

Consultation Statement

Representations made to consultation on the Draft Affordable Workspace SPD between 11 February and 7 April 2020 and officer response

Rep. No.	Respondent	Representation Wording	Officer Response	Proposed Change in Revised Draft Affordable Workspace SPD
AW1	Highways England	Within the area covered by Lambeth, there is no Strategic Road Network. We have no comments on [this] SPD as there would be no consequential impacts on the SRN.	Noted	None
AW2	Gloucestershire County Council	No comments	Noted	None
AW3	CBRE on behalf of Wolfe Commercial Properties Southbank Limited	<p>Whilst there is an identified need for affordable workspace within the borough, we consider that the current affordable workspace policy – ED2 – is not currently sound in accordance with the tests of paragraph 35 of the NPPF and the spirit of paragraph 81.</p> <p>Draft Policy ED2 proposes a range of requirements for affordable workspace, depending upon where the site is located and the quantum of development proposed. In Waterloo, development of over 1,000sqm (GIA) of B1a floorspace, should provide 10% of that floorspace at 50% of market rents for a period of 15 years. Supporting paragraph 6.14 notes that the policy will apply to all applications, including those for redevelopment and extension of existing offices, continuing that the policy will also apply to planning applications that involve refurbishment of existing office space where this would result in an increase in the quality and rental value of the space.</p> <p>We consider that the draft policy is not currently positively prepared by requiring affordable workspace on refurbishment schemes. The 2019 Deloitte Crane Survey has found that of all office development under</p>	This is a comment on policy ED2 of the Local Plan. It was addressed as part of the Lambeth Local Plan examination. Policy ED2 as amended was adopted as part of the Lambeth Local Plan on 22 September 2021.	None

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		<p>construction in London, over a third of the floorspace under construction is from refurbishment projects. In the Southbank office area, this figure rose to 42%. Therefore, refurbishment projects play a significant part in delivering much needed office floorspace in Lambeth as well as ensuring that the key employment areas in the borough can continue to compete with City and West End markets. Refurbishment schemes and investment in existing office floorspace inherently poses viability challenges in comparison to delivering new floorspace, with a commercial return required to provide the incentive to undertake the refurbishment. Refurbishment projects will always aim to result in an increase in the quality and rental value of the space by the nature of the works. Requiring a portion of this space to be for affordable workspace, reduces the incentive not only for refurbishment but also for extending existing floorspace. A refurbishment project with no external changes will not require planning permission, but if an extension is proposed, all of the existing floorspace would be required to provide affordable workspace. Therefore, in its current form, the policy actively discourages parties from delivering new and/or refurbished floorspace as part of a refurbishment project. This could have negative consequences for Lambeth in terms of meeting the objectively assessed need for office space (not positively prepared), failure of the plan to provide spaces suitable for a range of workspaces (not effective) and failure to promote the refurbishment of offices (not consistent with the aims of the London Plan – Policy SD5).</p> <p>In accordance with NPPF paragraph 81, Draft Policy ED2 as drafted does not positively or proactively encourage sustainable economic growth (clause a), address potential barriers to investment (clause c) or enable a rapid response to changes in economic circumstances (clause d).</p>		

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		<p>The indicative discount to market rent was tested via BNP Paribas' 2019 report (LB Lambeth: Local Plan and Community Infrastructure Levy Viability Review). At paragraph 7.2, the report confirms that the discount rents have been 'tested on schemes which provide new or replacement B1 floorspace' – there is a substantial difference in these scenarios and there is a lack of clarity and detail in this regard, for instance, it is not clear whether the report has tested the impact to viability of applying discounted rent to refurbished floorspace that is being extended. Further, the proposed rents were tested against the existing CIL rates, not the new rates, which almost double the cost of new office floorspace in Waterloo. The document also states that it assumes an MCIL rate of £60 per sqm, when in some areas of Waterloo, the rate is £185 per sqm for offices. Therefore, it is unclear whether the effect of the increased CIL rate and the requirement for affordable workspace has been appropriately tested.</p> <p>Such concerns regarding viability were also raised by the GLA in their response to the previous iteration of this plan. They stated 'The Mayor welcomes Lambeth's draft policy on affordable workspace in order to support, in particular, creative and digital industries. However, it should ensure that the detailed requirements are viable and will not undermine the overall delivery of office floorspace and affordable workspace.'</p> <p>We consider that the policy could address the above concern and be found sound by only requiring affordable workspace to be provided on any net increase in floorspace, rather than on existing floorspace, so as not to frustrate the overall delivery of workspace and subsequently affordable workspace. This should be clarified in the supporting text.</p>		

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		<p>In addition, the policy as drafted is not flexible in terms of the approach to affordable workspace. We suggest that some flexibility to this policy should be added, so the principle of providing affordable space is maintained, but the way in which it is delivered is site specific. This ensures that the policy is positively prepared and results in sufficient affordable workspace being delivered. Related to the lack of flexibility within the policy, we do not consider that Policy ED2 is justified or based on all reasonable alternatives. The BNP Report tests the levels of discounted rent within Waterloo. Paragraph 6.7 states that ‘as an alternative the Council may also wish to consider requiring a proportion of office floorspace to be provided as ‘collaborative’ or ‘shared workspace’ which is a model that developers are increasingly bringing forward’. This alternative to affordable workspace or as a model of affordable workspace has not been fully tested or considered as a reasonable alternative. We consider that the type of affordable workspace sought should be done so on a site by site basis, based on the site’s location and constraints, rather than a blanket approach to provision</p> <p>Further, it is the intention for these to be secured via S106 obligations. Paragraph 56 of the NPPF requires that obligations are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Requiring affordable workspace across existing floorspace is not reasonably related to the development and therefore draft policy ED2 is also not consistent with national policy.</p>		

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		<p>The SPD sets out three possible routes to delivering affordable workspace on a site. WCPS is supportive of allowing organisations who are not on the Approved Provider List to manage the workspace, subject to approval by the Council. This ensures that there are a range of providers and the market does not become dominated by one provider.</p>	Noted	None
		<p>WCPS has concerns as to whether the requirement for a Viability Assessment and subsequent viability review is effective under the NPPF. There is limited precedent available as to the industry standards of viability inputs and requiring a viability review of the development could delay the delivery of office floorspace.</p>	<p>The requirement for a viability assessment and subsequent viability review are part of policy ED2 and were found sound at examination. The SPD provides additional guidance but does not introduce these requirements.</p>	None
AW4	Gerald Eve on behalf of Stanhope PLC	<p><i>Approach to Affordable Workspace</i></p> <p>Section 2 of the draft Affordable Workspace SPD sets out three alternative ways in which affordable workspace could be provided by developers. Our comments in relation to draft Policy ED2 part C are relevant to this point. These are:</p> <ul style="list-style-type: none"> • Developer owner leased to Affordable Workspace Provider on Council's Approved provider list and then sub-let to end users; • Developer owner acts as the affordable workspace provider and lets to end user; or • Developer/owner lets directly to end users. 	<p>The three approaches are set out in policy ED2 C and this policy was found sound at examination. The SPD provides additional guidance on how these different ways of providing affordable workspace are expected to work.</p>	None

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		<p>It is suggested that the approaches are restrictive and flexibility should be included for a combination of the suggested approaches or alternative approaches to be agreed with the LPA, particularly as these will have to be defined at the time of planning permission being granted, but may not be delivered for some years and new products, arrangements, approaches may emerge as affordable workspace is relatively in its infancy. At the time of delivery, a better approach may be the best solution for the site and so a mechanism to allow for this should be considered.</p>	<p>A hybrid approach using a combination of these provisions would be acceptable.</p>	<p>Para 2.3 amended to clarify this.</p>
		<p><i>Affordable Workspace Providers</i></p> <p>In Section 3, Paragraph 3.4 of the draft Affordable Workspace SPD, it states that: “The Approved Affordable Workspace Provider List will be refreshed every three years”.</p> <p>Clarity is required in terms of whether a new affordable workspace provider could be added in the interim or whether they only be able to be added to the list at the 3 year intervals. Ideally, if a new workspace provider emerges it would be beneficial that they could be added to the list at any time.</p>	<p>Registration of a provider will last for three years after which they will need to re-apply. New providers that meet the criteria may be added at any time.</p>	<p>Paras. 3.2 and 3.4 amended to clarify this.</p>

