



Local Plan Publication Consultation

From 9 June 2023 to 24 July 2023

RESPONSE FORM

The Council is inviting comments on the Publication version of the Local Plan.

The Local Plan sets out a 15-year strategic vision, objectives and the spatial strategy. The draft Plan includes place-based strategies covering the whole borough, along with accompanying site allocations, as well as the thematic planning policies that will guide future development in the borough. It will inform how growth will be accommodated across the borough. The draft Plan seeks to address future challenges including climate change, health, affordability and liveability.

This consultation is the final opportunity to comment on the Local Plan before it is submitted to the Secretary of State for independent 'examination in public'. At this stage in the plan-making process, in accordance with the national guidance, consultation responses should focus on whether the Local Plan has been developed in compliance with the relevant legal and procedural requirements, including the duty to cooperate, and with the 'soundness' of the Plan. Further detail on these concepts is provided in the accompanying guidance notes available on the website (via the link below).

How to respond

Please read the consultation documents and other background information made available on the Local Plan website: www.richmond.gov.uk/draft_local_plan_publication_version

You can respond by completing this form, either electronically using Word or as a print out, and sending it to the Council by:

- Email to LocalPlan@richmond.gov.uk
- Post a hard copy of the form to Spatial Planning and Design, LB Richmond upon Thames, Civic Centre, 44 York Street, Twickenham, TW1 3BZ.

Alternatively, you can make comments on the draft Local Plan **online via our Consultation Portal**, which is accessible at the website listed above.

All responses must be received by 11:59pm on Monday 24 July 2023. The consultation is open to everyone; however please note that responses will not be treated as confidential and those submitted anonymously will not be accepted.

This form has two parts:

- Part A – Personal details and about you
- Part B – Your detailed response(s).

Part A: Personal Details		
	1. Personal Details *	2. Agent's Details (if applicable)
Title	n/a	Mr
First name	n/a	Tim
Last name	n/a	Williams
Job title (where relevant)	n/a	Director (Planning Consultant)
Organisation (where relevant)	Baden Prop Limited	Firstplan Ltd
Address	c/o Firstplan	Firstplan [REDACTED] [REDACTED] [REDACTED]
Postcode		[REDACTED]
Telephone		[REDACTED]
E-mail address		twilliams@firstplan.co.uk

*If an agent is appointed, please complete only the title, name and organisation boxes but complete the full contact details of the agent.

Data protection

The Council is committed to ensuring that personal data is processed in line with the General Data Protection Regulation (GDPR) data protection principles including keeping data secure.

The Council's Privacy Notice is published on the webpage www.richmond.gov.uk/data_protection

All responses will be held by the London Borough of Richmond upon Thames. Responses will not be treated as confidential and will be published on our website and in any subsequent statements; however, personal details like address, phone number or email address will be removed.

If you submit comments, the consultation responses and your personal data will be passed to the Planning Inspectorate and a Programme Officer. The Programme Officer manages the procedural and administrative aspects of the examination. The Programme Officer will contact you using the personal information you have provided if you have indicated in the response form your wish to engage in the Examination.

Part B: Your Response

3. To which part(s) of the draft Local Plan does your response relate to?

Please indicate the documents **and** the specific paragraph numbers, policy or site allocation numbers and names, maps or tables you are commenting on.

Documents		Sections	
Publication Local Plan (including changes to the Policies Map designations)	<input checked="" type="checkbox"/>	Page number(s)	258, 414,
		Paragraph number(s)	17.9, 19.17, 19.19, 28.1,
		Policy no./name	Policy 23 'Offices'
		Place-based strategy	
		Site Allocation(s) no./ name	25 / Richmond Station, Richmond Key Business Area
		Maps	Policy Map
		Tables	
Sustainability Appraisal Report	<input type="checkbox"/>	Page number(s)	
		Paragraph number(s)	
Other (for example an omission or alternative approach)	<input checked="" type="checkbox"/>	Employment Land and Premises Needs Assessment (2021 and 2023 versions) Urban Design Syudy (2021 and 2023)	

4. Do you consider the Local Plan is:

4.1 Legally compliant	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4.2 Sound	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4.3 Complies with the Duty to Co-operate	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Further information on these terms is included within the accompanying guidance note, which can be found on the website at www.richmond.gov.uk/draft_local_plan_publication_version

If you have entered 'No' to 4.2, please continue with Q5. Otherwise, please go to Q6.

5. Do you consider the Local Plan is unsound because it is not:

5.1 Positively Prepared	<input checked="" type="checkbox"/>
5.2 Justified	<input checked="" type="checkbox"/>
5.3 Effective	<input type="checkbox"/>
5.4 Consistent with national policy	<input checked="" type="checkbox"/>

6. Please give details of why you consider the Local Plan is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to provide comments in support of the legal compliance and/or soundness of the Local Plan, or its compliance with the duty to co-operate, please use this box to set out your comments.

Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the response. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.

Please refer to supporting Firstplan letter dated 21/07/2023

Please continue on a separate sheet / expand box if necessary.

7. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, when considering any legal compliance or soundness matter you have identified at 6 above.

Please note that non-compliance with the duty to co-operate is incapable of modification at examination.

You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the suggested change. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.

Please refer to supporting Firstplan letter dated 21/07/2023

Please continue on a separate sheet / expand box if necessary.

8. Do you consider it necessary to participate in examination hearing session(s)? (Please tick box as appropriate)

No, I do not wish to participate
In hearing session(s)

Yes, I wish to participate
In hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

9. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Should the Draft Local Plan not be updated as suggested in this submission then we will need to consider presenting the reasoning for our client's position.

Please continue on a separate sheet / expand box if necessary.

10. If you are not on our consultation database and you respond to this consultation, your details will be added to the database. This allows us to contact you with updates on the progression of the Local Plan and other planning policy documents.

If you do not wish to be added to our database or you would like your details to be removed, then please tick this box.

Signature:

Tim Williams

For electronic responses a typed signature is acceptable.

