



Report to the Council of the London Borough of Waltham Forest

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

Date 14 October 2014

PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

REPORT ON THE EXAMINATION INTO THE BLACKHORSE LANE

AREA ACTION PLAN

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Abbreviations Used in this Report

AAP	Area Action Plan
AMR	Annual Monitoring Report
CS	Core Strategy
DP	Development Plan
DPD	Development Plan Document
DMP	Development Management Policies Local Plan
GLA	Greater London Authority
HRA	Habitats Regulations Assessment
LPA	Local Planning Authority
LDS	London Borough of Waltham Forest Local Development Scheme 2013-2016
MM	Main Modification
PIL	Preferred Industrial Location
PTAL	Public Transport Accessibility Level
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SIL	Strategic Industrial Location
SPG	Supplementary Planning Guidance
the Act	the Planning and Compulsory Purchase Act 2004 (as amended)
the 1990 Act	the Town and Country Planning Act 1990 (as amended)
the Council	the Council of the London Borough of Waltham Forest
the Framework	the National Planning Policy Framework
the Guidance	the Planning Practice Guidance
the Regulations	the Town & Country Planning (Local Planning) (England) Regulations 2012
the Use Classes Order	the Town & Country Planning (Use Classes) Order 1987 (as amended)

Non-Technical Summary

This report concludes that the Blackhorse Lane Area Action Plan provides an appropriate basis for the planning of the area over this period. The Council has sufficient evidence to support the Plan, providing a number of modifications are made to the Plan, and can show that it has a good chance of being delivered. The Council of the London Borough of Waltham Forest has specifically requested me to recommend any modifications necessary to enable the Plan to be adopted.

Most of the modifications were proposed by the Council, but some have arisen from the need to bring the Plan up-to-date and others arise from consideration of representations from other parties in relation to the identified matters and issues.

The Main Modifications can be summarised as follows:

- A change to Policy BHL2 to seek to deliver at least 2500 homes in the area;
- A change to Policy BHL3 to make clear that the Council will seek to optimise housing densities on sites throughout the plan area; and,
- A change to Policy BHL8, together with its supporting text, to allow for some taller elements, up to but not exceeding 9 storeys high, on the key gateway site of BHL1: The Station Hub and Waterfront.

Introduction

1. This report contains my assessment of the Blackhorse Lane Area Action Plan [AAP] in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended) [the Act]. It considers first whether the Plan'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 Plan is sound and whether it is compliant with the legal requirements. Paragraph 182 of the National Planning Policy Framework [the Framework] makes clear 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 my examination is the Proposed Submission version of the AAP, which was the document published for consultation in March 2013. I have taken account of the modifications proposed in response to the representations that were made during the public consultation on the AAP, which have been put forward by the Council in a Schedule of Post Publication Modifications, dated February 2014. I have reviewed the modifications proposed, together with further changes as a result of Statements of Common Ground that have subsequently been agreed, but with a couple of exceptions, they do not go to the soundness of the Plan and so it is unnecessary for me to comment upon them. I consider the exceptions in my substantive reasoning below. I am content for the Council to make any further minor or consequential changes to page, figure, paragraph numbering and to correct any spelling errors prior to adoption.
3. A number of parties originally requested to be heard at an oral examination in order to explain and expand on the representations that were made on the Proposed Submission version of the AAP. A number of matters and issues were identified and these were circulated to interested parties. However all of those parties subsequently indicated that they did not wish to expand on their original submissions or attend a Hearing. Accordingly the arrangements for the Hearing were cancelled. This does mean that the Council made a number of unanswered representations ahead of the planned Hearing in relation to the identified matters and issues, which I intend to take into account. However this is appropriate because those parties who originally requested to be heard at a Hearing were able to read the Council's representations, available on its website, and had a full and fair opportunity to advance their case but elected not to do so. In any event I have raised matters with the Council concerning its representations and copies of those exchanges are available on its website.
4. My report deals with the Main Modifications that are needed to make the AAP sound and legally compliant and they are identified in bold in the report [**MM**]. In accordance with section 20 (7C) of the Act the Council requested that I should make any modifications needed to rectify matters that make the AAP unsound/not legally compliant and thereby incapable of being adopted. The schedule of proposed Main Modifications identified during the examination process, together with the Council's Schedule of Post Publication Modifications, has been subject to public consultation. I have taken account of the consultation responses in coming to my conclusions in this report. The only substantive comments were received from English Heritage and I comment on

these below in my substantive reasoning. The Main Modifications are set out in Appendix A to this report which, in turn, refers to Appendices B and C.

5. The national Planning Practice Guidance [the Guidance] was introduced on 6 March 2014, after the AAP was submitted for examination. The Guidance consolidates previous circulars and guidance, including the 'beta' mode version, which is largely the same as that subsequently issued. I invited the Council's comments on the Guidance, which was also expressly referred to in the identified matters and issues. I have taken account of the Guidance and the Council's response in this matter in reaching my findings in this report.

Assessment of Duty to Co-operate

6. Section 20(5)(c) of the Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the Act in relation to the Plan's preparation. The Duty to Co-operate Statement, dated January 2014, sets out the steps that the Council has taken to work with neighbouring local authorities and other prescribed bodies as set out in Part 2 of the Regulations at each stage of the Plan's preparation. This included face to face meetings with stakeholders, such as the Environment Agency and Transport for London. In order to meet the requirements in the Localism Act 2011, letters highlighting the duty to co-operate were sent to the relevant bodies and a sample is appended to the Duty to Co-operate Statement.
7. The AAP has been developed in the wider strategic context of the Mayor's Upper Lee Valley Opportunity Area Planning Framework, dated July 2013. On this basis alone it is clear that the regeneration of Blackhorse Lane has been co-ordinated with the redevelopment of other areas in the Upper Lee Valley, such as Tottenham Hale. Subsequent to publication of the Duty to Co-operate Statement, the Council continued to work with the prescribed bodies as shown by the Statements of Common Ground which have been agreed with, amongst others, the GLA. Taking these factors into account I am satisfied that the duty to co-operate, imposed by section 33A of the Act, has been complied with.

Assessment of Soundness

Preamble

8. The AAP has been prepared in the context of the CS, which covers a 15-year period up to 2026. The CS provides the strategic planning policy background for the matters contained within the AAP, and it is not necessary to address those strategic matters in examining the AAP. Although the CS was adopted by the Council just before the Framework was issued, it is reasonable for the Council to rely on the CS to provide the strategic context and contribute to the evidence base for the AAP. The AAP relates to the same period, up to 2026.
9. Amongst other things the examination tests the AAP for consistency with national policy. This includes paragraph 15 of the Framework, which requires policies in Local Plans to follow the approach of the presumption in favour of sustainable development. As the Framework has been in place for over two years I consider that in this case the presumption has been embedded in the plan making exercise. This is explicit from Policy BHL1, which guides how the presumption will be applied locally.

10. This part of the report deals with the soundness requirements; whether the AAP has been positively prepared, is justified, effective and consistent with national policy. It makes clear why any changes are recommended to address potential unsoundness in regard to the specific soundness requirements.

Main Issues

11. Taking account of all the representations and written evidence I have identified 8 main issues upon which the soundness of the AAP depends.

Issue 1 - Vision for the Blackhorse Lane AAP area

Does the AAP present a sustainable vision for the area?

12. The AAP has a clear vision for this part of the Borough, which includes an extensive part of the Lee Valley Regional Park to the west and developed areas with a largely residential character to the east. The long-term vision, which is for Blackhorse Lane to evolve into a mixed-use area, comprising a range of housing, interspersed with small-scale local business/commercial spaces, is supported by a number of objectives that help to shape the policies in the AAP. There appears to be broad support for this vision, which is based on an understanding of community needs and aspirations gained through extensive public consultation, which commenced in February 2011 and included a consultation on the preferred options ending in September 2011.
13. The Framework has the presumption in favour of sustainable development at its heart and this has three dimensions: economic, social and environmental, which I consider to be reflected in the vision. Dealing with each in turn: (i) the vision refers to betterment and wealth generation arising from local employment opportunities; (ii) it envisages retaining existing built fabric and cultures, and ensuring that these characterise new neighbourhoods, whilst facilitating access to Walthamstow Wetlands to encourage social interaction; and, (iii) it anticipates new developments that are well integrated with high levels of environmental sustainability. For these reasons I am satisfied that sustainability is at the heart of the Council's vision and objectives for the area.
14. The vision is set out opposite *Figure 4: Key diagram*. Sequentially the *Key diagram* is the first plan a reader encounters that gives any indication of key development proposals and hence it reads as part of the vision. However in contrast to Figures 1-3 it does not identify the AAP boundary. Although the Council has also indicated that it would amend Figure 4 to show the proposed entrances to Walthamstow Wetlands this is not evident in the Schedule of Post Publication Modifications. In these circumstances I recommend [MM1] that the revised *Key diagram* be adopted in preference to that contained in the AAP Proposed Submission version [and modification No 4 in the Schedule of Post Publication Modifications]. Subject to this modification, I conclude that the vision is sustainable, appropriate, soundly based and clearly defined.

Issue 2 – Should the AAP be more ‘visionary’ and ‘ambitious’ in terms of the scale of development proposed?

15. The words in quotes are taken from representations made by the GLA on the Proposed Submission version of the AAP. However it is appropriate to record that the GLA subsequently agreed a Statement of Common Ground with the

Council, which is published on the Council's website. It confirms: "*there are no outstanding issues on matters raised by the Greater London Authority*". However I consider it is still appropriate to specifically address this issue.

Should the AAP seek to deliver 'at least' 2500 homes?

