developer will not seek to minimise or eliminate an obligation by pleading an Alternative Use Value benchmark based on his wholly phantom permitted development scheme, as opposed to the Existing Use Value of £1.6m, (whether or not with a premium to encourage the developer to make the site available to himself!)

5 For these reasons we trust that no one will be tempted by the prospect of CIL monies to recommend such a wholesale breach of Lambeth's development plan policies that aim to safeguard much needed jobs in the borough, and that this application will be rejected.

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