

# Appendix 4



London Borough of Hammersmith & Fulham

## Schedule of Representations & Officer Responses to the Affordable Workspace SPD Consultation

The proposed changes are expressed as ~~strikethrough~~ for deletions and underlining for additions to the text.

**NB. Officer comments and amendments have been made against the Affordable Workspace SPD, therefore please refer to the Supplementary Planning Document when looking at this schedule.**

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Rep. no	Name/Org	Consultation point	Representation	Officer Response
1	Jane Wilmot OBE  H&F Disability Forum Planning Group	General Comment	<p>12. We welcome council's draft Affordable Space SPD.</p> <p>13. It would be helpful for this SPD to mention the council's strategic aim of being the most accessible and inclusive borough in England. This is something to be proud of and it is everyone's responsibility to support Hammersmith and Fulham Council to achieve this across the borough.</p> <p>14. We support several of the principles in para 4.1 on the Industrial Strategy, Economic Growth for Everyone (2017):</p> <ul style="list-style-type: none"> <li>· To provide workspace that is local, affordable and accessible for small and medium businesses, start-ups, and not-for-profit (3rd sector) organisations</li> <li>· To provide jobs, local enterprise and opportunity for all in the borough</li> <li>· To deliver social value</li> </ul> <p>15. However, if the council is serious about workspace that is local, affordable and accessible and to provide opportunity for all (including disabled residents and disabled entrepreneurs) then this SPD must include a policy on inclusive workspace.</p> <p>16. We are not sure why there are no references to London Plan; Local Plan and LBHF Planning SPD policies on inclusive design. We recommend that this SPD adapts paragraph 5.8 on Design or para 5.9 on Accessible and Inclusive Design from the Railway Arches SPD as appropriate for inclusive workspaces.</p> <p>17. This SPD will want to be explicit that planning applications need to show how designs for proposed workspaces will be inclusive whether it is new build or repurposing existing buildings. The council may need to provide advice or funding to assist SMEs provide inclusive workspaces.</p> <p>18. This SPD should also remind SMEs of their obligations under the Equality Act 2010 to meet the access needs of disabled employees or disabled entrepreneurs in the section on Workspace Management Plan. It would be useful to include information about Access to Work funding etc.</p>	<p>In response to the Disability Forum's comments to the SPD it is agreed that the SPD could be amended to clarify that new development of affordable workspace should be accessible and inclusive in terms of design and access, including access to new employment opportunities.</p> <p><b>Change</b> Appendix A, paragraph 8.1.4 Add a new bullet point on accessible and inclusive design into 'Points to Consider':</p> <p><u>Ensure that Inclusive Design is integral to the build, fit out and management to ensure inclusive workspaces.</u></p>

2	Jane Wilmot OBE  H&F Disability Forum Planning Group	EqIA	<p>19. Finally, we do not consider that the EQIA properly deals with the impact of this SPD on disabled employees or disabled entrepreneurs. We are unclear why the section on Disability does not mention inclusive workspaces or inclusive management plans.</p> <p>20. The Council's draft Equality Plan 2021-2025 set out the Council's vision for tackling inequality and responding to the public sector equality duty. The document draws on five objectives:</p> <ul style="list-style-type: none"> <li>· Everyone in our borough must feel valued when the Covid-19 pandemic ends.</li> <li>· Removing barriers to inclusion.</li> <li>· Ensuring that our services tackle the disproportionate impact on young people of the risks of street crime and exploitation by gangs.</li> <li>· Improving opportunities for all.</li> <li>· Becoming an employer of choice and fostering greater inclusion</li> </ul> <p>21. We consider that this SPD needs to remind SMEs they should remove barriers to inclusion; improve opportunities for all and become employers of choice and fostering greater inclusion.</p> <p>22. We recommend the council reviews the EQIA to address these issues.</p>	<p>Comments noted.</p> <p>These matters are somewhat beyond the remit of this document. However individual applications will need to accord with all planning policies and guidance, and accessible and inclusive design provision is considered to be covered by other policies and standards within the Local Plan, which in turn have been subject to an EqIA .</p>
3	<i>Westfield Europe Limited</i>	<i>Evidence Reports</i>	<i>Representations on the evidence base and on Chapter 5 Approaches to meeting needs have been considered together in representation no. 6 below.</i>	
4	Westfield Europe Limited	General Comment	<p>Westfield Europe Limited have a longstanding land interest within White City, specifically the Westfield London Shopping Centre. Below we comment on the guidance outlined which is relevant to the Westfield Shopping Centre included within the SPD consultation.</p> <p><b>Approaches to Meeting Needs and Shepherd's Bush Sub-area</b></p> <p>The SPD outlines that the document is supported by an Affordable Workspace Viability Study which identifies and justifies areas of the borough where new offices/ employment space is sought, and where the market fails to provide access to meet demand for SMEs start- ups and priority sectors.</p> <p>Furthermore, it acknowledges that the provision of affordable workspace will depend on a number of factors and on the circumstances of the site and development. This acknowledgment is welcomed and considered appropriate. The SPD proposes six sub-areas where affordable workspace is considered appropriate to be located. Westfield London Shopping Centre would fall within</p>	Support welcomed

			<p>the Shepherd's Bush sub-area. It seeks for new commercial development of 1,000 sqm (gross) or more within the Shepherd's Bush sub-area to include affordable workspace with a discount to market rent of 40% or higher and apportioning 20% of space within this rental level.</p> <p>We support the provision of affordable workspace within the borough and consider this a key benefit that new commercial development can deliver.</p> <p>In summary, we support the preparation of the Affordable Workspace SPD and aspirations this seeks for future commercial developments within the borough.</p>	
5	Westfield Europe Limited	General Comment	<p>However, we do consider that this guidance needs to be applied flexibly to take into account individual site characteristics alongside other planning benefits of proposed development in order to achieve additional affordable workspace in the identified sub-areas.</p> <p>With that said, we propose that the percentage and level of discount to market should always be 'subject to viability' and this premise must be incorporated within the main guidance text to recognise this flexibility.</p>	<p>It is considered that the SPD clearly states that the Council will take into account viability on a case-by-case basis, and that the Council will take a flexible approach taking into account site specific considerations in achieving the best outcome. For example: paragraphs 1.8, 5.15, and 6.1 in the SPD, and within Local Plan policy E1.</p> <p>No change</p>
6	Westfield Europe Limited	Chapter 5 Approaches to Meeting Needs, and Evidence Reports	<p>However, the proposed discount for the Shepherd's Bush sub-area is a significant reduction compared to some of the other sub-areas identified. We note that these figures have been derived from viability evidence dated November 2020. It is important to note that the viability of developments is continuously evolving depending on policy objectives, site characteristics but also external drivers for example build costs and wider issues such as the Covid-19 pandemic. The risk of increasing costs unmatched by equivalent increases in rental values is acknowledged by Turleys in its Affordable Workspace Study – Viability Review (October 2021), where it notes that construction costs alone have increased by 4.9% in the past 12 months</p>	<p>The bespoke evidence to inform the SPD has justified thresholds, the definition of sub areas of need, and a range of discounts. A viability update was carried out in 2021 using the latest published industry data.</p> <p>Both reports make clear that they act as a guide and recommend that a site-specific approach is taken.</p> <p>Local Plan policy E1 provides for a flexible approach, taking account of site-specific circumstances, viability and impact on delivery and this is carried through into the SPD.</p>

				<p>It is relevant to note that updates to viability evidence normally take place every 5 years.</p> <p>No change</p>
7	Westfield Europe Limited	Para 5.14 and table 5.10	<p>Paragraph 5.14 of the SPD does recognise that the Council should take a flexible approach considering site-specific circumstances (and associated costs), noting that the Benchmark Land Values set out act as a guide only.</p> <p>This is welcomed but we consider additional wording must be included within Table 5.10 to make this explicit and should incorporate the term 'subject to viability' which would further assist with this premise. Indeed, the suggestion by Turleys (at paragraph 5.5) – “that each site should be assessed on its own merits (and associated costs), and that the Benchmark Land Values set out act as a guide only” – would seem to us to be appropriate wording for the SPD.</p>	<p>Support welcomed.</p> <p>It is considered that the SPD clearly states that the Council will take into account viability on a case-by-case basis and that the Council will take a flexible approach taking into account site specific considerations in achieving the best outcome. This is likely to include agreement on land values and benchmark data at time of the planning application. For example: paragraphs 1.8, 5.15, and 6.1 in the SPD, and within Local Plan policy E1.</p> <p>No change</p>
8	Westfield Europe Limited	Table 5.19	<p>In addition, whilst the draft SPD mentions the possibility for alternative means for delivering affordable workspace in Chapter 5, the examples of such alternatives appear to only be set out in Table 5.19 (which applies to developments of less than 1,000 sqm). If our understanding is correct, we would suggest that this Table is amended so that it is similarly applicable to schemes in excess of 1,000 sqm and, in addition, there should be express wording in the SPD confirming that the examples in Table 5.19 are not exhaustive.</p>	<p>Whilst this matter is already covered in paragraph 5.11 states that a mix of discounted rents and other delivery measures (i.e. such as those set out in Table 5.19), it is agreed that minor wording and formatting changes can improve clarification:</p> <p><b>Change last sentence in paragraph 5.11 to form a new paragraph 5.12:</b></p> <p>Within the areas listed above...</p> <p><b>Change Paragraph 5.12 Add text to 3rd bullet point:</b></p> <p>A mix of discounted rents and other affordable /supportive measures <b>as</b></p>

				<p><a href="#">suggested in Table 5.19</a> to meet needs of the start-ups/SMEs and priority sectors may be appropriate depending on site circumstances</p> <p><b>Change Table 5.19 Heading:</b></p> <p><a href="#">‘Examples of Alternative Measures to Support Affordable and Flexible Accommodation’</a></p>
9	Westfield Europe Limited	<b>Para 5.10/General</b>	As a general point, and in order to avoid any confusion in interpretation, the SPD should state that the requirement for affordable workspace should apply only to a percentage of the office space provided in the scheme. This would be a useful clarification as a mixed-use scheme would not be expected to provide a percentage of affordable workspace across the entirety of its space but only the office element within it. A suggestion would be to amend paragraph 5.10 to read as follows: “Subject to viability, Discounted Rents and Floorspace will be required on the office floorspace comprised within new developments where the provision of new office floorspace is over 1,000 sqm (gross) as follows:”	<p>Comments noted.</p> <p>The remit of Local Plan policy E1, this SPD and supporting evidence does not extend to mixed use developments. The SPD is not intended to be a redevelopment strategy for mixed-use development and provides general planning guidance. Mixed use schemes are considered to be matters more appropriate to site-by-site discussions rather than a blanket inclusion in the SPD.</p> <p>No change.</p>
10	Westfield Europe Limited	Chapter 6 Implementation, and Chapter 5 Approaches to Meeting Needs	Furthermore, we consider that the SPD should promote flexibility in the way that the guidance is applied as the affordable workspace package should be bespoke to the site, building, project, tenant and/or the type of workspace that is being provided. LBHF should avoid applying a strict percentage area of floorspace that is carved out to provide separate affordable workspace and should promote a flexible approach to the provision within schemes. This could include blended office schemes and co-working developments, which provide discounted fixed and hot desking, and discounted meeting rooms and conference spaces.	<p>It is considered that the SPD clearly promotes a flexible approach as does Local Plan Policy E1. The SPD also confirms that the Council will take into account viability on a case-by-case basis, and site-specific considerations in achieving the best outcome. Chapter 6 and the Appendices provide more guidance on how different typologies and delivery mechanisms can be provided.</p> <p>No change</p>

11	Deloitte LLP	Evidence Reports: Sensitivity analysis	<p>...the Viability Review states at paragraph 5.3 that the reasonable expectation to provide the proposed level is “based on current inputs”. This caveat is repeated at paragraph 5.13 of the draft AWS SPD.</p> <p>In the absence of any sensitivity analysis and Turley’s own caveat about the current inputs, we consider that the requirement for 20% affordable workspace is not based on “adequate and proportionate” evidence, as required by paragraph 31 of the National Planning Policy Framework.</p>	<p>Both evidence reports make clear that they act as a guide and recommend that a site-specific approach is taken.</p> <p>This Affordable Workspace SPD is a guidance document to support the adopted development plan policies, and while being a material planning consideration, it does not include new policy requirements.</p>
12	Deloitte LLP		<p>On this basis, we suggest that the SPD should be reviewed in the light of a more detailed viability assessment, with adequate sensitivity analysis that is publicly available.</p>	<p>The bespoke evidence to inform the SPD is considered to be robust, using the latest available local data, an industry-standard methodology, and bench marking against other London boroughs. It is considered that the evidence has sufficiently justified the definition of sub areas and a range of discounts.</p> <p>Both evidence reports make clear that they act as a guide and recommend that a site-specific approach is taken.</p> <p>This Affordable Workspace SPD is a guidance document to support the adopted development plan policies, and while being a material planning consideration, it does not include new policy requirements.</p> <p>No change</p>
15	Deloitte LLP	Chapter 5 Approaches to Meeting Needs and para 5.13	<p>The Viability Review states at paragraph 5.3 that the reasonable expectation to provide the proposed level is “based on current inputs”. This caveat is repeated at paragraph 5.13 of the draft AWS SPD.</p> <p>In the absence of any sensitivity analysis and Turley’s own caveat about the current inputs, we consider that the requirement for 20% affordable workspace is</p>	<p>Refer to response to representation 12 above.</p> <p>No change</p>



