



The Planning Inspectorate

Report to the Council of the London Borough of Southwark

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 AS AMENDED

SECTION 20

REPORT ON THE EXAMINATION INTO THE PECKHAM AND NUNHEAD AREA ACTION PLAN

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Examination hearings held between 23 July and 1 August 2013

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Abbreviations Used in this Report

AA	Action Area
AAP	Area Action Plan
CHP	Combined Heat and Power
CIL	Community Infrastructure Levy
CS	Southwark Core Strategy 2011
GLA	Greater London Authority
LDS	Local Development Scheme
LP	London Plan
LPA	Local Planning Authority
MM	Main Modification
NPPF	National Planning Policy Framework
NSP	New Southwark Plan
OSS	Open Space Strategy
REMA	Revised Early Minor Alterations to the London Plan
RS	Retail Study
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SP	Southwark Plan 2007
SPD	Supplementary Planning Document
UCO	Town and Country Planning (Use Classes) Order 1987 as amended

Non-Technical Summary

This report concludes that the Peckham and Nunhead Area Action Plan (AAP) provides an appropriate basis for the planning of the subject area over the plan period, providing a number of main modifications are made to the AAP. The Council of the London Borough of Southwark has specifically requested that I recommend any main modifications necessary to enable it to adopt the AAP. I have recommended the modifications after considering the representations from the Council and other parties on these matters.

The main modifications can be summarised as follows:

- Revisions to Policy 4, concerning hot food takeaway exclusion zones around secondary schools, and the associated Figure 9, to update and refine the latter and clarify its indicative status.
- Revisions to Policies 6, 27 and 35 to reflect the importance of artistic and creative enterprises to the local economy and community.
- Revisions to Policy 17 to clarify that affordable housing requirements are subject to financial viability and to delete reference to a tenure split that omitted reference to affordable rent, to secure compliance with the London Plan and the National Planning Policy Framework (NPPF).
- The deletion from Appendix C of Proposal PNAAP2, relating to the site of the cinema/multi-storey car park, and consequent changes to various policies, text and figures, including cross-reference to a proposal relating to the same site elsewhere in the borough-wide development plan.
- The revision of the Peckham and Nunhead housing trajectory to reflect updated housing completions and projections data and to take account of the deletion of Proposal PNAAP2.
- Revisions to Policy 26 to emphasise and clarify the need for tall buildings to sustain and enhance the area's heritage assets and the wider historic environment and, on larger sites, to link to an improved and generous public realm.
- The correction of the indicative non-residential and retail capacities within Proposal PNAAP1 in Appendix C, relating to the Aylesham Centre.
- Revisions to Proposal PNAAP4 in Appendix C, concerning the Copeland Industrial Park and 1-27 Bournemouth Road, to clarify support for creative and artistic enterprises and the restriction of required business uses to Class B1.
- Revisions to Proposal PNAAP6 in Appendix C, concerning Peckham Rye Station, and the associated figure 32 to safeguard existing business premises in the railway arches of Blenheim Court.
- The introduction of a new policy on sustainable development to reflect the overall aim of the NPPF.

Introduction

1. This report contains my assessment of the Peckham and Nunhead Area Action Plan (AAP) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 as amended. It considers first whether the AAP’s preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the AAP is compliant with legal requirements and whether it is sound. The National Planning Policy Framework (NPPF) makes clear at paragraph 182 that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound plan. The basis for the Examination is the draft Publication/Submission version of the AAP submitted in March 2013. This is the same as the document published for consultation in September 2012, albeit that some minor changes were suggested by the Council at the submission stage and subsequently in response to points raised by me. The minor changes anticipated include the renumbering of policies to remedy the fact that the AAP erroneously includes two Policy 20s, two Policy 45s and two Policy 46s. For the sake of clarity, the policy numbers referred to in this report and its Appendix are those that appear in the Publication/Submission version of the AAP rather than those which would arise from the anticipated renumbering. They are distinguished where necessary by page number.
3. My report deals with the main modifications that are needed to make the AAP sound and legally compliant. These are identified in bold in the report by the letters **MM** followed by a reference number. In accordance with section 20(7C) of the 2004 Act as amended, the Council requested that I should recommend any modifications needed to rectify matters that make the AAP unsound or not legally compliant and thus incapable of being adopted. These main modifications are set out in the Annex to this report and the Appendices to the Annex.
4. Most of the main modifications that are necessary for soundness relate to matters that were discussed at the Examination Hearings. Those that do not concern matters that had not drawn objection from interested parties. Exploration of those matters was therefore limited to written correspondence between the Council and me. The Council subsequently prepared a schedule of proposed main modifications and this schedule has been subject to public consultation. Consultation spanned 12 weeks in total, comprising six weeks of informal consultation beginning on 15 October 2013 and six weeks of formal consultation from 26 November 2013 to 6 January 2014.
5. I have taken into account all the representations received in response to that exercise in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of some of the main modifications. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory process and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

6. I do not refer to any of the minor changes that have been published during the Examination (i.e. changes that are not required to render the AAP legally compliant or sound), other than where these have ultimately given rise to a main modification or provide clarity in relation to a matter addressed in this report. It will be for the Council to decide what additional minor changes it wishes to make to the AAP at adoption.

Assessment of the Duty to Co-operate

7. Section 20(5)(c) of the 2004 Act as amended requires that I consider whether the Council complied with any duty imposed on it by section 33A of the said Act (introduced by section 110 of the Localism Act 2011) in relation to the AAP's preparation. Section 33A specifies that in preparing development plan documents, the local planning authority (LPA) must co-operate with other LPAs and other prescribed bodies in maximising the effectiveness with which the preparation of the development plan document is undertaken. This is known as the 'duty to co-operate'.
8. The Act says that the LPA is required to engage constructively, actively and on an ongoing basis with the other authorities and prescribed bodies and have regard to their activities so far as they are relevant to the preparation of the plan. The type of co-operation that is expected is set out in more detail in paragraphs 178 to 181 of the NPPF. The Council has prepared a Duty to Co-operate background paper (Core Document CD12) which summarises how it has co-operated with other LPAs and with the additional bodies prescribed in Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended (the 2012 Regulations).
9. No LPA or other prescribed body has contended that the Council has failed in its duty to co-operate. On the contrary, there is substantive evidence that the Council worked collaboratively with the Greater London Authority (GLA), adjoining authorities and other prescribed bodies throughout the preparatory stages of the AAP. This has been based on well-established arrangements for joint working and discussion and collaboration on planning objectives and strategies at regional level and across borough boundaries.
10. Amongst other measures, regular meetings were held with neighbouring boroughs and other stakeholders, notably through the All London Boroughs' Planning Officer Group, the South East London Housing Partnership, the South East London Green Chain Working Group, the South East London Planning Authorities Policy Group, the Regional Technical Advisory Body, the South East London Joint Waste Working Group and the Transport Central Sub-Group. A series of individual meetings with neighbouring boroughs was held and a joint submission was made with seven other boroughs in relation to the Revised Early Minor Alterations (REMA) to the London Plan (LP).
11. In addition, where prescribed bodies raised objection to the AAP through representations, meetings were arranged to discuss those issues, notably with the GLA and English Heritage. Notwithstanding this, one objector to the AAP alleged failure to meet the duty to co-operate on the basis that there is unresolved disagreement with English Heritage over the issue of tall buildings. However, I am mindful that the statutory requirement is not to reach

agreement with prescribed bodies but to engage with them constructively, actively and on an ongoing basis.

12. That the Council achieved this with regard to English Heritage is demonstrated conclusively by the production of a statement of common ground agreed between the two bodies and submitted before the Examination Hearings. This sets out clearly points of dispute that had been resolved and those which continued to be subject to disagreement. It constitutes evidence of a constructive and fruitful liaison, which I have no reason to think will not continue during the plan period.
13. In the light of all of the evidence I conclude that the Council has co-operated constructively, actively and on an on-going basis with the relevant authorities and bodies. I am satisfied therefore that the AAP has been prepared in accordance with the duty to co-operate.

Assessment of Legal Compliance – Initial Matters

14. At the end of this report is a summary of my assessment of the AAP's compliance with all legal and regulatory requirements. I conclude that all the requirements are met. However, consideration of whether the Council has complied with some of these requirements has been a significant and contentious part of the Examination and I therefore address those particular matters here, as they constitute a prerequisite to the consideration of the soundness of the AAP.

Compliance with the Statement of Community Involvement

15. The Council's Statement of Community Involvement (SCI) was adopted in January 2008. It sets out how and when the Council will involve the community in the development of town planning documents such as the AAP. It is a statutory document which must be complied with when engaging with the local community. Non-compliance with the SCI has been alleged, on the basis that there were too many documents for the public to read, which were poorly laid out on the Council's website and included confusing policy references. These perceived shortcomings are portrayed in the objection as obstructive to community involvement in the development of the AAP. There is also an inference that the Council has shown insufficient regard for public input by pursuing a pre-determined agenda.
16. Notwithstanding this objection, I find that the Council has presented compelling evidence to the contrary. The NPPF requires planning policies to be underpinned by a robust evidence base. I have found all the core documents provided by the Council to be justifiable components of the evidence base and none to be of such limited relevance as to be superfluous. I also found the relevant website to be sufficiently user friendly, such that anyone with basic information technology skills should have been able to navigate it with reasonable ease and access any of the core documents listed. For those lacking access to the internet or ill-equipped to use it, a 'hard copy' version of the evidence base was available to view at Peckham Library and the Council's offices.
17. The Council has also tailored its public consultation with a view to meeting the needs of different groups, running a number of workshops as detailed in its

consultation report (Core Document CD5). No specific examples of confusing policy references have been drawn to my attention. Whilst I am aware of some discrepancies (such as the erroneous numbering of certain policies in the Submission/Publication version of the AAP) I have come across no flaws of this kind so significant as to undermine the legibility of the AAP or its evidence base to an unacceptable degree.

