

## **PECKHAM AND NUNHEAD AREA ACTION PLAN EXAMINATION**

### **INSPECTOR'S POST HEARINGS NOTE – POTENTIAL MAIN MODIFICATIONS TO BE SUBJECT TO CONSULTATION**

#### **Introduction**

1. Following the conclusion of the Examination Hearings on 1 August 2013, I have reviewed all the written evidence before me and the discussions that took place at the Hearings. The Council has indicated that, pursuant to section 20(7C) of the Planning and Compulsory Purchase Act 2004 as amended, it wishes me to recommend any main modifications to the Area Action Plan (AAP) that I find to be necessary to make it sound and legally compliant and therefore capable of adoption.
2. Accordingly, this note highlights the potential changes to the AAP which I find should be the subject of further consultation by the Council to enable me to include them as main modifications in my report, should I ultimately conclude that they are necessary and appropriate. The note deals only with matters of unsoundness and does not address matters on which I consider that main modifications are not required. The explanatory reasons set out below are for the benefit of the Council at this stage and should not be included in any consultation.

#### **Changes to be subject to consultation**

##### **Policy 4 – Hot food takeaways**

3. Policy 4 of the AAP states that a 400m exclusion zone for new hot food takeaway use will be defined 'around secondary schools' and that proposals for new takeaways within 400m of 'a secondary school' will not be supported. The policy is accompanied by Figure 9, on which all existing secondary schools and their exclusion zones are plotted. A suggested minor change was put forward by the Council, deleting one former secondary school and its zone from Figure 9 and substituting its replacement in a different part of the Action Area (Core Document CD22 refers). By means of my letter dated 26 April 2013, I suggested to the Council that this should be considered as a main modification rather than a minor change.
4. The Council expressed disagreement in its letter of 24 May 2013 and accompanying note (Core Document CDS2), on the basis that Figure 9 is indicative and Policy 4 is worded so as to require an exclusion zone around *all* secondary schools across the lifetime of the AAP, not just the existing schools shown. It instead put forward further minor changes to the text of Policy 4 and Figure 9 intended to make the effect of the policy clearer, as set out in Core Document CDS3.
5. Having considered this response, I agree that the additional changes proposed in Core Document CDS3 would provide sufficient clarity as

to the indicative status of Figure 9 and would ensure that the AAP is sound insofar as it relates to Policy 4. However, I also remain of the view that these changes would be remedying existing unsoundness and, accordingly, should be treated as a main modification that should be subject to consultation.

6. This is because, to the lay reader, the AAP as published (i.e. omitting the changes proposed to Policy 4 and Figure 9) is potentially confusing. The eye is drawn to Figure 9 such that, in the absence of clear confirmation of its indicative status, it would not be unreasonable for someone proposing a hot food takeaway for the north-west corner of the Action Area to conclude that Policy 4 does not militate against the granting of planning permission for it.
7. It is not sufficient that, in isolation, the wording of Policy 4 and its supporting text provide for the flexibility intended by the Council. Indeed, without the changes set out in CDS3 it is possible to interpret Figure 9 as qualifying or limiting the effect of the policy. This being so, some may have been misled as to the effect of the policy and thus dissuaded from objecting to the AAP. **The relevant changes set out in Core Documents CD22 and CDS3 should therefore be subject to consultation as main modifications. A PDF copy of a suitable amended Figure 9 should be provided.**

#### **Policy 6 – Business space**

8. Point 5 of Policy 6 supports a range of uses in the railway arches including small business space, light industrial uses and appropriate A or D class uses. Additionally, point 6 requires new business space to be designed flexibly to accommodate a range of unit sizes. However, neither measure highlights the desirability of artistic and creative enterprises.
9. By contrast, the supporting text to Policy 2 of the AAP acknowledges Peckham's reputation as a creative 'hotspot' and makes specific reference to the artists' studios in the area around 'Peckham Station', along Blenheim Grove and on the Copeland Industrial Park. It also expresses a wish to build on this reputation, to help create new jobs and contribute towards the vitality of the town centre through, amongst other things, opportunities for training and learning. I find the failure of Policy 6 to expressly address this objective to amount to an inconsistency which renders the AAP unsound.
10. Although the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended (the UCO) effectively preclude the AAP from safeguarding existing premises specifically for artistic/creative ventures, it could nonetheless do more to encourage the provision of accommodation suitable for such enterprises. I find that soundness in this respect could be secured by including 'artistic and creative enterprises' in the list of uses in point 5 and adding ', including units suitable for occupation by artistic and creative enterprises' to the end of point 6, together with appropriate additions

to the supporting text explaining the significance of this type of business. **Changes to that effect should therefore be subject to consultation as main modifications.**