16. Policy BHL2 of the Proposed Submission version of the AAP, dated March 2013, says the Council would "*seek to deliver approximately 2300 new homes*". That created a tension with CS Policy CS1, read in conjunction with paragraph 4.11 of the supporting text, insofar as it says: "*It is anticipated that the area can accommodate in the region of 2500 new homes*". In recognition of this the Council proposed a Post Publication Modification [No 5] that said it would "*seek to deliver approximately 2500 new homes*" in the area.
17. However the Council has now proposed a further modification to Policy BHL2 so that it would "*seek to deliver at least 2500 new homes*", which is a positive approach that fully accords with the Framework. Policy 3.3 of the London Plan together with its supporting text makes clear that the housing targets set out in Table 3.1 of that Plan are minima. Policy 3.3D says: "*Boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target in Table 3.1 and, if a target beyond 2021 is required, roll forward and seek to exceed that in Table 3.1 until it is replaced by a revised London Plan target*". The further modification proposed would fully comply with this Policy.
18. The Council's stated rationale for the further modification proposed relates to the Further Alterations to the London Plan, which record that the 2011 Census found that London's population grew at more substantial rate than expected. Although still in draft and subject of a concurrent examination, it is indicative of a clear direction of travel that there is a need to increase housing provision across London. Whilst this factor is material, the modification to Policy BHL2 is required to reflect the adopted higher tier plans and the positive approach of the Framework. Noting that a consequential change is also required to the last sentence of paragraph 3.2.4 of the supporting text to reflect this proposed change, I recommend accordingly [MM2]. This would supersede modification No 5 in the Schedule of Post Publication Modifications.

Is there evidence that the increased number of homes can be achieved?

19. The Table in Section 5.3 of the Proposed Submission version of the AAP identified an indicative development target of 2363 residential units. However this has been updated in the Schedule of Post Publication Modifications and the revised figure is said to be 2505 units. This appears to substantiate the claim that the revised figure in Policy BHL2 can be met. Moreover the Statement of Common Ground between the Council and the Hollivale LLP records that site BHL1(a) actually has the benefit of planning permission for 484 residential units, rather than 480 as indicated in the revised table, which would increase the total further. The Statement of Common Ground also confirms that 519 rooms of student accommodation have been permitted, which is rather more than the 500 identified in the modified table. It would be appropriate to get these figures right and I recommend [MM3] that the Table in Section 5.3 be brought up-to-date in all material respects, including points arising further on.
20. The significance of the student accommodation is that the Guidance advises

that such a form of development can be counted as contributing towards housing requirements. Paragraph 3-038-20140306 says: *"All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market"*. On this basis I have no doubt about the ability of the AAP to deliver at least 2500 residential units within its lifetime.

Should the AAP include residential sites that are completed, such as BHL5 and BHL9?

21. Notwithstanding the above I have questioned whether it was appropriate for the AAP to include sites which my inspection confirmed had already been substantially completed. The first is Site BHL5, which is for a total of 320 residential units, and the second is Site BHL9, which includes 15 dwellings [revised figures taken from the Schedule of Post Publication Modifications].
22. The Council has advised that it considers the base date for its entire Local Plan to be the date of adoption of the CS, which was March 2012. The Framework defines the term Local Plan to be: *"The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the Local Plan"*. It is clear that the AAP would be, as the LDS describes it, the *"...detailed planning framework for development and regeneration in the Blackhorse Lane area up to 2026 – putting into effect the vision set out in the Core Strategy"*. I have no reason to doubt that the AAP has been used as an emerging planning document to attract and guide investment since its inception. In the circumstances there is a sound basis for finding that March 2012 is the base date of the Local Plan, of which the AAP is one component.
23. The Council says that sites BHL5 and BHL9 are included in the AAP because the Council's building control records indicate that those sites were only fully completed in late 2012, after the adoption of the CS. I have no evidence to contradict this assertion. Since both sites were substantially completed after the base date of the Local Plan it is therefore appropriate to include them in the AAP and count them towards the quantum set out in Policy BHL2.

Issue 3 – Should Policy BHL3 be amended to allow for higher density developments at a wider range of sites based on site specific circumstances?

24. It is claimed that AAP Policy BHL3 is not consistent with national policy and given the date on which those representations were made this must be treated as a reference to the Framework rather than the Guidance. One of the core planning principles, at paragraph 17 of the Framework, is that planning should: *"actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable"*. Paragraph 30 also says that: *"In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use*

of sustainable modes of transport".

25. Concentrating higher density residential development on sites surrounding Blackhorse Road Station, as proposed in Policy BHL3, is therefore entirely consistent with the quoted advice from the Framework. Figure 14.1 of the DMP shows that the PTAL rating of "good" is limited to a very small area around the station itself. Beyond this Figure 14.1 identifies an area of "moderate" accessibility that broadly follows the main bus routes with accessibility levels falling rapidly to the north of Blackhorse Road. A number of the Opportunity Sites identified in Figure 20 of the AAP would appear to be in areas of "poor" or "very poor" accessibility in terms of their PTAL rating. It would not be appropriate to *concentrate* higher density residential development on such sites because prospective occupiers would have fewer public transport options.
26. Focussing higher densities on sites surrounding Blackhorse Road Station would also reflect the existing focus of DP policies. Policy 3.4 of the London Plan, read in conjunction with Table 3.2, seeks to steer higher density housing to areas with higher PTALs. The supporting text to CS Policy CS2, at paragraph 5.12, says: "*...it is essential to make the most effective and efficient use of land in order to maximise housing supply. As a general rule, the Council will seek to optimise housing densities across the Borough. However, there are locations in the Borough, which have high levels of public transport accessibility and which are close to local shops and services...where higher density housing development maybe appropriate*". The supporting text to CS Policy CS15, at paragraph 18.15, also says: "*...the existing transport nodes with high accessibility ratings will provide the best development opportunities. Linking transport, services, jobs and people through higher density development can help create sustainable communities*" [*my emphasis*].
27. Moreover it is clear that the Council considered but rejected the option of allowing for higher density developments at a wider range of sites. The SA considered alternative policy options, which included promoting high density schemes with a standard approach to housing mix across all development sites. The option of a mix of densities aimed at different markets was found to perform: "*...well in terms of sustainability objectives, particularly because targeting high density housing to areas of high public transport accessibility would support a shift to more sustainable patterns of travel*" [source of quote: paragraph 11.2.1]. There is no evidence that would lead me to challenge this conclusion.
28. Nevertheless the Council accepts that in order to encourage sustainable growth, more explicit reference could be made to optimising development densities. It has put forward a modified wording to the policy, which stresses that the Council will seek to optimise housing densities on sites throughout the plan area. I consider that this better reflects Policy 3.4 of the London Plan insofar as it says: "*...development should optimise housing output*". It also carries forward the thrust evident in the supporting text to CS Policy CS2 [*my emphasis* above]. A further change is proposed to make clear the 3 criteria, A-C, apply when determining the appropriate density for a given site. Taken together these changes are a positive change that better aligns with existing DP policies and so I recommend that this modification be made [MM4].

Issue 4 – Is the AAP consistent with the Framework and the Guidance in its approach to affordable housing?

29. It is claimed that AAP Policy BHL5 is not consistent with national policy and given the date on which those representations were made this must be treated as a reference to the Framework, but I shall also consider the Guidance below. Although reference has been made in this context to advice in paragraph 160 of the Framework this is under a title "*Business*". Paragraph 173 of the Framework is however relevant and says: "*Pursuing sustainable development requires careful attention to viability...in plan-making... Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable*".
30. The evidence base includes an "*Affordable Housing Viability Study*", which is dated February 2010. It pre-dates the CS and, amongst other things, I note that it records that at the peak of the market in 2007 a 50 % target would have been deliverable. That evidence underpins CS Policy CS2, which seeks to maximise the number of affordable homes by aiming to provide at least 50 % of homes as affordable over the plan period. Although the latest house price data post-dates the AAP evidence base it is not inconceivable that the previous peak has been surpassed by the well publicised rise in house prices in London over recent months. DMP Policy DM3 sets out the ways in which the Council aims to deliver 50 % affordable housing and DMP Policy DM5 establishes the mix of affordable units in terms of size and tenure, as set out in Table 6.1.
31. In that context AAP Policy BHL5 essentially directs the reader to those policies, but it is doubtful whether this is necessary. Paragraph 154 of the Framework says: "*Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan*". I have already recited the definition of the Local Plan and so the decision maker does not need another policy to tell them which policies apply. The Council's justification is that the policy acts as a "*signpost*" to the adopted policies but in doing so it adds little to the requirements of those policies. Nevertheless this does not lead me to find that it would be appropriate to recommend deletion of the policy. The GLA said it would be useful for the AAP to have signposting to policies in other DPDs. The cross-reference is justified as a precursor to the last limb of the policy that appears to be additional to adopted plans. I note that the Council has adopted this approach elsewhere, e.g. in AAP Policy BHL4.
32. It has been submitted that the consideration of viability is not stressed enough in the current drafting of AAP Policy BHL5, but any such gloss on the policy would seem to be unnecessary given its limited role as a "*signpost*". CS Policy CS2 sets out the Council's approach, on a site by site basis, to developments proposing less than 50 % affordable housing. This places the onus on the developer to demonstrate a viability case in the form of a viability assessment. I find no reason for that policy requirement to be restated in AAP Policy BHL5 or for the policy to say that the need for deferred contributions will be applied

flexibly. If there is uplift in value by the date of substantial completion, such that it is appropriate to seek a further payment in accordance with CS Policy CS2, I can see no rationale for adopting a different approach within the AAP area from that which operates across the remainder of the Borough. DMP Policy DM3 makes clear that this only applies to sites of 10 or more dwellings.

33. In reaching this view I note that paragraph 3.2.16 of the supporting text is clear that the headline target of 50 % is subject to viability considerations. Paragraph 3.2.17 envisages site specific circumstances where it might be possible to deviate from these standards, which reflects the approach evident in the Guidance. Paragraph 23b-006-20140306 says: "*...where local planning authorities are requiring affordable housing obligations ... they should be flexible in their requirements. Their policy should be clear that such obligations will take into account specific site circumstances*". I have no reason to doubt the claim that the recently permitted schemes at phases (a) and (b) of Site BHL1: The Station Hub and Waterfront, which offer less than 50 % affordable housing, are an illustration of the Council's flexible approach.

