



Report on Hampstead Neighbourhood Plan 2018-2033

**An Examination undertaken for the London Borough of Camden Council
with the support of the Hampstead Neighbourhood Forum, on the
October 2017 submission version of the Plan.**

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Main Findings - Executive Summary

From my examination of the Hampstead Neighbourhood Plan (the Plan / HNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Hampstead Neighbourhood Forum;
- The Plan has been prepared for an area properly designated –the Hampstead Neighbourhood Plan Area shown on Map 1 of the Neighbourhood Plan;
- The Plan specifies the period to which it is to take effect – 2018-33; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Hampstead Neighbourhood Plan 2018-2033

- 1.1 Hampstead is located in the north-west of the London Borough of Camden, and the Neighbourhood Plan Area includes much of Hampstead Heath, one of the best known areas of open space in London. The centre of Hampstead extending along the A502, with Hampstead underground station at the core, has retained its old village character. The Neighbourhood Plan Area is shown on Map 1, which makes clear that Church Row and Perrin's Walk are excluded from the Hampstead area, as their residents have set up their own neighbourhood forum. The HNP defines five different character areas distinguishable in terms of their history, topography and style of built development. Map 2 on Page 16 and Appendix 2 set out these areas. Hampstead is an area of high quality built development in an attractive green and hilly setting. The Neighbourhood Plan Area includes two conservation areas, parts of two additional conservation areas, and a significant number of listed buildings and non-designated but important buildings, as shown in the Camden Local List. The Plan Area includes the view from Parliament Hill to Central London, which is designated as special in the London Plan.

- 1.2 Hampstead is home to some 12,400 people living in 5,500 households. It is a wealthy area with higher levels of home ownership than in Camden as a whole. In section 8 of the Plan, it is reported that the mean house price in Hampstead Town ward was £1.75 million; the amount of social housing is very low and falling, at less than 10 % of the housing stock in 2011. The Neighbourhood Area has high proportions of people with degree or similar professional qualifications, and high levels of employed persons. It also has a higher percentage of residents aged 60 or more than Camden Borough, and the percentage is growing.
- 1.3 As set out in the Consultation Statement accompanying the HNP, a public meeting was held in September 2013 to discuss the potential for setting up a Neighbourhood Forum. Twelve months later, opinions from all residents and other stakeholders were sought on a Vision document. In March 2016, a draft Neighbourhood Plan was sent to Camden Council for discussion, and in March 2017, a revised draft was publicised in the local press and was discussed at the Forum's Annual General Meeting. Following further consultation exercises, evidence gathering and review and a Healthcheck by independent planning consultants, the HNP was formally submitted to the London Borough of Camden in October 2017. The Plan was subject to 6 weeks consultation and then submitted for examination in January 2018.

The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the HNP by the London Borough of Camden Council, with the agreement of the Hampstead Neighbourhood Forum.
- 1.5 I am a chartered town planner and former government Planning Inspector, with prior experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft HNP.

The Scope of the Examination

- 1.6 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act'). The examiner must consider:

- Whether the Plan meets the Basic Conditions;
- Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.9 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990Act. In order to meet the Basic Conditions, 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 for the area;

- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires 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 2017) 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.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of Camden Council, not including documents relating to excluded minerals and waste development, is the London Plan (The Spatial Development Strategy for London combined with Alterations since 2011) March 2016, and the Camden Local Plan adopted in July 2017.
- 2.2 The planning policy for England is set out principally in the National Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A draft new London Plan was published in November 2018 and is subject to public consultation from 1 December 2017 to 2 March 2018. PPG (Ref ID: 41-009-20160211) is clear that, whilst a draft neighbourhood plan should not be tested against the policies in an emerging Local Plan, the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions for a neighbourhood plan. Also, NPPF paragraph 184 advises that the policies in neighbourhood plans should align with the strategic needs and priorities of the wider area. Bearing this guidance in mind, I have read the emerging London Plan, and shall refer to it in this report, where I consider it relevant.

Submitted Documents

- 2.3 I have taken account of all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft HNP 2018-2033, October 2017;
 - Map 1 on Page 11 of the Plan identifying the area to which the proposed neighbourhood plan relates;
 - the Consultation Statement, 2017;

- the Basic Conditions Statement, October 2017;
- all the representations that have been made in accordance with the Regulation 16 consultation; and
- the Strategic Environmental Assessment Screening Opinion prepared by London Borough of Camden Council, January 2017.

I have also taken into account the responses from the Forum to my letter of 17 January 2018, in which I sought further comment on matters raised in the Regulation 16 consultation responses¹.

Site Visit

- 2.4 I made an unaccompanied site visit to the Hampstead Neighbourhood Plan Area on 30 January 2018 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses, together with the response from the Neighbourhood Forum following my letter of 17 January 2018, clearly articulated the objections to the Plan, and the Forum's perception of those objections.

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The HNP has been prepared and submitted for examination by Hampstead Neighbourhood Forum, which is a qualifying body, for an area that was designated by the London Borough of Camden Council on 7 October 2014.
- 3.2 It is the only neighbourhood plan for the Hampstead area as shown on Map 1 in the HNP, and does not relate to land outside the designated neighbourhood area. I note that Historic England, in its response to

¹<https://www.camden.gov.uk/ccm/content/environment/planning-and-built-environment/two/planning-policy/neighbourhood-planning/hampstead-neighbourhood-forum/>

consultation on the HNP dated 6 December 2017, commented on the boundary around Church Row and Perrin's Walk and concluded that there was no conflict in terms of Forum boundaries.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2018 to 2033.

Neighbourhood Plan Preparation and Consultation

- 3.4 As noted in paragraph 1.3, the submitted HNP is accompanied by a Consultation Statement which indicates that neighbourhood plan preparation began in September 2013 with a public meeting at Burgh House. Camden Council's database was used to form a mailing list of business groups, residents' associations, churches, schools and other groups. A group of volunteers was appointed to examine "whether or not Neighbourhood Planning made sense for Hampstead". The Consultation Statement includes a Community Engagement Log which records a series of activities over the period 2013 to 2017. Action by the working group in the first year sought to learn more about neighbourhood planning in the wider area, to define the likely HNP area boundary and to establish connections with business groups and other local organisations. An inaugural AGM and workshop in March 2014 was attended by nearly 80 people who elected a committee, adopted a constitution and discussed the proposed area and emerging themes.
- 3.5 In September 2014, a Vision document was the subject of public consultation, and was delivered to all households with a questionnaire. It was publicised in local newspapers, by way of an "email blast" to members and in social media, and by stalls in the town centre and at South End Green. More than 400 people submitted responses, and some 65 people attended a meeting in November 2014 to discuss those responses and consider priorities for the forthcoming HNP. The Forum carried out work in 2015 and 2016, to research particular areas of planning interest, such as priorities for Community Infrastructure Levy spending, monitoring air quality, accessibility, and identifying locally important trees. The activities involved meetings and wider consultation with local interest groups. The first draft of the HNP was the subject of articles in the local newspapers in March 2017. It was discussed (i) at the AGM in March 2017, attended by about 60 people, and (ii) at a public meeting at Hampstead Community Centre in April 2017, attended by some 20 people as well as Forum committee members.
- 3.6 Consultation in accordance with Regulation 14 of the 2012 Regulations was undertaken between 8 March and 3 May 2017. Emails containing the survey and reminders were sent to all parties on the Forum database. Flyers went to every household in the area, hard copies of the draft HNP were on display in the local Keats Library, and articles about the consultation exercise were placed in the local press. 86 responses to the

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questionnaire were made. These responses were used to make amendments to the draft HNP, and shape the submitted document which is the subject of this examination. The HNP, October 2017, has been subject to further consultation between 2 November and 13 December 2017, under Regulation 16 of the 2012 Regulations. This elicited 13 responses. From the above evidence, I am satisfied that the Neighbourhood Forum has worked actively and positively to involve the local community and stakeholders in developing the Plan over more than four years. I confirm that the process of consultation has met the legal requirements, including the procedures in Regulations 14 and 16 of the 2012 Regulations, and has had due regard to the advice in the PPG concerning plan preparation and engagement.

Development and Use of Land

- 3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.8 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.9 The Basic Condition statement states that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998). The Equalities Impact Assessment prepared by Camden Council for the Forum concluded that all of the policies in the HNP were expected to lead to either 'positive' or 'neutral' outcomes for people/groups with protected characteristics. From my independent assessment, I am satisfied that Human Rights would not be breached by the Plan and that it complies with the Human Rights Act.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The HNP was screened for Strategic Environmental Assessment (SEA) by Camden Council, which found that it was unnecessary to undertake SEA as the Plan's policies were unlikely to have significant environmental effects. Having read the SEA Screening Opinion, and noting that neither Natural England, Historic England nor the Environment Agency considered that SEA would be necessary, I support this conclusion.