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		<p><i>Workspace Management Plan</i></p> <p>Section 5 of the draft SPD sets out the intended approach to the delivery of Workspace Management Plans. It is considered that there is no flexibility built into the current wording to allow for an amended Workspace Management Plans to be agreed with the Council and for the document to evolve. This may be problematic if being set at the time planning permission is granted as it may need amending / evolving at the time of delivery or post occupation. It is considered that paragraph 5.4 could be amended to state: "A finalised WMP will need to have been approved by the council by an agreed point in the development process (this will typically be prior to the commencement of development, but this may vary on a case -by -case basis) and this will be secured by a planning obligation. The developer/owner will be responsible for the delivery and management of the affordable workspace in accordance with the WMP and this will also be secured by a planning obligation. The WMP may be updated and agreed in writing with the LPA".</p>	<p>It is necessary for a draft WMP to be submitted with a planning application for the effective operation of the policy and to so that the affordability of the premises is secured in a transparent way. The Draft SPD already makes clear in paragraph 5.4 that the finalised WMP will need to have been approved by the Council by an agreed point in the development process and that this will be secured by a planning obligation. It is therefore expected that the content of the draft WMP will be refined prior to finalisation and that this will take place after planning permission is granted.</p>	<p>A new paragraph 5.4 has been inserted to clarify the requirements for the draft WMP and the reason for its submission with a planning application. Previous paragraph 5.4 is now paragraph 5.5.</p>

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		<p>Paragraph 5.3 part a of the draft SPD currently states: “The terms on which the affordable workspace will be let – This should include information about discounted rents, rates and anticipated service charge. Service charges should be set at a reasonable level that does not offset the overall affordability of the space. It will need to be confirmed in the WMP that the rents and service charges are not to rise beyond inflation through the period for which the affordable workspace is secured. The council will expect to see evidence of a break clause within leases that would be activated if it is found that occupiers are no longer to be considered suitable end users”.</p> <p>There is a concern in relation to rents and service charges. The service charge is a charge that is not intended to derive a profit, but in fact cover the day to day costs associated with the delivery of affordable workspace and should therefore not be subject to indexation or caps</p>	<p>Agreed that a service charge is intended to cover costs only and the service charge liability should be as low as possible for an end user in need of affordable workspace. Reasonable endeavours should be used to minimise the service charge liability through liaison with the affordable workspace provider. Indexation and caps are considered to be a justified response to this issue.</p>	<p>Para 6.2 amended to clarify this.</p>
		<p><i>Annual Monitoring</i></p> <p>In Section 6.5, the draft SPD expects that rents charged will vary and the Developer/owner is required to report annually on current market rents and the rents charged for affordable workspace.</p> <p>Leases are likely to be for a period of 5-15 years, therefore rent will potentially vary at the time of renewal / rent review.</p>	<p>Noted</p>	<p>None</p>

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		<p><i>Offsite provision / Payment in Lieu</i></p> <p>Section 8 of the draft SPD allows for a payment in lieu to be made in exceptional circumstance and sets out the calculation for doing so. Paragraph 8.3 goes onto say that ‘Explanations that argue a greater amount of affordable workspace can be delivered in lower value areas of the borough will not be accepted’.</p> <p>It is considered that in some cases, potentially affordable workspace may be better provided offsite in an area where the local need is greater and a better overall offer of affordable workspace can be achieved.</p> <p>The policy as drafted does not allow for this approach to be considered. In areas where development may not be prevalent, these areas will miss out on local provision of affordable workspace.</p>	<p>Payment in lieu (PIL) is provided for on an exceptional basis in Local Plan Policy ED2 E and the method of calculation in Annex 9 of the Local Plan. This provision is not introduced through the Draft SPD. Policy ED2 E makes clear that payments in lieu of affordable workspace will be used by the council to support the provision of affordable workspace anywhere in the borough. Section 8 of the Draft SPD adds guidance on the implementation of this part of the policy. In particular, paragraph 8.3 in the Draft SPD explains the expectations on an applicant wishing to propose a PIL. ‘Greater economic impact’ is not</p>	<p>None</p>

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			necessarily achieved through a greater quantity of affordable workspace. The affordability of workspace needs to be considered in relation to costs and evidence of unmet demand in different parts of the borough.	
AW5	Historic England	We have no comments to make on the proposed SPD in historic environment terms. We consider that this SPD will help support good place-making through supporting a variety of work spaces that will contribute to the vitality of areas.	Noted	None
AW6	Quod on behalf of the Southbank Centre	<p>While Southbank Centre (SC) recognises that this draft SPD is intended to provide guidance on the implementation of Policy ED2 of the Draft Revised Lambeth Local Plan across the Borough as a whole, the SPD should include some flexibility for the implementation of the Policy ED2 requirements for affordable workspace in appropriate circumstances i.e. in respect of individual development proposals and applications on a specific site where there are other planning policy requirements and material considerations.</p> <p>SC is keen to ensure, for example, that the borough-wide approach of the SPD to seeking affordable workspace does not impede arts and cultural led development on its estate, particularly in relation to proposals for the development of the de-designated area of Hungerford Car Park which will facilitate extension of Jubilee Gardens in accordance with the objectives and</p>	The policy applies to development proposals for over 1,000 sqm net additional office floorspace, not to proposals for arts and cultural facilities. The planning system allows for relevant material considerations to be taken into account on a case by case basis alongside development	None

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		<p>policies of the existing and emerging Local Plan. There are particular material considerations that apply to this project which seeks to accord with the relevant planning policies and designations, as well as the various requirements of the project stakeholders, SC's arts and cultural remit and the funding for such an important project.</p>	<p>plan policy during the decision-making process.</p>	
AW7	Transport for London	<p>No comments</p>	<p>Noted</p>	<p>None</p>
AW8	Transport for London Commercial Development	<p>Within our previous representations to draft Policy ED2, TfL CD supported the aspirations and aims of the draft Policy but raised concerns about the viability impact of affordable housing provision alongside affordable workspace.</p> <p>We noted from the Council's Consultation Statement 2019 the addition of the following wording:</p> <p>'f) Proposals that do not provide the level of affordable workspace required by this policy will be required to submit viability information, which will be independently assessed. Where this assessment determines that a greater level of affordable workspace could viably be supported, a higher level of affordable workspace will be required. In addition, early and late viability reviews will be applied to all schemes that do not provide the level of affordable workspace required by the policy.</p> <p>We noted that the additional wording supports the delivery of affordable workspace but fails to address the cumulative viability impact that is likely to occur when mixed-use schemes are required to deliver higher levels of affordable housing in addition to the requirement to deliver affordable workspace.</p>	<p>This is a comment on policy ED2 of the Local Plan. It was addressed as part of the Lambeth Local Plan examination. Policy ED2 as amended was adopted as part of the Lambeth Local Plan on 22 September 2021.</p>	<p>None</p>

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		<p>We welcome the inclusion of Paragraph 7.6. However we do not consider this provides sufficient explanation to clarify how mixed use scheme will be considered. As currently drafted there is still ambiguity. We would be grateful for further clarity and guidance on the matter. We expand upon this below within our detailed response to the draft SPD.</p>		
		<p>TfL CD welcome the additional guidance contained within the draft Affordable Workspace SPD. However, we believe that the draft SPD prescribes onerous requirements onto developers, owners and landlords at the time of the application's submission that could be made more flexible. We have set out our detailed comments and responses below.</p> <p><i>Chapter 2 - Affordable Workspace Approaches</i></p> <p>Chapter 2 provides helpful details and guidance relating to the approaches to the provision of affordable workspace, which include the following:</p> <ul style="list-style-type: none"> • Approach A - Affordable workspace leased and managed by an affordable workspace provider on the council's approved list in accordance with an agreed Workspace Management Plan. • Approach B - Affordable workspace managed directly by the owner of the new development where it is demonstrated to the satisfaction of the council that they have the necessary skills and experience and an agreed Workspace Management Plan is in place. • Approach C - Affordable workspace leased by the owner of the new development to one or more end users on the council's approved register of businesses that require non-managed affordable workspace. 		

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		<p>TfL CD supports the approaches in principle and consider that these allow for a degree of flexibility in how the affordable workspace is provided within schemes which is welcomed. We also strongly support the provisions which allow for a Payment in Lieu to be accepted in scenarios where no occupier is found within 12 months. This is important to ensure that development proposals are not subject to unnecessary delay.</p>	Noted	None
		<p><i>Chapter 3 - Affordable Workspace Providers</i></p> <p>The draft SPD states that the Council will maintain an Approved Affordable Workspace Provider List. No objections are raised to this.</p> <p>In relation to Approach A, the draft SPD contains provisions which allow for organisations not on the Council's List to be provide workspace subject to meeting the specified criteria and Council approval. TfL CD strongly support this and it is necessary to ensure suitable affordable workspace providers are permitted to provide workspace.</p> <p>In relation to Approach B, the draft SPD permits the developer/owner to be added to the Approved Affordable Workspace List if they are providing the affordable workspace. This is also considered necessary and highly appropriate to ensure a mixture and range of affordable workspace is provided and to ensure no unnecessary delays to delivery result. This is strongly supported also.</p> <p>TfL CD also supports the recognition that s.106 Legal Agreements will secure the details relating to the Affordable Workspace Providers, as provided for in the Draft London Plan, and that this should also allow for the developer to</p>	Noted	None
			Noted	None
			Noted	None
			Noted	None