The policy's approach to off-site affordable housing

34. Paragraph 50 of the Framework, says where an LPA has: "*...identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities*". This approach is reflected in the London Plan, paragraph 3.74 of which says that exceptional circumstances are required to justify off-site provision, and examples are given.
35. In this context I consider that the approach of AAP Policy BHL5 is consistent with national policy and the DP. The suggested changes to the policy that have been put forward would add little to the emphasis that would fall on the Applicant to justify such an approach, given that there appears to be no dispute that it is appropriate for exceptional circumstances to be required. If it was not viable to provide affordable housing that would fall to be assessed under CS Policy CS2 and DMP Policy DM3. I am unclear why it would make a difference whether it was provided on site or not. In the scenario that this might lead to a higher level of provision elsewhere this is identified as an exceptional circumstance in paragraph 3.74 of the London Plan and to that extent this further change is not justified. In all other ways the expectation, set out in paragraph 3.2.19 of the supporting text, is that where a financial contribution is acceptable this should be of a broadly equivalent value to the cost of providing units on site. Accordingly it makes no sense to make reference to viability in this clause of the policy.

Issue 5 – In the context of Policy 2.17 and paragraph 2.79 of the London Plan and Policy CS8 A) and Figure 22 of the Core Strategy, how would mixed use development protect the supply of land for industrial uses?

36. Policy BHL6 sets out the approach to employment in the AAP area and, among other things, the approach to land designated as Strategic Industrial Location [SIL], which is a type of land classification across London. Policy 2.17 of the London Plan says, amongst other things, that Boroughs should "*promote,*

manage and, where appropriate, protect" SILs. Annex 3 of the London Plan identifies Blackhorse Lane as a Preferred Industrial Location [PIL], which paragraph 2.79 says is "*particularly suitable for general industrial, light industrial, storage and distribution, waste management, recycling, some transport related functions, utilities, wholesale markets and other industrial related activities*". These are all types of industrial activities, which would not encompass any residential component other than perhaps a minor ancillary element, such as for on-site security.

37. CS Policy CS8 says: "*The Council will facilitate sustainable economic growth by: A) ensuring the Borough has a healthy supply of land for high quality, sustainable industrial uses by promoting, protecting, and managing the Strategic Industrial Locations (SILs) defined in...[amongst others]...Figure 22*". Figure 22 defines the extent of the SIL to include, among other areas, Silverbirch House, Landmark House and Uplands Business Park. Common to both strategic DP policies is the role of protection, which I consider should be interpreted in the sense of safeguarding from other uses.
38. As I have already noted, the LDS defines the AAP as: "*a detailed planning framework for development and regeneration in the Blackhorse Lane area up to 2026 – putting into effect the vision set out in the Core Strategy*". Once adopted, together with the CS, it will form the Local Plan for this area. In the circumstances I consider that it is not the role of the AAP to review the extent of the SIL designation. In any event it is material to note that the Council has now commissioned up-to-date evidence to address the criticism that its "*Employment Land Study*" [2009] was neither up-to-date nor proportionate. The URS Report "*Evaluation of Blackhorse Lane and Lea Bridge Gateway SILs*" is dated January 2014. It found that this SIL is an active employment site where occupancy rates are high and the majority of vacant units are recently refurbished and being actively marketed, with the exception of Silverbirch House and Landmark House. However it found that both had been marketed in the past at "*relatively high prices*". It made a number of recommendations, including that: (i) further release of SIL land was not necessary; and (ii) there is demand for small, flexible managed office space, and that Silverbirch House and Landmark House might provide a suitable venue for such space. This substantive and up-to-date evidence, read with the "*Employment Study*" [Gort Scott, August 2013], gives me a sound basis on which to reject criticism of the nature and geographical extent of the SIL designation at Blackhorse Lane.
39. Moreover I have no reason to doubt the Council's claim that SIL consolidation was considered at the examination of the CS when similar arguments were made that policy should allow for mixed use in the area shown in Figure 22. It is said the Inspector undertaking the CS examination rejected such arguments and concluded that the Council's approach was sound. In my view that was the correct arena in which to advance such arguments, rather than this AAP.
40. Alternatively I note that one of the representations observes: "*It is recognised that the London Plan review and not the AAP is the appropriate means by which to seek amendments to the Mayor's SIL designation*". Noting that Map 2.7 of the London Plan is essentially schematic and that paragraph 2.83 says that the boundaries should be defined in Local Plans I cannot entirely agree unless the amendment concerned sought to delete the designation completely. However, to the extent that it needs to be top down rather than bottom up, I

can agree with this comment. To de-designate SIL in an AAP would inevitably lead to issues of non-conformity with the adopted higher tier Plans.

41. Policy 2.17 of the London Plan says: "*Development proposals in SILs should be refused unless...b) they are part of a strategically co-ordinated process of SIL consolidation through an opportunity area planning framework or borough development plan document*". The Mayor published the Upper Lee Valley Opportunity Area Planning Framework in July 2013; paragraph 6.3 says: "*To enable the redevelopment of the growth areas for mixed-use residential-led development, the industrial land designations have been amended through the boroughs' Local Plans and consultation with the Greater London Authority*". It is clear from the document that the relevant amendment is that in the CS. Paragraphs 11.7-11.9 of the CS give reasons why the release of SIL land was acceptable and, in particular, paragraph 11.9 relates to Blackhorse Lane. To release other land designated as SIL on Figure 22 for mixed use would give rise to a clear conflict with Policy 2.17 of the London Plan, CS Policy CS8 and DMP Policy DM18, which seeks to resist the loss of land designated as SIL other than for B1, B2 and B8 uses, and small scale ancillary catering facilities.
42. I appreciate that paragraph 4.5 (i) of the Mayor's SPG "*Land for Industry and Transport*" says: "*PILs will not normally be suitable for B1(a) office...uses*". The SPG appears to have been adopted following adoption of both the London Plan and the CS, but does not form part of the DP. Although it is a material consideration to which I attach significant weight it does not alter my finding that the AAP is not the appropriate forum in which to review the SIL boundary. In any event it is arguable that this relates to prospective development rather than being justification for release of existing sites from such a designation.
43. Paragraph 4.7 of the Mayor's SPG is clear in saying that: "*If the pan-London approach to industrial capacity is to be effective, it must be implemented and sustained by boroughs consistently. Departures from it will send confused messages to developers and tend to increase the 'hope value' of land making it uncompetitive for industry or even lead to it being kept vacant and out of productive, industrial use. In line with Policy 2.17, changes to the SIL framework in the London Plan and individual SIL boundaries in DPDs should therefore only be undertaken through a plan-led approach in the light of strategic and local reviews of industrial demand and supply (including qualitative assessments)*". That is what the Council has done through the CS and it would not be appropriate to undermine that strategic component of the DP so soon after its adoption based on this material consideration alone.
44. I acknowledge that the SIL has a diverse range of uses, including the Metropolitan Police and Waltham Forest College, which would fall outside of the mix of uses that the London Plan says is suitable for a PIL. The big picture is revealed in the Gort Scott report "*Waltham Forest Employment Study*" [2013]. On page 36 it found: "*The area is in reasonable condition, with large brick and corrugated metal sheds and a lot of parking provisions. Many of the sites are well maintained...The area appears to have a very low level of vacancies...Manufacture and wholesale retail dominate in this area each representing about 30 % of the businesses*". However it records a number of uses outside of the B1, B2 and B8 use classes, e.g. 9 units in educational/medical/religious use. Such uses would not normally be permitted now if they fell to be assessed against DMP Policy DM18 and so it would be inappropriate

- to amend criterion E) of AAP Policy BHL6 to allow such uses within SIL. The existence of such uses does not justify a revision to the list of acceptable uses, which in any event is beyond the scope of the examination of the AAP. Wider concerns regarding the ability to respond to the changing requirements of businesses seem unfounded in the light of the Gort Scott report, particularly given the positive policy approach set out in DMP Policy DM18 C).
45. Reference has been made to the *"Employment Land Study"* [2009] which says that demand for B1 use could be met through mixed use redevelopment of sites. However those sites do not include Silverbirch House and Landmark House. Insofar as the comment relates to this SIL it was to the: *"...part of Blackhorse Lane residential led mixed use regeneration scheme"* [source: page 87], i.e. the area that was taken out of SIL in the CS. Although I have noted the claim that Landmark House has been marketed for over a year with little response, I cannot rule out the possibility that price is a factor. This does not lead me to find that it would be appropriate to revise the SIL designation to exclude sites such as Silverbirch House and Landmark House. No viability evidence has been provided to support the claim that redevelopment of land within the SIL would be unviable without a residential element. My site inspection revealed units on Priestley Way, in the Forest Trading Estate, that have recently been extensively refurbished for warehouse/industrial uses. On this basis alone I cannot accept there is no possibility of new investment to cater for modern business needs. Moreover the redevelopment of employment land in the area, notably on Site BHL1, is likely to give rise to increased demand for industrial accommodation. The balance of land designated as SIL is well placed to meet this effective demand.
46. The so-called *"Upland Park Opportunity"*, which is envisaged would comprise a mixed use development with 960 residential units, would occupy roughly 50 % of the designated SIL. Moreover it would leave residual industrial areas to the north and south, which might bring into question the justification for retaining the SIL designation at all. There is a high risk that such a proposal would give rise to issues of non-conformity with the London Plan. The Council advance a number of objections to any change to allow mixed use, all of which I share.
47. The first is that any enabling residential development could compromise the operational requirements of existing industrial businesses which, by their very nature, include noisy activities and regular deliveries by HGV. Amongst other things the very recent URS Report *"Evaluation of Blackhorse Lane and Lea Bridge Gateway SILs"* found that 3 out of the 10 parcels that it identified in the Blackhorse Lane SIL host what it calls a *'bad neighbourhood'* use.
48. The second is that any mixed use would necessitate the outward migration of established businesses and the loss of land available for future industrial activity. I have already noted the very low level of vacancies in the SIL, as recorded in the Gort Scott report. The *"Evaluation of Blackhorse Lane and Lea Bridge Gateway SILs"* found likewise and [at page 9] says: *"Agents described Blackhorse Lane SIL as one of the best sites in the borough for industrial property, on account of its good transport links, proximity to major sites in Enfield, and facilities and amenities. The SIL is often named as a first-choice location by businesses looking for a site"*. The *"Draft Report"* on the so-called *"Uplands Park Development"* envisages no provision for B2 uses, which the Gort Scott report found to comprise around 30 % of existing businesses.