Date:

21/07/2023

Our Ref: 22208/TW/GM
Email: twilliams@firstplan.co.uk
gmanley@firstplan.co.uk
Date: 21 July 2023

Planning Policy
London Borough of Richmond upon Thames
Civic Centre
44 York Street
Twickenham
TW1 3BZ

Submitted by email: localplan@richmond.gov.uk

Dear Sir/Madam,

**ROYAL BOROUGH OF RICHMOND UPON THAMES PROPOSED SUBMISSION (REGULATION 19)
DRAFT LOCAL PLAN (CONSULTATION JULY 2023)
REPRESENTATIONS MADE ON BEHALF OF BADEN PROP LIMITED**

a) Introduction

Our client, Baden Prop Limited ('BPL') has instructed us to make formal representations on the Royal Borough of Richmond upon Thames ('RBT')'s Proposed Submission (Regulation 19) Draft Local Plan. These representations are made in respect of RBT's consultation between June – July 2023. Our letter is supported by a completed response form.

BPL is the principle owner of the mixed use building of Westminster House on Kew Road, Richmond, TW9 2ND. As such, they have a long-term interest in securing the future success of Richmond Town Centre and are sensitive to any current or emerging restrictive policies, designations and site allocation details which could jeopardise the regeneration potential of their site identified below at **Figure 1**.

Firstplan have previously actively engaged with RBT on behalf of the building's former owner to help shape and facilitate appropriate growth in this part of the borough. Formal representations were made in August 2016 on RBT's consultation on the First Draft of the Richmond Local Plan, chiefly focusing on the site allocation wording and the drafting of a sustainable design policy. Revisions were subsequently made to the final adopted site allocation following Firstplan's involvement.





Figure 1. Aerial view of Westminster House site (Google Maps 2023), outlined in red

This letter comprises BPL's formal representations to RBT's Proposed Submission (Regulation 19) Draft Local Plan. Chiefly these representations challenge the soundness and legal compliance of the draft Local Plan in respect of the current drafting of Site Allocation 25 (Richmond Station, Richmond) in which our client's building is located within. Our representations specifically focus on the site allocation's wording around proposed uses and building heights.

In addition to this, BPL's representation also challenges the unjustified designation of Westminster House within a Key Business Area ('KBA') as identified on the draft Policy Map and in the corresponding drafting of Policy 23 (Offices).

Each of these matters is dealt with in turn below, but overall it is considered that the above issues have not been positively prepared, suitably justified nor are they consistent with national policy or in general conformity with the London Plan (as is required to be sound and legally compliant).

These representations comply with the requirements in RBT's consultation response form, the guidance notes and the guidance set out within the National Planning Policy Framework ('NPPF') with regards to plan making. BPL would appreciate a meeting with RBT to fully understand the vision to develop the site allocation area and discuss how mutually acceptable wording can be incorporated.

b) Background Information

i. Relevant Site Information

Westminster House is a mixed use building set over five levels (including basement), with a consented gym use at basement level, commercial units at ground floor and office accommodation at first, second and third. The building was constructed in the 1950/60s and occupies a prominent position on Kew Road directly adjacent to Richmond Railway Station which sits immediately south of the site.

The station car park sits to the rear of the building to the east. The surrounding area has a mix of commercial and retail buildings of varying age, height and materiality. These range from two and a half storeys to five storeys of both modern and traditional styles.

The site has a somewhat complicated planning history with a number of planning applications having been submitted at the site in recent years. Of note, planning permission was granted in February 2016 (ref. 15/5230/FUL) for: ***“a part one/part two storey roof extension providing 578 sq m of additional Class B1 office floorspace, external terraces and associated works”***.

Following this, in May 2019 planning permission (ref. 19/0527/FUL) was then granted for: ***“Creation of two additional levels of Class B1 office accommodation (482 sq m), conversion of the existing basement into Class D2 gym use (288.5 sq m) together with green walls and associated external refurbishments.”*** However, due to changing market conditions instigated by the pandemic, and the rise in home working, it was not practical or viable for the owner of the site to implement the scheme.

Planning permission was also granted in December 2022 (ref. 22/2962/FUL) for: ***“Creation of a shopfront and access, elevational alterations, installation of louvres and associated works at basement and ground floor levels.”*** This permission allows for the necessary physical works for the intended Gym operator to fit-out and occupy the basement level of building, from an area which was previously ancillary to the office space.

The above permissions are critical to highlight in demonstrating RBT’s acceptance of upward extensions (in creating a 6/7 storey building at Westminster House) and in supporting works for non-office uses.

In reviewing the planning history available on RBT’s website, it is understood that no conditions were attached on the original (or indeed any subsequent) permissions which restricting the use of the commercial floorspace (all levels of the building). As such it is considered that it has unrestricted Class E use. Although, RBT’s has established an Article 4 Direction which removed permitted development rights (under Class MA) to convert Class E uses to Class C3.

As outlined above, the current (adopted) RBT Local Plan’s Policy Map (July 2018) identifies the site as falling within Site Allocation SA19: ‘Richmond Station’ together with Richmond Station, a car park to the rear of Westminster House and surrounding buildings. The site allocation refers to broad development parameters for this location and is outlined in more detail under the subsequent section of this letter.

The site also lies with the Key Office Area (KOA’), which again encompasses a larger area surrounding the station and parts of the town centre. Another relevant designation of the site, as identified on RBT’s Policy Map is the ‘Secondary Shopping Frontage’ which relates to the ground floor units at Westminster House fronting Kew Road.

Westminster House comprises offices at levels 1, 2 and 3. However, the building has experienced sustained, lengthy periods of vacancy for levels 1 and 3. Specifically from August 2021 to present (level 1) and from

January 2022 to present (level 3) (circa 66% of the property's office floorspace), have been entirely vacant and indeed marketed firmly for new commercial tenants during this period. However, no interest from prospective new tenants has been expressed throughout these entire periods, despite the KOA designation.

c) Relevant Adopted Planning Policies

Inline with the NPPF's guidance in plan making, in order for the draft Local Plan to be sound and legally compliant it must be in general conformity with the NPPF and London Plan. As such, the relevant planning policies in place across the following tiers:

- NPPF (adopted 2021);
- The London Plan (Adopted 2021); and
- RBT's Local Plan (Adopted 2108).

i. Plan-Making Policies

The NPPF's Paragraph 35 sets out the requirement that Local Plans need to be examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. They are 'sound' where they are:

***a) Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

***b) Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*

***c) Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*

***d) Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant."*

Paragraph 31 of the NPPF relates to soundness in relation to the preparation and reviewing of local plans and states: **"...the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take account relevant market signals"**.

ii. Site Allocation

RBT's adopted Local Plan, Site Allocation SA19 'Richmond Station'. The allocation (area defined below at Figure 2) follows the publication of the Richmond Station Planning Brief in 2002 and has been brought forward from the previous UDP, which was prepared by RBT in conjunction with Network Rail. SA 19 seeks the comprehensive redevelopment of the site to provide an improved transport interchange and an appropriate mix of main centre uses. This includes as a priority the provision of retail floorspace as well as employment floorspace. Appropriate main centre uses, i.e. gyms and other employment generating uses and social infrastructure and community uses should also be provided. Despite the long-standing policy allocation, no redevelopment schemes have yet come forward to date.