			not based on “adequate and proportionate” evidence, as required by paragraph 31 of the National Planning Policy Framework.	
16	Deloitte LLP	Table 5.10 and general approach in Chapter 5	<p>Consistent with other London Boroughs, we expect that the Council’s requirement for affordable workspace provision should be no higher than 10%. In any case, the AWS SPD does not override the test in Policy E1 Providing for a range of employment uses in the Hammersmith &amp; Fulham Local Plan 2018 that the amount of affordable workspace suitable can be justified by the type and nature of the proposal and be subject to viability.</p> <p>If the Council pursues an SPD requirement that seeks too much affordable workspace, it could place at risk its Local Plan policy objective to provide economic growth in accordance with Policy E1.</p>	<p>The SPD is a guidance document and does not set policy. It is considered that the SPD clearly promotes a flexible approach as does Local Plan Policy E1. The SPD also confirms that the Council will take into account viability on a case-by-case basis, and site-specific considerations in achieving the best outcome rather than stifle delivery.</p> <p>No change.</p>
17	Deloitte LLP	Table 5.19 and para 5.16	<p>We have reviewed the alternative measures to support affordable and flexible accommodation in Table 5.19 of the AWS SPD. We request that paragraph 5.16 is clarified to confirm that the alternative measures can be used for all developments (and not just those below the 1,000 sqm gross viability threshold), in accordance with the viability test in Policy E1.</p> <p>We have the following comments on the proposed alternative measures:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Where fit out costs are required to be covered by the developer, the costs of those works should be taken into account when assessing the amount of affordable workspace to be provided</li> <li><input type="checkbox"/> Affordable workspace should not be provided in perpetuity. We propose that the space is retained for at least 30 years unless otherwise agreed with the determining authority</li> <li><input type="checkbox"/> We support the principle of allowing off-site provision or payments in lieu where supported by the viability of the proposed development</li> </ul>	<p>This suggested change is not accepted in the case of all developments.</p> <p>However, officers agreed that the site-specific approach discussed in the preceding paragraph 5.15 could mean that the best outcome on delivery may be a mix of discounted rents and alternative measures to secure affordable workspace such as those shown in table 5.19.</p> <p>Minor changes for clarification have been made as set out in response to representation no. 8</p>
18	Patrizia (Daniel Watney LLP)	Evidence Reports: Viability in Hammer-smith	<p>The draft SPD states that within Hammersmith Town Centre, 20% of floorspace within major commercial developments will be required to be provided at a discount to market rent of 40% or higher. In short, Patrizia considers that there is no evidence that there is a need for this amount of affordable workspace in major new development, nor a robust evidence base which demonstrates that the approach is viable.</p>	<p>The bespoke evidence to inform the SPD is considered to be robust, using the latest available local data, an industry-standard methodology, and bench marking against other London boroughs. It is considered that the evidence has sufficiently justified the definition of sub areas and a range of discounts.</p> <p>Both evidence reports make clear that they act as a guide and</p>

				<p>recommend that a site- specific approach is taken.</p> <p>This Affordable Workspace SPD is a guidance document to support the adopted development plan policies, and while being a material planning consideration, it does not include new policy requirements.</p> <p>No change</p>
19	Patrizia (Daniel Watney LLP)	Evidence Reports:	<p>It is considered that the Viability Report supporting the draft SPD, and in particular its October 2021 update, is not credible evidence demonstrating that the approach is viable. Curiously the market commentary provided in chapter 3 of the 2021 update refers to the changing market conditions due to COVID, however, the commentary is not then reflected in the assumptions set out in section 4. Examples are provided below: The October 2021 viability report uses a headline rent in Hammersmith Town Centre of £55/sqft, which is an increase of 8% from the 2020 version. Advice from Patrizia's agents is that this level of rent is absolute prime and reflects a very few number of lettings in a fewer number of developments within the Town Centre. It is not reflective of the overall market level. Rents for refurbished office stock, which is also new development and should therefore be relevant, have fallen and are between £40/sqft and £50/sqft. The rent-free periods being offered at the moment to secure lettings are substantial, and in the order of 15-18 months on a 5- year term, rather than the 12 months referred to in the viability report. Construction costs have risen dramatically and continue to do so. The rise has been broadly 10-20%; and the 5% allowance in the viability report is a significant underestimation. The use of 15% profit on GDV as the level of return being sought by investors is inaccurate. Most approach on an IRR basis, which in the current economic climate, probably equates to 20-25% profit on cost if not more.</p>	<p>The bespoke evidence to inform the SPD is considered to be robust, using the latest available local data, an industry-standard methodology, and bench marking against other London boroughs. It is considered that the evidence has sufficiently justified the definition of sub areas and a range of discounts.</p> <p>Both evidence reports make clear that they act as a guide and recommend that a site- specific approach is taken.</p>
20	Patrizia (Daniel Watney LLP)	General Comment	<p>We write on behalf of Patrizia, a major investor in Hammersmith Town Centre, to provide comment on the above document.</p> <p>Patrizia is supportive of the Council's objective to encourage local businesses. It also recognises that Policy E1 of the adopted Local Plan states that the Council will require flexible and affordable space suitable for small and medium enterprises in large new business developments, unless justified by the type and nature of the proposal and subject to viability.</p>	<p>Support noted</p> <p>The SPD is a guidance document only. Whilst it will be a material consideration in determining planning applications, it does not attempt to set or go beyond existing policy.</p>

			Patrizia is however concerned, and therefore objects to, the amplification of this policy as set out in the draft SPD and in particular, its approach towards Hammersmith Town Centre	It is considered that the SPD clearly promotes a flexible approach as does Local Plan Policy E1. The SPD also confirms that the Council will take into account viability on a case-by-case basis, and site-specific considerations in achieving the best outcome rather than stifle delivery.  No change.
21	Patrizia (Daniel Watney LLP)	Chapter 4 Who Needs Affordable Workspace	1 Lack of evidence of need: There is no market failure that needs to be addressed through such an excessive approach as that referred to in the draft SPD. Evidence from Co-star indicates that there is currently in excess of 1 million sqft of vacant office floorspace within Hammersmith Town Centre representing 14.7% of the total stock. This is the highest level since before the financial crisis and has occurred as occupiers have released space during the pandemic, and as leasing activity has slowed. Vacancy has increased by circa 11% since 2020 and is projected to continue increasing towards 1.5 million sqft by 2024. Much of the accommodation is low cost and rents have been, and are, falling. The overall market rent is 3% less than its peak a few years ago, with the fall of rents for secondary offices considerably greater. There is therefore already a large supply of available office floorspace within the Town Centre that provides a range of business unit sizes and prices, without a need to specify that a significant proportion of major new development should also be made available at a highly discounted rate.	The London Plan 2021, and the Hammersmith and Fulham Local Plan identify market failures and a resulting need for affordable workspace, and both have been supported by appropriate evidence.  The bespoke evidence to inform the SPD has justified thresholds, the definition of sub areas of need, and a range of discounts. A viability update was carried out in 2021 using the latest published industry data.  Both reports make clear that they act as a guide and recommend that a site- specific approach is taken.  Local Plan policy E1 provides for a flexible approach, taking account of site-specific circumstances, viability, and impact on delivery and this is carried through into the SPD The SPD is a guidance document and does not set policy. No change.
22	Patrizia (Daniel Watney LLP)	Chapter 5 Approaches to Meeting Needs and para 5.13	2. Lack of robust evidence which demonstrates that the approach is viable It is considered that the Viability Report supporting the draft SPD, and in particular its October 2021 update, is not credible evidence demonstrating that the approach is viable. Curiously the market commentary provided in chapter 3	The bespoke evidence to inform the SPD is considered to be robust, using the latest available local data, an industry-standard methodology,

			<p>of the 2021 update refers to the changing market conditions due to COVID, however, the commentary is not then reflected in the assumptions set out in section 4. Examples are provided below: The October 2021 viability report uses a headline rent in Hammersmith Town Centre of £55/sqft, which is an increase of 8% from the 2020 version. Advice from Patrizia's agents is that this level of rent is absolute prime, and reflects a very few number of lettings in a fewer number of developments within the Town Centre. It is not reflective of the overall market level. Rents for refurbished office stock, which is also new development and should therefore be relevant, have fallen and are between £40/sqft and £50/sqft. The rent-free periods being offered at the moment to secure lettings are substantial, and in the order of 15-18 months on a 5- year term, rather than the 12 months referred to in the viability report. Construction costs have risen dramatically and continue to do so. The rise has been broadly 10-20%; and the 5% allowance in the viability report is a significant underestimation. The use of 15% profit on GDV as the level of return being sought by investors is inaccurate. Most approach on an IRR basis, which in the current economic climate, probably equates to 20-25% profit on cost if not more.</p>	<p>and bench marking against other London boroughs. It is considered that the evidence has sufficiently justified the definition of sub areas and the range of discounts.</p> <p>Both reports make clear that they act as a guide and recommend that a site- specific approach is taken.</p> <p>It is relevant to note that that the SPD is a guidance document and does not set policy, and that it confirms that the Council will take into account viability and site-specific considerations on a case-by-case basis.</p> <p>No change.</p>
23	Patrizia (Daniel Watney LLP)	Chapter 5 Approaches to Meeting Needs And General comment	<p>3. Conclusion</p> <p>In light of the above, Patrizia requests that the Council re-looks at the evidence base to the draft SPD and reconsiders whether the SPD is necessary. Patrizia considers that it is not, certainty at this point in time and seeks a pause and reflection to enable a full assessment of post-lockdown office requirements and viability. Policy E1 of the Local Plan already provides a mechanism through which affordable workspace can be negotiated on a case-by-case basis having regard to the circumstances of an individual scheme; and this is a better approach than now adding as an additional layer, the overly prescribed, and excessive approach of the draft SPD given current uncertainties in the office market. Indeed, it is considered that the progression of the draft SPD would be counter-productive to securing new investment and office development in Hammersmith Town Centre which will be important to economic recovery. A covenant to make available 20% of space at a discount of 40% or higher has potentially a very significant impact on the attractiveness of pursuing major new office development. It has a considerable impact on viability and raises the prospect of significant design inefficiencies through a need to provide separate facilities, dual entrances, cores and communal spaces in order to keep the service charges associated with the affordable space down. It also compromises the ability to attract commercial tenants and pre-lets which are essential to funding as it places constraints on the space available and on the design specification. The complexity that it raises in relation to the practical management of the space is considerable as well, including how to determine when a business has become too successful to occupy such accommodation. In</p>	<p>The SPD has been drafted to improve implementation of Local Plan policy E1 and the Council's Industrial Strategy objectives. The SPD encourages early discussions and sets out a range of measures to deliver affordable workspace.</p> <p>The bespoke evidence to inform the SPD has justified thresholds, the definition of sub areas of need, and a range of discounts. A viability update was carried out in 2021 using the latest published industry data.</p> <p>Both reports make clear that they act as a guide and recommend that a site- specific approach is taken.</p> <p>Local Plan policy E1 provides for a flexible approach, taking account of site-specific circumstances, viability, and impact on delivery and this is</p>

			<p>this context, it should only be pursued if there is a compelling and credible evidence base to support it, which there currently is not</p>	<p>carried through into the SPD.</p> <p>The SPD is also in line with the London Plan policy objectives.</p> <p>It is relevant to note that that the SPD is a guidance document and does not set policy, and that it confirms that the Council will take into account viability and site-specific considerations on a case-by-case basis.</p> <p>Management of the resulting affordable workspace achieved will normally be carried out by the Council's approved Affordable Workspace Providers with an approved management plan in place, and a suggested template included in the SPD (Appendix A) which covers the monitoring and reporting of occupiers/ tenants.</p> <p>No change</p>
24	Romulus Construction Limited (Gerald Eve)	Evidence Reports	<p><b>Viability</b></p> <p>The SPD states that local viability analysis on discounted rent has been carried out and refers to a supporting evidence document titled 'Affordable Workspace Study – Viability Review' dated October 2021. The study uses BCIS, which does not account for inflation or any changes to sustainability legislation and the significant costs with achieving net zero carbon, which is another priority for the Borough. From the information provided, it is also unclear whether the evidence is based on new build schemes in central London. It would be helpful to understand if this proposal has been benchmarked against the build costs for recent London office schemes (non zone 1). If this is not the case then we would suggest that such testing is undertaken.</p> <p>Local Need and Evidence Base The draft SPD policy should also allow flexibility to respond to the market and the local need at the time of the determination of an application. It should also allow for reviews to be undertaken to ensure any policy is relevant to the ever-evolving workspace market, particularly in the context of changing workspace habits prompted unprecedented events such as COVID-19. What is clear from data collected for our clients is that even before</p>	<p>The bespoke evidence to inform the SPD is considered to be robust, using the latest available local data, an industry-standard methodology, and bench marking against other London boroughs. It is considered that the evidence has sufficiently justified the definition of sub areas and a range of discounts.</p> <p>Both evidence reports make clear that they act as a guide however and recommend that a site- specific approach is taken.</p> <p>This Affordable Workspace SPD is a guidance document to support the adopted development plan policies,</p>

			<p>COVID-19 the office market in Hammersmith was oversupplied and softening, and headline rents for offices and serviced office desks were beginning to fall. COVID-19 has made this worse, and the over-supply is greater and rents are falling. These are market conditions which the proposed draft SPD would simply ignore</p>	<p>and while being a material planning consideration, it does not include new policy requirements. No change</p>
25	Romulus Construction Limited (Gerald Eve)	General Comment	<p>We write on behalf of Romulus Construction Limited to make representations to the Draft LB Hammersmith and Fulham Draft Affordable Workspace Revised SPD, dated November 2021. Our clients have taken legal advice. We are advised that there is no doubt that the proposed affordable workspace policy has been inadequately consulted upon, and goes beyond the scope of the Local Plan.</p> <p>The case of <i>Wakil (t.a. Orya Textiles) v LB Hammersmith and Fulham (2013)</i> is directly on the point.</p> <p>There has not been sufficient meaningful consultation in accordance with the Town and Country Planning (Local Planning (England) Regulations 2012 with interested parties. Moreover the matters dealt with in the policy properly fall within the definition of a Development Plan Document in the 2012 Regulations as ‘any document prepared by a local planning authority ....., which contains statements regarding one or more of the following— (i)the development and use of land which the local planning authority wish to encourage during any specified period’. (ii)the allocation of sites for a particular type of development or use;..... (iv)development management .... policies, which are intended to guide the determination of applications for planning permission;’</p> <p>By contrast Regulation 2(1) defines SPD as follows “supplementary planning document” means any document of a description referred to in regulation 5 (except an adopted policies map or a statement of community involvement) which is not a local plan “local plan” is defined as any document of the description referred to in regulation 5(1)(a)(i), (ii) or (iv).....and for the purposes of section 17(7)(a) of the Act these documents are prescribed as development plan documents;</p> <p>For this reason, it is clear that the SPD is not a Development Plan Document, and that it would be unlawful to proceed.</p> <p>We set out our comments and concerns below regarding the proposed approach to the delivery of affordable workspace.</p> <p><b>Issues Arising from the Proposed Affordable Workspace SPD</b></p> <p>Notwithstanding our position that our client does not agree that it would be lawful to adopt affordable workspace requirements as an SPD or indeed necessary, we set out our comments and concerns below regarding the principles set out in the draft SPD.</p> <p><b>Plan Making</b></p>	<p>The comments appear to have misinterpreted the role of the SPD. See response to representation 24.</p> <p>The Affordable Workspace SPD is a guidance document to support the adopted development plan policies and while being a material planning consideration, it does not present new policies. It supports the Local Plan, which alongside the supporting Local Plan evidence, has been found sound.</p> <p>The SPD has been prepared and consulted on in full compliance with the Regulations. Reference to the tests of soundness in this context are not relevant therefore.</p>