49. The third is the danger that making any provision for mixed use development within any part of the designated SIL would raise hope value across the entire zone. This could result in increased pressure for redevelopment of occupied industrial premises that are presently fit for purpose and so further compromise the industrial function of the area. I accept that this is particularly important given that average rents are slightly lower than for the borough as a whole. Paragraph 4.7 of the Mayor's SPG, previously quoted, underlines this point.
50. In reaching my view that it is not appropriate to revise AAP Policy BHL6 B), I have taken account of advice in paragraph 22 of the Framework, which says: "*Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed...*". However it is clear from the evidence examined above that the SIL designated area has a low level of vacancies and, even in respect of Silverbirch House and Landmark House, it has not been shown that there is no reasonable prospect of it being used for employment uses. On this basis I entirely reject the claim that this element of the policy does not comply with paragraph 22 of the Framework.
51. I have also taken account of the "*Local Economic Assessment*" [2010], noting that the references appear to be to section 6.2 rather than 5.2. However the inference that the decline in demand for industrial accommodation should lead to release of the SIL designation is contradicted by the URS Report [2014]. Within the timeframe of the Local Plan it is inevitable that the London Plan will be reviewed, indeed that process is already at an advanced stage. However that does not mean that it would be appropriate to anticipate the outcome of that strategic review. The AAP needs to be in conformity with the adopted higher tier plans which, insofar as they relate to SIL, are entirely consistent.

Consideration of the need for any changes to Policy BHL6

52. The Schedule of Post Publication Modifications has proposed a number of changes to AAP Policy BHL6. In my view modification No 18 makes it clear that the policy applies differently to Opportunity Sites, areas that are designated as SIL and other existing employment land. However without it the policy is unclear and because this change is required to make the Policy sound I recommend it as main modification [MM5]. In any event, noting that land includes a building [section 336 of the 1990 Act], I recommend a minor change to that wording to retain the word land. Subject to this change the representation that has been made in relation to Site BHL4 South, which sought to suggest that this criterion should be applied flexibly, is no longer relevant because the criterion would not be applied to this Opportunity Site.
53. Representations have also been made in relation to criterion A) of the policy that it should be widened to apply to other existing employment sites. I have considered the possibility that the form of words proposed could be extended to non-SIL areas, having already given reasons why it would not be appropriate for areas of SIL. However I consider that such a change is rendered unnecessary because it is clear that if a site is not in an Opportunity Site or an area designated as SIL that criterion C) of the policy would apply.
54. For these reasons I conclude that AAP Policy BHL6 is justified with up-to-date

evidence and consistent with national policy and the DP, including the London Plan, the CS and the DMP. No further modifications are necessary.

Issue 6 – In the context of Policy CS14 of the Core Strategy, should Policy BHL7 establish criteria for the assessment of convenience retail units and/or cafes outside the local retail parades and the neighbourhood centre?

55. Policy CS14 seeks to promote successful and vibrant centres by: A) ensuring proposals for town centre uses are directed to the designated centres; and E) creating a sustainable pattern/distribution of town centre uses by consolidating retail activities within compact retail core areas of the designated centres. The CS equates town centre uses, as referred to in this policy, with main town centre uses as defined in the Framework [see footnote 10 to CS Policy CS1].
56. The supporting text, at paragraph 17.13, says: "*Neighbourhood centres will provide local convenience shopping facilities for local residents within walking distance of their homes...Planned housing growth in the Blackhorse Lane area is expected to increase the demand for supporting retail facilities in this area. Accordingly this strategy makes provision for a new neighbourhood centre in this area*". The only designated centre in the AAP area is at Blackhorse Lane, with 2 local retail parades designated at Higham Hill and Billet Road.
57. The Council's approach is reinforced by the London Plan. Policy 2.15 says Boroughs should identify other, smaller centres to provide convenient access, especially on foot, to goods and services needed on a day to day basis and develop their role as foci for local neighbourhoods. The supporting text, at paragraph 2.75, says: "*Boroughs should identify and promote the complementary offers of the other smaller centres in the network including neighbourhood centres and local shopping parades. These play a key role in meeting 'walk to', everyday needs and are often the kernel of local 'Lifetime' neighbourhoods*". It also appears to be consistent with the Framework. Paragraph 23 of the Framework says LPAs should: "*...define a network and hierarchy of centres that is resilient to anticipated future economic changes*". Paragraph 69 of the Framework also says: "*Planning policies...should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through...strong neighbourhood centres*".
58. Representations in relation to AAP Policy BHL7 seek an additional clause in the policy to permit new retail and support services beyond the neighbourhood centre and retail parades to serve the everyday needs of a growing population. However it is clear from the earlier quote that this is why the CS designated the vicinity of Blackhorse Lane and Forest Road to be a neighbourhood centre. In my view it is likely to be a convenient location for prospective occupiers of the new community that is planned for this area. It would directly adjoin the main public transport nodes, which would be a natural focal point. To permit additional individual convenience retail units outside these locations has the potential to undermine the Council's strategy, particularly as no size threshold has been put forward. This could detract from the aim to create a sustainable community hub in the neighbourhood centre with a sense of place and activity.

Consideration of the need for any related changes to the AAP

59. On a related point it has been submitted that Site BHL1 should permit retail uses outside of the neighbourhood centre, but this would be inconsistent with my earlier reasoning. Under this head alone it is also argued that there might be a need for small scale commercial uses, such as cafes, outside of the neighbourhood centre: "...in order to secure an active frontage and bring life to this communal space" [the linear park]. Figure 21 identifies the requirement for an "active edge" along the site frontages, including the linear park and Forest Road. The text of the AAP in relation to Site BHL1, for example under the title "Preferred land uses", cross-refers to the Urban Design Framework.
60. The Urban Design Framework, under a title "Active Ground Floors", says: "Develop residential typologies with front doors on to streets and windows that overlook them and ensure that non-residential uses have an active relationship to the street to help make the area lively and safe and to deter crime" [page 45]. Noting that the term "active edge" is not defined in the AAP it is reasonable to equate it with the concept of "Active Ground Floors" on the basis that the underlying objective of activity is common to both, although I recognise that the active edge might well extend beyond the ground floor.
61. The proposed neighbourhood centre [as defined on Figure 21 and elsewhere] would have no frontage onto the linear park. On this basis the reference to non-residential uses, albeit in the Urban Design Framework, should be taken to be: "...B1 business space and social infrastructure" as envisaged by the AAP text in relation to Site BHL1. Appendix 2 to the AAP defines the latter to include, amongst other things, educational facilities, health services, sports and leisure facilities, libraries and community space. However these include a mix of uses within Classes D1 and D2 of the Use Classes Order. AAP Policy BHL7 seeks to direct such uses to the neighbourhood centre, but the text on page 83 [under the title "Preferred land use"] merely seeks to direct "Retail uses..." to the neighbourhood centre. This leads me to find an inconsistency between AAP Policy BHL7 and Site BHL1 insofar as the latter envisages social infrastructure but does not make clear it should be within the neighbourhood centre. I recommend a modification [MM6] to this text to make this clear. It should also use the word "focussed" rather than "consolidated" for this reason.
62. Subject to this modification, I consider that commercial uses, together with suitably designed dwellings, provide adequate scope for the "active edge" sought and so I find no basis to modify the AAP to permit cafes outside the neighbourhood centre. Amongst other things the Urban Design Framework says within the linear park: "opportunities for play should be provided for all age groups" [page 50]. Together with active ground floors and its recreational function such activities provide ample scope to bring life to the linear park.
63. Paragraph 23 of the Framework says LPAs should: "...set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres". In the Council's area this role is fulfilled by DMP Policy DM26, which incorporates the sequential test and a requirement for a retail impact assessment. At present, noting the modification that is proposed to the wording of AAP Policy BHL7 in the Schedule of Post Publication Modifications to reflect the changes to policy numbers in the DMP, there is no cross-reference to the adopted policy.

64. To remedy this, the Council has suggested an additional policy point, which would come after new point C) as proposed in the Schedule of Post Publication Modifications. It is suggested that this could read: "*D) Any proposals for town centre uses outside of a designated centre will need to meet the requirements of Development Management Policy DM26: New Retail, Office and Leisure Developments*". This would be consistent with the Council's approach to signposting other adopted policies in the AAP. However because AAP Policy BHL7 sets out the approach to town centre uses within the neighbourhood centre and local retail parades I recommend this modification [MM7], subject to a change to the suggested wording to make this clear. The wording that I propose, with reference to the neighbourhood centre *and local retail parades*, rather than designated centre, is consistent with the wording of Policy BHL7. To justify labelling it "D" I shall incorporate "C" into the modification I propose.
65. In reaching this view I have taken account of the recent planning permissions that have been issued by the Council [2013/0554 on the Mandora site and 2013/1004/OUT on Ferry Lane]. The Council says that these illustrate its flexible approach to proposals for A1 and A3 uses outside the neighbourhood centre; I agree. The Council has offered a number of reasons why it found the café and art gallery to be acceptable outside of the neighbourhood centre on the Mandora site and for the most part these are evident from the Committee report. It also says that the use of part of the ground floor of the refurbished Gnome House would help to bring activity to the new linear park. This is the claim made by those who made representations on this policy, which I have given reasons for rejecting. In view of the Council's approach to its adopted policy I consider that there is no need to go further than cross-refer to DM26 because in practice that has been interpreted in such a way as to permit small scale retail and café opportunities outside of the neighbourhood centre. My view on this point is confirmed by the Council's very flexible approach to the Ferry Lane scheme.
66. As a minor point of consistency the Council refer to the Tesco store under BHL9 [page 119] as a Tesco Express, but the same store has morphed into a Tesco Extra at paragraph 3.4.12 [page 36]. I believe that the former is correct but as this is a minor factual error rather than a main modification I consider the Council could take the matter forward as a factual correction.

The Tryst Public House and Standard Music Venue

67. Under the broad heading of Policy BHL7 I deal with Additional Modification [AM] 29, which was originally No 30 in the Council's Schedule of Post Publication Modifications. Whereas Policy BHL7 A) v) originally envisaged the retention of the Tryst Public House and Standard Music Venue, AM29 says that retention and refurbishment or re-provision would, employing the Council's justification, be "*acceptable in principle*". The change, which appears to have been proposed by the Council rather than in response to any representation, therefore envisages the possibility that the public house might be demolished.
68. English Heritage takes exception to this modification. It says that the Tryst Public House and Standard Music Venue is an undesignated 'heritage asset', as defined in the glossary at Annex 2 to the Framework. Amongst other things the LPA has identified the Tryst Public House and Standard Music Venue as one of its 'Existing Buildings of Merit' in Figure 9, page 43, of the AAP and on

that basis I agree that it should be considered to be a heritage asset. The representation from English Heritage provides other evidence to support such a finding. In the circumstances paragraph 135 of the Framework applies.