18. I find the Council's reasoned, individual response to every representation submitted during the consultation period spanning September to December 2012, as set out in Appendices Q and R to Core Document CD5, to demonstrate comprehensively that those representations have not been disregarded. Whilst it is clearly disappointing to some that their points of concern were not carried forward, it is readily apparent that the Council substantiated its reasons for not doing so in each case, even though I have not ultimately agreed in all instances.
19. I conclude that there is nothing of substance before me that demonstrates a departure from any of the commitments set out in the SCI. The AAP is therefore legally compliant in this regard.

Compliance with requirements relating to the publication of documents, advertising, notification and consultation

20. Statutory requirements in this regard are set out in the 2012 Regulations. In particular, Regulations 18 to 20 specify the steps that the Council is obliged to take in relation to publicity and consultation when preparing a Local Plan. These requirements do not incorporate detailed prescription, thus allowing local authorities a marked degree of discretion and flexibility in deciding how to comply with them. In addition, as previously addressed, the Council is obliged to comply with its own SCI.
21. It has been a recurring theme throughout the AAP Examination, pursued by a limited number of objectors, that although 'boxes may have been ticked', the methodology used was, nonetheless, far from adequate to draw the people of Peckham and Nunhead into a productive dialogue that could usefully inform the development of the AAP. It has been reiterated frequently in written submissions and during the Examination Hearings that, in the opinion of some, the Council should seriously rethink its approach to publicity and consultation in order to engage sectors of the community that are 'under the radar'.
22. Three aspects of the AAP in particular were a focus for such concerns. It was felt by some that the introduction only at the publication/submission stage of increased maximum heights for tall buildings (in Policy 26 and associated site specific proposals) and a westward extension to the Peckham Rye Station proposal site (PNAAP6) had denied those affected the opportunity to participate in the formulation of those elements of the AAP. It was further contended that the 'character areas' into which the Action Area (AA) has been subdivided, although introduced at the 'preferred option' stage of the AAP, were poorly devised as a consequence of inadequate and rudimentary consultation, with little subsequent regard paid to objectors' comments.
23. There was, inevitably, scope for a public participation exercise in relation to the AAP more intensive and wider-ranging than that undertaken by the

Council, subject to the availability of resources to fund and manage it. Moreover, I do acknowledge the validity of some of the proposals for improvement in this regard that have been put forward, many of which are considered and well reasoned. However, there are almost always alternative and better ways of doing things. The question I must address is not whether the measures pursued by the Council could have been improved upon, but whether they met minimum statutory requirements, thus ensuring that the AAP is legally compliant.

24. In the absence of cogent evidence to the contrary, I find that the steps taken by the Council clearly do this. The relatively late introduction of increased building heights and changes to the station site was not in itself a breach of the Regulations or a departure from the SCI. The rights thus defined are invested not in the ability to contribute to the formulation of a policy or proposal at all stages of the process, but rather to participate at the initial stage (Regulation 18) and to comment on the document intended by the Council for submission to the Secretary of State (Regulations 19 and 20). Such opportunities were afforded by the Council in a manner which meets the statutory requirements. Accordingly, I conclude that the AAP is legally compliant in this regard.

Assessment of Soundness

Main Issues

25. The Council has acknowledged that an additional policy is required to ensure that the presumption in the NPPF in favour of sustainable development is included in the AAP. This has been the subject of consultation and changes to that effect are set out in main modification **MM29**. Some favour the incorporation in that policy of a commitment on the Council's part to work proactively with local residents and other affected groups, as well as applicants, in securing proposals that can be approved. However, I am mindful that statutory requirements temper the extent to which the Council would be able to do this when determining a planning application. Such a change would therefore exceed the legitimate scope of the AAP.
26. In addition, taking account of all the representations, written evidence and the discussions that took place at the Examination Hearings, I have identified seven main issues upon which the soundness of the AAP depends. These are addressed below.

Issue 1 – Whether the Area Action Plan will proactively drive and support sustainable economic development in conformity with the Core Strategy, the London Plan and the National Planning Policy Framework

Shopping

27. The AAP promotes the provision of new shopping space to help maintain and enhance Peckham as a major town centre in the borough's hierarchy and broaden its appeal to a wider catchment. To this end it proposes additional retail capacity of around 8000 square metres floorspace, identified in paragraph 4.2.6, with an emphasis on provision for comparison shopping. Most of this is focussed on four key sites, only two of which have specific indicative floorspace figures allocated to them. A number of further site

specific proposals, contained in Appendix C but not flagged in Policy 1, have quantitative retail allocations, whilst others identify retail as a required land use or 'other land use that would be accepted' without indicating a floorspace figure.

28. Some have argued that rather than rely on improved comparison shopping to increase footfall, the Council's retail strategy should instead promote the uniqueness, innovation and individuality of Peckham as a different place to shop, in tandem with improvements to the public realm, to make it a 'destination of interest' rather than another 'clone town'. There is certainly potential merit in such an approach. However, as presented to the Examination it is little more than an aspiration and cogent evidence to demonstrate that it would be likely to succeed has not been forthcoming.
29. By contrast, the Council's more conventional strategy is supported by the evidence base and, this being so, I find these proposals to be suitable for the area. Although the borough-wide Retail Study (RS) on which the strategy is founded dates from 2009, following which there was a continued recession, it has been supplemented by more recent research specific to Peckham. Moreover, the survey summarised in Appendix 6 to the RS counters the suggestions that the study focuses on the aspirations of existing town centre shoppers to the exclusion of those who live in the AA but choose to shop elsewhere and disregards the drawing power of competing shopping centres.
30. The Council's chosen approach is based on adequate survey work but is sufficiently flexible to leave room for innovation and attractions unique to the area. The indicative retail capacities for individual sites are justified by the evidence base. Although some seek greater clarity concerning the amount of shopping space that would be acceptable on certain sites, the absence of indicative figures for all relevant proposals is a reflection of the AAP's flexibility. This in turn complies with the requirements of the NPPF in this regard. More specific allocations are not required to facilitate effective monitoring, given that an overall retail floorspace target has been set.
31. I have recommended elsewhere in this report the deletion of Proposal PNAAP2, which includes on the site of the cinema/multi-storey car park in Peckham Town Centre the provision of an indicative 735 square metres of retail floorspace, which would contribute to the realisation of the AAP's wider retail objectives. However, that figure accounts for a relatively small proportion of the overall retail provision envisaged for the AA, and the said provision is not derived directly from specific allocations for Peckham and Nunhead in the Southwark Core Strategy 2011 (CS) or LP. I am therefore satisfied that the deletion of that indicative provision would not render the AAP unsound in terms of its retail strategy.
32. There is no evidence of substance before me to support suggestions that a ratio of additional comparison to convenience retail floorspace should be specified or that a large convenience store is required in Peckham town centre to draw footfall which would in turn attract comparison retailers. Again, Policy 1 is sufficiently flexible to accommodate convenience provision where justified on a case by case basis.

33. Some objectors question the promotion of markets in Policy 5, on the basis that the success of a market in boosting the retail economy depends for the most part on what it sells, which cannot be specified in a policy. There is a kernel of truth in this, which tempers to a degree the contribution that such facilities are likely to make to the AA. Nonetheless, there is still some worth in promoting markets and, this being so, the inclusion of Policy 5 has no adverse implications for soundness.
34. Amongst other things, Policy 3 endorses and adds to the 'protected shopping frontages' already designated in the saved policies of the Southwark Plan 2007 (SP). Whilst some have suggested additional frontages that should be subject to similar safeguards, I have seen nothing of substance to support the contention that their inclusion is essential to the buoyancy of the AA's retail economy. I conclude that the AAP is sound insofar as it makes provision for retailing and that no main modifications are necessary in this regard.
35. It is inevitable that the degree of buoyancy in the national economy will influence the rate at which development occurs in Peckham and Nunhead. However, adequate monitoring provisions are in place within the AAP and I note that there is scope for Council-owned sites to be proactively brought forward to stimulate growth. I am therefore satisfied that the AAP's strategy for retailing is reasonably robust in the face of ongoing economic uncertainty.

Hot food takeaways

36. Policy 4 of the AAP states that a 400 metres exclusion zone for new hot food takeaway use will be defined around secondary schools and that proposals for new takeaways within 400 metres 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. The Council seeks to update Figure 9 by deleting one former secondary school and substituting its replacement in a different location.
37. This has the effect of removing a takeaway preclusion zone from the Core AA but transferring it to the north-west corner of the AAP area. The update is welcome as a more accurate reflection of the current distribution of secondary schools. It is noted that the section of the town centre from which the exclusion zone is removed remains subject to other restrictions on takeaway uses by means of protected shopping frontage designations, as set out in point 1 of Policy 4.
38. Although the wording of Policy 4 is intended to convey clearly that its preclusions would apply around all present and future secondary schools, whether shown on Figure 9 or not, this is not readily apparent from the AAP as published. The eye is drawn to Figure 9 such that, in the absence of firm confirmation of its indicative status, it is too easily interpreted as representing a fixed and finite set of preclusion zones. The Council has therefore put forward further changes to the text of Policy 4 and Figure 9 intended to make the intended effect of the policy clearer.
39. I conclude that, in combination, these changes would provide sufficient clarity as to the indicative status of Figure 9 and are necessary to ensure soundness. They have been subject to consultation and are acceptable in planning terms.