- 4.2 The Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. Having read the Screening Opinion

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prepared by Camden Council in January 2017, and from my independent assessment of this matter I agree with this conclusion.

Main Issues

4.3 The concerns for planning of the area, identified through public consultation, have helped shaped the policies included in the HNP (see paragraph 2.8). The 19 policies are grouped around six topics, as follows:

- design and heritage;
- natural environment;
- basement development;
- traffic and transport;
- the economy; and
- housing and community facilities.

These topics are shown below as the main issues which provide the basis for my assessment as to whether the HNP satisfies the Basic Conditions for neighbourhood planning. I have had regard for the submitted HNP, the consultation responses and other evidence, as well as my site visit, in carrying out the examination and reaching the conclusions in this report.

Design and Heritage

4.4 As my site visit confirmed, Hampstead's rich history and distinctive character is evident in very many of its buildings, building layouts, areas of open space and transport network, including footways. It is appropriate, in my view, for the Plan to seek high quality new development which would be compatible with the prevailing character and appearance of the area, and would enhance its distinctiveness where possible. The introduction to section 3 of the Plan and subsequent pages provide useful information about the key characteristics of the HNP area, with maps illustrating the broad character areas, designated conservation areas and important views.

4.5 Downshire Hill Residents Association was critical of the description of Downshire Hill and Keats Grove, because it grouped the locality with nearby predominantly Victorian housing areas. I consider it unnecessary to identify the Downshire Hill and Keats Grove area as a separate character area within the wider neighbourhood plan area. However, the HNP Forum proposed a modification to Page 10 in Appendix 2 of the Plan, providing additional information about the development of the Devonshire Hill and Keats Grove area, clarifying that it began in about 1815 (before Victorian times). I consider that this modification should be made, as in **PM23**, for accuracy and to contribute to the achievement of sustainable development.

- 4.6 Policy DH1: Design represents a strong opening policy, setting criteria for development proposals. The approach is in general conformity with Policy D1 of the Camden Local Plan which seeks to secure high quality development respecting local context and character; it also expects excellence in architecture and design. I note that the author of the Healthcheck for the HNP recommended revised wording of Policy DH1 to give more precise advice to those seeking to submit planning applications having regard for paragraph 154 of the NPPF. The Forum has taken on board most of the wording revisions, but I consider that the first sentence and point 2e should also be modified as was recommended in the Healthcheck, and as shown in **PM1**. This is necessary, having regard for the NPPF.
- 4.7 Transport for London (TfL) argued that good access for pedestrians and cyclists were essential components of high quality design, and this was not reflected in Policy DH1 which "*seems to focus exclusively on built design*". In the NPPF, Requiring Good Design, paragraph 58 refers to streetscapes as well as buildings, and support for transport networks. I consider that 2b. of Policy DH1 should be modified so that it promotes permeability around new developments for pedestrians and cyclists more positively. Paragraph 3.8 should refer to safe and secure cycling as well as walking. **PM1 & PM3** should be made having regard for national policy and to align with the priorities in policies D1, D7, T1 and T2 of the emerging draft London Plan; as well as to contribute to the achievement of sustainable development.
- 4.8 Policy DH1 of the HNP is followed by paragraph 3.7 which indicates what should be covered in plans and elevational drawings, and in design and access statements. It makes reference to the Conservation Area Appraisals and Management Strategies and to the Neighbourhood Plan, which includes Appendices 2 and 3 with a character area assessment and lists of heritage assets. In principle, this information should assist the process of assessing planning applications and the achievement of sustainable development. However, Camden Council proposed some amendments to wording to improve clarity for decision-making and have better regard for paragraph 17 of the NPPF. The Forum stated in its response to my questions of 18 January 2018 that it agreed with the proposed changes to 3.7a, 3.7d, and 3.7h. I also agree and recommend that proposed modification **PM2** is made as sought by Camden Council, in order to meet the Basic Conditions.
- 4.9 Policy DH2: Conservation areas and listed buildings is a positive policy in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, and has regard for section 12 of the NPPF. It is also in general conformity with Policy D2: Heritage in the Camden Local Plan. The supporting text includes paragraph 3.13 which is similar in wording to paragraph 130 of the NPPF but appears to include a typographical error, with repeated use

of the word “such”. I consider that the wording should be clarified to assist decision-making in accordance with national planning policy. In addition, paragraph 3.18 refers to buildings “of human scale” which is a debatable concept, and adds little to the preceding sentence which expects new buildings to relate to the “scale, density, mass and detail of the local character”. I propose a modification, **PM4**, to the above text in support of sustainable development and having regard for the NPPF, section 7: Requiring good design, and section 12: Conserving and enhancing the historic environment.

- 4.10 Policy DH3: The urban realm reinforces, in my opinion, the search for high quality design and alerts prospective developers to relevant streetscape design guidance by Camden Council. Camden Council argued that DH3(3) reads as a “blanket restriction” and should include the considerations against which proposals would be assessed. However, supporting paragraph 3.19 refers to the Council’s Streetscape Design Manual and outlines in simple terms its design principles. I consider that Policy DH3 is in general conformity with Policy D4: Advertisements of the Camden Local Plan and need not be modified. However, the reference to TfL’s Streetscape Guidance 2015 in paragraph 3.22 should be amended to refer to the latest 2017 Guidance. **PM5** should be made to secure this, and contribute to the achievement of sustainable development. Providing all the above modifications are made, I conclude that coverage by the HNP of design and heritage meets the Basic Conditions for neighbourhood planning.

Natural Environment

- 4.11 The introduction to section 4 of the HNP reports that 93% of respondents to the initial Vision consultation exercise were in favour of priority being given to Open Space and Landscape. Policy A2: Open Space in Camden Local Plan, adopted in 2017, seeks to protect all designated public and private space in the Borough, as shown on the Policies Map. Hampstead Heath forms part of the Mayor of London’s All London Green Grid and is Metropolitan Open Land. As illustrated in Maps 1 and 2 of the HNP, it occupies a large proportion of the Neighbourhood Plan area. Other areas designated as open space in this part of Camden are shown on the maps in Appendix 4 to the Plan. At my site visit, I was aware of the special character of Hampstead Heath with its extensive openness and natural green landscape. I recognise its huge value to the local community as a place for recreation and enjoyment of the outdoors, as well as its ecological value. The Heath also provides a distinctive and high quality setting for the neighbouring built-up areas of Hampstead and affords some unique long-distance views over the City of London.
- 4.12 The NPPF, paragraphs 76-78, enables local communities to identify for special protection green areas of particular importance to them.

Paragraph 6.41 of the Camden Local Plan supports Neighbourhood Forums in identifying Local Green Spaces (LGSs). Paragraph 77 of the NPPF points out that LGS designation will not be appropriate for most green areas or open space. It provides criteria which should be satisfied when designation is proposed. The Government PPG (Ref ID: 004-022 – 20140306) provides further guidance on LGS designation. I have had regard for the NPPF and PPG in assessing the fifteen proposed LGS sites in Policy NE1. When examining the individual sites, I became aware that the listing in Policy NE1 is not the same as that used in Appendix 4 or map 5. I therefore recommend that the list in Policy NE1 should be modified so that its numbering is the same as that in map 5 and the Appendix. In addition, the detailed maps in Appendix 4 need to be read in conjunction with the LGS justification in Appendix 5. However, it is difficult for readers who are not familiar with all parts of Hampstead to correlate the two documents, because Appendix 4 omits any street names. **PM6** should be made to amend the list in Policy NE1, and to add names to streets and key buildings on the detailed LGS maps in Appendix 4, for accuracy and to assist users of the HNP, and to contribute to the achievement of sustainable development.

- 4.13 Branch Hill House Gardens; Branch Hill Woods and Branch Hill Allotments are the first proposed LGS. The detailed map in Appendix 4 to the HNP shows that this is the most extensive site put forward as a LGS, albeit I do not consider that this site, or any others proposed, comprise extensive tracts of land. An objection was made to the proposed designation by Camden Council's Asset Strategy and Valuation Team, because the site includes a small section of land within the curtilage of Branch Hill House. It was contended that this section should be excluded from LGS designation, as the Council is currently marketing Branch Hill House for sale. The small section of land is separated from Branch Hill Allotments by a wall and railings and is on a higher level. Even though planning permission for development may not be in place at Branch Hill House, there is clearly concern within the Council that the sale of this valuable asset could be compromised if this area were designated as LGS. In this regard, I have considered the recent judgement in *R (on the Application of Legard) v Royal Borough of Kensington and Chelsea [2018] EWHC 32 (Admin)*², where it is clear that an intention to develop land is not sufficient to bar its designation. However, I also note the PPG provides that LGS designation should not undermine attempts to meet development needs³. On balance, I consider that the most important and special parts of the proposed LGS comprising the allotments, woodlands and children's play area should be designated as LGS as these fully meet the NPPF criteria, but the small section which is part of Branch Hill House should be excluded. Accordingly, having regard for national policy and

² View at: www.bailii.org/ew/cases/EWHC/Admin/2018/32.html

³ PPG Reference ID:37-008-20140306.

guidance, modification should be made to Map 5 in the HNP, and the map in Appendix 4 which illustrates Branch Hill House Gardens; Branch Hill Wood; Branch Hill Allotments. **PM6** & **PM24** would achieve this.