69. Nevertheless that advice relates to a planning "*application*" rather than policy formulation and on that basis I reject the contention that the policy wording represents derogation from that advice. In the event that an application does come forward that proposes the demolition of the heritage asset the advice in paragraph 135 of the Framework would need to be applied. There is nothing in paragraph 169 of the Framework, or otherwise, which leads me to find that AM29 would be unsound. Although the Council has referred me to paragraph 19 of the Framework that is a slightly different point. It does however tend to reinforce its claim that retention of those elements of the building that give it heritage significance might not be justified. In the event that an application came forward on this basis and was recommended it would however be for the Council to consider whether it would be appropriate to impose conditions that met the policy tests. It is conceivable this might include such a requirement or that a scheme for recording the building and its contents, and the provision of a permanent, public, historical record of the building, should be agreed.

Issue 7 – In the context of Policy CS15 of the Core Strategy, should Policy BHL8 establish a range and upper limit of 6 storeys on building heights, including the gateway site BHL1?

70. Policy CS15 says new development proposals will be expected to: C) address issues of height and scale sensitively. Subject to detailed analysis of their impact on local and historic context and other key criteria set out in English Heritage/CABE guidance, tall buildings (defined as 10 storeys and above) may be appropriate on specific sites within key growth areas, such as Blackhorse Lane. It says that appropriate sites will be identified in AAPs and that in limited circumstances, medium rise, taller buildings (defined as 5-9 storeys) might be appropriate within the growth areas. Paragraph 18.21 of the supporting text adds that: "*...there may be some limited circumstances... within the key regeneration areas...where [medium rise, taller buildings] may be considered appropriate. In principle, these could for example include, "gateway" sites or key entrance points into the Borough [and] specific locations at key junctions along principal routes*". With these caveats it is clear that the CS considers the possibility that the Blackhorse Lane AAP would be a suitable area in which tall and medium rise buildings might be acceptable. Paragraph 18.24 of the supporting text says: "*...the Council will develop more specific area-based policies on tall buildings supported by evidence*".
71. It is in that context that the reference in Policy BHL8 to "*...appropriate building heights of between 3-6 storeys*" must be seen. The Council points to the Urban Design Framework as providing the evidence to underpin this range. It might not be a significant point but the versions with which I have been provided are labelled "*Draft for public consultation: August 2011*" [paper copy] and "*Final Version, 10-06-11*" [pdf]. I assume that they are the same in substance but note that both versions pre-date adoption of the CS by some margin. If that work had been done the previous summer it is unclear why it did not influence the drafting of CS Policy CS15, which still envisages tall buildings in the area.
72. Under a title "*Appropriate Building Heights*", the Urban Design Framework

envisages: *"Buildings of primarily 3 to 6 storeys in height that respect the existing built context and the Walthamstow Reservoirs - SPA and SSSI"* [page 45]. This suggests that there are 2 reasons that underpin this range. I propose to examine each in turn noting that I raised this matter with the Council because I established that it had granted planning permission for developments within what Policy BHL8 calls *"...the key gateway site of BHL1"* for separate developments of up to 8 storeys and 9 storeys, respectively [planning permissions 2013/0554 and 2013/1004/OUT]. Amongst other things paragraph 10.22 of the Committee report on the second of these, the Ferry Lane planning application, says: *"...the development is contextualised by the [other permitted] Mandora scheme where the southern boundary reaches 8 storeys. As such, it is not considered that the development is excessive in scale or height and it is noted that the GLA raise no concerns in this regard"*.

73. The Urban Design Framework records, fairly in my view, that: *"Throughout the area, there is a tendency towards two storey residential development"* [page 20]. However it identifies taller non-residential buildings, predominantly on the western edge of Blackhorse Lane, and says that these: *"...could help to contextualise redevelopment that needs to achieve similar building heights"* [*my emphasis*]. I agree with the idea that the retention of such buildings, e.g. what is identified in the Urban Design Framework [page 37] as the buildings occupied by Squirrel Archive Services and Delta Group, would provide a context for the development of Site BHL1. What I am less clear about is why this should mean that the proposed building heights on Site BHL1 should be similar rather than these existing buildings stepping up to a higher focal point. In my view this tends to reinforce the inference evident from the CS that the key gateway site may be suitable for taller, if not tall, buildings. The fact that the Council has now permitted 8 and 9 storey buildings on this site would, as the Committee report acknowledges, contextualise future proposals.
74. The second justification is the alleged impact on the SPA and SSSI. Despite the fact that Natural England made no representations to this effect at the preferred options stage, the Urban Design Framework says: *"Discussions with Natural England have informed the illustrative masterplan in order to avoid or mitigate the potential adverse impacts of artificial light, overshadowing, visual disturbance and noise. In particular, tall buildings are considered problematic and therefore the UDF does not consider them suitable in this location. Accordingly, future development will require full consultation at the pre-application stage with Natural England regarding specific proposals"* [page 28, *my emphasis*]. Natural England would have been consulted on the CS and so, if tall buildings are seen to be problematic for this reason, I find it surprising that this view does not appear to be reflected in Policy CS15. However, noting the definition of tall in the CS, this gives a clear basis to find that tall buildings are unlikely to be acceptable in the AAP area. This point is unclear in the AAP.
75. The Council has also drawn attention to the HRA, which says: *"Tall buildings could have impacts through visual disturbance to birds for which Lee Valley SPA and Ramsar is designated. The stated need for an assessment, means that this issue would be considered at the individual project level"*. I have therefore examined the Committee reports on application Nos 2013/0554 and 2013/1004/OUT to ascertain the view expressed by Natural England. In both cases Natural England ultimately raised no objection to either scheme. Noting that the second scheme would occupy the frontage of Site BHL1, onto the Lee

Valley, in this context it might be considered to be the most sensitive site.

76. In passing I also note that the Lee Valley Regional Park Authority, whilst making observations in support of the building heights in the policy, raised no objection to either scheme. It has referred to the former Essex Wharfs but my inspection revealed that this site was under construction. The most recent appeal [Ref APP/U5930/A/10/2135898] on the site was dismissed. However paragraph 25 says: "*In January 2011, the Council granted planning permission under reference 2010/0934 for a development of 124 units in 4 blocks from 5 to 7 storeys high*". As a matter of fact the permitted scheme would be higher than the 6 storeys envisaged in Policy BHL8. Moreover my inspection revealed this site to be materially different to Site BHL1 because it lies on the western fringe of the Lee Valley Regional Park and is bounded along its western border by the river which edges the park running north-south, i.e. it lies between the river and the park. Although I do not have the full picture the appeal decision dated 4 March 2011 makes no reference to any impact on an SSSI or SPA.
77. The lack of objection supports a finding that, in principle and subject to assessment at the individual project level, taller, as distinct from tall, buildings would be acceptable on Site BHL1 in terms of impact on the SPA and SSSI. This is not a sound basis for any restriction on building heights at 6-storeys. My initial view on this point has been vindicated by the consultation response from Natural England, dated 29 September 2014, which welcomes changes to the policy. Accordingly what I am left with to justify the policy reference to 3-6 storeys is the Urban Design Framework's reference to context but in view of the extant planning permissions it is reasonable to find that context has now changed. The permitted context would justify taller buildings of between 5 and 9 storeys and so I am unconvinced that the proposed upper threshold of 6-storeys has been justified by evidence. The Urban Design Framework is now out-of-date by virtue of the decisions that the Council has itself reached.
78. The Council has drawn attention to the final sentence of paragraph 3.5.13 of the supporting text, which says proposals in excess of 5 to 6 storeys: "*...will require very strong justification and must be exemplars of design quality*". It says this ensures that an appropriate balance has been struck within the plan, in terms of ensuring a rigid limit is not imposed on development proposals whilst still providing a clear steer on what is likely to be considered acceptable based on local context. However the policy itself provides no such flexibility and is drafted in absolute terms: i.e. "*D) ensure appropriate building heights of between 3-6 storeys...*". Moreover if the supporting text in the last sentence of paragraph 3.5.13 represents the Council's position, which might be said to be consistent with the decisions it has taken on the 2 major applications to date on Site BHL1, then I consider this should be explicit in the wording of Policy BHL8 with the supporting text setting out any qualifying parameters.
79. The Council has put forward a suggested modification that would revise criterion D) so that it would read: "*ensure appropriate building heights of between predominantly 3-6 storeys...Any proposals that exceed this range will need to clearly demonstrate that they harmonise with the existing urban character, and are exemplars of design quality*" [quote showing ~~deletions~~ and additions]. Changes to the supporting text to Site BHL1 are also put forward. However the change in context, specifically on Site BHL1, does not address my earlier concern about the use of the word "*ensure*". It reads as an attempt to

fudge the issue rather than set clear parameters for change. If, as the Council says, there is no intention: "...to impose a rigid limit on new developments where very strong justification can be provided" then I consider this positive approach should be better reflected in the wording of the policy.

