

Part A: Personal Details		
	1. Personal Details *	2. Agent's Details (if applicable)
Title		
First name		Nick
Last name		Alston
Job title (where relevant)		
Organisation (where relevant)	Offer Group	Avison Young
Address		65 Gresham Street London
Postcode		EC2V 7NQ
Telephone		██████████
E-mail address		████████████████████████████████████████

\*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](http://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	<input type="checkbox"/>	Sections	
Publication Local Plan (including changes to the Policies Map designations)	<input checked="" type="checkbox"/>	Page number(s)	
		Paragraph number(s)	
		Policy no./name	21 and 23
		Place-based strategy	
		Site Allocation(s) no./ name	
		Maps	
		Tables	
Sustainability Appraisal Report	<input type="checkbox"/>	Page number(s)	
		Paragraph number(s)	
Other (for example an omission or alternative approach)	<input type="checkbox"/>		

### 4. Do you consider the Local Plan is:

4.1 Legally compliant	Yes <input type="checkbox"/>	No <input 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 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](http://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 checked="" 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.***

See attached letter

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.***

See attached letter

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)**

<b>No</b> , I do not wish to participate In hearing session(s)	<input type="checkbox"/>	<b>Yes</b> , I wish to participate In hearing session(s)	<input checked="" type="checkbox"/>
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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.*

See attached letter.

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: <i>For electronic responses a typed signature is acceptable.</i>	Avison Young	Date:	21/07/23
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Our Ref:  
Your Ref:



21<sup>st</sup> July 2023

Spatial Planning and Design,  
Civic Centre,  
44 York St  
Twickenham  
TW1 3BZ

**By Email**

Dear Sir/Madam,

**Draft Richmond Local Plan (Regulation 19) Consultation Response**

We write to make a representation in relation to Policies 21 and 23 of Richmond's Publication (Regulation 19) draft Local Plan.

We write on behalf of The Offer Group Ltd, who retain an interest in Burgoine House, 8 Lower Teddington Road and other nearby properties.

Specifically, draft Policy 21 "Protecting the Local Economy (Strategic Policy)" states:

*"New development proposals will be supported which: 1. Protect existing employment floorspace for office use, with a no net loss approach..."*

Whilst draft Policy 23 "Offices: Retention of Offices" states:

*"A. 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..."*

It is our view that the above represents an overly restrictive policy position which is not sound on the following grounds:

- It is not justified – A 'no net loss' approach does not reflect the conclusions and findings of the Council's evidence base (Employment Land and Premises Needs Assessment Update April 2023);
- It is not positively prepared – Positive wording is required to effectively manage the significant amount of existing surplus (vacant/available) office floorspace in the borough (as identified in the evidence base);
- It is not in accordance with national planning policy – In particular NPPF paragraphs 82(d) and 123, and the requirement to be in general conformity with the London Plan (noting London Plan Policy E1); and
- It is not effective – as a consequence of the above, the wording of the policies is not effective.

In our view, draft Policies 21 and 23 should be amended as set out below as tracked changes to allow suitable flexibility to ensure their soundness:

### **Policy 21**

- A. The Council will seek to retain and attract investment from existing and emerging sectors to support the existing business base and create a diverse and enterprising local economy. New development proposals will be supported which:
1. Retain ~~Protect~~ existing employment floorspace ~~capacity~~ for office use, ~~with a no net loss approach~~. The intensification of existing sites in office use is encouraged, to include the introduction of complementary alternative uses, including housing. Take an employment-led approach to any redevelopment existing office floorspace for industrial use to meet local economic needs through intensification of the existing employment floorspace.

...

### **Policy 23**

#### **Retention of offices**

- A. There is a presumption against the loss of office floorspace capacity in all parts of the borough, unless robust and compelling evidence is provided which clearly demonstrates that there is no demand for an office use in that location and that there is not likely to be in the foreseeable future. This should include evidence of completion of a marketing exercise of the site at realistic prices both for the existing office use or an alternative office-based use completed over a minimum period of 12 continuous months. 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.

...

### **Reasoned Justification**

#### ***Findings of the Council's Evidence Base***

Following the Covid19 pandemic, there has been a clear rise in flexible and agile working, resulting in the need for flexibility when it comes to the use of office space and the need to respond to future changes in demand.

Therefore as part of the current consultation, the Council have updated their Employment Land and Premises Needs Assessment (April 2023). The Assessment is clear that there are high levels of vacant and available existing office space in the borough. Importantly, it confirms that this is a prolonged situation extending over an extended period of time (as opposed to a short term temporary anomaly).

Office availability in the borough at 2023 is at 25% of all stock (15% vacant office space and 10% short term occupied), a significant increase from 5% in 2019. To put this into context, the 2021 version of the aforementioned Assessment, advises that office availability in the borough was

recorded to be 21% which was assumed to be a spike as a result of Covid and that the trend would revert back to lower availability levels. As explained in the 2023 update, this did not happen, and indeed availability has risen post-Covid. The Assessment identifies that there is now a surplus of 21,000sqm of office floorspace, and so therefore the Assessment advises that:

*“in the short-term the efficient operation of the office market in the Borough would not be affected if some of that floorspace was lost” (para. 3.97)*

Indeed, the report identifies that it would take the market around five years to absorb the current 21,000sqm surplus of office floorspace. Importantly, the concluding paragraphs (4.3-4) of the Assessment supports a shift in approach in the identification of office floorspace need, stating that surplus vacant existing floorspace could be recycled for office or **for other uses**, up to the point where available supply approaches the 7.5-10% mark.

