15/04488/FUL – 52 Walnut Tree Walk – Representation on behalf of KOVF, the Neighbourhood Plan designated body for the area.

* By this application the applicant seeks again to replace what were viable offices, and the jobs they sustained, with a residential overdevelopment of a backland site, sidestepping Lambeth’s planning policies safeguarding employment. He hopes to broker a permitted development right applying only to the structure of the existing building, intended by Ministers to apply to **surplus**, not active employment floor space, into this enlarged and oppressive backland development. It is in open breach of Lambeth Local Plan policies on the amenity of neighbours (Q2) and the regulation of backland **re-development** (Q14(e**)). It should be dismissed out of hand.**
* Officers are bending over backwards to satisfy an aggressive developer, with their "acceptable" diminutions of residential amenity, and "acceptable" impacts on sunlight and daylight etc - perhaps because Lambeth has no regular budget for fighting cases such as this, which flagrantly depart from planning policies, and officers are inhibited in the face of such pushiness and stretched budgets
* Significant weight as a "material consideration" justifying departing from the development plan, is given to the residential permission accorded to the existing shell of the former office building by the Government's permitted development right. In this way, **officers accord the developer the benefit of a doubt he does not deserve.**
* If this is a material consideration, whether it should be given so much weight that it justifies overturning the development plan should be influenced by Ministers' explanation of the permitted development policy, which is a material consideration in its own right. [ Eg EC Gransden & Co Ltd v S of S for Environment (1987) 54 P&CR 86]. As the Minister of State declared, alongside his Parliamentary announcement of the extension on 13 October 2015

 "Today’s measures will mean we can tap into the potential of underused buildings to offer new homes for first-time buyers and families long into the future, breathing new life into neighbourhoods and at the same time protecting our precious green belt."

* As we all know, this building was never spontaneously underused - the developer contrived to empty it, and its employment, contrary to the expressed Ministerial purpose, and then exploit the permitted development right in a way never intended. **In these circumstances, the residential permitted development right should be given little weight in this case.**
* As the Mayor of London noted in March 2016 in his SPG on the Central Activities Zone (CAZ)

 " 6.6.2 The Mayor has shared concerns about the impact of office to residential permitted development rights (PDR) on occupied office space outside the currently exempted areas, including the effect it has on businesses and employment.

 6.6.3 The impact of these changes is being monitored by the GLA in collaboration with the boroughs. Within the CAZ fringe there is evidence that Camden town, Islington, **Oval/Kennington,** Clapham and Wandsworth riverside have been particularly affected. Some of the CAZ boroughs have brought forward Article 4 Directions for selected locations outside the Zone which remove the permitted development rights for change of use from office to residential."

* The impact on Oval/Kennington can hardly be unexpected, can it, if applications like this one are allowed to proceed? Only now are Lambeth bringing forward Article 4 Directions to limit the scavenging away of our employment floor space, but that will not help us here.
* **So, be brave, Planning Applications Committee, stick to the development plan and toss this wretched application out!**

David Boardman 7 October 2016

Kennington Oval and Vauxhall Forum