80. I appreciate that the 8-storey and 9-storey components of these permitted schemes represent a small proportion of each of those schemes and that the balance of the developments permitted would typically be 3-6 storeys high. There is no dispute that the policy test that requires development to be of an: "...exemplary standard of design" should be retained. If a scheme came forward that proposed a monolithic block of 7-9 storeys across a large part of the site this test might not be met. This view is supported by the Urban Design Framework, which states: "*High points should be offset from each other in order to ensure that they do not have a detrimental impact on the streetscape or adjoining residential properties*" [page 79]. Accordingly this is not a sound basis on which to find that the 3-6 storey range is justified.
81. Dealing initially with the Mandora site I acknowledge the Council's view that the overall design quality of the scheme, coupled with other benefits such as the provision of the linear park, refurbishment of a building of merit and contribution towards the neighbourhood centre, justified the inclusion of some additional height on part of the site. I have no reason to doubt the Council's assessment that it assisted in improving the overall roofscape and the architectural aesthetic of the scheme. However these points only serve to reinforce my view that the 6-storey threshold is unsound. There is nothing unique about this part of Site BHL1 that leads me to find that similar material considerations might not apply with equal force to other future proposals.
82. Turning to the Ferry Lane site the Council says that its location on the western edge of Site BHL1, at an open waterfront location away from any buildings of merit or Victorian residential properties meant the site offered "*greater scope*" for some additional height than the remainder of the Station Hub. However I consider this does not sit comfortably with the Urban Design Framework, which appears to focus higher buildings towards the [south] eastern side of Site BHL1; see diagram on page 79. This outcome appears to have been strongly influenced by the PTAL rating for this area; see diagram on page 75. In my view this has to be a significant consideration that should underpin the identification of locations which are most suitable to achieve higher densities.
83. The Planning and Design Brief [May 2007] took a slightly different approach. It says: "*Two locations are considered the most appropriate for the tallest buildings - at the south-western corner of the site ... to create a gateway development for the area, and at the corner of Blackhorse Lane and Forest Road, opposite the station; The heights of new development should increase towards the waterfront in the west and Forest Road to the south [and] ... decrease towards the east and Blackhorse Lane, given that the existing residential dwellings in this area are largely two-storey houses*" [page 31]. Figure 5.7 of that Brief, in which this is represented visually, contrasts sharply with the equivalent image on page 79 of the Urban Design Framework.
84. Noting that the permitted Mandora scheme occupies the majority of the frontage onto Blackhorse Lane, the valid observation of the Planning and Design Brief as to the relationship between this part of the site and the

existing 2-storey houses in Blackhorse Lane suggests that this was, in this sense, the most sensitive part of Site BHL1. With the possible exception of the vicinity of the former Tryst Public House and Standard Music Venue, this would appear to free up the rest of Site BHL1 for some taller buildings. Even in respect of this existing building of merit, noting again that modification No 30 in the Schedule of Post Publication Modifications envisages this facility might be "*re-provided*" rather than retained and refurbished, the emphasis in the Urban Design Framework in terms of higher density is relevant.

85. In the circumstances I entirely reject the quoted change that the Council has put forward in relation to modification No 77 in the Schedule of Post Publication Modifications. It proposed a new final sentence: "*Outline planning permission for the western edge of the site (i.e. site 1b) has established that due to its prominent location and isolation from these assets, some additional height is justified at this specific location*". However the claim has not been made out. The Council's own Committee report justified the height on Ferry Lane by placing it in the context of what it permitted on the Mandora site, which is the far side of Site BHL1. Neither does the evidence base, the Urban Design Framework, support such a modification. Instead the only reasonable finding is that some taller buildings are, in principle, acceptable on Site BHL1.
86. The London Plan says that tall buildings should form part of a cohesive building group that enhances the skyline and improves the legibility of the area, ensuring tall and large buildings are attractive city elements that contribute positively to the image and built environment of London. In my view Tottenham Hale, on the western side of Lee Valley from the key gateway site of BHL1, exhibits many of these positive attributes. In particular it has improved the legibility of the area when seen from a number of public vantage points, including the public rights of way that run between the engineered banks of the reservoirs within this part of the Lee Valley Regional Park. The key gateway site of BHL1 could fulfil a similar role in the Borough. The large scale of the Regional Park means that such development could, in principle, be accommodated without causing harm to its character and appearance. This is not a sound basis to restrict taller buildings to the frontage site in respect of which planning permission on Ferry Lane has been issued. It suggests that a cohesive group of taller buildings would enhance the legibility of the area.
87. For all of these reasons I recommend [MM8] that Policy BHL8, together with its supporting text, be modified. The form that should take depends on whether there is a case for taller buildings beyond the key gateway site, which I turn to consider below. Although the Council has expressed a concern that if the AAP were to propose buildings up to 9-storeys this would lead to pressure for higher buildings, 10-storeys and above, the modifications that I propose would make a clear distinction between tall and taller buildings based on the unchallenged position taken in the Urban Design Framework, quoted above. Accordingly this fear is groundless and the modification proposed would make the position of the AAP in respect of tall buildings much clearer.

Is there a case for taller buildings beyond the key gateway site?

88. Site BHL2 North is described as one of the Borough's gateways, but it is constrained by its "*shallow nature*" [page 90] and a "*difference in site levels*" [page 44]. Noting the terms of the Statement of Common Ground between

the Council and Transport for London I am not persuaded that a case has been made for taking a different approach on this site from that set out in the AAP, which envisages building heights of up to 6-storeys. Such an approach would potentially allow for some grading down of height from Site BHL1, which would replicate that which already exists to the north-west of that site. Site BHL8 is also described as a gateway but the *Issues/Opportunities* section [page 116] establishes a clear rationale for the proposed height parameters. This too is consistent with a grading down of height from Site BHL1.

89. The remaining Opportunity Sites are all, to a greater or lesser extent, within the established residential area. Representations have been made in relation to Site BHL4 South that development in excess of 5 storeys in height should be regarded as appropriate subject to normal design and impact assessment. The rationale for this appears to be one of viability; seeking to justify more development in order to enable the development to proceed. However my site inspection revealed this area to be a hive of activity. The permitted scheme, which includes residential, was under construction on site 4sa and works of refurbishment were taking place to the warehouse on site 4sb. Noting the site's poor PTAL rating the case for an increase in the guide as to numbers of dwellings, and therefore a higher built form, has not been made out. Noting modification No 95 in the Schedule of Post Publication Modifications, the parameters for the site's development on pages 104-106 of the Proposed Submission AAP appear to be fair. In any event Policy BHL8, read together with its supporting text, envisages that where a very strong justification is made, 6-storey development might be acceptable.
90. For these reasons I find that the policy is justified insofar as it relates to all of the Opportunity Sites apart from Site BHL1, Station Hub and Waterfront. This finding is consistent with the general thrust of the Plan that this area should be the focus of redevelopment. It accords with Policy BHL3, which seeks to concentrate higher density residential development around the station.

Consideration of the form of changes required to Policy BHL8

91. In drafting my recommendations I have taken account of the modified wording that has been put forward in respect of Policy BHL8. I agree that "*respect*", as a verb meaning to recognise and abide by, might be too strong. It could stifle change by replicating the lower scale of development. The Framework says: "*Local planning authorities should not refuse planning permission for buildings...which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design*" [paragraph 65]. The phrase "*have regard to*" has been put forward but that is perhaps too weak. The Framework says "*Planning policies...should aim to ensure that developments...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation*" [paragraph 58]. The verb "*respond*" means to do something as a reaction and I consider that, as well as mirroring the policy in the Framework, this word demands a clear link be made between what exists and what is proposed. I note that the Council has used the word "*respond*" elsewhere, e.g. in criterion A) of Policy BHL8.
92. For all of the above reasons, having reached a preliminary view that main modifications were required to Policy BHL8 D) and the supporting text at

paragraphs 3.5.13-3.5.14, I advised the Council of a suggested form of words. A copy of this wording, together with subsequent exchanges, was published on the Council's website in advance of consultation taking place in order to ensure that there is an appropriate audit trail. The Council sought to understand the basis for the modifications that were proposed, which was briefly set out in a letter to the Council dated 5 August 2014. Having reflected on the matter it came back with revisions to my initial drafting and a revised form of wording. The wording put forward by the Council at that stage is acceptable because, for the first time, the suggested policy wording, distinct from the supporting text, recognised that some taller elements may be acceptable on Site BHL1. For this reason I was happy to adopt the form of words put forward by the Council and this is the basis upon which consultation was then undertaken.

93. English Heritage has raised 2 substantive issues in its consultation response dated 3 October 2014. The second of these relates to the amendment to paragraph 3.5.13 of the supporting text and, in particular, concerns are expressed at the loss of the sentence: "*This approach is mindful of the extent of 2 storey residential neighbourhoods within the area, and the scale of existing buildings of merit*". However I have already given reasons why the frontage of the permitted Mandora site onto Blackhorse Lane was, in this sense, the most sensitive part of Site BHL1; it would appear that English Heritage made no comments on that planning application. In my view the first limb of the disputed sentence adds little given that the modified policy expressly requires heights to "*...respond to the existing built context*". The justification makes reference to the Urban Design Framework and says that it provides an assessment of the existing character of the area. I have no doubt that it would be material to the assessment of any planning application and in the circumstances I consider that the retention of the sentence is unnecessary. I deal with the issues concerning the buildings of merit elsewhere.
94. The modifications that I recommend necessarily mean consequential changes are required to Site BHL1 [MM9]. The planning history needs to be updated to reflect recent planning permissions. The section on heritage and building heights needs to change to reflect my earlier findings. For this purpose I propose to take on board, but modify, modification Nos 71 and 77 in the Schedule of Post Publication Modifications.

Issue 8: Delivery, monitoring and review

Does the AAP include provisions for adequate and effective delivery, monitoring and review?

95. The "*Timeframe*" column of the Indicative Development Targets set out in section 5.3 of the AAP, as proposed to be modified, strongly suggests that the proposed allocations are deliverable. In addition to the sites already completed a number of planning permissions have been granted across a range of sites, which gives a good indication that development is likely to come forward within the lifetime of the AAP. It is in fact noticeable that only one site, BHL2 North, is scheduled to come forward towards the end of the plan period. If the take up is such that all sites are developed ahead of the scheduled timeframe this might trigger a strategic review and so this is not an issue for this plan.
96. The AAP Infrastructure Plan sets out how implementation of the AAP will be

supported through the delivery of necessary infrastructure, in areas such as transport, public realm improvements, education, health, climate change and employment. The "*Target timescale*" is again largely scheduled towards the front end of the plan period. A range of funding sources is envisaged from public and private sources. I note that funding has been secured for works to Walthamstow Wetlands, including a new access and through routes. I regard this to be important in the delivery of this component of the plan's vision.