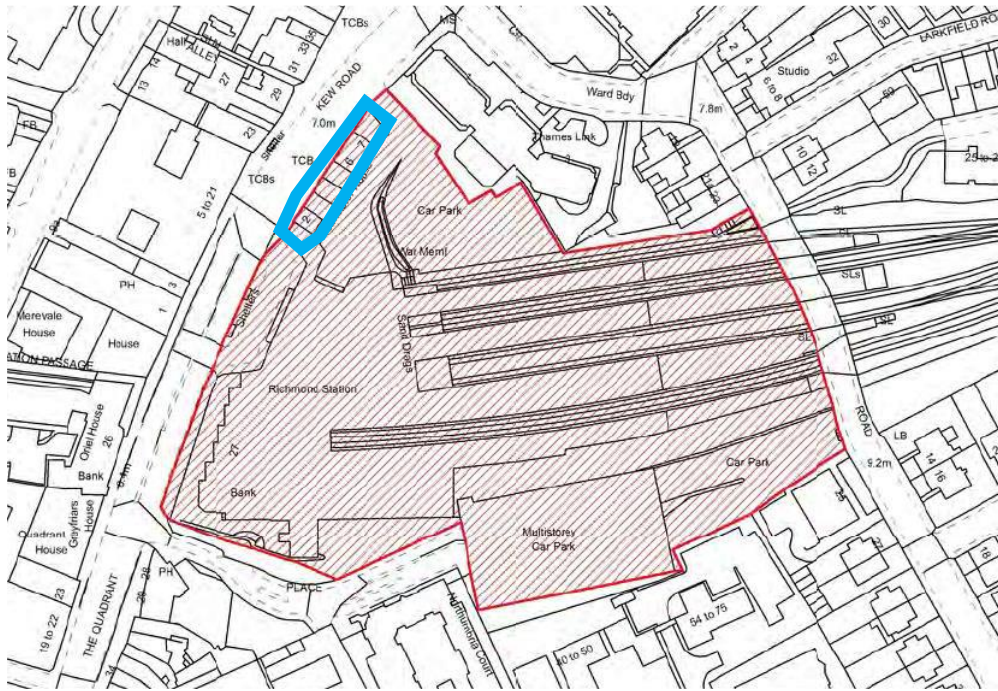


Figure 2: Plan showing land subject to Site Allocation SA19 (red line/hatching – site allocation, blue – site boundary)

iii. Tall-Building / Design Policies

The London Plan’s Policy D9 relates to Tall Buildings and states:

“Definition:

A: Based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.

Location:

- 1) **Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. This process should include engagement with neighbouring boroughs that may be affected by tall building developments in identified locations.**
- 2) **Any such locations and appropriate tall building heights should be identified on maps in Development Plans.**
- 3) **Tall buildings should only be developed in locations that are identified as suitable in Development Plans.”**

The policy goes on to outline the visual, functional, environmental and cumulative impacts, which development proposals should consider when tall buildings are proposals. The supporting text at 3.9.1 also states: **“tall buildings can form part of a plan-led approach to facilitating regeneration opportunities and managing future growth, contributing to new homes and economic growth, particularly in order to make**

optimal use of the capacity of sites which are well-connected by public transport and have good access to services and amenities.”

The adopted Local Plan Policy LP 2 relates to building heights and require new buildings, including extensions and redevelopment of existing buildings, to respect and strengthen the setting of the borough’s valued townscapes and landscapes. This relies on officer judgement in assessing each site alongside the character appraisals published for certain areas.

iv. Town Centre and Housing Policies

The NPPF at Section 7 relates to the viability of town centres. Paragraph 86 states that planning policies should take a positive approach to the growth, management and adaption of town centres. Part a) states that planning policies should: *“...promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;”* (our underlining).

Part f) of the NPPF paragraph 86 goes on to state that planning policies should: *“...recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites”*.

Section 11 of the NPPF is associated with making effective use of land. Paragraph 119 states:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”

Paragraph 120 of the NPPF goes on to note that ‘Planning policies and decisions should:

“c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).”

Paragraph 122 of the NPPF sets out the following:

“Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability.”

London Plan Policy H1 relates to increasing housing supply and sets target for housing completions for local authorities to achieve. Supporting text (at paragraph 4.1.8) encourages boroughs to identify as many areas as possible where housing can be increased (incremental intensification).

London Plan Policy SD6 relates to town centres and high street and encourages: *“...diverse range of uses that meet the needs of Londoners, including main town centre uses, night-time economy, civic, community, social and residential uses” (part A, 1).*

Part D of **London Plan Policy SD6** then goes on to support the potential town centres have: *“...for new housing within and on the edges of town centres should be realised through mixed-use or residential development that makes best use of land, capitalising on the availability of services within walking and cycling distance, and their current and future accessibility by public transport.”*

With part E of **London Plan Policy SD6** also stating: *“The redevelopment, change of use and intensification of identified surplus office space to other uses including housing should be supported, taking into account the impact of office to residential permitted development rights...”*

Local Plan Policy LP 25 is associated with development in centres and advises that RBT will support developments which contribute towards a suitable mix of uses that enhance the vitality and viability of the centre. This focuses heavily on the protection of retail floorspace and particularly seeks to restrict excessive consecutive non-former A1 use within retail terraces. This was published prior to the use class order change of September 2020 bringing in Class E.

Local Plan Policy LP 26 relates to retail frontages and seeks to resist loss of floorspace in the former Class A1 use class within such designated frontages. Conversion of former Class A1 uses was supported to other commercial uses provided that a community need was met or that the use fell within similar former A-Class uses / provides customer-focused service.