			<p>The National Planning Policy Framework February 2021 identifies that Plans are “sound” if they are:</p> <p>(a) Positively prepared – provided 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; (</p> <p>b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;</p> <p>(c) Effective – deliverable over the planned 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</p> <p>(d) Consistent with National Policy – enabling the delivery of sustainable development in accordance with the policies in this framework.</p> <p>Paragraph 11 of the NPPF states plans and decisions should apply a presumption in favour of sustainable development. “For plan making” this means that: (a) Plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change; (b) Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless; ( i) The application of policies in this framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.” Paragraph 15 notes that inter alia up-to-date plans should provide a framework for addressing housing needs and other economic, social and environmental priorities. At paragraph 16 it is noted that plans should “be prepared positively, in a way that is aspirational but deliverable”... and “contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”.</p>	
26	Romulus Construction Limited (Gerald Eve)	General Comment	<p><b>Conclusion</b></p> <p>As currently written, it is considered that the draft SPD is both unsound and unlawful when assessed against the tests set by the NPPF.</p> <p>The draft requirements, which include delivering affordable workspace in perpetuity, are substantially more onerous when compared to other affordable workspace requirements in London and do not account for changing markets, inflation, unprecedented events and significantly exceeds the plan period, to which the draft SPD relates. This could have the adverse impact of discouraging developers from investing in the Borough, which in turn could have an adverse impact on the supply of affordable workspace.</p>	Refer to responses to representations nos 24 and 25 above.

			Our clients will keep this matter under close review and will wish to challenge any move which seeks to extend Development Plan Documents unlawfully. The Council should not seek to proceed with this policy as SPD	
27	Romulus Construction Limited (Gerald Eve)	Chapter 2 Policy Context	<p><b>Economic Growth</b> Section 6 of the NPPF relates to building a strong, competitive economy. It states: "Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development..." The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future." Hammersmith and Fulham published an Industrial Strategy 'Economic Growth for Everyone' in 2017, which seeks to ensure that economic growth in the borough is supported and inclusive. The Strategy emphasises the need to create affordable workspace. It is understood that the draft Affordable Workspace SPD which the Council have produced would help with the delivery of this strategy, as well as building a strong economy in line with the objectives of the NPPF.</p> <p>From reviewing the draft document, we note that there are some key factors which need to be addressed, to ensure a balance is made between delivering necessary affordable workspace and encouraging investment in LB Hammersmith and Fulham, particularly in the context of other London Boroughs, which have less onerous affordable workspace requirements.</p> <p><b>London Plan 2021 – Affordable Workspace</b> Policy E2 states that Boroughs should include policies that include a range of business sizes and an appropriate range of rents to meet the needs of micro and SME units. The threshold should be for development proposals including new B class business floorspace greater than 2,500 sqm or a locally determined lower threshold. Policy E3 states that requirement for affordable workspace should be based on need and viability. The policy requires the terms of affordable workspace to be set out in S106 agreements, including evidence that the space will be managed by a workspace provider that has a long term commitment to social, cultural and economic impacts.</p> <p><b>Local Plan 2018</b> Policy E1 states that schemes which include new employment uses, will require flexible and affordable space suitable for small and medium enterprises in large new business developments, unless justified by the type and nature of the proposal and subject to viability. When considering new employment floorspace or the extension of existing floorspace the council will also take into account:</p>	<p>Comments noted.</p> <p>Refer to response to representation no 23.</p>



			<p>a) whether the scale and nature of the development is appropriate, having regard in particular to local impact, the nature of the surrounding area, and public transport accessibility;</p> <p>b) impact upon small and medium sized businesses that support the local community;</p> <p>c) scale and nature of employment opportunities generated in the new development;</p> <p>d) whether there will be displacement of other uses such as community facilities or housing; and</p> <p>e) the Hammersmith and Fulham Economic Growth Plan and the council economic strategies.</p>	
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28	Romulus Construction Limited (Gerald Eve)	Chapter 4, Who Needs Affordable Workspace- Paragraph 4.6	<p><b>Issues Arising from the Purpose and Principle of Affordable Workspace</b></p> <p>In addition to the fundamental concern with the proposed procedure for securing affordable workspace in the Borough, our client is concerned that the principle of seeking to secure affordable workspace in the Borough, in the context of the economic and market situation at the current time would be counter-productive.</p> <p>At present, there is an over-supply and reduction in effective office rents in Hammersmith, for both leased and serviced office stock.</p> <p>Prior to COVID-19 there was an oversupply of office stock, with headline rents simultaneously falling. This trend has then been exacerbated by the pandemic, resulting in a greater oversupply and further reduced rents. It is unclear how the proposed SPD and affordable workspace requirements address and acknowledge this wider market issue surrounding office stock. <a href="#">To evidence this point, please find enclosed two letters from agents within the office market who have provided an overview of the market position.</a> This includes a letter Frost Meadowcroft whom are a local agency in the Borough and a letter prepared by JLL, whom can provide commentary on the wider market situation.</p>	<p>Additional background information noted.</p> <p>The SPD has been drafted to improve implementation of Local Plan policy E1 and the Council's Industrial Strategy objectives. The SPD encourages early discussions and sets out a range of measures to deliver affordable workspace. Local Plan policy E1 provides for a flexible approach, taking account of site-specific circumstances, viability and impact on delivery and this is carried through into the SPD.</p> <p>It is relevant to note that that the SPD is a guidance document and does not set policy, and that it confirms that the Council will take into account viability and site-specific considerations on a case-by-case basis.</p> <p>The bespoke evidence to inform the SPD has justified thresholds, the definition of sub areas of need, and a range of discounts. A viability update was carried out in 2021 using the latest published industry data.</p> <p>Both evidence reports make clear that they act as a guide and recommend that a site- specific approach is taken.</p>
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29	Romulus Construction Limited (Gerald Eve)	Chapter 5 Approaches to Meeting Needs	Refer representations on Viability and Market Analysis in Evidence Base comments above	See response to representation no 26 above
30	Romulus Construction Limited (Gerald Eve)	Paras 5.8-5.10 ; Table 5.10 and para 5.13	<p>The draft Supplementary Planning Document seeks to set out the requirement for discounted rents and floorspace will be on new commercial developments over 1,000sqm and that evidence has supported a range of discounts to be applied, across the different wards in the Borough.</p> <p><b>Quantum</b> Each location set out in the draft document requires 20% of all commercial floorspace to be provided as affordable workspace, with a discount market rent of 40% or higher in Hammersmith Centre, which is an area of particular interest to our client, Romulus. Whilst it is noted that Policy E1 of the Local Plan sets out that this is subject to viability, this is a substantially higher requirement than other comparable London Boroughs, which are all seeking a provision of 10% of office floorspace.</p> <p>Furthermore, other Boroughs have calculated the provision on the basis of uplift, not gross floorspace. The draft document suggests that the requirements are in relation to gross floorspace, which would penalise and discourage applicants seeking to improve and upgrade existing redundant commercial floorspace.</p> <p>Given the potential adverse consequences, we would suggest that the policy only applies to uplift and uplift should be defined as NIA uplift, as GIA does not consider ancillary space such as back of house or circulation space, which is not linked to any specific users of large multi-let buildings.</p> <p>This has been recently tested in the Lambeth Local Plan Examination in Public at the end of 2020, where the Inspector amended the draft policy wording to apply to uplift in office area rather than gross and considered that this would encourage more SME provision.</p> <p>Notwithstanding that the draft policy is considerably more onerous than comparable policies across London, it also does not reflect the market context. As outlined earlier in the letter, there was an oversupply of office floorspace prior to COVID-19, which saw a fall in headline rents. The pandemic has since exacerbated this, with oversupply levels now even greater and rents lower than prior to COVID-19.</p> <p>As a result, the proposed 20% requirement does not reflect the current market situation, nor does it encourage and promote recovery in the office market following the COVID-19 pandemic.</p>	<p>Comments noted.</p> <p>The bespoke evidence to inform the SPD has justified thresholds, the definition of sub areas of need, and a range of discounts. A viability update was carried out in 2021 using the latest published industry data.</p> <p>Both reports make clear that they act as a guide and recommend that a site- specific approach is taken.</p> <p>Local Plan policy E1 provides for a flexible approach, taking account of site-specific circumstances, viability, and impact on delivery and this is carried through into the SPD.</p> <p>As the SPD is guidance, the Council considers the current wording is acceptable.</p> <p>Discussions would be informed by how far a schemes would take forward local plan policy and Industrial Strategy objectives, however these are considered to be matters more appropriate to site-by-site discussions rather than a blanket inclusion in the SPD.</p> <p>No change</p>

			It is therefore considered that the SPD should seek a maximum of 10% of net office floorspace uplift, as NIA (Class E (g)), given that the floorspace would also be liable to pay CIL and also expected to be zero carbon. This amendment to the draft policy would strike a balance between providing a supply of affordable workspace in the Borough, whilst continuing to encourage the required investment in the area, which is necessary to deliver the affordable workspace.	
31	Romulus Construction Limited (Gerald Eve)	Table 5.19 and Appendix A Table 8.1.3	<p><b>Timescales</b></p> <p>The draft SPD requires that the affordable workspace should be provided in perpetuity. There is no clear financial viability evidence to support this position. This approach is considered wholly inappropriate as it is longer than the plan period and is therefore contrary to the NPPF, which states that for plans to be sound they need to be effective. Effective is defined as deliverable over the plan period.</p> <p>Other comparable London Boroughs require the provision of affordable workspace for a period ranging from 15-20 years. It is strongly suggested that this approach should be reviewed and adopted in the SPD as well.</p>	The SPD has been drafted to improve implementation of Local Plan policy E1 and the Council's Industrial Strategy both of which identify affordable workspace needs. The timescales do in fact reflect those in other London boroughs. The policy has been found to be sound deliverable over and beyond the plan period until there is sufficient evidence that this need can be satisfied by the prevailing local market conditions. As the SPD is guidance, the Council considers the current wording is acceptable.
32	Romulus Construction Limited (Gerald Eve)	Table 5.19 and Appendix A Table 8.1.3	<p><b>Timing of Delivery</b></p> <p>It should be recognised that the non-affordable workspace provision and occupation enables the delivery of the affordable workspace elements. The draft SPD does not refer to timescales but we would suggest a phased approach to the delivery is included, to enable a percentage of the non-affordable workspace to be delivered and occupied prior to the affordable workspace elements. This provides a mechanism to both secure the affordable workspace in a timely manner, whilst also assisting with funding and cashflow, enabling the affordable workspace to be delivered.</p> <p>For masterplan schemes there should be an ability to 'pro rata' the affordable workspace provision.</p>	Comments noted. The timing of delivery/phasing are considered to be matters more appropriate to site-by-site discussions rather than a blanket inclusion in the SPD. As this is guidance, the Council considers the current wording is acceptable.
33	Yoo Capital (Gerald Eve)	General	We write on behalf of our client to formally comment on the guidance contained within the draft Affordable Workspace Supplementary Planning Document. The consultation seeks comment on draft policy guidance relating to the requirement for the provision of affordable workspace on new commercial office floorspace. It is understood that that consultation period is open for comment until 17th December 2021. Our client has interests in a number of sites within the borough,	

			<p>most notably Kensington Olympia and is the majority freeholder of the Shepherd's Bush Market Site.</p> <p>They actively monitor sites suitable for regeneration and redevelopment in the borough and have a keen interest in Hammersmith and Fulham.</p> <p>While the need for the delivery of affordable workspace from new commercial office floorspace is recognised, we have set out below some comments in relation to the proposed approach to the delivery of affordable workspace.</p>	
34	Yoo Capital (Gerald Eve)		<p><b>Plan Making</b></p> <p>The National Planning Policy Framework February 2021 identifies that Plans are "sound" if they are:</p> <p>a) Positively prepared – provided 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;</p> <p>b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;</p> <p>c) Effective – deliverable over the planned 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</p> <p>d) Consistent with National Policy – enabling the delivery of sustainable development in accordance with the policies in this framework.</p> <p>Paragraph 11 of the NPPF states plans and decisions should apply a presumption in favour of sustainable development. "For plan making" this means that</p> <p>a. Plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;</p> <p>b. Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless;</p> <p>i. The application of policies in this framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or</p> <p>ii. (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole."</p> <p>Paragraph 15 notes that inter alia up-to-date plans should provide a framework for addressing housing needs and other economic, social and environmental priorities.</p>	<p>The comments appear to have misinterpreted the role of the SPD. Refer to response to representation 24.</p> <p>The Affordable Workspace SPD is a guidance document to support the adopted development plan policies and while being a material planning consideration, it does not present new policies. It supports the Local Plan, which alongside the supporting Local Plan evidence, has been found sound.</p> <p>The SPD has been prepared and consulted on in full compliance with the Regulations. Reference to the tests of soundness in this context are not relevant therefore.</p>

