

The Fortune Green and West Hampstead Neighbourhood Development Plan

Report of Examination

Report to London Borough of Camden

by the Independent Examiner:

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Summary

1. From my examination of the submitted Fortune Green and West Hampstead Neighbourhood Development Plan and its supporting documents, including all the representations made, I have concluded that, subject to the policy modifications I have recommended, making of the plan will meet the Basic Conditions. In summary they are that it must:
 - Have due regard to national policies and advice;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the development plan; and
 - Not breach, and is otherwise compatible with, European Union and European Convention on Human Rights obligations.
2. I have also concluded that:
 - The plan has been prepared and submitted for examination by a qualifying body - the Fortune Green and West Hampstead Neighbourhood Development Forum;
 - The plan has been prepared for an area properly designated; and does not cover more than one neighbourhood plan area;
 - The plan does not relate to “excluded development”;
 - The plan specifies the period to which it has effect – to 2031; and
 - The policies relate to the development and use of land for a designated neighbourhood area.
3. I recommend that, once modified to meet all relevant legal requirements, the plan should proceed to a Referendum. This is on the basis that I have concluded that, once modified, it can meet all the relevant legal requirements. To that end I have made various recommendations to modify policies and text to ensure that making the plan will meet the Basic Conditions.
4. In recommending that the modified plan should go forward to Referendum, I have considered whether or not the Referendum Area should be extended beyond the designated area to which the plan relates. I have concluded that it should not; the Referendum Area should be the same as the Neighbourhood Plan Area.

1. Introduction

- 1.1 I am appointed by Camden Council, with the support of the Fortune Green and West Hampstead Neighbourhood Forum (the Qualifying Body – hereafter referred to as “the Forum”), to undertake an independent examination of the Fortune Green and West Hampstead Neighbourhood Development Plan, as submitted for examination.
- 1.2 I am a planning and development professional of 40 years standing and a member of NPIERS’ Panel of Independent Examiners. I am independent of any local connections and have no conflicts of interests.

The Scope of the Examination

- 1.3 It is the role of the Independent Examiner to consider whether making a neighbourhood plan meets the “Basic Conditions.” These are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. In order to meet the Basic Conditions, the making of the Neighbourhood Plan must:
 - have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan (see Development Plan, below) for the area; and
 - not breach, and must be otherwise compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.
- 1.4 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) require that the Neighbourhood Plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007) either alone or in combination with other plans or projects.
- 1.5 In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, (TCPA) to establish whether:
 - The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body;
 - The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA).
 - The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (ie. the Plan must specify the period to which it has effect, must not include provisions about development that is excluded development, and must not relate to more than one Neighbourhood Area); and
 - The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the PCPA.

- 1.6 Finally, as Independent Examiner, I must make one of the following recommendations:
- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - b) that the Plan once modified to meet all relevant legal requirements should proceed to Referendum; or
 - c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 1.7 If recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this Report.

The Examination process

- 1.8 I commenced preparation for examination of the plan in October 2014 following my appointment and briefing with the plan documents. The default position is that neighbourhood plan examinations are conducted by written representations. However, I considered it necessary to hold a public hearing on certain matters on which I required clarification by the parties in person or to hear oral evidence. This was on a range of topics, which I had set out in an agenda. A public hearing took place on the 11th December at the Hampstead Synagogue Hall, Dennington Park Road, NW6, a commonly used meeting place within the neighbourhood plan area. I carried out unaccompanied site visits at around the same time.
- 1.9 After the publication of the hearing agenda, the Forum and Council continued to discuss the issues I had identified for the public hearing, as is recommended in the National Planning Policy Guidance. As a result, I was provided with a schedule of suggested changes, which the Forum had discussed with the Council, which I found most helpful.
- 1.10 During the public hearing, I asked for those parties concerned with the Gondar Gardens site to discuss further how the mapping of the site as Local Green Space might be presented. I was subsequently furnished with plans, to assist me.

The Examination documents

- 1.11 In addition to the legal and national policy framework and guidance (principally The Town and Country Planning Acts, Localism Act, Neighbourhood Plans Regulations, the National Planning Policy Framework and the Planning Policy Guidance) together with the development plan (see 3.3), the relevant documents that were furnished to me, and were identified on the Forum's and Council's websites as the neighbourhood plan and its supporting documentation for examination, were:
- Fortune Green and West Hampstead Neighbourhood Plan – Examination version
 - Statement of Basic Conditions;
 - Consultation Statement

- Strategic Environmental Assessment Screening Report; and
- Strategic Environmental Assessment – Environmental Report (and Non-technical Summary)

The Qualifying Body and the Designated Area

1.12 The Fortune Green and West Hampstead Neighbourhood Forum is the designated qualifying body for the geographical area that is the neighbourhood plan area. Camden Council designated the Forum and Neighbourhood Area, under S.61G of the Town & Country Planning Act 1990, on 9th May 2013. The designated area is made up of two wards, Fortune Green and West Hampstead, with slight modifications. The designated plan area is shown at Map 1 of the Neighbourhood Plan. There is no other neighbourhood development plan for this area.

The Neighbourhood Plan area

- 1.13 The plan area comprises a locality of some 189 hectares with a population of nearly 24,00 people, in 11,000 households, the majority living in apartments (71%). The area is characterized by Victorian and Edwardian (mostly) red-brick individual and terraced housing, with some mansion blocks. There are some notable areas of open space.
- 1.14 The plan area, which extends from Shoot-Up Hill/Cricklewood Broadway in the west to Finchley Road in the east, includes the West Hampstead interchange (where Underground, Overground and National Rail lines converge) and where a significant degree of development is anticipated.

2. Neighbourhood Plan preparation and public consultation

- 2.1 The Forum grew out local concerns about the scale and number of developments being proposed in the locality, which led to the formation of an Action Group in December 2011, which in turn led to the exploration of the possibilities afforded by neighbourhood planning and, very soon, the Forum itself, in January 2012. At about this time the Council was preparing its West Hampstead Place Plan, a non-statutory plan, which became a resource base for the neighbourhood plan.
- 2.2 The neighbourhood development plan's preparation has been marked by a very extensive public consultation process, which is described fully in the Consultation Statement. At first, local consultation was to decide the plan's area; then to identify relevant topics. By May 2012 a website was established with an email address and a mailing list was being built up. A leaflet was produced seeking views of local people about the area. This s followed by drop-in sessions, as stall at the local Jester Festival and a survey was carried out to identify local issues. An initial draft of the plan was produced by July 2012; it was 16 pages with no policies.
- 2.3 The Forum's July 2012 meeting considered feedback, which confirmed the main issues covered and also reviewed the survey results and proceeded to a second phase of consultation, from August to October 2012, including preparation of a Community Involvement Strategy. By September the boundaries of the area were reasonably settled, aided by discussions with Council officers; though they were not finalised until November.
- 2.4 A Twitter account was also set up in September, which developed more than 1,000 followers. In addition the Forum's work regularly featured on the popular West Hampstead Life website. Their weekly email has around 1,250 subscribers. The consultations were regularly reported in the main local papers, the Ham & High and the Camden New Journal. A public meeting, jointly with West Hampstead Amenity and Transport (WHAT), in October 2012, was attended by over 70 people, with guest speakers reviewing some of the local issues. The Q&A session covered such issues as the scale of development in the area, controlling design quality, pressures on infrastructure, the town centres and the needs of future residents.
- 2.5 A second Draft Plan was published in November 2012 and introduced polices and listed some specific sites. Public meetings followed in November and January 2013, which discussed a range of issues; these included building heights, smaller sites not previously mentioned, design issues, loss of commercial sites and the future of a Council-owned site. A wide range of local groups were also consulted. At about this time (Jan-March 2013) Camden Council consulted on the Area and Forum designations.
- 2.6 In early 2013 the Forum produced an Information Sheet answering basic questions and held a public meeting. A third draft of the plan was published in February 2013, which re-worked the 12 core polices; this was followed by a further public meeting, which raised issues around building heights, new development in the Growth Area, affordable housing, future housing provision, support for business and sites; and how to better engage some parts of the community (especially private renters).
- 2.7 In March and April, some assistance on plan drafting came from the Prince's Foundation as part of a workshop. They suggested, for example, that polices be separated from recommendations. A fourth draft followed in May 2013. Another workshop was also held, for those under 45 and renters, and more publicity followed,

with a logo competition. Regular Forum meetings took place throughout the plan-preparation process. From May, following designation, a series of events were planned as part of a new programme of consultation and engagement, which took place over June and July. These included leafleting, the Big Lunch on West End Green and Film of the Green. Specific groups were targeted in June – shops and businesses. Meetings included at the WI, a street surgery and two walkabouts.