As such, the evidence base clearly supports a flexible and positively worded planning policy approach to offices, which is clearly at odds with the ‘no net less’ approach set out in draft Policies 21 and 23. As currently worded, policies 21 and 23 are simply too restrictive – a position that is not justified by the evidence. This is in the context that the borough (and London as a whole) has a finite supply of land, which is insufficient to meet its assessed development needs, particularly for housing. Therefore the protection of land for a particular use that is not needed will, as a consequence, prevent other needs being met. This is in conflict with sound planning judgement.

Given the current level of availability, and the fact that this availability has in the past 18 months increased rather than decreased, it makes sense to allow for the change of use of offices to other appropriate uses, where appropriate exceptions are met, as suggested in the proposed policy wording.

We note that draft paragraph 19.19 of the supporting text does state that the Council will require satisfactory marketing evidence where a change of use is not supported by policy. Whilst it is positive to know that the Council are amenable to this requirement, it is necessary for any exception test to be included within the text of the policy itself, in much the same way that current policy LP41 includes exceptions within the policy wording. As supporting text, the requirement does not provide sufficient clarity on the Council’s approach to decision-making. Indeed the last sentence of paragraph 19.19 states that “provision of marketing in itself does not justify an exception to policy”. The policy needs to be clear as to what criteria would comprise an exception to policy, as per our suggested wording.

The recommendation for positively worded policies in relation to surplus office floorspace permits the Council to carry out site-by-site assessments but also provides a clear planning framework for applicants, and importantly encourages the most efficient and optimal use of land within the Borough. Being clear what the criteria is for considering the loss of office accommodation in the Borough would also lead to more consistent decision making.

The rigidity of the policy fails to take account of the unique economic characteristics of individual sites and a more positively worded policy, which considers the local market and suitability of the building for office purposes, will enable the Council to properly assess the site for continued office use and then, in turn will allow a more considered discussion on alternative uses. This is vital for buildings such as Burgoine House that continue to remain protected, despite compelling evidence that reusing the vacant building for office accommodation, or its redevelopment for solely employment purposes would be unviable.

***Compliance with National Planning Policy***

The ‘no net loss’ approach to employment floorspace proposed within draft policies 21 and 23, does not align with the London Plan (2021) or the NPPF.

Paragraph 82(d) of the NPPF requires planning policies to be flexible enough to accommodate needs not anticipated in the plan, allowing for new and flexible working practices, and to enable a rapid response to changes in economic circumstances. Paragraphs 123 and 124 of the NPPF encourages a positive approach to alternative uses and efficient use of land, particularly that of employment land for homes in areas of high housing demand.

London Plan Policy E1(i) states that “the redevelopment, intensification and change of use of surplus office space to other uses including housing is supported”, whilst London Plan para. 6.1.7 states that “surplus office space includes sites and/or premises where there is no reasonable prospect of these being used for business purposes. Evidence to demonstrate surplus office space should include strategic and local assessments of demand and supply, and evidence of vacancy and marketing”. Further, London Plan policy E1(e) states:

*“Existing **viable** office floorspace capacity in locations outside the areas identified in Part C should be retained, supported by borough Article 4 Directions to remove permitted development rights where appropriate, facilitating the redevelopment, renewal and re-provision of office space where **viable** and releasing surplus office capacity to other uses.”* (emphasis added)

As such, the wording of draft policies 21 and 23 should reflect London Plan policy E1 to allow change of use from offices to other uses where it can be demonstrated through relevant evidence that the existing use is no longer viable or suitable.

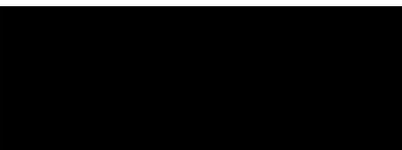
**Summary**

The proposed wording of draft policies 21 and 23 is not sound as they are not positively prepared, not justified by the evidence base, not consistent with national policy, and therefore not effective. A “no net loss” stance to offices does not allow for the necessary flexibility to respond to future changes in market trends. Indeed, the Employment Land and Premises Needs Assessment 2023 is clear that there are good levels of office availability, which would take the market at least 5 years to absorb. The conclusions of the Assessment states that policy can be positively worded to allow change of use of offices to other uses. As such, our proposed wording of policies 21 and 23 allows suitable flexibility so that they can respond to future changes in the employment market.

We trust the above comments are helpful and will be given due consideration in the formulation of the Proposed Submission Draft document.

We request to participate in the examination hearings regarding Policies 21 and 23.

Yours faithfully,



**For and on behalf of Avison Young (UK) Limited**