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		<p>re-let the affordable workspace to another Affordable Workspace Provider, either on the Councils approved list, or one that meets their criteria.</p> <p>The criteria for appropriate organisations should reflect those listed under Part (A) of Policy E3 of the draft London Plan, which include organisations:</p> <ol style="list-style-type: none"> 1. Dedicated for specific sectors that have social value such as charities or social enterprises; 2. Dedicated for specific sectors that have cultural value such as artists' studios and designer-maker spaces; 3. Dedicated for disadvantaged groups starting up in any sector; 4. providing educational outcomes through connections to schools, colleges or higher education; and 5. Supporting start-up businesses or regeneration. <p>We consider Paragraph 3.2 of the SPD largely reflects these requirements but would welcome amendments to more closely align to Policy E3 and make specific reference to it.</p>	<p>London Plan Policy E3 requires Boroughs, in their Development Plans, to consider detailed affordable workspace policies in light of local evidence of need and viability. This has been done through the Lambeth Local Plan and so it would not be appropriate to tie local provision specifically to only those groups set out in the London Plan.</p>	<p>None</p>

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		<p><i>Chapter 4 - Council's approved charitable and not for profit register</i></p> <p>Similarly, the draft SPD states that the council will maintain an approved charitable and not-for-profit register. This register should be used by developers/owners who wish to meet policy requirements by leasing affordable workspace directly to an organisation without a management arrangement (Approach C).</p> <p>Paragraph 4.4 also contains provisions to allow for potential tenants who are not on the register to be considered by the Council subject to meeting the relevant criteria contained. This is strongly supported and is considered important to ensure no future tenants are prejudiced from finding affordable workspace they require.</p>	Noted	None

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		<p><i>Chapter 5 - Workspace Management Plan (WMP)</i></p> <p>The draft SPD states that developments that provide managed affordable workspace (Approaches A and B) will be required to produce a Workspace Management Plan (WMP). Developers/owners are strongly encouraged to make contact with the Council at the pre-application stage of the development process, so that the content of a proposed WMP can be discussed prior to the submission of a planning application. The cost of producing the WMP is the responsibility of the developer/owner.</p> <p>The draft SPD states that a draft WMP will need to be submitted alongside any planning application. As a minimum, the WMP will be required to provide details on the following matters:</p> <ol style="list-style-type: none"> 1. The terms on which the affordable workspace will be let – including information about discounted rents, rates and anticipated service charge; 2. The types of businesses the affordable workspace will be let to; 3. The process for letting affordable workspace and for re-letting vacant space before the discount period ends; 4. The fit out of the affordable workspace and the roles and responsibilities of the developer/owner and the Affordable Workspace Provider and/or the end user in fitting out the space; 5. The business support offer to occupants of the affordable workspace; and 6. Reporting requirements – This will set out information the developer/owner will be required to provide to the council on an annual basis, to enable the council to monitor the implementation of the policy. <p>A finalised WMP will need to have been approved by the Council by an agreed point in the development process (this will typically be prior to the</p>		

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		<p>commencement of development, but this may vary on a case-by-case basis) and this will be secured by a planning obligation.</p> <p>TfL CD supports the principle of a draft WMP being submitted with a planning application, but we have concerns that at application submission stage, items (1); (3); and (4) above are unlikely to be known in a reasonable level of detail in most circumstances given (a) such financial matters such as rents, rates, and service charges will most likely change between the application submission, and the development commencing / being at a position where interest is sought from the market and affordable occupiers; (b) an leasing agent will unlikely to have been appointed at the time of the application submission; and (c) the detailed internal fit out is unlikely to have been designed at submission stage. At best it is considered these matters can only be set out at a very high level and generic manner at the time of the application's submission, for example by saying that these matters will be adhered to by the scheme and formalised in the S106 Agreement. We therefore request that clarity in this respect is set out in the SPD at the time of the application submission.</p>	<p>Acknowledge that some information may not be available or finalised at the time an application is submitted. However, even if some is unavailable or incomplete at draft stage, as much information as possible should be submitted and the remaining elements set out under heads of terms, in order to give the council confidence that appropriate provisions will be made for affordable workspace. It is considered that all required elements are necessary for the effective operation of the policy, and it is important that the affordability of the</p>	<p>New para. 5.4 added to clarify this. Former paragraph 5.4 is now paragraph 5.5.</p>

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			<p>premises is secured in a transparent way. The final WMP will be agreed later in the development process and the SPD at para. 5.5 (as amended) explains how this will be secured.</p>	

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		<p><i>Chapter 7 – Review Mechanism</i></p> <p>The SPD expands upon the provisions within draft Policy ED2 in relation to viability and review mechanisms. It states that applications that propose proportions of affordable workspace below the policy requirement will be required to submit viability information. Draft Local Plan Policy ED2 contains provisions for re-appraising the viability of schemes may form part of s.106 Legal Agreements where the financial appraisal demonstrates that the maximum amount of affordable workspace that a scheme can reasonably support is below the policy target. However, Paragraph 7.3 states that review mechanisms will be used to determine whether a development is capable of providing additional affordable workspace. Review mechanisms will not be used to reduce the amount of affordable workspace agreed when planning permission was granted.</p> <p>TfL CD considers that more flexibility is required to account for situations where the viability of schemes has reduced due to fluctuations in market conditions in these very uncertain times. We would welcome provisions which allow for the discounted rental levels to be amended if the viability of the scheme has worsened due to market conditions.</p> <p>With respect to the timing of the viability reviews, the SPD states that these are likely to take place at the following stages for all schemes that do not meet policy requirements:</p>	<p>The approach exactly mirrors that used for review mechanisms for affordable housing. A reduction in the amount of affordable workspace would require a new or modified planning permission.</p> <p>Where mixed use development proposals are required to provide affordable housing and</p>	<p>None</p> <p>Para 7.6 amended to clarify this point.</p>

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		<ul style="list-style-type: none"> • Early review (pre-implementation) - will normally be triggered in the event construction does not commence within 2 years of the grant of planning permission; • Late review - The trigger for the late review will usually be on occupation of 75% of the market floorspace. • On phased developments an additional viability review may be required prior to substantial completion of development phases (mid-term review) to secure any uplift on subsequent phases. <p>TfL CD does not consider that guidance in relation to viability reviews contained within Chapter 7 of the SPD adequately addresses circumstances where mixed use developments are being delivered, which include affordable housing reviews also. We welcome the inclusion of Paragraph 7.6. However we do not consider this provides sufficient explanation to clarify how mixed use scheme will be considered. As currently drafted there is still ambiguity.</p> <p>We therefore request that the SPD should set out details to cover this, and advocate a joined up approach between assessing a scheme containing both affordable housing and affordable workspace. An integrated approach and guidance should be included for mixed use schemes to ensure the delivery of affordable homes is not prejudiced.</p>	<p>affordable workspace, the viability of the whole development proposal will be assessed in the round at planning application stage (if necessary) and through review mechanisms. There will not be separate reviews for affordable housing and affordable workspace. Further clarification can be added to the Revised Draft SPD on this point.</p>	

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		<p><i>Chapter 8 – Payment in Lieu</i></p> <p>The SPD states that in exceptional circumstances, a payment in lieu (PIL) may be accepted where it can be demonstrated to the satisfaction of the council that on-site provision is not feasible and/or that a greater economic impact would be achieved through this route.</p> <p>TfL CD strongly supports these provisions, as in some cases this approach may ensure a greater level of affordable workspace is provided.</p>	<p>Noted, although a greater economic impact does not necessarily mean a greater quantity of affordable workspace.</p>	<p>None</p>
		<p><i>Chapter 9 – Monitoring</i></p> <p>The SPD requires applicants providing affordable workspace through Approaches A and B to report to the Council on the implementation of WMPs on an annual basis. A monitoring fee will be charged to monitor the implementation of the policy. This will be secured as a planning obligation. The overall monitoring fee for any application will be capped at 5% of the total value of the application’s planning obligations.</p> <p>TfL CD consider that this added cost could be duplication of the general S106 monitoring fee. To seek 5% of overall planning obligations could be a significant cost to some developers that could hinder scheme viability. It is suggested that the monitoring fee be made proportionate to the quantum of affordable workspace in any particular scheme.</p>	<p>The monitoring fee falls within the scope of the general fee for monitoring Section 106 obligations. There is therefore no duplication of fees. This is explained in Para. 9.2 of the Draft SPD, which states that the overall monitoring fee for any application will be capped at 5% of the total value of the application’s planning obligations.</p>	<p>None</p>
AW9	Savills on behalf of Guys	<p>In their role as the Charity’s development partner, Stanhope has made a more extensive representation on the draft Affordable Workspace SPD. The</p>	<p>Noted.</p>	<p>See comments on representations</p>

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	and St Thomas Charity	Charity is in full support of Stanhope's position and would ask that it is taken into account as part of the consultation process.		AW4 (Stanhope) and AW10 (GST Foundation).
AW10	WSP Indigo on behalf of Guys and St Thomas Foundation	The Trust are seeking to be recognised as a not-for-profit organisation on the Council's 'register of organisations that require non-managed affordable workspace' in line with Approach C of the SPD, and welcome this opportunity to be recognised as such. [Information submitted in support of such designation]	Noted. The information provided has been passed to the Business and Inward Investment team, who will be producing the Register of Organisations	None