- 4.14 Oak Hill Park (proposed LGS2) provides landscaped gardens and green space for the 1960s Oak Hill Park housing development. Access to the Park is via a private road, but there are a significant number of residents who benefit from it. With a number of veteran trees and associated wildlife, and important green corridor links, I am satisfied that the area has particular local significance and is not an extensive tract of land. Its designation has regard for the criteria set out in the NPPF, and I support it. Proposed LGS3 and LGS4 are located alongside the railway line east of Hampstead Heath station. South End Green and Mansfield Allotments are run by local people who lease the LGS3 land from Network Rail, and manage some 60 allotments. Given the scarcity of allotments in Hampstead, I consider that this space is demonstrably special to the local community and meets the criteria for designation in the NPPF. Similarly, the World Peace Garden at South Hill Park has been developed by local volunteers and faith groups, and I note that it has been visited by some 25,000 visitors a year. Its location next to the railway station means that many passers-by also enjoy views of the garden with its exotic trees and plants. I am satisfied that the World Peace Garden is very close to the community it serves, is demonstrably special and local in character, and should be designated as LGS4.
- 4.15 Oriel Place provides a pleasant thoroughfare for pedestrians and cyclists travelling between High Street and Heath Street. The old London plane tree in the small garden dominates the scene. The garden, which is proposed LGS5 on map 5, is in close proximity to the many passers-by, and Appendix 5 of the HNP explains its special importance to the local community. It indicates that opening up and improving Oriel Place Garden was recently the 4th most popular project for Community Infrastructure Levy spending. It is a small tract of land with local historic significance, and I agree that it meets the expectations of the NPPF for designation. Proposed LGS6, Hampstead Green, is also a relatively small tract. It is highly visible to the many people walking along Haverstock Hill or along the footpath to the entrance of the Royal Free Hospital in Pond Street. It enhances the setting to St Stephen's Church and is an important wildlife site. I endorse its designation as LGS, having regard for national policy.
- 4.16 Keats House and Garden, proposed LGS7, is historically important and the house is a Grade 1 Listed Building. The garden is open to the public without charge and picnics are encouraged. It is significant as part of the setting to the House, and each border of the garden reflects aspects of Keats's poetry. Because of its particular local significance, I consider that LGS7 should be made.

- 4.17 Holly Hill, Fenton House Gardens and the pedestrian walk – Admiral’s Walk to Windmill Hill, proposed LGSs 8, 9 and 10, are adjacent to each other. All have historic significance and visual beauty; Holly Hill Bank and Fenton House Gardens (which is a National Trust property) are maintained with help from local volunteers, and proposed LGS10 is a public right of way. All are important to nature conservation with many native species of planting and evidence of pipistrelle bats along the pedestrian way. I am satisfied that these sites meet the criteria for LGS designation. Similarly, the Burgh House Gardens surround and provide the setting for a Grade 1 listed building. They are maintained by local volunteers, which indicates their value to the community, and I am satisfied that the LGS11 designation should be made, as the NPPF criteria are met.
- 4.18 The remaining proposed LGS designations – Communal Gardens of Wells House and Gertrude Jekyll’s Garden; Heath Hurst Gardens; Gardens of The Pryors; and Whitestone House Gardens are all closely connected to residential communities. The flats of Wells House have no individual private outdoor space, and the communal gardens provide important amenity space for residents as children’s play space, dog walking, gardening and outdoor recreation space. As the Hampstead Ward has only 0.1sqm of play space per child compared with the recommended standard of 0.65sqm, I consider that the provision of play space for these flats has particular local significance supporting the designation of LGS12. Heath Hurst Gardens are located behind the terraced properties along Heath Hurst Road, and I requested additional information about them following my site visit. The Forum’s letter of 6 February 2018 included photographs of the site. It advised that the gardens are accessible to all residents of the road and are valued as a safe area for children to play, especially as some of the homes do not have sizeable private gardens. I am also informed that the gardens are valuable to wildlife and provide an important link to biodiversity corridors identified in the HNP. I agree that Heath Hurst Gardens should be designated as LGS13.
- 4.19 The blocks of flats at The Pryors are on the edge of Hampstead Heath and are arguably well supplied with accessible open space. However, I recognise that the gardens of The Pryors have special value to many residents of all ages, including children. The trees are managed by a local garden group for their visual beauty and for their habitat which is attractive to bats, birds and invertebrates. The Garden of The Pryors, in my opinion, meets the criteria in the NPPF and should be designated as LGS14.
- 4.20 Whitestone House Garden, proposed as LGS15, contains trees, flower beds and lawns on the east side of the House. Whitestone House was built in the Regency period and has an interesting history including links to well-known artist John Constable. Whilst I recognise the Garden’s

beauty and character, I question whether its designation as local green space is justified. Whitestone House is privately owned and managed, and does not serve as amenity space to a substantial residential site, for example one containing a large block of flats, so that the principal value of its garden is for a limited number of people. Whitestone House is shown in Appendix 6 of the HNP as a non-designated heritage asset. It lies within Hampstead Conservation Area and adjoins Hampstead Heath, and I consider that advice in the PPG (011 Reference ID: 37-011-20140306) is relevant. The PPG states that, if land is already covered by designation such as a conservation area, consideration should be given as to whether any additional benefit would be gained from its designation as local green space. In this instance, I consider that there would be insufficient additional benefit as any proposed development in or adjoining the garden would have to preserve or enhance the character or appearance of the area. Therefore, I recommend that proposed LGS15, Garden at Whitestone House, should not be designated. **PM6 & PM24** should be made to secure this, having regard for national planning policy and guidance.

4.21 I appreciate that many of the proposed LGSs for which I have expressed support are also within conservation areas or within the setting of listed buildings. However, the local significance to the nearby community of each proposed LGS is different. The detailed evidence underpinning the designations, which is summarised in the HNP's Appendix 5, Local Green Spaces Justification, and information gained at my site visit, has enabled me to assess the individual merits of designation for each area. It has facilitated my consideration as to whether any additional benefit would be gained from LGS status for green spaces already covered by heritage designations. Some other important considerations have included the shortfall in space for children's play areas in Hampstead, and the importance of supporting nature conservation and biodiversity. Overall, I conclude that Policy NE1 meets the Basic Conditions for neighbourhood planning, providing the above proposed modifications are made.

4.22 Policy NE2: Trees in the HNP seeks to protect trees, especially veteran trees and achieve new planting of trees. The Woodland Trust expressed its support for Policies NE1 and NE2. Camden Council, however, proposed that Policy NE2(3) should be modified so that more attention would be given to site conditions. I agree that it may be neither reasonable nor viable to plant new trees for some forms of development on small, constrained sites, and this should be acknowledged in the policy having regard for paragraph 173 of the NPPF. This states that "*pursuing sustainable development requires careful attention to viability and costs in plan-making and decision taking. Plans should be deliverable*". I also agree with Camden Council that "strictly" is unnecessary and should be deleted from Policy NE2(4), and that the "exceptional circumstances" justifying canopy reduction should be explained. The Forum put forward

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possible additional wording which would set out examples of exceptional circumstances, and I consider that this wording with a small change would contribute to the achievement of sustainable development. **PM7** would include the above proposed modifications and should be made, so that Policy NE2 meets the Basic Conditions including general conformity with Policy A3: Biodiversity in the Local Plan.