			<p>At paragraph 16 it is noted that plans should “be prepared positively, in a way that is aspirational but deliverable”... and “contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”.</p> <p><b>The Draft SPD Principles</b></p> <p>It is considered that the proposed affordable workspace policy goes beyond the scope of the Local Plan and has not been correctly consulted upon. The case of <i>Wakil (t.a. Orya Textiles) v LB Hammersmith and Fulham (2013)</i> is relevant to this. There has not been sufficient meaningful consultation in accordance with the Town and Country Planning (Local Planning (England) Regulations 2012 with interested parties.</p> <p>The matters dealt with in the policy properly fall within the definition of a Development Plan Document in the 2012 Regulations as ‘any document prepared by a local planning authority..., which contains statements regarding one or more of the following:</p> <ul style="list-style-type: none"> <li>i. the development and use of land which the local planning authority wish to encourage during any specified period’.</li> <li>ii. the allocation of sites for a particular type of development or use;</li> <li>iii. any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i); and</li> <li>iv. development management... policies, which are intended to guide the determination of applications for planning permission;</li> </ul> <p>Regulation 2(1) defines SPD as follows:  “supplementary planning document” means any document of a description referred to in regulation 5 (except an adopted policies map or a statement of community involvement) which is not a local plan.  For this reason, the policy is not an SPD and it is considered it would be unlawful to proceed.</p>	
35	Yoo Capital (Gerald Eve)	Chapter 2 Policy Context	<p><b>Compliance with National Framework</b></p> <p>Chapter 6 of the NPPF relates to ‘Building a strong, competitive economy.’ The policy sets out that ‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.’</p>	<p>The comments appear to have misinterpreted the role of the SPD. See response to representation 24.</p> <p>The Affordable Workspace SPD is a guidance document to support the adopted development plan policies and while being a material planning consideration, it does not present new policies. It supports the Local</p>

			<p>The onerous nature of the SPD clearly hampers the ability to support economic growth in so far as it encourages developers to consider alternative land use proposals in order to ensure the viability of development proposals.</p> <p><b>Compliance with London Plan policy</b>  The London Plan 2021 supports ‘improvements to the to the quality, flexibility and adaptability of office space of different sizes (for micro, small, medium-sized and larger enterprises) should be supported by new office provision, refurbishment and mixed-use development.’</p> <p>Again, the onerous nature of the draft policies relating to affordable workspace compromises the ability for this ambition to be achieved in Hammersmith and Fulham and prejudices the wider London Plan strategy.  In addition to the above, representations on the viability evidence used to support the draft policy should be cross referred to in other Gerald Eve representations submitted on behalf of other clients.  I trust the above provides a helpful representation of our clients view on the proposed approach to affordable workspace.  The concluding view is that it is disproportionate to requirements in other boroughs and so ultimately viability issues are likely to arise on a number of schemes coming forward which will adversely affect the stock of workspace floorspace across the borough.</p> <p>The provisions of the draft SPD should be reconsidered in respect of:  1) The quantum of space sought for affordable workspace in development schemes;  2) The levels of discount against market rates to be applied;  3) The requirement for affordable workspace to be provided in perpetuity as opposed to for a fixed term;  4) The Payment in Lieu Calculator;  5) The offsite provision; and  6) The application of the above points to gross development floorspace.</p> <p>We’d strongly recommend the policy revisited to avoid developers considering sites in alternative boroughs to ensure viability of office stock coming forwards in order to meet the aims of both the NPPF and the London Plan 2021.</p>	<p>Plan, which alongside the supporting Local Plan evidence, has been found sound.</p> <p>It is also in line with the London Plan policy objectives.</p> <p>The SPD has been prepared and consulted on in full compliance with the Regulations. Reference to the tests of soundness in this context are not relevant therefore.</p>
36	Yoo Capital (Gerald Eve)	Chapter 5 Paras 5.8-10 and table 5.10	<p>The Supplementary Planning Document sets out the requirement for discounted rents and floorspace will be on new commercial developments over 1,000sqm and that evidence has supported a range of discounts to be applied:  <u>Townmead and Imperial</u>  Major industrial developments to include affordable industrial space with a discount to market rent of 40% or higher; apportioning 20% of space in industrial developments over 1,000 sqm</p>	<p>The bespoke evidence to inform the SPD is considered to be robust, using the latest available local data, an industry-standard methodology, and bench marking against other London boroughs.</p>

		<p><u>Hammersmith Centre</u> Major commercial developments to include affordable workspace with a discount to market rent of 40% or higher; apportioning 20% of space in developments over 1,000 sqm</p> <p><u>Olympia and West Brompton</u> Major commercial developments to include affordable workspace with a discount to market rent of 20% or higher; apportioning 20% of space in developments over 1,000 sqm</p> <p><u>Shepherd's Bush</u> Major commercial developments to include affordable workspace with a discount to market rent of 40% or higher; apportioning 20% of space in developments over 1,000 sqm</p> <p><u>Fulham Centre</u> Major commercial developments to include affordable workspace with a discount to market rent of 20% or higher; apportioning 20% of space in developments over 1,000 sqm</p> <p>Furthermore, the guidance proposes that the discount market rent will be in perpetuity.</p> <p>The first point to be made is the comparison between this and other boroughs for example which shows the draft LBHF requirement to be significantly more onerous than other boroughs, both in terms of the quantum of floorspace to be given over as affordable workspace and the level of discount to market rate to be applied. Our principal concern with the SPD drafted is the quantum and level of discount sought.</p> <p>In Camden, the Employment CPG document (Camden planning guidance) sets out that developers should work with Camden's Inclusive Economy Team to agree appropriate levels of affordability on a case-by-case basis. Whilst the benchmark is set at 20% provision at 50% market discount, our experience on a number of schemes is that provision has ranged from 4-19%. The discount agreed has ranged between 20% and 50% for a period of 10 years. LB Southwark have recently adopted their new Local Plan 2019-2036 and set out clearly that development proposing over 500sqm GIA of employment floorspace must deliver 10% affordable workspace provision for a period of at least 30 years.</p> <p>LB Lambeth require affordable workspace on uplift of office floorspace at varying levels dependent on the location of the site:</p> <ul style="list-style-type: none"> <li>• In Waterloo/Southbank and Vauxhall developments proposing at least 1000m2 gross office floorspace should provide 10 per cent of the rentable floorspace (Net Internal Area (NIA)) at 50 per cent of market rents for a period of 15 years;</li> </ul>	<p>It is considered that the evidence has sufficiently justified the definition of sub areas and a range of discounts.</p> <p>Both evidence reports make clear that they act as a guide and recommend that a site- specific approach is taken.</p> <p>This Affordable Workspace SPD is a guidance document to support the adopted development plan policies, and while being a material planning consideration, it does not include new policy requirements.</p> <p>No change</p>
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			<ul style="list-style-type: none"> <li>• In Oval, Kennington and Clapham developments proposing at least 1000m2 gross office floorspace should provide 10 per cent of the rentable floorspace (NIA) at 80 per cent of market rents for a period of 15 years;</li> <li>• In the Brixton Creative Enterprise Zone (CEZ) developments proposing at least 1000m2 gross office floorspace should provide 10 per cent of the rentable floorspace (NIA) as affordable workspace for a period of 25 years with the following discounts on market rents</li> </ul> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;">CEZ within town centre boundary</th> <th style="text-align: center;">CEZ outside town centre boundary</th> </tr> </thead> <tbody> <tr> <td>Between 1000sqm and 5000sqm</td> <td style="text-align: center;">No discount</td> <td style="text-align: center;">50% of market rents</td> </tr> <tr> <td>Between 5001sqm and 10,000sqm</td> <td style="text-align: center;">65% of market rents</td> <td style="text-align: center;">65% of market rents</td> </tr> <tr> <td>Greater than 10,000sqm</td> <td style="text-align: center;">50% of market rents</td> <td style="text-align: center;">80% of market rents</td> </tr> </tbody> </table>		CEZ within town centre boundary	CEZ outside town centre boundary	Between 1000sqm and 5000sqm	No discount	50% of market rents	Between 5001sqm and 10,000sqm	65% of market rents	65% of market rents	Greater than 10,000sqm	50% of market rents	80% of market rents	
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37	Yoo Capital (Gerald Eve)	Table 5.19 and Appendix A para 8.1.3	<p><b>Lifespan of the policy</b></p> <p>The proposal to require discounted market rents in perpetuity in LBHF presents an extremely onerous demand on developers and doesn't take into account any change in market which may affect the viability of the floorspace coming forwards at a discounted market rent. It is considered wholly inappropriate as it is longer than the plan period. Other comparable London Boroughs require the provision of affordable workspace for a period ranging from 15-20 years.</p>	See response no. 31												
38	Yoo Capital (Gerald Eve)	Para 5.10	<p><b>Quantum</b></p> <p>Furthermore, the draft policy is applied to gross floorspace as opposed to uplift [which is the case in most other boroughs], which means developers are penalised on redundant existing floorspace. The implication being that the incentive for developers to redevelop redundant and not fit for purpose office stock will be significantly reduced, perhaps even removed.</p> <p>The significantly more onerous requirement proposed runs a serious risk of compromising employment floorspace. It is likely developers will opt for alternative land use proposals if the affordable workspace requirements are found to make schemes unviable.</p> <p>In policy terms, the National Planning Policy Framework sets out that 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 into account relevant market signals.</p>	See response no. 30												

			As detailed above the lifespan of the policy does not take into account relevant market signals and so in that regard, the preparation of the SPD does not comply with the national policy framework for plan-making.	
39	Yoo Capital (Gerald Eve)	Paras 5.18-19 and Table 5.19	<p><b>Offsite Provision</b> The Draft SPD sets out that affordable workspace maybe provided off-site only in exceptional circumstances. It must be in close proximity to existing accommodation and agreed and ready for occupation prior to the grant of planning permission.</p> <p>It is considered that to have the off-site space ready for occupation prior to the grant of planning permission is entirely onerous. This would require the applicant to have agreed terms with the off-site location, and requires significant upfront funding to provide the space, all prior to obtaining planning permission on the main site which is obviously incredibly high risk.</p> <p>It is suggested that this should be amended to require the provision of the off-site space to be ready for occupation within 6 months of the main site being occupied. This allows for the funds to provide the workspace to be derived from the main site delivery.</p>	<p>As recommended in the Evidence reports, the SPD clarifies that a flexible, site-specific by site approach will be taken, with the overall aim to achieve the optimal outcome rather than stifle development.</p> <p>Discussions would be informed by how far a schemes would take forward local plan policy and Industrial Strategy objectives however these are considered to be matters more appropriate to site-by-site discussions rather than a blanket inclusion in the SPD. This would include discussions to provide the certainty and details on how the off-site affordable workspace would be delivered.</p> <p>No change.</p>
40	Stanhope PLC (Gerald Eve)	Evidence Reports	There are fundamental issues raised with the viability study that has been used as the foundation upon which the affordable workspace SPD has been drafted.	The purpose of the viability evidence reports is to provide borough-wide evidence for an SPD. This means that broad assumptions had to be made, and therefore the outputs are more general in order to inform a borough-wide SPD, rather than be targeted in terms of specific site testing. Therefore it is a guide to provide a starting point to assist site-specific discussions. The report acknowledges that BCIS is a generic benchmarking tool and has been used as a guide, and the viability of their inclusion, as with other inputs into viability is

				<p>appropriate to agree on a case by case basis</p> <p>The bespoke evidence to inform the SPD has justified thresholds, the definition of sub areas of need, and a range of discounts. A viability update was carried out in 2021 using the latest published industry data.</p> <p>Both reports make clear that they act as a guide and recommend that a site- specific approach is taken.</p> <p>Local Plan policy E1 provides for a flexible approach, taking account of site-specific circumstances, viability, and impact on delivery and this is carried through into the SPD.</p> <p>As the SPD is guidance, the Council considers the current wording is acceptable.</p>
41	Stanhope PLC (Gerald Eve)	Evidence Reports/ Chapter 4	<p><b>Affordable Workspace Demand:</b> It is not clear what market evidence the Local Authority has gathered to justify the need to provide 20% affordable workspace in terms of local demand. It is considered that the office market in Hammersmith and Fulham was oversupplied before the pandemic with rents for offices beginning to fall. COVID-19 has then exacerbated this oversupply. Clear evidence should be published to justify the need for the provision the SPD is seeking.</p>	See comment to no 40.
42	Stanhope PLC (Gerald Eve)	Evidence Reports: Viability Update Report 2021/ and Chapter 5 para 5.13	<p><b>Viability</b> The SPD states that local viability analysis on discounted rent has been carried out and refers to a supporting evidence document titled 'Affordable Workspace Study – Viability Review' dated October 2021.</p> <p><b>Benchmark Land Value</b> All the testing is based on an assumption of the BLV being industrial land and it doesn't test for any alternative or more valuable site uses being redeveloped for office. It also cross references the H&amp;F CIL</p>	<p>See response no 40.</p> <p>The bespoke evidence to inform the SPD has justified thresholds, the definition of sub areas of need, and a range of discounts. A viability update was carried out in 2021 using the latest published industry data.</p>

Viability Study undertaken by Peter Brett in 2014 and the £10m - £14m per hectare BLV it adopts. The study only allows a 15% increase on this but doesn't evidence where this is from. Adopting the "only industrial land" approach since 2014 where industrial rents have increased and yields have come in – the 15% cannot be justified.

**Yields**

5.5% has been adopted but there does not appear to be any differentiation for the yield on the affordable workspace which will naturally have a tenant with a far weaker covenant.

**Construction Costs and BCIS**

The study uses BCIS which is naturally backward looking and does not account for inflation to today or recent changes to sustainability legislation and planning policy requiring net zero carbon buildings and the significant increased costs associated with this.