- 2.8 A fifth draft was published in June 2013, to take account of the Forum's engagement to date and was consulted in till the end of July. Through the rest of 2013 activity included a stall at the Farmers market in June, a Q&A session at a local group garden party, attending the Beckford Summer fair, leafleting, a stall again at the Jester Fair on Fortune Green, with a focus on the proposed Vision and Objectives. A workshop with a local youth group, a Q&A session at a meeting of Camden Cyclists Campaign and a consultation on a proposed development at Iverson Road site took place in July, followed by a Forum meeting with Camden planners on their proposed framework for the Hampstead Growth Area. Over the summer the Forum also met with a number of local businesses and site landowners.
- 2.9 After more Forum meetings and further consultation with Camden planners a sixth draft was published in September, with consultation until end of October. Further consultation events followed, including with a workshop attended by the Forum's planning advisors. A leafleting exercise in the autumn enabled 11,000 copies, including a survey, to be distributed. As part of this last stage an online mapping project took place, managed by a social enterprise company, which was written up on the West Hampstead Life website. Among the issues raised in this phase were: need for affordable housing, space for pedestrians, concerns over traffic and congestion. Poor quality public realm, community facilities, support for the area's green spaces. Results were reported to Form meetings in November; further engagement took place in November with much of December given over to drafting.
- 2.10 In January 2014 the proposed final (seventh) draft of the plan was published and was consulted on for 7 weeks. This version was widely circulated, as set out in para 81 of the Consultation Statement. A leaflet explained how local residents and works could submit comments. A public meeting was held with guest speakers to publicise the plan and hear issues raised. Comments were written and posted on the West Hampstead Life blog, which was viewed by more than 500 and the slideshow (given at the meeting) received nearly 2,000 views. Individual meetings followed, there was extensive coverage in the local press, a workshop was held, further publicity encourage responses and the Forum met several times. Cross-boundary communities were contacted.
- 2.11 In all more than 40 responses were received – from local residents, groups, businesses, Councillors, landowners and statutory consultees, not least Camden Council, as both planning authority and landowners. These are all summarised in part 3 of the Consultation Statement. The Forum duly considered all the representations and revised the plan.

Environmental Assessment and EU Directives

- 2.12 Under Article 3(3) and 3(4) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC SEA is required of plans and programmes which "determine the use of small areas at a local level". Camden Council is the "responsible authority" and must determine whether the plan is likely to have significant environmental effects.

- 2.13 In this context, I note that the Council clearly considered that the plan was allocating a range of sites both within and beyond the Growth Area. The Council considered a Screening Report in July 2013 and concluded that the plan was likely to have significant environmental effects and so would require a Strategic Environmental Assessment. The determination was subject to consultation with the principal statutory bodies (Natural England, English Heritage and the Environment Agency) in September/October 2013. Their overall view was that SEA was required. The Council's report (updated in December 2013) is a core supporting document.
- 2.14 The Forum commissioned consultants URS to undertake the Assessment, which was carried out alongside the preparation of the Draft (Pre-submission) version of the plan in May 2014. The SEA considered alternative scenarios. A small number of recommendations were made which were taken into the examination version of the plan. The final version of the SEA, together with a Non-technical Summary, was published in August 2014, alongside the examination version of the neighbourhood plan.

European Sites and the Habitats Directive

- 2.15 From the context and submitted material, I have concluded that the plan would not be likely to have a significant effect on a European Site.

Examination version – public consultation

- 2.16 The Forum submitted the final version of the neighbourhood development plan to Camden Council on 1st September 2014, which duly proceeded to publish it for public consultation, from 18th September ending on 31st October 2014. The Council published the final version on the website, notified all statutory consultees and those who replied to the Forums consultation in January/February 2014. Copies of all the submitted documents were put in the West Hampstead and 5 Pancras Square libraries for public viewing. In addition a notice was published in the local newspaper, approximately 40 site notices were put up in the area and an email sent to the local database of parties interested in planning policy development.
- 2.17 A total of 28 representations were made. Some had no substantive comments, some were supportive and some were focused on objecting to a specific issue or site. A number of the representations raised issues that I considered required clarification or oral evidence. I decided to hold a public hearing on selected topics, which formed the agenda for the session. These ranged around: regard to the Framework and the development plan, the West Hampstead Growth Area (and whether sites were being formally allocated), other sites, Local Green Space, building heights and protected views, basements, employment land, public & community facilities and contributions.

Human Rights

- 2.18 I have no reason to believe that making the plan breaches or is incompatible with the European Convention on Human Rights.

Plan period

- 2.19 The neighbourhood development plan states clearly in the Introduction (para 1.6 on page 4) that the plan covers the period 2014-2031. This is co-terminus with the London Plan but not the Camden Core Strategy, which runs until 2025.

3. The Neighbourhood Plan in its planning and local context

National policies and advice

- 3.1 The neighbourhood development plan (NDP) must have regard to national policies and advice contained in guidance issued by the Secretary of State and contribute to the achievement of sustainable development (the first two basic Conditions). Paragraph 16 of the National Planning Policy Framework (the Framework) is concerned with neighbourhood planning: “The application of the presumption [in favour of sustainable development] will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:
- “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; [and]
 - plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan;”
- 3.2 The Statement of Basic Conditions sets out in section 3 how the Forum considers that the plan meets the relevant Framework policies; though it does not address the national Planning Practice Guidance (the Guidance). While I am satisfied that the making of the plan supports the achievement of sustainable development I found that in a number of instances it has not had sufficient regard to the Framework or current Guidance, especially in relation to clarity, evidence and deliverability. I will pick up these instances as I report on each part of the plan.

Development Plan - strategic policies

- 3.3 The neighbourhood development plan must be in general conformity with the strategic policies of the development plan for the area. The Development Plan for the plan area comprises the London Plan (adopted 2011) together with the Camden Core Strategy (adopted November 2010), the Camden Development Policies (also adopted November 2010) and the Camden Site Allocations DPD (adopted September 2013).
- 3.4 While the Statement of Basic Conditions (SBC) does not specifically cite the London Plan policies to which it has particular regard, it is quite clear from para 3.6 of the SBC the Introduction to the NDP (para 1.3 on page 4) that it has been prepared with regard to the London Plan including those for the West Hampstead Interchange specifically.
- 3.5 **I recommend** that the words “strategic policies of the development plan:” are inserted after “general conformity with the” in the second line of paragraph 1.3.
- 3.6 The Statement of Basic Conditions sets out what the Forum considers to be the relevant strategic policies and I note the statement that Camden Council officers have indicated that the neighbourhood plan is in general conformity with their policies though discussed that further changes would be required to ensure general conformity. I have taken all the London Plan policies as strategic. I have also concluded that Camden’s Place Plan for West Hampstead is not part of the development plan. I have not taken into account emerging plans.