Indeed, Policy 4 has drawn considerable support but no objections. The recommended changes are therefore set out in main modifications **MM2, MM3 & MM4**.

Business space

Provision and retention of business floorspace

40. Some objectors to the AAP have challenged the requirement at point 3 of Policy 6 that existing business floorspace should be retained unless an exception can be demonstrated in accordance with the Council’s borough-wide employment policies. It has been variously suggested that a reduction in existing floorspace should be acceptable where replacement uses can provide equal or greater employment opportunities than the existing uses and that point 3 should not apply to the site specific proposals set out in Appendix C to the AAP.
41. I find none of these changes to be required in the interests of soundness. The need for business floorspace on the scale provided for in the AAP is demonstrated by the Council’s evidence base and is clearly justified in the interests of developing a robust economy in Peckham and Nunhead. This, together with the fact that local housing needs are adequately met by provisions elsewhere within the AAP, triggers the exception clause in paragraph 51 of the NPPF in relation to the presumption in favour of bringing commercial buildings into residential use. I therefore find no significant conflict between Policy 6 and the NPPF in this regard.
42. Should matters such as financial viability be found to justify a departure from this requirement, they may be addressed on a case by case basis as material considerations to be taken into account alongside the development plan in determining planning applications, in accordance with the provisions of section 38(6) of the 2004 Act as amended. In contrast to provisions relating to affordable housing, nothing in the NPPF or LP requires viability considerations to be built into policies governing business floorspace. Accordingly, no main modification is required in this regard to Policy 6 or to any of the site specific proposals. Saved SP Policy 1.4, which sets out the borough-wide policy on the replacement of Class B uses and exceptions criteria where a net loss of such use may be acceptable, remains part of the development plan and continues to apply.
43. I am also mindful that, elsewhere in this report and for reasons unrelated to business space provision, I have recommended the deletion of Proposal PNAAP2. This includes the provision on the site of the cinema/multi-storey car park site in Peckham Town Centre of an indicative 315 square metres of business floorspace within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended (UCO), which formed part of the 4000 square metres of new additional business space envisaged for Peckham Town Centre. The consequent reduction in that overall figure is relatively small and not so significant as to render the AAP unsound, particularly as the figure of 4000 square metres is not derived directly from specific allocations for Peckham and Nunhead in the CS or LP. Nonetheless, it renders all the more important the realisation of other business allocations in the AAP and the safeguarding of existing business floorspace.

Creative and artistic enterprises

44. Point 5 of Policy 6 supports a range of uses in the railway arches including small business space, light industrial uses and appropriate uses within Classes A1 to A5, D1 and D2 of the UCO. 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.
45. By contrast, the supporting text to Policy 2 of the AAP, at paragraphs 4.2.11 and 4.2.12, 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. The failure of Policy 6 to expressly address this objective amounts to an inconsistency which renders the AAP unsound.
46. Although the provisions of the UCO effectively preclude the AAP from safeguarding existing premises specifically for artistic/creative ventures, the AAP should nonetheless do more to encourage the provision of accommodation suitable for such enterprises, given its stated objective. Soundness in this respect can be secured by expanding points 5 and 6 of Policy 6 to include support and encouragement for artistic and creative enterprises in the existing railway arches and new business space accommodation, together with appropriate additions to the supporting text and the equivalent policies for the Peckham Core AA (Policy 27) and Peckham South Character Area (Policy 35). These changes are therefore set out in main modifications **MM5, MM6, MM7, MM25 & MM27**.
47. Beyond the measures addressed above and those referred to elsewhere in this report in relation to proposals for the Copeland Industrial Park and 1-27 Bournemouth Road (PNAAP4) and Peckham Rye Station (PNAAP6), I find no need for the AAP to promote Peckham specifically as an incubation cluster for nascent businesses in order to render it sound. Policy 6 supports a range of different uses in the railway arches, which are well-suited as premises for the development of new undertakings. It also requires new business space to be designed flexibly to accommodate a range of unit sizes, thus providing adequately for smaller enterprises in other use categories. The need to provide low-rent 'affordable business space' by means of legal obligations within all new developments has not been demonstrated. It would therefore be best negotiated on a case by case basis in processing individual planning applications, to ensure that such requirements do not constrain flexibility or undermine the overall viability of development schemes.
48. I have considered whether there is a soundness case for specifically protecting and promoting businesses specialising in energy conservation and upcycling of waste in the same manner as artistic and creative enterprises. However, unlike the latter, businesses of this kind have not been shown to be particularly vulnerable without safeguards or a definitive component of Peckham's local economy. Nor are they specifically referenced in the objectives of the AAP. Therefore, whilst the environmental principles they help

to solidify are laudable, a general policy provision to ensure that small business units are available is sufficient to cater for them. The promotion of energy conservation elsewhere in the AAP and the wider development plan in itself provides a context within which such businesses should be able to prosper. The AAP is not therefore unsound in this regard.

Youth unemployment

49. It is not disputed that youth unemployment is a significant issue in Peckham and Nunhead. I have been provided with well-reasoned summaries of the employment problems faced locally by young people, particularly in the black community, with the promotion of youth enterprise hubs, low-cost starter units, apprenticeships and the night time economy put forward as potential solutions. However, the AAP is limited in what it can do to assist particular sectors of the community in this regard.
50. I am satisfied that the AAP contains sufficient measures in relation to the promotion of the night time economy. It also makes adequate provision for existing and additional floorspace suitable for use as youth enterprise hubs and low-cost starter units. It cannot influence the manner in which premises are made available to different types of user where these fall within the same Use Class in the UCO, or effectively promote youth employment schemes or particular types of training. However, objectives of this kind are addressed within the Council's wider policy framework.
51. Notably, the Council's Economic and Well-being Strategy 2012-2020 (Core Document CDE3) sets out borough wide objectives for employment in Southwark. This specifically acknowledges that young people are suffering disproportionately the effects of the recession and sets out a commitment to ensure better co-ordination of the different efforts to help young people into work, increasing engagement with employers and skills providers and promoting a better understanding of how study and training leads to jobs. It recognises and builds upon existing programmes and initiatives which provide support for youth. I therefore find the AAP to be sound in terms of its youth employment strategy.

Issue 2 – Whether the Area Action Plan will ensure the delivery of the required scale and type of provision of entertainment, cultural, tourism and local community facilities in conformity with the Core Strategy, the London Plan and the National Planning Policy Framework

Retention of floorspace

52. Some have suggested that Policy 2 should provide for the retention of existing floorspace in arts, cultural, leisure and entertainment use as well as promoting additional floorspace for those purposes. Insofar as artistic activity is concerned this question is addressed elsewhere in this report in the context of site specific proposals for the Copeland Industrial Park and 1-27 Bournemouth Road (PNAAP4) and Peckham Rye Station (PNAAP6). As to other uses that fall within the remit of Policy 2, there are already safeguards in the saved policies of the SP for those which fall within Classes A1 to A5 and B1, B2 and B8 of the Schedule to the UCO.
53. With the exception of the gallery and cinema at the multi-storey car park site

(PNAAP2), also addressed elsewhere, it has not been demonstrated that other uses that fall outside this range of classes require specific safeguards. Moreover, there are practical difficulties in securing the retention of particular types of use by reason of the provisions of the UCO. I therefore find no main modification to be necessary in this regard.

Day time, evening and night time economies

54. Policy 2 promotes the provision of more cafes and restaurants to 'make Peckham a better place to go out in the evening'. However, its supporting text encourages the development of both the evening and night time economies, subject to the mitigation of adverse effects on residential amenity. I find no need in the interests of soundness for the reference to the night time economy to be incorporated into the policy itself, even though it is a recognised source of employment for young people.
55. Whilst the AAP gives voice to a Council commitment to support the evening and night time economies, there are limitations as to what the Council would be able to achieve in practice by means of planning policy in encouraging particular types of business that would contribute thereto. Reference to the night time economy in the supporting text alone is therefore adequate and in general accordance with LP Policy 4.6. Saved SP Policies 1.7 and 3.2 already seek to protect residential amenity and would continue to provide safeguards against harm thereto that might arise from evening and night time activities.
56. Some have expressed the view that more should be done within the AAP to promote cafes and restaurants in Peckham Town Centre as a means of encouraging daytime activity. However, paragraph 4.2.15 of the supporting text to Policy 2 already sets out such a commitment and I note that, notwithstanding the reservations of certain objectors as to quality and diversity, there is already good supply of such establishments in the area. I therefore find no main modifications to be necessary in this regard.

Venues for cultural events

57. Although Peckham Square is specifically promoted in Policy 2 as the focus for cultural events, with no reference made to other potential venues, I am satisfied that this has no adverse implications for the soundness of the AAP. It is readily evident from other policies and proposals that cultural events are also encouraged elsewhere. Indeed, Appendix C identifies a number of opportunities to create increased provision of public space and improved public realm, which will also open up more opportunities for those sites to facilitate cultural events. Moreover, the specific promotion in the AAP of particular privately owned premises for such purposes would not be appropriate. Therefore, no main modification is necessary in this regard.