97. In terms of developer contributions, I note from modification No 114, in the Schedule of Post Publication Modifications, that rates of CIL are set out, which include £70 per sq m for residential developments. These rates accord with those envisaged in Figure 16 of the *Viability Assessment Report* [April 2013] that was commissioned by the Council to assess the impact of emerging policies on development viability. It concluded: "*The combined impact of Mayoral CIL and Borough wide CIL will be mixed with some schemes experiencing lower costs and others higher. Overall the net effect appears to be that a majority of schemes will find costs to be lower and this should aid overall viability*". On this basis I am satisfied that this recent change is unlikely to alter my finding that the scale of development envisaged in the AAP is deliverable.
98. The Council's AMR will constitute the main monitoring component and provide most of the necessary evidence on which to assess the success or failure of delivery, and what alternatives might realistically be pursued in the event of the latter. The AMR will ensure that the effectiveness of the implementation of the AAP would be adequately monitored. Amongst other things I note that the "*Monitoring Framework*" sets out a number of pertinent targets and indicators which, taken together, should allow a clear picture to be gained in the AMR.
99. A full review of the AAP during the plan period, up to 2026, is not anticipated. The monitoring regime should ensure that any risks to non-delivery are '*flagged up*' and interventions made to alleviate those risks if this proves to be necessary. Nevertheless, as I have noted, the available evidence points the other way. In that scenario I have no reason to doubt that the Council will review its LDS and programme a strategic review to take on board, amongst other things, the Further Alterations to the London Plan once it is adopted.
100. For these reasons I conclude that the AAP includes provision for adequate and effective delivery, monitoring and review.

Miscellaneous other points that have arisen during the examination

101. It has been submitted that the "*Issues/Opportunities*" section of site BHL1 should make clear, under the title "*Employment*" [text at the top of page 84] that relocation of businesses is not always possible and that this should be reflected in that text. I accept that it might not always be possible but the proposed changes to the wording of this section are in my view unnecessary to achieve soundness. In reaching this view I have taken account of modification No 19 in the Schedule of Post Publication Modifications, which proposes to add a further criterion, G), to Policy BHL6 that records that the Council will work with others in an attempt to assist with relocation.
102. The Council has provided up-to-date information with regard to the planning

history on the Opportunity Sites. This includes a slight reduction on housing units on Site BHL4 North. As a result I recommend Section 4 of the AAP be revised accordingly [MM10]. This also has consequences for Table 5.3 [MM3].

103. The Council acknowledged in response to my initial questions that the Urban Design Framework [and Planning Briefs] would need to be updated upon the adoption of the AAP. The Urban Design Framework was originally drafted and consulted on in 2011 and a number of changes will be needed to reflect recent changes, including the main modifications that are now recommended. In the circumstances I agree with the Council's suggestion that it would be beneficial for the AAP to highlight the need to update the Urban Design Framework and Planning Briefs. Due to the detailed nature of the modifications required, a generic reference to the need to update this document is considered sufficient. For these reasons I recommend Appendix 3 be revised accordingly [MM11].

Assessment of Legal Compliance

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

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The AAP is identified within the approved LDS dated September 2013, which sets out an expected adoption date of December 2014. The AAP's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in June 2007 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed Main Modification [MM] changes.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The HRA concludes that, in consideration of the AAP as a daughter document of the CS, it does not contain, either through its own policies, or through relation to the CS, any measures that would be likely to have a significant adverse effect on the European sites assessed. In these circumstances the AAP does not need to be taken forward for AA because it can be screened out. Although I have considered whether the main modifications, particularly MM8, would have any implications for this conclusion it is material that the CS canvassed the possibility of even higher [tall] buildings in this area. Following the rationale of the HRA, as a daughter document, this modification would not change this conclusion.
National Policy	The AAP complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty (PSED)	The AAP complies with the PSED.
The Act and Regulations	The AAP complies with the Act and the Regulations.
The London Plan	The AAP is in general conformity with the London Plan.

Overall Conclusion and Recommendation

105. **The Plan has a number of deficiencies in relation to soundness and/or legal compliance 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 Act. These deficiencies have been explored in the main issues set out above.**
106. **The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in Appendices A-C the Blackhorse Lane Area Action Plan satisfies the requirements of Section 20(5) of the Act and meets the criteria for soundness in the Framework.**

Pete Drew

Inspector

This report is accompanied by:

Appendix A - Changes that the Inspector considers are needed to make the plan sound, including by reference to Appendices B-C below.

Appendix B - Revised Figure 4.

Appendix C - Revised Table 5.3.

Appendix A – Main Modifications

Main modifications that are necessary to make the AAP sound are expressed either in the conventional form of ~~striketrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the Proposed Submission AAP, dated March 2013, and do not take account of the deletion or addition of text, whether by reason of the Schedule of Post Publication Modifications or otherwise, unless expressly incorporated in what follows.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	14	Figure 4	<i>Revise Figure 4 as shown in Appendix A.</i>
MM2	18	BHL2	<i>In the first line:</i> As a key growth area, we will seek to deliver <u>at least 2500</u> approximately 2300 new homes by 2026 in the Blackhorse Lane Area.
	19	3.2.4	<i>In the last line:</i> Meeting our headline target of <u>at least 2500</u> 2300 new dwellings in the area...
MM3	134- 136	Section 5.3	<i>Update table as per Appendix B to take account of the most up-to-date information before the Examination.</i>
MM4	19	BHL3	<i>Revise the first and second sentences as follows:</i> <u>The Council will seek to optimise housing densities on sites throughout the plan area. As a general principle, higher</u> Higher density residential development should be concentrated on sites surrounding Blackhorse Road Station. Key considerations <u>when determining appropriate densities</u> will be...
MM5	25	BHL6	<i>Rephrase criterion C) as follows:</i> requiring redevelopment of any other existing employment land <u>that is neither designated as SIL nor identified as an opportunity site in Section 4 of this AAP, for non-employment or training purposes</u> to demonstrate that the existing space is no longer fit for purpose, and has no reasonable prospect of coming forward for future employment use...
MM6	83	Site BHL1	<i>Revise text under the subtitle "Preferred land uses":</i> <u>New A1-A4 and D1-D2 Retail</u> uses should be <u>focussed</u> consolidated within the neighbourhood centre frontage designated in figure 6...
MM7	33	BHL7	<i>Add additional criteria to the policy as follows:</i> <u>C) Outside of the designated local retail parade, the loss of units 256, 260 and 318-322 Higham Hill Road to residential use will be resisted, unless they can be re-provided within the designated parade.</u> <u>D) Any proposals for town centre uses outside of the neighbourhood centre and local retail parades will need to meet the requirements of Development Management Policy</u>