The Neighbourhood Plan and its objectives

- 3.7 The purpose of the NDP is to provide a strategic and long-term plan for the area that is in accordance with the wishes of those living and working in the locality, while recognising the need for sustainable development. The NDP has, in Part 3, an overall Vision: It plans for a mixed, vibrant and successful local community while also recognising that the area has a distinct and widely appreciated village character with a variety of amenities and excellent transport links. The plan seeks to retain and protect its valued features, while allowing new housing, new jobs and sustainable growth in the years ahead.
- 3.8 This vision is to be achieved through the delivery of six Objectives, dealing with:
- Housing: The development and design of housing and how it complements the character of the area;
 - Design and character: Guiding development, including within the West Hampstead Growth Area; and also development of other sites, beyond the Growth Area;
 - Transport infrastructure;
 - Public and Community facilities;
 - Economic growth, employment and land for businesses; and
 - Protection and enhancement of the natural environment and the designation of Local Green Space.

Policies and recommendations

- 3.9 Part 4 of the NDP deals with policies as well as some recommendations for achieving each of these six objectives. One of the issues raised by some parties, mainly the local planning authority, concerned the presence among the policy sections of recommendations which were not land use policies but were concerned with related actions that the plan advocates be taken, or views that parties should take on board, usually by the local planning authority. They suggested that all recommendations should be placed in an appendix.
- 3.10 On balance, I find that the recommendations do not undermine the plan's conformity with the Basic Conditions and represent an important part of the expression of the local community's views. So, provided their status is set out clearly, I conclude that they should remain within the main body of the plan. **I recommend** that a sentence be added to para 1.7, as suggested by the Forum, as follows: "For the avoidance of doubt, it is emphasised that these are aspirations and do not constitute or suggest agreement with Camden Council or other relevant bodies to fund or act on them."

Policy drafting – general comments

- 3.11 The drafting of the majority of policies raises two issues that are at the heart of much of the plan itself: a) a need for greater clarity; and b) a general lack of evidence to support policies. I have made most of my recommendations to address these issues, to ensure compliance with the Basic Conditions.

3.12 The plan has to be commended for its articulation of the local community's concerns and aspirations. This comes across from the Forum's very extensive engagement with local people, as set out in the Consultation Statement, and the way that those concerns and aspirations are translated into the text of the plan itself. But this articulation is not always supported by proportionate robust evidence.

3.13 In a number of instances there is insufficient clarity to enable the policy to do the development management job it is intended to do; or to have due regard to Guidance. For example, para 042 of the Guidance explains that:

"A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared."

3.14 Also, too often, there has been no real evidence submitted to support a particular policy, notwithstanding it may express a strong and well-intentioned aspiration or concern of the local community. Paragraph 040 of the Guidance includes the following:

"While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no 'tick box' list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order."

Plan structure

3.15 Finally, the policy sections could benefit from a re-ordered structure, to improve usage; I set out suggestions for this and other aspects of the plan in an annex, which do not form part of my formal recommendations.

4. Housing, Design and Character

- 4.1 Section A of the Part 4 deals with Housing, Design and Character in the same section. It ends with three policies and some recommendations; the former concern land use, the latter do not. Paragraphs A1-3 and A6-10, plus A15, deal with housing matters; A4,5, A11-14 and A16-18 deal with Design; A19, 20 are concerned with enforcement and engagement; with the remainder of the section, A21-6, concerned with conservation and heritage. For clarity I will deal with each part of Section A separately, to which I now turn.

Housing

- 4.2 **Policy 1** deals with housing. It seeks to secure a range of housing types to meet a range of needs; it has four sub-parts, each of which are required to be met. There is a need to improve clarity in order to achieve effective operation of the policy.
- 4.3 Taking each sub-part in turn: The first is concerned with affordable and related housing and reflects a strategic development plan policy; the second deals with units sizes, though there is no evidence to support the specific sizes in the text; the third concerns the elderly and disabled in general terms; while the fourth expects all homes to exceed national standards and zero-carbon homes earlier than the national standard, though there is no evidence to support this.
- 4.4 In the modifications, set out as tracked changes below, I have clarified and qualified aspects of the policy, as follows, to meet the Basic Conditions. **I recommend** that Policy 1 be modified as follows:

Policy 1: Housing

Residential developments in ~~Fortune Green and West Hampstead~~ shall provide a range of housing types, to meet a range of needs, as appropriate, related to the scale of the development.

This shall be achieved by:

- i. The provision of affordable, social, intermediate, and shared-ownership housing - in line with the 50% target as set out in the development plan ~~Camden Core Strategy~~.
 - ii. The provision of a range of different unit sizes, including three and four bedroom homes, where appropriate, suitable for families.
 - iii. The appropriate provision of homes for the elderly and disabled, which promote accessibility.
 - iv. The provision of homes which aim to meet or exceed national environmental standards and ~~meet the requirement~~ for zero-carbon homes.
- 4.5 The text of the relevant supporting text does not need to be modified; though the plan would achieve greater clarity and ease of use if the Policy was set out first and the relevant supporting text followed, using sub-headings where appropriate – see the Annex.

Design and character

- 4.6 The supporting text explains that the plan seeks to secure the recognition of both high quality design (NPPF, para 17) as well as local distinctiveness (NPPF para 60).

It does so by, inter alia, tackling some issues of real local concern, such as building heights (para A4) and views (A5), which resulted in a number of representations and on which I heard further at the hearing. Another aspect which gave rise to concerns among representations was the plan's restrictive approach to basement developments (A14). I found in each of these instances there was no, or insufficient, evidence to support the approach taken in the policy.

4.7 **Policy 2** is concerned with Design and Character. It is designed to ensure that new developments complement and enhance the local distinctiveness of the plan area. It has 12 sub-parts, all requirements of which must be met. In some cases there is a need for clarity; in the case of part of vi, it duplicate part of Policy 4 and so should be deleted; viii should be deleted as there is no evidence to support this approach; x needs to be modified to remove the requirement to protect views, for which there is local concern but no evidence (I have retained the concern); and the last part, xii, should be deleted as this is not a land use policy but an advocacy point, which can join the recommendations.

4.8 In the modifications, set out as tracked changes below, I have clarified and qualified aspects of the policy, to meet the Basic Conditions. **I recommend** that Policy 2 be modified as follows:

Policy 2: Design & Character

All development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead.

This shall be achieved by:

- i. Development which positively interfaces with the street and streetscape in which it is located.
- ii. Development which maintains the positive contributions to character of existing buildings and structures.
- iii. Development which is human in scale, in order to maintain and create positive relationship between buildings and street level activity.
- iv. Development which has regard to the form, function, structure and heritage of its context a place – including the scale, mass, orientation, pattern and grain of surrounding buildings, streets and spaces.
- v. A presumption in favour of a colour palate which reflects, or is in harmony with, the materials of its context. ~~red brick and London stock brick of existing development.~~
- vi. New buildings and extensions that respect and are sensitive to the height of existing buildings in their vicinity and setting. ~~Higher~~ Tall buildings in the Growth Area will need to have regard to their impact on the setting of the two immediately adjacent conservation areas, in order to avoid any negative impact on them.
- vii. Extensions - and infill development - being in character and proportion with ~~existing development and its~~ context and setting, including the relationship to

any adjoining properties.