Whilst it is accepted that the significant use class order changes of September 2020, brought about a major shake-up for the approach to commercial uses of units which had previously been protected / required planning policy assessment for any conversions required, Part F of this policy stipulated: *“F. Where a proposal involves a change of use not supported by policy, the Council will require satisfactory evidence of full and proper marketing of the site. The applicant will be expected to undertake marketing in line with the requirements set out in Appendix 5.”* This again, supports the notion that marketing evidence is crucial to demonstrating a site-specific difficulty to retain occupancy of units. Indeed RBT have previously seen it fit to accept marketing as a material consideration in application of changes of uses.

v. Employment Land Policies

The London Plan’s Policy E1 relates to the offices and identifies (at Part C) particular areas in London where office development is considered nationally significant and as such should be developed and promoted. Westminster House does not fall within one of these locations.

Part D of the policy does support a focus on consolidating and, where possible, extending office developments within town centres. Item 4 of Part D includes a focus of developments, namely: *“locally-oriented, town centre office provision to meet local needs.”*

Part E outlines the position on existing viable office floorspace (outside of those nationally-significant locations in Part C), requiring retention of such floorspace, but with supporting the renewal and re-provision of office space where viable / releasing surplus office capacity to other uses.

Part H of this policy states that: *“The scope for the re-use of otherwise surplus large office spaces for smaller office units should be explored.”* With Part I noting that the London Plan does support the redevelopment, intensification and change of use of surplus office floorspace to other uses including housing subject to provisions of the need for a range of workspaces in the area and part H (above).

The supporting text for London Plan Policy E1 (at 6.1.2) acknowledges that the office market is undergoing a *“period of reconstructing”* with (amongst other evolutive changes) *“changing work styles supportive by advances in technology”*.

In addition, supporting text 6.1.7 defines surplus office space as that which such sites which no longer have a reasonable prospect of being used again for the purposes of business. With this, the value of evidence to demonstrate periods of vacancy and marketing (min 12 months) is highlighted as a key determining factor in informing the viability of surplus offices.

Adopted Local Plan Policy LP41 also relates to offices. Part A of this policy sets out that RBT have a presumption against the loss of office floorspace in all parts of the borough. However, RBT can currently support loss of offices on sites which fall outside of a KOA designation when two criteria are met - robust and compelling evidence confirming that there is no longer any office demand for the floorspace, and in applying a sequential approach to redevelopment / change of use.

An extract of the KOA boundary in respect of out client’s site is provided below:

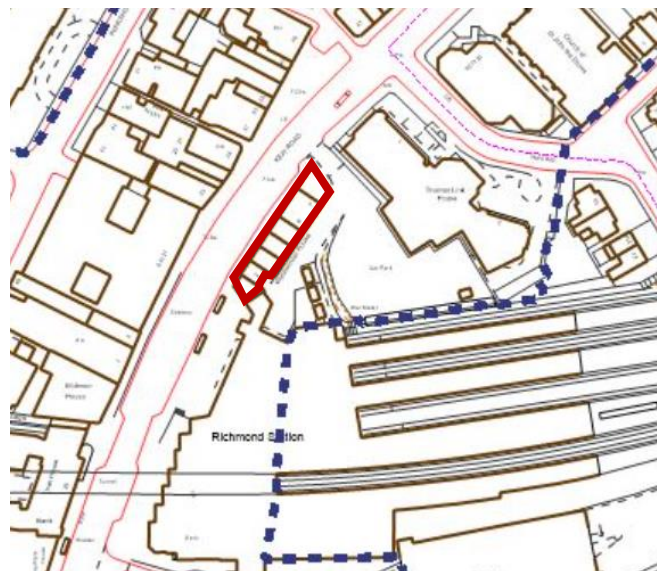


Figure 3: Extract from adopted Local Plan (2018) (dotted blue – KOA, red line - Site)

In relation to those sites which do fall within KOAs (such as BPL’s Westminster House), Part C of the policy states: *“Net loss of office floorspace will not be permitted. Any development proposals for new employment or mixed use floorspace should contribute to a new increase in office floorspace where feasible. Criteria 1 and 2 in A (above) do not apply to the Key Office Areas”*

Whilst Policy 41’s supporting text (at paragraph 10.2.7) confirms that the areas covered KOAs were designated due to their identified importance for office employment space, it is important to consider that RBT’s Local Plan was adopted to be consistent with the now superseded 2016 London Plan. At the time of drafting the 2016 London Plan, the office market was vastly different (as acknowledged at Policy E1 of the London in more recent restructuring of this commercial sector).

d) Review of Draft Site Allocation, Evidence Base, Draft Policies

This section of our letter details RBT’s relevant evidence base documents which have been produced in the preparation of the draft Local Plan. The evidence base documents referred to below include both documents which were prepared for the Regulation 18 and Regulation 19 stages of RBT’s draft local plan. This section also lists and comments on the draft site allocation for the area encompassing BPL’s building as well as draft policies of relevance.

i. Draft Site Allocation

Site Allocation 25 of the draft Local Plan (2023)

The draft Local Plan’s Site Allocation 25 ‘Richmond Station, Richmond’ includes our client’s site. This allocation area retains the same boundary as the adopted SA19 site allocation, and generally encourages a similar mix of uses, i.e. leisure, offices, community uses with upper floor residential. See the inclusion area at **Figure 4**, below. Whilst retail is still supported, emphasis has lessened in the site allocation wording over the adopted allocation.



Figure 4: Extract from draft Site Allocation 25 (2023) (red – site allocation, blue – site boundary)

BPL supports the site allocation for the proposed mix of uses. However, for the arguments in relation to the KBA, it is considered that too much weight is still given in the site allocation wording in supporting new offices at this location. Given what the 2023 Employment Land and Premises Needs Assessment has identified, there has been a significant reduction in the requirement for office use across the borough. As such, it is unjustified to retain the similar level of support for retaining existing and creating new office floorspace as with the adopted Site Allocation SA 19. Office uses should in this instance make way for other uses, such as residential (which remains in high demand), indeed if RBT intend to have a reasonable buffer in meeting their housing trajectory.