When using the BCIS and specifically Office data, the system defaults to schemes since 2013. If this is then filtered for New Build (i.e. no conversions / refurbishes etc) the system gives only 13 examples, none of which are central London. The BCIS tool is completely irrelevant to provide data for London Office schemes.

From experience of recent London (non Zone 1) schemes with stand-alone offices that form part of them, the build costs are all higher than the ones used in the viability study. We would be happy to provide you examples of these.

The below costs have been sourced from the Cost Data section of Building Magazine. Two models are available as set out here. It is considered these are more realistic and relevant.

Model type	£/m2	Date of Model	£/m2 (Q4 2021)	£/sqft (Q4 2021)
Fringe London Office	3155	Q3 2109	3305	307
Net Zero Office	3616	Q2 2021	3834	356

**Capital Contributions** Given the intended nature of the affordable workspace occupiers, our experience from other Boroughs (mostly Hackney where affordable workspace policy has been around for many years) is that they are seeking significant capital contributions in addition to the discounted rent. The viability study does not appear to take any account of these costs. If these were included, it would change the conclusions of the viability study would change and the policy would need to be updated to reflect this.

Both reports make clear that they act as a guide and recommend that a site- specific approach is taken.

Local Plan policy E1 provides for a flexible approach, taking account of site-specific circumstances, viability, and impact on delivery and this is carried through into the SPD.

As the SPD is guidance, the Council considers the current wording is acceptable.

Discussions would be informed by how far a schemes would take forward local plan policy and Industrial Strategy objectives, however these are considered to be matters more appropriate to site-by-site discussions rather than a blanket inclusion in the SPD.

43	Stanhope PLC (Gerald Eve)	General	While the need for the delivery of affordable workspace is recognised, we have set out below some comments in relation to the proposed approach to the delivery of affordable workspace.	Supporting comment noted
44	Stanhope PLC (Gerald Eve)	General	<p><b>Plan Making</b> The National Planning Policy Framework February 2021 identifies that Plans are “sound” if they are:</p> <ul style="list-style-type: none"> <li>(a) Positively prepared – provided 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;</li> <li>(b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;</li> <li>(c) Effective – deliverable over the planned 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</li> <li>(d) Consistent with National Policy – enabling the delivery of sustainable development in accordance with the policies in this framework.</li> </ul> <p>Paragraph 11 of the NPPF states plans and decisions should apply a presumption in favour of sustainable development. “For plan making” this means that:</p> <ul style="list-style-type: none"> <li>(a) Plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;</li> <li>(b) Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless; <ul style="list-style-type: none"> <li>(i) The application of policies in this framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or</li> <li>(ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.”</li> </ul> </li> </ul> <p>Paragraph 15 notes that inter alia up-to-date plans should provide a framework for addressing housing needs and other economic, social and environmental priorities. At paragraph 16 it is noted that plans should “be prepared positively, in a way that is aspirational but deliverable”... and “contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”.</p> <p><b>The Draft SPD Principles</b> As currently written, it is considered that the SPD is unsound as it goes beyond the scope of the Local Plan and has not been correctly consulted upon.</p>	<p>The comments appear to have misinterpreted the role of the SPD. See response to representation 24.</p> <p>The Affordable Workspace SPD is a guidance document to support the adopted development plan policies and while being a material planning consideration, it does not present new policies. It supports the Local Plan, which alongside the supporting Local Plan evidence, has been found sound.</p> <p>The SPD has been prepared and consulted on in full compliance with the Regulations. Reference to the tests of soundness in this context are not relevant therefore.</p>

			<p><i>The case of Wakil (t.a. Orya Textiles) v LB Hammersmith and Fulham (2013)</i> is relevant to this.</p> <p>There has not been sufficient meaningful consultation in accordance with the Town and Country Planning (Local Planning (England) Regulations 2012 with interested parties.</p> <p>The matters dealt with in the policy properly fall within the definition of a Development Plan Document in the 2012 Regulations as 'any document prepared by a local planning authority ....., which contains statements regarding one or more of the following— (i) the development and use of land which the local planning authority wish to encourage during any specified period'. (ii) the allocation of sites for a particular type of development or use; iv) development management .... policies, which are intended to guide the determination of applications for planning permission;</p> <p>Regulation 2(1) defines SPD as follows "supplementary planning document" means any document of a description referred to in regulation 5 (except an adopted policies map or a statement of community involvement) which is not a local plan "local plan" is defined as any document of the description referred to in regulation 5(1)(a)(i), (ii) or (iv).....and for the purposes of section 17(7)(a) of the Act these documents are prescribed as development plan documents; For this reason, the policy is not an SPD and it is considered it would be unlawful to proceed.</p>	
45	Stanhope PLC (Gerald Eve)	Chapter 2 Policy context	<p><b>Policy Context</b></p> <p><b>Economic Growth</b></p> <p>Section 6 of the NPPF relates to building a strong, competitive economy. It states: "Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development..." The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future." Hammersmith and Fulham council has published an Industrial Strategy 'Economic Growth for Everyone' in 2017, which seeks to ensure that economic growth in the borough is supported and inclusive. A key feature of the strategy is 'Creating Affordable Workspace'. It is understood that this draft SPD aims to help deliver this together with building a strong economy in line with the NPPF.</p> <p>However, there are some key factors that need to be addressed to ensure this draft SPD and its requirements do not have the reverse effect and discourage future investment in LB Hammersmith and Fulham, compared to other London boroughs that are considered to have more realistic expectations of what can be delivered.</p>	See response no 23.

			<p><b>London Plan 2021</b> – Affordable Workspace Policy E2 states that Boroughs should include policies that include a range of business sizes and an appropriate range of rents to meet the needs of micro and SME units. The threshold should be for development proposals including new B class business floorspace greater than 2,500 sqm or a locally determined lower threshold.</p> <p>Policy E3 states that requirement for affordable workspace should be based on need and viability. The policy requires the terms of affordable workspace to be set out in S106 agreements, including evidence that the space will be managed by a workspace provider that has a long term commitment to social, cultural and economic impacts.</p> <p><b>Local Plan 2018</b> Policy E1 states that schemes which include new employment uses, will require flexible and affordable space suitable for small and medium enterprises in large new business developments, unless justified by the type and nature of the proposal and subject to viability. When considering new employment floorspace or the extension of existing floorspace the council will also take into account:</p> <p>a) whether the scale and nature of the development is appropriate, having regard in particular to local impact, the nature of the surrounding area, and public transport accessibility;</p> <p>b) impact upon small and medium sized businesses that support the local community;</p> <p>c) scale and nature of employment opportunities generated in the new development;</p> <p>d) whether there will be displacement of other uses such as community facilities or housing; and</p> <p>e) the Hammersmith and Fulham Economic Growth Plan and the council economic strategies</p>	
46	Stanhope PLC (Gerald Eve)	Chapter 3 What is Affordable Workspace And, Chapter 4 Who Needs Affordable Workspace: Para 3.2; Paras 4.1- 4.4	<p>Indeed, Policy E3 of the London Plan 2021 sets out the Mayors approach to affordable workspace and notes that the intention is to secure office use with rents that are below the market rate for social, cultural or economic development purposes such as charities and space for cultural uses including rehearsal space. Part A of Policy E3 of the draft London Plan states:</p> <p>“In defined circumstances set out in Parts B and C below, planning obligations may be used to secure affordable workspace (in the B Use Class) at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose such as:</p> <p>1) for specific sectors that have social value such as charities, voluntary and community organisations or social enterprises</p> <p>2) for specific sectors that have cultural value such as creative and artists’ workspace, rehearsal and performance space and makerspace</p> <p>3) for disadvantaged groups starting up in any sector</p>	<p>Comments noted.</p> <p>The Affordable Workspace SPD is a guidance document to support the adopted development plan policies and while being a material planning consideration, it does not present new policies.</p> <p>The SPD also confirms that the Council will take into account viability on a case-by-case basis, and site-specific considerations in achieving the best outcome. Chapter 6 and the Appendices provide more guidance on how</p>

			<p>4) supporting educational outcomes through connections to schools, colleges or higher education</p> <p>5) supporting start-up and early stage businesses or regeneration".</p> <p>Furthermore, paragraph 6.3.2 states that:          "Affordable workspace is defined here as workspace that is provided at rents maintained below the market rate for that space for a specific social, cultural, or economic development purpose"</p> <p>With this in mind, it is therefore considered that the intention of the policy should allow such space to be provided on a basis that can best support local needs and not be restricted by the Use Class but rather a definition of workspace. The requirements and needs of the new enterprises benefitting from affordable workspace are still evolving and Stanhope consider the policy should allow for this.</p>	different typologies and delivery mechanisms can be provided.
47	Stanhope PLC (Gerald Eve)	Chapter 5 Approaches to Meeting Needs Table 5.19	<p><b>Timescales for Provision</b></p> <p>The draft SPD requires that the affordable workspace be provided in perpetuity without providing any evidence or justification to support this approach. This approach is considered wholly inappropriate as it is longer than the plan period and needs of the future economy need to be flexible and adaptable to change. Other comparable London Boroughs require the provision of affordable workspace for a period ranging from 15-20 years.</p> <p>It is strongly suggested that this approach should be adopted in the SPD as well</p>	Refer to response no.31
48	Stanhope PLC (Gerald Eve)	Paras 5.7-5.10 and Table 5.10	<p><b>Market testing</b></p> <p>There is growing evidence in other Boroughs where affordable workspace obligations have been adopted that there is a disconnect between the affordable rent the policy allows/requires and the rent that the approved affordable workspace providers will pay. It is considered that the council should test the demand / ability of affordable workspace providers to pay the rents that would result from this proposed policy. If affordable workspace providers cannot afford to pay the rents suggested then the reality is that the developer has to discount even deeper to deliver the obligation.</p>	The SPD is guidance and will be applied flexibly to ensure that the optimal outcome is achieved against the policy requirements but is not so onerous as to be unviable. The Local plan policy, SPD and Viability evidence reports state that a site-by-site consideration is appropriate. This can include a mix of discount and other mechanisms as suggested by, but not necessarily those limited to those set out in the SPD
49	Stanhope PLC (Gerald Eve)	Table 5.19 and Appendix A para 8.2.1	<p><b>Payment in Lieu Calculator</b></p> <p>We believe there is an error in the formula in the SPD. Input "H" is "rent after discount" less "market rent for the discounted floorspace before discount". This naturally generates a negative number. So when H is then used in the final calculation (multiplying it by the yield factor) it produces a negative number. As such the PIL is always negative.</p>	Officers welcome the comment identifying a minor typographical error which has been corrected as follows:  <b>Change:</b>



				<p>Payments in Lieu calculator: correction</p> <ul style="list-style-type: none"> <li>• Step 5 from <b>J=(1xI)</b> to <b>J= (1/I)</b></li> </ul>
50	Stanhope PLC (Gerald Eve)	Table 5.10 Para 5.11 Appendix A	<p><b>The Offer</b></p> <p>Whilst the principle of seeking provision of affordable workspace is supported, it is considered that some flexibility should be built into the policy to enable a truly meaningful offer to be delivered. It is considered that a floorspace only offer would not go far enough to meet the aspirations the policy is trying to achieve.</p>	<p>Supporting comment noted. The SPD has been drafted to improve implementation of Local Plan policy E1 and the Council's Industrial Strategy objectives. The SPD encourages early discussions and sets out a range of measures to deliver affordable workspace. Local Plan policy E1 provides for a flexible approach, taking account of site-specific circumstances, viability and impact on delivery and this is carried through into the SPD.</p> <p>It is relevant to note that that the SPD is a guidance document and does not set policy, and that it confirms that the Council will take into account viability and site-specific considerations on a case-by-case basis.</p>
51	Stanhope PLC (Gerald Eve)	Chapter 6 Implementation	<p>Stanhope have experience of affordable workspace hubs at their other Sites such as the Gateway site in White City and believe that discounted space is more effective if supporting services are provided also. These services are vital to the success of new start-up companies such as mentoring services, lectures, co-working arrangements, technical support, coaching, amenities, synergy with an industry in close proximity etc.</p> <p>In addition, where you have a significant quantum of office workspace being provided, other forms of affordable workspace that fall under alternative use classes can be beneficial to supporting that office element and can provide much needed discounted space for start-up businesses in line with local need. For example:</p> <ul style="list-style-type: none"> <li>• Coffee shop/ restaurant units</li> <li>• Fitness / health &amp; Wellbeing start; and</li> <li>• Social and community uses such as a community space for use by a charity, or social group that cannot afford to pay full rent for hire etc.</li> </ul>	<p>Comments noted.</p>