- 4.23 Policy NE3: Biodiversity corridors identifies some eleven corridors and I am satisfied that their designation is in general conformity with Policy A3: Biodiversity in the Camden Local Plan, which seeks to protect gardens, improve green corridors, and protect and secure additional trees and vegetation, among other things. Camden Council proposed adding a reference to its Planning Guidance in the supporting text to paragraph NE3(4), to explain more precisely when biodiversity surveys would be required. I accept that the Camden Planning Guidance – Biodiversity, draft 2017, should be referenced to guide developers, and a reference should be also made to habitats. **PM8** would achieve this and contribute to the achievement of sustainable development.
- 4.24 I agree with Camden Council and the Forum that paragraph NE3(5) should be moved to the chapter on Basements; it should be included in Policy BA1. Camden Council argued that application of the policy to all biodiversity corridors and historic tree lines could be unduly onerous and prevent sustainable development. I agree that proposals should be considered on a case by case basis, and that the policy as worded could be contrary to the presumption in favour of sustainable development set out in the NPPF, at paragraph 15. The wording of paragraph NE3(5), relocated to Policy BA1, should be modified to ensure that regard is had for national policy, as in **PM10**.
- 4.25 Policy NE4(1c) was criticised because some permeable surfaces may not protect or assist biodiversity, and because other factors such as ground conditions would need to be taken into account when assessing particular development proposals. The Forum put forward amended wording which would provide more information on the connection between permeable surfaces and biodiversity. Policy NE4 should provide some additional flexibility and should not prevent sustainable development. As long as **PM9**, which is based on the Forum’s revised wording is made, this will be secured. I note that the Woodland Trust is broadly supportive of the HNP’s approach to protecting trees but would favour more emphasis on woodland management and new tree planting. However, I am satisfied that Policies NE2 and NE4, which support new tree planting and the enhancement of biodiversity, are sufficient.
- 4.26 I note the comments from Swift Conservation and Islington Swifts Group about the importance of older buildings to bird nesting, and the benefits to biodiversity of sensitive renovation and refurbishment. I consider that

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the policies in the HNP are suitably protective of old buildings and, with Policy NE4(2) in place, the Plan need not be amended to deal with bird nesting specifically. I conclude that the HNP's policies for the Natural Environment will be in general conformity with Camden Local Plan and the development plan as a whole, and have regard for national planning policy and the achievement of sustainable development, providing the above proposed modifications are made.

Basement Development

4.27 Section 5 of the HNP begins with a useful explanation as to why basement extensions, which have potential benefits in providing additional residential accommodation in Hampstead, also arouse much concern within the community due to a number of potentially harmful impacts, ie: neighbours' amenity; structural, ground or water conditions; and the character and heritage of the built and green environment. I consider that the scene is set very suitably in section 5 for the approach to basement development proposals (see paragraphs 5.1 to 5.9). Some residents wrote to express their support for the basement policies in the HNP. I am also satisfied that Policies BA1, BA2 and BA3, which address Basement Impact Assessments (BIA), Basement Construction Plans (BCP) and Construction Management Plans (CMP), follow a logical process of planning for and assessing basement development, which is in general conformity with the Camden Local Plan.

4.28 I note that the Article 4 Direction, of 1 June 2017, removed permitted development rights for basement development, and applies to the whole of Camden. Policy A5: Basements in the Local Plan will only permit basement development where it can be demonstrated that there would be no harm to the various areas of concern identified in the introduction to section 5 of the HNP. Policy A5 will require a BIA for every proposed scheme, with a BCP where appropriate. A CMP will 'generally' be required. This methodology takes account of the fact that some parts of Camden Borough, eg. Hampstead, have unusual and unstable soil conditions, and it requires developers to respond to the likely specific impact of each scheme. The Local Plan states in paragraph 6.115 that the level of information sought from developers will be commensurate with the scale and location of a scheme.

4.29 The evidence base for the HNP includes the appeal decision (APP/X5210/W/16/3164577), September 2017, for redevelopment including a basement storey at 28 Redington Road, Hampstead. The Inspector at appeal commented that the Camden Planning Guidance 4 was somewhat dated. However, the Camden Planning Guidance (CPG) Basements, draft November 2017, was consulted on in early 2018. It should now carry significant weight in decision-making and provide more up-to-date guidance. Notwithstanding the particular difficulties associated

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with basement extensions in Hampstead, I consider that Local Plan Policy A5 supported by the supplementary planning document, should provide a rigorous set of policies against which basement proposals in Hampstead can be properly assessed.

- 4.30 As the Council observed in its Regulation 16 consultation response to the HNP with reference to Policies BA1 and BA2, the approach in the neighbourhood plan will need to operate successfully alongside the Council's approach. The Council drew my attention to paragraph 193 of the NPPF which states that the information required for planning applications should be proportionate to the nature and scale of development proposals. I consider that there are inconsistencies between Policy BA1 and its supporting text with the up-to-date Local Plan and draft SPD. These could cause confusion for applicants for planning permission as well as decision-makers, and appear unduly onerous.
- 4.31 Paragraph 5.10 of the HNP contends that additional investigations above those required by Camden Council may be necessary for Hampstead, because of the unusual and unstable soils, subsoil water movement, hilly areas liable to slippage and dense housing development. However, Policy A5 of the Local Plan is a lengthy and comprehensive policy, with all schemes expected to consider and provide evidence against criteria a-u (21 considerations in total). These include the factors mentioned in paragraph 5.10, which should therefore be modified to be in general conformity with the Local Plan, as in **PM10**. The supporting text in the Local Plan states that BIAs must be prepared in accordance with the supplementary planning document, Camden Planning Guidance – Basements, and the Geological, Hydrological and Geological Study (ARUP 2010). I consider that the HNP should include a cross-reference to Policy A5 and the latest Camden Planning Guidance to assist users of the Plan and contribute to the achievement of sustainable development. This information could usefully be added to paragraph 5.11, as set out in **PM10**.
- 4.32 Policy BA1 refers to the criteria in paragraph 5.12, which are required to be met. I agree with Camden Council that these could be seen to conflict with the Local Plan and with the NPPF's paragraph 193, by seeking too much supporting information from prospective developers. I propose that the wording should be changed to add a reference to Policy A5 of the Local Plan, and to remove the reference to requiring these "additional steps". I also consider that the second criterion in Policy BA1 should be reworded along the lines of Policy A5 of the Local Plan to state that proposals should pose a risk of damage no higher than Burland scale 1, 'very slight'. A new criterion to protect historic tree lines and veteran trees should be added (having been re-located from Policy NE3(5)). **PM10** should be made having regard for national policy and for general conformity with Camden Local Plan.

- 4.33 I agree with Camden Council that the criteria in paragraph 5.12 should only be applied when the basement impact assessment shows that there is a risk and further evidence is needed; and that many of the measures will be desirable and encouraged rather than required in every case. I consider that (a) should be less prescriptive as to how deep the soil sampling should be, or for how long monitoring should take place; (b) should only be applied when the basement impact assessment has identified an issue over groundwater; (c), (e), (f) and (g) should be re-worded to make clear that such information and assessments will be encouraged, but will not be essential in every instance; and (i) should be deleted as planning policy cannot require a Schedule Condition Survey for third party land or buildings. **PM11** should be made to secure general conformity with the Local Plan.
- 4.34 There is a conflict between the first sentence of Policy BA2 and paragraph 5.14. Policy A5 is clear that a basement construction plan is not an automatic requirement, and Policy BA2 should be modified to inform readers that it will be sought only when the basement impact assessment necessitates it. The Council advised that BCPs have not been necessary for many basement proposals in the recent past. The proposed modification is made in **PM12**, to achieve general compliance with the Local Plan and to contribute to the achievement of sustainable development. The policy should also be clear that Construction Plans are needed to address potential harm and damage, not simply to assemble additional information gathered at the BIA stage. Camden Council stated that planning permission for basement development will only be granted when it has been satisfactorily demonstrated that any harmful impacts can be resolved. Basement Construction Plans will be secured and implemented using section 106 obligations to make development proposals acceptable, as explained in the Local Plan. Criterion 4 of Policy BA2 could be misleading on this point and should be removed. I also recommend that criterion 5 is deleted, as Party Wall Agreements are not a planning matter.
- 4.35 On the supporting text, paragraph 5.16 should also be amended to make clear that consultation with neighbours will be generally encouraged rather than "required", so that the particular circumstances of all schemes are covered, and the approach is not too prescriptive. For similar reasons, the second sentence of paragraph 5.17 should be removed, enabling Camden Council to exercise its judgment as to what would be required in each case. Transport for London (TfL) requested that Policy BA2 make a specific reference to London Underground (LU) tunnels, as all development proposals which would interact or conflict with LU infrastructure would require consultation, and possibly planning conditions. I consider that this information should be added to the end of paragraph 5.15. **PM12** includes all these modifications which are

necessary having regard for national planning policy and general conformity with the Local Plan and development plan as a whole.