Hotels

58. It has been suggested by some that the support in Policy 2 for proposals for new hotels in Peckham town centre is not substantiated by evidence of visitor demand and that, consequently, the AAP is unsound. I recognise that the provision of new hotel bed spaces in the town centre will be subject to development and market forces which, at present, do not appear to support a particular need for such accommodation. However, it is appropriate for the

policy to give active encouragement to any such proposals as and when they arise as, potentially, they could help to contribute to the local economy by providing accommodation, generating additional spending and inward investment. Moreover, there is no specific requirement for hotel provision within the AAP that, should it not be realised, might blight the development of a site. Therefore, no main modification is necessary in this regard.

Community facilities

59. I am satisfied that, by means of Policy 7 and the site specific proposals in Appendix C, provision in the AAP for community facilities is adequate and justified by the evidence base. 'Community use' is identified as either a 'required' or 'acceptable' use in well over half of the Appendix C proposals, including all the major development sites in the Core AA and, in this regard, the AAP is generally supportive of the delivery of new community facilities in the most accessible locations. Suggestions that such facilities are required on particular sites in addition to those specifically designated have not been substantiated and it would not be appropriate to promote particular, privately owned community-related enterprises within the AAP.
60. I have noted the dissatisfaction expressed by some regarding the availability of public meeting space in the area and do not question that an improvement in such facilities would be desirable. Nonetheless, the issue is not so significant that the absence of specific provision for this particular type of facility renders the AAP unsound, the general promotion of Class D1 uses being adequate in this regard. Youth enterprise hubs and similar facilities for young people are also encompassed by the Class D designation. The AAP cannot influence the manner in which premises are made available to different types of user within that category, given the provisions of the UCO. However, youth-related objectives are addressed within the Council's wider policy framework. Therefore, no main modification is necessary in this respect.

Issue 3 – Whether the overall scale and type of housing provision in the Area Action Plan is adequate and justified by a robust evidence base and whether it would be delivered effectively in appropriate locations in conformity with the Core Strategy, the London Plan and the National Planning Policy Framework

New homes

61. I am satisfied that the housing allocations contained in the AAP, including the indicative capacities for site specific Proposals in Appendix C, are fully justified by the Council's evidence base. Adequate steps have been taken to ensure the maximisation of housing delivery within the AA in the wake of the higher housing target for the borough as a whole set by the LP in 2011. The case for preclusion of family housing within the core action area and above fourth floor level, although advocated in part by some studies drawn to my attention, has not been substantiated by compelling, up-to-date evidence, whereas the Council has substantiated its stance on these matters. Amongst other things, it points out that adequate amenity space sufficient to meet borough-wide standards could be made available for such units in various ways. I concur.
62. I have recommended elsewhere in this report the deletion of Proposal PNAAP2,

which includes provision of an indicative 160 dwellings on the site of the cinema/multi-storey car park site in Peckham Town Centre. I recognise that these would contribute to the realisation of the AAP’s wider objectives and feed into its housing trajectory. However, that figure accounts for a relatively small proportion of the overall housing provision envisaged for the AA, the said provision is not derived directly from specific allocations for Peckham and Nunhead in the CS or LP and, in the context of the borough as a whole, the allocation attributed to PNAAP2 is less significant still. I am therefore satisfied that a plan incorporating an adjusted housing trajectory, as has now been the subject of consultation, would not be unsound. Accordingly, a change to this effect is set out in main modifications **MM12 & MM13**.

63. Point 2 of Policy 16 sets a maximum density of 700 habitable rooms per hectare for new developments in the Core AA, which may be exceeded where development is of exemplary design. This corresponds to the ‘Urban Zone’ defined in CS Strategic Policy 5, within which Peckham falls. Some contend that the character of the Core AA accords more with the definition of the ‘Central’ density designation set out in the notes to Table 3.2 of the LP, where higher densities are acceptable. However, this is a matter of fact and degree on which a judgment must be made and I find no reason to depart from the CS in this regard. A ‘requirement’ to comply with the density ranges specified is appropriate. The policy may be applied flexibly on a case by case basis in accordance with section 38(6) of the 2004 Act as amended, if material considerations indicate thus.
64. The requirement in Policy 18 to provide a minimum of 20% 3, 4 and 5+ bedroom units in developments of 10 homes or more cannot, in my view, reasonably be interpreted as requiring homes of all three sizes to be provided within each development. Changing the quota to relate to homes with 3+ bedrooms only could lead to ‘3’ being interpreted as a maximum threshold. The requirement should therefore remain as worded and the precise mix of sizes negotiated on a site by site basis.
65. The general promotion of ‘self-build’ as a means of housing provision is to be encouraged and its general encouragement in the AAP would be a positive measure. Having said this, it is but one of a number of ways in which the identified housing need may be catered for and absence of a specific reference to it in the AAP is not so significant as to have adverse implications for soundness. This being so, no main modifications are required in relation to any of these matters.

Affordable housing and viability

66. 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 of the AA. Paragraph 4.5.12 of the AAP undertakes to meet *some* affordable housing need (my italics) whilst also offering a choice of housing for those who want or need market housing. Indeed, it is apparent that this proportion is unlikely to meet the affordable housing needs of the AA in full, such that there is a degree of conflict with the requirements of paragraph 47 of the NPPF.
67. Nonetheless, such limitations on affordable housing provision are justified by the Council’s evidence base on grounds of viability and the need to create

balanced and mixed communities and, notably, have not drawn objection from the GLA. Similar considerations make it clear that it would not be practical in all cases to replace all affordable housing lost as a result of a particular redevelopment within the specific site in question. The site of the former Wooddene estate the subject of Proposal PNAAP 5, where the vast majority of the dwellings were Council homes, is a case in point.

68. The AAP is not therefore unsound in this regard and I find no justification for a more stringent approach so far as the level of affordable housing provision is concerned. However, there is a clear case in the interests of soundness for making the 35% target itself subject to viability considerations. 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 NPPF specifies that affordable housing policies should be sufficiently flexible to take account of changing market conditions over time. LP Policy 3.11 as amended by the REMA (published on 11 October 2013 and operative from that date) accords with this, specifying that affordable housing targets should take account of, amongst other things, the viability of future development.
69. 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.
70. This does not go far enough. To be consistent with the NPPF and the LP 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 CS Strategic Policy 6 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.
71. The failure of the AAP to acknowledge financial viability in this way renders it unsound. However, this can be remedied by incorporating reference thereto into point 2 of Policy 17. A change to this effect is therefore set out in main modifications **MM14 & MM16**.

Affordable rent

72. Point 4 of Policy 17 of the AAP requires 50% of affordable homes to be 'intermediate housing' and 50% to be 'social rented housing'. A 'fact box' on page 74 of the AAP defines these terms and explains that 'affordable rent', 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 affordable rent as a tenure type from Policy 17 but is intending to review its approach to it on a borough-wide basis.
73. The Council has contended that the omission of reference to affordable rent

from Policy 17 is not in conflict with either the NPPF or the adopted LP (albeit that its view in respect of the latter was expressed prior to the publication of the REMA). 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 affordable rent, 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 providing a more substantial justification for rejecting affordable rent.

74. A particular shortcoming of the evidence base is its failure to reconcile the Council's resolute stance in this regard with its current interim approach to affordable rent set out in the report to its Planning Committee of December 2011 (Core Document CDH15), which accepts it as a means affordable housing tenure in certain circumstances when granting planning permission. Additionally, whilst Policies 3.10 and 3.11 of the adopted LP 2011 make no reference to affordable rent, the recently published REMA to the LP have introduced it to the development plan.
75. The AAP is therefore unsound in the manner in which it addresses affordable rent and the Council is correct to recognise the need to review its approach thereto. 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 GLA. Indeed, there is firm justification for continued liaison in the light of the GLA's stance (at the relevant Examination Hearing) to the effect that affordable rent 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.
76. The Council and the GLA have both welcomed the suggestion that 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 SP Policy 4.4 would remain part of the development plan and would continue to apply. The Council has confirmed that reliance on the latter in determining tenure proportions for individual proposals would be acceptable, despite the 50:50 split prescribed in Policy 17, as there is scope for applying it flexibly. The GLA raises no objection to a departure from the 60:40 split prescribed in LP Policy 3.11, confirming its view that the manner in which tenure splits are applied specifically to Peckham and Nunhead fall to be determined locally.
77. Indeed, this change, in tandem with associated revisions to the fact box and relevant supporting text to remove reference to the Council's misgivings concerning affordable rent (including an update as to the intended means of reviewing its approach to this tenure type), is considered by both to remove any suggestion of non-conformity with the LP and the NPPF as far as Policy 17 is concerned. I concur and, consequently, have found no need to seek further input from the Council or the GLA in relation to the publication of the REMA or the issuing of the Inspector's report or the Mayor's response thereto that preceded it, all of which occurred after the AAP Examination Hearings took place.
78. Changes to this effect represent a pragmatic way forward. They will allow the

AAP to progress to adoption, whilst making provision for a separate policy to be developed to address affordable rented housing in the context of preparing the pending New Southwark Plan (NSP). I conclude that the changes will ensure that the Council's housing policies are soundly based and will not undermine the soundness of the AAP as a whole. They are therefore set out in main modifications **MM15, MM17, MM18 & MM39**.