The current building has three office level, as noted at ‘subheading b)’ of this letter, two of the levels of Westminster house have been vacant and marketed unsuccessfully for a considerable length of time (level 1 – 23 months, level 3 – 18 months). Further to this, following a review with local marketing agents, there are a considerable number of vacant, former office units currently being marketed within the KBA locality of our client’s site. A list of a number of these (within a radius of circa 1KM) which are currently on the market (in addition to the two units at Westminster House) is provided below at **Table 1**:

<u>Address</u>	<u>Unit Size</u>	<u>Status</u>
Argyle House, Dee Road, Richmond Upon Thames TW9	418 sq m	Vacant
36B Rosedale Road, Richmond, TW9 2SX	126 sq m	Vacant
1 Commerce Road, Brentford, TW8 8LH	134 sq m	Vacant
Times Court, Retreat Road, Richmond TW9	644 sq m	Soon to be vacant
6 Printworks House, 27 Dunstable Road, Richmond TW9	88 sq m	Vacant

Table 1: List of some of the currently marketed office units within 1KM of Westminster House

Furthermore, the former owner of our client’s site, was unable to implement the planning permission (ref. 19/0527/FUL) which allowed for two further levels of additional offices, owing to a change of market conditions and lower demand for office floorspace than had been anticipated at the time of designing the scheme.

As such, based on the above, BPL consider that additional offices at this location does not meet a local need, and so retention of existing and promotion of new offices shouldn’t be obligated as part of the site allocation wording. Therefore, to ensure occupancy of the existing and future needs of the building, alternative uses (such as residential across all levels of buildings within the site allocation catchment) should be more firmly encouraged.

In relation to building heights, this allocation now introduces a suggested max building heights of upto 5 – 8 storeys (inline with the tall building zone mapping), see **Figure 5**, below. This Tall Building zoning doesn’t include Westminster House. BPL strongly supports tall buildings within the area of this site allocation, and indeed even higher than the 8 storeys suggested. However, no evidence is provided as to why Westminster House has not been included in the tall building (or-even the mid-rise building) zone.

Currently Westminster House stands as a four-storeys plus basement (which is largely exposed at the rear), so stands five storeys at the rear. Planning permission (refs. 15/52530/FUL and 19/0527/FUL) have been granted in February 2016 and May 2019 respectively for two upper levels, which indeed would have made this 6-7 storeys (moving into the London Plan’s ‘Tall Building’ definition).

In light of this, there has clearly already been acceptance by RBT (indeed evidence) that a tall building at Westminster House would be acceptable and so this should be reflected in the site allocation wording, where currently Westminster House is excluded.

ii. Tall building / Design Evidence Base Policies

2021 Urban Design Study

The study was completed and published in 2021 to accompany the Draft Pre-Publication Regulation 18 version of the Local Plan. 'Richmond Town Centre and Riverside' is identified on accompanying maps as reference F1. Westminster House is not specifically mentioned with this document; however it is noted that: **'Postwar infill buildings often detract from the high quality historic buildings and otherwise high quality of the streetscape.'**

With regards to building heights, it is stated 'Buildings are 2-3 storeys in the historic part of the town centre and 3-4 storeys along the high street. Characteristic materials and features include gables, mixture of brick, stone and render. However no mention was given as to the acceptability of extra height at that time.

2021 Urban Design Study

This updated study includes a townscape character assessment and an assessment of the borough's capacity for growth, bringing together the values, character and sensitivity of different parts of the borough with the reality of future development pressures. It also identifies 'Richmond Town Centre and Riverside' with reference F1.

This updated study includes 'Tall Buildings Zones' within each character area. Potential areas of increased height opportunity are highlighted in the strategy map for area and feeds into the site allocations. RBT's testing is understood to consider potentially appropriate heights alongside likely development potential, and the potential impacts they may have on townscape, views and heritage. The outcome of this process are tall buildings zones maps and mid-rise buildings zones maps indicating where in the borough tall and mid-rise buildings may be appropriate.

For reference F1, we note that it includes a tall and mid-rise building zone which predominantly covers the Richmond Station building but also indicates additional height in the area immediately behind (east) of Westminster House (see **Figure 5** below), but not including BPL's building. These suggested tall and mid-rise buildings zones maps form the **draft Appendix 3** of the Local Plan.

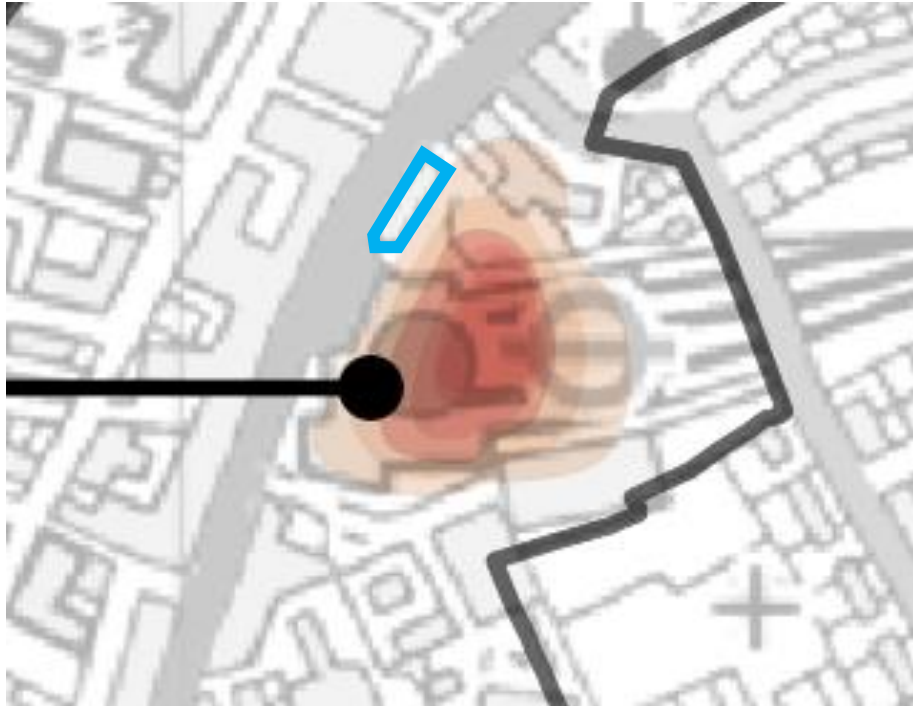


Figure 5: Extract from the Richmond and Richmond Hill combined Tall and Mid-rise Buildings Zone map in the Urban Design Study (2023) and at Appendix 3 of the draft Local Plan. (Westminster House is outlined in blue).