## **Policy 17 – Affordable and private homes**

### *Affordable housing and viability*

11. Point 2 of Policy 17 of the AAP requires developments of 10 or more housing units to provide a minimum of 35% affordable housing across the whole Action Area. It has been contended that, in order to secure the soundness of the AAP, this requirement should be subject to considerations of viability.
12. I am satisfied that the Council's evidence base demonstrates that, at the present time, a minimum of 35% provision is likely to prove viable. However, paragraph 50 of the National Planning Policy Framework (NPPF) specifies that affordable housing policies should be sufficiently flexible to take account of changing market conditions over time. Inevitably, this requires viability considerations to be addressed. Policy 3.11 of the London Plan 2011 (LP) accords with this, specifying that affordable housing targets should take account of, amongst other things, the viability of future development.
13. The Council's own Affordable Housing Supplementary Planning Document (SPD) (Core Document CDL7) and its emerging successor (Core Document CDL11) go some way towards prescribing a similar approach. However, both promote financial appraisals as potential means of demonstrating that viability justifies a *departure* from local affordable housing policy, treating it as a material consideration outwith the development plan and thus relying on the provisions of section 38(6) of the 2004 Act as amended.
14. This does not go far enough. To be consistent with the NPPF and the LP, such that the AAP is sound, it must be possible to *comply* with Policy 17 in circumstances where financial viability prevents the prescribed 35% target from being met. Reliance on the overarching provisions of Strategic Policy 6 of the Southwark Core Strategy 2011 (CS) is not sufficient in this regard. Whilst the requirement at point 1 thereof to maximise affordable housing provision on sites of 10 or more units is subject to viability considerations, the requirement at point 7 for a minimum of 35% affordable housing units on such developments is not.
15. This shortcoming of the AAP can be remedied by the addition of the words ', subject to financial viability' at the end of point 2 of Policy 17. **A change to that effect should therefore be subject to consultation as a main modification.**

### *Affordable rent*

16. Point 4 of Policy 17 of the AAP requires 50% of affordable homes to be intermediate and 50% to be social rented. A 'fact box' on page 74 explains that affordable rent (AR), introduced by the NPPF as a new type of affordable housing, is not considered by the Council to be affordable for people in housing need in Southwark. The Council has therefore omitted AR as a tenure type from Policy 17 but is intending to review its approach to it on a borough-wide basis.
17. As summarised in Core Document CDM3 and expanded on at the relevant Hearing, the Council takes the view that the omission of reference to AR from Policy 17 is not in conflict with either the NPPF or the adopted LP. I acknowledge that the NPPF does not explicitly require the Council to cover all affordable housing tenures in its policies. Nonetheless, as the definition of affordable housing set out in Annex 2 to the NPPF includes AR, it is not sufficient for the purposes of soundness to confine an affordable housing policy tenure split to intermediate homes and social rented homes alone without including a more substantial justification for rejecting AR than is currently before me.
18. In particular, it is difficult to reconcile the Council's stance in this regard with its current interim approach to AR set out in the report to Planning Committee of December 2011 (Core Document CDH15), which accept it as a means affordable housing tenure in certain circumstances when granting planning permission. Additionally, whilst LP Policies 3.10 and 3.11 make no reference to AR, the emerging Revised Early Alterations (REMA) to the LP introduce it. The Inspector's report on the REMA Examination and the Mayor's response thereto having been published on 14 August 2013, I must acknowledge that the REMA may well be adopted with reference to AR intact before the AAP is adopted. At that point, the still-emerging AAP would not be consistent with the LP.
19. This being so, the Council is correct to recognise the need to review its approach to AR. Moreover, it makes sense to do this on a borough-wide basis as indicated in the AAP and, in doing so, to hold further discussions with the Greater London Authority (GLA). Indeed, there is a firm basis for continued liaison in the light of the GLA's stance at the relevant Hearing to the effect that AR is not intended to replace social rented homes, such that the latter would be excluded from GLA funding, but to supplement them as a further option.
20. At the Hearing, both the Council and the GLA welcomed the suggestion that, to enable the Council to adopt the AAP whilst revisiting its approach to AR, point 4 of Policy 17 should be deleted completely, such that the AAP would not prescribe a split between tenure types at all. This would not leave a policy vacuum as the prevailing split of 30:70 social rented/intermediate homes for the Peckham AA found in saved Policy 4.4 of the Southwark Plan 2007

(SP) would remain part of the development plan and would continue to apply.