52	Stanhope PLC (Gerald Eve)	Chapter 4, Who Needs Affordable Workspace- Paragraph 4.6	<p><b>Local Need</b> The draft SPD policy should also allow for local need to be assessed at the time of determination of an application but should allow for reviews to be undertaken to adapt and evolve local requirements in the future.</p>	<p>Comments noted. As recommended in the Evidence reports, the SPD clarifies that a flexible, site-specific by site approach will be taken, with the overall aim to achieve the optimal outcome rather than stifle development and as such a range of measures in included to promote affordable workspace delivery, such as discounted deskpace, flexibility and site-by site considerations are explicitly referred to.</p>
53	Stanhope PLC (Gerald Eve)	Table 5.19 and Appendix A Table 8.1.3	<p><b>Timing of Delivery</b> It should be recognised that the non-affordable workspace provision and occupation enables the funds for the delivery of the affordable workspace elements and therefore it may be helpful to include a timed approach that enables a percentage of non-affordable workspace to be delivered and occupied prior to the affordable workspace elements; or a mechanism that requires delivery of affordable workspace within 6 months of occupation of the non-affordable workspace.</p>	Refer to response no 32
54	Stanhope PLC (Gerald Eve)	Chapter 6 Implementation and Appendix B Para 8.3.5	Separately on masterplan/ phased schemes, there should be the ability to 'pro rata' the affordable workspace provision. For example, if a scheme has several office plots that will all be delivered at different times, then the minimum requirement should be for the affordable workspace element associated with the floorspace of the office floorspace in that phase to be delivered.	<p>As recommended in the Evidence reports, the SPD clarifies that a flexible, site-specific by site approach will be taken, with the overall aim to achieve the optimal outcome rather than stifle development and as such a range of measure in included to promote affordable workspace delivery, such as discounted deskpace, flexibility and site-by site considerations are explicitly referred to.</p> <p>The SPD is not intended to be a redevelopment strategy for specific /major regeneration sites. It provides general planning guidance. Discussions would be informed by how far a schemes would take forward local plan policy and Industrial Strategy objectives</p>

				however these are considered to be matters more appropriate to site-by-site discussions rather than a blanket inclusion in the SPD.
55		Appendix B Para 8.3.5	<p><b>Viability Reviews</b> Late stage reviews on “large” (undefined!) schemes are sought, and late stage and interim stage reviews on phased schemes. There is currently no detail included on how this will be structured.</p> <p>On phased schemes, and in particular the interim reviews, the suggestion is that any additional requirement will be put on future phases. Given the pre-let nature of office development and funding, It is considered that providing additional floorspace as additional affordable workspace in the later phases would not work in practice.</p> <p>Comparably, we are not aware of review mechanisms being imposed on affordable workspace in other Borough policies. Given the current market pressures around office, and the conflicting / competing requirements of affordable housing reviews we’d question whether such obligations are reasonable or would act as a disincentive for office development. It would certainly increase risk.</p>	<p>Comments noted.</p> <p>Local Plan policy E1 provides for a flexible approach, taking account of site-specific circumstances, viability and impact on delivery and this is carried through into the SPD.</p> <p>The SPD also confirms that the Council will take into account viability on a case-by-case basis, and site specific considerations in achieving the best outcome.</p> <p>Chapter 6 and the Appendices provide more guidance on how different typologies and delivery can be achieved. This includes use of review mechanisms, however as befits a guidance document, these are not prescriptive.</p>
56	ECDC (Earls Court Development Company)	Evidence Reports:	<p><b>Comments on evidence base</b> ECDC are concerned to ensure that the draft SPD has been informed by robust analysis, particularly as it is applied to complex sites such as Earls Court which are allocated for mixed-use development and where a bespoke approach would be appropriate.</p> <p>a. Absence of local needs analysis Criteria C of Policy E3 (Affordable Workspace) of the London Plan states that Boroughs should consider detailed affordable workspace policies in light of local needs and viability. Paragraph 1.5 of the draft SPD itself recognises that the SPD’s focus is on local needs.</p> <p>However, it is not apparent that the draft SPD has been formulated with an understanding of what local needs actually comprise. Whilst the supporting original Hatch/Turley report includes examples of affordable workspaces and sets out general trends and generic workspace requirements (paragraph 3.20 to 3.25), it provides no analysis about how much affordable workspace exists, what can be expected to be delivered through consented development and the extent of any local demand/shortages (including whether this differs geographically across the borough). The evidence base supporting the adopted Local Plan also</p>	<p>Refer to responses no 30, 40-41</p> <p>The SPD is not intended to be a redevelopment strategy for specific /major regeneration sites. It provides general planning guidance.</p>

			<p>doesn't provide an up-to-date understanding of local needs. For example, the February 2016 Employment Study prepared by Frost Meadowcroft is more than 5 years old and only provides data on the different sizes of business not on the need or supply of affordable workspace.</p> <p>Evidence on these matters would help to inform the scale and nature of what is required. At a very basic level, we would expect there to have been analysis of established or recent affordable workspace provision in the borough and its success or otherwise. Several major planning permissions in the borough (including Fulham Gas Works, Olympia, The Gateway Site, Hammersmith Town Hall) have included significant employment components and S106 obligations have imposed affordable workspace requirements – often with 5% of net additional floorspace and differing approaches to discounts and payments in lieu.</p> <p>No evidence has been provided to explain why the approach taken in these permissions, which is significantly less than is now being suggested, is no longer sound.</p>	
57	ECDC (Earls Court Development Company)	Evidence Reports	<p>b. Technical comments KF/JLL have a number of observations on the methodology adopted in the original Hatch/Turley report which we share below and which we trust will be given careful consideration:</p> <p>Figure 3.3 the proportion of micro businesses shown is useful but needs quantifying to try to determine demand. Company data from IDBR for LBHF would provide an understanding of where companies are based across the Borough and also what type of space they occupy. A number of sole traders may well have a higher propensity to work from home and so may not need affordable workspace but could need other business support.</p> <p>Para 3.15 The employment numbers relate to West London not just Hammersmith &amp; Fulham; however, the wording seems to indicate that the scenarios relate to LBHF.</p> <p>Page 37 This is entitled 'Focus on commercial property trends' and cites asking rents rather than achieved rents. Achieved rents are a better indication of what companies have actually paid. Incentives also do not appear to have been taken into consideration, which in the current market have increased and therefore have reduced the rent paid by many tenants. Para. 4.15 (Calculating average rent paid by business) - it is difficult to understand how the sector breakdown has been derived. It states that "CoStar do not provide data on individual businesses- so premises data is converted to business data." In fact, CoStar do provide data on individual tenancies so it would be possible to be more accurate. With this data it is possible to consider the differences in rents paid between different sizes of business.</p> <p>Table 4.4. Floorspace per worker is high and doesn't consider any changes resulting from hybrid working. It is based on standard employment densities for a range of managed workspace types without a source being provided. It would be</p>	<p>Refer to responses no 30, 40-41</p> <p>The SPD is not intended to be a redevelopment strategy for specific /major regeneration sites. It provides general planning guidance.</p>

			more relevant to consider employment bands relating to SMEs for example to be consistent with the business analysis.	
58	ECDC (Earls Court Development Company)	Evidence Reports	<p>c. Viability Page 58 of the Hatch/Turley Report confirms that viability has been tested solely on the basis of employment floorspace. No reliance can therefore be placed on the viability aspect of the evidence base for major mixed-use schemes such as Earls Court where, as explained, there are important site specific costs and the commercial aspect must help to underpin the deliverability of future comprehensive development.</p> <p>KF/JLL have also queried several other aspects of the viability analysis in the Hatch/Turley report:</p> <ul style="list-style-type: none"> <li>• Whilst the viability work indicates that the schemes are viable at 20% affordable, there is no robust justification for the 20% of new floorspace to be affordable - given that the report clearly states that most other boroughs' requirement is 10% and no assessment of demand has been included.</li> <li>• The October 2021 update report mentions that demand is expected to be subdued in the future. This may also have an impact on the demand for affordable space, which combined with a rising supply may lead to reduced rents and increased incentives across the borough and will impact on affordability. This would also impact on the viability of new schemes.</li> <li>• Section 5 (viability appraisal) - costs are considered to be on the low side, particularly given cost inflation. For example, 10% professional fees, 10% externals and 5% contingency are all relatively low. Construction at £253 per sq ft to Cat A level is very light in comparison to the type of product which Earls Court could deliver.</li> <li>• The Benchmark Land Values are unclear – it seems that these have been derived from a 2014 Peter Brett Associates report (inflated by 15%) which assessed industrial land value at Old Oak Park as well as a 2019 CBRE review of a Car Giant scheme at Hythe Road. We would question how relevant these values are to an office site in Earls Court/West Brompton and recommend a more bespoke approach</li> </ul>	Refer to responses no 30, 40-41
59	ECDC (Earls Court Development Company)	General Comment	<p>We write on behalf of the Earls Court Development Company ('ECDC'), in response to the Borough's consultation on its Affordable Workspace Supplementary Planning Document ('the SPD').</p> <p>ECDC are in the early stages of preparing new mixed-use application proposals for the Earls Court site, which will include a significant employment component. Along with homes and other uses, new commercial floorspace at Earls Court will be very important for its success as a new destination by contributing to placemaking and providing a range of employment opportunities and amenities for residents and visitors to the area. ECDC see affordable workspace an</p>	Comments on the proposed provision of new affordable workspace are noted.

			important part of its ambition to provide a showcase for research, innovation and production at Earls Court.	
60	ECDC (Earls Court Development Company)	General Comment	As we explain below, it is important for the SPD to avoid being overly prescriptive in respect of the affordable workspace provision at the Earls Court site in recognition of the unique scale and nature of the opportunity, local requirements and viability considerations.	Comments noted. The SPD is not intended to be a redevelopment strategy for specific /major regeneration sites. It provides general planning guidance.
61	ECDC (Earls Court Development Company)	General Comment	<p><b>Summary and conclusions</b></p> <p>Along with homes and other uses, new commercial floorspace at Earls Court will be very important for its success as a new destination by contributing to placemaking and providing a range of employment opportunities and amenities for residents and visitors to the area. As part of the employment offer, ECDC share many of the Council's objectives and see affordable workspace as an important part of its ambition to provide a showcase for research, innovation, growth and production at Earls Court.</p> <p>ECDC have significant concerns about fixing high proportions of workspace at Earls Court, which far exceed the proportion being sought in other boroughs in London. These headline figures are not supported by evidence of need and such a high provision for Earls Court is unlikely to be viable and unlikely to deliver the right character of affordable space that local businesses will need.</p> <p>As set out in these representations, we therefore strongly recommend treating Earls Court differently from other sites with no more than 10% of employment floorspace to be provided on the basis of discounts and/or other incentives.</p> <p>A bespoke Earls Court Affordable Workspace Scheme needs to be carefully curated, taking account of a range of factors including the scale, location and character of workspace on the Site and how this it set up to incubate firms and complement employment clusters elsewhere in the borough.</p>	Ref to response no 60. The remit of Local Plan policy E1, this SPD and supporting evidence does not extend to mixed use developments. The SPD is not intended to be a redevelopment strategy for mixed use development and provides planning guidance to support Local Plan policy E1. Mixed use schemes are considered to be matters more appropriate to site-by-site discussions rather than a blanket inclusion in the SPD. No change
62	ECDC (Earls Court Development Company)	Chapter 4 Who Needs Affordable Workspace	<p><b>3 Practical considerations Avoiding oversupply of the wrong type of workspace</b></p> <p>Initial feasibility work suggests that some parts of a future masterplan for Earls Court would be well suited to affordable workspace and could help to create a richer mix of uses and more varied character. However, physically accommodating a significant proportion of workspace would require spaces better suited to other uses or prime commercial floorspace to be inhabited instead. KF/JLL advise that even at a reduced level of say 10%, this would require a huge quantity of separate deals for SMEs who will typically require small spaces on flexible leases.</p> <p>They advise that new-build commercial space is not necessarily always the right fit for potential affordable workspace occupiers, and a 'corporate headquarters'</p>	Comments noted. Refer to response no. 61. In addition, and in line with Local Plan Policy E1, the SPD does set out that in exceptionally payment in Lieu or off-site provision of affordable workspace can be appropriate delivery mechanisms, and the focus will be to achieve the optimal output rather than stifle development.  No change.

			<p>atmosphere not always appropriate for the local, creative and cultural uses that an affordable workspace policy should be targeting.</p> <p>KF/JLL consider this could create significant practical difficulties, including the type of space not being particularly well suited to occupiers needs, where for instance, larger footplate employment buildings may be more difficult to subdivide for the needs of smaller start-ups. ECDC want the affordable workspace to form an integral and successful part of the employment mix and are concerned that over provision of the wrong type of space could lead to a significant level of vacant space across the site.</p> <p>It is therefore critical to also consider matters from a masterplanning perspective to identify the best locations for affordable workspace taking account of likely business needs and potential incentives that will allow businesses to grow and adapt. Again, a bespoke approach at Earls Court would be appropriate.</p>	
63	ECDC (Earls Court Development Company)		<p><b>3 Practical considerations Avoiding oversupply of the wrong type of workspace</b></p> <p>Initial feasibility work suggests that some parts of a future masterplan for Earls Court would be well suited to affordable workspace and could help to create a richer mix of uses and more varied character. However, physically accommodating a significant proportion of workspace would require spaces better suited to other uses or prime commercial floorspace to be inhabited instead. KF/JLL advise that even at a reduced level of say 10%, this would require a huge quantity of separate deals for SMEs who will typically require small spaces on flexible leases.</p> <p>They advise that new-build commercial space is not necessarily always the right fit for potential affordable workspace occupiers, and a 'corporate headquarters' atmosphere not always appropriate for the local, creative and cultural uses that an affordable workspace policy should be targeting.</p> <p>KF/JLL consider this could create significant practical difficulties, including the type of space not being particularly well suited to occupiers needs, where for instance, larger footplate employment buildings may be more difficult to subdivide for the needs of smaller start-ups. ECDC want the affordable workspace to form an integral and successful part of the employment mix and are concerned that over provision of the wrong type of space could lead to a significant level of vacant space across the site. It is therefore critical to also consider matters from a masterplanning perspective to identify the best locations for affordable workspace taking account of likely business needs and potential incentives that will allow businesses to grow and adapt. Again, a bespoke approach at Earls Court would be appropriate.</p>	<p>Comments noted. Refer to responses nos. 61-62.</p> <p>No change.</p>