Gypsies and travellers

79. The accommodation needs of Gypsies and Travellers are already addressed in CS Strategic Policy 9, which will continue to apply to the AA. There are no objections before me relating to such matters that are specific to the AA. In any event, I am satisfied that it is more appropriate for this matter to be considered on a borough-wide basis and reviewed in preparing the pending NSP, rather than in the more limited context of the AAP. The absence of reference to Gypsies and Travellers in the AAP does not therefore render it unsound.

Issue 4 – Whether provision within the Area Action Plan for the protection or enhancement of the open space and green infrastructure is adequate, deliverable and justified by a robust evidence base and whether climate change is adequately addressed, in conformity with the Core Strategy, the London Plan and the National Planning Policy Framework

Open space

80. Open space provision within the AAP has drawn criticism on the basis that, although many sites are safeguarded as open space across the AA, there is no blanket requirement for developments to provide 10% open space within new developments. Green Links north-south and east-west across the town centre are not specifically allocated and food growing opportunities within new developments, whilst 'expected', are not explicitly 'required', or promoted as 'meanwhile' uses for sites awaiting development.
81. However, the reduction in public park provision from 1.1 ha to 0.96 ha per 1000 evident in the AAP (subject to an intended minor change published by the Council prior to the AAP Examination Hearings) is a consequence of a predicted increase in population rather than a reduction in areas of open space. Indeed, considerably more open space is to be protected as a result of the AAP than has been the case to date. Whilst there are certain aspects of the Council's Open Space Strategy (OSS) that are not carried forward in site specific form in the AAP, the latter nonetheless pays sufficient regard to the former. In my judgment, the existing safeguarded areas and additional open space provision required as part and parcel of the site specific proposals set out in Appendix C would, in combination, make reasonably generous provision for green infrastructure across the AA as a whole, sufficient to cater for the needs of the area over the plan period.
82. I am therefore satisfied that provision to this extent is justified by the evidence base and, this being so, am not persuaded that a requirement within the AAP for developers to make financial provision towards open space is essential in the interests of soundness. I am also mindful that a number of existing policies within the wider development plan already make provision for

green infrastructure on a borough-wide basis and will continue to apply within the AA, as will a SPD that sets out standards for external amenity provision. Strategic green routes are identified in broad terms in Figure 17 of the AAP and are adequate as an indication to developers of what the Council aspires to. Whilst it might be possible for the AAP to show more detail in this regard, it is not essential for it to do so in the interests of soundness. Indeed, more prescriptive provision would reduce flexibility for developers and could have the potential to hamper the development of certain sites.

83. I have noted the provision within the draft Lambeth Local Plan for the use of planning obligations as a means of integrating food growing spaces in new development and do not question the merits of such a policy. Nonetheless, I find this measure exceeds what could be insisted upon for the purposes of soundness. An expectation of food growing opportunities within new development, as set out in Policy 19 of the AAP, is sufficient as a basis for negotiating such provision within planning applications. Detailed prescription as to the form this might take is a matter for a SPD. Indeed, the provision of allotments and other food growing opportunities is more properly addressed as a borough wide issue and the Council's OSS sets out the means by which such opportunities might be explored.
84. Whilst they are desirable, there is limited merit in promoting 'meanwhile uses' (temporary uses to which land could be put whilst awaiting longer term development) within the context of the AAP as they cannot be enforced on private landowners. Such proposals fall to be considered on a case by case basis if offered. The absence of such promotion does not therefore render the AAP unsound. Whether the Council itself promotes meanwhile uses on its own land is a matter for the authority as property owner rather than a matter for the AAP.
85. Policy 18 requires play space for children and young people to be provided as part of developments generating potential for 10 children or more. Specific standards for play space provision, in terms of area, are already set out in the borough wide development plan and an adopted SPD and would remain in force following adoption of the AAP. Further prescription of such provision, if considered necessary, would be a matter for a further SPD rather than the AAP. The provisions of the latter in this regard are therefore adequate and do not render the AAP unsound. This being so, no main modifications are required in relation to these matters.

Energy and climate change

86. Policy 20 on page 85 of the AAP requires major developments to evaluate the feasibility of connecting to existing heating and cooling networks and combined heat and power (CHP) systems, in the interests of energy efficiency. However, CS Strategic Policy 13 requires developments to use low and zero carbon sources of energy as part of a package of measures designed to address climate change, thus presenting a wider range of options for developers to consider than specified in the AAP. The latter's policy has therefore been criticised by some and the suggestion made that its requirements should be expanded.
87. Nonetheless, CS Strategic Policy 13 will co-exist with the AAP and will continue

to apply to all new developments. Moreover, a requirement to comply with borough-wide policies is expressly stated at point 4 of Policy 20 on page 85 of the AAP. These include saved SP Policy 3.4, which requires an energy statement to be submitted with planning applications setting out how new development will meet the development plan's environmental targets. The CHP requirement therefore applies in addition to the CS and saved SP requirements and does not conflict with or supersede them. The inclusion of point 4 thus negates the need to further expand Policy 20.

88. Similarly, there is no reason why the AAP should include reference for the purposes of soundness to the retrofitting of existing buildings with such technologies. CS Strategic Policy 13 also makes provision for this and, in the absence of specific conflict with AAP provisions, would still apply in that regard. Therefore, no main modification is necessary in relation to this topic.

Issue 5 – Whether the Area Action Plan makes appropriate provision for the protection and enhancement of the built environment and promotes high quality design and heritage conservation in conformity with the Core Strategy, the London Plan and the National Planning Policy Framework

Public realm

89. I share the view of many of those who participated in the Examination that improvement of the public realm must be an essential component of the AAP's strategy to upgrade the built environment. However, I am satisfied that this requirement is adequately addressed already by Policy 23 of the AAP. A change to the policy such that its criteria would relate to both new and existing public realm is not essential to the soundness of the AAP, given that the latter is already under local authority control, albeit that the Council has volunteered a 'minor change' to this effect which has led English Heritage to withdraw its objection in relation thereto.
90. The AAP is not a practical mechanism for the formal co-ordination of proposals for new public realm on different development sites in close proximity to one another, albeit that such co-operation between developers is always desirable. Co-ordination of this kind, if formally prescribed, could hamper much needed development through delay engendered by differences in timing between adjacent schemes. It could also erode flexibility in such a way as to undermine viability. In practice, the extent to which one area of public realm should have regard to its immediate setting is best negotiated through the development management regime on a case by case basis, taking into account the completed development and approved schemes that prevail at that time. No main modification is therefore required in this regard.

Heritage

91. English Heritage has suggested that each site specific proposal should, where relevant, make reference to the need to have regard to the historic environment. However, this is not essential for the soundness of the AAP, given the over-arching provisions found in Policies 24 and 25 and the wider development plan. The extent to which the supporting text to these policies addresses the need to have regard to heritage assets is also sufficient, bearing in mind that the statutory duties of decision makers in relation to listed

buildings, conservation areas and their settings will apply to all development proposals in any event. The only justification I find for departing from this principle is in relation to the particularly sensitive issue of tall buildings, for reasons which are explained later in this report.

92. My attention has been drawn to differences between the wording of the overarching Policy 24 and its character area-specific equivalents (Policies 33, 37, 41 and 45), in that the latter require proposals to 'sustain, enhance or *better reveal* the significance of local heritage assets particularly....*listed and locally listed buildings and features*' (my italics). However, the term 'better reveal' appears in paragraph 137 of the NPPF and 'heritage asset' is defined in the glossary thereto as including local listing. Accordingly, there is nothing unsound in the use of either term in the AAP in the context of a policy requirement. Moreover, this particular inconsistency has no implications for soundness.
93. I am satisfied that soundness is not dependent on an expansion of protected views across the borough beyond those designated in the LP. Adequate controls over the effects of development on important views are already inherent in the general criteria set out in Policies 24 and 25 and their character area equivalents. This being so there is no justification for adding to the list of views in paragraph 4.7.13 of the supporting text to Policy 24. In any event, it would be beyond the legitimate scope of the AAP to safeguard views from the top of the Bussey Building on the Copeland Industrial Park (PNAAP4) or the multi-storey car park (PNAAP2), as promoted by some. Whilst both roofs accommodate facilities which the public can pay to access, they are nonetheless private business premises.

Tall buildings

94. Policy 26 of the AAP prescribes maximum heights for potential tall buildings on five sites, which are replicated in the relevant site specific proposals in Appendix C. These proposals have drawn substantial objection. Nonetheless I am satisfied that, despite the reservations of English Heritage and others, 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 is the site subject to Proposal PNAAP2 which, for other reasons, I find should not be earmarked for redevelopment at this stage.
95. Having said this, I share English Heritage's view 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, enabling 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.
96. I take note of comments received in response to consultation on the relevant

proposed main modification that the italicised phrase above is absent from the rewording of Policy 26 as suggested at that time. I consider cumulative assessment to be important and have therefore recommended its addition to the policy. Continued liaison with English Heritage regarding the detail of any development schemes would be desirable to help realise these heritage and townscape objectives, but does not in itself need to be stipulated within the AAP to ensure soundness.