21. This change, in tandem with a revision to the fact box and relevant supporting text to remove the Council's current portrayal of AR and update its intentions as to the means of reviewing its position (i.e. in the context of preparing the borough-wide Local Plan as well as revising its Affordable Housing SPD), was considered by both parties to remove any suggestion of non-conformity with the LP and the NPPF as far as Policy 17 is concerned. I concur and, consequently, do not intend to seek further input from the Council or the GLA in relation to the Inspector's report on the REMA and the Mayor's response thereto.
22. The change to Policy 17 itself should amount to the deletion of point 4 and the renumbering of point 5. Changes to the supporting text should include, as a minimum, the deletion of the final two sentences of paragraph 4.5.13. Changes to the fact box should include the deletion of the second, fourth and fifth sentences of the final paragraph and the revision of the third sentence thereof to more accurately reflect the Council's intentions as to the means of review. **Changes to that effect should be subject to consultation as main modifications.**

## **Policy 26 – Building heights**

*The principle of tall buildings of the heights specified*

23. Policy 26 of the AAP prescribes maximum heights for potential tall buildings on 5 sites, which are replicated in the relevant site specific proposals in Appendix C. These proposals have drawn substantial objection, including from English Heritage.
24. Notwithstanding this, I am satisfied that the Council's evidence base, most notably the 3D modelling and testing exercise summarised in Core Document CDD14, demonstrates that it would be possible to accommodate buildings of the maximum heights specified on four of these sites in an acceptable way. The fifth site is that occupied by the cinema and multi-storey car park which, for other reasons, I find should not be earmarked for redevelopment at this stage (see PNAAP2 below).
25. Having said this, I also find that the particular schemes illustrated in the modelling would not in themselves meet the very high standards required, in terms of bulk and positioning within the relevant sites. They merely provide an adequate benchmark against which to measure potential, which enables me to conclude that schemes of appropriate quality are nonetheless achievable. This emphasises the importance of ensuring that, in order to succeed, such buildings must be distinctive, of exemplary design and have regard to both individual and cumulative impacts on the surrounding area and, in

particular, the settings of the Rye Lane Peckham Conservation Area and other heritage assets.

26. The inclusion at point 3 of Policy 26 of the need to comply with existing borough-wide policies incorporates such requirements to a degree. However, I find that to ensure soundness, specific reference to these requirements should be made within the Policy itself, as well as in the supporting text. There is presently no express reference in Policy 26 to the historic environment, which has drawn criticism from English Heritage. Moreover, the Policy is structured in such a way that its stipulation that a taller element could be provided by a distinctive building of exceptional quality and exemplary design can be interpreted as applying only to the three largest of the designated sites. There is no logical reason for excluding the Copeland Road car park (PNAAP7) from this requirement.

*Exceptions to maximum height limits*

27. Point 2.ii of Policy 26 as presented in the Publication/Submission version of the AAP can reasonably be interpreted as endorsing buildings taller than prescribed if these are distinctive and of exceptional quality and exemplary design. However, such a provision is inconsistent with the equivalent entries in Appendix C, from which this caveat is absent.
28. The minor change to the policy put forward in Core Document CD22 would reword Policy 26, such that it would be clear that the heights specified therein are maximums. I find that this change would remove the inconsistency and render the AAP sound in this respect. It would also, in part, overcome English Heritage's objection.
29. Nonetheless, I am mindful that, as presently worded, point 2.ii could have reassured prospective developers at the Publication/Submission consultation stage that significantly taller buildings could be acceptable on these sites in certain circumstances and thus dissuaded them from objecting to the AAP. This being so, the matter cannot be dealt with as a minor change.