- ~~viii. A presumption against basement development more than one storey deep or outside the footprint of the property (excluding lightwells).~~
- ix. The provision of associated high quality public realm.
- x. ~~The protection of~~ Having regard to the impact on local views across the Area and the streetscapes within the Area (as identified in xx [new ref] and Map 2).
- xi. Development which aims to fulfill the criteria set out in Building for Life 12 (as detailed in xx [new ref]).
- ~~xii. The positive and proactive engagement with the community by those bringing forward plans for development – as plans are prepared and submitted, and as development takes place. All planning applications for development which is likely to have an impact beyond the immediate site should be accompanied by a Statement of Community Engagement.~~

4.9 The supporting text and Map 2 will need modification in places, to reflect the above; **I recommend** the following modifications:

- A4 – I recommend that the reference to six stories be modified, to avoid the potential for the policy to be applied as if that was some sort of limit; many of the representations reasonably believed it was to be treated as such. I recommend that all the text in the first paragraph with that number, from “It is therefore the case ...” to “... outside the West Hampstead Growth Area” be deleted.
- A5 – I recommend that the second sentence be deleted. In the final sentence, I recommend that all the text after “...- are also of note” be deleted.
- A9 - Reference needs to be made to “where planning permission is required” as there are permitted development rights related to small HMOs.
- A14 – I recommend that the final sentence be deleted.
- Map 2 – I recommend that the title be modified to “Local Views”. Remove the word “Key” in the legend, as this could be confusing.

4.10 The Recommendations, which follow the first two policies, should be referenced, say by letters, for clarity.

Conservation and heritage assets

4.11 The third part of section A deals with conservation and heritage assets; a sub-heading to this effect would be helpful. **Policy 3** is concerned with safeguarding and enhancing the conservation areas and heritage sites. The supporting text identifies the principal evidence base as the West End Green Conservation Area Appraisal and Management Strategy and articulates the concerns of the local community well.

4.12 The policy requires some modification to achieve clarity. In the case of iii, which deals with “contribute” (which I deal with later in my report), there is a need for particular clarity as to when it should apply.

4.13 I recommend the following modifications:

POLICY 3: Safeguarding and enhancing Conservation Areas and heritage assets sites

- i. Development that enhances ~~and~~ or preserves Conservation Areas and heritage assets in the Area – as well as their distinct character, appearance, and setting – will be supported.
- ii. Proposals which detract from the special character, ~~attractive~~ and/or ~~historic appearance,~~ architectural and/or historic significance, and setting of Conservation Areas and heritage assets in the Area will not be supported.
- iii. In West End Lane ~~appropriate locations,~~ development will be expected to deliver ~~contribute to~~ improvements to the street environment and public realm of West End Lane, where appropriate. Such improvements shall be of a high standard and shall preserve or enhance the character of the West End Green Conservation Area.

4.14 The supporting text does not need modification.

5. West Hampstead Growth Area

- 5.1 A significant part of the neighbourhood plan area is identified in the development plan for major growth: The London Plan lists West Hampstead Interchange as an “Area for Intensification” with targets for homes and jobs; Camden’s Core Strategy identifies it as a Growth Area”; and the Site Allocations DPD allocates the principal sites for development. Map 4 identifies the Growth Area (though it would benefit from the dotted line being included in the legend).
- 5.2 Section B of Part 4 of the NDP addresses this policy context. The main preamble to the policy is in paragraphs B1-5, which summaries the strategic context and articulates local concerns and aspirations. However, in relation to the sites identified in the plan, notably 187-199 West End Lane, 156 West End Lane and the O2 Centre car park (which are already allocated in the Sites Allocation DPD), as well as sites in Blackburn Road, there is a lack of clarity as to whether these sites are allocated for development or not. Some already have planning permission. Thus, it is unclear as to how the plan will achieve the aims of the strategic policies in the development plan as currently expressed.
- 5.3 A neighbourhood plan can allocate land for development. The Guidance explains at 042 that to do so – “...A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability can be found [here](#) and [here](#).”
- 5.4 At the hearing the Forum explained that they had not carried out such an appraisal and that, anyway, the sites in B7-B10 were not formal allocations. Thus, the text was expressing the local community’s aspirations for them. This is a helpful clarification, as there was no viability appraisal to test the burden of obligations that might otherwise be placed on the identified sites, given that some requirements in the text go beyond the requirements in the development plan. This was a key concern expressed in a number of representations. Nevertheless, the importance of deliverability and a clear reference to the test of viability needs to be better recognised in the policy; this will enable the making of the plan in this respect to meet the Basic Conditions.
- 5.5 At the hearing the Forum and Council made helpful suggestions in this regard which seemed to allay concerns from landowners. I propose to take on board the essence of the suggestions by the Forum for addressing the concerns about viability and I **recommend** the following modifications:
- a. Moving paragraph B4 to the introduction - making it clear that the statement about viability applies to the whole Plan and all the policies (and including a reference to the Framework - paragraph 173).
 - b. Additional text to be added to the opening paragraph of B5, to read: "...of needs and requirements, across a range of sites, subject to viability and deliverability, and via S106/CIL contributions, as appropriate".
- 5.6 **Policy 4** is concerned with promoting the West Hampstead Growth Area for a mix of uses. There is a need for clarity in some aspects; the policy generally requires qualification, as it will be up to the decision-maker to decide which elements are appropriate to any particular development. I **recommend** the following modifications:

Policy 4: West Hampstead Growth Area

The West Hampstead Growth Area (WHGA), as defined on Map 4, shall be promoted for a mix of uses, including new housing, employment, town centre and public/community uses. Development in the WHGA shall, where appropriate and viable:

- i. Be in keeping with and enhance the character of the wider area - including the two adjacent conservation areas and their settings.
- ii. ~~Enhance and safeguard existing~~ Have regard to local views of and across the area (as identified in xx [new ref] and Map 2).
- iii. Provide new homes - including affordable homes and homes suitable for families, in line with the requirements in the CCS.
- iv. Provide space for new business and new employment uses.
- v. Provide new community facilities or contribute towards improving existing community facilities.
- vi. Increase space for pedestrians and provide an improved street environment in the area.
- vii. Provide or contribute to improvements to the Growth Area's public transport, especially the Underground and Overground stations.
- viii. Provide or contribute to improvements to public facilities, including health and education uses.
- ix. Provide new green/open/public space, new trees, and new green corridors.
- x. Incorporate climate change mitigation measures ~~in all schemes, with the aim of setting a precedent for the wider area.~~
- xi. Provide improved pedestrian and cycle routes between West End Lane and Finchley Road.
- xii. Contribute to new north-south pedestrian routes over the railway lines.

- 5.7 The supporting text will require modification. In particular B6 needs to make clear that the sites in B7-10 are not allocated while the following text can set out the local communities' aspirations; some sub-headings would greatly aid clarity. I **recommend** that it reads as follows:

" B6. The Plan does not allocate any sites for development. The following sites are allocated in Camden's Sites Allocation DPD: 187-199 West End Lane, 156 West End Lane and the O2 Centre car park. In addition consultations have raised concerns about developments in Blackburn Road. The following paragraphs set out the aspirations of the local community, which should be taken into account, when schemes are brought forward in the West Hampstead Growth Area."

- 5.8 Other text changes will also be required to reflect my conclusions above and so I

recommend the following modifications:

- B5 – in the fourth line replace “additional guidance and polices” with “the local community’s aspirations”. In the seventh line replace “needs and requirements” with “strategic policy objectives, while having regard to local community aspirations”. Under Housing: replace “up to” with “a minimum of”. Under Jobs: add “7,000 sqm of floorspace”, as per the Core Strategy.
- B7 - add "the planning permission is being implemented".
- B8 - The section relating to height (6th bullet point) be changed to:
 - "The site shall provide an improved design relationship to the adjoining Canterbury Mansions and West End Green Conservation Area, to protect and enhance the character and appearance of the area. Therefore, the height of any new development should ensure the overall design and transition in massing achieves an appropriate relationship with neighbouring properties and it can be demonstrated that no harm is caused to the character and appearance of the Conservation Area and its setting."
- B10 - Asher House - wording change regarding height to read:
 - "Any new building should take into account the change in ground levels of Blackburn Road and respect the character of the immediate area, for example by being lower in height than the student block or by following the alignment of rooflines on West End Lane".
- B11 – delete, as it its point is covered by B5.