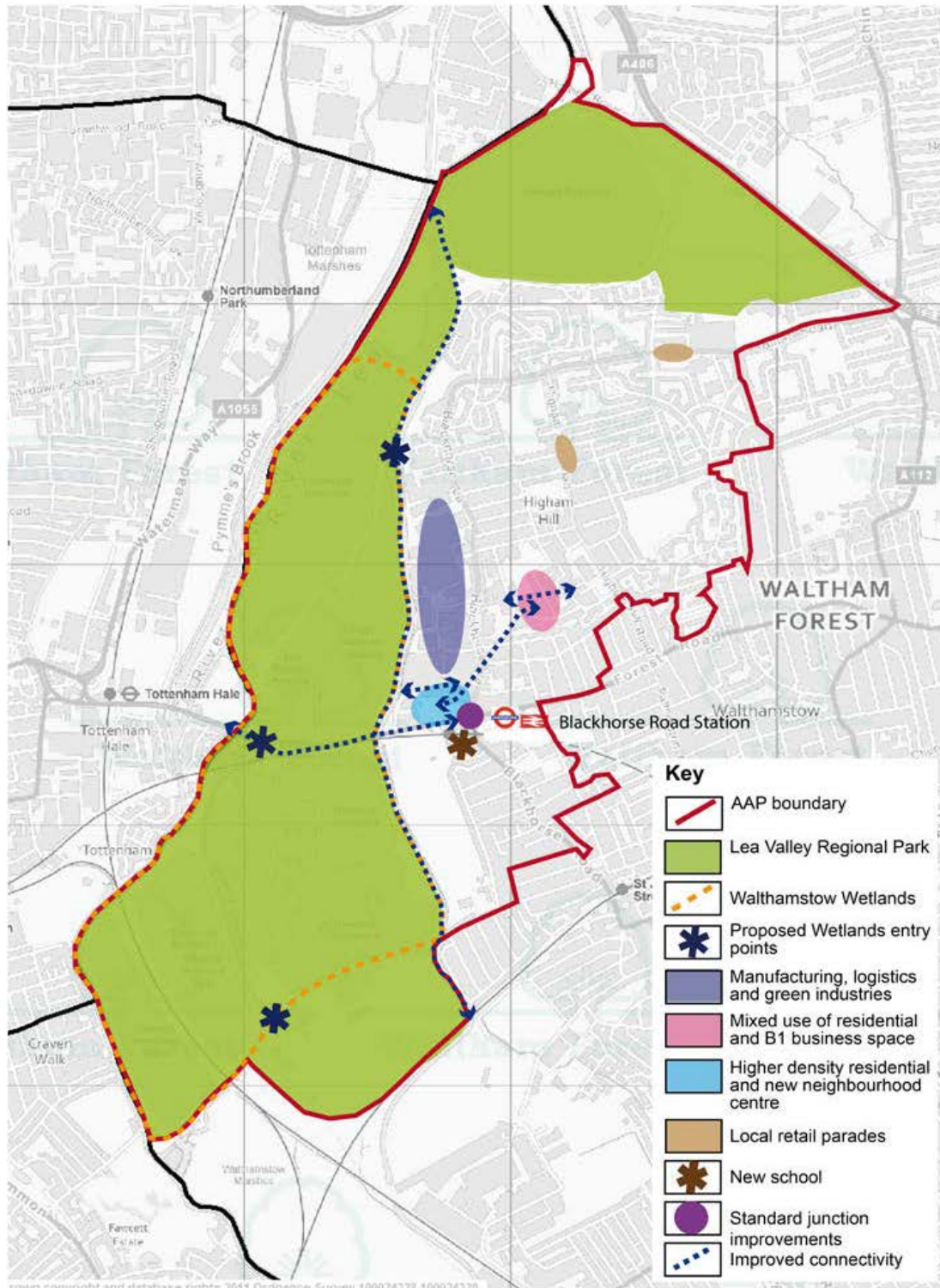
Ref	Page	Policy/ Paragraph	Main Modification
			<u>DM26: New Retail, Office and Leisure Developments.</u>
MM8	40	BHL8	<i>Revise criterion D of the policy as follows:</i> D) ensure appropriate building heights of between 3-6 storeys that respect <u>respond to</u> the existing built context and adjacent landscape features. <u>Across the AAP, building heights should normally be 3-6 storeys. Development proposals including building heights towards the upper limit of this range (i.e. 5-6 storeys) should be directed to At the key gateway site of BHL1: The Station Hub and Waterfront, some taller elements that exceed this range (up to but not exceeding 9 storeys) may be acceptable, and subject to an exemplary standard of design. Tall buildings (i.e. 10 storey and above) will not be acceptable anywhere in the plan area.</u>
	42	3.5.13	<i>Replace paragraph in the following terms:</i> Policy CS15 (Well Design Buildings, Places and Spaces) from our adopted Core Strategy sets out that 'tall' (10 storey +) and 'taller' (5-9 storey) buildings may be appropriate on specific sites in the borough's key growth areas, including Blackhorse Lane. However, <u>the Urban Design Framework considers that tall buildings are problematic close to SSSI and SSA designations, and recommends building heights of 3-6 storeys in order to strike a balance between optimising densities and being sensitive to the existing built fabric.</u> <u>Recent planning permissions at Site BHL1 (The Station Hub and Waterfront) include developments that partially exceed this range. In this context, whilst new developments in the area should normally be 3-6 storeys, there may be some scope for an element of taller buildings at Site BHL1 (Station Hub and Waterfront), where these can act as landmarks and contribute to good placemaking, by adding to the legibility of the area.</u> detailed analysis of the character of the area, through the Blackhorse Lane Urban Design Framework, recommends building heights of primarily 3-6 storeys in order to marry the need to optimise densities with being sensitive to the existing built fabric. This approach is mindful of the extent of 2-storey residential neighbourhoods within the area, and the scale of existing buildings of merit. It offers opportunities for the integration of some taller buildings in the area with a grading down of heights where necessary to respect their surroundings. As a broad principle, building heights at the upper level of this range (i.e. 5 to 6 storeys) will normally only be appropriate on key 'gateway' sites where they can act as landmarks and contribute to good placemaking. Any proposals that exceed this height will require very strong justification and must be exemplars of design quality, in addition to fully addressing the detailed criteria set out in Development Management Policy DM32-Tall Buildings.
	44	3.5.14	<i>Replace paragraph in the following terms:</i> <u>Where additional height is proposed, schemes should be exemplars of design quality, demonstrate that they would</u>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>have no potential effect, either directly or indirectly, on the Lee Valley SPA and RAMSAR sites and on the Walthamstow Reservoirs Site of Special Scientific Interest, and address the detailed criteria set out in Development Management Policy DM31 – Tall Buildings. Any such development would also need to pay careful consideration to its interrelationship with existing buildings of merit such as the Tryst Public House and Royal Standard Music Venue. In terms of specific sites adjacent to Blackhorse Road Station, the dip in levels along Forest Road means that on Site BHL1 (The Station Hub and Waterfront) a development of up to 6 storeys may be possible without overbearing surrounding areas. Any such development would however need to pay careful consideration to its interrelationship with existing buildings of merit such as the Standard Music Venue and Tryst Public House.</u></p>
MM9	82	Site BHL1 [Planning history]	<p><i>Replace text in section "Planning History":</i> No recent planning applications, but of note our adopted Core Strategy and the Mayor's Upper Lee Valley Opportunity Area Planning Framework have removed the SIL designation that previously covered the site.</p> <p><u>2013 – Approval of redevelopment of part of site to provide 484 residential dwellings, 519 rooms of student accommodation, 1080m2 of retail space, 305m2 of B1 space, refurbishment and extension of 7 Blackhorse Lane to provide flexible A3/B1/D1 floorspace and provision of a linear park.</u></p> <p><u>2014 – Outline approval for demolition of existing and mixed use redevelopment comprising 311 residential units, up to 2210 m2 commercial/community floorspace (A1/A3/B1/D1 class uses) creation of two vehicular access, new internal roads, car parking, open space/landscaping and highway works.</u></p>
	84	[Issues/ Opportunities]	<p><i>Revise text under the subtitle "Heritage and building heights":</i></p> <p>Any new development needs to be harmonised with the heritage of the area. A number of buildings are identified as being of some merit namely the Tryst Public House and Royal Standard Music Venue, <u>and the Kings Network Building and the frontage to Gnome House.</u> The locations of these are shown on the plan below. In addition, immediately outside the area are some attractive cottages (along Blackhorse Lane). <u>Proposals for taller buildings should be designed to avoid over-dominating these assets, building heights across the site should be restricted to 3–6 storeys;</u> with particular care taken <u>to harmonise proposed development in terms of the harmonising with the setting of these existing assets.</u></p>
MM10	100	Site BHL4 North [Planning history]	<p><i>Additional entry at head of list as follows:</i> <u>2012 – Full planning permission granted for 43 residential units at 22 Sutherland Road.</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
	104	Site BHL4 South [Planning history]	<i>Revise first entry as follows:</i> 2012 – Approval of outline planning permission for 110 residential units, 290 m ² B1 space and 142 m ² of flexible commercial space at Unity Works.
	120	Site BHL10 [Planning history]	<i>Revise first entry as follows:</i> No recent history <u>Planning permission for Walthamstow Wetlands Project granted under application No 2014/0716, which includes proposals for this site.</u>
	124	Site BHL11 [Planning history]	<i>Revise first entry as follows:</i> No recent history <u>Planning permission for Walthamstow Wetlands Project granted under application No 2014/0716, which includes proposals for this site.</u>
MM11	157	Appendix 3	<i>Re-title Appendix 3 as: Appendix 3 – <u>Changes to Policy Map Changes and Other Relevant Documents</u></i> <i>Beneath table of Policy Map changes insert the following new wording:</i> <u>Supplementary Guidance:</u> <u>The Blackhorse Lane Urban Design Framework and Planning Briefs (2011) provide detailed design guidance supplementary to the AAP. To ensure consistency between the documents, this will require updating upon adoption of the AAP.</u>

Appendix B – Figure 4

Revised Figure 4 as referred to in MM1.



Appendix C – Revised Table 5.3

Revised Table 5.3 as referred to in MM3. The explanation for the updates is found in the list of points at the end of the table. In those circumstances the previous text is not included to assist in the clarity of what is proposed and hence the whole table needs to be replaced in the following, updated, form; *previous conventions do not apply.*

Site No	Site Name	Residential units	Employment floorspace (m ²)	Retail floorspace (m ²)	Other	Timeframe
BHL1(a)	Station Hub and Waterfront – part a	484	1300	1080	519 rooms of student accommodation	2014-2017
BHL1(b)	Station Hub and Waterfront – part b	311	2020	190	Additional café element	2016-2019
BHL1(c)	Station Hub and Waterfront – part c	180	0	0		2018-2022
BHL1(d)	Station Hub and Waterfront – part d	130	1200	0		2018-2022
BHL1(e)	Station Hub and Waterfront – part e	40	0	1000		2014-2017
BHL1	Station Hub and Waterfront (Entire Site)	1145	4520	2270		2014-2022
BHL2 North	Car Wash Site	50	1300	200		2020-2026
BHL2 South	Blackhorse Road/Hawarden Road	0	0	0	Proposed site for new secondary school	2015
BHL3	Willowfields School, Tavistock Avenue	0	0	0	Proposed site for education use	2017
BHL4 North (a)	Sutherland Road North – part a	65	0	0		2014-2016
BHL4 North (b)	Sutherland Road North – part b	10	450	300		2015-2017
BHL4 North (c)	Sutherland Road North – part c	-	-	-	Retain existing building and use	N/A
BHL4 North (d)	Sutherland Road North – part d	0	1000	0		2014
BHL4 North	Sutherland Road North – part e	0	1400	0		2016-2018

(e)						
BHL4 North (f)	Sutherland Road North – part f	43	0	0		2014-2015
BHL4 North (g)	Sutherland Road North – part g	40	0	0		Completed
BHL4 North	Sutherland Road North – (Entire Site)	158	2850	300		2013-2018
BHL4 South (a)	Sutherland Road South – part a	110	300	140		2014-2017
BHL4 South (b)	Sutherland Road South – part b	50	1100	0		2016-2019
BHL4 South (c)	Sutherland Road South – part c	20	290	0		2016-2019
BHL4 South (d)	Sutherland Road South – part d	20	250	0		2016-2018
BHL4 South	Sutherland Road South – (Entire Site)	200	1940	140		2014-2019
BHL5	Papermill Place	320	0	0		Completed
BHL6	Webb's Industrial Estate	235	780	1100	Part of retail may be used as health facility	2014-2017
BHL7	Billet Works	349	874	792	Approximately 444 m ² D1 space	2014-2017
BHL8	152/154 Blackhorse Road	40	650			2018-2022
BHL9	Former Essex Arms Public House	15	0	430		Completed
BHL10	Marine Engine House	0	0	258	Proposed site for visitor centre including ancillary café and flexible exhibition/retail space	2014-2016
BHL11	Old Coppermill	0	0	0	Proposed partial use for community/visitors. Small scale office space for staff for Wetlands project	2014-2016
Totals		2512	12914	5490		

Changes in comparison to modification No 121 in the Schedule of Post Publication Modifications are as follows, with source identified [Note: this is for ease of reference and does not need to be incorporated into the final version of the AAP]:

1. Site No BHL1 (a) update reflects the Statement of Common Ground agreed between the Council and Hollivale Blackhorse Lane LLP, as recorded in MM9 above;
2. Site No BHL1 (b) update reflects the Council's response to IHD2-4, dated 20 June 2014, as recorded in MM9 above but the total floorspace has been adjusted to reflect the separate A1/A3 element of 190 m²;
3. Site No BHL1 (Entire Site) is updated to reflect the above updates;
4. Site No BHL4 North (f) update reflects the Council's response to IHD2-4, dated 20 June 2014, as recorded in MM10 above;
5. Site No BHL4 North (f) is updated to reflect the above;
6. Site No BHL7 update accurately reflects modification No 104 in the Schedule of Post Publication Modifications; and,
7. Totals updated to reflect all of the above.