97. 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, 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 and the policy is unsound in this regard.
98. Additionally, point 2.ii of Policy 26 as presented in the Publication/Submission version of the AAP could 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. The Council has made it clear that, in fact, Policy 26 is intended to convey that the tall building heights specified therein are maximums and are not subject to exception criteria and has put forward a change to address this.
99. Changes to remedy these shortcomings, and also taking into account the deletion of Proposal PNAAP2 from Appendix C (addressed elsewhere in this report), together with associated revisions to the supporting text have been subject to consultation and are set out in main modifications **MM19, MM20, MM21 & MM22**. I find a maximum restriction on heights to be supported by the Council's evidence base and conclude that a policy thus revised would be sound. This would not be inconsistent with the preamble on page 163 of the AAP to the site specific proposals in Appendix C, the 'indicative' status of which applies only to housing and non-residential floorspace allocations.
100. I have noted reservations that building heights expressed in terms of numbers of storeys could prove misleading, particularly those raised in relation to the proposals for the Aylesham Centre (PNAAP1) and the Copeland Road car park site (PNAAP7). Nonetheless, I am satisfied that the number of storeys provides an adequate guideline and find no justification in the interests of soundness for setting more precise parameters in terms of the heights of adjacent buildings.
101. Although the height of each storey may vary, other criteria within Policy 26 as modified would enable the Council to curb excess within individual proposals that might arise from the flexibility of the maximum thresholds thus set. It is a matter for the Council as to whether the existing limits are supplemented by heights in metres by means of a minor change to the AAP, provided that these are reasonably equivalent to the numbers of storeys specified.

Character areas

102. The validity of the character area designations in the AAP has been questioned by some. However, the Council's approach is substantiated within its evidence base by means of the Peckham and Nunhead Characterisation Study (Core Document CDD4). Whilst I have noted the criticisms of the study and the designations that arise from it, particularly in relation to Peckham South, there is nothing of substance before me to demonstrate that any alternative approach would be better or worse than that carried forward in the AAP.
103. Ultimately, such subdivision is a pragmatic means of addressing certain matters at a more localised level and, provided it is generally based on character considerations, it matters little exactly where the lines are drawn. Inevitably, there are several ways of defining sub-areas in a logical way and, this being so, I find no fundamental flaw in the AAP in this regard.

Issue 6 – Whether the Area Action Plan would ensure the delivery of the required scale and type of transport and other infrastructure in conformity with the Core Strategy, the London Plan and the National Planning Policy Framework and whether it has clear mechanisms for delivery, implementation and monitoring

Cycling

104. The absence from the AAP of precise cycle routes, together with a perceived lack of provision for segregation and permeability, has proved a focus for objection during the Examination. Figure 11 in the Publication/Submission version of the AAP, which concerns cycle routes, is indicative only, whereas an earlier version prescribed specific existing and proposed routes for safeguarding. Objectors seek the reinstatement of these draft safeguards as part of the adopted plan and have campaigned for greater emphasis to be placed on cycling safety.
105. However, I am satisfied that the approach to cycling presented in the AAP strikes a reasonable balance between setting out priorities for improvements and allowing sufficient flexibility to determine the appropriate specification and alignment of individual schemes. Greater prescription would inevitably reduce flexibility and could undermine the delivery of cycling schemes, which would be contingent on available funds. Indeed, improving cycling infrastructure is likely in practice to be an ongoing and iterative process, requiring dialogue with the community and local interest groups as funding becomes available. This being so, cycleway provision is only appropriate in the context of the AAP as a means of providing guidance for developers insofar as such routes might cross development sites.
106. Precise routes would fall to be negotiated on a case by case basis, including a 'quiet route' through the AA. This being so, indicative routing is sufficient to secure the soundness of the AAP in this regard. I have seen no cogent evidence to the effect that existing cycle routes are under threat. I also note that a number of site specific proposals in Appendix C seek improvements to cycle links. Policy 11 already emphasises the need for safety, directness and convenience. In any event, such considerations, including the redesigning of junctions in the manner suggested by some, are primarily matters for the

Council to address in its role as highway authority rather than by means of planning policy. Therefore, no main modifications are necessary in relation to cycling provision.

Public transport

107. Policy 12 identifies the extension to the Bakerloo Line and the Cross River Tram (or an alternative thereto) as key priorities. Some have questioned the fact that neither scheme has funding or falls within any phased programme, yet land is safeguarded for both. However, the policy is primarily a commitment to carry on lobbying for these schemes, as their delivery is not within the Council's gift or remit, and there is no evidence that associated safeguarding of land would blight any particular area. Although the Flaxyards site has been allocated for the potential Cross River Tram terminus by means of Proposal PNAAP9 it is, nonetheless, Council-owned and maintained as an unfenced grassed area through which public access is permitted and is not unattractive to look at. Accordingly, whilst the justification for Policy 12 and Proposal PNAAP9 is limited, their inclusion in the AAP does not render it unsound.
108. The absence from Policy 12 of more detailed reference to the promotion of improved bus and rail services does not go to soundness, given that the Council's role is also limited to lobbying in that regard. The exclusion of the bus garage, station and standing areas from all the site specific proposals in Appendix C is readily evident, such that specific safeguards within the AAP relating to these facilities are not justified in the interests of soundness. Moreover, although indicative pedestrian and cycle links to the bus station from the Aylesham Centre site are included in Proposal PNAAP1, I have seen no cogent evidence to suggest that these have adverse implications for its operation, bearing in mind the provisions of Policy 11 with regard to safety and convenience.

The road network

109. Provision for safety on residential roads is primarily a matter for the Council as highway authority and there is little to be gained in promoting such measures in the AAP beyond the extent that Policy 11 already does in general terms, either as part of the policy or in the supporting text. The same applies to concerns regarding the implications for residential amenity of alterations to the road network. In any event, highway safety considerations would necessarily inform the determination of any planning application for new development. In the event that road alterations forming part of a development scheme are subject to a planning application, overarching amenity policies within the wider development plan would apply.

Parking and servicing

110. Viability associated with decked or multi-storey provision need not be factored into Policies 14 or 15. This would be a material consideration in justifying a departure from policy, having regard to section 38(6) of the 2004 Act as amended. The same applies to the suggestion that parking provision within new residential developments in the Core AA should be negotiated on a site-by-site basis having regard to existing parking provision, Controlled Parking

Zones, highway impact and car ownership, rather than made in accordance with prescribed standards.

111. Saved SP Policy 5.2 makes adequate provision for servicing, circulation and access within new developments on a borough-wide basis. It would continue to apply following the adoption of the AAP, including in relation to the principal commercial redevelopment proposals contained therein. Consequently there is no need for further reference thereto within the AAP. I acknowledge that there is limited rear access to existing commercial premises in Peckham Town Centre such that loading and unloading in the main shopping streets is a necessity. However, such arrangements are commonplace in older commercial centres and I have seen no cogent evidence to the effect that they are particularly problematic in the AA. I do not therefore find the absence of measures to address this matter to have adverse implications for the soundness of the AAP.

Infrastructure and delivery

112. The Council's Updated Infrastructure Background Paper published in May 2013 (Core Document CDS5) provides an overview of how the Council anticipates that new and improved infrastructure required to realise the AAP's objectives and site specific proposals will be funded and delivered. This includes an indication of the supporting infrastructure required in the AA that is currently unfunded and I note that a degree of uncertainty is expressed in paragraph 7.8.7 of the AAP as to how some of this might be delivered.
113. The AAP identifies the main risks to delivery as the phasing of development slipping in the current economic climate and the possibility that infrastructure required to support growth would not be delivered in a timely fashion. However, it is apparent that Peckham and Nunhead have benefitted from significant investment in infrastructure in recent years and that the majority of the infrastructure identified in the AAP as being required over its lifetime is desirable, as opposed to critical. On the evidence before me, the only infrastructure 'critical' to underpinning growth in Peckham and Nunhead is the increased provision of primary school places, for which funding has already been secured.
114. For 'desirable' items of infrastructure, it is the Council's stated intention to secure section 106 planning obligations and community infrastructure levy (CIL) payments as development comes forward to help fund delivery, as well as liaising with a number of partners to investigate funding opportunities that would benefit regeneration in Peckham and Nunhead. Although the Council's CIL charging schedule has yet to be subject to an Examination in Public, this is already in the pipeline and it is reasonable to anticipate that a schedule will be adopted early in the AAP plan period. Although incongruous, the inclusion of a CIL charging table in section 7.6 of the AAP does not in itself render the plan unsound, given that its proposed/indicative status is clearly highlighted in the relevant supporting text.
115. These are seen as the main mechanisms for delivering improvements to green infrastructure, selected transport initiatives and community facilities which are unfunded at present. It is also envisaged that arts and cultural facilities are likely to be delivered by the market or, potentially through grant funding and

that new community facilities would be delivered as part of the development of larger sites. Nothing before me suggests that these are unrealistic or impractical aspirations. On the contrary, the Council's record in securing funding through obligations and successful bids to the Mayor's Regeneration Fund, Townscape Heritage Initiative and Outer London Fund in recent years suggests that it is feasible.