*The potential main modification*

30. The above changes necessitate a substantial redrafting of Policy 26. I suggest something along the following lines:

*We will ensure that development contributes positively to local character by requiring development to:*

1. *Be similar to existing heights outside Peckham core action area (2 to 4 storeys).*
2. *Be similar to existing heights inside Peckham core action area (up to 7 storeys) except where a local landmark building is required to provide definition. This will be encouraged on the following sites:*

- Copeland Industrial Park and 1-27 Bournemouth Road (site PNAAP4) up to 15 storeys
- Former Wooddene estate (site PNAAP5) up to 15 storeys
- Copeland Road car park (site PNAAP7) up to 8 storeys
- Aylesham Centre (site PNAAP1) up to 20 storeys.

*We will expect this taller element to be distinctive, of exceptional quality and exemplary design, and to conserve or enhance the significance of the area's heritage assets, their settings and the wider historic environment, including conservation areas and listed and locally listed buildings.*

*It could also be linked within our identified large sites to an improved and generous public realm, designed to improve local legibility and act as a local landmark within a public space of its own and as a focus of routes across the site. This will be encouraged on the following sites:*

- Copeland Industrial Park and 1-27 Bournemouth Road (site PNAAP4)
- Former Wooddene estate (site PNAAP5)
- Aylesham Centre (site PNAAP1).

3. *Comply with our borough-wide policies, specifically saved Southwark Plan policy 3.20 and Core Strategy strategic policy 12.*

31. Associated revisions to the supporting text will also be necessary. I look to the Council to prepare these. **Changes to that effect should therefore be subject to consultation as main modifications.**

#### **Policy 45 on page 134 – Proposals sites**

32. This Policy needs to be renumbered in accordance with the minor change set out in Core Document CDS3, given the presence of another Policy 45 on page 132 of the AAP. This change need not in itself be the subject of further consultation.
33. However, paragraph 6.2.4 of the supporting text to the Policy states that the policy requirements set out in Appendix C to the AAP 'must be met for planning permission to be granted' (my underlining). Notwithstanding that the capacity figures included in Appendix C are in fact indicative rather than requirements, such a statement conflicts with section 38(6) of the 2004 Act as amended, which makes it clear that in determining a planning application a departure from the development plan may be justified by other material considerations.
34. The AAP is therefore unsound in this regard. This is simply remedied by deleting the last sentence of paragraph 6.2.4. **A change to that effect should therefore be subject to consultation as a main modification.**

## **Presumption in favour of sustainable development**

35. The need in the interests of soundness to include a policy in the AAP to reflect the presumption in favour of sustainable development set out in paragraph 14 of the NPPF has already been the subject of correspondence (my letter dated 26 April 2013 and the Council's response dated 24 May 2013 refer). The Council has proposed, in Core Document CDS4, a new Policy 48 to address this requirement together with appropriate supporting text.
36. I find that a change to this effect would be sufficient to secure the soundness of the AAP in this regard. **The proposal set out in Core Document CDS4 should therefore be subject to consultation as a main modification.**

## **Proposal PNAAP1 – Aylesham Centre**

37. The indicative retail floorspace figure specified in the Proposal for the redevelopment of this site is 1350 sqm. In the absence of any indication to the contrary in the site specific guidance within the Proposal or the supporting text, this reads as the total retail floorspace envisaged for the site. However, it is readily apparent from correspondence that took place with the Council prior to the Hearings that, in fact, the figure is intended to represent the indicative net increase in retail floorspace over and above what is on site at present.
38. This intention is clear if one reads the supporting text to Policy 1 and, this being so, the Council has opposed any clarification by way of modification. However, as not all those reading the AAP will benefit from an overview of the document similar to the Council's, I find a main modification to be necessary. My reasons for reaching this conclusion are set out in my letters to the Council of 18 & 19 July 2013, the second of which responds to the Council's letter of the same date setting out its case against a remedial modification. My views have not changed in the light of anything said at the Hearings and, this being so, it is not necessary to reiterate them within this note.
39. The most straightforward way of removing the discrepancy would be to replace the figure of 1350 sqm with a figure of 8350 sqm, thus incorporating the existing retail floorspace of the Aylesham Centre into the site's indicative capacity. Alternatively, the words 'over and above the existing retail floorspace of the site' (or similar) could be added after the figure of 1350 sqm. **One or other of these options should be subject to consultation as a main modification.**

## **Proposal PNAAP2 – Cinema/Multi-storey car park**

40. The existing Council-owned building on this site is home to a six-screen cinema, a sculpture gallery and an open-air café on the roof providing views over much of London. Although only on short-term leases and viewed by the Council as temporary interim uses, it is

clear from the evidence before me that all three are very popular local attractions that have exceeded the potential as a focus for cultural and artistic enterprise that might reasonably have been attributed to them when first established.