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		<p><i>Exemptions to the Requirements</i></p> <p>Clarity for End Users</p> <p>The draft policies on Affordable Workspace and the SPD in question set out a range of requirements that will apply to applications proposing over 1,000sqm of office floorspace. This includes the provision of affordable workspace, a Workplace Management Plan and review mechanisms to monitor contributions.</p> <p>Reading the policy and SPD as drafted, there is a concern regarding the effectiveness of the Council's approach in how the policy will consider new developments promoted by organisations that should be eligible for affordable workspace themselves. It seems to be common sense that these requirements should not apply to End Users, who are intended to be the beneficiaries of such space as a result of their status, however this is not made clear in the SPD at present. This is a potential gap in the Council's draft Policy and SPD which will need to be addressed and clarified in any future drafts of both policy and as a consequence the SPD.</p>	<p>Where an affordable workspace provider leases the space to an end user, the provider will bear responsibility for the discounted rent. This point can be clarified in the Revised Draft SPD.</p>	<p>Paras. 2.3 and 2.6 amended to clarify this point.</p>

	<p><i>The Trust</i></p> <p>The Trust has many new future development opportunities within the Borough benefiting the both the local and wider community. Whilst new floorspace within proposed development might fall into the B1 use class, new 'office' development will essentially be ancillary to the hospital and healthcare use. Therefore, any development from the Trust should not be subject to Policy ED2, requiring affordable workspace to be provided.</p> <p>Given this context and the Trust's status and as a public sector organisation, the requirement to provide affordable workspace would not be appropriate if applied to the Trust's own developments. Any scheme coming forward would be, regardless, delivering a substantial public benefit given the nature of its operations in healthcare and research. The provision of affordable workspace would have practical limitations and viability implications which restrict it from being a justified or effective approach if applied. New office developments, for example within the Hospital campus where the major schemes are likely to be located, would be constructed purely for the use of healthcare related professionals and would be managed fluidly with other hospital or healthcare buildings. This is not conducive to the approaches to providing affordable workspace that are set out in the Council's Draft SPD given the management and practicalities of introducing other users. Notwithstanding this, the requirements set out in draft Policy ED2 and the SPD would anyway present an unjustified burden on such development given that the applicant would be not-for-profit and likely to be on the list as an 'End User'. The concerns relating to the treatment of End Users are covered above.</p> <p>It is requested that the draft Policy ED2 and the SPD are amended to make it clear that office floorspace associated or ancillary to health facilities would form an exception to the policy requirements for the reasons set out above.</p>	<p>This point was addressed as part of the Lambeth Local Plan examination. Paragraph 6.13 of the adopted Local Plan states that the affordable workspace policy will not apply to office floorspace that is ancillary to, or integral to the operation of, a hospital or other healthcare facility.</p>	<p>None</p>
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Rep. No.	Respondent	Representation Wording	Officer Response	Proposed Change in Revised Draft Affordable Workspace SPD
AW11	ROK Planning on behalf of Unite Students	<p>The draft SPD provides guidance on the implementation of Policy ED2 of the Draft Revised Lambeth Local Plan. It should be noted that representations have been made on behalf of Unite to draft policy ED2 at the regulation 19 stage in March 2020. This representation should therefore be read in conjunction with those submitted to the Regulation 19 stage Local Plan. Within our Regulation 19 representations we note that following the previous round of consultation to the Lambeth Local Plan, policy ED2 has been amended to only apply to developments proposing at least 1,000sqm (GIA) floorspace, and has also been amended to eliminate the requirement for the affordable workspace to be managed by a council-approved workspace provider. These amendments are strongly supported.</p> <p>However, despite the amendments, and whilst Unite support the provision of affordable workspace in their developments and recognise the importance of this for London’s ecosystem for creative and technology innovation, there is no evidence nor planning basis to support the proposed rental levels in these locations.</p> <p>Therefore, to reiterate the points made in the Regulation 19 consultation, it is recommended that the prescribed rental levels should be removed from this policy as these cannot be dictated by planning policy and there is a lack of evidence to support the proposed policy.</p>	This is a comment on policy ED2 of the Local Plan. It was addressed as part of the Lambeth Local Plan examination. Policy ED2 as amended was adopted as part of the Lambeth Local Plan on 22 September 2021.	None

Rep. No.	Respondent	Representation Wording	Officer Response	Proposed Change in Revised Draft Affordable Workspace SPD
		<p><i>Introduction and Definition</i></p> <p>The draft SPD provides guidance on the implementation of Policy ED2 of the Draft Revised Lambeth Local Plan. We note that the council envisages that the final version of this SPD will be adopted at the same time as, or shortly after, adoption of the revised Local Plan. Within the SPD, and for the purposes of the Draft Revised Lambeth Local Plan, Affordable Workspace is defined 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>We agree with this definition and its conformity with the London Plan.</p>	Noted	None

Rep. No.	Respondent	Representation Wording	Officer Response	Proposed Change in Revised Draft Affordable Workspace SPD
		<p>developer/owner is unable to lease the space, viable floorspace does not remain vacant for unnecessarily long periods of time.</p>	<p>Local Plan. The shortest period for any of these marketing exercises is 12 months, with some being required for 24 months. It would be inconsistent for a shorter period of 6 months to apply in this case, and it is considered that such a short period would not be sufficient to explore all options to let the floorspace to a qualifying provider or end user.</p>	

Rep. No.	Respondent	Representation Wording	Officer Response	Proposed Change in Revised Draft Affordable Workspace SPD
		<p><i>End Users of managed affordable workspace</i></p> <p>The Draft SPD states that the types of end users that should benefit from affordable workspace are varied, but that they should be local to Lambeth and relate to one or more of the following:</p> <ul style="list-style-type: none"> • Start-ups and early stage businesses across the Creative and Digital Industries (CDI) requiring specialist support and/or equipment to develop and grow their enterprise; • Businesses focussed on creative production (for example, artists, designer makers, musicians and fashion) requiring larger than average ratio of workspace area to employees or making a special contribution to the character and cultural identity of local areas; and • Not for profit and/or charitable organisations supporting Lambeth’s economy and providing significant social value to local residents (e.g. training or employment opportunities, business support, community events, etc.). This includes education providers and organisations whose primary purpose is to support disadvantaged groups and tackling economic inequality. <p>In principle, this approach is largely supported. However, we would note that industries are subject to changes over time and thus the SPD should be updated to reflect this. We would therefore argue that the wording is adjusted to make clear that, whilst the above are the desired occupiers, Affordable Workspace is not limited to these occupiers only. This is to ensure flexibility on occupiers and further reduce the risk of floorspace remaining unnecessarily vacant.</p>	<p>Eligibility for affordable workspace is based on evidence of priority growth sectors where there is an identified need for specialist support and/or equipment to develop and grow their enterprise (as explained</p>	<p>Para. 3.6 amended to clarify the approach.</p>

Rep. No.	Respondent	Representation Wording	Officer Response	Proposed Change in Revised Draft Affordable Workspace SPD
			<p>during the examination of the Local Plan). It is not appropriate to allow complete flexibility around eligibility for affordable workspace, unrelated to evidence. Examples of sectors that meet this definition are set out in paragraph 3.6, with additional clarification added.</p>	
		<p><i>Workspace Management Plan</i></p> <p>The SPD notes that developments that provide managed affordable workspace (Approaches A and B) will be required to produce a Workspace Management Plan (WMP). In addition, the SPD states that developers will be</p>		

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		<p>strongly encouraged to make contact with the council at the pre-application stage of the development process, so that the content of a proposed WMP can be discussed prior to the submission of a planning application. This approach is supported.</p> <p>The SPD then sets out the minimum details required to be provided within any WMP. It should be noted that from the point of submission through to determination of an application, the end user (Industry focus) may change and thus an allowance for a degree of flexibility must be provided. Similarly, due to market changes, only high-level terms can be set out at the application submission stage to ensure flexibility. The specific requirements are addressed in turn below:</p> <ul style="list-style-type: none"> • Terms of letting - We agree that details of Service Charges should be included within a WMP but, as per the above, should only consist of a high-level indication at the submission stage. We agree with the inclusion of a break clause. • Type of business – As noted above, an indication of the types of businesses intended to occupy the space can be provided, but this should include a degree of flexibility at the submission stage as industries can be subject change. • Process of letting – We agree with the inclusion of letting process within the WMP. • Fit out and responsibilities – We agree with the inclusion of this information, however, only high-level details should be required. Ultimately the detailed design will be required to suit the end occupier, details of which may not be available at the submission stage. • Business Support Offer – We agree with the inclusion of Business Support Offerings within the WMP. 	<p>Noted</p> <p>Acknowledge that some information may not be available or finalised at the time an application is submitted. However, even if some is unavailable or incomplete at draft stage, as much information as possible should be submitted and the remaining elements set out under heads of terms, in order to give the council confidence that appropriate provisions will be made for affordable workspace. It is considered that all required elements are necessary for the effective operation of the policy, and it is</p>	<p>None</p> <p>New para. 5.4 added to clarify this point. Former paragraph 5.4 is now paragraph 5.5.</p>