6. Other Sites

6.1 Section C of Part 4 deals with sites outside the Growth Area. The text makes clear (un-numbered first para on page 32), that the sites identified are not allocated for development, though their development is anticipated. However, the language – use of “considered” and “detailed guidance” – could be misleading. This section, in fact, sets out the local community’s aspirations for the identified sites (and similar sites coming forward in the future) and should make that clear. Some statements will need to be corrected factually.

6.2 The clarity of the plan would also be better achieved if the opening paragraph also better recognised the importance of viability to the delivery of development. I **recommend** that the opening paragraph be given a number and be modified as follows:

“A number of sites and areas outside the West Hampstead Growth Area are proposed for development or may be developed in future. This Plan does not seek to allocate these sites for development; this section merely outlines the factors and aspirations that the local community believes should be considered if proposals are brought forward for development during the lifetime of this Plan. ~~Any development of the sites and areas listed below are considered to have wider implications for the Area as a whole.~~ This Plan therefore seeks to provide detailed guidance suggestions for how these locations are could be developed. The policies aspirations in this section should also be read in conjunction with the policies elsewhere in this Plan ~~as well as the statement about and are all subject to the proviso that development of sites must be viable. ility in B4”~~

6.3 **Policy 5** seeks to apply a set of requirements to the identified sites at C1-10 as well as any “windfall sites” (meaning any significant such sites in the future) as per C11. There are two difficulties with this approach: First, by applying specific policy requirements to specified sites they become, in effect, quasi-allocations, even though that is not intended by the supporting text. In any event, no viability appraisal has been carried out, to support the detailed requirements for each site, as discussed earlier. Secondly, the requirements in i-viii are effectively covered elsewhere, by Policies 1 and 2, for example; points ix and x are covered by Policy 11.

6.4 While I can see the merits in somehow expressing the local community’s views in policy form, it seems to me that the difficulties of doing so outweigh the advantages; in any event the approach would not meet the Basic Conditions. Consequently, I **recommend that the whole of Policy 5 be deleted**. The local community’s views can still be expressed by converting the policy to a set of recommendations.

6.5 A range of representations were made to the detailed requirements of the sites listed. As these are to be presented as the local community’s aspirations, rather than policy, in following my recommendations, then the statements can be left as they are.

7. Transport

- 7.1 Section D of Part 4 deals with transport and accessibility issues. With excellent public transport links, the plan seeks to achieve the Framework's aim (core principle 17) to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling." These aims support sustainable development. The three stations, which already can be crowded and put pressure on footways, are likely to see much increased usage and will require improvement. Traffic domination and its impact on pedestrians and air quality, for example, is a local issue.
- 7.2 The supporting text to the policies explains the local community's needs and aspirations for improvement and change, which are well articulated and reasonably well evidenced. The plan seeks a wide range of improvements, particularly to the stations, but also to bus facilities, cycling, walking and the public realm.
- 7.3 **Policy 6** is concerned with improving the area's public transport infrastructure. It is not only in a different format to previous policies but also in two parts: the first to encourage new developments to make appropriate contributions to improvements; the second is to support proposals which improve capacity, quality and accessibility at the three stations. In my view these are quite distinct policy objectives, aimed at quite different agents of change. **I recommend** that they be spilt into two separate policies, 5 (to replace deleted policy 5) and 6.
- 7.4 The only changes I recommend are to achieve clarity. So, in the current first part of 6 (to be a new Policy 5), **I recommend** the following modifications:
- provide a new heading: Public Transport
 - move the text currently in the heading to the within the body of the policy
 - the word "transport" is inserted between "public" and "infrastructure"; and
 - the words "and around" are deleted.
- 7.5 The Recommendation would benefit from a letter or distinct number. The use of sub-headings would aid clarity. I have no text modifications to recommend.
- 7.6 **Policy 7** seeks to reduce car use. It imposes six requirements on all new development. This requires qualification, to enable the decision-maker to decide which, if any, are appropriate to apply in any given circumstance. **I recommend** the following modifications:
- provide a new heading: Sustainable Transport.
 - move the text currently in the heading to within the body of the policy.
 - inclusion of the words "which includes the appropriate provision of" at the end of the main policy text (before the colon).
- 7.7 The Recommendation needs a number; again, a sub-heading would improve clarity of usage (as opposed to the use of relying only on introductory bold text). No supporting text changes are recommended.
- 7.8 **Policy 8** is concerned to improve cycling. As drafted, this is mainly to be achieved

by all new development making a contribution to cycle routes and facilities. Five requirements are listed; though, under what circumstances is not defined. Again, this policy needs qualification, and in places improved clarity. **I recommend** the following modifications:

- provide a new title: Cycling
- move the text currently in the heading to within the body of the policy.
- In the main policy text delete “in the wider area”
- Qualify the policy’s application by inserting “,where appropriate,” between “This shall be achieved” and “by:”; and
- Delete the word “all” in v.

7.9 The “contribution” referred to in the policy is presumably financial, though I can envisage instances where it could be in kind or as part of the development itself. This should be made clear in the supporting text - **I recommend** a reference in D13.

7.10 **Policy 9** is concerned with achieving improved walking and pedestrian facilities. It requires that all new developments meet seven requirements. Again this policy needs to be qualified and in places improved clarity. In particular, the requirements are not robustly evidenced and there is no viability assessment to appraise the impact of all the requirements on the delivery of development. **I recommend** the following modifications:

Policy 9: Pavements & pedestrians

Pedestrian access in the Area - particularly in and around the West Hampstead Growth Area - shall be ~~maximised~~ improved by development that takes into account the following:

- i. Provides safe and wide pavements, giving the maximum possible space to pedestrians.
- ii. Is set well back from the pavement, where appropriate, with the aim of giving additional pavement space.
- iii. Improves accessibility for disabled people and those with push chairs.
- iv. Contributes to improved and safer pedestrian crossings – particularly on the roads listed in D14.
- v. Increases the amount of space for pedestrians around ~~all~~ public transport facilities.
- vi. Improves the existing network of paths in the Area.
- vii. Contributes to the provision of new paths and, where viable, new crossings over the railway lines.

7.11 The supporting text will require some modification to achieve clarity: **I recommend** that the roads listed in D14 (see iv, above) be summarised or listed.