116. The Council acknowledges that market conditions have changed significantly in recent years and that the pace of change at present is slow. Nonetheless, by timetabling development to come forward in three phases of five years, the AAP avoids being too prescriptive about the precise time at which sites will be developed, whilst still giving an indication of the likely timing of change. Two site specific proposals in Appendix C (PNAAP14 and PNAAP33) have no phasing allocated within the AAP period. However, neither is crucial to the Council's vision for the AA, each being in full and active commercial use at present. The absence of phasing does not therefore render the AAP unsound.
117. Additionally, the Council is a major landowner in Peckham and Nunhead and is in a position to bring forward a range of its own sites for development over the lifetime of the AAP. The site specific proposals also incorporate a wide range of uses as 'acceptable' on particular sites as opposed to being 'required', together with capacities which are indicative only, thus allowing developers additional flexibility to devise schemes that are both deliverable and in accordance with the AAP.
118. Thames Water has suggested that, as water and waste infrastructure cannot be delivered using section 106 obligations and CIL, text similar to that used in the Council's Canada Water AAP should be added to the Peckham and Nunhead AAP. This refers to liaison with the relevant providers and the use of conditions to secure impact studies on the existing water supply and sewerage infrastructure. However, I am satisfied that CS Strategic Policy 14 already introduces equivalent measures into the wider development plan on a borough-wide basis and that, accordingly, the absence of text to this effect from the AAP does not render it unsound.
119. It has been suggested by some that, for the purposes of soundness, the AAP's measures to secure adequate infrastructure provision should encompass improvements to social infrastructure, in terms of engagement with local people and community groups to enable more effective partnership working and ensure that future development meets their needs. However, I find that steps of this kind would more properly be addressed by the Council's SCI, which applies borough-wide, and that the absence of text to this effect from the AAP has no adverse implications for its soundness.
120. I am therefore satisfied that issues of infrastructure funding and delivery have been adequately addressed in preparing the AAP and that due regard has been paid to the potential risks associated therewith. It is also apparent that a monitoring mechanism is in place that would enable the Council to continue to investigate the need for new and improved infrastructure over the lifetime of the AAP as needs change. I conclude that the Council is in a position to give proper effect to the AAP and that there is no unsoundness in this regard.

Issue 7 – Whether the distribution of specific development proposals across the Action Area is appropriate and adequately co-ordinated and whether the scale and mix of proposed uses on each site are justified and effective

121. Policy 45 on page 134 of the AAP states that planning permission will be granted for proposals in accordance with the Adopted Policies Map and Schedule of Proposals Sites set out in Appendix C. However, paragraph 6.2.4 of the supporting text to the Policy states that the policy requirements set out in Appendix C '*must be met* for planning permission to be granted' [my italics]. Notwithstanding that the capacity figures included in Appendix C are indicative rather than requirements, I have considered whether such a statement conflicts with section 38(6) of the 2004 Act as amended.
122. Indeed, a potential main modification designed to address any such conflict has been the subject of consultation. However, I ultimately find that the last sentence of paragraph 6.2.4 does not render the AAP unsound. Section 38(6) allows a decision maker to depart from the requirements of a development plan but it does not prescribe the terms in which development plan policies or supporting text should be couched. Consequently, there is no need for a main modification in this regard.
123. The following paragraphs address those aspects of the AAP's site specific proposals which have not been covered fully elsewhere in this report.

The Aylesham Centre

124. Proposal PNAAP1 in Appendix C gives the indicative capacity for non-residential use for the redevelopment of the Aylesham Centre as 1500 square metres and for retail floorspace as 1350 square metres. 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 capacity/floorspace envisaged for the site. However, the Council has confirmed that the figures are intended to represent the indicative net increase in capacity/floorspace over and above what is on the site at present.
125. This intention is substantiated by the Council's evidence base and is apparent if one reads the supporting text to Policy 1. Nonetheless, it is not expressed clearly within the four corners of Proposal PNAAP1 and the consequent inconsistency inherent in the AAP would be a recipe for confusion in subsequent planning proceedings in which the level of retail floorspace proposed for the site was at issue. The AAP is therefore unsound in this regard. However, this is easily remedied by replacing the figures of 1500 and 1350 square metres with figures of 8500 and 8350 square metres respectively, thus incorporating the existing retail floorspace of the Aylesham Centre into the site's indicative non-residential use capacity and retail floorspace figures. A change to this effect is set out in main modification **MM32**.
126. I interpret the term 'active frontage' used in this proposal as referring not only to the number of units within a frontage with direct public access but also to the visual interrelationship between those units and their surroundings. The requirement in this proposal's site specific guidance to introduce more active

frontages, particularly along Rye Lane, reflects the need to pay better regard to the character of the conservation area through careful design rather than a need to reinstate smaller individual shop fronts. It does not therefore conflict with measures in Policy 1 relating to unit sub-division and does not render the AAP unsound.

The cinema/multi-storey car park

127. The existing Council-owned building on this site, which is subject to Proposal PNAAP2 in Appendix C, 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 far exceeded the potential as a focus for cultural and artistic enterprise that might reasonably have been attributed to them when first established. The Council adheres to the view that this proposal is sufficiently flexible to allow for a range of uses and different options for the development of the site and does not therefore render the AAP unsound. However, I find it to have significant shortcomings.
128. The proposal stipulates that 'the cinema should be retained on the site unless appropriate facilities can be provided elsewhere in the AAP area'. The supporting text indicates 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 at paragraphs 4.2.11 and 4.2.12. Such inconsistency, unless properly justified, renders the AAP unsound.
129. 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. On the contrary, the Council has acknowledged that the indicative capacities set out in the proposal are unlikely to be realised if the existing building is retained. Such omission introduces an element of uncertainty and confusion that, in itself, also has adverse implications for soundness.
130. The Council has cited 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 and thus as justification for the inconsistency referred to above. However, there is no considered appraisal before me of the scope to retain and refurbish the structure to substantiate that stance. In this regard I am mindful that some have expressed considerable vision during the course of the Examination as to the form that a successful conversion might take and, this being so, am not persuaded that this option has been adequately explored.
131. I have considered the fact that the site is intended to accommodate an indicative 160 dwellings and 1050 square metres of non-residential floorspace. I recognise that this would contribute to the realisation of the AAP's wider

objectives and note that the residential allocation has fed into its housing trajectory. However, it is pertinent that these figures account for a relatively small proportion of the overall housing, retail and business provision envisaged for the AA, 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.

132. 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 AAP is unsound in this regard and that the Council has much work to do in order to finalise a properly substantiated proposal for this site. The pending preparation of the borough-wide NSP provides an opportunity for this to be tackled.

133. Accordingly, Proposal PNAAP2 should be deleted from the AAP in its entirety, in tandem with consequent revisions to other policies, supporting text and appendices, and reassessed at a later stage following further research. Changes to this effect represent a pragmatic way forward, allowing the AAP to progress to adoption whilst making provision for a more considered proposal for this site to be devised. Despite their implications for overall housing and non-residential floorspace provision, the changes will not undermine the soundness of the AAP as a whole. The recommended principal amendments to this effect are set out in main modifications **MM33 & MM34**, with consequential amendments in main modifications **MM1, MM8, MM9, MM10, MM11, MM12, MM13, MM19, MM20, MM21, MM22, MM23, MM24, MM26, MM28 & MM30**.

134. As the Council has acknowledged, the omission of a specific proposal for this site does not in itself render the AAP unsound. Saved SP Proposal 69P would remain part of the development plan and would continue to apply to the site, as reflected by main modification **MM31**. I am aware that the established site proposal endorses a lesser range of use options than PNAAP2. However, notwithstanding this, it would not be appropriate to replace it with a proposal which has not been properly substantiated. Whilst some have suggested that PNAAP2 should be replaced by a policy or proposal specifically safeguarding the cinema in its existing location and expressly precluding a replacement elsewhere, this is an option that would be more properly and effectively explored in the context of the pending NSP.

The Copeland Industrial Park and 1-27 Bournemouth Road

135. The 'required land uses' specified for this site, as set out in Proposal PNAAP4 in Appendix C, include 'Business use (Class B)'. However, the indicative capacity section of the proposal refers only to Class B1. This discrepancy is potentially misleading and renders the AAP unsound. The Council has confirmed its intention that the establishment of uses within Classes B2 and B8 of the Schedule to the UCO be precluded from any redevelopment. As 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, I concur. The replacement of the reference to 'Class B' with 'Class B1' has been subject to consultation and has drawn no objection. A change to that effect is therefore set out in main modification **MM35**.

136. The reasons for designating this site for reuse and redevelopment, as set out on page 173 of the AAP, make reference to the creative industries that have appeared on it, identifying 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 in Policy 2 and its supporting text in paragraphs 4.2.11 and 4.2.12. However, such support is not carried through sufficiently in Proposal PNAAP4 itself.
137. 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, the provisions of the UCO effectively preclude the AAP from safeguarding existing premises specifically for artistic/creative ventures. Nonetheless, the absence of express support and encouragement for creative and artistic enterprises from the proposal's site specific guidance is inconsistent with the support elsewhere in the AAP for this strand of the local economy which, in turn, gives effect to unsoundness. This is remedied by the addition of an appropriate phrase to the body of the proposal and a change to this effect is set out in main modification **MM36**.
138. I find there to be no sound reason why this site should not continue to be identified as suitable for a relocated cinema, even though Proposal PNAAP2, which relates to the site of the existing cinema, is recommended herein for deletion. No substantive evidence to support an increase in housing capacity beyond that indicated in the proposal has been provided. There is no need to specifically safeguard the remains of Holdron's Arcade in this proposal in order to secure soundness, as the need to have regard to heritage assets is already embodied in the AAP's over-arching policies. Whilst the idea of incorporating an open square link onto Rye Lane is interesting, it would be an improvement to the AAP over and above what is required to render it sound.
139. The reference in the proposal to opportunities to improve and extend links to Rye Lane and through the railway arches being 'maximised' is sufficiently flexible to take account of differences in land ownership and is not therefore excessive. I am satisfied that the proposal as framed in the AAP is sufficiently detailed to guide the preparation of planning applications for its development. Whilst the preparation of a master plan for the site as a whole seems a sensible approach to take at the application stage, it is not so essential as to render the AAP unsound if not imposed as a requirement.