Rep. No.	Respondent	Representation Wording	Officer Response	Proposed Change in Revised Draft Affordable Workspace SPD
		<ul style="list-style-type: none"> • Reporting – We agree with the principle of reporting and that these should be outlined within the WMP. However, we would note that whilst the percentage proportion of market rents can be specified, the specific rental figures cannot be included due to changing market rents. This is detailed further in the following sections. 	<p>important that the affordability of the premises is secured in a transparent way. The final WMP will be agreed later in the development process and the revised draft SPD at para. 5.5 explains how this will be secured.</p>	
		<p><i>Market Rents</i></p> <p>The Draft SPD states that “market rent will be assessed on a case by case basis at the time of the application”. Whilst we support the principle of this statement, we note that the Council acknowledge the fact that rental levels may change and state that “it is expected that rents charged for affordable workspace will vary over time relative to market rents for the space”. Therefore, we argue that it should be made clear that market rent will be assessed through to the determination of the application to account for any changes that may occur over the course of the application process.</p> <p>Similarly, acknowledging that market rent levels will be subject to change, it should be noted that only an indication of the eventual rental levels can be provided. For example, whilst an offering can be made at a proportion of market rents, the specific numerical rental value cannot be dictated through the planning permission itself, as the planning system cannot dictate rental levels, nor document current market rent levels.</p>	<p>Market rent levels will be initially considered during the application process and finalised at the time that the final WMP is agreed.</p> <p>The Section 106 Agreement that secures the WMP will define discount rent as a proportion of market rent value, which will be</p>	<p>Para. 6.4 amended to clarify this.</p> <p>Paras. 6.4 and 6.5 amended to clarify this.</p>

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			<p>assessed by the council during the application process. Rents will be agreed as part of the WMP. Developers will be required to report annually on current market rents and the rents charged for the affordable workspace to enable the council to monitor the correct application of the discount for the duration of the discount period.</p>	
		<p><i>Review Mechanism</i></p> <p>The SPD states that “applications that propose proportions of affordable workspace below the policy requirement will be required to submit viability information” and outlines the review mechanism process. This approach is largely supported, subject to the points outlined above regarding fact that actual rent levels cannot be dictated through a planning permission.</p>	<p>Noted</p>	<p>None</p>

Rep. No.	Respondent	Representation Wording	Officer Response	Proposed Change in Revised Draft Affordable Workspace SPD
AW12	DP9 on behalf of MEC London Property	<p><i>Chapter 2: Approaches to Affordable Workspace</i></p> <p>Paragraph 2.1 states as outlines within policy ED2 there are some circumstances where research and development (B1b) or light industrial B1c uses can be also be considered as affordable workspace as well as B1a. We query whether other uses (subject to agreement with Officers) could also be considered as affordable workspace in line with the requirements set out in policy ED2. There are some uses that fall within Use Class D1 (non-residential institutions), for example (Clinics, health centres, crèches, day nurseries and day centres) and D2 (assembly and leisure), for example a local theatre or charity that could be in some instances be considered as affordable workspace.</p>	<p>Approach C allows for affordable workspace to be let to organisations on the council’s charitable and not-for-profit register, as explained in section 2 of the draft SPD. This might in some instances include a local theatre or charity. Other than through this mechanism, affordable workspace will not be secured for general community or leisure uses because that does not relate to the evidence upon which the policy is based.</p>	None

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		<p>Chapter 2 sets out in the detail the three alternative ways in which affordable workspace can be provided by developers in Lambeth:</p> <ul style="list-style-type: none"> • Affordable workspace leased and managed by an affordable workspace provider on the council’s approved list in accordance with an agreed workspace management plan (Approach A). • Affordable workspace managed directly by the owner of the new development where it is demonstrated to the satisfaction of the council that they have the necessary skills and experience and an agreed workspace management plan is in place (Approach B). • Affordable workspace leased by the owner of the new development to one or more end users on the council’s approved register of businesses that require non-managed affordable workspace (Approach C). <p>The proposed redevelopment of the London Studios is at a too early stage to ascertain which approach may be taken. MEC is however supportive that Lambeth provides the option of three alternative ways (as opposed to one set way) in which affordable workspace can be provided and welcomes the flexible approach taken. We query whether in some instances, there may be an opportunity to provide a mixture of approaches, particularly on larger schemes where certain affordable workspace occupiers may only want a certain amount of floorspace. For example, is there the ability to provide some of the space leased and managed by an affordable workspace provider on the council’s approved list and other space used as affordable workspace leased by the owner of the new development?</p>	<p>A hybrid approach using a combination of these provisions would be acceptable.</p>	<p>Para 2.3 amended to clarify this.</p>

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		<p>Approach B references the discounted membership calculation being based on the Payment in Lieu calculation in Annex 10 of the Draft Local Plan. This calculates the 'Income Multiplier' as equal to 1/Investment Yield, which is in perpetuity. The affordable workspace obligation is for a period of 15 years and therefore the income multiplier should calculate the investment yield for an equivalent leasehold interest of 15 years term certain. Likewise the 'Council DM/PM fee' equivalent to an additional 10% to the capital value of the discount is excessive and potentially represents a significant financial sum being based on the capital value rather than the Value of the discount.</p>	<p>The purpose of the formula is to calculate the additional income that the developer / owner will gain by not providing the affordable workspace on site for whatever period is required by policy. If the policy requires that the space be discounted for a specified number of years, the income multiplier ('J' in the formula) needs to reflect the discount period. Hence the developer needs to apply an investment yield ('I' in the formula) that relates to the equivalent number of years purchased, thus:</p> <ul style="list-style-type: none"> for a 15 year discount period, the investment yield would be 6.67% (i.e. $1 / 0.0667 = 15$) 	<p>Para. 8.4 amended to clarify this.</p>

Rep. No.	Respondent	Representation Wording	Officer Response	Proposed Change in Revised Draft Affordable Workspace SPD
			<ul style="list-style-type: none"> for a 25 year discount period, the investment yield would be 4% (i.e. $1 / 0.04 = 25$) 	
		<p><i>Chapter 3 Affordable Workspace Providers</i></p> <p>MEC agree in principle that affordable workspace providers are vital in creating the environments for businesses to start and grow and for local benefits to be created, through the provision of flexible lease arrangements, access to facilities (e.g. meeting rooms), delivery of business support, and approach to tenant recruitment to ensure the appropriate mix of organisations.</p> <p>Paragraph 3.2 states that the council will maintain an Approved Affordable Workspace Provider List (Approach A) and publish this on the council's website. In addition, any organisation that wishes to be on this list will be able to apply to the council on at least an annual basis. In addition, in paragraph 3.4, it outlines that the Council will refresh the Affordable Workspace Provider list every 3 years. MEC query whether there is enough flexibility around the three-year review period for the affordable workspace provider list. Similarly, if an Affordable Workspace Provider is removed from the list, would the developer be required to terminate any lease or agreement then in place that may be for a term in excess of three years. Our</p>	<p>Noted</p> <p>Registration of a provider lasts for three years. New providers that meet the criteria may be added at any time. Requiring providers to make annual applications could disadvantage smaller operators. If an</p>	<p>None</p> <p>Para 3.2 amended to clarify that applications can be made at any time and 5.3 amended to clarify the point about lease termination.</p>

Rep. No.	Respondent	Representation Wording	Officer Response	Proposed Change in Revised Draft Affordable Workspace SPD
		<p>view is that the text needs to be adapted to take into account the everchanging market and affordable workspace providers and should be updated on an annual basis in line with the organisations that are applying on an annual basis.</p>	<p>operator is removed from the list owing to failure to meet their obligations as an approved provider then flexibility is required to terminate a current lease and install a different operator.</p>	
		<p><i>Chapter 5 Workspace Management Plan</i></p> <p>Chapter 5 outlines that a Draft Workspace Management Plan (WMP) will be required to submit as part of any planning application where relevant. As part of this WMP Applicants will be required to provide details on the following matters</p> <ul style="list-style-type: none"> • The terms on which the affordable workspace will be let (include information about discounted rents, rates and anticipated service charge). • The types of businesses the affordable workspace will be let to • The process for letting affordable workspace and for re-letting vacant space before the discount period ends (including the Marketing Strategy for advertising affordable workspace) 		

