

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL**

BY

SHARPES REFINERY SERVICE LIMITED

SUMMARY PROOF OF EVIDENCE – PLANNING

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ON BEHALF OF

TWICKENHAM STUDIOS LIMITED

**Arlington Works, 23-27 Arlington Road
TWICKENHAM, TW1 2BB**

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1. PLANNING PROOF OF EVIDENCE – EXECUTIVE SUMMARY

- 1.1 My main Proof of Evidence has addressed the questions arising from the second reason for refusal and sets out my detailed professional opinion that the proposed development is contrary to national policy objectives, the objectives of the adopted development plan and those emerging in the draft new London Plan.

Planning policy position

- 1.2 The second reason for refusal correctly states that the development would result in the unacceptable loss of an industrial site and that there is no satisfactory evidence of a full and proper marketing campaign to demonstrate a lack of demand for the future use of the site for B2 or other appropriate employment generating uses. The reason for refusal specifically identifies conflict with Policy 4.14 of the London Plan (2016) and Policy LP42 of the adopted Local Plan (2018).
- 1.3 The Local Plan Inspector accepted that there is a shortage of industrial land across Richmond and therefore found that a robust policy framework which seeks to safeguard existing sites was justified.
- 1.4 At Section 6 the NPPF sets out to building a strong, competitive economy and paragraph 80 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It further states that weight should be placed on the need to support economic growth so that Britain can be a global leader in driving innovation and productivity. Paragraph 82 requires planning policies and decisions to recognise and address the specific locational requirements of different sectors, making provision for clusters or networks of creative or high technology industries.
- 1.5 The emerging London Plan now carried almost full weight.
- 1.6 Emerging Policies E2, E4 and E7 together seek to protect existing business spaces, ensure that there is a sufficient supply of land and premises in different parts of London to meet current and future demands for industrial and related functions, including light industry and intensify uses on existing sites. Policy E4 categorises Richmond as a “Retain Capacity” Borough.
- 1.7 Emerging Policy HC5 supports the continued growth and evolution of London’s creative industries and explains that this growth can be achieved through the intensification of an industrial area.

- 1.8 Local Plan Policy LP42 relates to industrial space and sets out at part A.1 that there is a presumption against the loss of such land across the Borough. Any loss will only be permitted where there is robust evidence of an unsuccessful full and proper marketing exercise (the requirements for which are set out at Appendix 5 of the Local Plan) of the site at a realistic price for the existing use or an alternative industrial use carried out for at least 2 years. Part A.2 then requires that development must adopt a sequential approach with redevelopment for office or other employment uses being preferred ahead of any development involving residential accommodation.

The Use Classes Order

- 1.9 On 01 September 2020 Government published a new Use Classes Order with many uses of land now falling within new and more flexible Use Classes. The change to the Use Classes Order does not have any impact on the approach to the consideration and application of the policies in the Local Plan, which still carry full weight.
- 1.10 Operations currently carried out within Use Classes B2 and B8 continue to be categorised as such. Operations within former Use Class B1 now fall within new Use Class E.

Loss of industrial use

- 1.11 Policy establishes a presumption against the loss of industrial land in all parts of the Borough with losses only being permitted where there is robust and compelling evidence which clearly demonstrates that there is no longer demand for an industrial based use both now and in the foreseeable future. The policy explains that such evidence will comprise a full and proper marketing exercise carried out across a minimum continuous period of 2 years.
- 1.12 In this case, it is clear that there is significant demand from Twickenham Studios for the use of the site, both now and in the future. This fact is long-established with formal offers having been made both historically and in the recent past. Indeed, it is relevant to note that the recent offer made by the Studios exceeds the market value of the appeal site in its current use and current quality. The proposed redevelopment of the appeal site as part of an expanded Studios campus is policy compliant.
- 1.13 It is a matter of fact that the appeal site has not been marketed for the 2 year period required by policy LP42. The appeal should, therefore, fail immediately given the conflict with the test at Policy LP42 A.1.
- 1.14 Even if the Inspector moves to consider the appeal against the sequential approach to the redevelopment of sites at Policy LP42 A.2, the proposal fails here too as a redevelopment for employment purposes (such as proposed by the Studio) has not been considered.

Permitted development changes of use

- 1.15 During the negotiation of the Statement of Common Ground, the appellants sought to establish that permitted development rights were available which would, through an ambitious daisy chain of changes, facilitate the conversion of some of the industrial space at the appeal site into dwellinghouse accommodation. This does not represent a true, viable or deliverable fallback position, not least because it is unclear whether the existing uses are lawful and on the appellant's own evidence, the poor condition of the buildings (which the Featherstone Leigh Report describes as "long past being fit for purpose") would be "impossible to address" on a piecemeal basis and because the Featherstone Leigh Report explains that no prospective tenant within any alternative use could realistically occupy the premises and operate successfully.
- 1.16 In addition, some of the changes of use (such as from office to dwellinghouse) require the submission of a prior notification application and it cannot reasonably be assumed that approval will be given.
- 1.17 Accordingly, any case which relies upon a hypothetical permitted development fallback option cannot be given weight.

Planning balance

- 1.18 Based on the available evidence, it is my opinion that the Council is able to demonstrate a 5 year supply of housing land considered against both existing and emerging London Plan targets, including a 5% buffer. In addition, the Council is able to demonstrate strong delivery of housing with the 2019 HDT showing delivery of 121% of its targets across the last 3 years. Accordingly, it is my opinion that paragraph 11d of the NPPF is not engaged.
- 1.19 Although there is a good supply and delivery of housing in Richmond, there is an evidenced shortage of industrial space in the Borough. In the current economic climate, the industrial land that exists in the Borough needs to be protected in order to support the repair and growth of the local and national economy.
- 1.20 The appeal proposal would not only result in the permanent loss of a large amount of employment land, but would also permanently prevent the expansion of Twickenham Studios, which is one of the Borough's largest employers and which has an immediate requirement to grow and which has repeatedly made offers to purchase the appeal site.
- 1.21 Based on the above, in my assessment, the planning balance in this case falls heavily in favour of a refusal.

Unacceptable impacts on the locally important Twickenham Studios.

- 1.22 While the Richmond Local Plan does not designate industrial sites, part B of Policy LP42 identifies a number of locally important industrial land and business parks. Twickenham Studios is identified such. The policy explains that in these areas, the loss of industrial space will be resisted, the expansion of existing premises will be supported and proposals for non-industrial uses will be resisted where they would impact unacceptably on industrial activities. Given the importance of these sites to Richmond, it is my opinion that reference to “*areas*” in the policy does not relate only to the specific site (in this case Twickenham Studios), but that the proper interpretation of “*areas*” is in the wider sense of the word and includes land immediately surrounding the identified sites. In my opinion, it is plainly not the intention of this part of the policy to concern itself only with activities being undertaken on the identified sites, but it intends also to address development proposals around the identified sites’ boundaries so as to ensure that development proposals are not prejudicial to the future successful operation of these locally important sites.
- 1.23 The development would cause a major interruption to activity at Twickenham Studios with the Sound Centre and Stage One becoming completely inoperable. The Sound Centre is the backbone of the Studios and it drives the Studios’ profits. It is globally renowned and has won acclaim through BAFTA and Oscar awards.
- 1.24 The proposed development of the appeal site would cause significant and damaging disruption to the operation of the Studios, in conflict direct with paragraph 180 of the NPPF, emerging London Plan Policy HC5 A1) and Local Plan Policy LP42B.