8. Public and community facilities

- 8.1 Section E of Part 4 deals with a wide range of social, community and public facilities, including education facilities, community centres and facilities, places of worship, police and fire stations. The plan seeks to support the growing population of the area by encouraging new and expanded social and community facilities, as well as the protection of existing ones. The supporting text articulates well the concerns and aspirations of the local community.
- 8.2 However, it is weak on new evidence, though the plan follows the approach of the strategic policies of the development plan for such facilities. For example, the Core Strategy (CS10) approach includes policies that:
- “e) require development that increases the demand for community facilities and services to make appropriate contributions towards providing new facilities or improving existing facilities;
 - f) support the retention and enhancement of existing community, leisure and cultural facilities; and
 - g) facilitate the efficient use of community facilities and the provision of multi-purpose community facilities that can provide a range of services to the community at a single, accessible location.”
- 8.3 One contentious aspect of the plan, which gave rise to a range of representations, is the inclusion of the People’s Centre for Change in the list of community facilities at E5, for protection. The Centre meets the needs of a section of the community with severe impairments and complex needs. It uses a facility known as New Shoots Day Centre, at 96-8 Shoot-up-Hill. At the public hearing I heard oral evidence from parents of those who are supported by the centre, and who are very concerned by the Council’s plans to close down the facility and use the site to fund a new, broader-ranged, facility in Kentish Town. I also heard from the Council as landowner, as to the background and objectives of these plans. They objected to its inclusion, as they considered its protection would undermine the viability of the new facility, the plans for which are well advanced and approved.
- 8.4 The Council, as planning authority, is concerned, inter alia, about the blanket application of the policy and that it applied to a particular group (as opposed to a facility) so could not be given protection. I agree with these points. However, I have come to the conclusion that the facility is indeed a community facility, on a par with the others in the list, and that it should be recognised as such in E5. I therefore **recommend** that in E5, the facility be listed by reference to its address, not a name. To avoid the policy providing unqualified protection to these facilities – and the places of worship listed in E6 – I am recommending it be appropriately modified.
- 8.5 **Policy 10** is concerned with two aspects regarding public and community facilities. The first is to secure improvements to facilities, as part of the growth of the area, though the operation of development management; the second is to protect listed community facilities, places of worship and the local library. The policies for these would better achieve clarity, in my view, if these aspects were split.
- 8.6 The policy, as drafted, requires all eight matters to be met by all new development. This raises a number of issues: the first is that the policy requires qualification, as it will be for the decision-maker to decide which element to be applied; the second is

that many of the requirements are not supported by any, and certainly not robust, evidence, even though they express well-intentioned local aspirations or concerns (for example, for a new secondary school); the third is that it must be in general conformity with the strategic policies of the plan. **I recommend** that the policy be modified as follows:

Policy 10: ~~Public and~~ New and Improved Community Facilities

Development that increases the demand for community facilities and services shall make provision where appropriate - or contribute towards – ~~a wide range of public, social and~~ appropriate community facilities to meet the needs of a diverse and growing population. This shall be achieved by the provision of relevant facilities, such as:

- i. New school places, particularly for primary pupils.
- ~~ii. A new secondary school – or a significantly expanded existing secondary school – in or near the Area within the lifetime of this Plan, to meet the growing demand for places.~~
- iii. Additional nursery places in the Area.
- iv. ~~New~~ primary care health facilities, particularly in or near the West Hampstead Growth Area.
- v. Improvements to existing community centres and the range of services they provide.
- vi. New community facilities, where appropriate and where there is an identified need.
- ~~vii. Protection for the facilities and sites listed in E5 and E6 from damage or loss.~~
- ~~viii. Protection for the building and facilities provided by West Hampstead Library.~~

8.7 **I recommend** that the last two parts of policy 10 (noting that the library is listed in E5 already) be incorporated into a new policy that reads as follows:

[New] Policy xx: Protecting Community Facilities

a) The plan supports the retention and enhancement of existing community facilities; this will be achieved by resisting the loss of the facilities and sites listed in E5 and E6, unless a replacement facility is provided.

b) Improvements to existing facilities will be supported.

8.8 The supporting text needs some modification, to match the recommendations and to improve clarity and accuracy. As there is no evidence of a need for a secondary school in the area, the references should be deleted – or stated in aspirational terms - see second paragraph after E2, top right on page 44 (I am suggesting in the Annex that all paragraphs are numbered). In E5, **I recommend** that the words in the second sentence after “protected” be deleted. In E6, **I recommend** that in the first sentence the words “damage or loss” be deleted.

8.9 While there is no specific policy related to the police and fire station sites (in E7 and 8), it would aid clarity of the plan if the statements were expressed as aspirations. I therefore **recommend** that at the beginning of the final sentence in each of E7 and E8 that the following is inserted: “The local community considers that ...”.

9. Business, employment and economic development

- 9.1 Section F of Part 4 is concerned with supporting sustainable economic growth, including meeting the business, employment and economic development needs of the expanding population of the plan area. It aims to provide a strong and resilient local economy as well as a range of employment opportunities. It cites provisions from the Framework and strategic policies of the development plan.
- 9.2 The first part of this section is concerned with employment. It again articulates well the local community's concerns, for example, about how employment sites are being replaced by residential developments and the perceived need for protection; the needs of small and micro-businesses and the rising number of people working from home. But there is very little evidence of the need for the protectionist approach, for many of the policy's aspirational requirements, or of the Framework's caution about doing so in an unqualified way. For example: "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 (para 22)."
- 9.3 **Policy 11** (which will need renumbering in the light of my earlier recommended modifications) seeks to promote mixed-use developments, to include some employment space, as well as seeking to protect existing employment sites. It has eight requirements, all of which, as drafted, need to be met. There is a need for this to be qualified, for greater clarity and for those requirements for which there is no evidential support to be removed. **I recommend** that the policy be modified as follows:

Policy 11: Business, Commercial and Employment Premises and Sites

Development in Fortune Green and West Hampstead shall promote economic growth and employment. Developments that provide employment sites and premises for business, commercial and employment use will be supported. This shall be achieved in the development of commercial and mixed use premises and sites shall promote economic growth and employment by, where viable and appropriate:

- i. A presumption in favour of protecting and retaining existing employment sites unless there is no reasonable prospect of the site being used for that purpose.
- ii. Ensuring that where the redevelopment of existing employment sites takes place is proposed, the level of employment or floorspace is maintained or increased.
- iii. The provision of additional and/or new business space.
- iv. The provision of space for light industrial uses in appropriate locations, particularly next to railway lines.
- v. The provision of flexible business and commercial space suited to a range of uses.
- vi. The provision of a range of different sized units, particularly smaller spaces for micro-businesses and studio space.
- vii. The provision of affordable or subsidized business space, where appropriate.
- viii. ~~The provision of space for markets and short term 'pop up' shops and services, where appropriate.~~

- 9.4 The last point (viii) has no evidential support and is more appropriately located among the town centre policies, which comprise the next section of the plan; it could instead be included in the Recommendations for the town centres, or, as part of the text at F15.
- 9.5 Section F9 onwards is concerned with maintaining successful, diverse and well-managed town centres. A sub-heading could better sign-post this to the user. The plan area has one main town centre (West Hampstead), and two neighbourhood centres (Mill Lane and Fortune Green Road); Finchley Road town centre lies predominantly outside the boundary.
- 9.6 **Policy 12** is concerned with protecting and enhancing the village character of West Hampstead town centre. The main part of the policy is a mix of design and land use elements, which don't mix too well; nevertheless, this is not an impediment to a policy focused on a defined geographical area. The policy aims have five requirements which, as drafted, all have to be met. The policy is in need of qualification, as in earlier cases, there is a need for clarity (for example, where contributions would be covered by CIL) and to remove requirements for which there is no, or insufficient, evidence. **I recommend** that the policy, which may need to be re-numbered, be modified as follows:

Policy 12: West Hampstead Town Centre

Development shall ~~protect and preserve~~ preserve or enhance the village character of the Town Centre as a mixed retail area with a diverse range of shops and businesses. This shall be achieved by, where appropriate:

- i. A presumption in favour of ~~protecting and preserving or~~ preserving or enhancing the character of the Town Centre - especially the large parts of which are also in a West End Green Conservation Area.
- ii. The control of signage, adverts and forecourt developments in keeping with the ~~surrounding development site context~~ and Conservation Areas, where applicable.
- iii. Increasing the range of retail outlets, food/drink outlets and commercial premises.
- iv. ~~The s-Support of for~~ Support of for development ~~proposals for of~~ proposals for of small/independent shops and businesses, including affordable space rents and business rates.
- v. Contributions to public realm improvements - which enhance the character of the Town Centre and which are in keeping with the Conservation Area - where applicable.