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		<ul style="list-style-type: none"> • The fit out of the affordable workspace and the roles and responsibilities of the developer/owner and the Affordable Workspace Provider and/or the end user in fitting out the space. • The business support offers to occupants of the affordable workspace • Reporting requirements– This will set out information the developer / owner will be required to provide to the council on an annual basis. <p>Whilst MEC can understand the rationale for needing this information they are of the view that some flexibility needs to be provided surrounding the level of information that is required to be provided at the application stage, even if in draft format. The requirements should not be too prescriptive at application stage as we doubt that many developers will have all the required information listed above and outlined in the draft SPD document. In reality, whilst the principles of the affordable workspace provision may be agreed it is likely that discussions with affordable workspace providers will still be an at an early stage in the process and the level of detail available will be more minimal. In addition, at the time of submission, there is no guarantee that planning permission will be granted, and Applicants are likely to want more certainty on the proposed development before they commit to providing this level of detail.</p>	<p>Acknowledge that some information may not be available or finalised at the time an application is submitted. However, even if some is unavailable or incomplete at draft stage, as much information as possible should be submitted and the remaining elements set out under heads of terms, in order to give the council confidence that appropriate provisions will be made for affordable workspace. It is considered that all required elements are necessary for the</p>	<p>New para. 5.4 added to clarify this point. Former paragraph 5.4 is now paragraph 5.5.</p>

Rep. No.	Respondent	Representation Wording	Officer Response	Proposed Change in Revised Draft Affordable Workspace SPD
			<p>effective operation of the policy, and it is important that the affordability of the premises is secured in a transparent way. The final WMP will be agreed later in the development process and the SPD at para. 5.5 (as amended) explains how this will be secured.</p>	

Rep. No.	Respondent	Representation Wording	Officer Response	Proposed Change in Revised Draft Affordable Workspace SPD
		<p><i>Chapter 6 Market Rents</i></p> <p>MEC supports the principle of market rents being assessed on a case by case basis taking into account the nature and location of the proposed development as outlined in paragraph 6.2.</p> <p>MEC disagrees that planning applications should include details about the market rents expected to be achieved. Paragraph 6.3 goes on state that this should include evidence of market rents in the vicinity of the application site. Comparator information should distinguish between rents and service charges. Similar to comments raised on the AWP, this level of detail should be provided at a later stage during the determination process when there is a clearer idea of when the affordable workspace can be delivered. It is envisaged that discussions would take place during determination and then be captured within any Section 106 associated with the site.</p>	<p>Noted</p> <p>Market rent levels will be initially considered during the application process and finalised at the time that the final WMP is agreed.</p>	<p>None</p> <p>Para. 6.4 amended to clarify this.</p>
		<p><i>Chapter 7 Review Mechanisms</i></p> <p>Paragraph 7.1 states that “applications that propose proportions of affordable workspace below the policy requirement will be required to submit viability information.” It is unclear as to whether this relates to just the 10% provision or the % below market rents/ and or length of time the workspace will be affordable. Not all schemes will require two separate review mechanisms and there should be some flexibility to how this is applied, and each site should be looked on a site by site basis.</p>	<p>Viability testing will be required for any application that does not meet the policy requirements in full, be that the overall percentage of affordable workspace and/or the level of discount and/or the</p>	<p>Para 7.1 amended to clarify this.</p>

Rep. No.	Respondent	Representation Wording	Officer Response	Proposed Change in Revised Draft Affordable Workspace SPD
			length of discount. Viability review mechanisms will be applied to all applications that follow the Viability Tested Route.	
		<p><i>Chapter 9 Monitoring affordable workspace obligations and timing of payments</i></p> <p>Paragraph 9.1 states that Applicants providing affordable workspace through Approaches A and B will be required to report to the council on the implementation of WMPs on an annual basis. Paragraph 9.2 goes on to state that “a monitoring fee will be charged to monitor the implementation of the policy. This will be secured as a planning obligation. The overall monitoring fee for any application will be capped at 5% of the total value of the application’s planning obligations. The value and proportion of the monitoring fee devoted to monitoring affordable workspace requirements will therefore vary on a case-by-case basis.”</p> <p>The NPPF states that local authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations (paragraph 54). In doing so, the NPPF (paragraph 56) sets out the statutory tests which require obligations to be:</p> <ul style="list-style-type: none"> • Necessary to make the development acceptable in planning terms; • Directly related to the development; and 		

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		<ul style="list-style-type: none"> • Fairly and reasonably related in scale and kind to the development <p>The London Plan identifies planning obligations as a tool for mitigating a range of planning matters. Policy 8.2 notes that when considering applications of strategic importance, the Mayor will take into account, among other issues including economic viability of each development concerned, the existence and content of planning obligations. These should address strategic as well as local priorities.</p> <p>Whilst MEC in principle are supportive of the monitoring of the AWP, we query whether an associated monitoring fee is relevant and or necessary to make the development in acceptable in planning terms in accordance with NPPF paragraph 56. Dependant on the size of the proposed development, the 5% cap could be a significant amount of money and would be disproportionate to other schemes that are much smaller in nature. We would welcome further discussions on this as the application for the ITV site is progressed further.</p>	<p>The monitoring fee falls within the scope of the general fee for monitoring Section 106 obligations. There is therefore no duplication of fees. This is explained in Para. 9.2 of the Draft SPD, which states that the overall monitoring fee for any application will be capped at 5% of the total value of the application's planning obligations.</p>	<p>None</p>

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AW13	WSP Indigo on behalf of St Clair Development	<p>We have reviewed the Draft Affordable Workspace SPD. We believe that there needs to be greater flexibility within the guidance towards the provision of affordable workspace, especially with regard towards mixed-use development. Mixed-use development is an efficient use of land and is promoted within the Intend to Public London Plan (2019). Mixed-use development enables vitality and viability of a site in future market demands. Therefore, councils should be supportive of mixed-use development, and policies and guidance should not be restrictive.</p>	<p>The Council is supportive of mixed-use development and this is clearly reflected in the policies in the Lambeth Local Plan 2021. The cumulative impact on viability of all the policies in the Local Plan, including the affordable workspace policy, was tested and found sound at examination. The Affordable Workspace SPD will provide guidance on implementation of the adopted policy and will not impose any additional policy requirements.</p>	None

Rep. No.	Respondent	Representation Wording	Officer Response	Proposed Change in Revised Draft Affordable Workspace SPD
		<p><i>Compliance with Strategic Planning Policies</i></p> <p>Lambeth Council has identified a local need of affordable workspaces within the borough, with specific reference to locations where there is a higher demand. The SPD states that London Plan Policy E3 'Affordable Workspace' requires local affordable workspace policies to be monitored regularly. Whilst monitoring the need/demand for affordable workspace is important, it needs to be undertaken on a holistic basis to ensure the full development needs an area is met. Regular monitoring of affordable workspace needs to be undertaken against the context of the equally important need for open market and affordable housing and other key land uses and not solely as a goal in itself.</p> <p>The SPD states that both emerging London Plan Policy E3 and draft Local Plan Policy ED2 highlight the diverse nature of need for affordable workspace, and so affordable workspace can be provided in a multitude of use classes: Class B1a (offices), Class B1b (research and development) or Class B1c (light industrial). We agree to the flexibility of different uses for the provision of affordable workspace. The flexibility of the use will ensure longevity of these spaces which can adapt to the changing markets, according with paragraph 11 of the National Planning Policy Framework (NPPF) (adopted in 2019). However, within mixed use development, this flexibility of use should be limited, as the affordable workspace provision will need to respond positively to the other uses within the development, and should not impact on neighbouring amenity, for example noise disturbance.</p>	<p>This comment does not relate specifically to the Draft SPD. The monitoring framework for the policies in the Local Plan is set out in Annex 7 of that document.</p> <p>If necessary on a case by case basis, the type of affordable workspace can be controlled by condition removing permitted development rights at the time that a planning permission is issued.</p>	<p>None</p> <p>None</p>

Rep. No.	Respondent	Representation Wording	Officer Response	Proposed Change in Revised Draft Affordable Workspace SPD
		<p><i>Workspace Management Plan</i></p> <p>The SPD requires a draft WMP to be provided alongside all applications following routes A or B. However, no thresholds are suggested, below which, development would not be expected to provide a WMP. This would be an important and useful addition so as not to stymie development on small or medium sized sites or where other constraints would render the provision of affordable workspace unviable.</p> <p>Furthermore, the requirements of a WMP are extremely onerous and many developers will not be able to provide this level of detail at such an early stage of the development process. Some of the information is also commercially sensitive and we would question the need for this to be in the public domain.</p>	<p>A WMP is required for every scheme that is required to provide affordable workspace as this is a key part of the mechanism for securing the planning obligation. Local Plan Policy ED2 contains a threshold of 1,000 sqm office floorspace below which affordable workspace is not required, and only applies to the uplift in office floorspace in a proposal.</p> <p>Acknowledge that some information may not be available or finalised at the time an application is submitted. However, even if some is unavailable or incomplete at draft stage, as much information as possible should be submitted and the remaining</p>	<p>None</p> <p>New para. 5.4 added to clarify this point. Former paragraph 5.4 is now paragraph 5.5.</p>