41. The Proposal stipulates that 'the cinema should be retained on the site unless appropriate facilities can be provided elsewhere in the AAP area'. It is clear from the supporting text that 'retained' in this context is interpreted broadly so as to encompass the provision of a *replacement* cinema within any redevelopment. However, in the absence of cogent evidence to the contrary it appears likely that all three enterprises would permanently cease operations in the locality should redevelopment of this site take place. This would be inconsistent with the AAP's acknowledgement of Peckham's reputation as a creative 'hotspot' upon which it wishes to build, as expressed in the supporting text to Policy 2. Such inconsistency, unless properly justified, renders the AAP unsound.
42. Moreover, the Proposal as drafted does not expressly preclude refurbishment and conversion as an option and thus tacitly provides for it, yet contains no significant guidance relevant to such a scheme. Indeed, the Council has acknowledged that the indicative capacities set out in the proposal are unlikely to be realised if the existing building is retained. This omission introduces an element of uncertainty and confusion that, in itself, also renders the AAP unsound.
43. The Council cites the visual impact and limited scope for a high quality conversion of the existing building that would meet appropriate residential standards as a reason for endorsing potential redevelopment. It considers this to outweigh the merits of retaining the existing facilities *in situ* and to justify the inconsistency referred to above. However, I have seen nothing to substantiate this stance, such as an appraisal of the scope to retain and refurbish the structure with a view to mitigating adverse visual impacts whilst retaining important local amenities and realising the existing structure's full potential. In this regard I am mindful that some objectors to the AAP have expressed considerable vision as to the form that a successful conversion might take and, this being so, am not persuaded that this option has been adequately explored.
44. I have considered the fact that the site is intended to accommodate an indicative 160 dwellings and 1050 sqm of non-residential floorspace and recognise that this would contribute to the realisation of the AAP's wider objectives. In particular, I note that the residential allocation has fed into the AAP's housing trajectory. However, I find it pertinent that these figures account for a relatively small proportion of the overall housing, retail and business provision envisaged for the AAP area, that the said overall provision is not derived directly from specific allocations for Peckham and Nunhead in the CS or LP and that, in the context of the borough as a whole, the allocations attributed to PNAAP2 are less significant still.

45. I do not therefore find the housing, retail and business provision attributed to this site to justify redevelopment as opposed to conversion such that the proposal should be modified to provide only for the former or, indeed, to categorise PNAAP2 as an essential component of the AAP. This being so, I am not satisfied that the Proposal has been adequately justified by the evidence base. I conclude that the Council has considerably more work to do in order to finalise a properly substantiated proposal for this site. The pending borough-wide Local Plan provides an opportunity for this to be tackled. Accordingly, I consider that the Proposal should be deleted from the AAP in its entirety and reassessed at a later stage following further research.
46. The Council may wish to consider the implications of this for its housing trajectory. Associated revisions to other policies, supporting text and appendices will also be necessary and I look to the Council to prepare these. **Changes to that effect should therefore be subject to consultation as main modifications.**

### **Proposal PNAAP4 – Copeland Industrial Park**

#### *Class B use*

47. The 'required land uses' specified in the Proposal for this site include 'Business use (Class B)'. However, the indicative capacity section of the Proposal refers only to Class B1 and it was confirmed at the relevant Hearing that the Council's intention for the site was to preclude the establishment of uses within Classes B2 and B8 of the Schedule to the UCO as part of any redevelopment. Indeed, both these types of use have potential to generate high levels of noise and vehicular movement, which might have adverse implications for the living conditions of neighbouring residents and highway safety.
48. At the Hearing, both the Council and the representative of one of the site owners indicated satisfaction with a remedial 'minor change' to address this discrepancy. However, on reflection, I am mindful that other prospective developers reading Proposal PNAAP4 at the Publication/Submission consultation stage may have interpreted it as endorsing general industrial and storage/distribution uses and could thus have been dissuaded from objecting to the AAP. This renders the AAP unsound as it stands.
49. Unsoundness in this regard is simply remedied, by replacing the reference to Class B in the 'required land uses' section of the proposal with Class B1. **A change to that effect should therefore be subject to consultation as a main modification.**

#### *Creative and artistic enterprises*

50. The reasons for designating this site, set out on page 173 of the AAP, make reference to the creative industries that have appeared on it

and identify an opportunity to build on this and create a new cultural and creative quarter. Indeed, this cluster of creativity encapsulates and typifies the growing reputation of Peckham as an arts and cultural 'hotspot' emphasised elsewhere in the AAP. However, such support is not carried through sufficiently in the Proposal itself.