- 9.7 **Policy 13** promotes the preservation and enhancement of the character of Mill Lane neighbourhood centre. This is a lesser test than that associated with conservation areas, as it is concerned with a more general character and with modest means of achieving it. The policy has three requirements. Again, the policy is in need of qualification, as in earlier cases, there is a need for clarity (for example, the S106/CIL point) and to remove requirements for which there is no, or insufficient, evidence. **I recommend** that the policy, which needs to be re-numbered, be modified as follows:

Policy 13: Mill Lane Neighbourhood Centre

Development (including changes of use) shall ~~protect and~~ preserve or enhance the character of the Neighbourhood Centre and ~~provide for~~ promote a diverse range of shops, businesses and economic activity. This shall be achieved, where appropriate, by:

- i. ~~The s-Support of~~ for proposals to improve and restore the original historical look and character of shop-fronts, including windows, signs and external fittings.
- ii. Proposals to convert ground floor retail/business space into residential use will not be supported.
- iii. Contributions to public realm improvements to improve the ~~look and~~ character of the Neighbourhood Centre, where applicable.

- 9.8 **Policy 14** is short and simple – to preserve and enhance the character of Fortune green Road neighbourhood centre; though it does not explain how. As in the case of Mill Lane **I recommend** that the words “protect and’ be replaced by “preserve or enhance”. It will need re-numbering.
- 9.9 There are no recommended modifications to the supporting text of any of this section. The centre boundaries in Map 7 need to reflect those in the development plan Proposals Map, as there is no evidence to support any deviations.

10. Natural Environment

10.1 Section G of Part 4 is concerned with protecting and enhancing the natural environment (Framework core principle 17) and the varied green spaces which are valued in the plan area. In a densely developed part of London these spaces have a high environmental and amenity value, are local in character and are in close proximity to the local community they serve. The plan also allocates a range of sites as Local Green Space (**Policy 15**). These are all identified in the development plan Proposals Map.

10.2 The Framework provides the setting for these new designations and states, at para 77, that:

“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.”

10.3 I am persuaded that the plan’s Local Green Space (LGS) designations have sufficient regard to national policy. **I recommend** the policy be clarified by cross-referencing the sites to the relevant map and by the following modifications:

Policy 15: Local Green Space designation

The sites in the Area listed below (a-o) and identified on Map 8 are all designated as Local Green Space:

[add the *names* of each site only, removing any reference to SINC].

10.4 The commentary about the sites can remain, subject to minor corrections, as part of the supporting text. Thus, **I recommend** that the commentary does not form part of the policy and that paragraphs (a) to (o) be given a sub-heading or short new sentence, to introduce them.

10.5 Map 8 caused some concern and was the subject of a number of representations. There are some errors, which **I recommend** need correcting, to certain boundaries to ensure accuracy and consistency with the Proposals Map. Camden Council made a number of suggestions, which I support and **I recommend** be taken on board. For example: relating to the exact boundaries of Maygrove Peace Park (H); 1 Mill Lane (G); Mill Lane Open Space (E); and Iverson Road Open Space (K). The hard surfaces around open spaces, which are within the Proposals Map boundary, need to be shown in a revised map; as should clearer labeling of the railway embankments. In each case the designated site should be delineated with a red line.

10.6 In particular the mapped extent of the Gondar Gardens reservoir site (site d in policy 15) was contentious. The plan proposes to designate all but the frontage of this site as LGS, together with some of the back gardens of houses in Hillfield Road. The frontage part of the site is identified for development as site C2 in the section on

Other Sites and shown on Map 5 (frontage land only) - the frontage is accepted as suitable for development by both the Council and Forum. The proposed LGS boundary is slightly more extensive than the combined Open Space allocations (188 and 189) on the Proposals Map. The Council wished to see the LGS designation to be the same as theirs; while the objectors wished to see a reduced boundary, which took into account the recent planning history of the site; they sought reconciliation of the conflict in policy aims – promoting sustainable development and designating local green space.

- 10.7 In purely mapping terms, there is a slight inconsistency between Maps 5 and 8; also between the NDP's boundary and the Proposals Map. But the substantive point concerns whether the LGS should have regard to the permitted (though as yet unimplemented) housing scheme and so be reduced in extent. Planning permission has been granted on appeal, notwithstanding the Proposals Map Open Space designation, for some two thirds of the site, leaving the eastern third to be retained and conserved as open space.
- 10.8 It seems to me that it is not a supportable position to continue to reflect the Proposals Map boundary, even if shown accurately, as there is now an extant planning permission for the majority of the site (leaving aside the un-contentious frontage land). Against the Framework's presumption that "...designation will not be appropriate for most green areas..." **I recommend** that the extent of Local Green Space on Gondar Gardens in Map 8 be restricted to the eastern portion that is to be retained as open space in the approved scheme. Consequently, I also **recommend** that the extent of C2 on Map 5 be extended to reflect the approved scheme and that the two maps dovetail in their designations.
- 10.9 The use of "Natural Areas" in the legend of Map 8, but without an adequate definition in the supporting text, gives rise to confusion; it has no defined status or application in the plan. The areas so marked on the plan have not been the subject of any local assessment. In any event, the Midland Crescent site should not be washed green. **I recommend** that the Map be modified by:
- re-naming it simply "Local Green Space";
 - removing the Natural Areas designation from the legend; and
 - removing the light green coloured Natural Areas from within the plan area.
- 10.10 **Policy 16** is concerned with protecting and enhancing existing green/open space and proving new such space. It does this by a set of eleven requirements, all of which (as currently drafted) must be met. The policy is in need of qualification, as in earlier cases, there is a need for clarity and to remove requirements for which there is no, or insufficient, evidence. For example, there is no evidence for the need for a full sized sports pitch (para G10); nor is it reasonable to require that public access shall be afforded to *any* new green space (para G11).
- 10.11 The focus of the policy is on green/open space, yet there is no definition. Nor, once the "Natural Areas" have been removed from Map 8, is there any geographical reference. I do not think this is, in itself, an impediment for such a policy. It will be for the decision-maker to decide what constitutes such space.
- 10.12 **I recommend** that the policy, which needs to be re-numbered, be modified as follows:

Policy 16: Green/open space

Development shall protect and improve, where appropriate, existing green/open space. Development that increases the demand for recreation or amenity and shall provide for new green/open space. This shall be achieved by, where appropriate:

- i. The protection of existing green/open space ~~–including private gardens and railway corridors/embankments–~~ from significant damage, or loss, through development.
- ii. The appropriate provision (relative to the size of the development) of new green/open space, or contributing towards addressing the open space deficiencies in the Area as identified in the development plan GCS.
- iii. Appropriate contributions to the maintenance and enhancement of existing and new green/open space, where applicable.
- iv. The offsetting of any loss of green/open space, ideally within the Area.
- v. The protection and appropriate provision of green corridors through existing and new streetscapes.
- vi. The appropriate provision of new small green/open space - such as pocket parks and active green spaces (eg green walls and green roofs) - and their maintenance.
- vii. The use of Sustainable Drainage Systems in all development, unless there are practical or viability reasons for not doing so.
- viii. The appropriate provision of outdoor leisure facilities - such as playgrounds, gyms and recreational spaces - and their maintenance, where applicable.
- ix. Development that has a positive impact on the relationship between urban and natural features.

10.13 In terms of the supporting text, **I recommend** the following modifications:

- G10 – delete the final words “including a full sized sports pitch”;
- G11 – replace “shall” with “should, where possible”; and
- The Recommendations need a number.

10.14 Section G12 is concerned with trees – their protection and replacement. **Policy 17** seeks to secure this. However, the statement seeking to give “the highest levels of protection” is not evidenced and **I recommend** its removal. The final reference to G11 is an error and should be G12.