Rep. No.	Respondent	Representation Wording	Officer Response	Proposed Change in Revised Draft Affordable Workspace SPD
			<p>elements set out under heads of terms, in order to give the council confidence that appropriate provisions will be made for affordable workspace. It is considered that all required elements are necessary for the effective operation of the policy, and it is important that the affordability of the premises is secured in a transparent way. The final WMP will be agreed later in the development process and the SPD at para. 5.5 (as amended) explains how this will be secured.</p>	

Rep. No.	Respondent	Representation Wording	Officer Response	Proposed Change in Revised Draft Affordable Workspace SPD
		<p><i>Section 106 Obligations</i></p> <p>The Draft London Plan Policy E3 requires that within mixed use development, planning obligations should be used to secure the provision of affordable workspace, in advance of some or all residential elements being occupied. The SPD does state that a Payment in Lieu will be accepted if the developer/owner is unable to lease the space within 12 months.</p> <p>However, if residential units are unable to be occupied before the affordable workspace is occupied, this will create huge delays and cost burdens for the developer as many of the units will be vacant. This will at best, hinder the delivery of equally important forms of development such as housing and retail, or at worst prevent delivery altogether. This approach to the provision of affordable workspace within mixed use development has not been prepared positively as rather than encourage, it restricts deliverability and viability of schemes and other planning obligations, and so is not in accordance with paragraph 35 of the NPPF (2019).</p>	<p>This point was addressed by changes made to the London Plan and Lambeth Local Plan prior to adoption of the two plans. London Plan Policy E3 does not contain a requirement for affordable workspace to be provided in advance of residential elements, while Lambeth Local Plan Policy ED2 D states that, where affordable workspace is being provided through a phased mixed-use development, planning obligations will be required to ensure timely delivery, without being specific about what that timing would be. Phasing will be secured by condition or Section 106 Agreement.</p>	<p>None</p>

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		<p>Paragraph 7.6 of the SPD states that for mixed development proposals that are required to provide affordable housing and affordable workspaces, a viability review will be sought to ensure that the development is policy compliant for all requirements. The SPD goes further to state that in exceptional circumstances a payment in lieu may be accepted. Requiring policy compliant provision for both affordable housing and affordable workspace within a mixed use development is likely to result in substantial policy cost that overload the viability of schemes and the requirements of the SPD need to be amended to make more explicit the need for schemes to be viable and deliverable.</p> <p>As stated throughout relevant planning policies and the SPD, affordable workspace will be secured through Section 106 obligations. The SPD states that the Council will produce model clauses to support the implementation of the policy, however no further information is provided on this and therefore we ask to be included within further consultations regarding the drafting of model clauses with interested parties, particularly regarding mixed-use development.</p>	<p>The cumulative impact on viability of all the policies in the Local Plan, including the affordable workspace policy, was tested and found sound at examination. The Affordable Workspace SPD will provide guidance on implementation of the adopted policy and will not impose any additional policy requirements.</p> <p>Model s106 clauses will not be included within the SPD itself. They can be made available to applicants as appropriate in the course of pre-application and application discussions.</p>	<p>None</p> <p>None</p>

		<p><i>Conclusion</i></p> <p>As stated throughout this letter, the purpose of the SPD is to support the draft local Policy ED2 and allow for flexibility for the provision of affordable workspace to respond to changes in the market.</p> <p>Our suggested changes to the SPD are:</p> <ol style="list-style-type: none"> 1. The SPD as drafted addresses the need for affordable workspace in isolation and does not adequately address the complexities that arise when delivering development. The needs for affordable workspace should be properly balanced with the needs for other land uses such as retail, leisure and community uses so that a holistic approach is taken to development and workspace is not overprovided. 2. The requirement for a Workspace Management Plan to accompany all planning applications is too onerous. Section 5 of the SPD should be clarified and a threshold approach taken to affordable workspace so as not to make small and medium sized developments unviable. 3. The SPD does not set out any of the commercial assumptions underpinning the need for affordable workspace. Further detail should be provided and consulted upon demonstrating how the requirement has been derived and whether this approach is robust. The SPD should be justified with evidence from local commercial agents who know the market well and whether the approaches set out in the SPD would be too onerous or make development unviable. 	<p>Considered above</p> <p>Considered above</p> <p>This matter and the supported evidence on viability were considered as part of the Lambeth Local Plan examination. The policy requirements in the Local Plan as adopted were found sound. The SPD does not introduce any additional policy requirements: it provides guidance on implementation of the adopted policy.</p>	<p>n/a</p> <p>n/a</p> <p>None</p>
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		<p>Clearer acknowledgement needs to be stated towards affordable workspace provision within mixed use developments and the flexibility of provision and discounted rents in order for the developer to commit to all planning obligations required by the Council.</p>	<p>Considered above.</p>	<p>n/a</p>
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AW14	DP9 on behalf of Hondo Enterprises	<p><i>Chapter 2: Approaches to Affordable Workspace</i></p> <p>Paragraph 2.1 states as outlines within policy ED2 there are some circumstances where research and development (B1b) or light industrial B1c uses can be also be considered as affordable workspace as well as B1a. Hondo is supportive of the approach taken here and agree that B1b and B1c uses could be affordable workspace providers. We query whether other uses (subject to agreement with Officers) could also be considered as affordable workspace in accordance with policy ED2. There are some uses that fall within Use Class D1 (non-residential institutions), for example (Clinics, health centres, crèches, day nurseries and day centres) and D2 (assembly and leisure) that could in some instances be considered within the overall 10% required as affordable workspace under policy ED2.</p> <p>Chapter 2 sets out in the detail the three alternative ways in which affordable workspace can be provided by developers in Lambeth:</p> <ul style="list-style-type: none"> • Affordable workspace leased and managed by an affordable workspace provider on the council’s approved list in accordance with an agreed workspace management plan (Approach A). • Affordable workspace managed directly by the owner of the new development where it is demonstrated to the satisfaction of the council that they have the necessary skills and experience and an agreed workspace management plan is in place (Approach B). • Affordable workspace leased by the owner of the new development to one or more end users on the council’s approved register of businesses that require non-managed affordable workspace (Approach C). <p>Hondo is supportive that Lambeth provides the option of three alternative ways (as opposed to one set way) in which affordable workspace can be</p>	<p>This is a comment about the content of Local Plan Policy ED2, which has undergone examination and been found sound. The comment does not relate specifically to the content of the Draft SPD, because paragraph 2.1 of the SPD just replicates the content of the Local Plan.</p> <p>A hybrid approach using a combination of these</p>	<p>Para 2.1 has been updated to reflect changes in the wording of Local Plan Policy ED2 agreed through examination and adoption.</p> <p>Para 2.3 amended to clarify this.</p>

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		<p>provided and welcomes the flexible approach taken. We query whether in some instances, there may be an opportunity to provide a mixture of approaches, particularly on larger schemes where certain affordable workspace occupiers may only want a certain amount of floorspace. For example, is there the ability to provide some of the space leased and managed by an affordable workspace provider on the council's approved list and other space used as affordable workspace leased by the owner of the new development?</p>	<p>provisions would be acceptable.</p>	
		<p><i>Chapter 3 Affordable Workspace Providers</i></p> <p>Hondo agree in principle that affordable workspace providers are vital in creating the environments for businesses to start and grow and for local benefits to be created, through the provision of flexible lease arrangements, access to facilities (e.g. meeting rooms), delivery of business support, and approach to tenant recruitment to ensure the appropriate mix of organisations.</p> <p>Paragraph 3.2 states that the council will maintain an Approved Affordable Workspace Provider List (Approach A) and publish this on the council's website. In addition, any organisation that wishes to be on this list will be able to apply to the council on at least an annual basis. In addition, in paragraph 3.4, it outlines that the Council will refresh the Affordable Workspace Provider list every 3 years. Hondo query whether there is enough flexibility around the three-year review period for the affordable workspace provider list. Our view is that the text needs to be adapted to take into account the everchanging market and affordable workspace providers and should be updated on an annual basis in line with the organisations that are applying on an annual basis.</p>	<p>Noted</p> <p>The three year period is designed to give greater certainty to developers, owners and providers, and it is considered that undertaking annual updates would reduce that level of certainty.</p>	<p>None</p> <p>None</p>