Draft Policy 45

Draft Policy 45 relates to the tall and mid-rise building zones and seeks to support introducing such buildings / extensions to existing buildings in the identified zones marked in draft **Appendix 3** of the Local Plan. Tall buildings are defined as those which are 7 storeys or over (or 21 metres or more) and mid-rise buildings which are 5 storeys or over (15 metres or more) from the ground level to the top of the building.

iii. Town Centre and Housing Evidence Base and Draft Policies

Town Centre, Retail and Leisure Study (2021)

This report provides an overview of trends and recent changes that will affect the demand for main town centre uses, updates the retail and food/beverage floorspace capacity assessment and assesses other main town centre uses including the scope for leisure, entertainment and cultural uses. This reiterates the NPPF’s push for diversification of town centre uses, including residential.

Town Centre, Retail and Leisure Study (2023)

This updated study, further supports the need to diversify with the changing demands of town centre locations (lesser focus on protection of retail in light of the flexible use of Class E). In addition, this also notes the main implications of Brexit, the Covid-19 pandemic and the cost of living crises. Indeed, it notes at paragraph 2.6: **“Bearing these trends in mind there has been a spike in town centre vacancies”**, identifying a general awareness how sensitive town centre units can be at this stage, and so one could argue that allowing maximum flexibility should go somewhat in seeking to secure long-term occupancy levels.

Notwithstanding the above, as noted at 'subheading b)' of this letter, Westminster House's commercial floorspace is not restricted by means planning conditions or Article 4 Directions for changes of uses from Class to E to other commercial uses. Residential uses are just restricted (under a Class MA restricted via permitted development), by means of an Article 4 Direction.

Draft Policy 18

Draft Local Plan Policy 18 relates to development in centres and supports developments which are in keeping with the centre's role and function. Part D relates to residential uses in centres and supports:

1. ***“High density mixed-use development, including residential, will be supported in appropriate locations, as identified within Site Allocations and Policy 45 'Tall and Mid-Rise Building Zones ', subject to compliance with Policy 28 'Local Character and Design Quality (Strategic Policy)' and other policies in this Plan.***
2. ***Conversion to residential of upper floors, the rear of ground floor occupied by a commercial or community use will be permitted, where this can be designed to provide a high level of residential amenity without compromising the existing or potential operation of uses on the ground floor.”***

BLP are generally accepting in how this policy and its supporting text has been drafted.

2021 Local Housing Needs Assessment

Housing requirement for the borough over the new plan period was originally outlined in this report (as part of the Regulation 18 stage of the Plan. This required consistency in terms of housing target numbers with the London Plan (i.e. 4, 110 homes until 2029).

2023 Local Housing Needs Assessment

This document within RBT's evidence base retains the above noted housing targets and seeks to help guide RBT as to the different types of housing needed across the borough.

Housing Trajectory

In March 2023, RBT issued their Annual Housing Monitoring report for a year period 2021 to 2022. This considers that RBT have a 5-year supply, indeed they have 5.3 years' worth of homes being constructed, with planning permission and those which are identified in site allocations.

Draft Policy 10

Draft Local Plan Policy 10 confirms the 10-year target of 4,110 homes (as detailed above / within the London Plan). Of particular note, RBT claim in the supporting text that this target can be met should all suitable and available brownfield sites be optimised for housing delivery. In addition, the supporting text to this policy (at paragraph 17.9) acknowledges that: ***“although there may be limited potential for enabling housing gain on employment land if proposals comply with the requirements of Policies 23 and 24.”***

iv. Employment Land Evidence Base and Draft Policies

2021 Employment Land and Premises Needs Assessment

This document discusses the need for employment land / uses in Richmond. At the time of its drafting, the document noting that there was an office floorspace need of 73,000 sq m across the borough. This therefore strongly advised policy makers to tighten employment land protection through the strengthening of adopted policies.

2023 Employment Land and Premises Needs Assessment

An update the above 2021 report was produced, feeding into the Regulation 19 evidence base for the draft Local Plan. This acknowledged a change in circumstances over the two year period, particularly in noting sustained rates of vacancy in the office floorspace sector. Indeed, the future need as reported in this assessment reduced the office floorspace need down to 23,000 sq m, with it also being noted that 15,000 sq m of office floorspace could be lost before the threshold is considered to tip into needing stronger policies for employment land protection.

i. Draft Policy 23

Draft Local Plan Policy 23 relates to Offices suggests a need to resist any loss of offices in stating: ***“There is a presumption against the loss of office floorspace in all parts of the borough. Proposals which result in a net loss of office floorspace will be refused. Any refurbishment of existing office floorspace should improve the quality, flexibility and adaptability of office space of different sizes (for micro, small, medium-sized and larger enterprises) as set out in London Plan Policy E1.”***

As noted above, the 2023 Employment Land and Premise Needs Assessment identifies that there has been a significant reduction in the need for new office floorspace. Indeed, the assessment considered that there could even be a further loss of existing stock (upto 15,000 sq m) before it would be necessary to strengthen adopted office floor protection policies.

Notwithstanding this, this draft policy is more strongly worded and more restrictive than the adopted Policy LP 41 position, with removal a mechanism to convert existing offices to other uses accompanied vacancy / marketing information. This stronger wording is not considered to be guided by the most upto date evidence base.

It is also noted in the supporting text for this policy (at paragraph 19.17) that the provision of marketing evidence would form a ***“material planning consideration”*** in proposing a change of use which isn’t supported by policy. With this in mind, it is clear that RBT appreciate the value a robust demonstration of vacancy / marketing evidence and is it unclear why therefore this mechanism has not been included in the office policy.

Whilst not referred to in the Office policy above, p.258 of the draft Local Plan notes that all existing Key Office Areas would be renamed ‘Key Business Areas’ (with the exception of one isolated site). An extract of the draft Local Plan Map , identifying the site and KBA designation, is provided at **Figure 6** below. The Article 4 Direction which restricts the conversion of commercial buildings to residential through Class MA of the GPDO covers the same KBA area.