The former Wooddene estate

140. Planning permission was granted by the Council on 29 July 2013, during the course of the Examination Hearings, for a redevelopment of this site comprising the erection of three buildings between two and nine storeys in height to provide 333 residential units and 450 square metres of flexible retail/office/non-residential institutional space, together with various ancillary facilities (ref no 13/AP/0876). Some objectors were of the view that the

permission should inform my assessment of the soundness of the AAP and have made representations to this effect.

141. The Council's decision was no doubt informed by Proposal PNAAP5, which relates specifically to the site. If implemented, the planning permission may ultimately render that proposal redundant. However, I am satisfied that the planning permission has no significant implications for whether the AAP has been positively prepared, justified, effective and consistent with national policy. At most, it is a material consideration to be weighed alongside PNAAP5 in determining any future planning application for a scheme alternative to that which now has permission. It does not in itself prompt changes to, or the deletion of, the proposal.
142. Prior to its clearance the Wooddene estate accommodated 323 homes, of which 316 were Council properties. Whilst a failure to replace the latter as part of Proposal PNAAP5 with an equivalent affordable housing quota could be seen as a departure from LP Policy 3.14, this is clearly impractical. The lesser requirement of 35% provision stemming from AAP Policy 17 is justified by the Council's evidence base on grounds of viability and the need to create balanced and mixed communities and has not drawn objection from the GLA.
143. The suggestion made by some that arts, cultural and/or community facilities are required on this particular site rather than identified merely as an 'acceptable use' have not been substantiated. I am satisfied on the evidence before me that the AAP makes adequate provision for such facilities elsewhere in the Core AA and I find no reason for them to be based within the estate itself, particularly as the site lies outside the Town Centre and is therefore less likely to cater for the needs of the wider population of the AA. In any event, I note that the Council has a commitment to allow former residents the 'right to return' to the redeveloped estate, compliance with which could be hampered by a substantial Class D allocation.
144. Amenity facilities over and above those required as part and parcel of redevelopment in accordance with AAP Policy 18 and the Council's established over-arching policies and guidance are provided for within reasonably close proximity. I do not therefore find a specific open space allocation to be justified as part of this proposal.
145. It has also been suggested that the active frontages required by Proposal PNAAP5 along the majority of Queens Road as part of the Wooddene estate redevelopment should be subject to market demand and viability considerations. However, such matters would be material considerations in justifying a departure from Proposal PNAAP5, having regard to section 38(6) of the 2004 Act as amended and need not therefore be factored into the proposal. There is no need for the proposal to specifically concede that the active frontages could be residential in terms of usage. This would more properly be a matter for negotiation between the Council and the developer.

Peckham Rye Station

146. The primary focus of Proposal PNAAP6 in Appendix C is the redevelopment and refurbishment of buildings at the eastern end of the station site, with an emphasis on conservation and improvement of the public realm. However, the

proposal 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.

147. 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 physically severed from the rest of the site, is home to a cluster of some 19 enterprises focussing primarily 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.
148. This community encapsulates and typifies the growing reputation of Peckham as an arts and cultural ‘hotspot’ acknowledged in Policy 2, the supporting text to which records, at paragraph 4.2.12, 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.
149. 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. 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.
150. 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.
151. 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 in the existing development plan would apply to the arches in a sufficiently comprehensive manner. I therefore conclude Proposal PNAAP6 should provide for the retention of Blenheim Court for Class B1 business use and support and encourage its continued use by creative and artistic enterprises.
152. Having regard to representations made by Network Rail on the proposed main modifications, I find that the reworded proposal should reflect the fact that

some units within Blenheim Court may be subject to a lawful use which falls outside Class B1, so could not necessarily be safeguarded for the latter purpose. I have adjusted the recommended wording accordingly. However, a proposal thus modified could be readily adhered to, bearing in mind that it only encourages (rather than seeks to impose an unenforceable commitment to) artistic and creative enterprises and thus takes account of the wider scope of Class B1 and the statutory provisions for flexibility inherent in the UCO. Changes to that effect are therefore set out in Main Modifications **MM37 & MM38**.

153. I have noted comments made in response to consultation on the proposed main modifications to the effect that a safeguard similar to that applied to Blenheim Court should be extended to other premises on the PNAAP6 site. However, whilst I acknowledge that this would chime with the AAP’s wider commitment to artistic and creative enterprises, I am also mindful that such a measure would substantially reduce the scope and flexibility for facilitating a viable redevelopment scheme. I am satisfied that the safeguarding of Blenheim Court together with other measures in the AAP as recommended for modification achieve an appropriate balance between conflicting interests and that further changes are not therefore required in the interests of soundness.

Copeland Road car park

154. The AAP makes adequate provision in close proximity to this site for cultural/leisure/ community facilities as a required use (within Proposal PNAAP4), substantiated within the Council’s evidence base. This being so, I find no cogent rationale for including such facilities within Proposal PNAAP7, which relates to a significantly smaller area where there is greater potential for uses of this kind to impact adversely on residential amenity. Amenity facilities over and above those required as part and parcel of redevelopment in accordance with AAP Policy 18 and the Council’s established over-arching policies and guidance are also provided for within reasonably close proximity, notably at Peckham Rye Park and Common.

155. Proposal PNAAP7 does not need to be so detailed as to limit new development to two storeys on any part of the site. It has clear potential within even its northern sector to accommodate buildings higher than this in an acceptable way. The specification in the reasons for the designation of the need to take into consideration the close proximity to the Atwell Estate, in tandem with over-arching policies within the AAP and wider development plan addressing design and residential amenity, provide adequate guidance for developers.

156. The retention of part of the site as a car park is not supported by the evidence base. Parking facilities in the locality which would remain unaffected by the AAP’s proposals have been shown to be more than adequate to cater for likely demand. No main modifications are therefore required to Proposal PNAAP7 in the interests of soundness.

Eagle Wharf

157. There is no cogent evidence before me to the effect that this site should be allocated as public open space in the interests of the soundness of the AAP.

There is already substantial provision of this kind at the southern end of the Surrey Canal Walk. Such an allocation is therefore by no means essential, whereas the required residential and Class D uses set out in Proposal PNAAP10 are substantiated by the Council’s evidence base. The evidence before me suggests that the site may be too small to accommodate Class B1 activity as a required use on grounds of viability, albeit that this should not be ruled out as a possibility. In any event, provision for business is catered for adequately elsewhere in the AAP.

158. I find there to be no sound reason why this site should not continue to be identified as suitable for a relocated cinema, even though Proposal PNAAP2, which relates to the site of the existing cinema, is recommended herein for deletion. Although some have referred to public safety concerns in this regard I have seen nothing to substantiate these. Nor have I seen any cogent evidence to the effect that Eagle Wharf should be promoted as the preferred site for a cinema, as suggested by others, albeit that there is some logic in providing such a facility in close proximity to the Peckham Square/Library complex. No main modifications are therefore required to Proposal PNAAP10 in the interests of soundness.

Sumner Road Workshops

159. As the AAP makes adequate provision for cultural/leisure/community facilities elsewhere, there is no justification for elevating such provision from a land use that would be acceptable to a requirement of Proposal PNAAP13. Amenity facilities over and above those required as part and parcel of redevelopment in accordance with AAP Policy 18 and the Council’s established over-arching policies and guidance are provided for within reasonably close proximity, notably at Central Venture Park, Calypso Gardens and Burgess Park. No main modifications are therefore required to Proposal PNAAP13 in the interests of soundness.

Assessment of Legal Compliance - Summary

160. My examination of the compliance of the AAP with the legal requirements is summarised in the table below. I conclude that the AAP meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The AAP is identified within the revised LDS July 2013 to June 2018 which sets out an expected adoption date of March 2014. The AAP's content and timing are generally compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in January 2008 and consultation has been compliant with the requirements therein and the relevant regulations, including the consultation on the post-submission proposed 'main modification' changes.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment	The Habitats Regulations Appropriate Assessment Screening Report (March 2013) sets out why Appropriate Assessment is not necessary.
National Policy	The AAP complies with national policy except where indicated and modifications are recommended.
Regional Strategy	The AAP is in general conformity with the London Plan except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty	The AAP complies with the Duty.
2004 Act as amended and 2012 Regulations.	The AAP complies with the Act and the Regulations.

Overall Conclusion and Recommendation

161. The AAP has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with section 20(7A) of the 2004 Act as amended. These deficiencies have been explored in the main issues set out above.
162. The Council has requested that I recommend main modifications to make the AAP sound and capable of adoption. I conclude that with the recommended main modifications set out in the Annex attached hereto, the Peckham and Nunhead Area Action Plan satisfies the requirements of section 20(5) of the 2004 Act as amended and meets the criteria for soundness in the National Planning Policy Framework.

Alan Woolnough

INSPECTOR

This report is accompanied by the Annex containing the Main Modifications and Appendices thereto