- 4.36 Policy BA3 deals with Construction Management Plans. TfL welcomed the reference to cycling and pedestrian safety, and proposed that reference should be made to its guidance on construction plans. I consider that this could usefully be added to the bottom of the policy, in support of the achievement of sustainable development. I have also noted a typing error in the second sentence of the policy, where "CMP" should replace "CSM". **PM13** should be made to address these two points. I conclude that the section related to Basements with policies BA1 – BA3 will meet the Basic Conditions as long as **PM10 – PM13** are made.

Traffic and Transport

- 4.37 Chapter 6 of the HNP informs readers that traffic congestion and pollution from vehicle emissions are key concerns for Hampstead. The London Borough of Camden has been designated an Air Quality Management Area (AQMA), and the Council has developed an Air Quality Action Plan. It is reported in paragraph 6.3 that matters of traffic congestion and pollution attracted the third largest number of written comments during community consultation. Paragraphs 6.7-6.10 describe the principal roads in the HNP area where congestion occurs, and the areas where air pollution (nitrogen dioxide) is recorded at its highest. Paragraph 6.11 draws attention to the harm from large construction and delivery vehicles, including noise, damage to road and pavement surfaces, blockages on narrow roads and impediment to pedestrian movements.
- 4.38 TfL pointed out that the way to tackle these problems is frequently to promote alternative, sustainable and active modes of travel. It suggested that this should be highlighted, with a reference in the Plan to the draft new London Plan. Policy T1 of the Camden Local Plan encourages new development to prioritise walking and cycling, and supports improvements to public transport. Paragraph 10.4 of the Local Plan states that poor air quality poses a major risk to health and that improving air quality is an urgent issue. The Forum observed that Hampstead has to cope with much through traffic, so that it relies on effective London wide policies to achieve reductions in congestion and air pollution; arguably such policies should not be repeated in this HNP. Nevertheless, having regard for the NPPF, section 4 Promoting Sustainable Transport, and for general compliance with the draft London Plan and adopted Camden Local Plan, I consider that the HNP should include additional text explaining the context for policies which would address traffic congestion and poor air quality. Paragraph 6.4 should be modified, as set out in **PM14** to secure this.

- 4.39 TfL objected to paragraph 6.6b which refers to a public transport accessibility level (PTAL) score over 5 as the minimum level for large Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT

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development sites. TfL refers to “this policy” although it is presented in the Plan as supporting text. I accept that it could be perceived as a restrictive policy and should be modified (as proposed in **PM14**), as it could prevent the achievement of sustainable development. In addition, I consider that reference to the borough average of 5.6 PTAL is unhelpful given the extent of Camden, and the variations in PTAL across small areas as illustrated in the map on Page 62 of the HNP. I note TfL’s support for paragraph 6.6c, and its comments on school travel planning in relation to paragraph 6.7. I agree with the Forum that this paragraph is merely commenting on people’s perception of the impact of schools on traffic and congestion. It is unnecessary to refer to the TfL’s STAR programme in this neighbourhood plan, in my opinion, although this would not prevent the Forum pursuing its usage as a separate initiative.

- 4.40 Paragraph 6.13 refers to deliveries and service limits. TfL requested that a reference be made to its new Transport Assessment guidance designed to support the draft London Plan in 2018, and to the role of Deliveries and Servicing Plans which the Council could secure by way of planning conditions. I agree that paragraph 6.13 should be modified accordingly, along with paragraphs 6.4 and 6.6, to secure sustainable development and general conformity with strategic planning policy. **PM14** should be made.
- 4.41 Policy TT1 expects development which would result in additional motor vehicle journeys to provide, at application stage, a transport assessment, delivery and servicing management plan, and an air quality assessment. Camden Council expressed concern that this could apply to proposals which generated only “one additional vehicle movement” and would be contrary to paragraph 193 of the NPPF, which expects required information to be proportionate to the scale and location of development. The Healthcheck, carried out before submission of the HNP, was critical of policy wording which used a threshold of 50 or more additional person trips beyond which the information would be required, because there should be robust evidence to support the threshold chosen.
- 4.42 I have sympathy for the Forum in seeking to find a solution which satisfies these two lines of argument. Camden Planning Guidance CPG7 states that a transport assessment will be required where more than 1,000 person trips per day are expected, or more than 500 vehicle movements per day, etc. These thresholds appear very high and seem unlikely to be triggered in the Hampstead area, where major development is not expected by the Local Plan (see chapter 2, Growth areas). Nevertheless, having travelled around Hampstead, I consider that there are places where smaller scale development could have a significant impact on the road network. These include areas with narrow streets and, as Hampstead is a designated AQMA, it seems highly likely that small increases in motor vehicles could

have a materially detrimental impact on air quality in locations with sensitive land uses.

- 4.43 Paragraph 6.6c of the HNP includes a reference to development generating an additional 100 or more person trips per day (equivalent to trips generated by 2 dental surgeries), and this paragraph was praised by TfL. I therefore propose that Policy TT1 refers to planning applications which may result in "significant" motor vehicle journeys, and that the meaning of significant is explained in the supporting text (paragraph 6.19) with a reference back to paragraph 6.6c, and an acknowledgement that it is difficult to define a precise threshold as conditions will vary according to the specific site.
- 4.44 In addition, paragraph 6.19 should not refer to the Camden Development Policies 2010 which has been superseded by the Local Plan 2017. The Council pointed out that Construction Management Plans usually address the impact of construction in terms of noise, vibration, obstruction to the highway rather than air quality. I agree that this should be recognised although I accept that poor air quality is an aspect of pollution. Policy TT1(3) should, nevertheless, be modified, to secure general conformity with Policy A1- Managing the impact of development, in the Camden Local Plan. TfL requested that paragraph 6.20 should refer to best practice in discussing and agreeing pre-application, the required content, scope and issues covered in transport assessments, transport statements and delivery & servicing management plan documents. I agree that this point should be made, and that paragraph 6.24 should make reference to the draft new London Plan's aim to reduce car parking provision in Policy T6. **PM15** would include the above modifications to TT1 and its supporting text. The PM is needed so that the policy will contribute to the achievement of sustainable development, will be in general conformity with the Local Plan and align with the priorities of the draft new London Plan.
- 4.45 TfL criticised paragraph 6.27 which promotes downgrading of the A502 London distributor road because of its important role as a bus route. The Forum put forward a number of reasons to pursue future downgrading. These included that bus services are sparse along the most narrow stretch of the A502 north of Hampstead underground station, that roads are classified because of their physical capacity to accommodate traffic rather than by reference to bus routes, and that SatNav systems currently direct traffic to the route because of its A grade, in spite of its narrow width. I recognise that there are contrary views of this stretch of road and that paragraph 6.27 is not a specific policy but is an aspiration of the local community. I shall not recommend that it is modified.
- 4.46 There are also conflicting views as to the adequacy of Policy TT2, with TfL expressing strong support and pointing to its conformity with the Healthy Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT

Streets Approach in the new draft London Plan (Policies GG3 and T2), as well as Policy 7.5 of the current London Plan. Camden Council criticised the policy on a number of grounds which I have considered. I agree that points 5 and 7 should be re-worded to make allowance for the fact that additional crossing points or cycle facilities should only be sought where needed and viable, having regard for the NPPF paragraph 173. I also accept that the references to “aesthetic appeal” and being “mindful of others” should be replaced with “good design” and “be vigilant of other road users”, as these are used more commonly in planning documents, and should improve the clarity of the Plan. With modification **PM16**, I am satisfied that Policy TT2 will be in general conformity with Policy T1 of Camden Local Plan and 6.10 of the London Plan, as well as aligning with the emerging policies in the new London Plan.

- 4.47 Paragraphs 6.38 onwards address matters of public transport connectivity, and it is noted in 6.39 that Hampstead Town ward has a PTAL score of 4.0, below the borough-wide score of 5.6 for Camden. TfL objected to the score of 4.0 being characterised as low, arguing that the new draft London Plan expects new housing to be delivered at optimum densities in close proximity to stations and town centres, including areas with a PTAL between 3 and 6 (Policies D6 and GG2). I recognise that paragraph 6.39 of the HNP is comparing the PTAL of Hampstead with Camden Borough, and accept that the score for Hampstead is relatively lower than the Borough overall. However, I note that the current London Plan refers to areas with low PTAL scores as 0-1, in its Policy 6.13, Parking. In this context, it is necessary to consider whether Policy TT3 of the HNP, expecting new medical, care or educational development and applications likely to generate 100 or more person trips per day to take place only in locations with PTAL scores of 5 or more, is too restrictive.
- 4.48 Camden Council expressed concern that, as only a small part of the HNP area is rated as PTAL 5 or above (much of Hampstead Town Centre is within PTAL 3-4), much-needed new medical, care and educational facilities would not be provided. It argued that actual accessibility within a PTAL grid (see map on Page 62) could vary, and applicants should be allowed to submit additional information to clarify a particular site’s accessibility. Also, doctors’ surgeries and care homes have different travel patterns from other land uses including educational establishments, which should be assessed in particular cases. The Forum responded by suggesting that a phased approach be adopted, setting two levels of PTAL. They propose a score of 4 for the first five years to 2023, and 5 thereafter. In addition, based on Policy 3.30 of the current London Plan, a more flexible approach to transport assessment is proposed by the Forum which would enable applicants to assess accessibility differently or explain why an exception should be made.