51. The stipulation to retain the Bussey building, which is the site's principal focus for creative and artistic enterprises, goes some way towards doing so. Moreover, as acknowledged above in relation to Policy 6, the provisions of the UCO effectively preclude the AAP from safeguarding existing premises specifically for artistic/creative ventures. Nonetheless, to ensure soundness by way of consistency with the support elsewhere in the AAP for this strand of the local economy, a phrase along the following lines should be added to the end of the first paragraph of the Proposal's site specific guidance:

*The continued use of the Bussey building by creative and artistic enterprises will be supported and encouraged.*

**A change to that effect should therefore be subject to consultation as a main modification.**

### **Proposal PNAAP6 – Peckham Rye Station**

52. The primary focus of this major upgrading Proposal is the redevelopment and refurbishment of buildings at the eastern end of the site, with an emphasis on conservation and improvement of the public realm. However, it also promotes consideration of the opportunity to develop a market further westward, to the rear of the station building. That part of the site is dominated by the brick arches which support the railway lines and station platforms. Many of the arches are occupied by small businesses.
53. Of particular interest is the group of such premises at the far western end of the site, known as Blenheim Court. This self-contained area, served by a single vehicular access and severed from the rest of the site, is home to a cluster of some 19 enterprises focussing on the creative and artistic industries and comprising a mix of artists, cabinet makers, creative metalworkers and sculptors. Some of these are long-established on the site. Moreover, there is a marked degree of inter-dependency and co-operation which, on the evidence before me, has fostered the development of a thriving and coherent creative community.
54. As with the cinema/multi-storey car park site the subject of Proposal PNAAP2 and the Bussey building included in Proposal PNAAP4, this community encapsulates and typifies the growing reputation of Peckham as an arts and cultural 'hotspot'. The AAP acknowledges this reputation in Policy 2, the supporting text to which records that the Council wishes to build upon it. Indeed, both policy and text refer specifically to Peckham Rye Station. Clearly, therefore, there is considerable merit in providing for the existing businesses at

Blenheim Court to remain and prosper with a view to fostering further this innovative strand of the local economy.

55. This being so, the absence of any reference in Proposal PNAAP6 or its supporting text to the existing creative grouping, let alone to safeguarding measures, is a marked inconsistency within the AAP which engenders unsoundness. I have seen no cogent evidence to substantiate the Council's stance that Blenheim Court should be made available for reuse or redevelopment. My attention has been drawn to discussions between the Council and Network Rail, which led to agreement that all of the latter's land should be included within the site in order to maximise flexibility in taking the station upgrade forward. However, nothing before me suggests that such flexibility, or the ability to fund and deliver the principal project, is dependent on the availability of Blenheim Court.
56. There is ample space between Blenheim Court and the station building to accommodate the envisaged market. Moreover, the narrow, tapering, triangular shape of Blenheim Court is a significant limitation on its potential for reuse in practical terms. Most importantly, the premises are basic railway arches which are not particularly well-appointed and are thus attainable by nascent and/or small-profit businesses dependent for survival on relatively low overheads. Whilst the Proposal provides for Class B1 business use as a required land use, it is likely that upgraded or replacement premises in this category would be beyond the reach of small creative and artistic businesses.
57. I have considered whether the AAP might be rendered sound in this regard by simply excluding Blenheim Court from the PNAAP6 site. However, I find that this would not go far enough, as it is not clear that safeguards on existing business floorspace found in AAP Policy 6, CS Strategic Policy 10 and saved SP Policy 1.4, the latter being subject to a number of exception criteria, would apply to the arches. I therefore conclude that text along the following lines should be included in the site specific guidance for PNAAP6:

*The railway arches within that part of the site known as Blenheim Court shall be retained and made available for Class B1 business use. The continued use of these premises by creative and artistic enterprises will be supported and encouraged.*

**A change to this effect should therefore be subject to consultation as a main modification. A PDF of a suitably amended Figure 32 highlighting the area covered by Blenheim Court should be provided.**

### **Next Steps**

58. I now invite the Council to prepare a draft schedule of main modifications for consultation, based on the content of this note. The AAP should be reviewed carefully in its entirety in the light of

the changes specified, to ensure that **all** consequential changes required to policies, supporting text, plans/figures, appendices and sequential numbering (of policies and plans/figures) are identified and included in the schedule (particularly in association with the deletion of PNAAP2).