11. Delivery Plan, Other plans and additional information

- 11.1 Part 5 of the plan is concerned with guiding the delivery of the plan's objectives and policies. In particular it sets out timeframes for achieving different objectives. This is a welcome feature. There are some recommendations for how the local community would wish to be involved in negotiating and monitoring planning agreements. There is a need for greater clarity, however, in the way this Part is drafted. The inclusion of a Delivery Plan is supported by the Council. Also, the setting out of Delivering Objectives and Policies, separate from the Recommendations and Priorities for the CIL / S106 spending in separate tables are all welcome features.
- 11.2 However, there needs to be clarity throughout when referring to CIL or S106 priorities, recognising the scope for S106 requirements will diminish after April 2015. This could be addressed by adding the words "as appropriate and permissible under relevant regulations". There would be greater clarity here and throughout the plan where references are made to "contribute" and "provide" - whether it is in a physical/in-kind or financial way and then clearly caveat this "as appropriate and permissible under relevant regulations".
- 11.3 To deal with this, the Forum suggested some additional text in the Introduction, the essence of which I support. **I recommend** the following be added to para 1.8:
- "...that are directly related to the development; and which are fairly and reasonably related in scale and kind to the development. The Plan highlights that development should contribute towards the positive development of the Area in different ways. Contributions may be in the form of CIL or S106 financial contributions and/or appropriate design measures and 'in kind' improvements. The neighbourhood portion of the CIL can be spent on a wide range of items, provided that they meet the requirement to support development of the Area".
- 11.4 The Council also points out that S106 obligations are required to meet all of the statutory tests; I agree. Thus, **I recommend** that all 3 need to be included in para 1.8
- 11.5 **I recommend** that in Table 1 the responsibilities for delivery of these should include all relevant parties, for example O1 and P1 requires, Housing Association, Camden Councils' Housing Department to be involved who are also responsible for delivering housing in the area. Other examples include:
- P3- should this be preserving "and enhancing" Local residents/owners/occupiers could assist in delivering this
 - O3 & P6 - Chiltern, LUL Train operators could assist in delivering these.
 - CIL should not be listed here or at O4 & P10 As CIL is not a delivery body
 - O3 & P8 – could include cycling groups
 - O3 & P9 - network rail, landowners (e.g. across O2 Centre)?
 - O5 & P11 - could include Business Forums
- 11.6 **I recommend** that in Table 2 would achieve greater clarity and benefit from including all the recommendations from the earlier sections - this would aid clarity of the document, as the summarising of actions does not currently cover all the recommendations raised in the green boxes in the plan. This would also provide greater clarity regarding which actions have been agreed, together with relevant funding and delivery mechanisms to implement them. In terms of responsibility for the actions, a number of departments other than Council planners would be

responsible for delivery, for example for private landlord registers, HMO enforcement. Individual listing of the recommendations here would assist in clarity.

11.7 **Policy 18** sets out the local community's priorities for infrastructure spending through the Community Infrastructure Levy (CIL), or S.106 funding. The identification of CIL priorities is welcomed by the Council as the Neighbourhood Plan is a key opportunity for local communities to influence this, through clear identification of priorities and projects. However, this could be more effective if the plan described priority projects in more detail, for example by naming specific locations for pedestrian improvements and what form those improvements might comprise to assist in greater clarity for securing specific funds.

11.8 The Policy is labeled "Community Infrastructure Levy Priorities" and similarly Table 3 is labeled "Priorities for CIL spending", but the policy also refers to "...S106 funding, and/or other such schemes..." which lacks the necessary clarity in view of the way that S106 requirements will change once the CIL is in operation. **I recommend** that the policy be modified in the following way:

Policy 18: Community Infrastructure Levy Priorities

Table 3 sets out the projects and schemes which are the Neighbourhood Plan's priorities for the use of Community Infrastructure Levy, or, if applicable, S106 funding, and/or other such schemes, in the Neighbourhood Area.

11.9 There also appears to be some overlap of projects within the table, e.g. the pedestrian improvements priority under Category A does not seem entirely dissimilar to the first priority listed under Category B. **I recommend** these be made more specific to assist distinguishing these respective priorities.

11.10 Finally, Part 6 of the plan contains some notes on planning context (6.1-5) and future review (6.6). I make no formal recommendations in regard to this.

12. Conclusions and recommendations

- 12.1 The plan is a very commendable document that will help to guide growth and sustainable development in this significant area of London. It is a credit to all those who have worked hard to produce such a readable and well-presented plan in such a short period of time. The plan's real strength is in its articulation of the concerns and aspirations of the local community, by reflecting the results and outcomes of a very extensive engagement process. Where it is weak is on lack of evidence to support many of the detailed policies. Where there has been lack of clarity it has been possible to recommend modifications; but in many cases lack of evidence has led me to recommend the deletion of policy and supporting text.
- 12.2 From my examination of the submitted Neighbourhood Development Plan, within its legal and policy context, and its supporting documents, including all the representations made, I have **concluded** that, subject to the policy modifications I have recommended, making of the plan will meet the Basic Conditions.
- 12.3 I have also **concluded** that:
- The plan has been prepared and submitted for examination by a qualifying body - the Fortune Green and West Hampstead Neighbourhood Development Forum;
 - The plan has been prepared for an area properly designated; and does not cover more than one neighbourhood plan area;
 - The plan does not relate to "excluded development";
 - The plan specifies the period to which it has effect – to 2031; and
 - The policies relate to the development and use of land for a designated neighbourhood area.
- 12.4. I **recommend** that, once modified to meet all relevant legal requirements, the plan should proceed to a Referendum. This is on the basis that I have concluded that, once modified, it can meet all the relevant legal requirements. To that end I have made various recommendations to modify policies and text to ensure that making the plan will meet the Basic Conditions.
- 12.5. In recommending that the modified plan should go forward to Referendum, I have considered whether or not the Referendum Area should be extended beyond the designated area to which the plan relates. I have **concluded** that it should not; I **recommend** that the Referendum Area should be the same as the Neighbourhood Plan Area.

John Parmiter FRICS FRSA MRTPI

Independent Examiner

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7th January 2015

Annex

It is not my role to improve what is already a very well presented document. The recommended modifications in my report are made in the context of the plan meeting the Basic Conditions. However, it may well help the finalisation of the plan if I offer my suggestions as to how it's usability be improved further, both in its structure and detailed presentation:

1. The use of the document would be greatly aided by the use of paragraph numbering throughout. At present some paragraphs are left without numbers (see pages 8, 25, for example), which will make future referencing difficult. This seems to be due to the use of bold lettering in opening paragraphs; I would suggest the use of sub-headings instead, or in addition.
2. Generally, the plan would read better if the policies came first, followed by the supporting text. The Recommendations- which also need lettering or distinct numbering – are best placed at the end of the relevant policy section.
3. Breaks in policy topics would be better identified by a suitable sub-heading. For example, Section A would benefit from being organized around the three main policy issues – see 4.1
4. Part 6 of the plan contains some notes on planning context (6.1-5) and future review (6.6). I made no formal recommendations in regard to this text but I am not convinced that it should be part of the plan in this form. I suggest that the context section could form an Annex or be edited and incorporated into the Introduction; while the short section on monitoring could be beefed up and incorporated into the plan itself.
5. The Contents could note the page numbers as well as the different policy sections, to make them more accessible. A summary list of polices could be included, say on the next page.
6. The mapping is very well presented; though when printed off at A4 can be challenging in terms of reading the detail. Perhaps A3 versions could be made available for printed copies? Map 4 identifies the Growth Area but would benefit from the dotted line being included in the legend.
7. Camden officers have suggested that the paragraph in italics at the start of Section 4 should be moved to the introduction; I agree. It also needs a number.