- 4.49 I consider that modification, based on the Forum's proposed changes, is needed to ensure that Policy TT3 would not hold back sustainable development, would have proper regard for paragraph 173 of the NPPF (Ensuring viability and deliverability), and would be in general conformity with the development plan. **PM17** should be made. **PM17** should also include enhancement of the map on Page 62 which shows PTAL scores for Hampstead. This should be numbered as Map 8, should have a title "PTAL Levels for Hampstead" and the key should be enlarged so that it is readable.
- 4.50 Policy TT4: Cycle and car ownership refers to all residential development which involves the provision of new apartments. I agree with the Council that there is no justification to distinguish "apartments" and propose that the policy and paragraph 6.51 refer to "homes", which would cover apartments, houses, small Houses of Multiple Occupation etc. as in Policy H7: Large and small homes in the Local Plan. I note the concern that criterion 2 could be too restrictive but consider that criterion 3 (referring to viable delivery) would allow some flexibility in its application. However, I accept that the policy would not be in general conformity with the London Plan, notably Table 6.3 which sets out detailed standards for long stay and short stay cycle parking spaces across all land uses. The Forum has helpfully proposed adding a reference to the London Plan at the start of Policy TT4, and I have taken account of its comment that the London Plan sets "minimum standards"; the Camden Local Plan allows for higher standards where there is good cycle route infrastructure. I propose that **PM18** should be made to achieve general conformity with the development plan and secure a policy for cycle parking consistent with the achievement of sustainable development.
- 4.51 Regarding South End Green, paragraph 6.61 of the HNP supports a shared use scheme and reconfiguration of bus stands. Residents of Downshire Hill, however, expressed concern that a shared use scheme could result in substantial amounts of traffic being diverted along Downshire Hill. I understand the concern of residents in this busy area but note that the HNP includes no firm policy to implement such a scheme. As the Plan acknowledges the need for work with Camden Council, partner organisations and TfL prior to launching such a proposal, I am satisfied that its feasibility and likely impact on neighbours should be fully assessed before any decisions are made. The text need not be modified. However, the proposed modifications explained above should be made in order that the HNP's section on Traffic and Transport satisfies the Basic Conditions for neighbourhood planning.

Economy

- 4.52 Section 7 explains the importance of Hampstead Town Centre and South End Green as retail centres. Policy EC1: Healthy retail mix is designed to

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secure their vitality and viability, and has regard for the NPPF, paragraph 23 onward. The Forum agreed with Camden Council that some re-wording of the policy and supporting text should be made, to clarify the purpose to protect any Class A or B1a uses at first floor level or above. **PM19** would secure this, to contribute to the achievement of sustainable development and having regard for national policy. Policy EC2 relates to the retail centre environment, and I recognise the importance of maintaining centres which are visually attractive and incorporate high design standards. Paragraph 7.4 highlights the importance of Hampstead's "village feel" in attracting visitors and local residents. Hampstead Conservation Area includes Hampstead Town Centre and most of South End Green. Policy EC2 should contribute to the achievement of sustainable development. As long as **PM19** is made, I conclude that the section on the Economy meets the Basic Conditions for neighbourhood planning.

Housing and Community Facilities

- 4.53 I note the observation in the Healthcheck that, given the priority of housing both nationally and locally, housing should be given a higher profile in the HNP. It is most unusual for housing to feature at the end of a Neighbourhood or Local Plan in my experience, especially given the emphasis in national planning policy to boost housing supply (NPPF paragraph 47). I therefore commend the Forum for adding paragraph 3.3 to the introduction of the Design and Heritage section, near the beginning of the Plan. It makes a positive statement in support of opportunities for future development to satisfy local housing and other needs. Policy G1 of the Camden Local Plan seeks to exceed the target set in the London Plan for housing and promote the growth areas at Kings Cross, Euston, Holborn and West Hampstead Interchange. Other highly accessible areas in Camden are named in paragraph 2.42 as: the rest of Central London, centres of Camden Town, Finchley Road/Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead. Larger developments with mixed uses (including housing) are expected here. Hampstead is not named as a growth area or larger development area, and so I am satisfied that the HNP need not identify specific sites, or even broad areas, for major housing development.
- 4.54 The Council requested that a definition of "small dwellings" in terms of floorspace be added to explain Policy HC1, and the Forum agreed that a cross-reference to Camden's Planning Guidance should be made which I support. As the use of the term "small dwellings" in Policy HC1 is in general conformity with the definition used in paragraph 3.185 of the Local Plan, I see no need to modify it. In response to the Community Land Trust, and having regard for the Forum's comments, I consider that HC1(a) should cover intermediate social and community led housing, as

well as social affordable housing, and a new criterion (d) should be added to support new intermediate affordable housing.

- 4.55 Camden Council criticised Policy HC1(2) suggesting that there was overlap and duplication between (a) and (b). I agree that the policy would be clearer if these two criteria were summarised, and recommend a modification accordingly. The Council also contended that there should be flexibility for the amalgamation of dwellings, or change of use where the existing accommodation were sub-standard. Paragraph 3.132 of the Local Plan refers to affordable, older accommodation for health service workers which included shared kitchens and bathrooms, and did not meet contemporary standards. The Local Plan accepts that combining small flats may be the best solution to satisfy future needs/standards, although arrangements will be required to re-house all existing occupiers. I consider that Policy HC1 and the supporting text should be modified to achieve general conformity with the Local Plan on this matter. **PM20** should be made accordingly, and to contribute to the achievement of sustainable development.
- 4.56 Policy HC2 supports and aims to resist the loss of its community facilities, including those which serve older and vulnerable people. I consider that the policy has appropriate regard for Promoting healthy communities, section 8 of the NPPF. The Council advised that the policy should acknowledge the need to take account of viability in line with Local Plan Policy C2(g) and national policy. I agree and put forward **PM21** to secure general conformity with the Local Plan. Policy HC3 is broadly based and aspirational, but I am satisfied that it is in general conformity with the London Plan, as stated in paragraph 8.15, as well as Policies T1, C1 and others in the Local Plan. It should be retained as written. As long as the proposed modifications to Policies HC1 and HC2 are made, I conclude that the section on Housing and Community Facilities meets the Basic Conditions for neighbourhood planning.

Other matters

- 4.57 Thames Water requested that a specific policy on water and wastewater infrastructure be included in the HNP. It pointed out that the Kentish Town Neighbourhood Plan had included text alerting developers to the need to demonstrate that adequate water supply and sewerage infrastructure capacity would be in place. As the HNP is not promoting allocated development sites, I consider that a specific policy on water and wastewater infrastructure is unnecessary. Camden Local Plan includes policy for Sustainable Urban Drainage Systems (Policy CC3 Water and Flooding). On infrastructure delivery, paragraphs 11.9 and 11.15 state that the Council will encourage dialogue between developers and infrastructure providers, to ensure the timely delivery of new and enhanced infrastructure where it is needed. It is not necessary to repeat

requirements in the Neighbourhood Plan that are already covered in this relatively new Local Plan, and it could lead to perceived inconsistencies of approach.

- 4.58 Thames Water also suggested that “the installation of a positive pumped device” could prevent basement development from contributing to sewer flooding. The Forum did not object to this proposal and I propose some additional wording to paragraph 5.12 of the Plan to achieve this, and contribute to the achievement of sustainable development (**PM11**).
- 4.59 Paragraph 8.7 on Page 80 refers to Camden’s “emerging” Local Plan Policy, and there are other references to the “Draft” Local Plan. These are no longer correct as the Local Plan was adopted in July 2017, and I recommend that the references are updated, as in **PM22**.

5. Conclusions

Summary

- 5.1 The Hampstead Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Plan, and the evidence documents submitted with it, as well as the Forum’s response of 18 January 2018 to my queries.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The HNP as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend to areas beyond the plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated neighbourhood plan area.