64	ECDC (Earls Court Development Company)	Chapter 4 Who needs affordable workspace and Chapter 5 para 5.8-19 and Table 5.10	<b>Refer to comments on evidence above</b>	
65	ECDC (Earls Court Development Company)	Chapter 5 General points on approaches to meeting needs	<p><b>Refer to Evidence comments above</b></p> <p>KF/JLL advise that it is important to avoid blanket approaches and, for instance, rather than providing 20% of total employment space with say a 20% discount, it may be better to provide a lower percentage with a higher discount or to subsidise other costs. For instance, they advise that start-ups typically have limited capital to pay for fit out costs and it may be better to target subsidies towards Cat B fit out costs. A higher discount helps to differentiate the space and makes it more appealing to start-ups and scale-ups. Such incentives could have a bigger impact on small businesses and the wider start-up community and options might also include:</p> <ul style="list-style-type: none"> <li>o Providing fitout to a good quality standard – turnkey;</li> <li>o Providing membership to an incubator community; and</li> <li>o Proposing an innovation hub with programming for knowledge exchanges, development, mentoring and networking.</li> </ul> <p>The Earls Court Team want to work with the Council to identify the best approach. Work is at an early stage and it may be that Earls Court affordable workspace would work best in a defined building or buildings, possibly as an Ideas Factory/Incubator, with a mix of educational and office space. Members of the ECDC team have been instrumental in delivering successful incubator space at Here East at Stratford and there are also good examples at Level 39, One Canada Square.</p> <p>LBHF have identified tech, life science, and research sectors as priority tenants and creative/digital and financial services particularly for Olympia/West Brompton. Earls Court could target these or other sectors, and there is clearly potential to create an ecosystem where tenants come in from research hubs, start off in incubator space and then progress to taking ‘market space’ on the wider scheme.</p> <p>To avoid a situation where vacancy exists due to a lack of suitable affordable tenants, KF/JLL stress the importance of time limited discounts as seen across other schemes. If the space was unlet, it would then allow it to go back to the market and let the space to market tenants, rather than simply leaving large portions of the scheme untenanted.</p>	<p>Comments noted.</p> <p>Refer to responses nos 30-31 and 56</p>



			In respect of providing discounted desks, KF/JLL stress the importance of practical considerations including access requirements. For instance, whether conventional and affordable occupiers use the same entrance or will they have separate entrances; the former could have a detrimental impact on lettability and terms that could be achieved for a conventional occupier whereas the latter could create a 'them and us' situation.	
66	ECDC (Earls Court Development Company)	Chapter 5 General points on approaches to meeting needs	<p>Infrastructure and other constraints mean that the viability of redeveloping the Earls Court Site will be challenging. Viability was tested in the Borough's 2014 Community Infrastructure Levy (CIL) Study, which concluded that sites within the ECWKO Opportunity Area were handicapped in terms of viability and could not afford the additional burden of CIL and were accordingly 'zero CIL rated'.</p> <p>Since previous permissions were granted on the Earls Court site in 2014 and CIL viability was tested in 2014, expectations about the proportion of affordable housing in the London Plan and adopted LBHF Local Plan have increased, and this is expected to place additional burdens on viability. It is therefore important that affordable workspace forms part of a comprehensive, deliverable package and doesn't undermine deliverability further. Ultimately, high expectations for affordable workspace are likely to reduce the ability to deliver other public benefits such as affordable housing and an appropriate balance will need to be struck.</p> <p>Matters are expected to be finely balanced and therefore it important to consider a site-specific approach for Earls Court separately.</p>	<p>Comments noted. Refer to responses nos 30-31 and 56</p> <p>The SPD is not intended to be a redevelopment strategy for specific /major regeneration sites, It provides general planning guidance.</p> <p>The SPD advocates early discussions, which on sites such as Earls Court would be informed by how far a scheme would take forward Local Plan policy and Industrial Strategy objectives as a whole. Policy and infrastructure requirements are considered to be matters more appropriate to site-by-site discussions rather than a blanket inclusion in the SPD.</p>
67	ECDC (Earls Court Development Company)	Table 5.10	<p><b>Suggested Change 1:</b> Table 5.10 should be revised to allow an Affordable Workspace Scheme at Earls Court to be considered separately. Paragraph 5.15 of the draft SPD refers to agreeing appropriate terms/means of affordability on a case by-case basis. However, ECDC are concerned that by identifying Earls Court as being subject to a 20% space requirement with a 20% discount, this represents the wrong starting point from which to work with the Council.</p> <p>A site specific approach to affordable workspace at Earls Court is considered to be essential to ensure that policy does not hinder the deliverability of this important but stalled site. Such an approach would also allow better outcomes for occupiers and the employment mix at Earls Court.</p>	<p>Comments and suggested change noted.</p> <p>Refer to responses nos. 40-42.</p> <p>No change</p>

			<p>Under any circumstances, and given the exceptional size of the Earls Court site, ECDC do not consider that any more than 10% of the employment floorspace should be affordable workspace at Earls Court. As the Hatch/Turley report notes, it is more common across London to see a smaller quantum of space (10%) being provided, often at a slightly higher discount. In the ECDC Team's experience this is more suitable – the smaller quantum can add to the ingredients of a scheme and when a higher quantum of affordable workspace is provided (as per LB Southwark) this can often sit unused as not enough tenants 'tick all the boxes' to be able to take the space.</p> <p>Taking this into account the Policy for Earls Court could be as follows:  'The employment component for proposals at Earls Court should include Affordable Workspace (up to 10% of employment floorspace). The proportion of affordable workspace, level of discount and alternative measures to support affordable and flexible accommodation should be agreed as an Affordable Workspace Scheme, as part of a site-wide employment strategy submitted with any planning application, taking into account viability, deliverability and the needs for potential affordable workspace occupiers.</p>	
68	ECDC (Earls Court Development Company)	Page 13-14	<p><b>Suggested change 2:</b>  Page 13 and 14 of the SPD should be redrafted to make it clear what policy requires, including that provision would be subject to viability, occupier requirements, masterplanning considerations and review mechanisms to ensure that the best outcomes are achieved.</p> <p>At present these pages are a mix of explanation (summarising what is in the evidence base) and policy requirements and they need to be reformulated to make it clear what policy itself requires, with supporting text clarifying policy and summarising the justification from supporting evidence. It should make it clear that Table 5.10 should only be considered as a starting point for discussions and subject to other considerations. Alternative text could read as follows:</p> <p>'With the exception of Earls Court, the starting point for affordable workspace will be the discounted market rents requirements indicated in [Table 5.10]. For all future major development, the Council recognises that there is a cost associated with the provision of affordable workspace which will impact on the overall viability of the development.</p> <p>The Council recognises that the securing of an element of affordable workspace, in preference to an element of conventional employment floorspace will make a deeper per/m2 cut into the viability of a development. It is thus acknowledged that for the same amount of development of a higher value use, a smaller amount of affordable workspace will be secured than for a conventional employment product.</p>	<p>Comments and suggested change noted.</p> <p>Refer to responses nos. 40-42.</p> <p>No change</p>

			There may be circumstances when residential is used to cross subsidise an affordable workspace use, and the Council will require the viability study to identify what level of affordable workspace and affordable housing are possible on a site.	
69	ECDC (Earls Court Development Company)	Table 5.19	Tailoring provision to the needs of occupiers In principle ECDC support the alternative measures to support affordable and flexible accommodation summarised on page 15 and 16. However, there are practical difficulties with some of the measures suggested and other potential opportunities to tailor provision to the needs of affordable workspace occupiers.	Supporting comment noted.
70	Natural England	General	<p>While we welcome this opportunity to give our views, the topic this Supplementary Planning Document covers is unlikely to have major effects on the natural environment but may nonetheless have some effects. We therefore do not wish to provide specific comments, but advise you to consider the following issues:</p> <p><b>Green Infrastructure</b> This SPD could consider making provision for Green Infrastructure (GI) within development. This should be in line with any GI strategy covering your area.</p> <p>The National Planning Policy Framework states that local planning authorities should 'take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure'. The Planning Practice Guidance on Green Infrastructure provides more detail on this.</p> <p>Urban green space provides multi-functional benefits. It contributes to coherent and resilient ecological networks, allowing species to move around within, and between, towns and the countryside with even small patches of habitat benefitting movement. Urban GI is also recognised as one of the most effective tools available to us in managing environmental risks such as flooding and heat waves. Greener neighbourhoods and improved access to nature can also improve public health and quality of life and reduce environmental inequalities.</p> <p>There may be significant opportunities to retrofit green infrastructure in urban environments. These can be realised through:</p> <ul style="list-style-type: none"> <li>• green roof systems and roof gardens;</li> <li>• green walls to provide insulation or shading and cooling;</li> <li>• new tree planting or altering the management of land (e.g. management of verges to enhance biodiversity).</li> </ul> <p>You could also consider issues relating to the protection of natural resources, including air quality, ground and surface water and soils within urban design plans.</p>	<p>It is agreed that the SPD should be amended to clarify that these considerations can be relevant to the development of affordable workplaces.</p> <p><b>Change</b> Add a new bullet point to Appendix A para 8.1.4 'Points to consider'</p> <p><u>• That opportunities for urban greening measures and. sustainable design are maximised.</u></p>

			Further information on GI is include within The Town and Country Planning Association's "Design Guide for Sustainable Communities" and their more recent "Good Practice Guidance for Green Infrastructure and Biodiversity".	
71	Natural England	General	<p><b>Biodiversity enhancement</b></p> <p>This SPD could consider incorporating features which are beneficial to wildlife within development, in line with paragraph 118 of the National Planning Policy Framework. You may wish to consider providing guidance on, for example, the level of bat roost or bird box provision within the built structure, or other measures to enhance biodiversity in the urban environment. An example of good practice includes the Exeter Residential Design Guide SPD, which advises (amongst other matters) a ratio of one nest/roost box per residential unit.</p>	Comments noted. Provision for Biodiversity enhancement is already contained in the Council's Local Plan and Planning Guidance SPD. It is not considered necessary to duplicate this in the Affordable Workspace SPD.
72	Natural England	General	<p><b>Landscape enhancement</b></p> <p>The SPD may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green infrastructure provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider how new development might makes a positive contribution to the character and functions of the landscape through sensitive siting and good design and avoid unacceptable impacts.</p> <p>For example, it may be appropriate to seek that, where viable, trees should be of a species capable of growth to exceed building height and managed so to do, and where mature trees are retained on site, provision is made for succession planting so that new trees will be well established by the time mature trees die.</p> <p>Other design considerations</p> <p>The NPPF includes a number of design principles which could be considered, including the impacts of lighting on landscape and biodiversity (para 180).</p>	<p>It is agreed that the SPD should be amended to clarify that these considerations can be relevant to the development of affordable workplaces.</p> <p><b>Change</b></p> <p>Add a new bullet point to Appendix A, para 8.1.4 'Points to consider'</p> <ul style="list-style-type: none"> <li>• <u>That opportunities for urban greening measures and. sustainable design are maximised.</u></li> </ul>

73	Natural England	General	<p><b>Strategic Environmental Assessment/Habitats Regulations Assessment</b>  An SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p> <p>Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again</p>	<p>Response noted relating to Strategic Environmental Assessment/Habitats Regulations Assessment are noted.</p> <p>A separate representation on SEA screening has been made and a response is-provided below.</p>
74	Natural England	Screening Request: Strategic Environmental Assessment (SEA)	<p>It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.</p> <p>Therefore Natural England does not feel a Strategic Environmental Assessment (SEA) is required</p>	<p>We welcome the feedback on the SEA screening assessment.</p> <p>No SEA will be needed for the SPD.</p>
75	TfL Commercial	Evidence Reports:	<p>In principle and practice, as demonstrated by our curation of more than 150 railway arches and other workspace in the borough, TfL CD supports the provision of different types of affordable workspace to serve a diverse range of small, independent businesses, charities, voluntary and community organisations, social enterprises, creators and makers.</p> <p>However, we concur with ECDC's representations that the evidence base does not appear to identify local needs for affordable workspace that would justify the scale and nature of what is sought. In addition, by adopting higher requirements for affordable workspace than in other parts of London (borough's with requirements have generally set these at 10% of floorspace, half the suggestion here) H&amp;F may become a less attractive location for commercial development.</p>	<p>Supporting comments noted.</p> <p>Refer to responses nos. 40-42.</p> <p>No change</p>
76	TfL Commercial	General	<p>Please note that the views expressed in this letter are those of the TfL CD planning team in its capacity as a significant landowner and developer only, and do not form part of the TfL corporate / statutory response. Our colleagues in TfL Spatial Planning may provide a separate response to this consultation in respect</p>	<p>Comments noted.</p> <p>Refer to responses nos. 40-42. And 54</p> <p>The SPD is not intended to be a redevelopment strategy for specific</p>