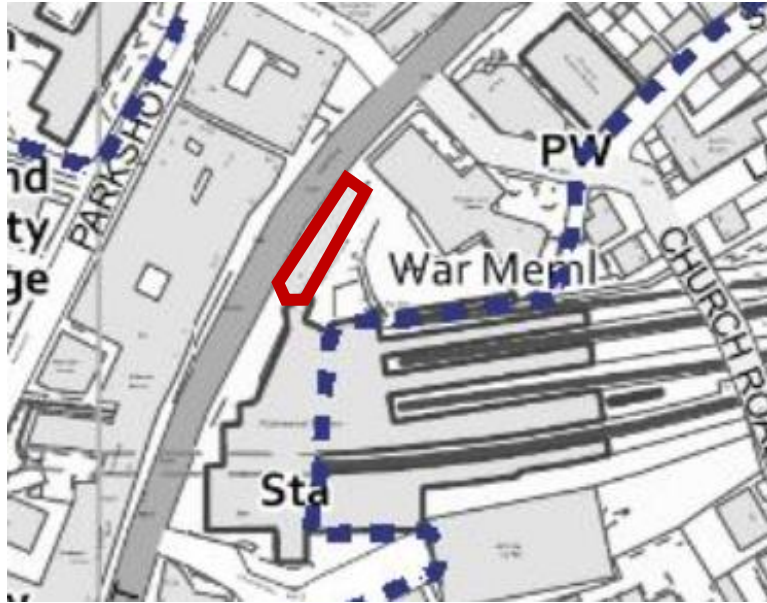


Figure 6: Extract from draft Local Plan (reg 19, 2023) (dotted blue – KBA, red line - Site)

e) BPL’s Response to the Soundness and Legal Compliance of the Draft Local Plan

Following the review of the relevant adopted planning policies and draft Local Plan’s evidence base, draft site allocation and draft policies, BPL wish to challenge the soundness and legal compliance of the following matters:

- Site Allocation 25 – Text concerning proposed uses and building heights is not justified and is not in line with the provisions of the London Plan;
- KBA’s inclusion of Westminster House – Designation is not justified; and
- Draft Policy 23, Offices – Stronger / more restrictive policy word over adopted position is not justified and wording not consistent with the NPPF or the London Plan.

These matters are discussed in turn below in responding to question 4 on the accompanying consultation response form. The draft Local Plan is not considered to meet the tests of soundness for the reasons outlined below:

- i. Site Allocation 25 – Text concerning proposed uses and building heights is not justified and is not inline with the provisions of the London Plan

The test for soundness in this respect is summarised below:

<u>The Plan is not prepared positively</u>
<p>In maintaining a strong promotion for office floorspace being a priority, the site allocation fails to acknowledge the data within the 2023 Employment Land and Premise Needs Assessment, which identifies a significant reduction in the need for new offices. Indeed the assessment acknowledges that the Richmond authority area could be withstand a considerable loss of office space before RBT are required to strengthen their office protection policy.</p> <p>In a similar manner, the site allocation needs to acknowledge the prolonged period of vacancy with marketing at Westminster House, along with the aforementioned listed at Table 1 of currently marketed former office units in the vicinity. The wording of Site Allocation 25 should therefore be more flexible to reflect localised demand and the release of surplus office accommodation for more beneficial land uses (such as residential).</p>
<u>The Plan has not been justified</u>
<p>The Council have granted two planning permissions at Westminster House for two upper levels (under permission refs. 15/530/FUL and 19/0527/FUL) in February 2016 and May 2019 (to create a 6/7-storey building). However, whilst some areas of the site allocation coverage are identified as being appropriate for tall buildings, Westminster House has been excluded from the tall or indeed the mid-rise building identification. It would be ‘sound’ to include Westminster in the tall building identification at Appendix 3 of the draft Local Plan.</p> <p>In addition, the 2023 Employment Land and Premises Needs Assessment demonstrates a significant change in office demand, and this has not been reflected in the drafting of draft the Site Allocation 25 text. With the suggestions made in the up to date evidence, it would be expected for less emphasis to be placed</p>

on retaining existing and creating new office floorspace in Site Allocation 25 over the adopted position (SA 19). However, the retention of the language used is not justified.

It would be 'sound' to acknowledge within the Site Allocation text changing market condition, with lesser emphasis on the need for more office floorspace and more emphasis for alternative uses (such as residential).

The Plan Is not consistent with National or London-wide Policy

The wording of the site allocation fails to align with the position in the London Plan, which (within the supporting text of Policy H1) encourages all London authorities to allocate certain areas within an 'Incremental Intensification' zone where more residential floorspace is actively encouraged. Whilst RBT have identified the Site as falling within this designation on their draft Policy Map, acknowledgement of this designation has not been carried over to Site Allocation wording, and should be for conformity.

ii. KBA's inclusion of Westminster House – Designation is not justified

As above, the office levels (1 and 3) at Westminster House have experienced long periods of vacancy in previous years (23 and 18 months respectively). In addition, as outlined in **Table 1**, there is a considerable number of properties (former office uses) currently on the market and vacant a short distance from our client's site.

Further to this, the London Plan's supporting text for Policy E1 (at paragraph 6.1.2) acknowledges that the office market is undergoing a **"period of reconstructing"** with (amongst other evolutive changes) **"changing work styles supportive by advances in technology"**. This has no doubt fuelled the significantly lower for office floorspace reported in the 2023 Employment Land and Premises Needs Assessment.

As such, we do not consider that there is sufficient justification to retain the destination of KBA (albeit changed from KOA) for Westminster House. The test for soundness is summarised below:

The Plan is not prepared positively

The designation of KBA hasn't been suitably informed by the available upto date evidence base. No objective assessment of the current economic output of this building (which is currently longstanding circa 66% vacant) has been undertaken, nor has any acknowledgement of the current available properties (former offices) to let / purchase in the local vicinity.

The Plan has not been justified

The draft Local Plan is absent of any justification as to why the entirety of the KBA area has once again been included in this redesignation. The sound approach would be to undertake a bespoke assessment of each property to be included would need to be included to justify such inclusion which has not been undertaken, whereby it would be concluded that Westminster House (and potentially other sites) should not fall within this designation.

The Plan is not consistent with National or London-wide Policy

In including Westminster House within this designation, the Plan fails to fall inline with the paragraph 125 of the NPPF in not optimising the use of land to meet an identified need for housing, as does it fail to accord with paragraph 120 (Part D) in promoting and supporting the development of under-utilised land and buildings.

- iii. Draft Policy 23, Offices – Stronger / more restrictive policy word over adopted position is not justified and wording not consistent with the NPPF or the London Plan.

As outlined in preceding sections, in the 2023 Employment Land and Premise Needs Assessment, there is significantly less demand for new office floorspace than had been suggested two years prior. Indeed, the assessment considered that there could even be a further loss of existing stock (upto 15,000 sq m) before it would be necessary to strengthen adopted office floor protection policies.