Overview

- 5.4 I recognise the hard work which has been carried out over a number of years by the Forum and Hampstead community in preparing this Neighbourhood Plan, and ensuring that it has taken account of the views

of residents, businesses and stakeholders. I appreciate the extra effort that has been required to achieve general conformity with the development plan for Hampstead, where the London Plan as well as the Camden Local Plan are in place. The Forum has had to grapple with technical matters relating to appropriate planning policy for basement development and transport, and ensure that an overall balance is achieved between (i) protecting the area's high quality built environment, heritage and natural environment with (ii) adopting a positive approach and embracing new sustainable development to promote the community's economic and social wellbeing. Although I have recommended a number of modifications to the policies and text in the Plan, I commend the Forum for producing an evidence-based, locally distinctive and practical document, which should be most helpful in guiding Hampstead's development over the next 15 years.

Jill Kingaby

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 20	<p>Policy DH1: Design</p> <ol style="list-style-type: none"> 1. Development proposals must should demonstrate how they respond and contribute ... 2. <ol style="list-style-type: none"> b. Incorporating and enhancing permeability in and around new developments to secure safe and convenient access for pedestrians and cyclists, and avoiding lockable gates and fencing e. Demonstrating how the proposal protects and enhances the views ,key views and vistas as shown on Map 4.
PM2	Page 21	<p>Paragraph 3.7</p> <p>Where applicable, the design and access statement.....</p> <ol style="list-style-type: none"> a.Management Strategies and Appendix 2 of the Neighbourhood Plan; d. <i>Delete existing words and substitute: the scale and massing of the proposed development including elevational elements (doors, windows, etc,) and the relationship to neighbouring buildings;</i> h. the reasons surrounding the building proposed development ... between the building development and the street
PM3	Page 21	<p>Paragraph 3.8</p> <p>Permeability (i.e. the ability for an area to be walked or cycled through) is a desirable ... to support safe and secure walking and, where feasible, cycling.</p>

PM4	Pages 22 & 23	<p>Paragraph 3.13</p> <p>Where there is evidence ofManagement Strategies), suchthe deteriorated state of such a building should not</p> <p>Paragraph 3.18</p> <p>New buildings should relate to the scale All buildings should be human in scale and contribute positively to the public realm. ...</p>
PM5	Page 25	<p>Paragraph 3.22</p> <p>....TfL’s Streetscape Guidance 2015-2017 or any future updates provide guidelines</p>
PM6	Pages 28 and 30	<p>Map 5: Open Spaces and Biodiversity Corridors Map</p> <p>LGS: Branch Hill House – amend the boundary of the site to exclude a small section of land adjoining the House.</p> <p>Delete LGS15 –Garden of Whitestone House</p> <p>Policy NE1: Local Green Spaces</p> <p>Re-order the sites shown in NE1(3) as follows:</p> <p>1) Branch Hill</p> <p>5) Oriel Place Gardens</p> <p>6) Hampstead Green</p> <p>7) Keats House and Garden</p> <p>8) Holly Hill Bank</p> <p>9) Fenton House Gardens</p> <p>10) Pedestrian walk – Admiral’s Walk to Windmill Hill</p> <p>11) Burgh House Gardens</p> <p>12) Communal gardens of Wells House & Gertrude Jekyll’s Garden</p> <p>13) Heath Hurst Gardens</p> <p>14) Garden of the Pryors</p>

		Delete Garden of Whitestone House from list.
PM7	Page 33	<p>Policy NE2: Trees</p> <p>3. Where there are no existing trees on a site, unless it can be demonstrated as unfeasible or non-viable, development should allow space</p> <p>4. Planning proposals are requiredveteran trees are fully and strictly-protected ... exceptional circumstances such as where canopy reduction is required to give access for construction machinery and it is demonstrated that there are no alternatives.</p>
PM8	Pages 35 and 36	<p>Add a new sentence at the end of paragraph 4.25:</p> <p>Those submitting development proposals may be required to carry out ecological appraisals and species surveys. Camden Planning Guidance – Biodiversity provides guidance as to when these should be undertaken and what they should comprise.</p> <p>Policy NE3: Biodiversity corridors</p> <p>4.Subject to their scale surveys. Proposals should seek to enhance biodiversity accordingly through the scheme design. Applicants should show in their proposals how they plan to enhance both biodiversity and habitats.</p> <p>Historic tree lines/veteran trees</p> <p>5.Basement developments-.....of both).</p>
PM9	Page 37	<p>Policy NE4: Supporting biodiversity</p> <p>1c. Increase where feasible the area of permeable surfaces, particularly those that incorporate biodiversity-enhancing features such as gravel turf (eg. Schotterrasen), having regard for</p>

		ground conditions, effectiveness and viability.
PM10	Page 43	<p>Paragraph 5.10</p> <p>As a result ...neighbouring properties and require additional close investigations, above those as required by Policy A5 of the London Borough of Camden Local Plan and its supporting Camden Planning Guidance – Basements, to einsure that risks</p> <p>Policy BA1: Local requirements for Basement Impact Assessments</p> <ol style="list-style-type: none"> 1. All basementscreening stage, the Plan requires that attention should be given to the additional steps be taken as outlined in 5.12. 2. All proposals for basement development must aim for less than no higher than Burland Scale 1 , and under no circumstances should construction will not be allowed to proceed where 3. Basement developments under gardens should leave a minimum distance of 15m from any veteran tree or from a boundary that is an historic tree line (see Map 5 for details of both), unless it can be demonstrated that any harm to the trees would not be significant or could be mitigated.
PM11	Pages 43 and 44	<p>Paragraph 5.12</p> <p>As required above, When a basement impact assessment shows that additional steps need to be taken are, those proposing basement development are encouraged to consider the following, where appropriate:</p> <ol style="list-style-type: none"> a. CPG- Basements and the Camden Geological, Hydrogeological and Hydrological Study (paragraphs 285-294) should be studied whenever

		<p>hydrological borehole ...carried out⁷. Soil samples, including those near boundaries with neighbours ...to a depth of several meters below the footing of the basement. And †The boreholes measurements may need to be conducted seasons. (ref CPG4 ...Hydrological Study).</p> <p>b. In some cases, Wwhen bore holes measurements show a groundwater risk, an automaticshouldmay need to be left activated</p> <p>c. An assessment should demonstrate</p> <p>e. If fflooding and properties are required, Bboth the Landmarkcan provide such reports.</p> <p>f. Identification of The location and distance ofidentified as flood riskat risk of flooding is shown in</p> <p>g. Clarity over geology and groundwater conditions A cross-section of ground geology should be reported and drawn cansometimes best be explained through comprehensive cross-sections, reports and graphs.</p> <p>i. Delete this criterion, and substitute:</p> <p>i. in order to protect against sewer flooding, Thames Water recommends the installation of a positive pumping device. This should be installed in each new basement development unless a strong case for alternative measures can be made.</p>
PM12	Pages 45 and 46	<p>Policy BA2: Basement Construction Plans</p> <ol style="list-style-type: none"> 1. A Basement Construction Plan should be submitted when demonstrated as necessary by the BIA with for all-a basement proposals. 2. The Basement Construction Plan should include information, including drawings which illustrate how the construction will

		<p>overcome any potential harm to neighbouring properties, the water environment, ground conditions and stability, the character and amenity of the building or wider area, the significance of heritage assets, or any other identified potential harm.</p> <p>3. Applicants must demonstrate</p> <p>4. Due to the potential....Section 106 agreement.</p> <p>5. Unless there is....Party Wall Notices.</p> <p>5.14 A basement construction planby the BIA that its effects will be acceptable, but a particular construction methodology will need to be applied to ensure that there is no damage to the building, to neighbouring properties or the environment. To gain planning permission, developers need to demonstrate with appropriate evidence that the proposal would comply with Policy A5 of the Local Plan. Camden Planning Guidance – Basements provides detailed guidance on requirements for Basement Construction Plans. The implementation of Basement Construction Plans will be secured by planning obligations (Local Plan paragraph 6.127).</p> <p>5.15 The Basement ... 2009) Edition. Development proposals close to London Underground tunnels or other infrastructure which might interact or conflict with them must be referred to Transport for London, with details of all construction proposals and methodology.</p> <p>5.16 Applicants are requiredencouraged to submit</p>
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		5.17 Delete second sentence of paragraph 5.17.
PM13	Page 48	<p>Policy BA3: Local Requirements for Construction Management Plans (CMP)</p> <p>Proposals for basement approved. The CSMCMP should include</p> <p>See TT1 For further information..... Guidance 6.</p> <p><i>TfL’s latest guidance on CMPs may be useful, with its spreadsheet tool for estimating the likely frequency of vehicle trips at various stages in a construction programme.</i></p>
PM14	Page 51	<p>6.4 <i>The emerging new London Plan and Camden Local Plan make clear that a highly effective way of tackling these issues is the promotion of alternative sustainable and active modes of transport. New London Plan Policy T1 reflects an ambitious aim to reduce Londoners’ dependency on cars in favour of walking, cycling and public transport use. This is described as the only long-term solution to the road congestion challenges that threaten London’s status. Policy T1 of the Camden Local Plan encourages developments to prioritise sustainable travel modes.</i> While it is important to note that the community’s ability to controlis limited <i>especially in the short term,</i> the National Planning</p> <p>6.6.b. Delete and rewrite as follows:</p> <p><i>Sites for large developments, schools and education institutions, medical and care facilities in the Plan Area should be selected with full regard for their accessibility and connectivity. Sites with a public transport accessibility level (PTAL) score of 4 or over in the short-term to 2023, or 5 or over in the longer term from 2024 onwards, should</i></p>