59. I am not, at this point, inviting the Council to comment on the appropriateness of the potential main modifications I have identified. Rather, this note is my response to the Council's request made under section 20(7C) and, therefore, the potential changes it presents should now be taken through the consultation process in order that they may be examined further. The Council will have the opportunity to express its views on these potential changes to the AAP after the consultation process has been concluded, as explained below. However, it may seek clarification at this point in the process, if required, of the precise form that any of the changes should take, as distinct from the reasoning that underpins them.
60. The draft schedule should utilise a format similar to that employed for Core Documents CD22, CDS3 and CDS4, setting out in precise terms the exact form that modifications to the policies, proposals and supporting text should take. Each potential main modification to the AAP should be given a reference number beginning with 'MM'. The schedule should be submitted for my consideration before it is finalised and becomes the basis for public consultation. I will not be confirming at that stage that these changes would make the AAP sound. I will simply wish to ensure that they cover the relevant matters adequately as a basis for consultation. My views may be altered in the light of further evidence and are given here without prejudice to the conclusions that will appear in my report of the Examination.
61. The potential modifications should be consulted on for a period of at least six weeks. It is the Council's responsibility to determine the form that this exercise should take, having regard to the need to comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement. However, I can confirm that I find the consultation exercise conducted from September to December 2012 on the Publication/Submission version of the AAP to have been adequate in this regard. It should be made clear as part of the forthcoming exercise that further comments should be confined solely to the potential main modifications listed and that this is not an opportunity to raise other matters which either were, or could have been, part of earlier representations on the AAP
62. At the end of the consultation period, the Council should provide me with all the representations received, both in the form in which they are submitted and also grouped in relation to each prospective modification. At that stage, the Council may also provide its own written response to the additional representations, in the form of a brief statement on each modification, in which its own views on that

modification may be incorporated. Only then will I be in a position to decide whether or not to endorse the modifications. The draft schedule now requested should be accompanied by a timetable, setting out the time required from the point at which I endorse it (as submitted or with amendments) to enable the Council to arrange, conduct and respond to the consultation exercise. This should cover all the stages set out above.

63. In preparing my report I will not be addressing any changes that I regard as 'minor' and do not have implications for soundness. Nonetheless, they are important as a means of presenting the full picture and, this being so, it would be helpful to me and others if the Council provided a consolidated, updated version of its schedule of proposed minor changes, incorporating those put forward so far together with additional changes proffered during the Hearings. I am mindful that some of the revisions to the AAP that Council has already tabled as minor changes are presented herein as potential main modifications instead, as I find them to have implications for soundness. This must be borne in mind in preparing the updated schedule of minor changes now requested.
64. The schedule of minor changes should be submitted to me with the schedule of main modifications and the requested timetable. It should then be publicised by the Council concurrently with the consultation exercise on the potential main modifications, but not necessarily as part of it. It is entirely a matter for the Council as to whether the minor changes are also made subject to formal consultation, there being no statutory requirement in this regard.
65. None of the potential modifications detailed above requires further evidence gathering or significant additional analysis by the Council at this stage, albeit that an adjustment to the housing trajectory may need to be considered in the light of the potential deletion of PNAAP2. I therefore ask that the required schedules and timetable be submitted to the Programme Officer in electronic form within **three weeks** of the date of the covering letter that accompanies this note.
66. Please confirm within **one week** of the date of the covering letter whether or not this period of time will be sufficient for the Council's purposes. Should it not be, please specify the extended period that will be required. Both schedules should be in Word format, and set up such that automatic changes to numbering would **not** arise from any amendments that I may make to them. They should be accompanied by PDF versions of any amended plans/figures that are required.
67. If you have any queries on the content of this note then please come back to me via the Programme Officer.

*Alan Woolnough*

INSPECTOR