		<p>of TfL-wide operational and land-use planning / transport policy matters as part of their statutory duties.</p> <p>We are aware that the Earls Court Development Company (ECDC) has also prepared a separate response in respect of land at Earls Court. The ECDC is owned by Earls Court Partnership Limited (ECPL) – a joint venture (JV) between TfL and Earls Court (London) LLP, itself a joint venture between Delancey’s client funds DV4 and APG. ECDC has been set up to prepare and submit a planning application/s for comprehensive redevelopment if the Earls Court site which straddles both LBHF and RBKC.</p> <p>Please note that our representations below cover all TfL CD land and property interests in the borough but are inevitably often focussed on the Earls Court project, which is the largest site in which we have an interest. It is a major opportunity for the sustainable development of new homes, jobs, cultural, entertainment and community activities, and open space which can make a real difference to the surrounding communities and both boroughs.</p> <p>... as indicated above, we have significant interests in land at Earls Court where the 40 acre site within the Earls Court and West Kensington Opportunity Area (OA) provides a major opportunity to deliver new homes (including affordable housing), jobs, local services, public realm and other public benefits within a high-quality designed, mixed-use scheme.</p> <p>Within the LBHF this includes the former Earls Court Exhibition Centre (EC2) and adjacent land owned by ECPL, as well as Lille Bridge Depot (LBD), Ashton House and other adjacent land. LBD is a London Underground works and maintenance depot and Ashton House is a training facility, both owned by TfL. It is proposed to relocate the exiting activities to other sites within TfL’s operational portfolio in order that LBD, Ashton House and other adjoining land can be brought into the comprehensive plans for the wider OA at Earls Court and West Kensington. ECDC is at a relatively early stage of preparing plans to deliver large components of new offices, workspace, research and development, educational, cultural, community and other commercial uses, along with thousands of new homes, as part of its comprehensive, mixed-use plans for the site in LBHF and RBKC.</p> <p>Officers will be aware that the extant planning permission secured by CapCo at Earls Court and the adjoining estates proved to be undeliverable. ECPL’s fresh start includes a more balanced mix of uses which will include a higher quantum and proportion of office, workspace and R&amp;D floorspace in order to create greater social, economic and financial value and, ultimately, a deliverable scheme. We and ECDC also consider that new commercial, community and</p>	<p>/major regeneration sites, It provides general planning guidance.</p> <p>The SPD advocates early discussions, which on sites such as Earls Court would be informed by how far a scheme would take forward Local Plan policy and Industrial Strategy objectives as a whole.</p> <p>Policy and infrastructure requirements are considered to be matters more appropriate to site-by-site discussions rather than a blanket inclusion in the SPD.</p>
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			<p>cultural floorspace will be critical to the success of the new development as a destination - it will contribute to placemaking and provide a range of employment opportunities and amenities for residents and visitors to the area.</p> <p>It will also be important in nurturing new research, innovation and production at Earls Court. Importantly, the higher quantum, of commercial floorspace as part of a sustainable, blended mix of uses is also intended to help support and therefore enable the viable delivery of a higher percentage of affordable housing (compared to the extant permission), cultural and community uses, a landscaped approach and other significant public benefits. It is therefore important that any new requirements for affordable workspace at Earls Court do not adversely affect viability such that the important public benefits would be jeopardised</p>	
77	TfL Commercial	General	<p><b>Comments on Draft Affordable Workspace SPD</b></p> <p>As a general comment, the draft SPD reads as being most relevant to single-use commercial developments for offices and workspaces. In our view it does not suitably address mixed-use and housing-led schemes which also include delivery of offices, workspace and other commercial floorspace. As set out below, this results in the draft SPD inadequately addressing how the provision of affordable workspace should be balanced against other public benefits of mixed-use development schemes.</p>	<p>The remit of Local Plan policy E1, this SPD and supporting evidence does not extend to mixed use developments. The SPD is not intended to be a redevelopment strategy for mixed use development and provides general planning guidance. Mixed use schemes are considered to be matters more appropriate to site-by-site discussions rather than a blanket inclusion in the SPD.</p> <p>No change.</p>
78	TfL Commercial	General	<p><b>TfL's Existing Affordable Workspace</b></p> <p>We would imagine that we are already the largest provider of more-affordable workspaces in the borough. It is very important for TfL to generate long-term, sustainable income from our commercial assets, including 1,000 retail units and 800 railway arches across London, to reinvest in our transport network. These existing premises should not be subject to the requirements of this SPD.</p>	<p>Comment noted.</p> <p>Local Plan policy E1 provides for a flexible approach, taking account of site-specific circumstances, viability, and impact on delivery and this is carried through into the SPD.</p> <p>As the SPD is guidance, the Council considers the current wording is acceptable.</p>
79	TfL Commercial	Chapter 2 Policy context Para 2.2 Representation also relevant to	<p>The SPD (para 2.2) recognises the importance of STEM, digital and creative industries for the local economy. STEM is one part of TfL's extensive programme of property and construction skills which includes training for young Londoners at our skills hub in Earls Court, within the borough, and our Built Environment Schools Outreach Programme.</p>	<p>Comments noted.</p> <p>The SPD advocates early discussions, which would be informed by how far a scheme would take forward Local Plan</p>

		Chapter 4 paras 4.1-4.3 and Appendix 8 para 8.1.6-8.1.11	As part of this programme, together with ECPL, we have already 'adopted' Fulham Cross School, within the borough, and are running work experience programmes, and providing resources for use in lessons and clubs. It is important that the SPD should recognise that there are a number of ways in which young and under represented people can be helped into work and economic activity and that such contributions should be balanced with any requests for e.g. rental discounts. Given the viability challenges that many development schemes face (particularly on public land with a higher requirement for affordable housing provision) it would be unfortunate if a drive for affordable workspace in the borough was at the expense of other important social and economic 'levelling-up' contributions.	<p>policy and Industrial Strategy objectives as a whole. Policy and infrastructure requirements are considered to be matters more appropriate to site-by-site discussions rather than a blanket inclusion in the SPD.</p> <p>The Council has its own Local Procurement and Skills and Employment Codes which are referred to in the Industrial Strategy. Local Plan (Policy E4) and carried through into the SPD.</p>
80	TfL Commercial	Chapter 4 Image 1	Image 1 on page 10 presumably needs a key relating to the different colours	<p>It is agreed that including a Key to Image 1, can improve clarification.</p> <p><b>Change</b></p> <ul style="list-style-type: none"> <li>• <a href="#"><u>Insert a Key to Image 1 to explain the colour of each sub-area.</u></a></li> </ul>
81	TfL Commercial	Chapter 5 Para 5.11	We note that in paragraph 5.11, "social value will also be a consideration in decision making". We take this to mean that it would enable provision of affordable workspace to be off-set against other training and social and economic 'levelling-up' contributions such as TfL's industry-leading property and construction skills offer and our Built Environment Schools Outreach Programme, referred to above. Please can this be confirmed in the SPD.	<p>The SPD advocates early discussions, which would be informed by how far a scheme would take forward Local Plan policy and Industrial Strategy objectives as a whole</p> <p>Policy and infrastructure requirements are considered to be matters more appropriate to site-by-site discussions rather than a blanket inclusion in the SPD.</p> <p>The Council has its own Local Procurement and Skills and Employment Codes which are referred to in the Industrial Strategy. Local Plan (Policy E4) and carried through into the SPD.</p>



82	TfL Commercial	Para 5.10 , Table 5.10, para 5.13 and Chapter 6 Implementation para 6.1	<p><b>Viability and Deliverability Concerns</b></p> <p>In each of the identified sub-areas, the SPD (paragraph 5.10, Table 5.10) proposes that 20% of new floorspace in commercial developments should be affordable workspace, with discounts to rent of between 20% and 40% “or higher”. In paragraph 5.13 it is clarified at that most of these areas could viably provide “up to 20% affordable workspace” but this is not currently reflected in Table 5.10.</p> <p>Although we support the provision of affordable workspace in principle, we do have concerns that 20% provision with 20-40% discounts to market rents would impact scheme viability, particularly at mixed-use schemes on public land which are expected to deliver 50% affordable housing. TfL CD believes that, given the capital’s housing access and affordability crisis, the provision of affordable housing should be prioritised.</p> <p>Viability challenges are exacerbated for TfL by the abnormal and generally higher costs associated with developing sites with significant transport infrastructure and operational constraints. For example, there may be the need to relocate existing transport operations to other site/s; there will usually be a need to protect, safeguard, upgrade or replace existing infrastructure to enable the development; and there are often engineering and operational requirements that will need to be taken into account, such as building at or adjacent to cuttings and embankments, and in general building adjacent to railway lines which will require e.g. higher standards of sound and vibration insulation.</p> <p>All these constraints apply to the Earls Court site which is particularly complex with above and below ground railway infrastructure crossing various parts of the site at different levels. Coupled with edge conditions which include listed buildings and other heritage assets, and established residential communities, this makes site development challenging and expensive.</p> <p>There are also abnormal costs associated with the timing and methodology for demolition and construction of schemes on our land. For example, development over or close to our railway tracks will require robust protection measures to maintain service operations and the health and safety of the network and passengers; this will include track closures for some work which has significant costs including lost fare revenue and implementation of replacement bus services.</p> <p>These constraints and requirements create substantial additional costs which can have viability implications. This pressure on viability may mean that affordable workspace provision is not always possible on TfL land.</p>	<p>Comments noted. Refer to responses nos.41-42</p> <p>The SPD is not intended to be a redevelopment strategy for specific /major regeneration sites, It provides general planning guidance.</p> <p>The SPD advocates early discussions, which on sites such as Earls Court would be informed by how far a scheme would take forward Local Plan policy and Industrial Strategy objectives as a whole. Policy and infrastructure requirements are considered to be matters more appropriate to site-by-site discussions rather than a blanket inclusion in the SPD.</p> <p>No change.</p>
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			<p>Therefore, we would request that the draft SPD is amended to recognise the viability challenges associated with the development of housing-led and mixed-use schemes on public land, and particularly on sites with transport and other infrastructure constraints.</p> <p>In addition to this, the SPD should seek lower provision of affordable workspace in association with mixed use schemes which deliver more than 35% affordable housing; this would ensure that affordable housing remains the priority.</p> <p>We also suggest that it should be made clear that affordable workspace is just one of a wide range of public benefits which may be sought from a development and that it should be balanced in each case against other, potentially higher-priority benefits such as affordable housing, community infrastructure, open and playspace provision etc.</p> <p>These changes could be incorporated at or following paragraph 6.1 which says that  “The council will take a flexible approach to reflect site specific considerations”.</p>	
83	TfL Commercial	Chapter 5	<p>We also support ECDC’s suggestion that due to the OA designation, unique circumstances and challenges, and the potential scale of delivery of residential, commercial and community uses, there should be a site specific, bespoke approach to affordable workspace at the Earls Court site. This flexible approach would enable a consistent approach to the provision of affordable workspace between H&amp;F and RBKC across the single development site.</p> <p>It should also help to avoid over-provision of affordable workspace on this very large site and minimise vacant units.</p>	<p>Comments noted. The SPD is not intended to be a redevelopment strategy for specific /major regeneration sites, It provides general planning guidance.</p> <p>The SPD advocates early discussions, which on sites such as Earls Court would be informed by how far a scheme would take forward Local Plan policy and Industrial Strategy objectives as a whole. Policy and infrastructure requirements are considered to be matters more appropriate to site-by-site discussions rather than a blanket inclusion in the SPD.</p> <p>No change.</p>
84	Mark Richardson	General	<p>I believe that there is generally a lack of affordable workspace in H&amp;F so any addition to this would be good, whether in railway arches or otherwise. A good number of commercial coworking &amp; temporary office spaces have opened in the</p>	<p>Comments noted.</p>

			<p>Borough in the past few years presumably responding to demand and also availability of space.</p> <p>Almost all are office space and mostly in the centre and North of the borough. The South of the borough is relatively poorly served, I think not because there is a lack of demand but because there is a lack of availability.</p> <p>The commercial co working spaces are good but in the end are intended to make a profit.</p> <p>So I think more affordable coworking/temporary office space would be desirable particularly in the South of the borough whether in converted railway arches or not, particularly to help new businesses particularly in the first years of existence when they are unlikely to be making a profit.</p> <p>However I think that there is a lack of studio/workshop space in the borough.</p> <p>I think that the model of Open Cell which occupies the Old Laundry Yard in Shepherds Bush (presumably on meanwhile use) is interesting; it has recently taken on more space to replicate its original model in westworks at White City Place; it offers serviced space to life science companies, with shared facilities. Also Coda Studios and the Worx are interesting models of more studio type workspaces with shared facilities. So more workshop/studio spaces available would be desirable particularly if serving particular company typologies.</p> <p>There are definite advantages for similar companies to be in close proximity whether serviced or not.</p> <p>Open Cell is successful at least in part because of its proximity to the life sciences hub surrounding Imperial College and White City.</p> <p>There are other areas of the borough with concentrations of particular types of business - around Imperial Wharf there is a concentration of Interior design business which extends to the interior design shops on Kings Road and includes the prestigious Chelsea Harbour Design Centre and Roca London Gallery – however most of the potential workshop space would be too expensive for the small companies that might service them such as furniture restorers, upholsterers and similar.</p> <p>Also more widely in Fulham there is a concentration of Graphic Designers – if you search for Graphic Designers in Fulham on Google – more than 100 names come up.</p>	
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			I think that using railway arches for leisure/retail rather than as workspaces would be a mistake as there are bound to be an increasing number of this type of space on local high streets as shopping habits change.	
85	Ministry of Defence	General	<p>The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a statutory consultee in the UK planning system to ensure designated zones around key operational defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites are not adversely affected by development outside the MOD estate. This response relates to MOD Safeguarding concerns only and should be read in conjunction with any other submissions that might be provided by other MOD sites or departments.</p> <p>Paragraph 97 of the National Planning Policy Framework 2021 requires that planning policies and decisions should take into account defence requirements by 'ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.' To this end MOD may be involved in the planning system both as a statutory and non-statutory consultee. Statutory consultation occurs as a result of the provisions of the Town and Country Planning (Safeguarded aerodromes, technical sites and military explosives storage areas). Direction 2002 (DfT/ODPM Circular 01/2003) and the location data and criteria set out on safeguarding maps issued by Department for Levelling Up, Housing and Communities (DLUHC) in accordance with the provisions of that Direction.</p> <p>Having reviewed the supporting documentation in respect London Borough of Hammersmith and Fulham' Affordable Workspace and Railway Arches Consultation Supplementary Planning Document (SPD)Consultations, the MOD have an area of interest in RAF Northolt.</p> <p>The authority area of the London Borough of Hammersmith and Fulham encompasses areas within the Statutory Aerodrome Height Safeguarding Zone surrounding the aerodrome. RAF Northolt lies approximately 5.7km North of London Borough of Hammersmith and Fulham local authority area. The Aerodrome Height safeguarding zone serves to protect the airspace above and around aerodromes to maintain an assured, obstacle free environment for aircraft manoeuvre. This airspace needs to be kept free of obstruction from tall structures to ensure that aircraft transiting to and from or circuiting the aerodrome can do so safely.</p> <p>In summary, the MOD has no concerns or suggested amendments to the current draft of the London Borough of Hammersmith and Fulham's Affordable Workspace and Railway Arches Supplementary Planning Documents that forms the subject of the current consultation</p>	Comments noted.

86	Nadine Grieve	General Comment	<p>Affordable Workspace document</p> <ol style="list-style-type: none"> <li>1. I was pleased to see some mention of affordable space being made available to third sector organisations -- I assume this would be office space?</li> <li>2. In view of the number of people likely to choose to "work from home" to avoid a daily commute to the office in the future, even if the pandemic ends, maybe the Council can provide for a daily fee "working from home" hubs - desks, wifi,etc - as an alternative to people working in cafes or libraries.</li> </ol>	<p>Support noted.</p> <p>Affordable workspace can include a number of typologies including 'maker space' as well as office-type space. Comment on the Council as a provider of work hubs are noted, but this goes beyond the remit of planning guidance.</p>
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