		<p>be considered favourably, as could those which demonstrate good accessibility for pedestrians and cyclists.</p> <p>c. In the context ... managed. TfL Transport Assessment guidance is available at: https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guidance.</p> <p>6.13 Where vehiclesfor pallets and machinery.</p> <p>TfL provides guidance on Delivery and Servicing Plans, which is available at: http://content.tfl.gov.uk/delivery-and-servicing-plans.pdf.</p>
PM15	Page 56 and 57	<p>Policy TT1: Traffic Volumes & Vehicle Size</p> <p>Due to the critical</p> <ol style="list-style-type: none"> 1. Planning applications..... to result in a significant number of additional ... 2. 3. Planning applications..... to result in significant additional motor..... and levels of pollution, in addition to any noise, vibration, or obstruction to the highway. <p>6.19 Comprehensive guidance on Guidance 7 – Transport. Guidance on Transport Statements.....paragraph 16. Guidance on Air Quality Assessments can be found in Camden’s Local Plan. Developments expected to generate an additional 100 or more person trips a day (as referenced in paragraph 6.6c) are regarded as “significant” for the application of Policy TT1. Exceptionally, some developments which generate smaller numbers of additional trips may also be expected</p>

		<p>to provide assessments, because of their site specific circumstances.</p> <p>6.20 It should in question. Applicants should discuss, and agree, the need for and content or scope of these documents with the local planning authority at the pre-application stage. This helps to avoid abortive work by applicants and planning officers, and the need for later revisions to the documents or development proposals.</p> <p>6.24 It should be noted this-paragraph 1 of this Policy will not apply. However, applicants should also have regard for the new draft London Plan’s Policy T6: Parking. This states that existing parking provision should be reduced ... and not re-provided at previous levels where this would exceed the standards set out in this policy.</p>
PM16	Page 59	<p>Policy TT2: Pedestrian Environments</p> <p>In the context ...</p> <p>5. Provide increased numbers of crossing-points, where necessary and viable, which are of good design, which have aesthetic appeal-are pleasant shared space and hence be mindful of others-be vigilant of other road users.</p> <p>7. Provide appropriate opportunities, where needed and viable, for on-street cycle</p>
PM17	Pages 62 and 63	<p>Map of PTAL scores on Page 62</p> <p>Add a title: Map 8 – PTAL scores</p> <p>Enhance the key (eg as in Maps 2 and 3)</p> <p>6.44 delete and replace with:</p> <p>Given the current conditions of traffic congestion and air quality, the Forum has concluded that new health and</p>

		<p>educational facilities (with heightened safeguarding needs and where a significant number of additional journeys will be generated) should be located in areas with a good PTAL score for existing or planned public transport connectivity. The Forum recognises that some transitional arrangements will be needed and therefore expects a PTAL score of 4 for the first 5 years of the Plan to 2023 and 5 for the remainder of the Plan’s lifespan.</p> <p>Due to the critical importance of promoting sustainable transport including public transport usage, the responsibility will lie with developers to justify any exception to this approach. For example, if it could be demonstrated that the travel patterns would not lead to increases in traffic at peak times, or that a Travel Plan could mitigate harmful effects of congestion and air pollution.</p> <p>Policy TT3: Public Transport</p> <p>Due to the traffic congestion</p> <ol style="list-style-type: none"> 1. The following types of development must be will be supported where they are located on sites which with a Transport for London PTAL score of 4 or over, up to 2023, and a score of 5 or over thereafter has been assigned: <ol style="list-style-type: none"> a. 2. In circumstances less than 4 or 5, elevate the PTAL score to 4 or 5 or over from completion are secured, or a Travel Plan produced which would provide good accessibility to the new development with measures to mitigate harm from congestion and air pollution. Planning obligations should be used to secure these results.
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PM18	Page 64	<p>Paragraph 6.51 Provisions for covered street to ensure that new apartments homes are as cycle-friendly</p> <p>Policy TT4: Cycle and car ownership</p> <p><i>In addition to the cycle parking requirements set out in the London Plan</i>, all residential developments which involve the provision of new apartments must include with three or more bedrooms should include in their design (and building) at least ÷</p> <p>a. One cycle</p> <p>b.</p> <p>c. .three cycle parking spaces for each or more. <i>for long-stay use.</i></p>
PM19	Page 74	<p>Policy EC1: Healthy retail mix</p> <p>4. Where permission of use of businesses <i>space in Class A or B1a uses at first floor or higher</i> above shops ...</p>
PM20	Page 80	<p>Policy HC1: Housing Mix</p> <p>1. In order particularly for social affordable and smaller dwellings,</p> <p>a. development that increases the provision of social affordable, <i>intermediate and community-led</i> housing in line with</p> <p>b. the development of larger...</p> <p>c. the inclusion of ...</p> <p><i>d. Provision of small units as intermediate affordable housing.</i></p> <p><i>2. Except in exceptional circumstances,</i></p> <p>a. The following Housing proposals will not be supported development which would result in conversions.</p> <p>b. development which would units.</p> <p>8.8 The Forum supports Camden's <i>However, exceptionally, as described in paragraph 3.132 of Camden Local Plan, older accommodation may not meet contemporary and future needs for</i></p>

		<p>living space. Exceptional circumstances must be clearly demonstrated with supporting evidence, and arrangements must be put in place to re-house all existing occupiers.</p> <p>Camden Planning Guidance on housing provides information as to what constitutes a small dwelling.</p>
PM21	Page 81	<p>Policy HC2: Community Facilities</p> <p>3.The Plan will resist provided locally, or firm evidence can be provided to demonstrate that the facilities are unviable or no longer required.</p>
PM22	Pages 54, 59, 64 and 80	<p>Paragraphs 6.14, 6.31, 6.48</p> <p>Delete reference to Camden draft Local Plan, and substitute Camden Local Plan</p> <p>Paragraph 8.7</p> <p>Delete “emerging” from final sentence and refer to Camden’s Local Plan Policy H7</p>
PM23	Appendix 2, Page 10	<p>Character Area C: 19th Century Expansion</p> <p>The Victorian-suburban ... (e.g Frognal, Keats Grove). The Downshire Hill and Keats Grove area was the first to be developed from about 1815 with elegant Regency stucco villas and brick flat-fronted late Georgian terraced houses. This area is more spacious than the later higher density, mainly brick, Victorian areas.</p>
PM24	Appendix 4	<p>Local Green Space detailed maps</p> <p>Add street names as follows:</p> <p>1 Branch Hill House Gardens etc:</p> <p>Firecrest Drive, Spedan Close, Heysham Lane, Oakhill Way, Branch Hill.</p> <p>(Also amend boundary for the LGS as in Map 5 – see PM6.)</p>

		<p>2 Oak Hill Park: Oakhill Way, Oak Hill Park.</p> <p>3 South End Green etc: SEGMA Allotments, Parliament Hill, Nassington Road.</p> <p>4 World Peace Garden: As for 3, and add Hampstead Heath rail station, South Hill Park.</p> <p>5 Oriel Place Garden: Oriel Place, High Street and Heath Street.</p> <p>6 Hampstead Green: Haverstock Hill, Hampstead Green (the road), Roland Hill Street, Pond Street and Royal Free Hospital.</p> <p>7 Keats House and Garden: Keats Grove, Heath Hurst Road.</p> <p>8 Holly Hill Bank: Holly Hill, Mount Vernon, Holly Bush Hill.</p> <p>9 Fenton House Gardens: Admiral's Walk, Windmill Hill, Hampstead Grove.</p> <p>10 Pedestrian Walk: As for 9 above.</p> <p>11 Burgh House Gardens: Well Walk, New End Square.</p> <p>12 Wells House Communal Gardens etc: Well Walk, New End, Christchurch Hill.</p> <p>13 Heath Hurst Gardens: Heath Hurst Road, Hampstead Hill Gardens.</p> <p>14 The Pryors Garden: Well Walk, East Heath Road.</p>
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		15 Delete Whitestone House Gardens.
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