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		<p><i>Chapter 5 Workspace Management Plan</i></p> <p>Chapter 5 outlines that a Draft Workspace Management Plan (WMP) will be required to submit as part of any planning application where relevant. As part of this WMP Applicants will be required to provide details on the following matters</p> <ul style="list-style-type: none"> • The terms on which the affordable workspace will be let (include information about discounted rents, rates and anticipated service charge). • The types of businesses the affordable workspace will be let to. • The process for letting affordable workspace and for re-letting vacant space before the discount period ends (including the Marketing Strategy for advertising affordable workspace). • The fit out of the affordable workspace and the roles and responsibilities of the developer/owner and the Affordable Workspace Provider and/or the end user in fitting out the space. • The business support offers to occupants of the affordable workspace. • Reporting requirements– This will set out information the developer / owner will be required to provide to the council on an annual basis. <p>Whilst Hondo can understand the rationale for needing this information they are of the view that some flexibility needs to be provided surrounding the level of information that is required to be provided at the application stage, even if in draft format. The requirements should not be too prescriptive at application stage as we doubt that many developers will have all the required information listed above and outlined in the draft SPD document. In reality, whilst the principles of the affordable workspace provision may be agreed it is likely that discussions with affordable workspace providers will still be an at an early stage in the process and the level of detail available will be more minimal. In addition, at the time of</p>	<p>Acknowledge that some information may not be available or finalised at the time an application is submitted. However, even if some is unavailable or incomplete at draft stage, as much information as possible</p>	<p>New para. 5.4 added to clarify this point. Former paragraph 5.4 is now paragraph 5.5.</p>

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		<p>submission, there is no guarantee that planning permission will be granted, and Applicants are likely to want more certainty on the proposed development before they commit to providing this level of detail.</p>	<p>should be submitted and the remaining elements set out under heads of terms, in order to give the council confidence that appropriate provisions will be made for affordable workspace. It is considered that all required elements are necessary for the effective operation of the policy, and it is important that the affordability of the premises is secured in a transparent way. The final WMP will be agreed later in the development process and the SPD at para. 5.5 (as amended) explains how this will be secured.</p>	

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		<p><i>Chapter 6 Market Rents</i></p> <p>Hondo supports the principle of market rents being assessed on a case by case basis taking into account the nature and location of the proposed development as outlined in paragraph 6.2.</p> <p>Hondo disagrees that planning applications should include details about the market rents expected to be achieved. Paragraph 6.3 goes on state that this should include evidence of market rents in the vicinity of the application site. Comparator information should distinguish between rents and service charges. Similar to comments raised on the AWP, this level of detail should be provided at a later stage post determination when there is a clearer idea of when the affordable workspace can be delivered. It is envisaged that discussions would take place post a resolution to grant and then be captured within a condition (prior to occupation of the Affordable Workspace) as only then will there be up to date comparables.</p>	<p>Noted</p> <p>Market rent levels will be initially considered during the application process and finalised at the time that the final WMP is agreed.</p>	<p>None</p> <p>Para. 6.4 amended to clarify this.</p>
		<p><i>Chapter 7 Review Mechanisms</i></p> <p>Paragraph 7.1 states that “applications that propose proportions of affordable workspace below the policy requirement will be required to submit viability information.” It is unclear as to whether this relates to just the 10% provision or the % below market rents/ and or length of time the workspace will be affordable. Not all schemes will require two separate review mechanisms and there should be some flexibility to how this is applied, and each site should be looked on a site by site basis.</p>	<p>Viability testing will be required for any application that does not meet the policy requirements in full, be that the overall percentage of affordable workspace and/or the level of discount and/or the</p>	<p>Para 7.1 amended to clarify this.</p>

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			length of discount. Viability review mechanisms will be applied to all applications that follow the Viability Tested Route.	
		<p><i>Chapter 9 Monitoring affordable workspace obligations and timing of payments</i></p> <p>Paragraph 9.1 states that Applicants providing affordable workspace through Approaches A and B will be required to report to the council on the implementation of WMPs on an annual basis. Paragraph 9.2 goes on to state that “a monitoring fee will be charged to monitor the implementation of the policy. This will be secured as a planning obligation. The overall monitoring fee for any application will be capped at 5% of the total value of the application’s planning obligations. The value and proportion of the monitoring fee devoted to monitoring affordable workspace requirements will therefore vary on a case-by-case basis.”</p> <p>The NPPF states that local authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations (paragraph 54). In doing so, the NPPF (paragraph 56) sets out the statutory tests which require obligations to be:</p> <ul style="list-style-type: none"> • Necessary to make the development acceptable in planning terms; • Directly related to the development; and 		

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		<ul style="list-style-type: none"> • Fairly and reasonably related in scale and kind to the development <p>The London Plan identifies planning obligations as a tool for mitigating a range of planning matters. Policy 8.2 notes that when considering applications of strategic importance, the Mayor will take into account, among other issues including economic viability of each development concerned, the existence and content of planning obligations. These should address strategic as well as local priorities</p> <p>Whilst Hondo in principle is supportive of the monitoring of the AWP, we query whether an associated monitoring fee is relevant and or necessary to make the development acceptable in planning terms.</p>	<p>The monitoring fee falls within the scope of the general fee for monitoring Section 106 obligations. There is therefore no duplication of fees. This is explained in Para. 9.2 of the Draft SPD, which states that the overall monitoring fee for any application will be capped at 5% of the total value of the application's planning obligations.</p>	<p>None</p>

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AW15	Natural England	<p>While we welcome this opportunity to give our views, the topic this Supplementary Planning Document covers is unlikely to have major impacts on the natural environment. We therefore do not wish to provide specific comments, but advise you to consider the following issues:</p> <p><i>Biodiversity enhancement</i> This SPD could consider incorporating features which are beneficial to wildlife within development, in line with paragraphs 8, 72, 102, 118, 170, 171, 174 and 175 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> <p><i>Landscape enhancement</i> 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 make a positive contribution to the character and functions of the landscape through sensitive siting and good design and avoid unacceptable impacts.</p> <p><i>Protected species</i></p>	<p>Noted. These issues are not related to this SPD. The Draft Affordable Workspace SPD underwent an SEA screening assessment with input from Natural England.</p>	None

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		<p>Natural England has produced Standing Advice to help local planning authorities assess the impact of particular developments on protected or priority species.</p> <p><i>Strategic Environmental Assessment/Habitats Regulations Assessment</i> A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance.</p>		
		<p>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>Noted. An SEA screening assessment was undertaken for the Draft Affordable Workspace SPD and no significant environmental effects were identified.</p>	<p>None</p>
AW16	Individual on behalf of Tree Shepherd	<p><i>Introduction</i> Very clear and well written</p>	<p>Noted</p>	<p>None</p>
		<p><i>Affordable Workspace Approaches</i> The approaches appear logical however for both Approach B and C there needs to be an oversight mechanism to ensure compliance with the workplace management plan complete with sanctions for non-compliance agreed contractually.</p>	<p>If a WMP is secured by legal agreement and subject to regular review, that will provide a mechanism for enforcement.</p>	<p>None</p>

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		<p><i>Affordable Workspace Providers</i></p> <p>I think the focus on clean, digital CDI and office based sectors is too strong. There are a large number of basic but essential industries that require low costs space to start up in such as carpentry, engineering etc that need larger proportion of space to workers and require additional control mechanisms for the noise or dust which they produce. The space and environmental controls are relatively expensive and consequently very hard to find in Lambeth at affordable rates. There is a need for the overall supply of the various types of workspace to be managed so that there is not an excess of one (probably office type) over the others which are harder and more expensive to provide.</p>	<p>Local Plan Policy ED2 allows affordable workspace to be provided as office, light industrial or research and development workspace. General industry (B2 use) would not be appropriate on office sites. The Local Plan directs those uses to KIBAs, which are protected for industrial uses in part in order to keep land values below those for competing residential uses, and also to keep bad neighbour industrial uses separate from residential uses.</p>	<p>None</p>
AW17	Impact Hub Kings Cross	<p>In our experience, arriving at a workable discounted market rent can be problematic in practice, and limit the scope of the AWS provider to deliver the maximum local social impact. We would advocate the approach being piloted by Islington Council, where AWS rents are peppercorn, but the requirements for social impact are much more stringent and measured through the SVP. This should ensure the maximum benefit to those</p>	<p>Different approaches to affordable workspace provision may be appropriate in different areas, based on local evidence and circumstances. The</p>	<p>None</p>

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		residents of the borough who really need an inclusive economy strategy to be part of a thriving local community.	approach in Lambeth Local Plan policy is based on evidence of need in the borough and has been viability tested. It is anticipated to deliver workspace that is aligned to local needs. The Local Plan policy has been found sound and adopted. There is no scope in the SPD to change the policy approach, only to add guidance to assist its implementation.	
AW18	Not stated – appears to be Theatres Trust	<p><i>Affordable Workspace Providers</i></p> <p>The Trust is supportive of the premise and general content of this SPD. We welcome that this section references cultural production which can require larger volume of space - from a theatre perspective this can include set design and workshops.</p> <p>We would note there is scope to further improve the document by including reference to rehearsal space within the scope of affordable provision, which is a form of cultural production and contributes greatly to the borough's and London's theatre and performance offer. There is a general shortage of space of this nature which, although not strictly 'B' uses, don't necessarily</p>	Noted	None
			Rehearsal space is an example of the type of space that could make a special contribution to the character and	Para 3.6 amended to clarify this.

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		fall into 'D' use classes either and can be compatible with wider clusters of cultural industry and activity.	cultural identity of local areas.	