Notwithstanding this, this draft policy is more strongly worded and more restrictive than the adopted Policy, LP 41 position, with the removal of the mechanism to convert existing offices to other uses with robust and compelling accompanied vacancy / marketing information. This stronger wording is not considered to be guided by the most up to date evidence base, nor by the London Plan’s acknowledgement of the office market’s: **“period of reconstructing”** and: **“changing work styles”**, quoted in the preceding subheading of this letter.

It is also noted in the supporting text for policy (at paragraph 19.17) that the provision of marketing evidence would form a **“material planning consideration”** in proposing a change of use which isn’t supported by policy. With this in mind, it is clearly that RBT appreciate the value a robust demonstration of vacancy / marketing evidence and is it unclear why therefore this mechanism has not been included in the office policy. The test for soundness is summarised below:

The Plan is not prepared positively

It is considered that Policy 23 should be more flexible to reflect specific building requirements and to acknowledge the long-term vacancy of each office unit, as opposed to an unfounded, blanket restriction for loss of office.

The Plan has not been justified

The change in policy wording between the adopted LP 41 and Policy 23 sees the removal of a mechanism to allow a loss of office floor space subject to the provision of robust marketing information. This removal (hence the stronger wording / indeed higher protection of office floorspace) is unjustified given the updated data within the 2023 Employment and Premises Needs Assessment. It would be ‘sound’ to reinstate such a mechanism for when surplus office space could be released for other in-demand uses.

The Plan is not consistent with National or London-wide Policy

National and London-wide policy levels are expressive in seeking to seek to protect existing office stock for employment uses. However, at these policy levels flexibility allows conversion to other uses (including

housing) where appropriate, (as sited in the NPPF at paragraph 86 and the London Plan at Policy E1). The current drafting of this policy is not consistent with these policy levels.

f) Changes BPL Require to Make the draft Local Plan 'Sound'

Response Form Question 7 requests suggested changes to be identified as being required to make the Richmond Proposed Submission Local Plan sound and legally compliant. We consider that the following changes are required in order to ensure that the draft Local Plan is positively prepared, justified and consistent with National and London-wide policy.

i. Proposed Site Allocation 25 Changes

VISION: PROPOSED SITE, BULLET 3:

Any (~~omit: commercial~~) floorspace should enable the centre to grow and diversify in a way that brings vitality and viability and responds to changes in the retail and leisure/entertainment industries, providing commercial, business and service uses to serve the local community, create jobs and provide a destination for visitors (~~add: and provide housing for new residents to~~) bring (~~omit: -ing~~) additional benefits to Richmond town centre.

VISION: PROPOSED SITE, BULLET 4:

The site is located in the borough's largest centre and therefore there is an expectation that any proposal makes provision for employment floorspace, particularly offices, which could be in the form of flexible shared workspaces (including a proportion of affordable workspace, (~~add: subject to viability~~). However, to respond to changing market conditions, alternative uses can (subject to sufficient justification) also be appropriate).

VISION: PROPOSED SITE, BULLET 6:

The provision of housing (including policy-compliant affordable housing) in upper floors as part of a mixed-use (~~add: or indeed as standalone residential extensions~~) scheme would be appropriate (~~add: inline with the London Plan's aspiration for Incremental Intensification at this location.~~) Due to its location near a Tube, Overground and National Rail Station, the site would lend itself to a Build to Rent scheme (with policy-compliant levels of affordable rented units, (~~add: subject to viability~~).

VISION: PROPOSED SITE, BULLET 10:

The Urban Design Study identifies a small area next to the station as a tall building zone (~~add: including Westminster House~~) (7-8 storeys(~~add: +~~)), with a mid-rise zone buffer (5-6 storeys(~~add: +~~)), with the opportunity for a landmark building(~~add: s~~) that is well designed and sensitive to identified constraints, in accordance with Policy 45 Tall and Mid-Rise Building Zones. It recognises that development (~~add: must take account of~~) the scale of (~~add: some~~) the surrounding buildings, the modest scale of The Quadrant, the proximity of the residential area to the south and a number of high value heritage assets.

VISION: PROPOSED SITE, BULLET 12:

Request that this bullet point is removed until a time that an upto date Development Brief has been prepared (given that the current one referred to was published in 2002).

APPENDIX 3, PAGE 414, 'RICHMOND CENTRE':

Amend Tall Building Zone so that it includes Westminster House.

ii. Proposed Policy Map Changes

KBA:

Removal of the 'Key Business Area' designation (i.e. redrawing the boundary to exclude) in relation to Westminster House.

iii. Proposed Changes to draft Policy 23 and supporting text

POLICY 23 TEXT:

Original Policy Text:

"There is a presumption against the loss of office floorspace in all parts of the borough. Proposals which result in a net loss of office floorspace will be refused. Any refurbishment of existing office floorspace should improve the quality, flexibility and adaptability of office space of different sizes (for micro, small, medium-sized and larger enterprises) as set out in London Plan Policy E1.

Suggested Additional Policy Paragraph:

***(add:** "The loss of office floorspace for residential use will be acceptable where robust and compelling evidence confirming that there is no longer any office demand for the floorspace following a marketing exercise of two continuous years (inline with the requirements in Appendix 2) has been undertaken prior to the submission of a planning application."*

SUPPORTING PARAGRAPH 19.19:

"Where a proposal involves a change of use (~~**omit:** 'not supported by policy'~~), the Council will require satisfactory marketing evidence. An application is expected to set out why it is not suitable for continued commercial, business or service uses, and the site should be marketed both for its existing office use and alternative employment generating uses including as flexible, start-up or co-working space. Prices should be based on the local office market and on the existing quality of the accommodation. A full and proper marketing exercise can be submitted in accordance with the marketing requirements in Appendix 2. (~~**Omit:** Such evidence will be a material consideration, however provision of marketing in itself does not justify an exception to policy.'~~)"

SUPPORTING PARAGRAPH 19.24:

It is suggested that this paragraph is no longer needed given the Article 4 Direction removing permitted development (Class MA of the GPDO).

APPENDIX 2, PARAGRAPH 28.10

It is suggested that this paragraph is no longer needed given inline with the reasoning above.

Overall BPL are confident that the above amendments would allow for the plan to be considered 'sound' and legally compliant. We would be grateful if you can confirm that the above representations have been duly made and we would like to be informed on the progress of the Local Plan Review and other emerging planning policy documents.

We request that acknowledgement of this representation is made by return email and that we are kept upto date with the next stage of the Local Plan process.

Yours faithfully,



TIM WILLIAMS
Director